

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 288

Senator Manning

A BILL

To amend sections 1.07, 1.58, 9.06, 9.07, 101.721, 1
109.11, 109.42, 109.54, 109.57, 109.572, 109.71, 2
109.73, 109.75, 109.79, 109.801, 109.88, 3
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955.261, 955.28, 971.08, 1503.09, 1533.68, 7
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4762.13, 4774.13, 4778.14, 4925.04, 4931.06, 70
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5139.45, 5149.101, 5149.38, 5153.111, 5160.292, 72
5162.15, 5502.52, 5502.522, 5502.53, 5739.026, 73
and 6111.53; to amend, for the purpose of 74
adopting new section numbers as indicated in 75
parentheses, sections 2909.14 (2950.21), 2909.15 76
(2950.22), 2911.11 (2911.03), 2911.12 (2911.04), 77
2911.13 (2911.05), 2911.21 (2911.06), 2911.31 78
(2911.07), 2911.32 (2913.32), 2913.401 79
(2913.41), 2917.40 (3791.22), 2927.01 80
(2927.011), 2927.24 (2909.29), 2953.37 81
(2953.35), 2953.38 (2953.36), 2953.52 (2953.33), 82
and 2953.56 (2953.37); to enact new section 83
2927.01 and sections 109.772, 109.773, 2907.011, 84
2911.011, 2913.08, 2913.90, 2917.011, 2921.26, 85
2921.27, 2921.28, 2929.121, and 5139.101; and to 86
repeal sections 2909.06, 2909.07, 2909.10, 87
2909.101, 2909.13, 2909.21, 2909.25, 2909.29, 88

2911.10, 2911.211, 2911.23, 2913.32, 2913.33,	89
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2953.33, 2953.35, 2953.36, 2953.51, 2953.53,	93
2953.54, 2953.55, and 2967.19 of the Revised	94
Code to modify the Criminal Law regarding arson	95
and related offenses; robbery, burglary,	96
trespass, safecracking, and related offenses;	97
theft, fraud, and related offenses; offenses	98
against the public peace; offenses against	99
justice and public administration; miscellaneous	100
offenses; the meaning of "prior calculation and	101
design"; certain vehicle license suspensions; a	102
new offense of "aggravated rape"; and other	103
miscellaneous provisions of that Law.	104

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

Section 1. That sections 1.58, 109.11, 109.57, 109.572,	105
109.71, 109.73, 109.75, 109.79, 109.801, 149.43, 307.93, 313.10,	106
341.42, 753.32, 2151.34, 2151.358, 2307.70, 2746.02, 2901.01,	107
2901.05, 2901.08, 2903.06, 2903.08, 2903.214, 2907.05, 2907.15,	108
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2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.07,	113
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2921.01, 2921.02, 2921.03, 2921.05, 2921.11, 2921.12, 2921.13,	119
2921.21, 2921.23, 2921.24, 2921.29, 2921.31, 2921.32, 2921.321,	120
2921.33, 2921.331, 2921.34, 2921.35, 2921.36, 2921.37, 2921.38,	121
2921.41, 2921.42, 2921.421, 2921.44, 2921.45, 2921.51, 2921.52,	122
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2927.12, 2927.15, 2927.17, 2927.21, 2927.22, 2927.24, 2927.27,	126
2929.01, 2929.11, 2929.12, 2929.14, 2929.20, 2929.21, 2929.22,	127
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2967.271, 2971.03, 3107.01, 3113.31, 3770.021, 3791.99, 4301.61,	132
4301.69, 4506.01, 4510.04, 4511.19, 4511.21, 4723.28, 4729.16,	133
4729.56, 4729.57, 4729.96, 4730.25, 4731.22, 4734.31, 4752.09,	134
4759.07, 4760.13, 4761.09, 4762.13, 4774.13, 4778.14, 5120.035,	135
5139.45, and 5149.38 be amended; sections 2909.14 (2950.21),	136
2909.15 (2950.22), 2911.11 (2911.03), 2911.12 (2911.04), 2911.13	137
(2911.05), 2911.21 (2911.06), 2911.31 (2911.07), 2911.32	138
(2913.32), 2913.401 (2913.41), 2917.40 (3791.22), 2927.01	139
(2927.011), 2927.24 (2909.29), 2953.37 (2953.35), 2953.38	140
(2953.36), 2953.52 (2953.33), and 2953.56 (2953.37) be amended	141
for the purpose of adopting new section numbers as indicated in	142
parentheses; and new section 2927.01 and sections 109.772,	143
109.773, 2907.011, 2911.011, 2913.08, 2913.90, 2917.011,	144
2921.26, 2921.27, 2921.28, 2929.121, and 5139.101 of the Revised	145
Code be enacted to read as follows:	146

Sec. 1.58. (A) The reenactment, amendment, or repeal of a 147
statute does not, except as provided in division (B) of this 148
section: 149

(1) Affect the prior operation of the statute or any prior 150
action taken thereunder; 151

(2) Affect any validation, cure, right, privilege, 152
obligation, or liability previously acquired, accrued, accorded, 153
or incurred thereunder; 154

(3) Affect any violation thereof or penalty, forfeiture, 155
or punishment incurred in respect thereto, prior to the 156
amendment or repeal; 157

(4) Affect any investigation, proceeding, or remedy in 158
respect of any such privilege, obligation, liability, penalty, 159
forfeiture, or punishment; and the investigation, proceeding, or 160
remedy may be instituted, continued, or enforced, and the 161
penalty, forfeiture, or punishment imposed, as if the statute 162
had not been repealed or amended. 163

(B) If the penalty, forfeiture, or punishment for any 164
offense is reduced by a reenactment or amendment of a statute, 165
the penalty, forfeiture, or punishment, if not already imposed, 166
shall be imposed according to the statute as amended. 167

(C) The relocation of a criminal prohibition from a 168
Revised Code section or division to a different Revised Code 169
section or division does not affect a conviction of or plea of 170
guilty to a violation of the prohibition that occurred prior to 171
the effective date of the relocation. On or after the effective 172
date of the relocation, any reference in the Revised Code to a 173
conviction of or plea of guilty to a violation of the 174
prohibition under the new section or division includes a 175

conviction of or plea of guilty to a violation of the 176
prohibition under the former section or division for a violation 177
that occurred prior to the effective date of the relocation, 178
unless the context of the reference clearly makes the reference 179
inapplicable to the violation that occurred prior to the 180
relocation. 181

Sec. 109.11. There is hereby created in the state treasury 182
the attorney general reimbursement fund that shall be used for 183
the expenses of the office of the attorney general in providing 184
legal services and other services on behalf of the state. Except 185
as otherwise provided in this division, all amounts received by 186
the attorney general as reimbursement for legal services and 187
other services that have been rendered to other state agencies 188
shall be paid into the state treasury to the credit of the 189
attorney general reimbursement fund. All amounts awarded by a 190
court to the attorney general for attorney's fees, investigation 191
costs, expert witness fees, fines, and all other costs and fees 192
associated with representation provided by the attorney general 193
and all amounts awarded to the attorney general by a court shall 194
be paid into the state treasury to the credit of the attorney 195
general reimbursement fund. All amounts paid into the state 196
treasury under division ~~(C) (3)~~ (D) (3) of section 2953.32 of the 197
Revised Code and that are required under that division to be 198
credited to the attorney general reimbursement fund shall be 199
credited to the fund, and the amounts so credited shall be used 200
by the bureau of criminal identification and investigation for 201
expenses related to the sealing or expungement of records. 202

Sec. 109.57. (A) (1) The superintendent of the bureau of 203
criminal identification and investigation shall procure from 204
wherever procurable and file for record photographs, pictures, 205
descriptions, fingerprints, measurements, and other information 206

that may be pertinent of all persons who have been convicted of 207
committing within this state a felony, any crime constituting a 208
misdemeanor on the first offense and a felony on subsequent 209
offenses, or any misdemeanor described in division (A) (1) (a), 210
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 211
of all children under eighteen years of age who have been 212
adjudicated delinquent children for committing within this state 213
an act that would be a felony or an offense of violence if 214
committed by an adult or who have been convicted of or pleaded 215
guilty to committing within this state a felony or an offense of 216
violence, and of all well-known and habitual criminals. The 217
person in charge of any county, multicounty, municipal, 218
municipal-county, or multicounty-municipal jail or workhouse, 219
community-based correctional facility, halfway house, 220
alternative residential facility, or state correctional 221
institution and the person in charge of any state institution 222
having custody of a person suspected of having committed a 223
felony, any crime constituting a misdemeanor on the first 224
offense and a felony on subsequent offenses, or any misdemeanor 225
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 226
section 109.572 of the Revised Code or having custody of a child 227
under eighteen years of age with respect to whom there is 228
probable cause to believe that the child may have committed an 229
act that would be a felony or an offense of violence if 230
committed by an adult shall furnish such material to the 231
superintendent of the bureau. Fingerprints, photographs, or 232
other descriptive information of a child who is under eighteen 233
years of age, has not been arrested or otherwise taken into 234
custody for committing an act that would be a felony or an 235
offense of violence who is not in any other category of child 236
specified in this division, if committed by an adult, has not 237
been adjudicated a delinquent child for committing an act that 238

would be a felony or an offense of violence if committed by an 239
adult, has not been convicted of or pleaded guilty to committing 240
a felony or an offense of violence, and is not a child with 241
respect to whom there is probable cause to believe that the 242
child may have committed an act that would be a felony or an 243
offense of violence if committed by an adult shall not be 244
procured by the superintendent or furnished by any person in 245
charge of any county, multicounty, municipal, municipal-county, 246
or multicounty-municipal jail or workhouse, community-based 247
correctional facility, halfway house, alternative residential 248
facility, or state correctional institution, except as 249
authorized in section 2151.313 of the Revised Code. 250

(2) Every clerk of a court of record in this state, other 251
than the supreme court or a court of appeals, shall send to the 252
superintendent of the bureau a weekly report containing a 253
summary of each case involving a felony, involving any crime 254
constituting a misdemeanor on the first offense and a felony on 255
subsequent offenses, involving a misdemeanor described in 256
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 257
of the Revised Code, or involving an adjudication in a case in 258
which a child under eighteen years of age was alleged to be a 259
delinquent child for committing an act that would be a felony or 260
an offense of violence if committed by an adult. The clerk of 261
the court of common pleas shall include in the report and 262
summary the clerk sends under this division all information 263
described in divisions (A) (2) (a) to (f) of this section 264
regarding a case before the court of appeals that is served by 265
that clerk. The summary shall be written on the standard forms 266
furnished by the superintendent pursuant to division (B) of this 267
section and shall include the following information: 268

(a) The incident tracking number contained on the standard 269

forms furnished by the superintendent pursuant to division (B)	270
of this section;	271
(b) The style and number of the case;	272
(c) The date of arrest, offense, summons, or arraignment;	273
(d) The date that the person was convicted of or pleaded	274
guilty to the offense, adjudicated a delinquent child for	275
committing the act that would be a felony or an offense of	276
violence if committed by an adult, found not guilty of the	277
offense, or found not to be a delinquent child for committing an	278
act that would be a felony or an offense of violence if	279
committed by an adult, the date of an entry dismissing the	280
charge, an entry declaring a mistrial of the offense in which	281
the person is discharged, an entry finding that the person or	282
child is not competent to stand trial, or an entry of a nolle	283
prosequi, or the date of any other determination that	284
constitutes final resolution of the case;	285
(e) A statement of the original charge with the section of	286
the Revised Code that was alleged to be violated;	287
(f) If the person or child was convicted, pleaded guilty,	288
or was adjudicated a delinquent child, the sentence or terms of	289
probation imposed or any other disposition of the offender or	290
the delinquent child.	291
If the offense involved the disarming of a law enforcement	292
officer or an attempt to disarm a law enforcement officer, the	293
clerk shall clearly state that fact in the summary, and the	294
superintendent shall ensure that a clear statement of that fact	295
is placed in the bureau's records.	296
(3) The superintendent shall cooperate with and assist	297
sheriffs, chiefs of police, and other law enforcement officers	298

in the establishment of a complete system of criminal 299
identification and in obtaining fingerprints and other means of 300
identification of all persons arrested on a charge of a felony, 301
any crime constituting a misdemeanor on the first offense and a 302
felony on subsequent offenses, or a misdemeanor described in 303
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 304
of the Revised Code and of all children under eighteen years of 305
age arrested or otherwise taken into custody for committing an 306
act that would be a felony or an offense of violence if 307
committed by an adult. The superintendent also shall file for 308
record the fingerprint impressions of all persons confined in a 309
county, multicounty, municipal, municipal-county, or 310
multicounty-municipal jail or workhouse, community-based 311
correctional facility, halfway house, alternative residential 312
facility, or state correctional institution for the violation of 313
state laws and of all children under eighteen years of age who 314
are confined in a county, multicounty, municipal, municipal- 315
county, or multicounty-municipal jail or workhouse, community- 316
based correctional facility, halfway house, alternative 317
residential facility, or state correctional institution or in 318
any facility for delinquent children for committing an act that 319
would be a felony or an offense of violence if committed by an 320
adult, and any other information that the superintendent may 321
receive from law enforcement officials of the state and its 322
political subdivisions. 323

(4) The superintendent shall carry out Chapter 2950. of 324
the Revised Code with respect to the registration of persons who 325
are convicted of or plead guilty to a sexually oriented offense 326
or a child-victim oriented offense and with respect to all other 327
duties imposed on the bureau under that chapter. 328

(5) The bureau shall perform centralized recordkeeping 329

functions for criminal history records and services in this 330
state for purposes of the national crime prevention and privacy 331
compact set forth in section 109.571 of the Revised Code and is 332
the criminal history record repository as defined in that 333
section for purposes of that compact. The superintendent or the 334
superintendent's designee is the compact officer for purposes of 335
that compact and shall carry out the responsibilities of the 336
compact officer specified in that compact. 337

(6) The superintendent shall, upon request, assist a 338
county coroner in the identification of a deceased person 339
through the use of fingerprint impressions obtained pursuant to 340
division (A) (1) of this section or collected pursuant to section 341
109.572 or 311.41 of the Revised Code. 342

(B) The superintendent shall prepare and furnish to every 343
county, multicounty, municipal, municipal-county, or 344
multicounty-municipal jail or workhouse, community-based 345
correctional facility, halfway house, alternative residential 346
facility, or state correctional institution and to every clerk 347
of a court in this state specified in division (A) (2) of this 348
section standard forms for reporting the information required 349
under division (A) of this section. The standard forms that the 350
superintendent prepares pursuant to this division may be in a 351
tangible format, in an electronic format, or in both tangible 352
formats and electronic formats. 353

(C) (1) The superintendent may operate a center for 354
electronic, automated, or other data processing for the storage 355
and retrieval of information, data, and statistics pertaining to 356
criminals and to children under eighteen years of age who are 357
adjudicated delinquent children for committing an act that would 358
be a felony or an offense of violence if committed by an adult, 359

criminal activity, crime prevention, law enforcement, and 360
criminal justice, and may establish and operate a statewide 361
communications network to be known as the Ohio law enforcement 362
gateway to gather and disseminate information, data, and 363
statistics for the use of law enforcement agencies and for other 364
uses specified in this division. The superintendent may gather, 365
store, retrieve, and disseminate information, data, and 366
statistics that pertain to children who are under eighteen years 367
of age and that are gathered pursuant to sections 109.57 to 368
109.61 of the Revised Code together with information, data, and 369
statistics that pertain to adults and that are gathered pursuant 370
to those sections. 371

(2) The superintendent or the superintendent's designee 372
shall gather information of the nature described in division (C) 373
(1) of this section that pertains to the offense and delinquency 374
history of a person who has been convicted of, pleaded guilty 375
to, or been adjudicated a delinquent child for committing a 376
sexually oriented offense or a child-victim oriented offense for 377
inclusion in the state registry of sex offenders and child- 378
victim offenders maintained pursuant to division (A) (1) of 379
section 2950.13 of the Revised Code and in the internet database 380
operated pursuant to division (A) (13) of that section and for 381
possible inclusion in the internet database operated pursuant to 382
division (A) (11) of that section. 383

(3) In addition to any other authorized use of 384
information, data, and statistics of the nature described in 385
division (C) (1) of this section, the superintendent or the 386
superintendent's designee may provide and exchange the 387
information, data, and statistics pursuant to the national crime 388
prevention and privacy compact as described in division (A) (5) 389
of this section. 390

(4) The Ohio law enforcement gateway shall contain the 391
name, confidential address, and telephone number of program 392
participants in the address confidentiality program established 393
under sections 111.41 to 111.47 of the Revised Code. 394

(5) The attorney general may adopt rules under Chapter 395
119. of the Revised Code establishing guidelines for the 396
operation of and participation in the Ohio law enforcement 397
gateway. The rules may include criteria for granting and 398
restricting access to information gathered and disseminated 399
through the Ohio law enforcement gateway. The attorney general 400
shall adopt rules under Chapter 119. of the Revised Code that 401
grant access to information in the gateway regarding an address 402
confidentiality program participant under sections 111.41 to 403
111.47 of the Revised Code to only chiefs of police, village 404
marshals, county sheriffs, county prosecuting attorneys, and a 405
designee of each of these individuals. The attorney general 406
shall permit the state medical board and board of nursing to 407
access and view, but not alter, information gathered and 408
disseminated through the Ohio law enforcement gateway. 409

The attorney general may appoint a steering committee to 410
advise the attorney general in the operation of the Ohio law 411
enforcement gateway that is comprised of persons who are 412
representatives of the criminal justice agencies in this state 413
that use the Ohio law enforcement gateway and is chaired by the 414
superintendent or the superintendent's designee. 415

(D) (1) The following are not public records under section 416
149.43 of the Revised Code: 417

(a) Information and materials furnished to the 418
superintendent pursuant to division (A) of this section; 419

(b) Information, data, and statistics gathered or 420
disseminated through the Ohio law enforcement gateway pursuant 421
to division (C) (1) of this section; 422

(c) Information and materials furnished to any board or 423
person under division (F) or (G) of this section. 424

(2) The superintendent or the superintendent's designee 425
shall gather and retain information so furnished under division 426
(A) of this section that pertains to the offense and delinquency 427
history of a person who has been convicted of, pleaded guilty 428
to, or been adjudicated a delinquent child for committing a 429
sexually oriented offense or a child-victim oriented offense for 430
the purposes described in division (C) (2) of this section. 431

(E) (1) The attorney general shall adopt rules, in 432
accordance with Chapter 119. of the Revised Code and subject to 433
division (E) (2) of this section, setting forth the procedure by 434
which a person may receive or release information gathered by 435
the superintendent pursuant to division (A) of this section. A 436
reasonable fee may be charged for this service. If a temporary 437
employment service submits a request for a determination of 438
whether a person the service plans to refer to an employment 439
position has been convicted of or pleaded guilty to an offense 440
listed or described in division (A) (1), (2), or (3) of section 441
109.572 of the Revised Code, the request shall be treated as a 442
single request and only one fee shall be charged. 443

(2) Except as otherwise provided in this division or 444
division (E) (3) or (4) of this section, a rule adopted under 445
division (E) (1) of this section may provide only for the release 446
of information gathered pursuant to division (A) of this section 447
that relates to the conviction of a person, or a person's plea 448
of guilty to, a criminal offense or to the arrest of a person as 449

provided in division (E) (3) of this section. The superintendent 450
shall not release, and the attorney general shall not adopt any 451
rule under division (E) (1) of this section that permits the 452
release of, any information gathered pursuant to division (A) of 453
this section that relates to an adjudication of a child as a 454
delinquent child, or that relates to a criminal conviction of a 455
person under eighteen years of age if the person's case was 456
transferred back to a juvenile court under division (B) (2) or 457
(3) of section 2152.121 of the Revised Code and the juvenile 458
court imposed a disposition or serious youthful offender 459
disposition upon the person under either division, unless either 460
of the following applies with respect to the adjudication or 461
conviction: 462

(a) The adjudication or conviction was for a violation of 463
section 2903.01 or 2903.02 of the Revised Code. 464

(b) The adjudication or conviction was for a sexually 465
oriented offense, the juvenile court was required to classify 466
the child a juvenile offender registrant for that offense under 467
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 468
classification has not been removed, and the records of the 469
adjudication or conviction have not been sealed or expunged 470
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 471
pursuant to section ~~2952.32~~ 2953.32 of the Revised Code. 472

(3) A rule adopted under division (E) (1) of this section 473
may provide for the release of information gathered pursuant to 474
division (A) of this section that relates to the arrest of a 475
person who is eighteen years of age or older when the person has 476
not been convicted as a result of that arrest if any of the 477
following applies: 478

(a) The arrest was made outside of this state. 479

(b) A criminal action resulting from the arrest is 480
pending, and the superintendent confirms that the criminal 481
action has not been resolved at the time the criminal records 482
check is performed. 483

(c) The bureau cannot reasonably determine whether a 484
criminal action resulting from the arrest is pending, and not 485
more than one year has elapsed since the date of the arrest. 486

(4) A rule adopted under division (E) (1) of this section 487
may provide for the release of information gathered pursuant to 488
division (A) of this section that relates to an adjudication of 489
a child as a delinquent child if not more than five years have 490
elapsed since the date of the adjudication, the adjudication was 491
for an act that would have been a felony if committed by an 492
adult, the records of the adjudication have not been sealed or 493
expunged pursuant to sections 2151.355 to 2151.358 of the 494
Revised Code, and the request for information is made under 495
division (F) of this section or under section 109.572 of the 496
Revised Code. In the case of an adjudication for a violation of 497
the terms of community control or supervised release, the five- 498
year period shall be calculated from the date of the 499
adjudication to which the community control or supervised 500
release pertains. 501

(F) (1) As used in division (F) (2) of this section, "head 502
start agency" means an entity in this state that has been 503
approved to be an agency for purposes of subchapter II of the 504
"Community Economic Development Act," 95 Stat. 489 (1981), 42 505
U.S.C.A. 9831, as amended. 506

(2) (a) In addition to or in conjunction with any request 507
that is required to be made under section 109.572, 2151.86, 508
3301.32, 3301.541, division (C) of section 3310.58, or section 509

3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 510
5153.111 of the Revised Code or that is made under section 511
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 512
board of education of any school district; the director of 513
developmental disabilities; any county board of developmental 514
disabilities; any provider or subcontractor as defined in 515
section 5123.081 of the Revised Code; the chief administrator of 516
any chartered nonpublic school; the chief administrator of a 517
registered private provider that is not also a chartered 518
nonpublic school; the chief administrator of any home health 519
agency; the chief administrator of or person operating any child 520
day-care center, type A family day-care home, or type B family 521
day-care home licensed under Chapter 5104. of the Revised Code; 522
the chief administrator of any head start agency; the executive 523
director of a public children services agency; a private company 524
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 525
the Revised Code; or an employer described in division (J) (2) of 526
section 3327.10 of the Revised Code may request that the 527
superintendent of the bureau investigate and determine, with 528
respect to any individual who has applied for employment in any 529
position after October 2, 1989, or any individual wishing to 530
apply for employment with a board of education may request, with 531
regard to the individual, whether the bureau has any information 532
gathered under division (A) of this section that pertains to 533
that individual. On receipt of the request, subject to division 534
(E) (2) of this section, the superintendent shall determine 535
whether that information exists and, upon request of the person, 536
board, or entity requesting information, also shall request from 537
the federal bureau of investigation any criminal records it has 538
pertaining to that individual. The superintendent or the 539
superintendent's designee also may request criminal history 540
records from other states or the federal government pursuant to 541

the national crime prevention and privacy compact set forth in 542
section 109.571 of the Revised Code. Within thirty days of the 543
date that the superintendent receives a request, subject to 544
division (E) (2) of this section, the superintendent shall send 545
to the board, entity, or person a report of any information that 546
the superintendent determines exists, including information 547
contained in records that have been sealed under section 2953.32 548
of the Revised Code, and, within thirty days of its receipt, 549
subject to division (E) (2) of this section, shall send the 550
board, entity, or person a report of any information received 551
from the federal bureau of investigation, other than information 552
the dissemination of which is prohibited by federal law. 553

(b) When a board of education or a registered private 554
provider is required to receive information under this section 555
as a prerequisite to employment of an individual pursuant to 556
division (C) of section 3310.58 or section 3319.39 of the 557
Revised Code, it may accept a certified copy of records that 558
were issued by the bureau of criminal identification and 559
investigation and that are presented by an individual applying 560
for employment with the district in lieu of requesting that 561
information itself. In such a case, the board shall accept the 562
certified copy issued by the bureau in order to make a photocopy 563
of it for that individual's employment application documents and 564
shall return the certified copy to the individual. In a case of 565
that nature, a district or provider only shall accept a 566
certified copy of records of that nature within one year after 567
the date of their issuance by the bureau. 568

(c) Notwithstanding division (F) (2) (a) of this section, in 569
the case of a request under section 3319.39, 3319.391, or 570
3327.10 of the Revised Code only for criminal records maintained 571
by the federal bureau of investigation, the superintendent shall 572

not determine whether any information gathered under division 573
(A) of this section exists on the person for whom the request is 574
made. 575

(3) The state board of education may request, with respect 576
to any individual who has applied for employment after October 577
2, 1989, in any position with the state board or the department 578
of education, any information that a school district board of 579
education is authorized to request under division (F) (2) of this 580
section, and the superintendent of the bureau shall proceed as 581
if the request has been received from a school district board of 582
education under division (F) (2) of this section. 583

(4) When the superintendent of the bureau receives a 584
request for information under section 3319.291 of the Revised 585
Code, the superintendent shall proceed as if the request has 586
been received from a school district board of education and 587
shall comply with divisions (F) (2) (a) and (c) of this section. 588

(G) In addition to or in conjunction with any request that 589
is required to be made under section 3712.09, 3721.121, or 590
3740.11 of the Revised Code with respect to an individual who 591
has applied for employment in a position that involves providing 592
direct care to an older adult or adult resident, the chief 593
administrator of a home health agency, hospice care program, 594
home licensed under Chapter 3721. of the Revised Code, or adult 595
day-care program operated pursuant to rules adopted under 596
section 3721.04 of the Revised Code may request that the 597
superintendent of the bureau investigate and determine, with 598
respect to any individual who has applied after January 27, 599
1997, for employment in a position that does not involve 600
providing direct care to an older adult or adult resident, 601
whether the bureau has any information gathered under division 602

(A) of this section that pertains to that individual. 603

In addition to or in conjunction with any request that is 604
required to be made under section 173.27 of the Revised Code 605
with respect to an individual who has applied for employment in 606
a position that involves providing ombudsman services to 607
residents of long-term care facilities or recipients of 608
community-based long-term care services, the state long-term 609
care ombudsman, the director of aging, a regional long-term care 610
ombudsman program, or the designee of the ombudsman, director, 611
or program may request that the superintendent investigate and 612
determine, with respect to any individual who has applied for 613
employment in a position that does not involve providing such 614
ombudsman services, whether the bureau has any information 615
gathered under division (A) of this section that pertains to 616
that applicant. 617

In addition to or in conjunction with any request that is 618
required to be made under section 173.38 of the Revised Code 619
with respect to an individual who has applied for employment in 620
a direct-care position, the chief administrator of a provider, 621
as defined in section 173.39 of the Revised Code, may request 622
that the superintendent investigate and determine, with respect 623
to any individual who has applied for employment in a position 624
that is not a direct-care position, whether the bureau has any 625
information gathered under division (A) of this section that 626
pertains to that applicant. 627

In addition to or in conjunction with any request that is 628
required to be made under section 3712.09 of the Revised Code 629
with respect to an individual who has applied for employment in 630
a position that involves providing direct care to a pediatric 631
respite care patient, the chief administrator of a pediatric 632

respice care program may request that the superintendent of the 633
bureau investigate and determine, with respect to any individual 634
who has applied for employment in a position that does not 635
involve providing direct care to a pediatric respice care 636
patient, whether the bureau has any information gathered under 637
division (A) of this section that pertains to that individual. 638

On receipt of a request under this division, the 639
superintendent shall determine whether that information exists 640
and, on request of the individual requesting information, shall 641
also request from the federal bureau of investigation any 642
criminal records it has pertaining to the applicant. The 643
superintendent or the superintendent's designee also may request 644
criminal history records from other states or the federal 645
government pursuant to the national crime prevention and privacy 646
compact set forth in section 109.571 of the Revised Code. Within 647
thirty days of the date a request is received, subject to 648
division (E) (2) of this section, the superintendent shall send 649
to the requester a report of any information determined to 650
exist, including information contained in records that have been 651
sealed under section 2953.32 of the Revised Code, and, within 652
thirty days of its receipt, shall send the requester a report of 653
any information received from the federal bureau of 654
investigation, other than information the dissemination of which 655
is prohibited by federal law. 656

(H) Information obtained by a government entity or person 657
under this section is confidential and shall not be released or 658
disseminated. 659

(I) The superintendent may charge a reasonable fee for 660
providing information or criminal records under division (F) (2) 661
or (G) of this section. 662

(J) As used in this section: 663

(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code. 664
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(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 667
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(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 670
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Sec. 109.572. (A) (1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 676
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.011, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 687
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2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 692
2911.01, 2911.02, ~~2911.11, 2911.12, 2911.03, 2911.04,~~ 2919.12, 693
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 694
2923.21, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 695
2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 696
2925.36, 2925.37, or 3716.11 of the Revised Code, felonious 697
sexual penetration in violation of former section 2907.12 of the 698
Revised Code, a violation of section 2905.04 of the Revised Code 699
as it existed prior to July 1, 1996, a violation of section 700
2919.23 of the Revised Code that would have been a violation of 701
section 2905.04 of the Revised Code as it existed prior to July 702
1, 1996, had the violation been committed prior to that date, or 703
a violation of section 2925.11 of the Revised Code that is not a 704
minor drug possession offense; 705

(b) A violation of an existing or former law of this 706
state, any other state, or the United States that is 707
substantially equivalent to any of the offenses listed in 708
division (A) (1) (a) of this section; 709

(c) If the request is made pursuant to section 3319.39 of 710
the Revised Code for an applicant who is a teacher, any offense 711
specified under section 9.79 of the Revised Code or in section 712
3319.31 of the Revised Code. 713

(2) On receipt of a request pursuant to section 3712.09 or 714
3721.121 of the Revised Code, a completed form prescribed 715
pursuant to division (C) (1) of this section, and a set of 716
fingerprint impressions obtained in the manner described in 717
division (C) (2) of this section, the superintendent of the 718
bureau of criminal identification and investigation shall 719
conduct a criminal records check with respect to any person who 720
has applied for employment in a position for which a criminal 721

records check is required by those sections. The superintendent 722
shall conduct the criminal records check in the manner described 723
in division (B) of this section to determine whether any 724
information exists that indicates that the person who is the 725
subject of the request previously has been convicted of or 726
pleaded guilty to any of the following: 727

(a) A violation of section 2903.01, 2903.02, 2903.03, 728
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 729
2905.01, 2905.02, 2905.11, 2905.12, 2907.011, 2907.02, 2907.03, 730
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 731
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 732
2911.02, ~~2911.11, 2911.12, 2911.13, 2911.03, 2911.04, 2911.05,~~ 733
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 734
2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 735
2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, 736
or 3716.11 of the Revised Code; 737

(b) An existing or former law of this state, any other 738
state, or the United States that is substantially equivalent to 739
any of the offenses listed in division (A) (2) (a) of this 740
section. 741

(3) On receipt of a request pursuant to section 173.27, 742
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 743
5123.081, or 5123.169 of the Revised Code, a completed form 744
prescribed pursuant to division (C) (1) of this section, and a 745
set of fingerprint impressions obtained in the manner described 746
in division (C) (2) of this section, the superintendent of the 747
bureau of criminal identification and investigation shall 748
conduct a criminal records check of the person for whom the 749
request is made. The superintendent shall conduct the criminal 750
records check in the manner described in division (B) of this 751

section to determine whether any information exists that 752
indicates that the person who is the subject of the request 753
previously has been convicted of, has pleaded guilty to, or 754
(except in the case of a request pursuant to section 5164.34, 755
5164.341, or 5164.342 of the Revised Code) has been found 756
eligible for intervention in lieu of conviction for any of the 757
following, regardless of the date of the conviction, the date of 758
entry of the guilty plea, or (except in the case of a request 759
pursuant to section 5164.34, 5164.341, or 5164.342 of the 760
Revised Code) the date the person was found eligible for 761
intervention in lieu of conviction: 762

(a) A violation of section 959.13, 959.131, 2903.01, 763
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 764
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 765
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 766
2907.011, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 767
2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 768
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 769
2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 770
2911.02, ~~2911.11, 2911.12, 2911.13, 2911.03, 2911.04, 2911.05,~~ 771
2913.02, 2913.03, 2913.04, 2913.05, 2913.08, 2913.11, 2913.21, 772
2913.31, ~~2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,~~ 773
~~2913.441,~~ 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 774
2917.01, 2917.02, 2917.03, ~~2917.31,~~ 2919.12, 2919.121, 2919.123, 775
2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 776
2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 777
2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 778
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 779
2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 780
2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 781
2925.56, 2927.12, or 3716.11 or division (A) or (C) of section 782

2917.31 of the Revised Code or a violation of section 2917.31 of 783
the Revised Code as it existed prior to the effective date of 784
this amendment; 785

(b) Felonious sexual penetration in violation of former 786
section 2907.12 of the Revised Code; 787

(c) A violation of section 2905.04 of the Revised Code as 788
it existed prior to July 1, 1996; 789

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 790
the Revised Code when the underlying offense that is the object 791
of the conspiracy, attempt, or complicity is one of the offenses 792
listed in divisions (A) (3) (a) to (c) of this section; 793

(e) A violation of an existing or former municipal 794
ordinance or law of this state, any other state, or the United 795
States that is substantially equivalent to any of the offenses 796
listed in divisions (A) (3) (a) to (d) of this section. 797

(4) On receipt of a request pursuant to section 2151.86 or 798
2151.904 of the Revised Code, a completed form prescribed 799
pursuant to division (C) (1) of this section, and a set of 800
fingerprint impressions obtained in the manner described in 801
division (C) (2) of this section, the superintendent of the 802
bureau of criminal identification and investigation shall 803
conduct a criminal records check in the manner described in 804
division (B) of this section to determine whether any 805
information exists that indicates that the person who is the 806
subject of the request previously has been convicted of or 807
pleaded guilty to any of the following: 808

(a) A violation of section 959.13, 2903.01, 2903.02, 809
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 810
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 811

2907.011, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 812
2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 813
2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 814
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, ~~2911.11, 2911.12,~~ 815
2911.03, 2911.04, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 816
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 817
2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised 818
Code, a violation of section 2905.04 of the Revised Code as it 819
existed prior to July 1, 1996, a violation of section 2919.23 of 820
the Revised Code that would have been a violation of section 821
2905.04 of the Revised Code as it existed prior to July 1, 1996, 822
had the violation been committed prior to that date, a violation 823
of section 2925.11 of the Revised Code that is not a minor drug 824
possession offense, two or more OVI or OVUAC violations 825
committed within the three years immediately preceding the 826
submission of the application or petition that is the basis of 827
the request, or felonious sexual penetration in violation of 828
former section 2907.12 of the Revised Code; 829

(b) A violation of an existing or former law of this 830
state, any other state, or the United States that is 831
substantially equivalent to any of the offenses listed in 832
division (A) (4) (a) of this section. 833

(5) Upon receipt of a request pursuant to section 5104.013 834
of the Revised Code, a completed form prescribed pursuant to 835
division (C) (1) of this section, and a set of fingerprint 836
impressions obtained in the manner described in division (C) (2) 837
of this section, the superintendent of the bureau of criminal 838
identification and investigation shall conduct a criminal 839
records check in the manner described in division (B) of this 840
section to determine whether any information exists that 841
indicates that the person who is the subject of the request has 842

been convicted of or pleaded guilty to any of the following: 843

(a) A violation of section 2151.421, 2903.01, 2903.02, 844
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 845
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 846
2907.011, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 847
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 848
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 849
2909.02, 2909.03, 2909.04, ~~2909.05~~, 2911.01, 2911.02, ~~2911.11~~, 850
~~2911.12~~, 2911.03, 2911.04, 2913.02, 2913.03, 2913.04, 2913.041, 851
2913.05, 2913.06, 2913.08, 2913.11, 2913.21, 2913.31, ~~2913.32~~, 852
~~2913.33~~, 2913.34, 2913.40, ~~2913.41~~, 2913.42, 2913.43, ~~2913.44~~, 853
~~2913.441~~, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 854
2917.02, 2917.03, ~~2917.31~~, 2919.12, 2919.22, 2919.224, 2919.225, 855
2919.24, 2919.25, 2921.03, 2921.11, 2921.13, ~~2921.14~~, 2921.34, 856
2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 857
2925.04, 2925.05, 2925.06, or 3716.11 or division (A) or (C) of 858
section 2917.31 of the Revised Code, a violation of section 859
2917.31 of the Revised Code as it existed prior to the effective 860
date of this amendment, felonious sexual penetration in 861
violation of former section 2907.12 of the Revised Code, a 862
violation of section 2905.04 of the Revised Code as it existed 863
prior to July 1, 1996, a violation of section 2919.23 of the 864
Revised Code that would have been a violation of section 2905.04 865
of the Revised Code as it existed prior to July 1, 1996, had the 866
violation been committed prior to that date, a violation of 867
section 2925.11 of the Revised Code that is not a minor drug 868
possession offense, a violation of section 2923.02 or 2923.03 of 869
the Revised Code that relates to a crime specified in this 870
division, or a second violation of section 4511.19 of the 871
Revised Code within five years of the date of application for 872
licensure or certification. 873

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A) (5) (a) of this section.

(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.011, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, ~~2911.11, 2911.12,~~ 2911.03, 2911.04, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug

possession offense; 905

(b) A violation of an existing or former law of this 906
state, any other state, or the United States that is 907
substantially equivalent to any of the offenses listed in 908
division (A) (6) (a) of this section. 909

(7) On receipt of a request for a criminal records check 910
from an individual pursuant to section 4749.03 or 4749.06 of the 911
Revised Code, accompanied by a completed copy of the form 912
prescribed in division (C) (1) of this section and a set of 913
fingerprint impressions obtained in a manner described in 914
division (C) (2) of this section, the superintendent of the 915
bureau of criminal identification and investigation shall 916
conduct a criminal records check in the manner described in 917
division (B) of this section to determine whether any 918
information exists indicating that the person who is the subject 919
of the request has been convicted of or pleaded guilty to any 920
criminal offense in this state or in any other state. If the 921
individual indicates that a firearm will be carried in the 922
course of business, the superintendent shall require information 923
from the federal bureau of investigation as described in 924
division (B) (2) of this section. Subject to division (F) of this 925
section, the superintendent shall report the findings of the 926
criminal records check and any information the federal bureau of 927
investigation provides to the director of public safety. 928

(8) On receipt of a request pursuant to section 1321.37, 929
1321.53, or 4763.05 of the Revised Code, a completed form 930
prescribed pursuant to division (C) (1) of this section, and a 931
set of fingerprint impressions obtained in the manner described 932
in division (C) (2) of this section, the superintendent of the 933
bureau of criminal identification and investigation shall 934

conduct a criminal records check with respect to any person who 935
has applied for a license, permit, or certification from the 936
department of commerce or a division in the department. The 937
superintendent shall conduct the criminal records check in the 938
manner described in division (B) of this section to determine 939
whether any information exists that indicates that the person 940
who is the subject of the request previously has been convicted 941
of or pleaded guilty to any criminal offense in this state, any 942
other state, or the United States. 943

(9) On receipt of a request for a criminal records check 944
from the treasurer of state under section 113.041 of the Revised 945
Code or from an individual under section 928.03, 4701.08, 946
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 947
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 948
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 949
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 950
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 951
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 952
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 953
Code, accompanied by a completed form prescribed under division 954
(C)(1) of this section and a set of fingerprint impressions 955
obtained in the manner described in division (C)(2) of this 956
section, the superintendent of the bureau of criminal 957
identification and investigation shall conduct a criminal 958
records check in the manner described in division (B) of this 959
section to determine whether any information exists that 960
indicates that the person who is the subject of the request has 961
been convicted of or pleaded guilty to any criminal offense in 962
this state or any other state. Subject to division (F) of this 963
section, the superintendent shall send the results of a check 964
requested under section 113.041 of the Revised Code to the 965

treasurer of state and shall send the results of a check 966
requested under any of the other listed sections to the 967
licensing board specified by the individual in the request. 968

(10) On receipt of a request pursuant to section 124.74, 969
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 970
Code, a completed form prescribed pursuant to division (C)(1) of 971
this section, and a set of fingerprint impressions obtained in 972
the manner described in division (C)(2) of this section, the 973
superintendent of the bureau of criminal identification and 974
investigation shall conduct a criminal records check in the 975
manner described in division (B) of this section to determine 976
whether any information exists that indicates that the person 977
who is the subject of the request previously has been convicted 978
of or pleaded guilty to any criminal offense under any existing 979
or former law of this state, any other state, or the United 980
States. 981

(11) On receipt of a request for a criminal records check 982
from an appointing or licensing authority under section 3772.07 983
of the Revised Code, a completed form prescribed under division 984
(C)(1) of this section, and a set of fingerprint impressions 985
obtained in the manner prescribed in division (C)(2) of this 986
section, the superintendent of the bureau of criminal 987
identification and investigation shall conduct a criminal 988
records check in the manner described in division (B) of this 989
section to determine whether any information exists that 990
indicates that the person who is the subject of the request 991
previously has been convicted of or pleaded guilty or no contest 992
to any offense under any existing or former law of this state, 993
any other state, or the United States that makes the person 994
ineligible for appointment or retention under section 3772.07 of 995
the Revised Code or that is a disqualifying offense as defined 996

in that section or substantially equivalent to a disqualifying 997
offense, as applicable. 998

(12) On receipt of a request pursuant to section 2151.33 999
or 2151.412 of the Revised Code, a completed form prescribed 1000
pursuant to division (C)(1) of this section, and a set of 1001
fingerprint impressions obtained in the manner described in 1002
division (C)(2) of this section, the superintendent of the 1003
bureau of criminal identification and investigation shall 1004
conduct a criminal records check with respect to any person for 1005
whom a criminal records check is required under that section. 1006
The superintendent shall conduct the criminal records check in 1007
the manner described in division (B) of this section to 1008
determine whether any information exists that indicates that the 1009
person who is the subject of the request previously has been 1010
convicted of or pleaded guilty to any of the following: 1011

(a) A violation of section 2903.01, 2903.02, 2903.03, 1012
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1013
2905.01, 2905.02, 2905.11, 2905.12, 2907.011, 2907.02, 2907.03, 1014
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 1015
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1016
2911.02, ~~2911.11, 2911.12, 2911.13, 2911.03, 2911.04, 2911.05,~~ 1017
2913.02, 2913.03, 2913.04, 2913.08, 2913.11, 2913.21, 2913.31, 1018
2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 1019
2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 1020
2925.23, or 3716.11 or division (A) of section 2911.06 of the 1021
Revised Code; 1022

(b) An existing or former law of this state, any other 1023
state, or the United States that is substantially equivalent to 1024
any of the offenses listed in division (A)(12)(a) of this 1025
section. 1026

(13) On receipt of a request pursuant to section 3796.12 1027
of the Revised Code, a completed form prescribed pursuant to 1028
division (C)(1) of this section, and a set of fingerprint 1029
impressions obtained in a manner described in division (C)(2) of 1030
this section, the superintendent of the bureau of criminal 1031
identification and investigation shall conduct a criminal 1032
records check in the manner described in division (B) of this 1033
section to determine whether any information exists that 1034
indicates that the person who is the subject of the request 1035
previously has been convicted of or pleaded guilty to the 1036
following: 1037

(a) A disqualifying offense as specified in rules adopted 1038
under section 9.79 and division (B)(2)(b) of section 3796.03 of 1039
the Revised Code if the person who is the subject of the request 1040
is an administrator or other person responsible for the daily 1041
operation of, or an owner or prospective owner, officer or 1042
prospective officer, or board member or prospective board member 1043
of, an entity seeking a license from the department of commerce 1044
under Chapter 3796. of the Revised Code; 1045

(b) A disqualifying offense as specified in rules adopted 1046
under section 9.79 and division (B)(2)(b) of section 3796.04 of 1047
the Revised Code if the person who is the subject of the request 1048
is an administrator or other person responsible for the daily 1049
operation of, or an owner or prospective owner, officer or 1050
prospective officer, or board member or prospective board member 1051
of, an entity seeking a license from the state board of pharmacy 1052
under Chapter 3796. of the Revised Code. 1053

(14) On receipt of a request required by section 3796.13 1054
of the Revised Code, a completed form prescribed pursuant to 1055
division (C)(1) of this section, and a set of fingerprint 1056

impressions obtained in a manner described in division (C) (2) of 1057
this section, the superintendent of the bureau of criminal 1058
identification and investigation shall conduct a criminal 1059
records check in the manner described in division (B) of this 1060
section to determine whether any information exists that 1061
indicates that the person who is the subject of the request 1062
previously has been convicted of or pleaded guilty to the 1063
following: 1064

(a) A disqualifying offense as specified in rules adopted 1065
under division (B) (8) (a) of section 3796.03 of the Revised Code 1066
if the person who is the subject of the request is seeking 1067
employment with an entity licensed by the department of commerce 1068
under Chapter 3796. of the Revised Code; 1069

(b) A disqualifying offense as specified in rules adopted 1070
under division (B) (14) (a) of section 3796.04 of the Revised Code 1071
if the person who is the subject of the request is seeking 1072
employment with an entity licensed by the state board of 1073
pharmacy under Chapter 3796. of the Revised Code. 1074

(15) On receipt of a request pursuant to section 4768.06 1075
of the Revised Code, a completed form prescribed under division 1076
(C) (1) of this section, and a set of fingerprint impressions 1077
obtained in the manner described in division (C) (2) of this 1078
section, the superintendent of the bureau of criminal 1079
identification and investigation shall conduct a criminal 1080
records check in the manner described in division (B) of this 1081
section to determine whether any information exists indicating 1082
that the person who is the subject of the request has been 1083
convicted of or pleaded guilty to any criminal offense in this 1084
state or in any other state. 1085

(16) On receipt of a request pursuant to division (B) of 1086

section 4764.07 or division (A) of section 4735.143 of the Revised Code, a completed form prescribed under division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in any state or the United States.

(17) On receipt of a request for a criminal records check under section 147.022 of the Revised Code, a completed form prescribed under division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any criminal offense under any existing or former law of this state, any other state, or the United States.

(18) Upon receipt of a request pursuant to division (F) of section 2915.081 or division (E) of section 2915.082 of the Revised Code, a completed form prescribed under division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the

manner described in division (B) of this section to determine 1118
whether any information exists indicating that the person who is 1119
the subject of the request has been convicted of or pleaded 1120
guilty or no contest to any offense that is a violation of 1121
Chapter 2915. of the Revised Code or to any offense under any 1122
existing or former law of this state, any other state, or the 1123
United States that is substantially equivalent to such an 1124
offense. 1125

(19) On receipt of a request pursuant to section 3775.03 1126
of the Revised Code, a completed form prescribed under division 1127
(C)(1) of this section, and a set of fingerprint impressions 1128
obtained in the manner described in division (C)(2) of this 1129
section, the superintendent of the bureau of criminal 1130
identification and investigation shall conduct a criminal 1131
records check in the manner described in division (B) of this 1132
section and shall request information from the federal bureau of 1133
investigation to determine whether any information exists 1134
indicating that the person who is the subject of the request has 1135
been convicted of any offense under any existing or former law 1136
of this state, any other state, or the United States that is a 1137
disqualifying offense as defined in section 3772.07 of the 1138
Revised Code. 1139

(B) Subject to division (F) of this section, the 1140
superintendent shall conduct any criminal records check to be 1141
conducted under this section as follows: 1142

(1) The superintendent shall review or cause to be 1143
reviewed any relevant information gathered and compiled by the 1144
bureau under division (A) of section 109.57 of the Revised Code 1145
that relates to the person who is the subject of the criminal 1146
records check, including, if the criminal records check was 1147

requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1148
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1149
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 1150
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 1151
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1152
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 1153
5123.169, or 5153.111 of the Revised Code, any relevant 1154
information contained in records that have been sealed under 1155
section 2953.32 of the Revised Code; 1156

(2) If the request received by the superintendent asks for 1157
information from the federal bureau of investigation, the 1158
superintendent shall request from the federal bureau of 1159
investigation any information it has with respect to the person 1160
who is the subject of the criminal records check, including 1161
fingerprint-based checks of national crime information databases 1162
as described in 42 U.S.C. 671 if the request is made pursuant to 1163
section 2151.86 or 5104.013 of the Revised Code or if any other 1164
Revised Code section requires fingerprint-based checks of that 1165
nature, and shall review or cause to be reviewed any information 1166
the superintendent receives from that bureau. If a request under 1167
section 3319.39 of the Revised Code asks only for information 1168
from the federal bureau of investigation, the superintendent 1169
shall not conduct the review prescribed by division (B)(1) of 1170
this section. 1171

(3) The superintendent or the superintendent's designee 1172
may request criminal history records from other states or the 1173
federal government pursuant to the national crime prevention and 1174
privacy compact set forth in section 109.571 of the Revised 1175
Code. 1176

(4) The superintendent shall include in the results of the 1177

criminal records check a list or description of the offenses 1178
listed or described in the relevant provision of division (A) of 1179
this section. The superintendent shall exclude from the results 1180
any information the dissemination of which is prohibited by 1181
federal law. 1182

(5) The superintendent shall send the results of the 1183
criminal records check to the person to whom it is to be sent 1184
not later than the following number of days after the date the 1185
superintendent receives the request for the criminal records 1186
check, the completed form prescribed under division (C) (1) of 1187
this section, and the set of fingerprint impressions obtained in 1188
the manner described in division (C) (2) of this section: 1189

(a) If the superintendent is required by division (A) of 1190
this section (other than division (A) (3) of this section) to 1191
conduct the criminal records check, thirty; 1192

(b) If the superintendent is required by division (A) (3) 1193
of this section to conduct the criminal records check, sixty. 1194

(C) (1) The superintendent shall prescribe a form to obtain 1195
the information necessary to conduct a criminal records check 1196
from any person for whom a criminal records check is to be 1197
conducted under this section. The form that the superintendent 1198
prescribes pursuant to this division may be in a tangible 1199
format, in an electronic format, or in both tangible and 1200
electronic formats. 1201

(2) The superintendent shall prescribe standard impression 1202
sheets to obtain the fingerprint impressions of any person for 1203
whom a criminal records check is to be conducted under this 1204
section. Any person for whom a records check is to be conducted 1205
under this section shall obtain the fingerprint impressions at a 1206

county sheriff's office, municipal police department, or any 1207
other entity with the ability to make fingerprint impressions on 1208
the standard impression sheets prescribed by the superintendent. 1209
The office, department, or entity may charge the person a 1210
reasonable fee for making the impressions. The standard 1211
impression sheets the superintendent prescribes pursuant to this 1212
division may be in a tangible format, in an electronic format, 1213
or in both tangible and electronic formats. 1214

(3) Subject to division (D) of this section, the 1215
superintendent shall prescribe and charge a reasonable fee for 1216
providing a criminal records check under this section. The 1217
person requesting the criminal records check shall pay the fee 1218
prescribed pursuant to this division. In the case of a request 1219
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1220
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1221
fee shall be paid in the manner specified in that section. 1222

(4) The superintendent of the bureau of criminal 1223
identification and investigation may prescribe methods of 1224
forwarding fingerprint impressions and information necessary to 1225
conduct a criminal records check, which methods shall include, 1226
but not be limited to, an electronic method. 1227

(D) The results of a criminal records check conducted 1228
under this section, other than a criminal records check 1229
specified in division (A)(7) of this section, are valid for the 1230
person who is the subject of the criminal records check for a 1231
period of one year from the date upon which the superintendent 1232
completes the criminal records check. If during that period the 1233
superintendent receives another request for a criminal records 1234
check to be conducted under this section for that person, the 1235
superintendent shall provide the results from the previous 1236

criminal records check of the person at a lower fee than the fee 1237
prescribed for the initial criminal records check. 1238

(E) When the superintendent receives a request for 1239
information from a registered private provider, the 1240
superintendent shall proceed as if the request was received from 1241
a school district board of education under section 3319.39 of 1242
the Revised Code. The superintendent shall apply division (A) (1) 1243
(c) of this section to any such request for an applicant who is 1244
a teacher. 1245

(F) (1) Subject to division (F) (2) of this section, all 1246
information regarding the results of a criminal records check 1247
conducted under this section that the superintendent reports or 1248
sends under division (A) (7) or (9) of this section to the 1249
director of public safety, the treasurer of state, or the 1250
person, board, or entity that made the request for the criminal 1251
records check shall relate to the conviction of the subject 1252
person, or the subject person's plea of guilty to, a criminal 1253
offense. 1254

(2) Division (F) (1) of this section does not limit, 1255
restrict, or preclude the superintendent's release of 1256
information that relates to the arrest of a person who is 1257
eighteen years of age or older, to an adjudication of a child as 1258
a delinquent child, or to a criminal conviction of a person 1259
under eighteen years of age in circumstances in which a release 1260
of that nature is authorized under division (E) (2), (3), or (4) 1261
of section 109.57 of the Revised Code pursuant to a rule adopted 1262
under division (E) (1) of that section. 1263

(G) As used in this section: 1264

(1) "Criminal records check" means any criminal records 1265

check conducted by the superintendent of the bureau of criminal 1266
identification and investigation in accordance with division (B) 1267
of this section. 1268

(2) "Minor drug possession offense" has the same meaning 1269
as in section 2925.01 of the Revised Code. 1270

(3) "OVI or OVUAC violation" means a violation of section 1271
4511.19 of the Revised Code or a violation of an existing or 1272
former law of this state, any other state, or the United States 1273
that is substantially equivalent to section 4511.19 of the 1274
Revised Code. 1275

(4) "Registered private provider" means a nonpublic school 1276
or entity registered with the superintendent of public 1277
instruction under section 3310.41 of the Revised Code to 1278
participate in the autism scholarship program or section 3310.58 1279
of the Revised Code to participate in the Jon Peterson special 1280
needs scholarship program. 1281

Sec. 109.71. There is hereby created in the office of the 1282
attorney general the Ohio peace officer training commission. The 1283
commission shall consist of nine members appointed by the 1284
governor with the advice and consent of the senate and selected 1285
as follows: one member representing the public; two members who 1286
are incumbent sheriffs; two members who are incumbent chiefs of 1287
police; one member from the bureau of criminal identification 1288
and investigation; one member from the state highway patrol; one 1289
member who is the special agent in charge of a field office of 1290
the federal bureau of investigation in this state; and one 1291
member from the department of education, trade and industrial 1292
education services, law enforcement training. 1293

This section does not confer any arrest authority or any 1294

ability or authority to detain a person, write or issue any 1295
citation, or provide any disposition alternative, as granted 1296
under Chapter 2935. of the Revised Code. 1297

Pursuant to division (A) (9) of section 101.82 of the 1298
Revised Code, the commission is exempt from the requirements of 1299
sections 101.82 to 101.87 of the Revised Code. 1300

As used in sections 109.71 to 109.801 of the Revised Code: 1301

(A) "Peace officer" means: 1302

(1) A deputy sheriff, marshal, deputy marshal, member of 1303
the organized police department of a township or municipal 1304
corporation, member of a township police district or joint 1305
police district police force, member of a police force employed 1306
by a metropolitan housing authority under division (D) of 1307
section 3735.31 of the Revised Code, or township constable, who 1308
is commissioned and employed as a peace officer by a political 1309
subdivision of this state or by a metropolitan housing 1310
authority, and whose primary duties are to preserve the peace, 1311
to protect life and property, and to enforce the laws of this 1312
state, ordinances of a municipal corporation, resolutions of a 1313
township, or regulations of a board of county commissioners or 1314
board of township trustees, or any of those laws, ordinances, 1315
resolutions, or regulations; 1316

(2) A police officer who is employed by a railroad company 1317
and appointed and commissioned by the secretary of state 1318
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 1319

(3) Employees of the department of taxation engaged in the 1320
enforcement of Chapter 5743. of the Revised Code and designated 1321
by the tax commissioner for peace officer training for purposes 1322
of the delegation of investigation powers under section 5743.45 1323

of the Revised Code;	1324
(4) An undercover drug agent;	1325
(5) Enforcement agents of the department of public safety	1326
whom the director of public safety designates under section	1327
5502.14 of the Revised Code;	1328
(6) An employee of the department of natural resources who	1329
is a natural resources law enforcement staff officer designated	1330
pursuant to section 1501.013, a natural resources officer	1331
appointed pursuant to section 1501.24, a forest-fire	1332
investigator appointed pursuant to section 1503.09, or a	1333
wildlife officer designated pursuant to section 1531.13 of the	1334
Revised Code;	1335
(7) An employee of a park district who is designated	1336
pursuant to section 511.232 or 1545.13 of the Revised Code;	1337
(8) An employee of a conservancy district who is	1338
designated pursuant to section 6101.75 of the Revised Code;	1339
(9) A police officer who is employed by a hospital that	1340
employs and maintains its own proprietary police department or	1341
security department, and who is appointed and commissioned by	1342
the secretary of state pursuant to sections 4973.17 to 4973.22	1343
of the Revised Code;	1344
(10) Veterans' homes police officers designated under	1345
section 5907.02 of the Revised Code;	1346
(11) A police officer who is employed by a qualified	1347
nonprofit corporation police department pursuant to section	1348
1702.80 of the Revised Code;	1349
(12) A state university law enforcement officer appointed	1350
under section 3345.04 of the Revised Code or a person serving as	1351

a state university law enforcement officer on a permanent basis 1352
on June 19, 1978, who has been awarded a certificate by the 1353
executive director of the Ohio peace officer training commission 1354
attesting to the person's satisfactory completion of an approved 1355
state, county, municipal, or department of natural resources 1356
peace officer basic training program; 1357

(13) A special police officer employed by the department 1358
of mental health and addiction services pursuant to section 1359
5119.08 of the Revised Code or the department of developmental 1360
disabilities pursuant to section 5123.13 of the Revised Code; 1361

(14) A member of a campus police department appointed 1362
under section 1713.50 of the Revised Code; 1363

(15) A member of a police force employed by a regional 1364
transit authority under division (Y) of section 306.35 of the 1365
Revised Code; 1366

(16) Investigators appointed by the auditor of state 1367
pursuant to section 117.091 of the Revised Code and engaged in 1368
the enforcement of Chapter 117. of the Revised Code; 1369

(17) A special police officer designated by the 1370
superintendent of the state highway patrol pursuant to section 1371
5503.09 of the Revised Code or a person who was serving as a 1372
special police officer pursuant to that section on a permanent 1373
basis on October 21, 1997, and who has been awarded a 1374
certificate by the executive director of the Ohio peace officer 1375
training commission attesting to the person's satisfactory 1376
completion of an approved state, county, municipal, or 1377
department of natural resources peace officer basic training 1378
program; 1379

(18) A special police officer employed by a port authority 1380

under section 4582.04 or 4582.28 of the Revised Code or a person 1381
serving as a special police officer employed by a port authority 1382
on a permanent basis on May 17, 2000, who has been awarded a 1383
certificate by the executive director of the Ohio peace officer 1384
training commission attesting to the person's satisfactory 1385
completion of an approved state, county, municipal, or 1386
department of natural resources peace officer basic training 1387
program; 1388

(19) A special police officer employed by a municipal 1389
corporation who has been awarded a certificate by the executive 1390
director of the Ohio peace officer training commission for 1391
satisfactory completion of an approved peace officer basic 1392
training program and who is employed on a permanent basis on or 1393
after March 19, 2003, at a municipal airport, or other municipal 1394
air navigation facility, that has scheduled operations, as 1395
defined in section 119.3 of Title 14 of the Code of Federal 1396
Regulations, 14 C.F.R. 119.3, as amended, and that is required 1397
to be under a security program and is governed by aviation 1398
security rules of the transportation security administration of 1399
the United States department of transportation as provided in 1400
Parts 1542. and 1544. of Title 49 of the Code of Federal 1401
Regulations, as amended; 1402

(20) A police officer who is employed by an owner or 1403
operator of an amusement park that has an average yearly 1404
attendance in excess of six hundred thousand guests and that 1405
employs and maintains its own proprietary police department or 1406
security department, and who is appointed and commissioned by a 1407
judge of the appropriate municipal court or county court 1408
pursuant to section 4973.17 of the Revised Code; 1409

(21) A police officer who is employed by a bank, savings 1410

and loan association, savings bank, credit union, or association 1411
of banks, savings and loan associations, savings banks, or 1412
credit unions, who has been appointed and commissioned by the 1413
secretary of state pursuant to sections 4973.17 to 4973.22 of 1414
the Revised Code, and who has been awarded a certificate by the 1415
executive director of the Ohio peace officer training commission 1416
attesting to the person's satisfactory completion of a state, 1417
county, municipal, or department of natural resources peace 1418
officer basic training program; 1419

(22) An investigator, as defined in section 109.541 of the 1420
Revised Code, of the bureau of criminal identification and 1421
investigation who is commissioned by the superintendent of the 1422
bureau as a special agent for the purpose of assisting law 1423
enforcement officers or providing emergency assistance to peace 1424
officers pursuant to authority granted under that section; 1425

(23) A state fire marshal law enforcement officer 1426
appointed under section 3737.22 of the Revised Code or a person 1427
serving as a state fire marshal law enforcement officer on a 1428
permanent basis on or after July 1, 1982, who has been awarded a 1429
certificate by the executive director of the Ohio peace officer 1430
training commission attesting to the person's satisfactory 1431
completion of an approved state, county, municipal, or 1432
department of natural resources peace officer basic training 1433
program; 1434

(24) A gaming agent employed under section 3772.03 of the 1435
Revised Code; 1436

(25) An employee of the state board of pharmacy designated 1437
by the executive director of the board pursuant to section 1438
4729.04 of the Revised Code to investigate violations of 1439
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 1440

Revised Code and rules adopted thereunder.	1441
(B) "Undercover drug agent" has the same meaning as in	1442
division (B) (2) of section 109.79 of the Revised Code.	1443
(C) "Crisis intervention training" means training in the	1444
use of interpersonal and communication skills to most	1445
effectively and sensitively interview victims of rape.	1446
(D) "Missing children" has the same meaning as in section	1447
2901.30 of the Revised Code.	1448
(E) "Tactical medical professional" means an EMT, EMT-	1449
basic, AEMT, EMT-I, paramedic, nurse, or physician who is	1450
trained and certified in a nationally recognized tactical	1451
medical training program that is equivalent to "tactical combat	1452
casualty care" (TCCC) and "tactical emergency medical support"	1453
(TEMS) and who functions in the tactical or austere environment	1454
while attached to a law enforcement agency of either this state	1455
or a political subdivision of this state.	1456
(F) "EMT-basic," "EMT-I," and "paramedic" have the same	1457
meanings as in section 4765.01 of the Revised Code and "EMT" and	1458
"AEMT" have the same meanings as in section 4765.011 of the	1459
Revised Code.	1460
(G) "Nurse" means any of the following:	1461
(1) Any person who is licensed to practice nursing as a	1462
registered nurse by the board of nursing;	1463
(2) Any certified nurse practitioner, clinical nurse	1464
specialist, certified registered nurse anesthetist, or certified	1465
nurse-midwife who holds a certificate of authority issued by the	1466
board of nursing under Chapter 4723. of the Revised Code;	1467
(3) Any person who is licensed to practice nursing as a	1468

licensed practical nurse by the board of nursing pursuant to 1469
Chapter 4723. of the Revised Code. 1470

(H) "Physician" means a person who is licensed pursuant to 1471
Chapter 4731. of the Revised Code to practice medicine and 1472
surgery or osteopathic medicine and surgery. 1473

(I) "County correctional officer" has the same meaning as 1474
in section 341.41 of the Revised Code. 1475

Sec. 109.73. (A) The Ohio peace officer training 1476
commission shall recommend rules to the attorney general with 1477
respect to all of the following: 1478

(1) The approval, or revocation of approval, of peace 1479
officer training schools administered by the state, counties, 1480
municipal corporations, public school districts, technical 1481
college districts, and the department of natural resources; 1482

(2) Minimum courses of study, attendance requirements, and 1483
equipment and facilities to be required at approved state, 1484
county, municipal, and department of natural resources peace 1485
officer training schools; 1486

(3) Minimum qualifications for instructors at approved 1487
state, county, municipal, and department of natural resources 1488
peace officer training schools; 1489

(4) The requirements of minimum basic training that peace 1490
officers appointed to probationary terms shall complete before 1491
being eligible for permanent appointment, which requirements 1492
shall include training in the handling of the offense of 1493
domestic violence, other types of domestic violence-related 1494
offenses and incidents, and protection orders and consent 1495
agreements issued or approved under section 2919.26 or 3113.31 1496
of the Revised Code; crisis intervention training; and training 1497

in the handling of missing children and child abuse and neglect 1498
cases; and training in handling violations of section 2905.32 of 1499
the Revised Code; and the time within which such basic training 1500
shall be completed following appointment to a probationary term; 1501

(5) The requirements of minimum basic training that peace 1502
officers not appointed for probationary terms but appointed on 1503
other than a permanent basis shall complete in order to be 1504
eligible for continued employment or permanent appointment, 1505
which requirements shall include training in the handling of the 1506
offense of domestic violence, other types of domestic violence- 1507
related offenses and incidents, and protection orders and 1508
consent agreements issued or approved under section 2919.26 or 1509
3113.31 of the Revised Code, crisis intervention training, and 1510
training in the handling of missing children and child abuse and 1511
neglect cases, and training in handling violations of section 1512
2905.32 of the Revised Code, and the time within which such 1513
basic training shall be completed following appointment on other 1514
than a permanent basis; 1515

(6) Categories or classifications of advanced in-service 1516
training programs for peace officers, including programs in the 1517
handling of the offense of domestic violence, other types of 1518
domestic violence-related offenses and incidents, and protection 1519
orders and consent agreements issued or approved under section 1520
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 1521
and in the handling of missing children and child abuse and 1522
neglect cases, and in handling violations of section 2905.32 of 1523
the Revised Code, and minimum courses of study and attendance 1524
requirements with respect to such categories or classifications; 1525

(7) Permitting persons, who are employed as members of a 1526
campus police department appointed under section 1713.50 of the 1527

Revised Code; who are employed as police officers by a qualified 1528
nonprofit corporation police department pursuant to section 1529
1702.80 of the Revised Code; who are appointed and commissioned 1530
as bank, savings and loan association, savings bank, credit 1531
union, or association of banks, savings and loan associations, 1532
savings banks, or credit unions police officers, as railroad 1533
police officers, or as hospital police officers pursuant to 1534
sections 4973.17 to 4973.22 of the Revised Code; or who are 1535
appointed and commissioned as amusement park police officers 1536
pursuant to section 4973.17 of the Revised Code, to attend 1537
approved peace officer training schools, including the Ohio 1538
peace officer training academy, and to receive certificates of 1539
satisfactory completion of basic training programs, if the 1540
private college or university that established the campus police 1541
department; qualified nonprofit corporation police department; 1542
bank, savings and loan association, savings bank, credit union, 1543
or association of banks, savings and loan associations, savings 1544
banks, or credit unions; railroad company; hospital; or 1545
amusement park sponsoring the police officers pays the entire 1546
cost of the training and certification and if trainee vacancies 1547
are available; 1548

(8) Permitting undercover drug agents to attend approved 1549
peace officer training schools, other than the Ohio peace 1550
officer training academy, and to receive certificates of 1551
satisfactory completion of basic training programs, if, for each 1552
undercover drug agent, the county, township, or municipal 1553
corporation that employs that undercover drug agent pays the 1554
entire cost of the training and certification; 1555

(9) (a) The requirements for basic training programs for 1556
bailiffs and deputy bailiffs of courts of record of this state 1557
and for criminal investigators employed by the state public 1558

defender that those persons shall complete before they may carry 1559
a firearm while on duty; 1560

(b) The requirements for any training received by a 1561
bailiff or deputy bailiff of a court of record of this state or 1562
by a criminal investigator employed by the state public defender 1563
prior to June 6, 1986, that is to be considered equivalent to 1564
the training described in division (A) (9) (a) of this section. 1565

(10) Establishing minimum qualifications and requirements 1566
for certification for dogs utilized by law enforcement agencies; 1567

(11) Establishing minimum requirements for certification 1568
of persons who are employed as correction officers in a full- 1569
service jail, five-day facility, or eight-hour holding facility 1570
or who provide correction services in such a jail or facility; 1571

(12) Establishing requirements for the training of humane 1572
society agents under section 1717.061 of the Revised Code, 1573
including, without limitation, a requirement that the agents 1574
receive instruction on traditional animal husbandry methods and 1575
training techniques, including customary owner-performed 1576
practices; 1577

(13) Permitting tactical medical professionals to attend 1578
approved peace officer training schools, including the Ohio 1579
peace officer training academy, to receive training of the type 1580
described in division (A) (14) of this section and to receive 1581
certificates of satisfactory completion of training programs 1582
described in that division; 1583

(14) The requirements for training programs that tactical 1584
medical professionals shall complete to qualify them to carry 1585
firearms while on duty under section 109.771 of the Revised 1586
Code, which requirements shall include at least the firearms 1587

training specified in division (A) of section 109.748 of the Revised Code; 1588
1589

(15) Procedures and requirements for a portion of basic training that peace officers complete in proper interactions with civilians during traffic stops and other in-person encounters as specified in division (B) (4) of section 109.803 of the Revised Code and including the topics of instruction listed for active duty peace officers under divisions (B) (4) (a) to (d) of that section; 1590
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(16) Permitting county correctional officers to attend approved peace officer training schools, including the Ohio peace officer training academy, to receive training of the type described in division (A) (17) of this section, and to receive certificates of satisfactory completion of basic training programs described in that division; 1597
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(17) The requirements for basic training programs that county correctional officers shall complete to qualify them to carry firearms while on duty under section 109.772 of the Revised Code, which requirements shall include the firearms training specified in section 109.773 of the Revised Code. 1603
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(B) The commission shall appoint an executive director, with the approval of the attorney general, who shall hold office during the pleasure of the commission. The executive director shall perform such duties assigned by the commission. The executive director shall receive a salary fixed pursuant to Chapter 124. of the Revised Code and reimbursement for expenses within the amounts available by appropriation. The executive director may appoint officers, employees, agents, and consultants as the executive director considers necessary, prescribe their duties, and provide for reimbursement of their 1608
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expenses within the amounts available for reimbursement by 1618
appropriation and with the approval of the commission. 1619

(C) The commission may do all of the following: 1620

(1) Recommend studies, surveys, and reports to be made by 1621
the executive director regarding the carrying out of the 1622
objectives and purposes of sections 109.71 to 109.77 of the 1623
Revised Code; 1624

(2) Visit and inspect any peace officer training school 1625
that has been approved by the executive director or for which 1626
application for approval has been made; 1627

(3) Make recommendations, from time to time, to the 1628
executive director, the attorney general, and the general 1629
assembly regarding the carrying out of the purposes of sections 1630
109.71 to 109.77 of the Revised Code; 1631

(4) Report to the attorney general from time to time, and 1632
to the governor and the general assembly at least annually, 1633
concerning the activities of the commission; 1634

(5) Establish fees for the services the commission offers 1635
under sections 109.71 to 109.79 of the Revised Code, including, 1636
but not limited to, fees for training, certification, and 1637
testing; 1638

(6) Perform such other acts as are necessary or 1639
appropriate to carry out the powers and duties of the commission 1640
as set forth in sections 109.71 to 109.77 of the Revised Code. 1641

(D) In establishing the requirements, under division (A) 1642
(12) of this section, the commission may consider any portions 1643
of the curriculum for instruction on the topic of animal 1644
husbandry practices, if any, of the Ohio state university 1645

college of veterinary medicine. No person or entity that fails 1646
to provide instruction on traditional animal husbandry methods 1647
and training techniques, including customary owner-performed 1648
practices, shall qualify to train a humane society agent for 1649
appointment under section 1717.06 of the Revised Code. 1650

Sec. 109.75. The executive director of the Ohio peace 1651
officer training commission, on behalf of the commission, shall 1652
have the following powers and duties, which shall be exercised 1653
with the general advice of the commission and only in accordance 1654
with section 109.751 of the Revised Code and the rules adopted 1655
pursuant to that section, and with the rules adopted by the 1656
attorney general pursuant to sections 109.74, 109.741, 109.742, 1657
and 109.743 of the Revised Code: 1658

(A) To approve peace officer training schools and firearms 1659
requalification programs administered by the state, counties, 1660
municipal corporations, and the department of natural resources, 1661
to issue certificates of approval to approved schools, and to 1662
revoke an approval or certificate; 1663

(B) To certify, as qualified, instructors at approved 1664
peace officer training schools, to issue appropriate 1665
certificates to these instructors, and to revoke for good cause 1666
shown certificates of these instructors; 1667

(C) To certify, as qualified, commanders at approved peace 1668
officer training schools, to issue appropriate certificates to 1669
these commanders, and to revoke for good cause shown 1670
certificates of these commanders. As used in this division, 1671
"commander" means the director or other head of an approved 1672
peace officer training school. 1673

(D) To certify peace officers and sheriffs who have 1674

satisfactorily completed basic training programs and to issue 1675
appropriate certificates to these peace officers and sheriffs; 1676

(E) To cause studies and surveys to be made relating to 1677
the establishment, operation, and approval of state, county, and 1678
municipal peace officer training schools; 1679

(F) To consult and cooperate with state, county, and 1680
municipal peace officer training schools for the development of 1681
advanced in-service training programs for peace officers; 1682

(G) To consult and cooperate with universities, colleges, 1683
and institutes for the development of specialized courses of 1684
study in the state for peace officers in police science and 1685
police administration; 1686

(H) To consult and cooperate with other departments and 1687
agencies of the state and federal government concerned with 1688
peace officer training; 1689

(I) To perform any other acts that may be necessary or 1690
appropriate to carry out the executive director's powers and 1691
duties as set forth in sections 109.71 to 109.77 of the Revised 1692
Code; 1693

(J) To report to the commission at each regular meeting of 1694
the commission and at any other times that the commission may 1695
require; 1696

(K) To certify persons who have satisfactorily completed 1697
approved training programs for correction officers in full- 1698
service jails, five-day facilities, or eight-hour holding 1699
facilities or approved training programs for others who provide 1700
correction services in those jails or facilities and to issue 1701
appropriate certificates to those persons; 1702

(L) To maintain any records associated with the powers and 1703
duties set forth in this section. Certification examinations, 1704
either before or after completion, are not public records for 1705
purposes of section 149.43 of the Revised Code, but the results 1706
of such examinations are public records under that section; 1707

(M) To certify tactical medical professionals who have 1708
satisfactorily completed approved training programs that qualify 1709
them to carry firearms while on duty under section 109.771 of 1710
the Revised Code and to issue appropriate certificates to such 1711
professionals; 1712

(N) To certify county correctional officers who have 1713
satisfactorily completed approved basic training programs that 1714
qualify them to carry firearms while on duty under section 1715
109.772 of the Revised Code and to issue appropriate 1716
certificates to such county correctional officers. 1717

Sec. 109.772. (A) A county correctional officer may carry 1718
firearms while on duty in the same manner, to the same extent, 1719
and in the same areas as a law enforcement officer of the law 1720
enforcement agency with jurisdiction over the place at which the 1721
county jail, county workhouse, minimum security jail, joint city 1722
and county workhouse, municipal-county correctional center, 1723
multicounty-municipal correctional center, municipal-county jail 1724
or workhouse, or multicounty-municipal jail or workhouse is 1725
located, if all of the following apply: 1726

(1) The person in charge of the county jail, county 1727
workhouse, minimum security jail, joint city and county 1728
workhouse, municipal-county correctional center, multicounty- 1729
municipal correctional center, municipal-county jail or 1730
workhouse, or multicounty-municipal jail or workhouse has 1731
specifically authorized the county correctional officer to carry 1732

firearms while on duty. 1733

(2) The county correctional officer has done or received 1734
one of the following: 1735

(a) The county correctional officer has been awarded a 1736
certificate by the executive director of the Ohio peace officer 1737
training commission, which certificate attests to satisfactory 1738
completion of an approved state, county, or municipal basic 1739
training program or a program at the Ohio peace officer training 1740
academy that qualifies the county correctional officer to carry 1741
firearms while on duty and that conforms to the rules adopted 1742
under section 109.773 of the Revised Code. 1743

(b) Prior to or during employment as a county correctional 1744
officer and prior to the effective date of this section, the 1745
county correctional officer has successfully completed a 1746
firearms training program, other than one described in division 1747
(A) (2) (a) of this section, that was approved by the Ohio peace 1748
officer training commission. 1749

(B) A county correctional officer to whom division (A) of 1750
this section applies and who is carrying one or more firearms 1751
under authority of that division has protection from potential 1752
civil or criminal liability for any conduct occurring while 1753
carrying the firearm or firearms to the same extent as a law 1754
enforcement officer of the law enforcement agency with 1755
jurisdiction over the place at which the county jail, county 1756
workhouse, minimum security jail, joint city and county 1757
workhouse, municipal-county correctional center, multicounty- 1758
municipal correctional center, municipal-county jail or 1759
workhouse, or multicounty-municipal jail or workhouse is located 1760
has such protection. 1761

Sec. 109.773. The attorney general shall adopt, in 1762
accordance with Chapter 119. or pursuant to section 109.74 of 1763
the Revised Code, rules authorizing and governing the attendance 1764
of county correctional officers at approved peace officer 1765
training schools, including the Ohio peace officer training 1766
academy, to receive training to qualify them to carry firearms 1767
while on duty under section 109.771 of the Revised Code, and the 1768
certification of the county correctional officers upon their 1769
satisfactory completion of training programs providing that 1770
training. 1771

Sec. 109.79. (A) The Ohio peace officer training 1772
commission shall establish and conduct a training school for law 1773
enforcement officers of any political subdivision of the state 1774
or of the state public defender's office. The school shall be 1775
known as the Ohio peace officer training academy. No bailiff or 1776
deputy bailiff of a court of record of this state and no 1777
criminal investigator employed by the state public defender 1778
shall be permitted to attend the academy for training unless the 1779
employing court of the bailiff or deputy bailiff or the state 1780
public defender, whichever is applicable, has authorized the 1781
bailiff, deputy bailiff, or investigator to attend the academy. 1782

The Ohio peace officer training commission shall develop 1783
the training program, which shall include courses in both the 1784
civil and criminal functions of law enforcement officers, a 1785
course in crisis intervention with six or more hours of 1786
training, training in the handling of missing children and child 1787
abuse and neglect cases, and training on companion animal 1788
encounters and companion animal behavior, and shall establish 1789
rules governing qualifications for admission to the academy. The 1790
commission may require competitive examinations to determine 1791
fitness of prospective trainees, so long as the examinations or 1792

other criteria for admission to the academy are consistent with 1793
the provisions of Chapter 124. of the Revised Code. 1794

The Ohio peace officer training commission shall determine 1795
tuition costs sufficient in the aggregate to pay the costs of 1796
operating the academy. Tuition paid by a political subdivision 1797
of the state or by the state public defender's office shall be 1798
deposited into the state treasury to the credit of the peace 1799
officer training academy fee fund, which is hereby established. 1800
The attorney general shall use money in the fund to pay costs 1801
associated with operation of the academy. The costs of acquiring 1802
and equipping the academy shall be paid from appropriations made 1803
by the general assembly to the Ohio peace officer training 1804
commission for that purpose, from gifts or grants received for 1805
that purpose, or from fees for goods related to the academy. 1806

The Ohio peace officer training commission shall create a 1807
gaming-related curriculum for gaming agents. The Ohio peace 1808
officer training commission shall use money distributed to the 1809
Ohio peace officer training academy from the Ohio law 1810
enforcement training fund to first support the academy's 1811
training programs for gaming agents and gaming-related 1812
curriculum. The Ohio peace officer training commission may 1813
utilize existing training programs in other states that 1814
specialize in training gaming agents. 1815

The law enforcement officers, during the period of their 1816
training, shall receive compensation as determined by the 1817
political subdivision that sponsors them or, if the officer is a 1818
criminal investigator employed by the state public defender, as 1819
determined by the state public defender. The political 1820
subdivision may pay the tuition costs of the law enforcement 1821
officers they sponsor and the state public defender may pay the 1822

tuition costs of criminal investigators of that office who 1823
attend the academy. 1824

If trainee vacancies exist, the academy may train and 1825
issue certificates of satisfactory completion to peace officers 1826
who are employed by a campus police department pursuant to 1827
section 1713.50 of the Revised Code, by a qualified nonprofit 1828
corporation police department pursuant to section 1702.80 of the 1829
Revised Code, or by a railroad company, who are amusement park 1830
police officers appointed and commissioned by a judge of the 1831
appropriate municipal court or county court pursuant to section 1832
4973.17 of the Revised Code, or who are bank, savings and loan 1833
association, savings bank, credit union, or association of 1834
banks, savings and loan associations, savings banks, or credit 1835
unions, or hospital police officers appointed and commissioned 1836
by the secretary of state pursuant to sections 4973.17 to 1837
4973.22 of the Revised Code, provided that no such officer shall 1838
be trained at the academy unless the officer meets the 1839
qualifications established for admission to the academy and the 1840
qualified nonprofit corporation police department; bank, savings 1841
and loan association, savings bank, credit union, or association 1842
of banks, savings and loan associations, savings banks, or 1843
credit unions; railroad company; hospital; or amusement park or 1844
the private college or university that established the campus 1845
police department prepays the entire cost of the training. A 1846
qualified nonprofit corporation police department; bank, savings 1847
and loan association, savings bank, credit union, or association 1848
of banks, savings and loan associations, savings banks, or 1849
credit unions; railroad company; hospital; or amusement park or 1850
a private college or university that has established a campus 1851
police department is not entitled to reimbursement from the 1852
state for any amount paid for the cost of training the bank, 1853

savings and loan association, savings bank, credit union, or 1854
association of banks, savings and loan associations, savings 1855
banks, or credit unions peace officers; the railroad company's 1856
peace officers; or the peace officers of the qualified nonprofit 1857
corporation police department, campus police department, 1858
hospital, or amusement park. 1859

The academy shall permit investigators employed by the 1860
state medical board to take selected courses that the board 1861
determines are consistent with its responsibilities for initial 1862
and continuing training of investigators as required under 1863
sections 4730.26 and 4731.05 of the Revised Code. The board 1864
shall pay the entire cost of training that investigators receive 1865
at the academy. 1866

The academy shall permit tactical medical professionals to 1867
attend training courses at the academy that are designed to 1868
qualify the professionals to carry firearms while on duty under 1869
section 109.771 of the Revised Code and that provide training 1870
comparable to training mandated under the rules required by 1871
division (A) of section 109.748 of the Revised Code. The 1872
executive director of the Ohio peace officer training commission 1873
may certify tactical medical professionals who satisfactorily 1874
complete the training courses. The law enforcement agency served 1875
by a tactical medical professional who attends the academy may 1876
pay the tuition costs of the professional. 1877

The academy shall permit county correctional officers to 1878
attend training courses at the academy that are designed to 1879
qualify the county correctional officers to carry firearms while 1880
on duty under section 109.772 of the Revised Code and that 1881
provide training mandated under the rules required by section 1882
109.773 of the Revised Code. The executive director of the Ohio 1883

peace officer training commission may certify county 1884
correctional officers who satisfactorily complete the training 1885
courses. The county jail, county workhouse, minimum security 1886
jail, joint city and county workhouse, municipal-county 1887
correctional center, multicounty-municipal correctional center, 1888
municipal-county jail or workhouse, or multicounty-municipal 1889
jail or workhouse served by the county correctional officer who 1890
attends the academy may pay the tuition costs of the county 1891
correctional officer. 1892

(B) As used in this section: 1893

(1) "Law enforcement officers" include any undercover drug 1894
agent, any bailiff or deputy bailiff of a court of record, and 1895
any criminal investigator who is employed by the state public 1896
defender. 1897

(2) "Undercover drug agent" means any person who: 1898

(a) Is employed by a county, township, or municipal 1899
corporation for the purposes set forth in division (B)(2)(b) of 1900
this section but who is not an employee of a county sheriff's 1901
department, of a township constable, or of the police department 1902
of a municipal corporation or township; 1903

(b) In the course of the person's employment by a county, 1904
township, or municipal corporation, investigates and gathers 1905
information pertaining to persons who are suspected of violating 1906
Chapter 2925. or 3719. of the Revised Code, and generally does 1907
not wear a uniform in the performance of the person's duties. 1908

(3) "Crisis intervention training" has the same meaning as 1909
in section 109.71 of the Revised Code. 1910

(4) "Missing children" has the same meaning as in section 1911
2901.30 of the Revised Code. 1912

(5) "Companion animal" has the same meaning as in section 1913
959.131 of the Revised Code. 1914

Sec. 109.801. (A) (1) Each year, any of the following 1915
persons who are authorized to carry firearms in the course of 1916
their official duties shall complete successfully a firearms 1917
requalification program approved by the executive director of 1918
the Ohio peace officer training commission in accordance with 1919
rules adopted by the attorney general pursuant to section 1920
109.743 of the Revised Code: any peace officer, sheriff, chief 1921
of police of an organized police department of a municipal 1922
corporation or township, chief of police of a township police 1923
district or joint police district police force, superintendent 1924
of the state highway patrol, state highway patrol trooper, or 1925
chief of police of a university or college police department; 1926
any parole or probation officer who carries a firearm in the 1927
course of official duties; any ~~corrections~~ county correctional 1928
~~officer of a multicounty correctional center, or of a municipal-~~ 1929
~~county or multicounty municipal correctional center, established~~ 1930
~~under section 307.93 of the Revised Code who carries a firearm~~ 1931
~~in the course of official duties;~~ the house of representatives 1932
sergeant at arms if the house of representatives sergeant at 1933
arms has arrest authority pursuant to division (E) (1) of section 1934
101.311 of the Revised Code; any assistant house of 1935
representatives sergeant at arms; the senate sergeant at arms; 1936
any assistant senate sergeant at arms; any tactical medical 1937
professional; or any employee of the department of youth 1938
services who is designated pursuant to division (A) (2) of 1939
section 5139.53 of the Revised Code as being authorized to carry 1940
a firearm while on duty as described in that division. 1941

(2) No person listed in division (A) (1) of this section 1942
shall carry a firearm during the course of official duties if 1943

the person does not comply with division (A) (1) of this section.	1944
(B) The hours that a sheriff spends attending a firearms	1945
requalification program required by division (A) of this section	1946
are in addition to the sixteen hours of continuing education	1947
that are required by division (E) of section 311.01 of the	1948
Revised Code.	1949
(C) As used in this section, "firearm" has the same	1950
meaning as in section 2923.11 of the Revised Code.	1951
Sec. 149.43. (A) As used in this section:	1952
(1) "Public record" means records kept by any public	1953
office, including, but not limited to, state, county, city,	1954
village, township, and school district units, and records	1955
pertaining to the delivery of educational services by an	1956
alternative school in this state kept by the nonprofit or for-	1957
profit entity operating the alternative school pursuant to	1958
section 3313.533 of the Revised Code. "Public record" does not	1959
mean any of the following:	1960
(a) Medical records;	1961
(b) Records pertaining to probation and parole	1962
proceedings, to proceedings related to the imposition of	1963
community control sanctions and post-release control sanctions,	1964
or to proceedings related to determinations under section	1965
2967.271 of the Revised Code regarding the release or maintained	1966
incarceration of an offender to whom that section applies;	1967
(c) Records pertaining to actions under section 2151.85	1968
and division (C) of section 2919.121 of the Revised Code and to	1969
appeals of actions arising under those sections;	1970
(d) Records pertaining to adoption proceedings, including	1971

the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	1972 1973
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	1974 1975 1976 1977 1978 1979
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	1980 1981
(g) Trial preparation records;	1982
(h) Confidential law enforcement investigatory records;	1983
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	1984 1985
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	1986 1987
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	1988 1989 1990 1991
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	1992 1993 1994 1995
(m) Intellectual property records;	1996
(n) Donor profile records;	1997
(o) Records maintained by the department of job and family	1998

services pursuant to section 3121.894 of the Revised Code;	1999
(p) Designated public service worker residential and familial information;	2000 2001
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	2002 2003 2004 2005 2006
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	2007 2008
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	2021 2022 2023 2024 2025
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator	2026 2027

that the board of executives of long-term services and supports	2028
administers under section 4751.15 of the Revised Code or	2029
contracts under that section with a private or government entity	2030
to administer;	2031
(v) Records the release of which is prohibited by state or	2032
federal law;	2033
(w) Proprietary information of or relating to any person	2034
that is submitted to or compiled by the Ohio venture capital	2035
authority created under section 150.01 of the Revised Code;	2036
(x) Financial statements and data any person submits for	2037
any purpose to the Ohio housing finance agency or the	2038
controlling board in connection with applying for, receiving, or	2039
accounting for financial assistance from the agency, and	2040
information that identifies any individual who benefits directly	2041
or indirectly from financial assistance from the agency;	2042
(y) Records listed in section 5101.29 of the Revised Code;	2043
(z) Discharges recorded with a county recorder under	2044
section 317.24 of the Revised Code, as specified in division (B)	2045
(2) of that section;	2046
(aa) Usage information including names and addresses of	2047
specific residential and commercial customers of a municipally	2048
owned or operated public utility;	2049
(bb) Records described in division (C) of section 187.04	2050
of the Revised Code that are not designated to be made available	2051
to the public as provided in that division;	2052
(cc) Information and records that are made confidential,	2053
privileged, and not subject to disclosure under divisions (B)	2054
and (C) of section 2949.221 of the Revised Code;	2055

(dd) Personal information, as defined in section 149.45 of the Revised Code; 2056
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(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code. 2058
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(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order; 2072
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(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident; 2078
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(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health 2083
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claims data in another document that reveals the identity of an 2086
individual who is the subject of the data or could be used to 2087
reveal that individual's identity; 2088

(ii) Any depiction by photograph, film, videotape, or 2089
printed or digital image under either of the following 2090
circumstances: 2091

(i) The depiction is that of a victim of an offense the 2092
release of which would be, to a reasonable person of ordinary 2093
sensibilities, an offensive and objectionable intrusion into the 2094
victim's expectation of bodily privacy and integrity. 2095

(ii) The depiction captures or depicts the victim of a 2096
sexually oriented offense, as defined in section 2950.01 of the 2097
Revised Code, at the actual occurrence of that offense. 2098

(jj) Restricted portions of a body-worn camera or 2099
dashboard camera recording; 2100

(kk) In the case of a fetal-infant mortality review board 2101
acting under sections 3707.70 to 3707.77 of the Revised Code, 2102
records, documents, reports, or other information presented to 2103
the board or a person abstracting such materials on the board's 2104
behalf, statements made by review board members during board 2105
meetings, all work products of the board, and data submitted by 2106
the board to the department of health or a national infant death 2107
review database, other than the report prepared pursuant to 2108
section 3707.77 of the Revised Code. 2109

(ll) Records, documents, reports, or other information 2110
presented to the pregnancy-associated mortality review board 2111
established under section 3738.01 of the Revised Code, 2112
statements made by board members during board meetings, all work 2113
products of the board, and data submitted by the board to the 2114

department of health, other than the biennial reports prepared 2115
under section 3738.08 of the Revised Code; 2116

(mm) Except as otherwise provided in division (A) (1) (oo) 2117
of this section, telephone numbers for a victim, as defined in 2118
section 2930.01 of the Revised Code or a witness to a crime that 2119
are listed on any law enforcement record or report. 2120

(nn) A preneed funeral contract, as defined in section 2121
4717.01 of the Revised Code, and contract terms and personally 2122
identifying information of a preneed funeral contract, that is 2123
contained in a report submitted by or for a funeral home to the 2124
board of embalmers and funeral directors under division (C) of 2125
section 4717.13, division (J) of section 4717.31, or section 2126
4717.41 of the Revised Code. 2127

(oo) Telephone numbers for a party to a motor vehicle 2128
accident subject to the requirements of section 5502.11 of the 2129
Revised Code that are listed on any law enforcement record or 2130
report, except that the telephone numbers described in this 2131
division are not excluded from the definition of "public record" 2132
under this division on and after the thirtieth day after the 2133
occurrence of the motor vehicle accident. 2134

A record that is not a public record under division (A) (1) 2135
of this section and that, under law, is permanently retained 2136
becomes a public record on the day that is seventy-five years 2137
after the day on which the record was created, except for any 2138
record protected by the attorney-client privilege, a trial 2139
preparation record as defined in this section, a statement 2140
prohibiting the release of identifying information signed under 2141
section 3107.083 of the Revised Code, a denial of release form 2142
filed pursuant to section 3107.46 of the Revised Code, or any 2143
record that is exempt from release or disclosure under section 2144

149.433 of the Revised Code. If the record is a birth 2145
certificate and a biological parent's name redaction request 2146
form has been accepted under section 3107.391 of the Revised 2147
Code, the name of that parent shall be redacted from the birth 2148
certificate before it is released under this paragraph. If any 2149
other section of the Revised Code establishes a time period for 2150
disclosure of a record that conflicts with the time period 2151
specified in this section, the time period in the other section 2152
prevails. 2153

(2) "Confidential law enforcement investigatory record" 2154
means any record that pertains to a law enforcement matter of a 2155
criminal, quasi-criminal, civil, or administrative nature, but 2156
only to the extent that the release of the record would create a 2157
high probability of disclosure of any of the following: 2158

(a) The identity of a suspect who has not been charged 2159
with the offense to which the record pertains, or of an 2160
information source or witness to whom confidentiality has been 2161
reasonably promised; 2162

(b) Information provided by an information source or 2163
witness to whom confidentiality has been reasonably promised, 2164
which information would reasonably tend to disclose the source's 2165
or witness's identity; 2166

(c) Specific confidential investigatory techniques or 2167
procedures or specific investigatory work product; 2168

(d) Information that would endanger the life or physical 2169
safety of law enforcement personnel, a crime victim, a witness, 2170
or a confidential information source. 2171

(3) "Medical record" means any document or combination of 2172
documents, except births, deaths, and the fact of admission to 2173

or discharge from a hospital, that pertains to the medical 2174
history, diagnosis, prognosis, or medical condition of a patient 2175
and that is generated and maintained in the process of medical 2176
treatment. 2177

(4) "Trial preparation record" means any record that 2178
contains information that is specifically compiled in reasonable 2179
anticipation of, or in defense of, a civil or criminal action or 2180
proceeding, including the independent thought processes and 2181
personal trial preparation of an attorney. 2182

(5) "Intellectual property record" means a record, other 2183
than a financial or administrative record, that is produced or 2184
collected by or for faculty or staff of a state institution of 2185
higher learning in the conduct of or as a result of study or 2186
research on an educational, commercial, scientific, artistic, 2187
technical, or scholarly issue, regardless of whether the study 2188
or research was sponsored by the institution alone or in 2189
conjunction with a governmental body or private concern, and 2190
that has not been publicly released, published, or patented. 2191

(6) "Donor profile record" means all records about donors 2192
or potential donors to a public institution of higher education 2193
except the names and reported addresses of the actual donors and 2194
the date, amount, and conditions of the actual donation. 2195

(7) "Designated public service worker" means a peace 2196
officer, parole officer, probation officer, bailiff, prosecuting 2197
attorney, assistant prosecuting attorney, correctional employee, 2198
county or multicounty corrections officer, community-based 2199
correctional facility employee, designated Ohio national guard 2200
member, protective services worker, youth services employee, 2201
firefighter, EMT, medical director or member of a cooperating 2202
physician advisory board of an emergency medical service 2203

organization, state board of pharmacy employee, investigator of 2204
the bureau of criminal identification and investigation, 2205
emergency service telecommunicator, forensic mental health 2206
provider, mental health evaluation provider, regional 2207
psychiatric hospital employee, judge, magistrate, or federal law 2208
enforcement officer. 2209

(8) "Designated public service worker residential and 2210
familial information" means any information that discloses any 2211
of the following about a designated public service worker: 2212

(a) The address of the actual personal residence of a 2213
designated public service worker, except for the following 2214
information: 2215

(i) The address of the actual personal residence of a 2216
prosecuting attorney or judge; and 2217

(ii) The state or political subdivision in which a 2218
designated public service worker resides. 2219

(b) Information compiled from referral to or participation 2220
in an employee assistance program; 2221

(c) The social security number, the residential telephone 2222
number, any bank account, debit card, charge card, or credit 2223
card number, or the emergency telephone number of, or any 2224
medical information pertaining to, a designated public service 2225
worker; 2226

(d) The name of any beneficiary of employment benefits, 2227
including, but not limited to, life insurance benefits, provided 2228
to a designated public service worker by the designated public 2229
service worker's employer; 2230

(e) The identity and amount of any charitable or 2231

employment benefit deduction made by the designated public 2232
service worker's employer from the designated public service 2233
worker's compensation, unless the amount of the deduction is 2234
required by state or federal law; 2235

(f) The name, the residential address, the name of the 2236
employer, the address of the employer, the social security 2237
number, the residential telephone number, any bank account, 2238
debit card, charge card, or credit card number, or the emergency 2239
telephone number of the spouse, a former spouse, or any child of 2240
a designated public service worker; 2241

(g) A photograph of a peace officer who holds a position 2242
or has an assignment that may include undercover or plain 2243
clothes positions or assignments as determined by the peace 2244
officer's appointing authority. 2245

(9) As used in divisions (A) (7) and (15) to (17) of this 2246
section: 2247

"Peace officer" has the meaning defined in section 109.71 2248
of the Revised Code and also includes the superintendent and 2249
troopers of the state highway patrol; it does not include the 2250
sheriff of a county or a supervisory employee who, in the 2251
absence of the sheriff, is authorized to stand in for, exercise 2252
the authority of, and perform the duties of the sheriff. 2253

"Correctional employee" means any employee of the 2254
department of rehabilitation and correction who in the course of 2255
performing the employee's job duties has or has had contact with 2256
inmates and persons under supervision. 2257

"County or multicounty corrections officer" means any 2258
corrections officer employed by any county or multicounty 2259
correctional facility. 2260

"Designated Ohio national guard member" means a member of 2261
the Ohio national guard who is participating in duties related 2262
to remotely piloted aircraft, including, but not limited to, 2263
pilots, sensor operators, and mission intelligence personnel, 2264
duties related to special forces operations, or duties related 2265
to cybersecurity, and is designated by the adjutant general as a 2266
designated public service worker for those purposes. 2267

"Protective services worker" means any employee of a 2268
county agency who is responsible for child protective services, 2269
child support services, or adult protective services. 2270

"Youth services employee" means any employee of the 2271
department of youth services who in the course of performing the 2272
employee's job duties has or has had contact with children 2273
committed to the custody of the department of youth services. 2274

"Firefighter" means any regular, paid or volunteer, member 2275
of a lawfully constituted fire department of a municipal 2276
corporation, township, fire district, or village. 2277

"EMT" means EMTs-basic, EMTs-I, and paramedics that 2278
provide emergency medical services for a public emergency 2279
medical service organization. "Emergency medical service 2280
organization," "EMT-basic," "EMT-I," and "paramedic" have the 2281
meanings defined in section 4765.01 of the Revised Code. 2282

"Investigator of the bureau of criminal identification and 2283
investigation" has the meaning defined in section 2903.11 of the 2284
Revised Code. 2285

"Emergency service telecommunicator" has the meaning 2286
defined in section 4742.01 of the Revised Code. 2287

"Forensic mental health provider" means any employee of a 2288
community mental health service provider or local alcohol, drug 2289

addiction, and mental health services board who, in the course 2290
of the employee's duties, has contact with persons committed to 2291
a local alcohol, drug addiction, and mental health services 2292
board by a court order pursuant to section 2945.38, 2945.39, 2293
2945.40, or 2945.402 of the Revised Code. 2294

"Mental health evaluation provider" means an individual 2295
who, under Chapter 5122. of the Revised Code, examines a 2296
respondent who is alleged to be a mentally ill person subject to 2297
court order, as defined in section 5122.01 of the Revised Code, 2298
and reports to the probate court the respondent's mental 2299
condition. 2300

"Regional psychiatric hospital employee" means any 2301
employee of the department of mental health and addiction 2302
services who, in the course of performing the employee's duties, 2303
has contact with patients committed to the department of mental 2304
health and addiction services by a court order pursuant to 2305
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 2306
Code. 2307

"Federal law enforcement officer" has the meaning defined 2308
in section 9.88 of the Revised Code. 2309

(10) "Information pertaining to the recreational 2310
activities of a person under the age of eighteen" means 2311
information that is kept in the ordinary course of business by a 2312
public office, that pertains to the recreational activities of a 2313
person under the age of eighteen years, and that discloses any 2314
of the following: 2315

(a) The address or telephone number of a person under the 2316
age of eighteen or the address or telephone number of that 2317
person's parent, guardian, custodian, or emergency contact 2318

person; 2319

(b) The social security number, birth date, or 2320
photographic image of a person under the age of eighteen; 2321

(c) Any medical record, history, or information pertaining 2322
to a person under the age of eighteen; 2323

(d) Any additional information sought or required about a 2324
person under the age of eighteen for the purpose of allowing 2325
that person to participate in any recreational activity 2326
conducted or sponsored by a public office or to use or obtain 2327
admission privileges to any recreational facility owned or 2328
operated by a public office. 2329

(11) "Community control sanction" has the meaning defined 2330
in section 2929.01 of the Revised Code. 2331

(12) "Post-release control sanction" has the meaning 2332
defined in section 2967.01 of the Revised Code. 2333

(13) "Redaction" means obscuring or deleting any 2334
information that is exempt from the duty to permit public 2335
inspection or copying from an item that otherwise meets the 2336
definition of a "record" in section 149.011 of the Revised Code. 2337

(14) "Designee," "elected official," and "future official" 2338
have the meanings defined in section 109.43 of the Revised Code. 2339

(15) "Body-worn camera" means a visual and audio recording 2340
device worn on the person of a correctional employee or peace 2341
officer while the correctional employee or peace officer is 2342
engaged in the performance of ~~the peace officer's~~ official 2343
duties. 2344

(16) "Dashboard camera" means a visual and audio recording 2345
device mounted on a peace officer's vehicle or vessel that is 2346

used while the peace officer is engaged in the performance of 2347
the peace officer's duties. 2348

(17) "Restricted portions of a body-worn camera or 2349
dashboard camera recording" means any visual or audio portion of 2350
a body-worn camera or dashboard camera recording that shows, 2351
communicates, or discloses any of the following: 2352

(a) The image or identity of a child or information that 2353
could lead to the identification of a child who is a primary 2354
subject of the recording when the department of rehabilitation 2355
and correction or the law enforcement agency knows or has reason 2356
to know the person is a child based on the department's or law 2357
enforcement agency's records or the content of the recording; 2358

(b) The death of a person or a deceased person's body, 2359
unless the death was caused by a correctional employee or peace 2360
officer or, subject to division (H)(1) of this section, the 2361
consent of the decedent's executor or administrator has been 2362
obtained; 2363

(c) The death of a correctional employee, peace officer, 2364
firefighter, paramedic, or other first responder, occurring 2365
while the decedent was engaged in the performance of official 2366
duties, unless, subject to division (H)(1) of this section, the 2367
consent of the decedent's executor or administrator has been 2368
obtained; 2369

(d) Grievous bodily harm, unless the injury was effected 2370
by a correctional employee or peace officer or, subject to 2371
division (H)(1) of this section, the consent of the injured 2372
person or the injured person's guardian has been obtained; 2373

(e) An act of severe violence against a person that 2374
results in serious physical harm to the person, unless the act 2375

and injury was effected by a correctional employee or peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(f) Grievous bodily harm to a correctional employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(g) An act of severe violence resulting in serious physical harm against a correctional employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained;

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter;

(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to a

correctional employee or a law enforcement agency when the 2405
disclosure of the person's identity or the information provided 2406
could reasonably be expected to threaten or endanger the safety 2407
or property of the person or another person; 2408

(l) Personal information of a person who is not arrested, 2409
cited, charged, or issued a written warning by a peace officer; 2410

(m) Proprietary police contingency plans or tactics that 2411
are intended to prevent crime and maintain public order and 2412
safety; 2413

(n) A personal conversation unrelated to work between 2414
peace officers or between a peace officer and an employee of a 2415
law enforcement agency; 2416

(o) A conversation between a peace officer and a member of 2417
the public that does not concern law enforcement activities; 2418

(p) The interior of a residence, unless the interior of a 2419
residence is the location of an adversarial encounter with, or a 2420
use of force by, a peace officer; 2421

(q) Any portion of the interior of a private business that 2422
is not open to the public, unless an adversarial encounter with, 2423
or a use of force by, a peace officer occurs in that location. 2424

As used in division (A) (17) of this section: 2425

"Grievous bodily harm" has the same meaning as in section 2426
5924.120 of the Revised Code. 2427

"Health care facility" has the same meaning as in section 2428
1337.11 of the Revised Code. 2429

"Protected health information" has the same meaning as in 2430
45 C.F.R. 160.103. 2431

"Law enforcement agency" has the same meaning as in 2432
section 2925.61 of the Revised Code. 2433

"Personal information" means any government-issued 2434
identification number, date of birth, address, financial 2435
information, or criminal justice information from the law 2436
enforcement automated data system or similar databases. 2437

"Sex offense" ~~has the same meaning as in section~~ means a 2438
violation of any provisions of sections 2907.011 to 2907.10 of 2439
the Revised Code. 2440

"Firefighter," "paramedic," and "first responder" have the 2441
same meanings as in section 4765.01 of the Revised Code. 2442

(B) (1) Upon request by any person and subject to division 2443
(B) (8) of this section, all public records responsive to the 2444
request shall be promptly prepared and made available for 2445
inspection to the requester at all reasonable times during 2446
regular business hours. Subject to division (B) (8) of this 2447
section, upon request by any person, a public office or person 2448
responsible for public records shall make copies of the 2449
requested public record available to the requester at cost and 2450
within a reasonable period of time. If a public record contains 2451
information that is exempt from the duty to permit public 2452
inspection or to copy the public record, the public office or 2453
the person responsible for the public record shall make 2454
available all of the information within the public record that 2455
is not exempt. When making that public record available for 2456
public inspection or copying that public record, the public 2457
office or the person responsible for the public record shall 2458
notify the requester of any redaction or make the redaction 2459
plainly visible. A redaction shall be deemed a denial of a 2460
request to inspect or copy the redacted information, except if 2461

federal or state law authorizes or requires a public office to 2462
make the redaction. 2463

(2) To facilitate broader access to public records, a 2464
public office or the person responsible for public records shall 2465
organize and maintain public records in a manner that they can 2466
be made available for inspection or copying in accordance with 2467
division (B) of this section. A public office also shall have 2468
available a copy of its current records retention schedule at a 2469
location readily available to the public. If a requester makes 2470
an ambiguous or overly broad request or has difficulty in making 2471
a request for copies or inspection of public records under this 2472
section such that the public office or the person responsible 2473
for the requested public record cannot reasonably identify what 2474
public records are being requested, the public office or the 2475
person responsible for the requested public record may deny the 2476
request but shall provide the requester with an opportunity to 2477
revise the request by informing the requester of the manner in 2478
which records are maintained by the public office and accessed 2479
in the ordinary course of the public office's or person's 2480
duties. 2481

(3) If a request is ultimately denied, in part or in 2482
whole, the public office or the person responsible for the 2483
requested public record shall provide the requester with an 2484
explanation, including legal authority, setting forth why the 2485
request was denied. If the initial request was provided in 2486
writing, the explanation also shall be provided to the requester 2487
in writing. The explanation shall not preclude the public office 2488
or the person responsible for the requested public record from 2489
relying upon additional reasons or legal authority in defending 2490
an action commenced under division (C) of this section. 2491

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible

for the public record determines that it reasonably can be 2523
duplicated as an integral part of the normal operations of the 2524
public office or person responsible for the public record. When 2525
the requester makes a choice under this division, the public 2526
office or person responsible for the public record shall provide 2527
a copy of it in accordance with the choice made by the 2528
requester. Nothing in this section requires a public office or 2529
person responsible for the public record to allow the requester 2530
of a copy of the public record to make the copies of the public 2531
record. 2532

(7) (a) Upon a request made in accordance with division (B) 2533
of this section and subject to division (B) (6) of this section, 2534
a public office or person responsible for public records shall 2535
transmit a copy of a public record to any person by United 2536
States mail or by any other means of delivery or transmission 2537
within a reasonable period of time after receiving the request 2538
for the copy. The public office or person responsible for the 2539
public record may require the person making the request to pay 2540
in advance the cost of postage if the copy is transmitted by 2541
United States mail or the cost of delivery if the copy is 2542
transmitted other than by United States mail, and to pay in 2543
advance the costs incurred for other supplies used in the 2544
mailing, delivery, or transmission. 2545

(b) Any public office may adopt a policy and procedures 2546
that it will follow in transmitting, within a reasonable period 2547
of time after receiving a request, copies of public records by 2548
United States mail or by any other means of delivery or 2549
transmission pursuant to division (B) (7) of this section. A 2550
public office that adopts a policy and procedures under division 2551
(B) (7) of this section shall comply with them in performing its 2552
duties under that division. 2553

(c) In any policy and procedures adopted under division 2554
(B) (7) of this section: 2555

(i) A public office may limit the number of records 2556
requested by a person that the office will physically deliver by 2557
United States mail or by another delivery service to ten per 2558
month, unless the person certifies to the office in writing that 2559
the person does not intend to use or forward the requested 2560
records, or the information contained in them, for commercial 2561
purposes; 2562

(ii) A public office that chooses to provide some or all 2563
of its public records on a web site that is fully accessible to 2564
and searchable by members of the public at all times, other than 2565
during acts of God outside the public office's control or 2566
maintenance, and that charges no fee to search, access, 2567
download, or otherwise receive records provided on the web site, 2568
may limit to ten per month the number of records requested by a 2569
person that the office will deliver in a digital format, unless 2570
the requested records are not provided on the web site and 2571
unless the person certifies to the office in writing that the 2572
person does not intend to use or forward the requested records, 2573
or the information contained in them, for commercial purposes. 2574

(iii) For purposes of division (B) (7) of this section, 2575
"commercial" shall be narrowly construed and does not include 2576
reporting or gathering news, reporting or gathering information 2577
to assist citizen oversight or understanding of the operation or 2578
activities of government, or nonprofit educational research. 2579

(8) A public office or person responsible for public 2580
records is not required to permit a person who is incarcerated 2581
pursuant to a criminal conviction or a juvenile adjudication to 2582
inspect or to obtain a copy of any public record concerning a 2583

criminal investigation or prosecution or concerning what would 2584
be a criminal investigation or prosecution if the subject of the 2585
investigation or prosecution were an adult, unless the request 2586
to inspect or to obtain a copy of the record is for the purpose 2587
of acquiring information that is subject to release as a public 2588
record under this section and the judge who imposed the sentence 2589
or made the adjudication with respect to the person, or the 2590
judge's successor in office, finds that the information sought 2591
in the public record is necessary to support what appears to be 2592
a justiciable claim of the person. 2593

(9) (a) Upon written request made and signed by a 2594
journalist, a public office, or person responsible for public 2595
records, having custody of the records of the agency employing a 2596
specified designated public service worker shall disclose to the 2597
journalist the address of the actual personal residence of the 2598
designated public service worker and, if the designated public 2599
service worker's spouse, former spouse, or child is employed by 2600
a public office, the name and address of the employer of the 2601
designated public service worker's spouse, former spouse, or 2602
child. The request shall include the journalist's name and title 2603
and the name and address of the journalist's employer and shall 2604
state that disclosure of the information sought would be in the 2605
public interest. 2606

(b) Division (B) (9) (a) of this section also applies to 2607
journalist requests for: 2608

(i) Customer information maintained by a municipally owned 2609
or operated public utility, other than social security numbers 2610
and any private financial information such as credit reports, 2611
payment methods, credit card numbers, and bank account 2612
information; 2613

(ii) Information about minors involved in a school vehicle accident as provided in division (A) (1) (gg) of this section, other than personal information as defined in section 149.45 of the Revised Code.

(c) As used in division (B) (9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section 2930.02 of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A) (1) (ii) of this section to the victim, victim's attorney, or victim's representative.

(C) (1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section 2743.75 of the Revised Code;

(b) Commence a mandamus action to obtain a judgment that 2644
orders the public office or the person responsible for the 2645
public record to comply with division (B) of this section, that 2646
awards court costs and reasonable attorney's fees to the person 2647
that instituted the mandamus action, and, if applicable, that 2648
includes an order fixing statutory damages under division (C) (2) 2649
of this section. The mandamus action may be commenced in the 2650
court of common pleas of the county in which division (B) of 2651
this section allegedly was not complied with, in the supreme 2652
court pursuant to its original jurisdiction under Section 2 of 2653
Article IV, Ohio Constitution, or in the court of appeals for 2654
the appellate district in which division (B) of this section 2655
allegedly was not complied with pursuant to its original 2656
jurisdiction under Section 3 of Article IV, Ohio Constitution. 2657

(2) If a requester transmits a written request by hand 2658
delivery, electronic submission, or certified mail to inspect or 2659
receive copies of any public record in a manner that fairly 2660
describes the public record or class of public records to the 2661
public office or person responsible for the requested public 2662
records, except as otherwise provided in this section, the 2663
requester shall be entitled to recover the amount of statutory 2664
damages set forth in this division if a court determines that 2665
the public office or the person responsible for public records 2666
failed to comply with an obligation in accordance with division 2667
(B) of this section. 2668

The amount of statutory damages shall be fixed at one 2669
hundred dollars for each business day during which the public 2670
office or person responsible for the requested public records 2671
failed to comply with an obligation in accordance with division 2672
(B) of this section, beginning with the day on which the 2673
requester files a mandamus action to recover statutory damages, 2674

up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(3) In a mandamus action filed under division (C) (1) of this section, the following apply:

(a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C) (3) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division

(B) of this section. No discovery may be conducted on the issue 2733
of the alleged bad faith of the public office or person 2734
responsible for the public records. This division shall not be 2735
construed as creating a presumption that the public office or 2736
the person responsible for the public records acted in bad faith 2737
when the office or person voluntarily made the public records 2738
available to the relator for the first time after the relator 2739
commenced the mandamus action, but before the court issued any 2740
order described in this division. 2741

(c) The court shall not award attorney's fees to the 2742
relator if the court determines both of the following: 2743

(i) That, based on the ordinary application of statutory 2744
law and case law as it existed at the time of the conduct or 2745
threatened conduct of the public office or person responsible 2746
for the requested public records that allegedly constitutes a 2747
failure to comply with an obligation in accordance with division 2748
(B) of this section and that was the basis of the mandamus 2749
action, a well-informed public office or person responsible for 2750
the requested public records reasonably would believe that the 2751
conduct or threatened conduct of the public office or person 2752
responsible for the requested public records did not constitute 2753
a failure to comply with an obligation in accordance with 2754
division (B) of this section; 2755

(ii) That a well-informed public office or person 2756
responsible for the requested public records reasonably would 2757
believe that the conduct or threatened conduct of the public 2758
office or person responsible for the requested public records 2759
would serve the public policy that underlies the authority that 2760
is asserted as permitting that conduct or threatened conduct. 2761

(4) All of the following apply to any award of reasonable 2762

attorney's fees awarded under division (C) (3) (b) of this section: 2763
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(a) The fees shall be construed as remedial and not punitive. 2765
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(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section. 2767
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(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. 2771
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(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C) (1) of this section. 2774
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(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court. 2780
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 2787
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(E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their 2789
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appropriate designees shall attend training approved by the 2792
attorney general as provided in section 109.43 of the Revised 2793
Code. A future official may satisfy the requirements of this 2794
division by attending the training before taking office, 2795
provided that the future official may not send a designee in the 2796
future official's place. 2797

(2) All public offices shall adopt a public records policy 2798
in compliance with this section for responding to public records 2799
requests. In adopting a public records policy under this 2800
division, a public office may obtain guidance from the model 2801
public records policy developed and provided to the public 2802
office by the attorney general under section 109.43 of the 2803
Revised Code. Except as otherwise provided in this section, the 2804
policy may not limit the number of public records that the 2805
public office will make available to a single person, may not 2806
limit the number of public records that it will make available 2807
during a fixed period of time, and may not establish a fixed 2808
period of time before it will respond to a request for 2809
inspection or copying of public records, unless that period is 2810
less than eight hours. 2811

The public office shall distribute the public records 2812
policy adopted by the public office under this division to the 2813
employee of the public office who is the records custodian or 2814
records manager or otherwise has custody of the records of that 2815
office. The public office shall require that employee to 2816
acknowledge receipt of the copy of the public records policy. 2817
The public office shall create a poster that describes its 2818
public records policy and shall post the poster in a conspicuous 2819
place in the public office and in all locations where the public 2820
office has branch offices. The public office may post its public 2821
records policy on the internet web site of the public office if 2822

the public office maintains an internet web site. A public 2823
office that has established a manual or handbook of its general 2824
policies and procedures for all employees of the public office 2825
shall include the public records policy of the public office in 2826
the manual or handbook. 2827

(F) (1) The bureau of motor vehicles may adopt rules 2828
pursuant to Chapter 119. of the Revised Code to reasonably limit 2829
the number of bulk commercial special extraction requests made 2830
by a person for the same records or for updated records during a 2831
calendar year. The rules may include provisions for charges to 2832
be made for bulk commercial special extraction requests for the 2833
actual cost of the bureau, plus special extraction costs, plus 2834
ten per cent. The bureau may charge for expenses for redacting 2835
information, the release of which is prohibited by law. 2836

(2) As used in division (F) (1) of this section: 2837

(a) "Actual cost" means the cost of depleted supplies, 2838
records storage media costs, actual mailing and alternative 2839
delivery costs, or other transmitting costs, and any direct 2840
equipment operating and maintenance costs, including actual 2841
costs paid to private contractors for copying services. 2842

(b) "Bulk commercial special extraction request" means a 2843
request for copies of a record for information in a format other 2844
than the format already available, or information that cannot be 2845
extracted without examination of all items in a records series, 2846
class of records, or database by a person who intends to use or 2847
forward the copies for surveys, marketing, solicitation, or 2848
resale for commercial purposes. "Bulk commercial special 2849
extraction request" does not include a request by a person who 2850
gives assurance to the bureau that the person making the request 2851
does not intend to use or forward the requested copies for 2852

surveys, marketing, solicitation, or resale for commercial 2853
purposes. 2854

(c) "Commercial" means profit-seeking production, buying, 2855
or selling of any good, service, or other product. 2856

(d) "Special extraction costs" means the cost of the time 2857
spent by the lowest paid employee competent to perform the task, 2858
the actual amount paid to outside private contractors employed 2859
by the bureau, or the actual cost incurred to create computer 2860
programs to make the special extraction. "Special extraction 2861
costs" include any charges paid to a public agency for computer 2862
or records services. 2863

(3) For purposes of divisions (F) (1) and (2) of this 2864
section, "surveys, marketing, solicitation, or resale for 2865
commercial purposes" shall be narrowly construed and does not 2866
include reporting or gathering news, reporting or gathering 2867
information to assist citizen oversight or understanding of the 2868
operation or activities of government, or nonprofit educational 2869
research. 2870

(G) A request by a defendant, counsel of a defendant, or 2871
any agent of a defendant in a criminal action that public 2872
records related to that action be made available under this 2873
section shall be considered a demand for discovery pursuant to 2874
the Criminal Rules, except to the extent that the Criminal Rules 2875
plainly indicate a contrary intent. The defendant, counsel of 2876
the defendant, or agent of the defendant making a request under 2877
this division shall serve a copy of the request on the 2878
prosecuting attorney, director of law, or other chief legal 2879
officer responsible for prosecuting the action. 2880

(H) (1) Any portion of a body-worn camera or dashboard 2881

camera recording described in divisions (A) (17) (b) to (h) of 2882
this section may be released by consent of the subject of the 2883
recording or a representative of that person, as specified in 2884
those divisions, only if either of the following applies: 2885

(a) The recording will not be used in connection with any 2886
probable or pending criminal proceedings; 2887

(b) The recording has been used in connection with a 2888
criminal proceeding that was dismissed or for which a judgment 2889
has been entered pursuant to Rule 32 of the Rules of Criminal 2890
Procedure, and will not be used again in connection with any 2891
probable or pending criminal proceedings. 2892

(2) If a public office denies a request to release a 2893
restricted portion of a body-worn camera or dashboard camera 2894
recording, as defined in division (A) (17) of this section, any 2895
person may file a mandamus action pursuant to this section or a 2896
complaint with the clerk of the court of claims pursuant to 2897
section 2743.75 of the Revised Code, requesting the court to 2898
order the release of all or portions of the recording. If the 2899
court considering the request determines that the filing 2900
articulates by clear and convincing evidence that the public 2901
interest in the recording substantially outweighs privacy 2902
interests and other interests asserted to deny release, the 2903
court shall order the public office to release the recording. 2904

Sec. 307.93. ~~(A) (1)~~ (A) The boards of county commissioners 2905
of two or more adjacent counties may contract for the joint 2906
establishment of a multicounty correctional center, and the 2907
board of county commissioners of a county or the boards of two 2908
or more counties may contract with any municipal corporation or 2909
municipal corporations located in that county or those counties 2910
for the joint establishment of a municipal-county or 2911

multicounty-municipal correctional center. The center shall 2912
augment county and, where applicable, municipal jail programs 2913
and facilities by providing custody and rehabilitative programs 2914
for those persons under the charge of the sheriff of any of the 2915
contracting counties or of the officer or officers of the 2916
contracting municipal corporation or municipal corporations 2917
having charge of persons incarcerated in the municipal jail, 2918
workhouse, or other correctional facility who, in the opinion of 2919
the sentencing court, need programs of custody and 2920
rehabilitation not available at the county or municipal jail and 2921
by providing custody and rehabilitative programs in accordance 2922
with division (C) of this section, if applicable. The contract 2923
may include, but need not be limited to, provisions regarding 2924
the acquisition, construction, maintenance, repair, termination 2925
of operations, and administration of the center. The contract 2926
shall prescribe the manner of funding of, and debt assumption 2927
for, the center and the standards and procedures to be followed 2928
in the operation of the center. Except as provided in division 2929
(G) of this section, the contracting counties and municipal 2930
corporations shall form a corrections commission to oversee the 2931
administration of the center. Members of the commission shall 2932
consist of the sheriff of each participating county, a member of 2933
the board of county commissioners of each participating county, 2934
the chief of police of each participating municipal corporation, 2935
and the mayor or city manager of each participating municipal 2936
corporation. Any of the foregoing officers may appoint a 2937
designee to serve in the officer's place on the corrections 2938
commission. 2939

The standards and procedures prescribed under this 2940
division shall be formulated and agreed to by the commission and 2941
may be amended at any time during the life of the contract by 2942

agreement of a majority of the voting members of the commission 2943
or by other means set forth in the contract between the 2944
contracting counties and municipal corporations. The standards 2945
and procedures formulated by the commission and amendments to 2946
them shall include, but need not be limited to, designation of 2947
the person in charge of the center, designation of a fiscal 2948
agent, the categories of employees to be employed at the center, 2949
the appointing authority of the center, and the standards of 2950
treatment and security to be maintained at the center. The 2951
person in charge of, and all persons employed to work at, the 2952
center shall have all the powers of police officers that are 2953
necessary for the proper performance of the duties ~~and work~~ 2954
~~responsibilities of relating to their positions at the center,~~ 2955
~~provided that the corrections officers of the center may carry~~ 2956
~~firearms in the performance of those duties and responsibilities~~ 2957
~~only in accordance with division (A)(2) of this section.~~ 2958

~~(2) The person in charge of a multicounty correctional~~ 2959
~~center, or of a municipal county or multicounty municipal~~ 2960
~~correctional center, may grant permission to a corrections~~ 2961
~~officer of the center to carry firearms when required in the~~ 2962
~~discharge of official duties if the corrections officer has~~ 2963
~~successfully completed a basic firearm training program that is~~ 2964
~~approved by the executive director of the Ohio peace officer~~ 2965
~~training commission. A corrections officer who has been granted~~ 2966
~~permission to carry firearms in the discharge of official duties~~ 2967
~~annually shall successfully complete a firearms requalification~~ 2968
~~program in accordance with section 109.801 of the Revised Code.~~ 2969
~~A corrections officer may carry firearms under authority of this~~ 2970
~~division only while the officer is acting within the scope of~~ 2971
~~the officer's official duties.~~ 2972

(B) (1) Upon the establishment of a corrections commission 2973

under division (A) of this section, the judges specified in this 2974
division shall form a judicial advisory board for the purpose of 2975
making recommendations to the corrections commission on issues 2976
of bed allocation, expansion of the center that the corrections 2977
commission oversees, and other issues concerning the 2978
administration of sentences or any other matter determined to be 2979
appropriate by the board. The judges who shall form the judicial 2980
advisory board for a corrections commission are the 2981
administrative judge of the general division of the court of 2982
common pleas of each county participating in the corrections 2983
center, the presiding judge of the municipal court of each 2984
municipal corporation participating in the corrections center, 2985
and the presiding judge of each county court of each county 2986
participating in the corrections center. If the number of the 2987
foregoing members of the board is even, the county auditor or 2988
the county auditor of the most populous county if the board 2989
serves more than one county shall also be a member of the board. 2990
Any of the foregoing judges may appoint a designee to serve in 2991
the judge's place on the judicial advisory board, provided that 2992
the designee shall be a judge of the same court as the judge who 2993
makes the appointment. The judicial advisory board for a 2994
corrections commission shall meet with the corrections 2995
commission at least once each year. 2996

(2) Each board of county commissioners that enters a 2997
contract under division (A) of this section may appoint a 2998
building commission pursuant to section 153.21 of the Revised 2999
Code. If any commissions are appointed, they shall function 3000
jointly in the construction of a multicounty or multicounty- 3001
municipal correctional center with all the powers and duties 3002
authorized by law. 3003

(C) Prior to the acceptance for custody and rehabilitation 3004

into a center established under this section of any persons who 3005
are designated by the department of rehabilitation and 3006
correction, who plead guilty to or are convicted of a felony of 3007
the fourth or fifth degree, and who satisfy the other 3008
requirements listed in section 5120.161 of the Revised Code, the 3009
corrections commission of a center established under this 3010
section shall enter into an agreement with the department of 3011
rehabilitation and correction under section 5120.161 of the 3012
Revised Code for the custody and rehabilitation in the center of 3013
persons who are designated by the department, who plead guilty 3014
to or are convicted of a felony of the fourth or fifth degree, 3015
and who satisfy the other requirements listed in that section, 3016
in exchange for a per diem fee per person. Persons incarcerated 3017
in the center pursuant to an agreement entered into under this 3018
division shall be subject to supervision and control in the 3019
manner described in section 5120.161 of the Revised Code. This 3020
division does not affect the authority of a court to directly 3021
sentence a person who is convicted of or pleads guilty to a 3022
felony to the center in accordance with section 2929.16 of the 3023
Revised Code. 3024

(D) Pursuant to section 2929.37 of the Revised Code, each 3025
board of county commissioners and the legislative authority of 3026
each municipal corporation that enters into a contract under 3027
division (A) of this section may require a person who was 3028
convicted of an offense, who is under the charge of the sheriff 3029
of their county or of the officer or officers of the contracting 3030
municipal corporation or municipal corporations having charge of 3031
persons incarcerated in the municipal jail, workhouse, or other 3032
correctional facility, and who is confined in the multicounty, 3033
municipal-county, or multicounty-municipal correctional center 3034
as provided in that division, to reimburse the applicable county 3035

or municipal corporation for its expenses incurred by reason of 3036
the person's confinement in the center. 3037

(E) Notwithstanding any contrary provision in this section 3038
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 3039
corrections commission of a center may establish a policy that 3040
complies with section 2929.38 of the Revised Code and that 3041
requires any person who is not indigent and who is confined in 3042
the multicounty, municipal-county, or multicounty-municipal 3043
correctional center to pay a reception fee, a fee for medical 3044
treatment or service requested by and provided to that person, 3045
or the fee for a random drug test assessed under division (E) of 3046
section 341.26 of the Revised Code. 3047

(F) (1) The corrections commission of a center established 3048
under this section may establish a commissary for the center. 3049
The commissary may be established either in-house or by another 3050
arrangement. If a commissary is established, all persons 3051
incarcerated in the center shall receive commissary privileges. 3052
A person's purchases from the commissary shall be deducted from 3053
the person's account record in the center's business office. The 3054
commissary shall provide for the distribution to indigent 3055
persons incarcerated in the center of necessary hygiene articles 3056
and writing materials. 3057

(2) If a commissary is established, the corrections 3058
commission of a center established under this section shall 3059
establish a commissary fund for the center. The management of 3060
funds in the commissary fund shall be strictly controlled in 3061
accordance with procedures adopted by the auditor of state. 3062
Commissary fund revenue over and above operating costs and 3063
reserve shall be considered profits. All profits from the 3064
commissary fund shall be used to purchase supplies and equipment 3065

for the benefit of persons incarcerated in the center and to pay 3066
salary and benefits for employees of the center, or for any 3067
other persons, who work in or are employed for the sole purpose 3068
of providing service to the commissary. The corrections 3069
commission shall adopt rules and regulations for the operation 3070
of any commissary fund it establishes. 3071

(G) In lieu of forming a corrections commission to 3072
administer a multicounty correctional center or a municipal- 3073
county or multicounty-municipal correctional center, the boards 3074
of county commissioners and the legislative authorities of the 3075
municipal corporations contracting to establish the center may 3076
also agree to contract for the private operation and management 3077
of the center as provided in section 9.06 of the Revised Code, 3078
but only if the center houses only misdemeanor inmates. In 3079
order to enter into a contract under section 9.06 of the Revised 3080
Code, all the boards and legislative authorities establishing 3081
the center shall approve and be parties to the contract. 3082

(H) If a person who is convicted of or pleads guilty to an 3083
offense is sentenced to a term in a multicounty correctional 3084
center or a municipal-county or multicounty-municipal 3085
correctional center or is incarcerated in the center in the 3086
manner described in division (C) of this section, or if a person 3087
who is arrested for an offense, and who has been denied bail or 3088
has had bail set and has not been released on bail is confined 3089
in a multicounty correctional center or a municipal-county or 3090
multicounty-municipal correctional center pending trial, at the 3091
time of reception and at other times the officer, officers, or 3092
other person in charge of the operation of the center determines 3093
to be appropriate, the officer, officers, or other person in 3094
charge of the operation of the center may cause the convicted or 3095
accused offender to be examined and tested for tuberculosis, HIV 3096

infection, hepatitis, including but not limited to hepatitis A, 3097
B, and C, and other contagious diseases. The officer, officers, 3098
or other person in charge of the operation of the center may 3099
cause a convicted or accused offender in the center who refuses 3100
to be tested or treated for tuberculosis, HIV infection, 3101
hepatitis, including but not limited to hepatitis A, B, and C, 3102
or another contagious disease to be tested and treated 3103
involuntarily. 3104

(I) As used in this section, "multicounty-municipal" means 3105
more than one county and a municipal corporation, or more than 3106
one municipal corporation and a county, or more than one 3107
municipal corporation and more than one county. 3108

Sec. 313.10. (A) (1) Except as otherwise provided in this 3109
section, the records of the coroner who has jurisdiction over 3110
the case, including, but not limited to, the detailed 3111
descriptions of the observations written during the progress of 3112
an autopsy and the conclusions drawn from those observations 3113
filed in the office of the coroner under division (A) of section 3114
313.13 of the Revised Code, made personally by the coroner or by 3115
anyone acting under the coroner's direction or supervision, are 3116
public records. Those records, or transcripts or photostatic 3117
copies of them, certified by the coroner shall be received as 3118
evidence in any criminal or civil action or proceeding in a 3119
court in this state, as to the facts contained in those records. 3120
The coroner of the county where the death was pronounced shall 3121
be responsible for the release of all public records relating to 3122
that death. 3123

(2) Except as otherwise provided in division (D) or (E) of 3124
this section, the following records in a coroner's office are 3125
not public records: 3126

(a) Preliminary autopsy and investigative notes and findings made by the coroner or by anyone acting under the coroner's direction or supervision;	3127 3128 3129
(b) Photographs of a decedent made by the coroner or by anyone acting under the coroner's direction or supervision;	3130 3131
(c) Suicide notes;	3132
(d) Medical and psychiatric records provided to the coroner, a deputy coroner, or a representative of the coroner or a deputy coroner under section 313.091 of the Revised Code;	3133 3134 3135
(e) Records of a deceased individual that are confidential law enforcement investigatory records as defined in section 149.43 of the Revised Code;	3136 3137 3138
(f) Laboratory reports generated from the analysis of physical evidence by the coroner's laboratory that is discoverable under Criminal Rule 16.	3139 3140 3141
(3) In the coroner's discretion, photographs of a decedent may be used for medical, legal, or educational purposes.	3142 3143
(B) All records in the coroner's office that are public records are open to inspection by the public, and any person may receive a copy of any such record or part of it upon demand in writing, accompanied by payment of a record retrieval and copying fee, at the rate of twenty-five cents per page or a minimum fee of one dollar.	3144 3145 3146 3147 3148 3149
(C) (1) The coroner shall provide a copy of the full and complete records of the coroner with respect to a decedent to a person who makes a written request as the next of kin of the decedent. The following persons may make a request pursuant to this division as the next of kin of a decedent:	3150 3151 3152 3153 3154

- (a) The surviving spouse of the decedent; 3155
- (b) If there is no surviving spouse, or if the surviving spouse has died without having made a request pursuant to this division, any child of the decedent over eighteen years of age, with each child over eighteen years of age having an independent right to make a request pursuant to this division; 3156
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- (c) If there is no surviving spouse or child over eighteen years of age, or if the surviving spouse and all children over eighteen years of age have died without having made a request pursuant to this division, the parents of the decedent, with each parent having an independent right to make a request pursuant to this division; 3161
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- (d) If there is no surviving spouse, child over eighteen years of age, or parents of the decedent, or if all have died without having made a request pursuant to this division, the brothers and sisters of the decedent, whether of the whole or the half blood, with each having an independent right to make a request pursuant to this division. 3167
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- (2) If there is no surviving person who may make a written request as next of kin for a copy of the full and complete records of the coroner pursuant to division (C)(1) of this section, or if all next of kin of the decedent have died without having made a request pursuant to that division, the coroner shall provide a copy of the full and complete records of the coroner with respect to a decedent to the representative of the estate of the decedent who is the subject of the records upon written request made by the representative. 3173
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- (D) A journalist may submit to the coroner a written request to view ~~preliminary autopsy and investigative notes and~~ 3182
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~~findings, suicide notes, or~~ photographs of the decedent made by 3184
the coroner or by anyone acting under the coroner's discretion 3185
or supervision, or preliminary autopsy and investigative notes 3186
and findings but not records of a deceased individual that are 3187
confidential law enforcement investigatory records as defined in 3188
section 149.43 of the Revised Code. The request shall include 3189
the journalist's name and title and the name and address of the 3190
journalist's employer and state that the granting of the request 3191
would be in the best interest of the public. If a journalist 3192
submits a written request to the coroner to view the records 3193
described in this division, the coroner shall grant the 3194
journalist's request. The journalist shall not copy the 3195
preliminary autopsy and investigative notes and findings, 3196
suicide notes, or photographs of the decedent. 3197

(E) (1) An insurer may submit to the coroner a written 3198
request to obtain a copy of the full and complete records of the 3199
coroner with respect to a deceased person. The request shall 3200
include the name of the deceased person, the type of policy to 3201
which the written request relates, and the name and address of 3202
the insurer. 3203

(2) If an insurer submits a written request to the coroner 3204
to obtain a copy of records pursuant to division (E) (1) of this 3205
section, the coroner shall grant that request. 3206

(3) Upon the granting of a written request to obtain a 3207
copy of records by the coroner, the insurer may utilize the 3208
records for the following purposes: 3209

(a) To investigate any first party claim or third party 3210
claim asserted under a policy of insurance issued by the insurer 3211
that arises from the death of the deceased person; 3212

(b) To determine coverage for any first party claim or 3213
third party claim asserted under a policy of insurance issued by 3214
the insurer that arises from the death of the deceased person; 3215

(c) To determine the insurer's liability for any first 3216
party claim or third party claim asserted under a policy of 3217
insurance issued by the insurer that arises from the death of 3218
the deceased person. 3219

(4) Prior to the delivery of records that are the subject 3220
of a request made pursuant to division (E)(1) of this section, 3221
the coroner may require the insurer who submitted the written 3222
request for the records to provide a payment to the coroner of a 3223
record retrieval and copying fee at the rate of twenty-five 3224
cents per page or a minimum fee of one dollar. 3225

(5) Any records produced by the coroner in response to a 3226
written request under division (E)(1) of this section shall 3227
remain in the care, custody, and control of the insurer and its 3228
employees or representatives at all times. The insurer may not 3229
release or disclose the records to any other person unless any 3230
of the following apply: 3231

(a) The release of the records is reasonably necessary to 3232
further a purpose described in division (E)(3) of this section. 3233

(b) A court of competent jurisdiction orders the insurer 3234
to produce the records. 3235

(c) The insurer is required to produce the records in 3236
response to a civil or criminal subpoena. 3237

(d) The insurer is responding to a request for the records 3238
from a law enforcement agency, the department of insurance or a 3239
department of insurance from another state, or another 3240
governmental authority. 3241

(F) The coroner may contact the decedent's next of kin to 3242
inform the next of kin that a journalist or an insurer has 3243
submitted a written request pursuant to division (D) or (E) of 3244
this section and whether the coroner has granted the 3245
journalist's or the insurer's request. 3246

(G) As used in this section: 3247

(1) "Full and complete records of the coroner" includes, 3248
but is not limited to, the following: 3249

(a) The detailed descriptions of the observations written 3250
by the coroner or by anyone acting under the coroner's direction 3251
or supervision during the progress of an autopsy and the 3252
conclusions drawn from those observations that are filed in the 3253
office of the coroner under division (A) of section 313.13 of 3254
the Revised Code; 3255

(b) Preliminary autopsy and investigative notes and 3256
findings made by the coroner or by anyone acting under the 3257
coroner's direction or supervision; 3258

(c) Photographs of a decedent made by the coroner or by 3259
anyone acting under the coroner's direction or supervision; 3260

(d) Suicide notes; 3261

(e) Medical and psychiatric records provided to the 3262
coroner, a deputy coroner, or a representative of the coroner or 3263
a deputy coroner under section 313.091 of the Revised Code; 3264

(f) Records of a deceased individual that are confidential 3265
law enforcement investigatory records as defined in section 3266
149.43 of the Revised Code; 3267

(g) Laboratory reports generated from the analysis of 3268
physical evidence by the coroner's laboratory that is 3269

discoverable under Criminal Rule 16.	3270
(2) "Insurer" has the same meaning as in section 3901.07 of the Revised Code.	3271 3272
(3) "Journalist" has the same meaning as in section 149.43 of the Revised Code.	3273 3274
Sec. 341.42. (A) As used in this section:	3275
(1) "County correctional officer" has the same meaning as in section 341.41 of the Revised Code.	3276 3277
(2) "Computer," "computer network," "computer system," "computer services," "telecommunications service," and "information service" have the same meanings as in section 2913.01 of the Revised Code.	3278 3279 3280 3281
(3) "County correctional facility" means a county jail, county workhouse, minimum security jail, joint city and county workhouse, municipal-county correctional center, multicounty- municipal correctional center, municipal-county jail or workhouse, or multicounty-municipal jail or workhouse.	3282 3283 3284 3285 3286
(B) No county correctional officer shall provide a prisoner access to or permit a prisoner to have access to the internet through the use of a computer, computer network, computer system, computer services, telecommunications service, or information service unless both of the following apply:	3287 3288 3289 3290 3291
(1) The prisoner is participating in an approved- educational program with direct supervision that requires the- use of the internet for training or research purposes <u>accessing</u> <u>the internet solely for a use or purpose approved by the</u> <u>managing officer of that prisoner's county correctional facility</u> <u>or by the managing officer's designee.</u>	3292 3293 3294 3295 3296 3297

(2) The provision of and access to the internet is in 3298
accordance with rules promulgated by the department of 3299
rehabilitation and correction pursuant to section 5120.62 of the 3300
Revised Code. 3301

(C) (1) No prisoner in a county correctional facility under 3302
the control of a county shall access the internet through the 3303
use of a computer, computer network, computer system, computer 3304
services, telecommunications service, or information service 3305
unless both of the following apply: 3306

(a) The prisoner is ~~participating in an approved~~ 3307
~~educational program with direct supervision that requires the~~ 3308
~~use of the internet for training or research purposes~~accessing 3309
the internet solely for a use or purpose approved by the 3310
managing officer of that prisoner's county correctional facility 3311
or by the managing officer's designee. 3312

(b) The provision of and access to the internet is in 3313
accordance with rules promulgated by the department of 3314
rehabilitation and correction pursuant to section 5120.62 of the 3315
Revised Code. 3316

(2) Whoever violates division (C) (1) of this section is 3317
guilty of improper internet access, a misdemeanor of the first 3318
degree. 3319

Sec. 753.32. (A) As used in this section: 3320

(1) "Municipal correctional officer" has the same meaning 3321
as in section 753.31 of the Revised Code. 3322

(2) "Computer," "computer network," "computer system," 3323
"computer services," "telecommunications service," and 3324
"information service" have the same meanings as in section 3325
2913.01 of the Revised Code. 3326

(3) "Municipal correctional facility" means a municipal 3327
jail, municipal workhouse, minimum security jail, joint city and 3328
county workhouse, municipal-county correctional center, 3329
multicounty-municipal correctional center, municipal-county jail 3330
or workhouse, or multicounty-municipal jail or workhouse. 3331

(B) No municipal correctional officer shall provide a 3332
prisoner access to or permit a prisoner to have access to the 3333
internet through the use of a computer, computer network, 3334
computer system, computer services, telecommunications service, 3335
or information service unless both of the following apply: 3336

(1) The prisoner is ~~participating in an approved~~ 3337
~~educational program with direct supervision that requires the~~ 3338
~~use of the internet for training or research purposes~~accessing 3339
the internet solely for a use or purpose approved by the 3340
managing officer of that prisoner's municipal correctional 3341
facility or by the managing officer's designee. 3342

(2) The provision of and access to the internet is in 3343
accordance with rules promulgated by the department of 3344
rehabilitation and correction pursuant to section 5120.62 of the 3345
Revised Code. 3346

(C) (1) No prisoner in a municipal correctional facility 3347
under the control of a municipal corporation shall access the 3348
internet through the use of a computer, computer network, 3349
computer system, computer services, telecommunications service, 3350
or information service unless both of the following apply: 3351

(a) The prisoner is ~~participating in an approved~~ 3352
~~educational program with direct supervision that requires the~~ 3353
~~use of the internet for training or research purposes~~accessing 3354
the internet solely for a use or purpose approved by the 3355

managing officer of that prisoner's municipal correctional 3356
facility or by the managing officer's designee. 3357

(b) The provision of and access to the internet is in 3358
accordance with rules promulgated by the department of 3359
rehabilitation and correction pursuant to section 5120.62 of the 3360
Revised Code. 3361

(2) Whoever violates division (C) (1) of this section is 3362
guilty of improper internet access, a misdemeanor of the first 3363
degree. 3364

Sec. 2151.34. (A) As used in this section: 3365

(1) "Court" means the juvenile division of the court of 3366
common pleas of the county in which the person to be protected 3367
by the protection order resides. 3368

(2) "Victim advocate" means a person who provides support 3369
and assistance for a person who files a petition under this 3370
section. 3371

(3) "Family or household member" has the same meaning as 3372
in section 3113.31 of the Revised Code. 3373

(4) "Protection order issued by a court of another state" 3374
has the same meaning as in section 2919.27 of the Revised Code. 3375

(5) "Petitioner" means a person who files a petition under 3376
this section and includes a person on whose behalf a petition 3377
under this section is filed. 3378

(6) "Respondent" means a person who is under eighteen 3379
years of age and against whom a petition is filed under this 3380
section. 3381

(7) "Sexually oriented offense" has the same meaning as in 3382

section 2950.01 of the Revised Code. 3383

(8) "Electronic monitoring" has the same meaning as in 3384
section 2929.01 of the Revised Code. 3385

(9) "Companion animal" has the same meaning as in section 3386
959.131 of the Revised Code. 3387

(B) The court has jurisdiction over all proceedings under 3388
this section. 3389

(C) (1) Any of the following persons may seek relief under 3390
this section by filing a petition with the court: 3391

(a) Any person on behalf of that person; 3392

(b) Any parent or adult family or household member on 3393
behalf of any other family or household member; 3394

(c) Any person who is determined by the court in its 3395
discretion as an appropriate person to seek relief under this 3396
section on behalf of any child. 3397

(2) The petition shall contain or state all of the 3398
following: 3399

(a) An allegation that the respondent engaged in a 3400
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 3401
2903.211, or 2903.22, ~~or 2911.211~~ division (B) of section 3402
2911.06 of the Revised Code, committed a sexually oriented 3403
offense, or engaged in a violation of any municipal ordinance 3404
that is substantially equivalent to any of those offenses 3405
against the person to be protected by the protection order, 3406
including a description of the nature and extent of the 3407
violation; 3408

(b) If the petitioner seeks relief in the form of 3409

electronic monitoring of the respondent, an allegation that at 3410
any time preceding the filing of the petition the respondent 3411
engaged in conduct that would cause a reasonable person to 3412
believe that the health, welfare, or safety of the person to be 3413
protected was at risk, a description of the nature and extent of 3414
that conduct, and an allegation that the respondent presents a 3415
continuing danger to the person to be protected; 3416

(c) A request for relief under this section. 3417

(3) The court in its discretion may determine whether or 3418
not to give notice that a petition has been filed under division 3419
(C) (1) of this section on behalf of a child to any of the 3420
following: 3421

(a) A parent of the child if the petition was filed by any 3422
person other than a parent of the child; 3423

(b) Any person who is determined by the court to be an 3424
appropriate person to receive notice of the filing of the 3425
petition. 3426

(D) (1) If a person who files a petition pursuant to this 3427
section requests an ex parte order, the court shall hold an ex 3428
parte hearing as soon as possible after the petition is filed, 3429
but not later than the next day after the court is in session 3430
after the petition is filed. The court, for good cause shown at 3431
the ex parte hearing, may enter any temporary orders, with or 3432
without bond, that the court finds necessary for the safety and 3433
protection of the person to be protected by the order. Immediate 3434
and present danger to the person to be protected by the 3435
protection order constitutes good cause for purposes of this 3436
section. Immediate and present danger includes, but is not 3437
limited to, situations in which the respondent has threatened 3438

the person to be protected by the protection order with bodily 3439
harm or in which the respondent previously has been convicted 3440
of, pleaded guilty to, or been adjudicated a delinquent child 3441
for committing a violation of section 2903.11, 2903.12, 2903.13, 3442
2903.21, 2903.211, or 2903.22, or ~~2911.211~~ division (B) of 3443
section 2911.06 of the Revised Code, a sexually oriented 3444
offense, or a violation of any municipal ordinance that is 3445
substantially equivalent to any of those offenses against the 3446
person to be protected by the protection order. 3447

(2) (a) If the court, after an ex parte hearing, issues a 3448
protection order described in division (E) of this section, the 3449
court shall schedule a full hearing for a date that is within 3450
ten court days after the ex parte hearing. The court shall give 3451
the respondent notice of, and an opportunity to be heard at, the 3452
full hearing. The court also shall give notice of the full 3453
hearing to the parent, guardian, or legal custodian of the 3454
respondent. The court shall hold the full hearing on the date 3455
scheduled under this division unless the court grants a 3456
continuance of the hearing in accordance with this division. 3457
Under any of the following circumstances or for any of the 3458
following reasons, the court may grant a continuance of the full 3459
hearing to a reasonable time determined by the court: 3460

(i) Prior to the date scheduled for the full hearing under 3461
this division, the respondent has not been served with the 3462
petition filed pursuant to this section and notice of the full 3463
hearing. 3464

(ii) The parties consent to the continuance. 3465

(iii) The continuance is needed to allow a ~~party~~ 3466
respondent to obtain counsel. 3467

~~(iv) The continuance is needed for other good cause.~~ 3468

(b) An ex parte order issued under this section does not 3469
expire because of a failure to serve notice of the full hearing 3470
upon the respondent before the date set for the full hearing 3471
under division (D) (2) (a) of this section or because the court 3472
grants a continuance under that division. 3473

(3) If a person who files a petition pursuant to this 3474
section does not request an ex parte order, or if a person 3475
requests an ex parte order but the court does not issue an ex 3476
parte order after an ex parte hearing, the court shall proceed 3477
as in a normal civil action and grant a full hearing on the 3478
matter. 3479

(E) (1) (a) After an ex parte or full hearing, the court may 3480
issue any protection order, with or without bond, that contains 3481
terms designed to ensure the safety and protection of the person 3482
to be protected by the protection order. The court may include 3483
within a protection order issued under this section a term 3484
requiring that the respondent not remove, damage, hide, harm, or 3485
dispose of any companion animal owned or possessed by the person 3486
to be protected by the order, and may include within the order a 3487
term authorizing the person to be protected by the order to 3488
remove a companion animal owned by the person to be protected by 3489
the order from the possession of the respondent. 3490

(b) After a full hearing, if the court considering a 3491
petition that includes an allegation of the type described in 3492
division (C) (2) (b) of this section or the court, upon its own 3493
motion, finds upon clear and convincing evidence that the 3494
petitioner reasonably believed that the respondent's conduct at 3495
any time preceding the filing of the petition endangered the 3496
health, welfare, or safety of the person to be protected and 3497

that the respondent presents a continuing danger to the person 3498
to be protected and if division (N) of this section does not 3499
prohibit the issuance of an order that the respondent be 3500
electronically monitored, the court may order that the 3501
respondent be electronically monitored for a period of time and 3502
under the terms and conditions that the court determines are 3503
appropriate. Electronic monitoring shall be in addition to any 3504
other relief granted to the petitioner. 3505

(2) (a) Any protection order issued pursuant to this 3506
section shall be valid until a date certain but not later than 3507
the date the respondent attains nineteen years of age. 3508

(b) Any protection order issued pursuant to this section 3509
may be renewed in the same manner as the original order was 3510
issued. 3511

(3) A court may not issue a protection order that requires 3512
a petitioner to do or to refrain from doing an act that the 3513
court may require a respondent to do or to refrain from doing 3514
under division (E)(1) of this section unless all of the 3515
following apply: 3516

(a) The respondent files a separate petition for a 3517
protection order in accordance with this section. 3518

(b) The petitioner is served with notice of the 3519
respondent's petition at least forty-eight hours before the 3520
court holds a hearing with respect to the respondent's petition, 3521
or the petitioner waives the right to receive this notice. 3522

(c) If the petitioner has requested an ex parte order 3523
pursuant to division (D) of this section, the court does not 3524
delay any hearing required by that division beyond the time 3525
specified in that division in order to consolidate the hearing 3526

with a hearing on the petition filed by the respondent. 3527

(d) After a full hearing at which the respondent presents 3528
evidence in support of the request for a protection order and 3529
the petitioner is afforded an opportunity to defend against that 3530
evidence, the court determines that the petitioner has committed 3531
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 3532
2903.211, or 2903.22, ~~or 2911.211~~ division (B) of section 3533
2911.06 of the Revised Code, a sexually oriented offense, or a 3534
violation of any municipal ordinance that is substantially 3535
equivalent to any of those offenses against the person to be 3536
protected by the protection order issued pursuant to division 3537
(E) (3) of this section, or has violated a protection order 3538
issued pursuant to this section or section 2903.213 of the 3539
Revised Code relative to the person to be protected by the 3540
protection order issued pursuant to division (E) (3) of this 3541
section. 3542

(4) No protection order issued pursuant to this section 3543
shall in any manner affect title to any real property. 3544

(5) (a) A protection order issued under this section shall 3545
clearly state that the person to be protected by the order 3546
cannot waive or nullify by invitation or consent any requirement 3547
in the order. 3548

(b) Division (E) (5) (a) of this section does not limit any 3549
discretion of a court to determine that a respondent alleged to 3550
have violated section 2919.27 of the Revised Code, violated a 3551
municipal ordinance substantially equivalent to that section, or 3552
committed contempt of court, which allegation is based on an 3553
alleged violation of a protection order issued under this 3554
section, did not commit the violation or was not in contempt of 3555
court. 3556

(6) Any protection order issued pursuant to this section 3557
shall include a provision that the court will automatically seal 3558
all of the records of the proceeding in which the order is 3559
issued on the date the respondent attains the age of nineteen 3560
years unless the petitioner provides the court with evidence 3561
that the respondent has not complied with all of the terms of 3562
the protection order. The protection order shall specify the 3563
date when the respondent attains the age of nineteen years. 3564

(F) (1) The court shall cause the delivery of a copy of any 3565
protection order that is issued under this section to the 3566
petitioner, to the respondent, and to all law enforcement 3567
agencies that have jurisdiction to enforce the order. The court 3568
shall direct that a copy of the order be delivered to the 3569
respondent and the parent, guardian, or legal custodian of the 3570
respondent on the same day that the order is entered. 3571

(2) Upon the issuance of a protection order under this 3572
section, the court shall provide the parties to the order with 3573
the following notice orally or by form: 3574

"NOTICE 3575

As a result of this order, it may be unlawful for you to 3576
possess or purchase a firearm, including a rifle, pistol, or 3577
revolver, or ammunition pursuant to federal law under 18 U.S.C. 3578
922(g) (8) for the duration of this order. If you have any 3579
questions whether this law makes it illegal for you to possess 3580
or purchase a firearm or ammunition, you should consult an 3581
attorney." 3582

(3) All law enforcement agencies shall establish and 3583
maintain an index for the protection orders delivered to the 3584
agencies pursuant to division (F) (1) of this section. With 3585

respect to each order delivered, each agency shall note on the 3586
index the date and time that it received the order. 3587

(4) Regardless of whether the petitioner has registered 3588
the protection order in the county in which the officer's agency 3589
has jurisdiction pursuant to division (M) of this section, any 3590
officer of a law enforcement agency shall enforce a protection 3591
order issued pursuant to this section by any court in this state 3592
in accordance with the provisions of the order, including 3593
removing the respondent from the premises, if appropriate. 3594

(G) (1) Any proceeding under this section shall be 3595
conducted in accordance with the Rules of Civil Procedure, 3596
except that a protection order may be obtained under this 3597
section with or without bond. An order issued under this 3598
section, other than an ex parte order, that grants a protection 3599
order, or that refuses to grant a protection order, is a final, 3600
appealable order. The remedies and procedures provided in this 3601
section are in addition to, and not in lieu of, any other 3602
available civil or criminal remedies or any other available 3603
remedies under Chapter 2151. or 2152. of the Revised Code. 3604

(2) If as provided in division (G) (1) of this section an 3605
order issued under this section, other than an ex parte order, 3606
refuses to grant a protection order, the court, on its own 3607
motion, shall order that the ex parte order issued under this 3608
section and all of the records pertaining to that ex parte order 3609
be sealed after either of the following occurs: 3610

(a) No party has exercised the right to appeal pursuant to 3611
Rule 4 of the Rules of Appellate Procedure. 3612

(b) All appellate rights have been exhausted. 3613

(H) The filing of proceedings under this section does not 3614

excuse a person from filing any report or giving any notice 3615
required by section 2151.421 of the Revised Code or by any other 3616
law. 3617

(I) Any law enforcement agency that investigates an 3618
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 3619
2903.211, or 2903.22, ~~or 2911.211~~ division (B) of section 3620
2911.06 of the Revised Code, an alleged commission of a sexually 3621
oriented offense, or an alleged violation of a municipal 3622
ordinance that is substantially equivalent to any of those 3623
offenses shall provide information to the victim and the family 3624
or household members of the victim regarding the relief 3625
available under this section. 3626

(J) (1) Subject to division (J) (2) of this section and 3627
regardless of whether a protection order is issued or a consent 3628
agreement is approved by a court of another county or by a court 3629
of another state, no court or unit of state or local government 3630
shall charge the petitioner any fee, cost, deposit, or money in 3631
connection with the filing of a petition pursuant to this 3632
section, in connection with the filing, issuance, registration, 3633
modification, enforcement, dismissal, withdrawal, or service of 3634
a protection order, consent agreement, or witness subpoena or 3635
for obtaining a certified copy of a protection order or consent 3636
agreement. 3637

(2) Regardless of whether a protection order is issued or 3638
a consent agreement is approved pursuant to this section, the 3639
court may assess costs against the respondent in connection with 3640
the filing, issuance, registration, modification, enforcement, 3641
dismissal, withdrawal, or service of a protection order, consent 3642
agreement, or witness subpoena or for obtaining a certified copy 3643
of a protection order or consent agreement. 3644

(K) (1) A person who violates a protection order issued 3645
under this section is subject to the following sanctions: 3646

(a) A delinquent child proceeding or a criminal 3647
prosecution for a violation of section 2919.27 of the Revised 3648
Code, if the violation of the protection order constitutes a 3649
violation of that section; 3650

(b) Punishment for contempt of court. 3651

(2) The punishment of a person for contempt of court for 3652
violation of a protection order issued under this section does 3653
not bar criminal prosecution of the person or a delinquent child 3654
proceeding concerning the person for a violation of section 3655
2919.27 of the Revised Code. However, a person punished for 3656
contempt of court is entitled to credit for the punishment 3657
imposed upon conviction of or adjudication as a delinquent child 3658
for a violation of that section, and a person convicted of or 3659
adjudicated a delinquent child for a violation of that section 3660
shall not subsequently be punished for contempt of court arising 3661
out of the same activity. 3662

(L) In all stages of a proceeding under this section, a 3663
petitioner may be accompanied by a victim advocate. 3664

(M) (1) A petitioner who obtains a protection order under 3665
this section may provide notice of the issuance or approval of 3666
the order to the judicial and law enforcement officials in any 3667
county other than the county in which the order is issued by 3668
registering that order in the other county pursuant to division 3669
(M) (2) of this section and filing a copy of the registered order 3670
with a law enforcement agency in the other county in accordance 3671
with that division. A person who obtains a protection order 3672
issued by a court of another state may provide notice of the 3673

issuance of the order to the judicial and law enforcement 3674
officials in any county of this state by registering the order 3675
in that county pursuant to section 2919.272 of the Revised Code 3676
and filing a copy of the registered order with a law enforcement 3677
agency in that county. 3678

(2) A petitioner may register a protection order issued 3679
pursuant to this section in a county other than the county in 3680
which the court that issued the order is located in the 3681
following manner: 3682

(a) The petitioner shall obtain a certified copy of the 3683
order from the clerk of the court that issued the order and 3684
present that certified copy to the clerk of the court of common 3685
pleas or the clerk of a municipal court or county court in the 3686
county in which the order is to be registered. 3687

(b) Upon accepting the certified copy of the order for 3688
registration, the clerk of the court of common pleas, municipal 3689
court, or county court shall place an endorsement of 3690
registration on the order and give the petitioner a copy of the 3691
order that bears that proof of registration. 3692

(3) The clerk of each court of common pleas, municipal 3693
court, or county court shall maintain a registry of certified 3694
copies of protection orders that have been issued by courts in 3695
other counties pursuant to this section and that have been 3696
registered with the clerk. 3697

(N) If the court orders electronic monitoring of the 3698
respondent under this section, the court shall direct the 3699
sheriff's office or any other appropriate law enforcement agency 3700
to install the electronic monitoring device and to monitor the 3701
respondent. Unless the court determines that the respondent is 3702

indigent, the court shall order the respondent to pay the cost 3703
of the installation and monitoring of the electronic monitoring 3704
device. If the court determines that the respondent is indigent 3705
and subject to the maximum amount allowable to be paid in any 3706
year from the fund and the rules promulgated by the attorney 3707
general under section 2903.214 of the Revised Code, the cost of 3708
the installation and monitoring of the electronic monitoring 3709
device may be paid out of funds from the reparations fund 3710
created pursuant to section 2743.191 of the Revised Code. The 3711
total amount paid from the reparations fund created pursuant to 3712
section 2743.191 of the Revised Code for electronic monitoring 3713
under this section and sections 2903.214 and 2919.27 of the 3714
Revised Code shall not exceed three hundred thousand dollars per 3715
year. When the total amount paid from the reparations fund in 3716
any year for electronic monitoring under those sections equals 3717
or exceeds three hundred thousand dollars, the court shall not 3718
order pursuant to this section that an indigent respondent be 3719
electronically monitored. 3720

(O) The court, in its discretion, may determine if the 3721
respondent is entitled to court-appointed counsel in a 3722
proceeding under this section. 3723

Sec. 2151.358. (A) The juvenile court shall expunge all 3724
records sealed under section 2151.356 of the Revised Code five 3725
years after the court issues a sealing order or upon the twenty- 3726
third birthday of the person who is the subject of the sealing 3727
order, whichever date is earlier. 3728

(B) Notwithstanding division (A) of this section, upon 3729
application by the person who has had a record sealed under 3730
section 2151.356 of the Revised Code, the juvenile court may 3731
expunge a record sealed under section 2151.356 of the Revised 3732

Code. In making the determination whether to expunge records, 3733
all of the following apply: 3734

(1) The court may require a person filing an application 3735
for expungement to submit any relevant documentation to support 3736
the application. 3737

(2) The court may cause an investigation to be made to 3738
determine if the person who is the subject of the proceedings 3739
has been rehabilitated to a satisfactory degree. 3740

(3) The court shall promptly notify the prosecuting 3741
attorney of any proceedings to expunge records. 3742

(4) (a) The prosecuting attorney may file a response with 3743
the court within thirty days of receiving notice of the 3744
expungement proceedings. 3745

(b) If the prosecuting attorney does not file a response 3746
with the court or if the prosecuting attorney files a response 3747
but indicates that the prosecuting attorney does not object to 3748
the expungement of the records, the court may order the records 3749
of the person that are under consideration to be expunged 3750
without conducting a hearing on the application. If the court 3751
decides in its discretion to conduct a hearing on the 3752
application, the court shall conduct the hearing within thirty 3753
days after making that decision and shall give notice, by 3754
regular mail, of the date, time, and location of the hearing to 3755
the prosecuting attorney and to the person who is the subject of 3756
the records under consideration. 3757

(c) If the prosecuting attorney files a response with the 3758
court that indicates that the prosecuting attorney objects to 3759
the expungement of the records, the court shall conduct a 3760
hearing on the application within thirty days after the court 3761

receives the response. The court shall give notice, by regular 3762
mail, of the date, time, and location of the hearing to the 3763
prosecuting attorney and to the person who is the subject of the 3764
records under consideration. 3765

(5) After conducting a hearing in accordance with division 3766
(B) (4) of this section or after due consideration when a hearing 3767
is not conducted, the court may order the records of the person 3768
that are the subject of the application to be expunged if it 3769
finds that the person has been rehabilitated to a satisfactory 3770
degree. In determining whether the person has been rehabilitated 3771
to a satisfactory degree, the court may consider all of the 3772
following: 3773

(a) The age of the person; 3774

(b) The nature of the case; 3775

(c) The cessation or continuation of delinquent, unruly, 3776
or criminal behavior; 3777

(d) The education and employment history of the person; 3778

(e) Any other circumstances that may relate to the 3779
rehabilitation of the person who is the subject of the records 3780
under consideration. 3781

(C) If the juvenile court is notified by any party in a 3782
civil action that a civil action has been filed based on a case 3783
the records for which are the subject of a sealing order, the 3784
juvenile court shall not expunge a record sealed under section 3785
2151.356 of the Revised Code until the civil action has been 3786
resolved and is not subject to further appellate review, at 3787
which time the records shall be expunged pursuant to division 3788
(A) of this section. 3789

(D) (1) A juvenile court that issues a protection order or 3790
approves a consent agreement under section 2151.34 or 3113.31 of 3791
the Revised Code shall automatically seal all of the records of 3792
the proceeding in which the order was issued or agreement 3793
approved on the date the person against whom the protection 3794
order was issued or the consent agreement approved attains the 3795
age of nineteen years if the court determines that the person 3796
has complied with all of the terms of the protection order or 3797
consent agreement. 3798

(2) In a proceeding under section 2151.34 of the Revised 3799
Code, if the juvenile court does not issue any protection order 3800
under division (E) of that section, the court shall 3801
automatically seal all of the records in that proceeding. In a 3802
proceeding under section 3113.31 of the Revised Code, if the 3803
juvenile court does not issue any protection order or approve 3804
any consent agreement under division (E) of that section, the 3805
court shall automatically seal all of the records in that 3806
proceeding. 3807

(3) (a) If a juvenile court that issues a protection order 3808
or approves a consent agreement under section 2151.34 or 3113.31 3809
of the Revised Code determines that the person against whom the 3810
protection order was issued or the consent agreement approved 3811
has not complied with all of the terms of the protection order 3812
or consent agreement, the court shall consider sealing all of 3813
the records of the proceeding in which the order was issued or 3814
agreement approved upon the court's own motion or upon the 3815
application of a person. The court may make the motion or the 3816
person who is the subject of the records under consideration may 3817
apply for an order sealing the records of the proceeding at any 3818
time after two years after the expiration of the protection 3819
order or consent agreement. 3820

(b) In making a determination whether to seal records 3821
pursuant to division (D) (3) of this section, all of the 3822
following apply: 3823

(i) The court may require a person filing an application 3824
under division (D) (3) of this section to submit any relevant 3825
documentation to support the application. 3826

(ii) The court shall promptly notify the victim or the 3827
victim's attorney of any proceedings to seal records initiated 3828
pursuant to division (D) (3) of this section. 3829

(iii) The victim or the victim's attorney may file a 3830
response with the court within thirty days of receiving notice 3831
of the sealing proceedings. 3832

If the victim or the victim's attorney does not file a 3833
response with the court or if the victim or the victim's 3834
attorney files a response but indicates that the victim or the 3835
victim's attorney does not object to the sealing of the records, 3836
the court may order the records of the person that are under 3837
consideration to be sealed without conducting a hearing on the 3838
motion or application. If the court decides in its discretion to 3839
conduct a hearing on the motion or application, the court shall 3840
conduct the hearing within thirty days after making that 3841
decision and shall give notice, by regular mail, of the date, 3842
time, and location of the hearing to the victim or the victim's 3843
attorney and to the person who is the subject of the records 3844
under consideration. 3845

If the victim or the victim's attorney files a response 3846
with the court that indicates that the victim or the victim's 3847
attorney objects to the sealing of the records, the court shall 3848
conduct a hearing on the motion or application within thirty 3849

days after the court receives the response. The court shall give 3850
notice, by regular mail, of the date, time, and location of the 3851
hearing to the victim or the victim's attorney and to the person 3852
who is the subject of the records under consideration. 3853

(iv) After conducting a hearing in accordance with 3854
division (D) (3) (b) (iii) of this section or after due 3855
consideration when a hearing is not conducted, the court may 3856
order the records of the person that are the subject of the 3857
motion or application to be sealed. 3858

(4) Inspection of the records sealed pursuant to division 3859
(D) (1), (2), or (3) of this section may be made only by the 3860
following persons or for the following purposes: 3861

(a) By a law enforcement officer or prosecutor, or the 3862
assistants of either, to determine whether the nature and 3863
character of the offense with which a person is to be charged 3864
would be affected by virtue of the person's previously having 3865
been convicted of a crime; 3866

(b) By the parole or probation officer of the person who 3867
is the subject of the records, for the exclusive use of the 3868
officer in supervising the person while on parole or under a 3869
community control sanction or a post-release control sanction, 3870
and in making inquiries and written reports as requested by the 3871
court or adult parole authority; 3872

(c) Upon application by the person who is the subject of 3873
the records, by the persons named in the application; 3874

(d) By a law enforcement officer who was involved in the 3875
case, for use in the officer's defense of a civil action arising 3876
out of the officer's involvement in that case; 3877

(e) By a prosecuting attorney or the prosecuting 3878

attorney's assistants, to determine a defendant's eligibility to 3879
enter a pre-trial diversion program established pursuant to 3880
section 2935.36 of the Revised Code; 3881

(f) By any law enforcement agency or any authorized 3882
employee of a law enforcement agency or by the department of 3883
rehabilitation and correction as part of a background 3884
investigation of a person who applies for employment with the 3885
agency as a law enforcement officer or with the department as a 3886
corrections officer; 3887

(g) By any law enforcement agency or any authorized 3888
employee of a law enforcement agency, for the purposes set forth 3889
in, and in the manner provided in, division (I) of section 3890
~~2953.321~~2953.34 of the Revised Code; 3891

(h) By the bureau of criminal identification and 3892
investigation or any authorized employee of the bureau for the 3893
purpose of providing information to a board or person pursuant 3894
to division (F) or (G) of section 109.57 of the Revised Code; 3895

(i) By the bureau of criminal identification and 3896
investigation or any authorized employee of the bureau for the 3897
purpose of performing a criminal history records check on a 3898
person to whom a certificate as prescribed in section 109.77 of 3899
the Revised Code is to be awarded; 3900

(j) By the bureau of criminal identification and 3901
investigation or any authorized employee of the bureau for the 3902
purpose of conducting a criminal records check of an individual 3903
pursuant to division (B) of section 109.572 of the Revised Code 3904
that was requested pursuant to any of the sections identified in 3905
division (B) (1) of that section; 3906

(k) By the bureau of criminal identification and 3907

investigation, an authorized employee of the bureau, a sheriff, 3908
or an authorized employee of a sheriff in connection with a 3909
criminal records check described in section 311.41 of the 3910
Revised Code; 3911

(l) By the attorney general or an authorized employee of 3912
the attorney general or a court for purposes of determining a 3913
person's classification pursuant to Chapter 2950. of the Revised 3914
Code. 3915

When the nature and character of the offense with which a 3916
person is to be charged would be affected by the information, it 3917
may be used for the purpose of charging the person with an 3918
offense. 3919

(E) In addition to the methods of expungement provided for 3920
in divisions (A) and (B) of this section, a person who has been 3921
adjudicated a delinquent child for having committed an act that 3922
would be a violation of section 2907.24, 2907.241, or 2907.25 of 3923
the Revised Code if the child were an adult may apply to the 3924
adjudicating court for the expungement of the record of 3925
adjudication if the person's participation in the act was a 3926
result of the person having been a victim of human trafficking. 3927
The application shall be made in the same manner as an 3928
application for expungement under section ~~2953.38~~ 2953.36 of the 3929
Revised Code, and all of the provisions of that section shall 3930
apply to the expungement procedure. 3931

(F) After the records have been expunged under this 3932
section, the person who is the subject of the expunged records 3933
properly may, and the court shall, reply that no record exists 3934
with respect to the person upon any inquiry in the matter. 3935

Sec. 2307.70. (A) Any person who suffers injury or loss to 3936

person or property as a result of an act committed in violation 3937
of section ~~2909.05, 2927.11, or 2927.12~~ or division (A) (1) to 3938
(5) of section 2909.05 of the Revised Code has a civil action 3939
against the offender and may recover in that action full 3940
compensatory damages, including, but not limited to, damages for 3941
emotional distress, and may recover punitive or exemplary 3942
damages, court costs, other reasonable expenses incurred in 3943
maintaining that action, and the reasonable attorney's fees 3944
incurred in maintaining that action. 3945

(B) (1) Any person who suffers injury or loss to person or 3946
property as a result of an act committed in violation of section 3947
~~2909.05, 2927.11, or 2927.12~~ or division (A) (1) to (5) of 3948
section 2909.05 of the Revised Code by a minor child has a civil 3949
action against the parent of the minor child and may recover in 3950
that action compensatory damages not to exceed fifteen thousand 3951
dollars, court costs, other reasonable expenses incurred in 3952
maintaining that action, and reasonable attorney's fees incurred 3953
in maintaining that action. A parent and the parent's minor 3954
child are jointly and severally liable as specified in this 3955
division for the injury or loss to person or property caused by 3956
the minor child's act committed in violation of section ~~2909.05,~~ 3957
~~2927.11, or 2927.12~~ or division (A) (1) to (5) of section 2909.05 3958
of the Revised Code. If a person recovers compensatory damages 3959
from a parent of a minor child pursuant to this division, that 3960
recovery does not preclude the person from maintaining a civil 3961
action against the minor child pursuant to division (A) of this 3962
section. 3963

(2) As used in division (B) of this section: 3964

(a) "Minor child" means a person who is under eighteen 3965
years of age and who is not married at the time of the 3966

commission of an act in violation of section ~~2909.05, 2927.11,~~ 3967
~~or 2927.12~~ or division (A) (1) to (5) of section 2909.05 of the 3968
Revised Code that gives rise to a civil action under division 3969
(B) of this section. 3970

(b) "Parent" has the same meaning as in section 3109.09 of 3971
the Revised Code. 3972

(C) The monetary limitation upon compensatory damages set 3973
forth in section 3109.09 or 3109.10 of the Revised Code does not 3974
apply to a civil action brought pursuant to division (A) or (B) 3975
of this section. 3976

(D) A civil action may be maintained under division (A) or 3977
(B) of this section whether or not the person who committed an 3978
act in violation of section ~~2909.05, 2927.11, or 2927.12~~ or 3979
division (A) (1) to (5) of section 2909.05 of the Revised Code 3980
has been charged by an indictment, information, or complaint 3981
with a violation of any of those sections, has been convicted of 3982
or pleaded guilty to a violation of any of those sections, has 3983
been charged by a complaint with being a delinquent child for 3984
committing an act that is a violation of any of those sections, 3985
or has been adjudicated a delinquent child for having committed 3986
an act of that nature. 3987

(E) No record of conviction, unless obtained by confession 3988
in open court, or delinquent child adjudication shall be used as 3989
evidence in a civil action brought pursuant to division (A) or 3990
(B) of this section. 3991

Sec. 2746.02. A court of record of this state shall tax as 3992
costs or otherwise require the payment of fees for the following 3993
services rendered, as compensation for the following persons, or 3994
as part of the sentence imposed by the court, or any other of 3995

the following fees that are applicable in a particular case:	3996
(A) In a felony case, financial sanctions, as provided in section 2929.18 of the Revised Code;	3997 3998
(B) In any criminal case, the costs of prosecution, as provided in section 2947.23 of the Revised Code;	3999 4000
(C) In a misdemeanor case in which the offender is sentenced to a jail term, the local detention facility is covered by a policy adopted by the facility's governing authority requiring reimbursement for the costs of confinement, and the offender is presented with an itemized bill pursuant to section 2929.37 of the Revised Code for such costs, the costs of confinement, as provided in section 2929.24 of the Revised Code;	4001 4002 4003 4004 4005 4006 4007
(D) In a case in which an offender is sentenced for endangering children in violation of section 2919.22 of the Revised Code, the costs of the offender's supervised community service work, as provided in section 2919.22 of the Revised Code;	4008 4009 4010 4011 4012
(E) In a case in which a defendant is charged with any of certain sexual assault or prostitution-related offenses and is found to be suffering from a venereal disease in an infectious stage, the cost of medical treatment, as provided in section 2907.27 of the Revised Code;	4013 4014 4015 4016 4017
(F) In a case in which a defendant is charged with harassment with a bodily substance, the cost of medical testing, as provided in section 2921.38 of the Revised Code;	4018 4019 4020
(G) In a case in which a defendant is charged with violating a protection order in violation of section 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the costs of any	4021 4022 4023 4024

evaluation and preceding examination of the defendant, as 4025
provided in section 2919.271 of the Revised Code; 4026

(H) Presentence psychological or psychiatric reports, as 4027
provided in section 2947.06 of the Revised Code; 4028

(I) In a criminal proceeding, the taking of a deposition 4029
of a person who is imprisoned in a detention facility or state 4030
correctional institution within this state or who is in the 4031
custody of the department of youth services, as provided in 4032
section 2945.47 of the Revised Code; 4033

(J) In a case in which a person is convicted of or pleads 4034
guilty to any offense other than a parking violation or in which 4035
a child is found to be a delinquent child or a juvenile traffic 4036
offender for an act that, if committed by an adult, would be an 4037
offense other than a parking violation, additional costs and 4038
bail, if applicable, as provided in sections 2743.70 and 4039
2949.091 of the Revised Code, but subject to waiver as provided 4040
in section 2949.092 of the Revised Code; 4041

(K) In a case in which a person is convicted of or pleads 4042
guilty to a moving violation or in which a child is found to be 4043
a juvenile traffic offender for an act which, if committed by an 4044
adult, would be a moving violation, additional costs and bail, 4045
if applicable, as provided in sections 2949.093 and 2949.094 of 4046
the Revised Code, but subject to waiver as provided in section 4047
2949.092 of the Revised Code; 4048

(L) In a case in which a defendant is convicted of 4049
abandoning a junk vessel or outboard motor without notifying the 4050
appropriate law enforcement officer, the cost incurred by the 4051
state or a political subdivision in disposing of the vessel or 4052
motor, as provided in section 1547.99 of the Revised Code; 4053

(M) The costs of electronic monitoring in the following	4054
cases:	4055
(1) In a misdemeanor case in which the offender is	4056
convicted of any of certain prostitution-related offenses and a	4057
specification under section 2941.1421 of the Revised Code, as	4058
provided in section 2929.24 of the Revised Code;	4059
(2) In a case in which the court issues a criminal	4060
protection order against a minor upon a petition alleging that	4061
the respondent committed any of certain assault, menacing, or	4062
trespass offenses, a sexually oriented offense, or an offense	4063
under a municipal ordinance that is substantially equivalent to	4064
any of those offenses, as provided in section 2151.34 of the	4065
Revised Code;	4066
(3) In a case in which the court issues a protection order	4067
against an adult upon a petition alleging that the respondent	4068
committed menacing by stalking or a sexually oriented offense,	4069
as provided in section 2903.214 of the Revised Code;	4070
(4) In a case in which an offender is convicted of	4071
violating a protection order, as provided in section 2919.27 of	4072
the Revised Code;	4073
(5) In a case in which the offender is convicted of any	4074
sexually oriented offense and is a tier III sex offender/child-	4075
victim offender relative to that offense, as provided in section	4076
2929.13 of the Revised Code.	4077
(N) In a proceeding for post-conviction relief, a	4078
transcript, as provided in section 2953.21 of the Revised Code;	4079
(O) In a proceeding for the <u>sealing_or_expungement</u> of a	4080
conviction record, the fees provided for in section 2953.32 of	4081
the Revised Code.	4082

Sec. 2901.01. (A) As used in the Revised Code:	4083
(1) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.	4084 4085 4086
(2) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person.	4087 4088 4089
(3) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.	4090 4091 4092
(4) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.	4093 4094 4095 4096 4097
(5) "Serious physical harm to persons" means any of the following:	4098 4099
(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;	4100 4101 4102
(b) Any physical harm that carries a substantial risk of death;	4103 4104
(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;	4105 4106 4107
(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;	4108 4109 4110

(e) Any physical harm that involves acute pain of such 4111
duration as to result in substantial suffering or that involves 4112
any degree of prolonged or intractable pain. 4113

(6) "Serious physical harm to property" means any physical 4114
harm to property that does either of the following: 4115

(a) Results in substantial loss to the value of the 4116
property or requires a substantial amount of time, effort, or 4117
money to repair or replace; 4118

(b) Temporarily prevents the use or enjoyment of the 4119
property or substantially interferes with its use or enjoyment 4120
for an extended period of time. 4121

(7) "Risk" means a significant possibility, as contrasted 4122
with a remote possibility, that a certain result may occur or 4123
that certain circumstances may exist. 4124

(8) "Substantial risk" means a strong possibility, as 4125
contrasted with a remote or significant possibility, that a 4126
certain result may occur or that certain circumstances may 4127
exist. 4128

(9) "Offense of violence" means any of the following: 4129

(a) A violation of section 2903.01, 2903.02, 2903.03, 4130
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 4131
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.011, 2907.02, 4132
2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 4133
~~2911.11, 2911.03,~~ 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 4134
2921.03, ~~2921.04,~~ 2921.34, or 2923.161, of division (A) (1) of 4135
section 2903.34, of division (A) (1) ~~or (2), or (3)~~ of section 4136
~~2911.12 2911.04,~~ of division (A) or (C) of section 2917.31, or 4137
of division (B) (1), (2), (3), or (4) of section 2919.22 of the 4138
Revised Code, a violation of section 2917.31 of the Revised Code 4139

as it existed prior to the effective date of this amendment, or 4140
felonious sexual penetration in violation of former section 4141
2907.12 of the Revised Code; 4142

(b) A violation of an existing or former municipal 4143
ordinance or law of this or any other state or the United 4144
States, substantially equivalent to any section, division, or 4145
offense listed in division (A) (9) (a) of this section; 4146

(c) An offense, other than a traffic offense, under an 4147
existing or former municipal ordinance or law of this or any 4148
other state or the United States, committed purposely or 4149
knowingly, and involving physical harm to persons or a risk of 4150
serious physical harm to persons; 4151

(d) A conspiracy or attempt to commit, or complicity in 4152
committing, any offense under division (A) (9) (a), (b), or (c) of 4153
this section. 4154

(10) (a) "Property" means any property, real or personal, 4155
tangible or intangible, and any interest or license in that 4156
property. "Property" includes, but is not limited to, cable 4157
television service, other telecommunications service, 4158
telecommunications devices, information service, computers, 4159
data, computer software, financial instruments associated with 4160
computers, other documents associated with computers, or copies 4161
of the documents, whether in machine or human readable form, 4162
trade secrets, trademarks, copyrights, patents, and property 4163
protected by a trademark, copyright, or patent. "Financial 4164
instruments associated with computers" include, but are not 4165
limited to, checks, drafts, warrants, money orders, notes of 4166
indebtedness, certificates of deposit, letters of credit, bills 4167
of credit or debit cards, financial transaction authorization 4168
mechanisms, marketable securities, or any computer system 4169

representations of any of them. 4170

(b) As used in division (A)(10) of this section, "trade 4171
secret" has the same meaning as in section 1333.61 of the 4172
Revised Code, and "telecommunications service" and "information 4173
service" have the same meanings as in section 2913.01 of the 4174
Revised Code. 4175

(c) As used in divisions (A)(10) and (13) of this section, 4176
"cable television service," "computer," "computer software," 4177
"computer system," "computer network," "data," and 4178
"telecommunications device" have the same meanings as in section 4179
2913.01 of the Revised Code. 4180

(11) "Law enforcement officer" means any of the following: 4181

(a) A sheriff, deputy sheriff, constable, police officer 4182
of a township or joint police district, marshal, deputy marshal, 4183
municipal police officer, member of a police force employed by a 4184
metropolitan housing authority under division (D) of section 4185
3735.31 of the Revised Code, or state highway patrol trooper; 4186

(b) An officer, agent, or employee of the state or any of 4187
its agencies, instrumentalities, or political subdivisions, upon 4188
whom, by statute, a duty to conserve the peace or to enforce all 4189
or certain laws is imposed and the authority to arrest violators 4190
is conferred, within the limits of that statutory duty and 4191
authority; 4192

(c) A mayor, in the mayor's capacity as chief conservator 4193
of the peace within the mayor's municipal corporation; 4194

(d) A member of an auxiliary police force organized by 4195
county, township, or municipal law enforcement authorities, 4196
within the scope of the member's appointment or commission; 4197

(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;	4198 4199 4200
(f) A person appointed by a mayor pursuant to section 737.01 <u>737.10</u> of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;	4201 4202 4203 4204
(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;	4205 4206 4207 4208
(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;	4209 4210
(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;	4211 4212
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	4213 4214 4215
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	4216 4217
(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E) (1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;	4218 4219 4220 4221
(m) The senate sergeant at arms and an assistant senate sergeant at arms;	4222 4223
(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air	4224 4225

navigation facility, that has scheduled operations, as defined 4226
in section 119.3 of Title 14 of the Code of Federal Regulations, 4227
14 C.F.R. 119.3, as amended, and that is required to be under a 4228
security program and is governed by aviation security rules of 4229
the transportation security administration of the United States 4230
department of transportation as provided in Parts 1542. and 4231
1544. of Title 49 of the Code of Federal Regulations, as 4232
amended. 4233

(12) "Privilege" means an immunity, license, or right 4234
conferred by law, bestowed by express or implied grant, arising 4235
out of status, position, office, or relationship, or growing out 4236
of necessity. 4237

(13) "Contraband" means any property that is illegal for a 4238
person to acquire or possess under a statute, ordinance, or 4239
rule, or that a trier of fact lawfully determines to be illegal 4240
to possess by reason of the property's involvement in an 4241
offense. "Contraband" includes, but is not limited to, all of 4242
the following: 4243

(a) Any controlled substance, as defined in section 4244
3719.01 of the Revised Code, or any device or paraphernalia; 4245

(b) Any unlawful gambling device or paraphernalia; 4246

(c) Any dangerous ordnance or obscene material. 4247

(14) A person is "not guilty by reason of insanity" 4248
relative to a charge of an offense only if the person proves, in 4249
the manner specified in section 2901.05 of the Revised Code, 4250
that at the time of the commission of the offense, the person 4251
did not know, as a result of a severe mental disease or defect, 4252
the wrongfulness of the person's acts. 4253

(B) (1) (a) Subject to division (B) (2) of this section, as 4254

used in any section contained in Title XXIX of the Revised Code 4255
that sets forth a criminal offense, "person" includes all of the 4256
following: 4257

(i) An individual, corporation, business trust, estate, 4258
trust, partnership, and association; 4259

(ii) An unborn human who is viable. 4260

(b) As used in any section contained in Title XXIX of the 4261
Revised Code that does not set forth a criminal offense, 4262
"person" includes an individual, corporation, business trust, 4263
estate, trust, partnership, and association. 4264

(c) As used in division (B) (1) (a) of this section: 4265

(i) "Unborn human" means an individual organism of the 4266
species *Homo sapiens* from fertilization until live birth. 4267

(ii) "Viable" means the stage of development of a human 4268
fetus at which there is a realistic possibility of maintaining 4269
and nourishing of a life outside the womb with or without 4270
temporary artificial life-sustaining support. 4271

(2) Notwithstanding division (B) (1) (a) of this section, in 4272
no case shall the portion of the definition of the term "person" 4273
that is set forth in division (B) (1) (a) (ii) of this section be 4274
applied or construed in any section contained in Title XXIX of 4275
the Revised Code that sets forth a criminal offense in any of 4276
the following manners: 4277

(a) Except as otherwise provided in division (B) (2) (a) of 4278
this section, in a manner so that the offense prohibits or is 4279
construed as prohibiting any pregnant woman or her physician 4280
from performing an abortion with the consent of the pregnant 4281
woman, with the consent of the pregnant woman implied by law in 4282

a medical emergency, or with the approval of one otherwise 4283
authorized by law to consent to medical treatment on behalf of 4284
the pregnant woman. An abortion that violates the conditions 4285
described in the immediately preceding sentence may be punished 4286
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 4287
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 4288
2903.21, or 2903.22 of the Revised Code, as applicable. An 4289
abortion that does not violate the conditions described in the 4290
second immediately preceding sentence, but that does violate 4291
section 2919.12, division (B) of section 2919.13, or section 4292
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 4293
be punished as a violation of section 2919.12, division (B) of 4294
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 4295
2919.18 of the Revised Code, as applicable. Consent is 4296
sufficient under this division if it is of the type otherwise 4297
adequate to permit medical treatment to the pregnant woman, even 4298
if it does not comply with section 2919.12 of the Revised Code. 4299

(b) In a manner so that the offense is applied or is 4300
construed as applying to a woman based on an act or omission of 4301
the woman that occurs while she is or was pregnant and that 4302
results in any of the following: 4303

(i) Her delivery of a stillborn baby; 4304

(ii) Her causing, in any other manner, the death in utero 4305
of a viable, unborn human that she is carrying; 4306

(iii) Her causing the death of her child who is born alive 4307
but who dies from one or more injuries that are sustained while 4308
the child is a viable, unborn human; 4309

(iv) Her causing her child who is born alive to sustain 4310
one or more injuries while the child is a viable, unborn human; 4311

(v) Her causing, threatening to cause, or attempting to 4312
cause, in any other manner, an injury, illness, or other 4313
physiological impairment, regardless of its duration or gravity, 4314
or a mental illness or condition, regardless of its duration or 4315
gravity, to a viable, unborn human that she is carrying. 4316

(C) As used in Title XXIX of the Revised Code: 4317

(1) "School safety zone" consists of a school, school 4318
building, school premises, school activity, and school bus. 4319

(2) "School," "school building," and "school premises" 4320
have the same meanings as in section 2925.01 of the Revised 4321
Code. 4322

(3) "School activity" means any activity held under the 4323
auspices of a board of education of a city, local, exempted 4324
village, joint vocational, or cooperative education school 4325
district; a governing authority of a community school 4326
established under Chapter 3314. of the Revised Code; a governing 4327
board of an educational service center, or the governing body of 4328
a school for which the state board of education prescribes 4329
minimum standards under section 3301.07 of the Revised Code. 4330

(4) "School bus" has the same meaning as in section 4331
4511.01 of the Revised Code. 4332

(5) "Prior calculation and design" means more than mere 4333
purpose. It is the process of an actor's advance reasoning to 4334
formulate the purpose to cause the death of another or the 4335
unlawful termination of another's pregnancy. No particular 4336
amount of time or consideration to act must be given, but 4337
sufficient time must elapse for the planning of the death of 4338
another or the unlawful termination of another's pregnancy. 4339
Acting on the spur of the moment or after momentary 4340

consideration is not sufficient. The surrounding circumstances 4341
must show a calculated plan to cause the death of another or the 4342
unlawful termination of another's pregnancy and a studied 4343
consideration of the method and the means or instrument with 4344
which to do so. 4345

Sec. 2901.05. ~~(A)~~(A) (1) Every person accused of an offense 4346
is presumed innocent until proven guilty beyond a reasonable 4347
doubt, and the burden of proof for all elements of the offense 4348
is ~~upon~~on the prosecution. The burden of going forward with the 4349
evidence of an affirmative defense, and the burden of proof, by 4350
a preponderance of the evidence, for an affirmative defense 4351
other than self-defense, defense of another, or defense of the 4352
accused's residence presented as described in division (B) (1) of 4353
this section, is ~~upon~~on the accused. 4354

(2) If a section of the Revised Code or a division of a 4355
section of the Revised Code "does not apply" to a person or 4356
class of persons, the prosecution has the burden of proving, 4357
beyond a reasonable doubt, that the section or division applies 4358
to the person or class of persons. 4359

(B) (1) A person is allowed to act in self-defense, defense 4360
of another, or defense of that person's residence. If, at the 4361
trial of a person who is accused of an offense that involved the 4362
person's use of force against another, there is evidence 4363
presented that tends to support that the accused person used the 4364
force in self-defense, defense of another, or defense of that 4365
person's residence, the prosecution must prove beyond a 4366
reasonable doubt that the accused person did not use the force 4367
in self-defense, defense of another, or defense of that person's 4368
residence, as the case may be. 4369

(2) Subject to division (B) (3) of this section, a person 4370

is presumed to have acted in self-defense or defense of another 4371
when using defensive force that is intended or likely to cause 4372
death or great bodily harm to another if the person against whom 4373
the defensive force is used is in the process of unlawfully and 4374
without privilege to do so entering, or has unlawfully and 4375
without privilege to do so entered, the residence or vehicle 4376
occupied by the person using the defensive force. 4377

(3) The presumption set forth in division (B) (2) of this 4378
section does not apply if either of the following is true: 4379

(a) The person against whom the defensive force is used 4380
has a right to be in, or is a lawful resident of, the residence 4381
or vehicle. 4382

(b) The person who uses the defensive force uses it while 4383
in a residence or vehicle and the person is unlawfully, and 4384
without privilege to be, in that residence or vehicle. 4385

(4) The presumption set forth in division (B) (2) of this 4386
section is a rebuttable presumption and may be rebutted by a 4387
preponderance of the evidence, provided that the prosecution's 4388
burden of proof remains proof beyond a reasonable doubt as 4389
described in divisions (A) and (B) (1) of this section. 4390

(C) As part of its charge to the jury in a criminal case, 4391
the court shall read the definitions of "reasonable doubt" and 4392
"proof beyond a reasonable doubt," contained in division (E) of 4393
this section. 4394

(D) As used in this section: 4395

~~(1)~~ (1) (a) An "affirmative defense" is either of the 4396
following: 4397

~~(a)~~ (i) A defense expressly designated as an affirmative 4398

defense, for which the accused can fairly be required to adduce 4399
supporting evidence; 4400

~~(b)~~ (ii) A common law defense involving recognized by the 4401
courts of this state that involves an excuse or justification 4402
peculiarly within the knowledge of the accused, on which the 4403
accused can fairly be required to adduce supporting evidence. 4404

(b) Any statutory designation that a section of the 4405
Revised Code or a division of a section of the Revised Code 4406
"does not apply" to a person or class of persons is not an 4407
affirmative defense and precludes criminal liability for that 4408
person or class of persons unless the state proves, beyond a 4409
reasonable doubt, that the section or division applies to the 4410
designated person or class of persons. 4411

(2) "Dwelling" means a building or conveyance of any kind 4412
that has a roof over it and that is designed to be occupied by 4413
people lodging in the building or conveyance at night, 4414
regardless of whether the building or conveyance is temporary or 4415
permanent or is mobile or immobile. As used in this division, a 4416
building or conveyance includes, but is not limited to, an 4417
attached porch, and a building or conveyance with a roof over it 4418
includes, but is not limited to, a tent. 4419

(3) "Residence" means a dwelling in which a person resides 4420
either temporarily or permanently or is visiting as a guest. 4421

(4) "Vehicle" means a conveyance of any kind, whether or 4422
not motorized, that is designed to transport people or property. 4423

(E) "Reasonable doubt" is present when the jurors, after 4424
they have carefully considered and compared all the evidence, 4425
cannot say they are firmly convinced of the truth of the charge. 4426
It is a doubt based on reason and common sense. Reasonable doubt 4427

is not mere possible doubt, because everything relating to human 4428
affairs or depending on moral evidence is open to some possible 4429
or imaginary doubt. "Proof beyond a reasonable doubt" is proof 4430
of such character that an ordinary person would be willing to 4431
rely and act upon it in the most important of the person's own 4432
affairs. 4433

Sec. 2901.08. ~~(A) If a person is alleged to have committed-~~ 4434
~~an offense and if the person previously has been adjudicated a~~ 4435
~~delinquent child or juvenile traffic offender for a violation of~~ 4436
~~a law or ordinance, except as provided in division (B) of this~~ 4437
~~section, the adjudication as a delinquent child or as a juvenile~~ 4438
~~traffic offender is a conviction for a violation of the law or~~ 4439
~~ordinance (A) (1) Except as provided in division (A) (2) of this~~ 4440
section, a prior juvenile delinquency adjudication is not a 4441
finding of guilt of a criminal offense and shall not be used for 4442
~~purposes~~ the purpose of determining the offense with which the 4443
person should be charged in a criminal court and, if the person 4444
is convicted of or pleads guilty to an offense, for the purpose 4445
of enhancing or elevating the sentence to be imposed ~~upon~~ on the 4446
person relative to the conviction or guilty plea. 4447

(2) A prior juvenile delinquency adjudication may be used 4448
as a prior finding that the person committed the violation in 4449
question in any subsequent juvenile delinquency proceeding or 4450
considered as a sentencing factor as provided in division (D) or 4451
(E) of section 2929.12 or division (B) of section 2929.22 of the 4452
Revised Code. 4453

(B) ~~A previous adjudication of a person as a delinquent-~~ 4454
~~child or juvenile traffic offender for a violation of a law or~~ 4455
~~ordinance~~ prior juvenile delinquency adjudication is not a 4456
conviction for a violation of the law or ordinance for purposes 4457

of determining any of the following: 4458

(1) Whether the person is a repeat violent offender, as 4459
defined in section 2929.01 of the Revised Code, or whether the 4460
person should be sentenced as a repeat violent offender under 4461
division (B) (2) of section 2929.14 and section 2941.149 of the 4462
Revised Code; 4463

(2) Whether the person is a violent career criminal as 4464
defined in section 2923.132 of the Revised Code, whether the 4465
person has committed unlawful use of a weapon by a violent 4466
career criminal in violation of section 2923.132 of the Revised 4467
Code or should be sentenced for that offense under that section, 4468
or whether the person should be sentenced under division (K) of 4469
section 2929.14 of the Revised Code as a violent career criminal 4470
who had a firearm on or about the person's person or under the 4471
person's control while committing a violent felony offense and 4472
displayed or brandished the firearm, indicated that the offender 4473
possessed a firearm, or used the firearm to facilitate the 4474
offense. 4475

(C) As used in this section, "prior juvenile delinquency 4476
adjudication" means a previous adjudication of a person as a 4477
delinquent child or a juvenile traffic offender for a violation 4478
of a law or ordinance. 4479

Sec. 2903.06. (A) No person, while operating or 4480
participating in the operation of a motor vehicle, motorcycle, 4481
snowmobile, locomotive, watercraft, or aircraft, shall cause the 4482
death of another or the unlawful termination of another's 4483
pregnancy in any of the following ways: 4484

(1) (a) As the proximate result of committing a violation 4485
of division (A) of section 4511.19 of the Revised Code or of a 4486

substantially equivalent municipal ordinance; 4487

(b) As the proximate result of committing a violation of 4488
division (A) of section 1547.11 of the Revised Code or of a 4489
substantially equivalent municipal ordinance; 4490

(c) As the proximate result of committing a violation of 4491
division (A) (3) of section 4561.15 of the Revised Code or of a 4492
substantially equivalent municipal ordinance. 4493

(2) In one of the following ways: 4494

(a) Recklessly; 4495

(b) As the proximate result of committing, while operating 4496
or participating in the operation of a motor vehicle or 4497
motorcycle in a construction zone, a reckless operation offense, 4498
provided that this division applies only if the person whose 4499
death is caused or whose pregnancy is unlawfully terminated is 4500
in the construction zone at the time of the offender's 4501
commission of the reckless operation offense in the construction 4502
zone and does not apply as described in division (F) of this 4503
section. 4504

(3) In one of the following ways: 4505

(a) Negligently; 4506

(b) As the proximate result of committing, while operating 4507
or participating in the operation of a motor vehicle or 4508
motorcycle in a construction zone, a speeding offense, provided 4509
that this division applies only if the person whose death is 4510
caused or whose pregnancy is unlawfully terminated is in the 4511
construction zone at the time of the offender's commission of 4512
the speeding offense in the construction zone and does not apply 4513
as described in division (F) of this section. 4514

(4) As the proximate result of committing a violation of 4515
any provision of any section contained in Title XLV of the 4516
Revised Code that is a minor misdemeanor or of a municipal 4517
ordinance that, regardless of the penalty set by ordinance for 4518
the violation, is substantially equivalent to any provision of 4519
any section contained in Title XLV of the Revised Code that is a 4520
minor misdemeanor. 4521

(B) (1) Whoever violates division (A) (1) or (2) of this 4522
section is guilty of aggravated vehicular homicide and shall be 4523
punished as provided in divisions (B) (2) and (3) of this 4524
section. 4525

(2) (a) Except as otherwise provided in division (B) (2) (b) 4526
or (c) of this section, aggravated vehicular homicide committed 4527
in violation of division (A) (1) of this section is a felony of 4528
the second degree and the court shall impose a mandatory prison 4529
term on the offender as described in division (E) of this 4530
section. 4531

(b) Except as otherwise provided in division (B) (2) (c) of 4532
this section, aggravated vehicular homicide committed in 4533
violation of division (A) (1) of this section is a felony of the 4534
first degree, and the court shall impose a mandatory prison term 4535
on the offender as described in division (E) of this section, if 4536
any of the following apply: 4537

(i) At the time of the offense, the offender was driving 4538
under a suspension or cancellation imposed under Chapter 4510. 4539
or any other provision of the Revised Code or was operating a 4540
motor vehicle or motorcycle, did not have a valid driver's 4541
license, commercial driver's license, temporary instruction 4542
permit, probationary license, or nonresident operating 4543
privilege, and was not eligible for renewal of the offender's 4544

driver's license or commercial driver's license without 4545
examination under section 4507.10 of the Revised Code. 4546

(ii) The offender previously has been convicted of or 4547
pleaded guilty to a violation of this section. 4548

(iii) The offender previously has been convicted of or 4549
pleaded guilty to any traffic-related homicide, manslaughter, or 4550
assault offense. 4551

(c) Aggravated vehicular homicide committed in violation 4552
of division (A) (1) of this section is a felony of the first 4553
degree, and the court shall sentence the offender to a mandatory 4554
prison term as provided in section 2929.142 of the Revised Code 4555
and described in division (E) of this section if any of the 4556
following apply: 4557

(i) The offender previously has been convicted of or 4558
pleaded guilty to three or more prior violations of section 4559
4511.19 of the Revised Code or of a substantially equivalent 4560
municipal ordinance within the previous ten years. 4561

(ii) The offender previously has been convicted of or 4562
pleaded guilty to three or more prior violations of division (A) 4563
of section 1547.11 of the Revised Code or of a substantially 4564
equivalent municipal ordinance within the previous ten years. 4565

(iii) The offender previously has been convicted of or 4566
pleaded guilty to three or more prior violations of division (A) 4567
(3) of section 4561.15 of the Revised Code or of a substantially 4568
equivalent municipal ordinance within the previous ten years. 4569

(iv) The offender previously has been convicted of or 4570
pleaded guilty to three or more prior violations of division (A) 4571
(1) of this section within the previous ten years. 4572

(v) The offender previously has been convicted of or 4573
pleaded guilty to three or more prior violations of division (A) 4574
(1) of section 2903.08 of the Revised Code within the previous 4575
ten years. 4576

(vi) The offender previously has been convicted of or 4577
pleaded guilty to three or more prior violations of section 4578
2903.04 of the Revised Code within the previous ten years in 4579
circumstances in which division (D) of that section applied 4580
regarding the violations. 4581

(vii) The offender previously has been convicted of or 4582
pleaded guilty to three or more violations of any combination of 4583
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 4584
(v), or (vi) of this section within the previous ten years. 4585

(viii) The offender previously has been convicted of or 4586
pleaded guilty to a second or subsequent felony violation of 4587
division (A) of section 4511.19 of the Revised Code. 4588

(d) In addition to any other sanctions imposed pursuant to 4589
division (B) (2) (a), (b), or (c) of this section for aggravated 4590
vehicular homicide committed in violation of division (A) (1) of 4591
this section, the court ~~shall~~ may impose upon the offender a 4592
class one suspension of the offender's driver's license, 4593
commercial driver's license, temporary instruction permit, 4594
probationary license, or nonresident operating privilege as 4595
specified in division (A) (1) of section 4510.02 of the Revised 4596
Code. 4597

Divisions (A) (1) to (3) of section 4510.54 of the Revised 4598
Code apply to a suspension imposed under division (B) (2) (d) of 4599
this section. 4600

(3) Except as otherwise provided in this division, 4601

aggravated vehicular homicide committed in violation of division 4602
(A) (2) of this section is a felony of the third degree. 4603
Aggravated vehicular homicide committed in violation of division 4604
(A) (2) of this section is a felony of the second degree if, at 4605
the time of the offense, the offender was driving under a 4606
suspension or cancellation imposed under Chapter 4510. or any 4607
other provision of the Revised Code or was operating a motor 4608
vehicle or motorcycle, did not have a valid driver's license, 4609
commercial driver's license, temporary instruction permit, 4610
probationary license, or nonresident operating privilege, and 4611
was not eligible for renewal of the offender's driver's license 4612
or commercial driver's license without examination under section 4613
4507.10 of the Revised Code or if the offender previously has 4614
been convicted of or pleaded guilty to a violation of this 4615
section or any traffic-related homicide, manslaughter, or 4616
assault offense. The court shall impose a mandatory prison term 4617
on the offender when required by division (E) of this section. 4618

In addition to any other sanctions imposed pursuant to 4619
this division for a violation of division (A) (2) of this 4620
section, the court ~~shall~~may impose upon the offender a class 4621
two suspension of the offender's driver's license, commercial 4622
driver's license, temporary instruction permit, probationary 4623
license, or nonresident operating privilege from the range 4624
specified in division (A) (2) of section 4510.02 of the Revised 4625
Code or, if the offender previously has been convicted of or 4626
pleaded guilty to a traffic-related murder, felonious assault, 4627
or attempted murder offense, a class one suspension of the 4628
offender's driver's license, commercial driver's license, 4629
temporary instruction permit, probationary license, or 4630
nonresident operating privilege as specified in division (A) (1) 4631
of that section. 4632

(C) Whoever violates division (A) (3) of this section is 4633
guilty of vehicular homicide. Except as otherwise provided in 4634
this division, vehicular homicide is a misdemeanor of the first 4635
degree. Vehicular homicide committed in violation of division 4636
(A) (3) of this section is a felony of the fourth degree if, at 4637
the time of the offense, the offender was driving under a 4638
suspension or cancellation imposed under Chapter 4510. or any 4639
other provision of the Revised Code or was operating a motor 4640
vehicle or motorcycle, did not have a valid driver's license, 4641
commercial driver's license, temporary instruction permit, 4642
probationary license, or nonresident operating privilege, and 4643
was not eligible for renewal of the offender's driver's license 4644
or commercial driver's license without examination under section 4645
4507.10 of the Revised Code or if the offender previously has 4646
been convicted of or pleaded guilty to a violation of this 4647
section or any traffic-related homicide, manslaughter, or 4648
assault offense. The court shall impose a mandatory jail term or 4649
a mandatory prison term on the offender when required by 4650
division (E) of this section. 4651

In addition to any other sanctions imposed pursuant to 4652
this division, the court ~~shall~~may impose upon the offender a 4653
class four suspension of the offender's driver's license, 4654
commercial driver's license, temporary instruction permit, 4655
probationary license, or nonresident operating privilege from 4656
the range specified in division (A) (4) of section 4510.02 of the 4657
Revised Code, or, if the offender previously has been convicted 4658
of or pleaded guilty to a violation of this section or any 4659
traffic-related homicide, manslaughter, or assault offense, a 4660
class three suspension of the offender's driver's license, 4661
commercial driver's license, temporary instruction permit, 4662
probationary license, or nonresident operating privilege from 4663

the range specified in division (A) (3) of that section, or, if 4664
the offender previously has been convicted of or pleaded guilty 4665
to a traffic-related murder, felonious assault, or attempted 4666
murder offense, a class two suspension of the offender's 4667
driver's license, commercial driver's license, temporary 4668
instruction permit, probationary license, or nonresident 4669
operating privilege as specified in division (A) (2) of that 4670
section. 4671

(D) Whoever violates division (A) (4) of this section is 4672
guilty of vehicular manslaughter. Except as otherwise provided 4673
in this division, vehicular manslaughter is a misdemeanor of the 4674
second degree. Vehicular manslaughter is a misdemeanor of the 4675
first degree if, at the time of the offense, the offender was 4676
driving under a suspension or cancellation imposed under Chapter 4677
4510. or any other provision of the Revised Code or was 4678
operating a motor vehicle or motorcycle, did not have a valid 4679
driver's license, commercial driver's license, temporary 4680
instruction permit, probationary license, or nonresident 4681
operating privilege, and was not eligible for renewal of the 4682
offender's driver's license or commercial driver's license 4683
without examination under section 4507.10 of the Revised Code or 4684
if the offender previously has been convicted of or pleaded 4685
guilty to a violation of this section or any traffic-related 4686
homicide, manslaughter, or assault offense. 4687

In addition to any other sanctions imposed pursuant to 4688
this division, the court ~~shall~~may impose upon the offender a 4689
class six suspension of the offender's driver's license, 4690
commercial driver's license, temporary instruction permit, 4691
probationary license, or nonresident operating privilege from 4692
the range specified in division (A) (6) of section 4510.02 of the 4693
Revised Code or, if the offender previously has been convicted 4694

of or pleaded guilty to a violation of this section, any 4695
traffic-related homicide, manslaughter, or assault offense, or a 4696
traffic-related murder, felonious assault, or attempted murder 4697
offense, a class four suspension of the offender's driver's 4698
license, commercial driver's license, temporary instruction 4699
permit, probationary license, or nonresident operating privilege 4700
from the range specified in division (A) (4) of that section. 4701

(E) (1) The court shall impose a mandatory prison term on 4702
an offender who is convicted of or pleads guilty to a violation 4703
of division (A) (1) of this section. Except as otherwise provided 4704
in this division, the mandatory prison term shall be a definite 4705
term from the range of prison terms provided in division (A) (1) 4706
(b) of section 2929.14 of the Revised Code for a felony of the 4707
first degree or from division (A) (2) (b) of that section for a 4708
felony of the second degree, whichever is applicable, except 4709
that if the violation is committed on or after ~~the effective~~ 4710
~~date of this amendment~~ March 22, 2019, the court shall impose as 4711
the minimum prison term for the offense a mandatory prison term 4712
that is one of the minimum terms prescribed for a felony of the 4713
first degree in division (A) (1) (a) of section 2929.14 of the 4714
Revised Code or one of the terms prescribed for a felony of the 4715
second degree in division (A) (2) (a) of that section, whichever 4716
is applicable. If division (B) (2) (c) (i), (ii), (iii), (iv), (v), 4717
(vi), (vii), or (viii) of this section applies to an offender 4718
who is convicted of or pleads guilty to the violation of 4719
division (A) (1) of this section, the court shall impose the 4720
mandatory prison term pursuant to division (B) of section 4721
2929.142 of the Revised Code. The court shall impose a mandatory 4722
jail term of at least fifteen days on an offender who is 4723
convicted of or pleads guilty to a misdemeanor violation of 4724
division (A) (3) (b) of this section and may impose upon the 4725

offender a longer jail term as authorized pursuant to section 4726
2929.24 of the Revised Code. 4727

(2) The court shall impose a mandatory prison term on an 4728
offender who is convicted of or pleads guilty to a violation of 4729
division (A) (2) or (3) (a) of this section or a felony violation 4730
of division (A) (3) (b) of this section if either division (E) (2) 4731
(a) or (b) of this section applies. The mandatory prison term 4732
shall be a definite term from the range of prison terms provided 4733
in division (A) (3) (a) of section 2929.14 of the Revised Code for 4734
a felony of the third degree or from division (A) (4) of that 4735
section for a felony of the fourth degree, whichever is 4736
applicable. The court shall impose a mandatory prison term on an 4737
offender in a category described in this division if either of 4738
the following applies: 4739

(a) The offender previously has been convicted of or 4740
pleaded guilty to a violation of this section or section 2903.08 4741
of the Revised Code. 4742

(b) At the time of the offense, the offender was driving 4743
under suspension or cancellation under Chapter 4510. or any 4744
other provision of the Revised Code or was operating a motor 4745
vehicle or motorcycle, did not have a valid driver's license, 4746
commercial driver's license, temporary instruction permit, 4747
probationary license, or nonresident operating privilege, and 4748
was not eligible for renewal of the offender's driver's license 4749
or commercial driver's license without examination under section 4750
4507.10 of the Revised Code. 4751

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 4752
apply in a particular construction zone unless signs of the type 4753
described in section 2903.081 of the Revised Code are erected in 4754
that construction zone in accordance with the guidelines and 4755

design specifications established by the director of 4756
transportation under section 5501.27 of the Revised Code. The 4757
failure to erect signs of the type described in section 2903.081 4758
of the Revised Code in a particular construction zone in 4759
accordance with those guidelines and design specifications does 4760
not limit or affect the application of division (A) (1), (A) (2) 4761
(a), (A) (3) (a), or (A) (4) of this section in that construction 4762
zone or the prosecution of any person who violates any of those 4763
divisions in that construction zone. 4764

(G) (1) As used in this section: 4765

(a) "Mandatory prison term" and "mandatory jail term" have 4766
the same meanings as in section 2929.01 of the Revised Code. 4767

(b) "Traffic-related homicide, manslaughter, or assault 4768
offense" means a violation of section 2903.04 of the Revised 4769
Code in circumstances in which division (D) of that section 4770
applies, a violation of section 2903.06 or 2903.08 of the 4771
Revised Code, or a violation of section 2903.06, 2903.07, or 4772
2903.08 of the Revised Code as they existed prior to March 23, 4773
2000. 4774

(c) "Construction zone" has the same meaning as in section 4775
5501.27 of the Revised Code. 4776

(d) "Reckless operation offense" means a violation of 4777
section 4511.20 of the Revised Code or a municipal ordinance 4778
substantially equivalent to section 4511.20 of the Revised Code. 4779

(e) "Speeding offense" means a violation of section 4780
4511.21 of the Revised Code or a municipal ordinance pertaining 4781
to speed. 4782

(f) "Traffic-related murder, felonious assault, or 4783
attempted murder offense" means a violation of section 2903.01 4784

or 2903.02 of the Revised Code in circumstances in which the 4785
offender used a motor vehicle as the means to commit the 4786
violation, a violation of division (A) (2) of section 2903.11 of 4787
the Revised Code in circumstances in which the deadly weapon 4788
used in the commission of the violation is a motor vehicle, or 4789
an attempt to commit aggravated murder or murder in violation of 4790
section 2923.02 of the Revised Code in circumstances in which 4791
the offender used a motor vehicle as the means to attempt to 4792
commit the aggravated murder or murder. 4793

(g) "Motor vehicle" has the same meaning as in section 4794
4501.01 of the Revised Code. 4795

(2) For the purposes of this section, when a penalty or 4796
suspension is enhanced because of a prior or current violation 4797
of a specified law or a prior or current specified offense, the 4798
reference to the violation of the specified law or the specified 4799
offense includes any violation of any substantially equivalent 4800
municipal ordinance, former law of this state, or current or 4801
former law of another state or the United States. 4802

Sec. 2903.08. (A) No person, while operating or 4803
participating in the operation of a motor vehicle, motorcycle, 4804
snowmobile, locomotive, watercraft, or aircraft, shall cause 4805
serious physical harm to another person or another's unborn in 4806
any of the following ways: 4807

(1) (a) As the proximate result of committing a violation 4808
of division (A) of section 4511.19 of the Revised Code or of a 4809
substantially equivalent municipal ordinance; 4810

(b) As the proximate result of committing a violation of 4811
division (A) of section 1547.11 of the Revised Code or of a 4812
substantially equivalent municipal ordinance; 4813

(c) As the proximate result of committing a violation of 4814
division (A) (3) of section 4561.15 of the Revised Code or of a 4815
substantially equivalent municipal ordinance. 4816

(2) In one of the following ways: 4817

(a) As the proximate result of committing, while operating 4818
or participating in the operation of a motor vehicle or 4819
motorcycle in a construction zone, a reckless operation offense, 4820
provided that this division applies only if the person to whom 4821
the serious physical harm is caused or to whose unborn the 4822
serious physical harm is caused is in the construction zone at 4823
the time of the offender's commission of the reckless operation 4824
offense in the construction zone and does not apply as described 4825
in division (E) of this section; 4826

(b) Recklessly. 4827

(3) As the proximate result of committing, while operating 4828
or participating in the operation of a motor vehicle or 4829
motorcycle in a construction zone, a speeding offense, provided 4830
that this division applies only if the person to whom the 4831
serious physical harm is caused or to whose unborn the serious 4832
physical harm is caused is in the construction zone at the time 4833
of the offender's commission of the speeding offense in the 4834
construction zone and does not apply as described in division 4835
(E) of this section. 4836

(B) (1) Whoever violates division (A) (1) of this section is 4837
guilty of aggravated vehicular assault. Except as otherwise 4838
provided in this division, aggravated vehicular assault is a 4839
felony of the third degree. Aggravated vehicular assault is a 4840
felony of the second degree if any of the following apply: 4841

(a) At the time of the offense, the offender was driving 4842

under a suspension imposed under Chapter 4510. or any other 4843
provision of the Revised Code. 4844

(b) The offender previously has been convicted of or 4845
pleaded guilty to a violation of this section. 4846

(c) The offender previously has been convicted of or 4847
pleaded guilty to any traffic-related homicide, manslaughter, or 4848
assault offense. 4849

(d) The offender previously has been convicted of or 4850
pleaded guilty to three or more prior violations of section 4851
4511.19 of the Revised Code or a substantially equivalent 4852
municipal ordinance within the previous ten years. 4853

(e) The offender previously has been convicted of or 4854
pleaded guilty to three or more prior violations of division (A) 4855
of section 1547.11 of the Revised Code or of a substantially 4856
equivalent municipal ordinance within the previous ten years. 4857

(f) The offender previously has been convicted of or 4858
pleaded guilty to three or more prior violations of division (A) 4859
(3) of section 4561.15 of the Revised Code or of a substantially 4860
equivalent municipal ordinance within the previous ten years. 4861

(g) The offender previously has been convicted of or 4862
pleaded guilty to three or more prior violations of any 4863
combination of the offenses listed in division (B) (1) (d), (e), 4864
or (f) of this section. 4865

(h) The offender previously has been convicted of or 4866
pleaded guilty to a second or subsequent felony violation of 4867
division (A) of section 4511.19 of the Revised Code. 4868

(2) In addition to any other sanctions imposed pursuant to 4869
division (B) (1) of this section, except as otherwise provided in 4870

this division, the court ~~shall~~may impose upon the offender a 4871
class three suspension of the offender's driver's license, 4872
commercial driver's license, temporary instruction permit, 4873
probationary license, or nonresident operating privilege from 4874
the range specified in division (A) (3) of section 4510.02 of the 4875
Revised Code. If the offender previously has been convicted of 4876
or pleaded guilty to a violation of this section, any traffic- 4877
related homicide, manslaughter, or assault offense, or any 4878
traffic-related murder, felonious assault, or attempted murder 4879
offense, the court ~~shall~~may impose either a class two 4880
suspension of the offender's driver's license, commercial 4881
driver's license, temporary instruction permit, probationary 4882
license, or nonresident operating privilege from the range 4883
specified in division (A) (2) of that section or a class one 4884
suspension as specified in division (A) (1) of that section. 4885

(C) (1) Whoever violates division (A) (2) or (3) of this 4886
section is guilty of vehicular assault and shall be punished as 4887
provided in divisions (C) (2) and (3) of this section. 4888

(2) Except as otherwise provided in this division, 4889
vehicular assault committed in violation of division (A) (2) of 4890
this section is a felony of the fourth degree. Vehicular assault 4891
committed in violation of division (A) (2) of this section is a 4892
felony of the third degree if, at the time of the offense, the 4893
offender was driving under a suspension imposed under Chapter 4894
4510. or any other provision of the Revised Code, if the 4895
offender previously has been convicted of or pleaded guilty to a 4896
violation of this section or any traffic-related homicide, 4897
manslaughter, or assault offense, or if, in the same course of 4898
conduct that resulted in the violation of division (A) (2) of 4899
this section, the offender also violated section 4549.02, 4900
4549.021, or 4549.03 of the Revised Code. 4901

In addition to any other sanctions imposed, the court 4902
~~shall~~ may impose upon the offender a class four suspension of 4903
the offender's driver's license, commercial driver's license, 4904
temporary instruction permit, probationary license, or 4905
nonresident operating privilege from the range specified in 4906
division (A) (4) of section 4510.02 of the Revised Code or, if 4907
the offender previously has been convicted of or pleaded guilty 4908
to a violation of this section, any traffic-related homicide, 4909
manslaughter, or assault offense, or any traffic-related murder, 4910
felonious assault, or attempted murder offense, a class three 4911
suspension of the offender's driver's license, commercial 4912
driver's license, temporary instruction permit, probationary 4913
license, or nonresident operating privilege from the range 4914
specified in division (A) (3) of that section. 4915

(3) Except as otherwise provided in this division, 4916
vehicular assault committed in violation of division (A) (3) of 4917
this section is a misdemeanor of the first degree. Vehicular 4918
assault committed in violation of division (A) (3) of this 4919
section is a felony of the fourth degree if, at the time of the 4920
offense, the offender was driving under a suspension imposed 4921
under Chapter 4510. or any other provision of the Revised Code 4922
or if the offender previously has been convicted of or pleaded 4923
guilty to a violation of this section or any traffic-related 4924
homicide, manslaughter, or assault offense. 4925

In addition to any other sanctions imposed, the court 4926
~~shall~~ may impose upon the offender a class four suspension of 4927
the offender's driver's license, commercial driver's license, 4928
temporary instruction permit, probationary license, or 4929
nonresident operating privilege from the range specified in 4930
division (A) (4) of section 4510.02 of the Revised Code or, if 4931
the offender previously has been convicted of or pleaded guilty 4932

to a violation of this section, any traffic-related homicide, 4933
manslaughter, or assault offense, or any traffic-related murder, 4934
felonious assault, or attempted murder offense, a class three 4935
suspension of the offender's driver's license, commercial 4936
driver's license, temporary instruction permit, probationary 4937
license, or nonresident operating privilege from the range 4938
specified in division (A) (3) of section 4510.02 of the Revised 4939
Code. 4940

(D) (1) The court shall impose a mandatory prison term, as 4941
described in division (D) (4) of this section, on an offender who 4942
is convicted of or pleads guilty to a violation of division (A) 4943
(1) of this section. 4944

(2) The court shall impose a mandatory prison term, as 4945
described in division (D) (4) of this section, on an offender who 4946
is convicted of or pleads guilty to a violation of division (A) 4947
(2) of this section or a felony violation of division (A) (3) of 4948
this section if either of the following applies: 4949

(a) The offender previously has been convicted of or 4950
pleaded guilty to a violation of this section or section 2903.06 4951
of the Revised Code. 4952

(b) At the time of the offense, the offender was driving 4953
under suspension under Chapter 4510. or any other provision of 4954
the Revised Code. 4955

(3) The court shall impose a mandatory jail term of at 4956
least seven days on an offender who is convicted of or pleads 4957
guilty to a misdemeanor violation of division (A) (3) of this 4958
section and may impose upon the offender a longer jail term as 4959
authorized pursuant to section 2929.24 of the Revised Code. 4960

(4) A mandatory prison term required under division (D) (1) 4961

or (2) of this section shall be a definite term from the range 4962
of prison terms provided in division (A) (2) (b) of section 4963
2929.14 of the Revised Code for a felony of the second degree, 4964
from division (A) (3) (a) of that section for a felony of the 4965
third degree, or from division (A) (4) of that section for a 4966
felony of the fourth degree, whichever is applicable, except 4967
that if the violation is a felony of the second degree committed 4968
on or after ~~the effective date of this amendment~~ March 22, 2019, 4969
the court shall impose as the minimum prison term for the 4970
offense a mandatory prison term that is one of the minimum terms 4971
prescribed for a felony of the second degree in division (A) (2) 4972
(a) of section 2929.14 of the Revised Code. 4973

(E) Divisions (A) (2) (a) and (3) of this section do not 4974
apply in a particular construction zone unless signs of the type 4975
described in section 2903.081 of the Revised Code are erected in 4976
that construction zone in accordance with the guidelines and 4977
design specifications established by the director of 4978
transportation under section 5501.27 of the Revised Code. The 4979
failure to erect signs of the type described in section 2903.081 4980
of the Revised Code in a particular construction zone in 4981
accordance with those guidelines and design specifications does 4982
not limit or affect the application of division (A) (1) or (2) (b) 4983
of this section in that construction zone or the prosecution of 4984
any person who violates either of those divisions in that 4985
construction zone. 4986

(F) As used in this section: 4987

(1) "Mandatory prison term" and "mandatory jail term" have 4988
the same meanings as in section 2929.01 of the Revised Code. 4989

(2) "Traffic-related homicide, manslaughter, or assault 4990
offense" and "traffic-related murder, felonious assault, or 4991

attempted murder offense" have the same meanings as in section 4992
2903.06 of the Revised Code. 4993

(3) "Construction zone" has the same meaning as in section 4994
5501.27 of the Revised Code. 4995

(4) "Reckless operation offense" and "speeding offense" 4996
have the same meanings as in section 2903.06 of the Revised 4997
Code. 4998

(G) For the purposes of this section, when a penalty or 4999
suspension is enhanced because of a prior or current violation 5000
of a specified law or a prior or current specified offense, the 5001
reference to the violation of the specified law or the specified 5002
offense includes any violation of any substantially equivalent 5003
municipal ordinance, former law of this state, or current or 5004
former law of another state or the United States. 5005

Sec. 2903.214. (A) As used in this section: 5006

(1) "Court" means the court of common pleas of the county 5007
in which the person to be protected by the protection order 5008
resides. 5009

(2) "Victim advocate" means a person who provides support 5010
and assistance for a person who files a petition under this 5011
section. 5012

(3) "Family or household member" ~~has the same meaning as~~ 5013
~~in section 3113.31 of the Revised Code~~means any of the 5014
following: 5015

(a) Any of the following who is residing with or has 5016
resided with the petitioner: 5017

(i) A spouse, a person living as a spouse, or a former 5018
spouse of the petitioner; 5019

(ii) A parent, a foster parent, or a child of the 5020
petitioner, or another person related by consanguinity or 5021
affinity to the petitioner; 5022

(iii) A parent or a child of a spouse, person living as a 5023
spouse, or former spouse of the petitioner, or another person 5024
related by consanguinity or affinity to a spouse, person living 5025
as a spouse, or former spouse of the petitioner. 5026

(b) The natural parent of any child of whom the petitioner 5027
is the other natural parent or is the putative other natural 5028
parent. 5029

(4) "Person living as a spouse" means a person who is 5030
living or has lived with the petitioner in a common law marital 5031
relationship, who otherwise is cohabiting with the petitioner, 5032
or who otherwise has cohabited with the petitioner within five 5033
years prior to the date of the alleged occurrence of the act in 5034
question. 5035

(5) "Protection order issued by a court of another state" 5036
has the same meaning as in section 2919.27 of the Revised Code. 5037

~~(5)~~(6) "Sexually oriented offense" has the same meaning 5038
as in section 2950.01 of the Revised Code. 5039

~~(6)~~(7) "Electronic monitoring" has the same meaning as in 5040
section 2929.01 of the Revised Code. 5041

~~(7)~~(8) "Companion animal" has the same meaning as in 5042
section 959.131 of the Revised Code. 5043

(B) The court has jurisdiction over all proceedings under 5044
this section. 5045

(C) A person may seek relief under this section for the 5046
person, or any parent or adult household member may seek relief 5047

under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following:

(1) An allegation that the respondent is eighteen years of age or older and engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation;

(2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;

(3) A request for relief under this section.

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not

limited to, situations in which the respondent has threatened 5078
the person to be protected by the protection order with bodily 5079
harm or in which the respondent previously has been convicted of 5080
or pleaded guilty to a violation of section 2903.211 of the 5081
Revised Code or a sexually oriented offense against the person 5082
to be protected by the protection order. 5083

(2) (a) If the court, after an ex parte hearing, issues a 5084
protection order described in division (E) of this section, the 5085
court shall schedule a full hearing for a date that is within 5086
ten court days after the ex parte hearing. The court shall give 5087
the respondent notice of, and an opportunity to be heard at, the 5088
full hearing. The court shall hold the full hearing on the date 5089
scheduled under this division unless the court grants a 5090
continuance of the hearing in accordance with this division. 5091
Under any of the following circumstances or for any of the 5092
following reasons, the court may grant a continuance of the full 5093
hearing to a reasonable time determined by the court: 5094

(i) Prior to the date scheduled for the full hearing under 5095
this division, the respondent has not been served with the 5096
petition filed pursuant to this section and notice of the full 5097
hearing. 5098

(ii) The parties consent to the continuance. 5099

(iii) The continuance is needed to allow a ~~party~~ 5100
respondent to obtain counsel. 5101

~~(iv) The continuance is needed for other good cause.~~ 5102

(b) An ex parte order issued under this section does not 5103
expire because of a failure to serve notice of the full hearing 5104
upon the respondent before the date set for the full hearing 5105
under division (D) (2) (a) of this section or because the court 5106

grants a continuance under that division. 5107

(3) If a person who files a petition pursuant to this 5108
section does not request an ex parte order, or if a person 5109
requests an ex parte order but the court does not issue an ex 5110
parte order after an ex parte hearing, the court shall proceed 5111
as in a normal civil action and grant a full hearing on the 5112
matter. 5113

(E) (1) (a) After an ex parte or full hearing, the court may 5114
issue any protection order, with or without bond, that contains 5115
terms designed to ensure the safety and protection of the person 5116
to be protected by the protection order, including, but not 5117
limited to, a requirement that the respondent refrain from 5118
entering the residence, school, business, or place of employment 5119
of the petitioner or family or household member. If the court 5120
includes a requirement that the respondent refrain from entering 5121
the residence, school, business, or place of employment of the 5122
petitioner or family or household member in the order, it also 5123
shall include in the order provisions of the type described in 5124
division (E) (5) of this section. The court may include within a 5125
protection order issued under this section a term requiring that 5126
the respondent not remove, damage, hide, harm, or dispose of any 5127
companion animal owned or possessed by the person to be 5128
protected by the order, and may include within the order a term 5129
authorizing the person to be protected by the order to remove a 5130
companion animal owned by the person to be protected by the 5131
order from the possession of the respondent. 5132

(b) After a full hearing, if the court considering a 5133
petition that includes an allegation of the type described in 5134
division (C) (2) of this section, or the court upon its own 5135
motion, finds upon clear and convincing evidence that the 5136

petitioner reasonably believed that the respondent's conduct at 5137
any time preceding the filing of the petition endangered the 5138
health, welfare, or safety of the person to be protected and 5139
that the respondent presents a continuing danger to the person 5140
to be protected, the court may order that the respondent be 5141
electronically monitored for a period of time and under the 5142
terms and conditions that the court determines are appropriate. 5143
Electronic monitoring shall be in addition to any other relief 5144
granted to the petitioner. 5145

(2) (a) Any protection order issued pursuant to this 5146
section shall be valid until a date certain but not later than 5147
five years from the date of its issuance. 5148

(b) Any protection order issued pursuant to this section 5149
may be renewed in the same manner as the original order was 5150
issued. 5151

(3) A court may not issue a protection order that requires 5152
a petitioner to do or to refrain from doing an act that the 5153
court may require a respondent to do or to refrain from doing 5154
under division (E) (1) of this section unless all of the 5155
following apply: 5156

(a) The respondent files a separate petition for a 5157
protection order in accordance with this section. 5158

(b) The petitioner is served with notice of the 5159
respondent's petition at least forty-eight hours before the 5160
court holds a hearing with respect to the respondent's petition, 5161
or the petitioner waives the right to receive this notice. 5162

(c) If the petitioner has requested an ex parte order 5163
pursuant to division (D) of this section, the court does not 5164
delay any hearing required by that division beyond the time 5165

specified in that division in order to consolidate the hearing 5166
with a hearing on the petition filed by the respondent. 5167

(d) After a full hearing at which the respondent presents 5168
evidence in support of the request for a protection order and 5169
the petitioner is afforded an opportunity to defend against that 5170
evidence, the court determines that the petitioner has committed 5171
a violation of section 2903.211 of the Revised Code against the 5172
person to be protected by the protection order issued pursuant 5173
to division (E) (3) of this section, has committed a sexually 5174
oriented offense against the person to be protected by the 5175
protection order issued pursuant to division (E) (3) of this 5176
section, or has violated a protection order issued pursuant to 5177
section 2903.213 of the Revised Code relative to the person to 5178
be protected by the protection order issued pursuant to division 5179
(E) (3) of this section. 5180

(4) No protection order issued pursuant to this section 5181
shall in any manner affect title to any real property. 5182

(5) (a) If the court issues a protection order under this 5183
section that includes a requirement that the alleged offender 5184
refrain from entering the residence, school, business, or place 5185
of employment of the petitioner or a family or household member, 5186
the order shall clearly state that the order cannot be waived or 5187
nullified by an invitation to the alleged offender from the 5188
complainant to enter the residence, school, business, or place 5189
of employment or by the alleged offender's entry into one of 5190
those places otherwise upon the consent of the petitioner or 5191
family or household member. 5192

(b) Division (E) (5) (a) of this section does not limit any 5193
discretion of a court to determine that an alleged offender 5194
charged with a violation of section 2919.27 of the Revised Code, 5195

with a violation of a municipal ordinance substantially 5196
equivalent to that section, or with contempt of court, which 5197
charge is based on an alleged violation of a protection order 5198
issued under this section, did not commit the violation or was 5199
not in contempt of court. 5200

(F) (1) The court shall cause the delivery of a copy of any 5201
protection order that is issued under this section to the 5202
petitioner, to the respondent, and to all law enforcement 5203
agencies that have jurisdiction to enforce the order. The court 5204
shall direct that a copy of the order be delivered to the 5205
respondent on the same day that the order is entered. 5206

(2) Upon the issuance of a protection order under this 5207
section, the court shall provide the parties to the order with 5208
the following notice orally or by form: 5209

"NOTICE 5210

As a result of this order, it may be unlawful for you to 5211
possess or purchase a firearm, including a rifle, pistol, or 5212
revolver, or ammunition pursuant to federal law under 18 U.S.C. 5213
922(g) (8) for the duration of this order. If you have any 5214
questions whether this law makes it illegal for you to possess 5215
or purchase a firearm or ammunition, you should consult an 5216
attorney." 5217

(3) All law enforcement agencies shall establish and 5218
maintain an index for the protection orders delivered to the 5219
agencies pursuant to division (F) (1) of this section. With 5220
respect to each order delivered, each agency shall note on the 5221
index the date and time that it received the order. 5222

(4) Regardless of whether the petitioner has registered 5223
the protection order in the county in which the officer's agency 5224

has jurisdiction pursuant to division (M) of this section, any 5225
officer of a law enforcement agency shall enforce a protection 5226
order issued pursuant to this section by any court in this state 5227
in accordance with the provisions of the order, including 5228
removing the respondent from the premises, if appropriate. 5229

(G) (1) Any proceeding under this section shall be 5230
conducted in accordance with the Rules of Civil Procedure, 5231
except that a protection order may be obtained under this 5232
section with or without bond. An order issued under this 5233
section, other than an ex parte order, that grants a protection 5234
order, or that refuses to grant a protection order, is a final, 5235
appealable order. The remedies and procedures provided in this 5236
section are in addition to, and not in lieu of, any other 5237
available civil or criminal remedies. 5238

(2) If as provided in division (G) (1) of this section an 5239
order issued under this section, other than an ex parte order, 5240
refuses to grant a protection order, the court, on its own 5241
motion, shall order that the ex parte order issued under this 5242
section and all of the records pertaining to that ex parte order 5243
be sealed after either of the following occurs: 5244

(a) No party has exercised the right to appeal pursuant to 5245
Rule 4 of the Rules of Appellate Procedure. 5246

(b) All appellate rights have been exhausted. 5247

(H) The filing of proceedings under this section does not 5248
excuse a person from filing any report or giving any notice 5249
required by section 2151.421 of the Revised Code or by any other 5250
law. 5251

(I) Any law enforcement agency that investigates an 5252
alleged violation of section 2903.211 of the Revised Code or an 5253

alleged commission of a sexually oriented offense shall provide 5254
information to the victim and the family or household members of 5255
the victim regarding the relief available under this section and 5256
section 2903.213 of the Revised Code. 5257

(J) (1) Subject to division (J) (2) of this section and 5258
regardless of whether a protection order is issued or a consent 5259
agreement is approved by a court of another county or by a court 5260
of another state, no court or unit of state or local government 5261
shall charge the petitioner any fee, cost, deposit, or money in 5262
connection with the filing of a petition pursuant to this 5263
section, in connection with the filing, issuance, registration, 5264
modification, enforcement, dismissal, withdrawal, or service of 5265
a protection order, consent agreement, or witness subpoena or 5266
for obtaining a certified copy of a protection order or consent 5267
agreement. 5268

(2) Regardless of whether a protection order is issued or 5269
a consent agreement is approved pursuant to this section, the 5270
court may assess costs against the respondent in connection with 5271
the filing, issuance, registration, modification, enforcement, 5272
dismissal, withdrawal, or service of a protection order, consent 5273
agreement, or witness subpoena or for obtaining a certified copy 5274
of a protection order or consent agreement. 5275

(K) (1) A person who violates a protection order issued 5276
under this section is subject to the following sanctions: 5277

(a) Criminal prosecution for a violation of section 5278
2919.27 of the Revised Code, if the violation of the protection 5279
order constitutes a violation of that section; 5280

(b) Punishment for contempt of court. 5281

(2) The punishment of a person for contempt of court for 5282

violation of a protection order issued under this section does 5283
not bar criminal prosecution of the person for a violation of 5284
section 2919.27 of the Revised Code. However, a person punished 5285
for contempt of court is entitled to credit for the punishment 5286
imposed upon conviction of a violation of that section, and a 5287
person convicted of a violation of that section shall not 5288
subsequently be punished for contempt of court arising out of 5289
the same activity. 5290

(L) In all stages of a proceeding under this section, a 5291
petitioner may be accompanied by a victim advocate. 5292

(M) (1) A petitioner who obtains a protection order under 5293
this section or a protection order under section 2903.213 of the 5294
Revised Code may provide notice of the issuance or approval of 5295
the order to the judicial and law enforcement officials in any 5296
county other than the county in which the order is issued by 5297
registering that order in the other county pursuant to division 5298
(M) (2) of this section and filing a copy of the registered order 5299
with a law enforcement agency in the other county in accordance 5300
with that division. A person who obtains a protection order 5301
issued by a court of another state may provide notice of the 5302
issuance of the order to the judicial and law enforcement 5303
officials in any county of this state by registering the order 5304
in that county pursuant to section 2919.272 of the Revised Code 5305
and filing a copy of the registered order with a law enforcement 5306
agency in that county. 5307

(2) A petitioner may register a protection order issued 5308
pursuant to this section or section 2903.213 of the Revised Code 5309
in a county other than the county in which the court that issued 5310
the order is located in the following manner: 5311

(a) The petitioner shall obtain a certified copy of the 5312

order from the clerk of the court that issued the order and 5313
present that certified copy to the clerk of the court of common 5314
pleas or the clerk of a municipal court or county court in the 5315
county in which the order is to be registered. 5316

(b) Upon accepting the certified copy of the order for 5317
registration, the clerk of the court of common pleas, municipal 5318
court, or county court shall place an endorsement of 5319
registration on the order and give the petitioner a copy of the 5320
order that bears that proof of registration. 5321

(3) The clerk of each court of common pleas, municipal 5322
court, or county court shall maintain a registry of certified 5323
copies of protection orders that have been issued by courts in 5324
other counties pursuant to this section or section 2903.213 of 5325
the Revised Code and that have been registered with the clerk. 5326

(N) (1) If the court orders electronic monitoring of the 5327
respondent under this section, the court shall direct the 5328
sheriff's office or any other appropriate law enforcement agency 5329
to install the electronic monitoring device and to monitor the 5330
respondent. Unless the court determines that the respondent is 5331
indigent, the court shall order the respondent to pay the cost 5332
of the installation and monitoring of the electronic monitoring 5333
device. If the court determines that the respondent is indigent 5334
and subject to the maximum amount allowable to be paid in any 5335
year from the fund and the rules promulgated by the attorney 5336
general under division (N) (2) of this section, the cost of the 5337
installation and monitoring of the electronic monitoring device 5338
may be paid out of funds from the reparations fund created 5339
pursuant to section 2743.191 of the Revised Code. The total 5340
amount of costs for the installation and monitoring of 5341
electronic monitoring devices paid pursuant to this division and 5342

sections 2151.34 and 2919.27 of the Revised Code from the 5343
reparations fund shall not exceed three hundred thousand dollars 5344
per year. 5345

(2) The attorney general may promulgate rules pursuant to 5346
section 111.15 of the Revised Code to govern payments made from 5347
the reparations fund pursuant to this division and sections 5348
2151.34 and 2919.27 of the Revised Code. The rules may include 5349
reasonable limits on the total cost paid pursuant to this 5350
division and sections 2151.34 and 2919.27 of the Revised Code 5351
per respondent, the amount of the three hundred thousand dollars 5352
allocated to each county, and how invoices may be submitted by a 5353
county, court, or other entity. 5354

Sec. 2907.011. (A) (1) No person who is eighteen years of 5355
age or older shall knowingly engage in sexual conduct with any 5356
person who is less than thirteen years of age. 5357

(2) No person who is fourteen years of age or older shall 5358
knowingly engage in sexual conduct with any person who is less 5359
than ten years of age. 5360

(B) Whoever violates division (A) of this section is 5361
guilty of aggravated rape, a felony of the first degree, and the 5362
following apply: 5363

(1) Notwithstanding the prison terms specified in section 5364
2929.14 of the Revised Code and except as provided in division 5365
(B) (2) of this section, the court shall sentence the offender to 5366
a term of imprisonment of not less than fifteen years and up to 5367
thirty years and a maximum term as determined under section 5368
2971.03 of the Revised Code. 5369

(2) In addition to the sanctions described in division (B) 5370
(1) of this section, the court may do either or both of the 5371

<u>following:</u>	5372
<u>(a) Notwithstanding section 2929.18 of the Revised Code,</u>	5373
<u>assess against the offender a fine of up to one hundred thousand</u>	5374
<u>dollars;</u>	5375
<u>(b) Order the offender to pay restitution as provided in</u>	5376
<u>section 2929.18 of the Revised Code.</u>	5377
Sec. 2907.05. (A) No person shall have sexual contact with	5378
another, not the spouse of the offender; cause another, not the	5379
spouse of the offender, to have sexual contact with the	5380
offender; or cause two or more other persons to have sexual	5381
contact when any of the following applies:	5382
(1) The offender purposely compels the other person, or	5383
one of the other persons, to submit by force or threat of force.	5384
(2) For the purpose of preventing resistance, the offender	5385
substantially impairs the judgment or control of the other	5386
person or of one of the other persons by administering any drug,	5387
intoxicant, or controlled substance to the other person	5388
surreptitiously or by force, threat of force, or deception.	5389
(3) The offender knows that the judgment or control of the	5390
other person or of one of the other persons is substantially	5391
impaired as a result of the influence of any drug or intoxicant	5392
administered to the other person with the other person's consent	5393
for the purpose of any kind of medical or dental examination,	5394
treatment, or surgery.	5395
(4) The other person, or one of the other persons, is less	5396
than thirteen years of age, whether or not the offender knows	5397
the age of that person.	5398
(5) The ability of the other person to resist or consent	5399

or the ability of one of the other persons to resist or consent 5400
is substantially impaired because of a mental or physical 5401
condition or because of advanced age, and the offender knows or 5402
has reasonable cause to believe that the ability to resist or 5403
consent of the other person or of one of the other persons is 5404
substantially impaired because of a mental or physical condition 5405
or because of advanced age. 5406

(B) No person shall knowingly touch the genitalia of 5407
another, when the touching is not through clothing, the other 5408
person is less than twelve years of age, whether or not the 5409
offender knows the age of that person, and the touching is done 5410
with an intent to abuse, humiliate, harass, degrade, or arouse 5411
or gratify the sexual desire of any person. 5412

(C) Whoever violates this section is guilty of gross 5413
sexual imposition. 5414

(1) Except as otherwise provided in this section, gross 5415
sexual imposition committed in violation of division (A) (1), 5416
(2), (3), or (5) of this section is a felony of the fourth 5417
degree. If the offender under division (A) (2) of this section 5418
substantially impairs the judgment or control of the other 5419
person or one of the other persons by administering any 5420
controlled substance, as defined in section 3719.01 of the 5421
Revised Code, to the person surreptitiously or by force, threat 5422
of force, or deception, gross sexual imposition committed in 5423
violation of division (A) (2) of this section is a felony of the 5424
third degree. 5425

(2) Gross sexual imposition committed in violation of 5426
division (A) (4) or (B) of this section is a felony of the third 5427
degree. Except as otherwise provided in this division, for gross 5428
sexual imposition committed in violation of division (A) (4) or 5429

(B) of this section there is a presumption that a prison term shall be imposed for the offense. The court shall impose on an offender convicted of gross sexual imposition in violation of division (A) (4) or (B) of this section a mandatory prison term, as described in division (C) (3) of this section, for a felony of the third degree if ~~either of the following applies:~~

~~(a) Evidence other than the testimony of the victim was admitted in the case corroborating the violation;~~

~~(b) The the offender previously was convicted of or pleaded guilty to a violation of this section, rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.~~

(3) A mandatory prison term required under division (C) (2) of this section shall be a definite term from the range of prison terms provided in division (A) (3) (a) of section 2929.14 of the Revised Code for a felony of the third degree.

(D) A victim need not prove physical resistance to the offender in prosecutions under this section.

(E) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

Evidence of specific instances of the defendant's sexual

activity, opinion evidence of the defendant's sexual activity, 5459
and reputation evidence of the defendant's sexual activity shall 5460
not be admitted under this section unless it involves evidence 5461
of the origin of semen, pregnancy, or disease, the defendant's 5462
past sexual activity with the victim, or is admissible against 5463
the defendant under section 2945.59 of the Revised Code, and 5464
only to the extent that the court finds that the evidence is 5465
material to a fact at issue in the case and that its 5466
inflammatory or prejudicial nature does not outweigh its 5467
probative value. 5468

(F) Prior to taking testimony or receiving evidence of any 5469
sexual activity of the victim or the defendant in a proceeding 5470
under this section, the court shall resolve the admissibility of 5471
the proposed evidence in a hearing in chambers, which shall be 5472
held at or before preliminary hearing and not less than three 5473
days before trial, or for good cause shown during the trial. 5474

(G) Upon approval by the court, the victim may be 5475
represented by counsel in any hearing in chambers or other 5476
proceeding to resolve the admissibility of evidence. If the 5477
victim is indigent or otherwise is unable to obtain the services 5478
of counsel, the court, upon request, may appoint counsel to 5479
represent the victim without cost to the victim. 5480

Sec. 2907.15. (A) As used in this section: 5481

(1) "Public retirement system" means the public employees 5482
retirement system, state teachers retirement system, school 5483
employees retirement system, Ohio police and fire pension fund, 5484
state highway patrol retirement system, or a municipal 5485
retirement system of a municipal corporation of this state. 5486

(2) "Government deferred compensation program" means such 5487

a program offered by the Ohio public employees deferred
compensation board; a municipal corporation; or a governmental
unit, as defined in section 148.06 of the Revised Code.

(3) "Deferred compensation program participant" means a
"participating employee" or "continuing member," as defined in
section 148.01 of the Revised Code, or any other public employee
who has funds in a government deferred compensation program.

(4) "Alternative retirement plan" means an alternative
retirement plan provided pursuant to Chapter 3305. of the
Revised Code.

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

(B)(1) In any case in which a sentencing court orders
restitution to the victim under section 2929.18 or 2929.28 of
the Revised Code for a violation of section 2907.011, 2907.02,
2907.03, 2907.04, or 2907.05 of the Revised Code and in which
the offender is a government deferred compensation program
participant, is an electing employee, as defined in section
3305.01 of the Revised Code, or is a member of, or receiving a
pension, benefit, or allowance, other than a survivorship
benefit, from, a public retirement system and committed the
offense against a child, student, patient, or other person with
whom the offender had contact in the context of the offender's
public employment, at the request of the victim the prosecutor
shall file a motion with the sentencing court specifying the
government deferred compensation program, alternative retirement
plan, or public retirement system and requesting that the court
issue an order requiring the government deferred compensation
program, alternative retirement plan, or public retirement
system to withhold the amount required as restitution from one

or more of the following: ~~any~~ 5518

(a) Any payment to be made from a government deferred 5519
compensation program, any payment or benefit under an 5520
alternative retirement plan, or under a pension, annuity, 5521
allowance, or any other benefit, other than a survivorship 5522
benefit, that has been or is in the future granted to the 5523
offender; ~~from any~~ 5524

(b) Any payment of accumulated employee contributions 5525
standing to the offender's credit with the government deferred 5526
compensation program, alternative retirement plan, or public 5527
retirement system; ~~or from any~~ 5528

(c) Any payment of any other amounts to be paid to the 5529
offender pursuant to Chapter 145., 148., 742., 3307., 3309., or 5530
5505. of the Revised Code on withdrawal of contributions. ~~The~~ 5531

(2) The motion described under division (B)(1) of this 5532
section may be filed at any time subsequent to the conviction of 5533
the offender or entry of a guilty plea. ~~On~~ 5534

(3) On the filing of the motion under division (B)(1) of 5535
this section, the clerk of the court in which the motion is 5536
filed shall notify the offender and the government deferred 5537
compensation program, alternative retirement plan, or public 5538
retirement system, in writing, of all of the following: ~~that~~ 5539

(a) That the motion was filed; ~~that~~ 5540

(b) That the offender will be granted a hearing on the 5541
issuance of the requested order if the offender files a written 5542
request for a hearing with the clerk prior to the expiration of 5543
thirty days after the offender receives the notice; ~~that~~ 5544

(c) That, if a hearing is requested, the court will 5545

schedule a hearing as soon as possible and notify the offender 5546
and the government deferred compensation program, alternative 5547
retirement plan, or public retirement system of the date, time, 5548
and place of the hearing; ~~that~~ 5549

(d) That, if a hearing is conducted, it will be limited to 5550
a consideration of whether the offender can show good cause why 5551
the order should not be issued; ~~that~~ 5552

(e) That, if a hearing is conducted, the court will not 5553
issue the order if the court determines, based on evidence 5554
presented at the hearing by the offender, that there is good 5555
cause for the order not to be issued; ~~that~~ 5556

(f) That the court will issue the order if a hearing is 5557
not requested or if a hearing is conducted but the court does 5558
not determine, based on evidence presented at the hearing by the 5559
offender, that there is good cause for the order not to be 5560
issued; ~~and that~~ 5561

(g) That, if the order is issued, the government deferred 5562
compensation program, alternative retirement plan, or public 5563
retirement system specified in the motion will be required to 5564
withhold the amount required as restitution from payments to the 5565
offender. 5566

~~(B)~~ (C) (1) In any case in which a motion requesting the 5567
issuance of a withholding order as described in division ~~(A)~~ (B) 5568
of this section is filed, the offender may receive a hearing on 5569
the motion by delivering a written request for a hearing to the 5570
court prior to the expiration of thirty days after the 5571
offender's receipt of the notice provided pursuant to division 5572
(A) of this section. If the offender requests a hearing within 5573
the prescribed time, the court shall schedule a hearing as soon 5574

as possible after the request is made and notify the offender 5575
and the government deferred compensation program, alternative 5576
retirement plan, or public retirement system of the date, time, 5577
and place of the hearing. A hearing scheduled under this 5578
division shall be limited to a consideration of whether there is 5579
good cause, based on evidence presented by the offender, for the 5580
requested order not to be issued. If the court determines, based 5581
on evidence presented by the offender, that there is good cause 5582
for the order not to be issued, the court shall deny the motion 5583
and shall not issue the order. Good cause for not issuing the 5584
order includes a determination by the court that the order would 5585
severely impact the offender's ability to support the offender's 5586
dependents. 5587

(2) If the offender does not request a hearing under 5588
division (B) (1) of this section within the prescribed time or 5589
the court conducts a hearing but does not determine, based on 5590
evidence presented by the offender, that there is good cause for 5591
the order not to be issued, the court shall order the government 5592
deferred compensation program, alternative retirement plan, or 5593
public retirement system to withhold the amount required as 5594
restitution from one or more of the following: ~~any~~ 5595

(a) Any payments to be made from a government deferred 5596
compensation program, any payment or benefit under an 5597
alternative retirement plan, or under a pension, annuity, 5598
allowance, or under any other benefit, other than a survivorship 5599
benefit, that has been or is in the future granted to the 5600
offender; ~~from any~~ 5601

(b) Any payment of accumulated employee contributions 5602
standing to the offender's credit with the government deferred 5603
compensation program, alternative retirement plan, or public 5604

retirement system; ~~or from any~~ 5605

(c) Any payment of any other amounts to be paid to the 5606
offender ~~upon~~ on withdrawal of contributions ~~pursuant to~~ under 5607
Chapter 145., 148., 742., 3307., 3309., or 5505. of the Revised 5608
Code and to continue the withholding for that purpose, in 5609
accordance with the order, out of each payment to be made on or 5610
after the date of issuance of the order, until further order of 5611
the court. ~~On~~ 5612

(3) On receipt of an order issued under ~~this division~~ (B) 5613
(2) of this section, the government deferred compensation 5614
program, alternative retirement plan, or public retirement 5615
system shall withhold the amount required as restitution, in 5616
accordance with the order, from any such payments and 5617
immediately forward the amount withheld to the clerk of the 5618
court in which the order was issued for payment to the person to 5619
whom restitution is to be made. The order shall not apply to any 5620
portion of payments made from a government deferred compensation 5621
program, alternative retirement plan, or public retirement 5622
system to a person other than the offender ~~pursuant to~~ under a 5623
previously issued domestic court order. 5624

~~(C)~~ (D) Service of a notice required by division ~~(A)~~ (B) 5625
or ~~(B)~~ (C) of this section shall be effected in the same manner 5626
as provided in the Rules of Civil Procedure for the service of 5627
process. 5628

~~(D)~~ (E) Upon the filing of charges under section 2907.011, 5629
2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code 5630
against a ~~person~~ defendant who is a deferred compensation 5631
program participant, an electing employee participating in an 5632
alternative retirement plan, or a member of, or receiving a 5633
pension benefit, or allowance, other than a survivorship 5634

benefit, from a public retirement system for an offense against 5635
a child, student, patient, or other person with whom the 5636
~~offender~~ defendant had contact in the context of the ~~offender's~~ 5637
defendant's public employment, the prosecutor shall send written 5638
notice that charges have been filed against ~~that person~~ the 5639
defendant to the appropriate government deferred compensation 5640
program, alternative retirement plan, or public retirement 5641
system. The notice shall specifically identify the person 5642
charged. 5643

Sec. 2909.01. ~~As~~ (A) Except as otherwise provided in 5644
divisions (B) to (J) of this section, as used in sections 5645
2909.01 to ~~2909.07~~ 2909.05 of the Revised Code: 5646

~~(A)~~ (1) To "create a substantial risk of serious physical 5647
harm to any person" includes the creation of a substantial risk 5648
of serious physical harm to any emergency personnel. 5649

~~(B)~~ (2) "Emergency personnel" means any of the following 5650
persons: 5651

~~(1)~~ (a) A peace officer, as defined in section 2935.01 of 5652
the Revised Code; 5653

~~(2)~~ (b) A member of a fire department or other firefighting 5654
agency of a municipal corporation, township, township fire 5655
district, joint fire district, other political subdivision, or 5656
combination of political subdivisions; 5657

~~(3)~~ (c) A member of a private fire company, as defined in 5658
section 9.60 of the Revised Code, or a volunteer firefighter; 5659

~~(4)~~ (d) A member of a joint ambulance district or joint 5660
emergency medical services district; 5661

~~(5)~~ (e) An emergency medical technician-basic, emergency 5662

medical technician-intermediate, emergency medical technician- 5663
paramedic, ambulance operator, or other member of an emergency 5664
medical service that is owned or operated by a political 5665
subdivision or a private entity; 5666

~~(6)~~ (f) The state fire marshal, the chief deputy state fire 5667
marshal, or an assistant state fire marshal; 5668

~~(7)~~ (g) A fire prevention officer of a political 5669
subdivision or an arson, fire, or similar investigator of a 5670
political subdivision. 5671

~~(C)~~ (3) "Occupied structure" means any house, building, 5672
outbuilding, watercraft, aircraft, railroad car, truck, trailer, 5673
tent, or other structure, vehicle, or shelter, or any portion 5674
thereof, to which any of the following applies: 5675

~~(1)~~ (a) It is maintained as a permanent or temporary 5676
dwelling, even though it is temporarily unoccupied and whether 5677
or not any person is actually present. 5678

~~(2)~~ (b) At the time, it is occupied as the permanent or 5679
temporary habitation of any person, whether or not any person is 5680
actually present. 5681

~~(3)~~ (c) At the time, it is specially adapted for the 5682
overnight accommodation of any person, whether or not any person 5683
is actually present. 5684

~~(4)~~ (d) At the time, any person is present or likely to be 5685
present in it. 5686

~~(D)~~ (4) "Political subdivision" and "state" have the same 5687
meanings as in section 2744.01 of the Revised Code. 5688

~~(E)~~ (5) "Computer," "computer hacking," "computer network," 5689
"computer program," "computer software," "computer system," 5690

"data," and "telecommunications device" have the same meanings 5691
as in section 2913.01 of the Revised Code. 5692

~~(F)~~ (6) "Computer contaminant" means a computer program 5693
that is designed to modify, damage, destroy, disable, deny or 5694
degrade access to, allow unauthorized access to, functionally 5695
impair, record, or transmit information within a computer, 5696
computer system, or computer network without the express or 5697
implied consent of the owner or other person authorized to give 5698
consent and that is of a type or kind described in divisions ~~(F)~~ 5699
~~(1) to (4)~~ (A) (6) (a) to (d) of this section or of a type or kind 5700
similar to a type or kind described in divisions ~~(F) (1) to (4)~~ 5701
(A) (6) (a) to (d) of this section: 5702

~~(1)~~ (a) A group of computer programs commonly known as 5703
"viruses" and "worms" that are self-replicating or self- 5704
propagating and that are designed to contaminate other computer 5705
programs, compromise computer security, consume computer 5706
resources, modify, destroy, record, or transmit data, or disrupt 5707
the normal operation of the computer, computer system, or 5708
computer network; 5709

~~(2)~~ (b) A group of computer programs commonly known as 5710
"Trojans" or "Trojan horses" that are not self-replicating or 5711
self-propagating and that are designed to compromise computer 5712
security, consume computer resources, modify, destroy, record, 5713
or transmit data, or disrupt the normal operation of the 5714
computer, computer system, or computer network; 5715

~~(3)~~ (c) A group of computer programs commonly known as 5716
"zombies" that are designed to use a computer without the 5717
knowledge and consent of the owner, or other person authorized 5718
to give consent, and that are designed to send large quantities 5719
of data to a targeted computer network for the purpose of 5720

degrading the targeted computer's or network's performance, or 5721
denying access through the network to the targeted computer or 5722
network, resulting in what is commonly known as "Denial of 5723
Service" or "Distributed Denial of Service" attacks; 5724

~~(4)~~ (d) A group of computer programs commonly know as "trap 5725
doors," "back doors," or "root kits" that are designed to bypass 5726
standard authentication software and that are designed to allow 5727
access to or use of a computer without the knowledge or consent 5728
of the owner^r or other person authorized to give consent. 5729

~~(G)~~ (7) "Internet" has the same meaning as in section 5730
341.42 of the Revised Code. 5731

(8) "Physical damage to property" means any tangible or 5732
intangible damage to property that, in any degree, results in 5733
loss to its value or interferes with its use or enjoyment. 5734
Physical damage to property does not include wear and tear 5735
occasioned by normal use. 5736

(9) "Serious physical damage to property" means, subject 5737
to division (C) of this section, any physical damage to property 5738
that does either of the following: 5739

(a) Results in substantial loss to the value of the 5740
property or requires a substantial amount of time, effort, or 5741
money to repair or replace; 5742

(b) Temporarily prevents the use or enjoyment of the 5743
property or substantially interferes with its use or enjoyment 5744
for an extended period of time. 5745

(B) As used in section 2909.04 of the Revised Code: 5746

(1) "Emergency facility" means a hospital emergency 5747
department or any other facility that provides emergency medical 5748

<u>services.</u>	5749
<u>(2) "Emergency facility personnel" means any of the</u>	5750
<u>following:</u>	5751
<u>(a) Any of the following individuals who perform services</u>	5752
<u>in the ordinary course of their professions in an emergency</u>	5753
<u>facility:</u>	5754
<u>(i) Physicians authorized under Chapter 4731. of the</u>	5755
<u>Revised Code to practice medicine and surgery or osteopathic</u>	5756
<u>medicine and surgery;</u>	5757
<u>(ii) Registered nurses and licensed practical nurses</u>	5758
<u>licensed under Chapter 4723. of the Revised Code;</u>	5759
<u>(iii) Physician assistants authorized to practice under</u>	5760
<u>Chapter 4730. of the Revised Code;</u>	5761
<u>(iv) Health care workers;</u>	5762
<u>(v) Clerical staffs.</u>	5763
<u>(b) Any individual who is a security officer performing</u>	5764
<u>security services in an emergency facility;</u>	5765
<u>(c) Any individual who is present in an emergency</u>	5766
<u>facility, who was summoned to the facility by an individual</u>	5767
<u>identified in division (B)(2)(a) or (b) of this section.</u>	5768
<u>(3) "Emergency medical services personnel" has the same</u>	5769
<u>meaning as in section 2133.21 of the Revised Code.</u>	5770
<u>(4) "Health care worker" means an individual, other than</u>	5771
<u>an individual specified in division (B)(2)(a), (b), or (c) of</u>	5772
<u>this section, who provides medical or other health-related care</u>	5773
<u>or treatment in an emergency facility, including medical</u>	5774
<u>technicians, medical assistants, orderlies, aides, or</u>	5775

<u>individuals acting in similar capacities.</u>	5776
<u>(5) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.</u>	5777 5778
<u>(C) As used in section 2909.05 of the Revised Code:</u>	5779
<u>(1) "Cemetery" means any place of burial and includes burial sites that contain American Indian burial objects placed with or containing American Indian human remains.</u>	5780 5781 5782
<u>(2) "Serious physical damage" means physical damage to property that results in loss to the value of the property of two thousand five hundred dollars or more.</u>	5783 5784 5785
<u>(D) As used in section 2909.08 of the Revised Code:</u>	5786
<u>(1) "Airport operational surface" means any surface of land or water that is developed, posted, or marked so as to give an observer reasonable notice that the surface is designed and developed for the purpose of storing, parking, taxiing, or operating aircraft, or any surface of land or water that is actually being used for any of those purposes.</u>	5787 5788 5789 5790 5791 5792
<u>(2) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.</u>	5793 5794
<u>(E) As used in section 2909.081 of the Revised Code, "laser" means both of the following:</u>	5795 5796
<u>(1) Any device that utilizes the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation in the ultraviolet, visible, or infrared region of the spectrum and when discharged exceeds one milliwatt continuous wave;</u>	5797 5798 5799 5800 5801
<u>(2) Any device designed or used to amplify electromagnetic</u>	5802

radiation by simulated emission that is visible to the human 5803
eye. 5804

(F) As used in section 2909.09 of the Revised Code: 5805

(1) "Alley," "street," "streetcar," "trackless trolley," 5806
and "vehicle" have the same meanings as in section 4511.01 of 5807
the Revised Code. 5808

(2) "Highway" means any highway as defined in section 5809
4511.01 of the Revised Code or any lane, road, street, alley, 5810
bridge, or overpass. 5811

(3) "Physical damage to property" has the same meaning as 5812
in division (A) of this section. 5813

(4) "Vessel" and "waters in this state" have the same 5814
meanings as in section 1546.01 of the Revised Code. 5815

(G) As used in section 2909.11 of the Revised Code, 5816
"physical damage to property" has the same meaning as in 5817
division (A) of this section. 5818

(H) As used in sections 2909.22 to 2909.31 of the Revised 5819
Code: 5820

(1) "Act of terrorism" means either an activity that 5821
involves an act dangerous to human life that is a violation of 5822
the criminal laws of the United States or of any state or an act 5823
that is committed within or outside the territorial jurisdiction 5824
of this state or the United States, that constitutes a specified 5825
offense if committed in this state or constitutes an offense in 5826
any jurisdiction within or outside the territorial jurisdiction 5827
of the United States containing all of the essential elements of 5828
a specified offense, and that is intended to do one or more of 5829
the following: 5830

<u>(a) Intimidate or coerce a civilian population;</u>	5831
<u>(b) Influence the policy of any government by intimidation or coercion;</u>	5832 5833
<u>(c) Affect the conduct of any government by the act that constitutes the offense.</u>	5834 5835
<u>(2) "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be engineered through biotechnology, or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance, or biological product that may be engineered through biotechnology, capable of causing any of the following:</u>	5836 5837 5838 5839 5840 5841
<u>(a) Death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;</u>	5842 5843
<u>(b) Deterioration of food, water, equipment, supplies, or material of any kind;</u>	5844 5845
<u>(c) Deleterious alteration of the environment.</u>	5846
<u>(3) "Biological weapon" means any biological agent, toxin, vector, or delivery system or combination of any biological agent or agents, any toxin or toxins, any vector or vectors, and any delivery system or systems.</u>	5847 5848 5849 5850
<u>(4) "Chemical weapon" means any one or more of the following:</u>	5851 5852
<u>(a) Any toxic chemical or precursor of a toxic chemical that is listed in Schedule 1, Schedule 2, or Schedule 3 of the international "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC)," as entered into force on April 29, 1997;</u>	5853 5854 5855 5856 5857

(b) A device specifically designed to cause death or other 5858
harm through the toxic properties of a toxic chemical or 5859
precursor identified in division (H) (4) (a) of this section that 5860
would be created or released as a result of the employment of 5861
that device; 5862

(c) Any equipment specifically designed for use directly 5863
in connection with the employment of devices identified in 5864
division (H) (4) (b) of this section. 5865

(5) "Delivery system" and "vector" have the same meanings 5866
as in section 2917.011 of the Revised Code. 5867

(6) "Explosive device" means any device designed or 5868
specially adapted to cause physical harm to persons or physical 5869
damage to property by means of an explosion, and consisting of 5870
an explosive substance or agency and a means to detonate it. 5871
Explosive device includes without limitation any bomb, any 5872
explosive demolition device, any blasting cap or detonator 5873
containing an explosive charge, and any pressure vessel that has 5874
been knowingly tampered with or arranged so as to explode. 5875

(7) "Hazardous radioactive substance" means any substance 5876
or item that releases or is designed to release radiation or 5877
radioactivity at a level dangerous to human life. 5878

(8) "Key component of a binary or multicomponent chemical 5879
system" means the precursor that plays the most important role 5880
in determining the toxic properties of the final product and 5881
reacts rapidly with other chemicals in the binary or 5882
multicomponent chemical system. 5883

(9) "Material support or resources" means currency, 5884
payment instruments, other financial securities, funds, transfer 5885
of funds, financial services, communications, lodging, training, 5886

<u>safe houses, false documentation or identification,</u>	5887
<u>communications equipment, facilities, weapons, lethal</u>	5888
<u>substances, explosives, personnel, transportation, and other</u>	5889
<u>physical assets, except medicine or religious materials.</u>	5890
<u>(10) "Payment instrument" means a check, draft, money</u>	5891
<u>order, traveler's check, cashier's check, teller's check, or</u>	5892
<u>other instrument or order for the transmission or payment of</u>	5893
<u>money, regardless of whether the item in question is negotiable.</u>	5894
<u>(11) "Peace officer" and "prosecutor" have the same</u>	5895
<u>meanings as in section 2935.01 of the Revised Code.</u>	5896
<u>(12) "Precursor" means any chemical reactant that takes</u>	5897
<u>part at any stage in the production by whatever method of a</u>	5898
<u>toxic chemical, including any key component of a binary or</u>	5899
<u>multicomponent chemical system.</u>	5900
<u>(13) "Radiological or nuclear weapon" means any device</u>	5901
<u>that is designed to create or release radiation or radioactivity</u>	5902
<u>at a level that is dangerous to human life or in order to cause</u>	5903
<u>serious physical harm to persons as a result of the radiation or</u>	5904
<u>radioactivity created or released.</u>	5905
<u>(14) "Response costs" means all costs a political</u>	5906
<u>subdivision incurs as a result of, or in making any response to,</u>	5907
<u>a threat of a specified offense made as described in section</u>	5908
<u>2909.23 of the Revised Code or a specified offense committed as</u>	5909
<u>described in section 2909.24 of the Revised Code, including, but</u>	5910
<u>not limited to, all costs so incurred by any law enforcement</u>	5911
<u>officers, firefighters, rescue personnel, or emergency medical</u>	5912
<u>services personnel of the political subdivision and all costs so</u>	5913
<u>incurred by the political subdivision that relate to laboratory</u>	5914
<u>testing or hazardous material cleanup.</u>	5915

(15)(a) "Serious offense of violence" means any of the 5916
following: 5917

(i) A violation of section 2903.01, 2903.02, 2903.03, 5918
2903.04, 2903.11, 2903.15, 2905.01, 2905.02, 2905.32, 2907.01, 5919
2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 5920
2911.02, 2911.03, 2917.01, 2917.02, 2919.25, or 2923.161, of 5921
division (A) (1) or (2) of section 2911.04, or of division (B) 5922
(1), (2), (3), or (4) of section 2919.22 of the Revised Code; 5923

(ii) An offense, other than a traffic offense, under an 5924
existing or former municipal ordinance or law of this or any 5925
other state or the United States, committed purposely or 5926
knowingly, and involving physical harm to persons or a risk of 5927
serious physical harm to persons; 5928

(iii) A conspiracy or attempt to commit, or complicity in 5929
committing, any offense under division (H) (15) (a) (i) or (ii) of 5930
this section. 5931

(b) On and after the effective date of this amendment, any 5932
reference in sections 2909.22 to 2909.31 of the Revised Code to 5933
an offense of violence means a serious offense of violence. 5934

(16) "Specified offense" means any of the following: 5935

(a) A serious offense of violence that is a felony, a 5936
violation of section 2909.04, 2909.081, 2909.22, 2909.23, 5937
2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the Revised 5938
Code, or a felony of the first degree that is not a violation of 5939
any provision in Chapter 2925. or 3719. of the Revised Code; 5940

(b) An attempt to commit, complicity in committing, or a 5941
conspiracy to commit an offense listed in division (H) (16) (a) of 5942
this section. 5943

(17) "Toxic chemical" means any chemical that through its chemical action on life processes can cause death or serious physical harm to persons or animals, regardless of its origin or of its method of production and regardless of whether it is produced in facilities, in munitions, or elsewhere. 5944
5945
5946
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(18) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of reproduction, including, but not limited to, any of the following: 5949
5950
5951
5952
5953

(a) Any poisonous substance or biological product that may be engineered through biotechnology and that is produced by a living organism; 5954
5955
5956

(b) Any poisonous isomer or biological product, homolog, or derivative of any substance or product described in division (H) (4) (a) of this section. 5957
5958
5959

(I) As used in section 2909.29 of the Revised Code: 5960

(1) "Biological agent" and "toxin" have the same meanings as in division (H) of this section. 5961
5962

(2) "Drug" has the same meaning as in section 4729.01 of the Revised Code. 5963
5964

(3) "Hazardous chemical, biological, or radioactive substance" means any of the following: 5965
5966

(a) Any toxic or poisonous chemical, the precursor of any toxic or poisonous chemical, or any toxin; 5967
5968

(b) Any disease organism or biological agent; 5969

(c) Any substance or item that releases or is designed to 5970

release radiation or radioactivity at a level dangerous to human 5971
life. 5972

(4) "Poison" has the same meaning as in section 3719.01 of 5973
the Revised Code. 5974

(J) As used in section 2909.30 of the Revised Code, 5975
"alien" means an individual who is not a citizen of the United 5976
States. 5977

Sec. 2909.02. (A) No person, by means of fire or 5978
explosion, shall knowingly do any of the following: 5979

(1) Create a substantial risk of serious physical harm to 5980
any person other than the offender; 5981

(2) ~~Cause~~Create, through the offer or acceptance of an 5982
agreement, a substantial risk of physical ~~harm~~damage to any 5983
occupied structure; 5984

(3) ~~Create, through the offer or acceptance of an~~ 5985
~~agreement for hire or other consideration, a substantial risk of~~ 5986
Cause physical ~~harm~~damage to any occupied structure. 5987

(B) (1) Whoever violates this section is guilty of 5988
aggravated arson. 5989

(2) A violation of division (A) (1) or ~~(3)~~(2) of this 5990
section is a felony of the first degree. 5991

(3) A violation of division ~~(A) (2)~~(A) (3) of this section 5992
is a felony of the second degree. 5993

Sec. 2909.03. (A) No person, by means of fire or 5994
explosion, shall knowingly do any of the following: 5995

(1) ~~Cause, or create a substantial risk of, physical~~ ~~harm~~damage 5996
to any property of another without the other person's 5997

consent; 5998

(2) Cause, or create a substantial risk of, physical ~~harm-~~
damage to any property of the ~~offender-person~~ or another, with 5999
purpose to defraud; 6000
6001

(3) Cause, or create a substantial risk of, physical ~~harm-~~
damage to ~~the statehouse or a courthouse, school any government~~
building, ~~or other building~~ or structure that is owned or 6002
controlled by the state, any political subdivision, or any 6003
department, agency, or instrumentality of the state or a 6004
political subdivision, ~~and that is used for public purposes;~~ 6005
6006
6007

(4) Cause, or create a substantial risk of, physical ~~harm-~~
damage, through the offer or the acceptance of an agreement ~~for-~~
~~hire or other consideration~~, to any property of another without 6008
the other person's consent or to any property of the ~~offender-~~
person or another with purpose to defraud; 6009
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(5) Cause, or create a substantial risk of, physical ~~harm-~~
damage to any park, preserve, wildlands, brush-covered land, 6013
cut-over land, forest, timberland, greenlands, woods, or similar 6014
real property that is owned or controlled by another person, the 6015
state, or a political subdivision without the consent of the 6016
other person, the state, or the political subdivision; 6017
6018

(6) ~~With purpose to defraud, cause~~ Cause, or create a 6019
substantial risk of, physical ~~harm-~~damage to any park, preserve, 6020
wildlands, brush-covered land, cut-over land, forest, 6021
timberland, greenlands, woods, or similar real property that is 6022
owned or controlled by the ~~offender-person~~, another person, the 6023
state, or a political subdivision with purpose to defraud. 6024

(B) No person, by means of fire or explosion, shall 6025
knowingly do any of the following: 6026

(1) Cause, or create a substantial risk of, physical ~~harm-~~
damage to any structure of another that is not an occupied
structure; 6027
6028
6029

(2) Cause, or create a substantial risk of, physical ~~harm-~~
damage, through the offer or the acceptance of an agreement for
hire or other consideration, to any structure of another that is
not an occupied structure; 6030
6031
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6033

(3) Cause, or create a substantial risk of, physical ~~harm-~~
damage to any structure that is not an occupied structure and
that is in or on any park, preserve, wildlands, brush-covered
land, cut-over land, forest, timberland, greenlands, woods, or
similar real property that is owned or controlled by another
person, the state, or a political subdivision. 6034
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(C) (1) It is an affirmative defense to a charge under
division (B) (1) or (2) of this section that the defendant acted
with the consent of the other person. 6040
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(2) It is an affirmative defense to a charge under
division (B) (3) of this section that the defendant acted with
the consent of the other person, the state, or the political
subdivision. 6043
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(D) (1) Whoever violates this section is guilty of arson
and shall be punished as provided in divisions (D) (2) to (5) and
division (E) of this section. 6047
6048
6049

(2) ~~A-Except as otherwise provided in division (D) (5) or~~
(E) of this section, a violation of division (A) (1) or (B) (1) of
this section is ~~one of the following:~~ 6050
6051
6052

~~(a) Except as otherwise provided in division (D) (2) (b) of~~
this section, a misdemeanor of the first degree, 6053
6054

~~(b) If the value of the property or the amount of the physical harm involved is one thousand dollars or more, a felony of the fourth degree.~~ 6055
6056
6057

(3) A-Except as otherwise provided in division (D) (5) (c) or (d) or division (E) of this section, a violation of division (A) (2), (3), (5), or (6) or (B) (3) of this section is a felony of the fourth degree. 6058
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6061

(4) A-Except as otherwise provided in division (D) (5) (d) or (E) of this section, a violation of division (A) (4) or (B) (2) of this section is a felony of the third degree. 6062
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6064

(5) The penalties for a violation of division (A) (1), (2), (3), (4), (5), or (6) or (B) (1), (2), or (3) of this section shall be increased as follows, subject to division (E) of this section: 6065
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6067
6068

(a) Subject to divisions (D) (5) (b) to (d) of this section, if the amount of physical damage to the property is two thousand five hundred dollars or more, arson is a felony of the fifth degree. 6069
6070
6071
6072

(b) Subject to divisions (D) (5) (c) and (d) of this section, if the amount of physical damage to the property is ten thousand dollars or more, arson is a felony of the fourth degree. 6073
6074
6075
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(c) Subject to division (D) (5) (d) of this section, if the amount of physical damage to the property is one hundred thousand dollars or more, arson is a felony of the third degree. 6077
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(d) If the amount of physical damage to the property is two hundred fifty thousand dollars or more, arson is a felony of the second degree. 6080
6081
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(E) If the person previously has been found guilty of a 6083
violation of this section, arson is an offense one degree higher 6084
than the penalty provided for in division (D) of this section. 6085

Sec. 2909.04. (A) No person, ~~purposely by any means or~~ 6086
~~knowingly by damaging or tampering with any property,~~ shall 6087
knowingly do any of the following: 6088

(1) Interrupt or impair television, radio, telephone, 6089
telegraph, or other mass communications service; police, fire, 6090
or other public service communications; radar, loran, radio, or 6091
other electronic aids to air or marine navigation or 6092
communications; or amateur or citizens band radio communications 6093
being used for public service or emergency communications; 6094

(2) Interrupt or impair public transportation, including 6095
without limitation school bus transportation, or water supply, 6096
gas, power, or other utility service to the public; 6097

(3) Substantially impair the ability of law enforcement 6098
officers, firefighters, rescue personnel, emergency medical 6099
services personnel, or emergency facility personnel to respond 6100
to an emergency or to protect and preserve any person ~~or~~ 6101
~~property~~ from serious physical harm or any property from serious 6102
physical damage. 6103

(B) No person shall knowingly use any computer, computer 6104
system, computer network, telecommunications device, or other 6105
electronic device or system or the internet so as to disrupt, 6106
interrupt, or impair the functions of any police, fire, 6107
educational, commercial, or governmental operations. 6108

(C) Whoever violates this section is guilty of disrupting 6109
public services, a felony of the fourth degree. 6110

~~(D) As used in this section:~~ 6111

- ~~(1) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.~~ 6112
6113
- ~~(2) "Emergency facility personnel" means any of the following:~~ 6114
6115
- ~~(a) Any of the following individuals who perform services in the ordinary course of their professions in an emergency facility:~~ 6116
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6118
- ~~(i) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;~~ 6119
6120
6121
- ~~(ii) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;~~ 6122
6123
- ~~(iii) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;~~ 6124
6125
- ~~(iv) Health care workers;~~ 6126
- ~~(v) Clerical staffs.~~ 6127
- ~~(b) Any individual who is a security officer performing security services in an emergency facility;~~ 6128
6129
- ~~(c) Any individual who is present in an emergency facility, who was summoned to the facility by an individual identified in division (D) (2) (a) or (b) of this section.~~ 6130
6131
6132
- ~~(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.~~ 6133
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- ~~(4) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.~~ 6136
6137
- ~~(5) "Health care worker" means an individual, other than~~ 6138

~~an individual specified in division (D) (2) (a), (b), or (c) of
this section, who provides medical or other health-related care
or treatment in an emergency facility, including medical
technicians, medical assistants, orderlies, aides, or
individuals acting in similar capacities.~~

Sec. 2909.05. (A) No person, without privilege to do so,
~~shall knowingly cause serious physical harm to an occupied
structure or any of its contents.~~

~~(B) (1) No person shall knowingly cause do any of the
following:~~

~~(1) Cause physical harm damage to property any structure
that is owned or possessed by another, ~~when either of the
following applies:~~~~

~~(a) The;~~

~~(2) Cause physical damage to property that is used by its
owner or possessor in the owner's or possessor's profession,
business, trade, or occupation, and the value of the property or
the amount of physical harm involved is one thousand dollars or
more;~~

~~(b) Regardless of the value of the property or the amount
of damage done, the property or its equivalent is necessary in
order for its owner or possessor to engage in the owner's or
possessor's profession, business, trade, or occupation.~~

~~(2) No person shall knowingly cause serious owned or
possessed by another;~~

~~(3) Cause physical harm damage to or deface property that
is owned, leased, ~~or controlled,~~ or used by a governmental
entity. A governmental entity includes, but is not limited to,~~

the state ~~or a~~, any political subdivision of the state, ~~a school-~~ 6167
~~district, the board of trustees of a public library or public-~~ 6168
~~university,~~ or any other body corporate and politic responsible 6169
for governmental activities ~~only in geographical areas smaller-~~ 6170
~~than that of the state.~~ 6171

~~(C) No person, without privilege to do so, shall knowingly-~~ 6172
~~cause serious;~~ 6173

(4) Cause physical harm damage to or deface any cemetery 6174
tomb, crypt, monument, gravestone, or other similar structure 6175
that is used as a memorial or enclosure for the dead; to any 6176
fence, railing, curb, or other property that is used to protect, 6177
enclose, or ornament any cemetery; ~~or to a cemetery.~~ 6178

~~(D) No person, without privilege to do so, shall knowingly-~~ 6179
~~cause~~ (5) Cause physical harm damage to a place of burial by- 6180
~~breaking and entering into a tomb, crypt, casket, or other-~~ 6181
~~structure that is used as a memorial for the dead or as an-~~ 6182
~~enclosure for the dead.~~ or deface any public monument, 6183
historical or commemorative marker, work of art or museum piece, 6184
or any structure, Indian mound or earthwork, or site of great 6185
historical or archaeological interest; 6186

(6) Cause physical damage to or deface a benchmark, 6187
triangulation station, boundary marker, or other survey station, 6188
monument, or marker; 6189

(7) Cause physical damage to or deface a place of worship 6190
or religious artifacts or sacred texts within the place of 6191
worship or within the grounds upon which the place of worship is 6192
located. 6193

(B) No person, without privilege to do so, shall do either 6194
of the following: 6195

(1) Knowingly, by any means, create a substantial risk of physical damage to any structure or property described in division (A) of this section; 6196
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(2) Recklessly, by means of fire, explosion, flood, poison gas, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance, create a substantial risk of physical damage to any structure or property described in division (A) of this section. 6199
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(C) No person, without privilege to do so, shall knowingly do any of the following: 6204
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(1) Move or tamper with any structure or property described in division (A) of this section; 6206
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(2) Employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to persons exposed or that tends to cause public alarm; 6208
6209
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6211

(3) Move, deface, damage, destroy, or otherwise improperly tamper with any safety device, the property of another, or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose; 6212
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(4) Set a fire on the land of another, or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure, or personal property that is on that land; 6217
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(5) In any manner or by any means, alter, damage, destroy, modify, or introduce a computer contaminant into a computer, computer system, computer network, computer software, or 6222
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computer program or data contained in a computer, computer 6225
system, computer network, computer software, or computer 6226
program; 6227

(6) Tamper with one's own residential real property with 6228
the purpose to decrease the value of the residential real 6229
property, if both of the following apply: 6230

(a) The residential real property is subject to a 6231
mortgage. 6232

(b) The person has been served with a summons and 6233
complaint in a pending residential mortgage loan foreclosure 6234
action relating to that real property. As used in this division, 6235
"pending" includes the time between judgment entry and 6236
confirmation of sale. 6237

(7) Destroy or improperly tamper with a critical 6238
infrastructure facility. 6239

~~(E)(D) Whoever violates division (A) of this section is~~ 6240
~~guilty of vandalism. Except as otherwise provided in this~~ 6241
~~division, vandalism is a felony of the fifth degree that is~~ 6242
~~punishable by a fine of up to two thousand five hundred dollars~~ 6243
~~in addition to the penalties specified for a felony of the fifth~~ 6244
~~degree in sections 2929.11 to 2929.18 of the Revised Code. If~~ 6245
~~the value of the property or the amount of physical harm~~ 6246
~~involved is seven thousand five hundred dollars or more but less~~ 6247
~~than one hundred fifty thousand dollars, vandalism is a felony~~ 6248
~~of the fourth degree. If the value of the property or the amount~~ 6249
~~of physical harm involved is one hundred fifty thousand dollars~~ 6250
~~or more, vandalism is a felony of the third degree.~~ 6251

~~(F) For purposes of this section:~~ 6252

~~(1) "Cemetery" means any place of burial and includes~~ 6253

~~burial sites that contain American Indian burial objects placed
with or containing American Indian human remains.~~ 6254
6255

~~(2) "Serious physical harm" means physical harm to
property that results in loss to the value of the property of
one thousand dollars or more. Whoever violates division (B) of
this section is guilty of criminal damaging. Whoever violates
division (C) of this section is guilty of criminal mischief.~~ 6256
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(E) The penalties for the offense of vandalism, criminal
damaging, or criminal mischief are as follows: 6261
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(1) Subject to divisions (E) (2) to (7) of this section, if
the amount of the loss resulting from a violation of division
(A), (B), or (C) (1) to (6) of this section is less than five
hundred dollars, the offense is a third degree misdemeanor. 6263
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(2) Subject to divisions (E) (3) to (7) of this section, if
the amount of the loss resulting from a violation of division
(A), (B), or (C) (1) to (6) of this section is five hundred
dollars or more, the offense is a misdemeanor of the first
degree. 6267
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(3) Subject to divisions (E) (4) to (6) of this section, if
the amount of the loss resulting from a violation of division
(A), (B), or (C) (1) to (6) of this section is two thousand five
hundred dollars or more, the offense is a felony of the fifth
degree. 6272
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(4) Subject to divisions (E) (5) and (6) of this section,
if the amount of the loss resulting from a violation of division
(A), (B), or (C) (1) to (6) of this section is ten thousand
dollars or more, the offense is a felony of the fourth degree. 6277
6278
6279
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(5) Subject to division (E) (6) of this section, if the
amount of the loss resulting from a violation of division (A), 6281
6282

(B), or (C) (1) to (6) of this section is one hundred thousand 6283
dollars or more or if the violation is a violation of division 6284
(C) (7) of this section, the offense is a felony of the third 6285
degree. 6286

(6) If the amount of the loss resulting from a violation 6287
of division (A), (B), or (C) (1) to (7) of this section is two 6288
hundred fifty thousand dollars or more, the offense is a felony 6289
of the second degree. 6290

(7) If a violation of division (A), (B), or (C) (1) to (6) 6291
of this section results in a loss of less than two thousand five 6292
hundred dollars but creates a substantial risk of physical harm 6293
to any person, the offense is a felony of the fifth degree. 6294

Sec. 2909.08. (A) ~~As used in this section:—~~ 6295

~~(1) "Air gun" means a hand pistol or rifle that propels—~~ 6296
~~its projectile by means of releasing compressed air, carbon—~~ 6297
~~dioxide, or other gas.~~ 6298

~~(2) "Firearm" has the same meaning as in section 2923.11—~~ 6299
~~of the Revised Code.~~ 6300

~~(3) "Spring operated gun" means a hand pistol or rifle—~~ 6301
~~that propels a projectile not less than four or more than five—~~ 6302
~~millimeters in diameter by means of a spring.~~ 6303

~~(4) "Airport operational surface" means any surface of—~~ 6304
~~land or water that is developed, posted, or marked so as to give—~~ 6305
~~an observer reasonable notice that the surface is designed and—~~ 6306
~~developed for the purpose of storing, parking, taxiing, or—~~ 6307
~~operating aircraft, or any surface of land or water that is—~~ 6308
~~actually being used for any of those purposes.~~ 6309

~~(B) No person shall do either of the following:~~ 6310

(1) Knowingly throw an object at, or drop an object upon, 6311
any moving aircraft; 6312

(2) Knowingly shoot with a bow and arrow, or knowingly 6313
discharge a firearm, ~~air gun, or spring-operated gun~~ or cause 6314
any other projectile to be propelled, at or toward any aircraft. 6315

~~(C)(B)~~ No person shall ~~knowingly or recklessly~~ shoot with 6316
a bow and arrow, ~~or shall knowingly or recklessly~~ discharge a 6317
firearm, ~~air gun, or spring-operated gun~~ or cause any other 6318
projectile to be propelled, upon or over any airport operational 6319
surface. This division does not apply to the following: 6320

(1) An officer, agent, or employee of this or any other 6321
state or the United States, or a law enforcement officer, 6322
authorized to discharge firearms and acting within the scope of 6323
the officer's, agent's, or employee's duties; 6324

(2) A person who, with the consent of the owner or 6325
operator of the airport operational surface or the authorized 6326
agent of either, is lawfully engaged in any hunting or sporting 6327
activity or is otherwise lawfully discharging a firearm. 6328

(C)(1) No person, without privilege to do so, shall 6329
knowingly cause physical damage to any aircraft, aircraft engine 6330
or propeller, or spare part or other equipment intended to be 6331
used in the operation of an aircraft. 6332

(2) No person, without privilege to do so, shall knowingly 6333
move, deface, damage, destroy, or otherwise tamper with any 6334
airplane safety device, aircraft, aircraft engine or propeller, 6335
spare part, fuel, or other equipment, material, or implement 6336
used or intended for use in the operation of an aircraft. 6337

(3) No person, without privilege to do so, and with 6338
purpose to impair the functioning of any computer, computer 6339

network, computer system, computer software, or computer 6340
program, or any data related to the computer, computer network, 6341
computer system, computer software, or computer program, shall 6342
knowingly do any of the following: 6343

(a) In any manner or by any means, including, but not 6344
limited to, computer hacking, alter, damage, destroy, or modify 6345
any computer, computer network, computer system, computer 6346
software, computer program, or any data related to the computer, 6347
computer network, computer system, computer software, or 6348
computer program that is used or intended to be used in the 6349
operation of an aircraft; 6350

(b) Introduce a computer contaminant into any computer, 6351
computer network, computer system, computer software, or 6352
computer program that is used or intended for use in the 6353
operation of an aircraft. 6354

(D) Whoever violates division ~~(B)~~(A) of this section is 6355
guilty of endangering aircraft, a misdemeanor of the first 6356
degree. If the violation ~~creates a risk of~~causes physical harm 6357
to any person, endangering aircraft is a felony of the ~~fifth-~~ 6358
fourth degree. ~~If the violation creates a substantial risk of-~~ 6359
~~physical harm to any person or if the aircraft that is the-~~ 6360
~~subject of the violation is occupied, endangering aircraft is a-~~ 6361
~~felony of the fourth degree.~~ 6362

(E) Whoever violates division ~~(C)~~(B) of this section is 6363
guilty of endangering airport operations, a misdemeanor of the 6364
second degree. If the violation ~~creates a risk of~~causes 6365
physical harm to any person, endangering airport operations is a 6366
felony of the ~~fifth-~~fourth degree. ~~If the violation creates a-~~ 6367
~~substantial risk of physical harm to any person, endangering-~~ 6368
~~airport operations is a felony of the fourth degree. In addition-~~ 6369

~~to any other penalty or sanction imposed for the violation, the~~ 6370
~~hunting license or permit of a person who violates division (C)~~ 6371
~~of this section while hunting shall be suspended or revoked~~ 6372
~~pursuant to section 1533.68 of the Revised Code.~~ 6373

~~(F) Any bow and arrow, air gun, spring-operated gun, or~~ 6374
~~firearm that has been used in a felony violation of this section~~ 6375
~~shall be seized or forfeited, and shall be disposed of pursuant~~ 6376
~~to Chapter 2981. of the Revised Code.~~ 6377
(F) (1) Whoever violates 6378
division (C) of this section is guilty of tampering with an 6379
aircraft. Except as otherwise provided in division (F) (2) or (3) 6380
of this section, tampering with an aircraft is a misdemeanor of 6381
the first degree.

(2) If the violation of division (C) of this section 6382
causes physical harm to any person, tampering with an aircraft 6383
is a felony of the fourth degree. 6384

(3) If the person violates division (C) (3) of this section 6385
and division (F) (2) of this section does not apply, tampering 6386
with an aircraft is a felony of the fifth degree. 6387

Sec. 2909.081. (A) No person shall ~~knowingly purposely~~ 6388
discharge a laser or other device that creates visible light 6389
into the cockpit of an operating aircraft ~~that is in the process~~ 6390
~~of taking off or landing or is in flight.~~ 6391

(B) No person shall recklessly discharge a laser or other 6392
device that creates visible light onto an operating aircraft. 6393

(C) Whoever violates division (A) of this section is 6394
guilty of interfering with the operation of an aircraft with a 6395
laser, a felony of the ~~second~~ third degree. Whoever violates 6396
division (B) of this section is guilty of reckless use of a 6397
laser, a misdemeanor of the first degree. 6398

~~(C) As used in this section, "laser" means both of the following:~~ 6399
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~~(1) Any device that utilizes the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation in the ultraviolet, visible, or infrared region of the spectrum and when discharged exceeds one milliwatt continuous wave;~~ 6401
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~~(2) Any device designed or used to amplify electromagnetic radiation by simulated emission that is visible to the human eye.~~ 6406
6407
6408

Sec. 2909.09. ~~(A) As used in this section:~~ 6409

~~(1) "Highway" means any highway as defined in section 4511.01 of the Revised Code or any lane, road, street, alley, bridge, or overpass.~~ 6410
6411
6412

~~(2) "Alley," "street," "streetcar," "trackless trolley," and "vehicle" have the same meanings as in section 4511.01 of the Revised Code.~~ 6413
6414
6415

~~(3) "Vessel" and "waters in this state" have the same meanings as in section 1546.01 of the Revised Code.~~ 6416
6417

~~(B) No person shall knowingly, and by any means, drop or, throw, propel, or cause to fall any object at, onto, or in the path of any of the following:~~ 6418
6419
6420

~~(1) Any vehicle, streetcar, or trackless trolley on a highway;~~ 6421
6422

~~(2) Any boat or vessel on any of the waters in this state;~~ 6423

~~(3) Any railroad rail, railroad track, or locomotive, engine, railroad car, or other vehicle of a railroad company.~~ 6424
6425

while that vehicle is on a railroad track. 6426

(B) No person, without privilege to do so, shall knowingly 6427
do any of the following: 6428

(1) Deface, damage, obstruct, remove, or otherwise impair 6429
the operation of any railroad grade crossing warning signal or 6430
other protective device; 6431

(2) Climb upon any locomotive, engine, railroad car, or 6432
other vehicle of a railroad company while that vehicle is on a 6433
railroad track; 6434

(3) Disrupt, delay, or prevent the operation of any train 6435
or other vehicle of a railroad company while that vehicle is on 6436
a railroad track. 6437

(C) Whoever violates this section is guilty of vehicular 6438
~~vandalism interference~~. Except as otherwise provided in ~~this~~ 6439
~~division (C) (1), (2), or (3) of this section~~, vehicular 6440
~~vandalism interference~~ is a misdemeanor of the first degree. 6441
~~Except as otherwise provided in this division, if~~ 6442

(1) If the violation of this section creates a substantial 6443
risk of physical harm to any person or ~~the violation of this~~ 6444
~~section causes serious physical harm damage~~ to property, 6445
vehicular ~~vandalism interference~~ is a felony of the fourth 6446
degree. ~~Except as otherwise provided in this division, if~~ 6447

(2) If the violation of this section causes physical harm 6448
to any person, vehicular ~~vandalism interference~~ is a felony of 6449
the third degree. ~~If~~ 6450

(3) If the violation of this section causes serious 6451
physical harm to any person, vehicular ~~vandalism interference~~ is 6452
a felony of the second degree. 6453

Sec. 2909.11. (A) When a person is charged with a 6454
violation of division (A) (1) or (B) (1) of section 2909.03 of the 6455
Revised Code involving property value or an amount of physical 6456
~~harm damage~~ of one thousand dollars or more or with a violation 6457
of section 2909.05 of the Revised Code involving property value 6458
or an amount of physical ~~harm damage~~ of one thousand dollars or 6459
more, the ~~jury or court trier of fact~~ trying the accused shall 6460
determine the measured value of, or amount of physical damage 6461
to, the property or amount of physical harm as of the time of 6462
the offense and, if a guilty verdict is returned, shall return 6463
the finding of the measured value or amount of physical damage 6464
as part of the verdict. ~~In any such case~~ 6465

If the valuation element of the offense establishes a 6466
minimum measured value required for a finding of guilt for that 6467
particular degree of offense, it is unnecessary to find or 6468
return the exact value or amount of physical ~~harm damage,~~ 6469
~~section 2945.75 of the Revised Code applies, and it is~~ 6470
sufficient if ~~either of the following applies, as appropriate,~~ 6471
~~relative to the finding and return of the value or amount of~~ 6472
~~physical harm:~~ 6473

~~(1) If the finding and return relate to a violation of~~ 6474
~~division (A) (1) or (B) (1) of section 2909.03 of the Revised Code~~ 6475
~~and are that the value or amount of the physical harm was one~~ 6476
~~thousand dollars or more, the finding and return shall include a~~ 6477
~~statement that the value or amount was one thousand dollars or~~ 6478
~~more.~~ 6479

~~(2) If the finding and return relate to a violation of~~ 6480
~~section 2909.05 of the Revised Code and are that the value or~~ 6481
~~amount of the physical harm was in any of the following~~ 6482
~~categories, the finding and return shall include one of the~~ 6483

~~following statements, as appropriate:~~ 6484

~~(a) If the finding and return are that the value or amount
was one hundred fifty thousand dollars or more, a statement that
the value or amount was one hundred fifty thousand dollars or
more;~~ 6485
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~~(b) If the finding and return are that the value or amount
was seven thousand five hundred dollars or more but less than
one hundred fifty thousand dollars a statement that the value or
amount was seven thousand five hundred dollars or more but less
than one hundred fifty thousand dollars;~~ 6489
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~~(c) If the finding and return are that the value or amount
was one thousand dollars or more but less than seven thousand
five hundred dollars, a statement that the value or amount was
one thousand dollars or more but less than seven thousand five
hundred dollars the trier of fact finds that the measured value
of, or amount of physical damage to, the property or services
involved meets or exceeds the required minimum measured value or
amount of physical damage. If the trier of fact finds that the
valuation does not meet or exceed the required minimum measured
value or amount of physical damage, the trier of fact may
include in its verdict the valuation that was proved. Under that
circumstance, section 2945.75 of the Revised Code applies as to
the degree of offense.~~ 6494
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(B) The following criteria shall be used in determining 6507
the measured value of, or amount of physical damage to, property 6508
~~or amount of physical harm~~ involved in a violation of division 6509
(A) (1) or (B) (1) of section 2909.03 or section 2909.05 of the 6510
Revised Code: 6511

(1) If the property is an heirloom, memento, collector's 6512

item, antique, museum piece, manuscript, document, record, or 6513
other thing that is either irreplaceable or is replaceable only 6514
on the expenditure of substantial time, effort, or money, the 6515
value ~~of the property or the amount of physical harm involved~~ is 6516
the amount that would compensate the owner for its loss. 6517

(2) The value of personal effects and household goods, and 6518
of materials, supplies, equipment, and fixtures used in the 6519
profession, business, trade, occupation, or avocation of its 6520
owner, which property is not covered under division (B) (1) of 6521
this section and which retains substantial utility for its 6522
purpose regardless of its age or condition, is the cost of 6523
replacing the property with new property of like kind and 6524
quality. 6525

(3) If the property is not covered under division (B) (1) 6526
or (2) of this section and the physical ~~harm~~ damage is such that 6527
the property can be restored substantially to its former 6528
condition, the amount of physical ~~harm~~ damage involved is the 6529
reasonable cost of restoring the property. 6530

~~(3)~~ (4) If the property is not covered under division (B) 6531
(1) or (2) of this section and the physical ~~harm~~ damage is such 6532
that the property cannot be restored substantially to its former 6533
condition, the measured value of the property, ~~in~~ is one of the 6534
following: 6535

(a) In the case of personal property, ~~is~~ the cost of 6536
replacing the property with new property of like kind and 6537
quality, ~~and, in,~~ 6538

(b) In the case of real property or real property 6539
fixtures, ~~is~~ the difference in the fair market value of the 6540
property immediately before and immediately after the offense. 6541

~~(C)(5)~~ The value of any real or personal property that is 6542
not covered under division (B) (1), (2), (3), or (4) of this 6543
section, and the value of services, is the fair market value of 6544
the property or services. As used in this section, "fair market 6545
value" has the same meaning as in section 2913.61 of the Revised 6546
Code is the money consideration that a buyer would give and a 6547
seller would accept for property or services, assuming that the 6548
buyer is willing to buy and the seller is willing to sell, that 6549
both are fully informed as to all facts material to the 6550
transaction, and that neither is under any compulsion to act. 6551

(C) If more than one item of property or services is 6552
involved in any offense covered by this section, the measured 6553
value of, or amount of physical damage to, the property or 6554
services involved for the purpose of determining the measured 6555
value or amount of physical damage as required by division (A) 6556
of this section is the aggregate measured value or amount of 6557
physical damage of all property or services involved in the 6558
offense. 6559

~~(D) Prima facie evidence of the value of property, as~~ 6560
~~provided~~ The criteria specified in division (E) of section 6561
2913.61 of the Revised Code, may shall be used to establish the 6562
value of property pursuant to in determining the measured value 6563
of, or amount of physical damage to, property or services 6564
involved in an offense covered by this section. 6565

Sec. 2909.22. ~~(A)~~ (A) (1) No person shall knowingly raise, 6566
solicit, collect, donate, or provide any material support or 6567
resources, with purpose that the material support or resources 6568
will be used in whole or in part to plan, prepare, carry out, or 6569
aid in either an act of terrorism or the concealment of, or an 6570
escape from, an act of terrorism. 6571

(2) No person shall knowingly raise, solicit, collect, donate, or provide any support or resources to any foreign terrorist organization as designated by the secretary of state of the United States in accordance with the "Immigration and Nationality Act," 8 U.S.C. 1189(a)(1), as amended. 6572
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(B) No person, knowing that property is the proceeds of an act of terrorism or a monetary instrument given, received, or intended to be used in support of terrorism, shall conduct or attempt to conduct any transaction involving that property, including transporting, transmitting, or transferring the property with intent to do any of the following: 6577
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(1) Commit or further the commission of criminal activity; 6583

(2) Conceal or disguise the nature, location, source, ownership, or control of either the proceeds of an act of terrorism or a monetary instrument given, received, or intended to be used to support an act of terrorism; 6584
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(3) Conceal or disguise the intent to avoid a transaction reporting requirement under section 1315.53 of the Revised Code or federal law. 6588
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(C) Whoever violates this section is guilty of ~~soliciting~~ or providing support for an act of terrorism, a felony of the ~~third~~ second degree. ~~Section 2909.25 of the Revised Code applies regarding an offender who is convicted of or pleads guilty to a violation of this section.~~ 6591
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~~(C)~~ (D) A prosecution for a violation of this section does not preclude a prosecution for a violation of any other section of the Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of the Revised Code may be prosecuted under 6596
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this section, the other section, or both sections. 6601

Sec. 2909.23. (A) No person shall knowingly threaten to 6602
commit or threaten to cause to be committed a specified offense 6603
other than a violation of this section when both of the 6604
following apply: 6605

(1) The person makes the threat with purpose to do any of 6606
the following: 6607

(a) Intimidate or coerce a civilian population; 6608

(b) Influence the policy of any government by intimidation 6609
or coercion; 6610

(c) Affect the conduct of any government or government 6611
official by the threat or by the specified offense. 6612

(2) As a result of the threat, the person causes a 6613
reasonable expectation or fear of the imminent commission of the 6614
specified offense. 6615

(B) It is not a defense to a charge of a violation of this 6616
section that the defendant did not have the intent or capability 6617
to commit the threatened specified offense or that the threat 6618
was not made to a person who was a subject of the threatened 6619
specified offense. 6620

(C) Whoever violates this section is guilty of making a 6621
terroristic threat, a felony of the third degree. ~~Section~~ 6622
~~2909.25 of the Revised Code applies regarding an offender who is~~ 6623
~~convicted of or pleads guilty to a violation of this section.~~ 6624

Sec. 2909.24. (A) No person shall knowingly commit a 6625
specified offense other than a violation of this section with 6626
purpose to do any of the following: 6627

(1) Intimidate or coerce a civilian population; 6628

(2) Influence the policy of any government by intimidation
or coercion; 6629
6630

(3) Affect the conduct of any government or government
official by the specified offense. 6631
6632

(B) (1) Whoever violates this section is guilty of 6633
terrorism. 6634

(2) Except as otherwise provided in divisions (B) (3) ~~and~~
~~(4)~~ to (5) of this section, terrorism is an offense one degree 6635
higher than the most serious underlying specified offense the 6636
~~defendant~~ offender committed. 6637
6638

(3) Except as provided in division ~~(B) (6)~~ (B) (5) of this 6639
section, if the most serious underlying specified offense the 6640
~~defendant~~ offender committed is a felony of the first degree or 6641
murder, the ~~person~~ offender shall be sentenced to ~~life~~ one of
the following sentences: 6642
6643

(a) Life imprisonment without parole; 6644

(b) Life imprisonment with parole eligibility after
serving thirty full years of imprisonment; 6645
6646

(c) Life imprisonment with parole eligibility after
serving twenty-five full years of imprisonment. 6647
6648

(4) Except as provided in division ~~(B) (6)~~ (B) (5) of this 6649
section, if the most serious underlying specified offense the 6650
~~defendant~~ offender committed is aggravated murder, the offender 6651
shall be sentenced to life imprisonment without parole or death 6652
~~pursuant to~~ under sections 2929.02 to 2929.06 of the Revised 6653
Code. 6654

~~(5) Section 2909.25 of the Revised Code applies regarding an offender who is convicted of or pleads guilty to a violation of this section.~~ 6655
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~~(6) If a person commits a violation of this section, if the most serious underlying specified offense the offender committed is aggravated murder, murder, or a felony of the first degree, and if the offender was under eighteen years of age at the time of the violation, the offender shall not be sentenced to life imprisonment without parole, but instead the offender shall be sentenced to an indefinite prison term of thirty years to life.~~ 6658
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Sec. 2909.26. (A) No person shall knowingly possess any chemical weapon, biological weapon, or radiological or nuclear weapon, ~~or explosive device with the intent to use it to cause serious physical harm or death to another person.~~ 6666
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~~(B) No person shall knowingly possess any chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device with intent to use the weapon to do any of the following:~~ 6670
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6672

~~(1) Intimidate or coerce a civilian population;~~ 6673

~~(2) Influence the policy of any government by intimidation or coercion;~~ 6674
6675

~~(3) Affect the conduct of any government by murder, assassination, or kidnapping.~~ 6676
6677

~~(C) Whoever violates this section is guilty of criminal possession of a chemical weapon, biological weapon, or radiological or nuclear weapon, ~~or explosive device. A violation of division (A) of this section is a felony of the third first~~ degree. A violation of division (B) of this section is a felony of the second degree.~~ 6678
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~~(D) This~~ (C) It is an affirmative defense to a charge of a 6684
violation of this section does not apply when the items that 6685
either of the following applies: 6686

(1) Each item described in division (A) of this section 6687
~~are that is the basis of the charge is possessed for a purpose~~ 6688
~~related to the performance of official duties related to any~~ 6689
~~military or security purpose of this state or the United States~~ 6690
~~and or any law enforcement purpose, including any domestic riot~~ 6691
~~control purpose.~~ 6692

(2) Each item described in division (A) of this section 6693
that is the basis of the charge is any of the following that is 6694
possessed by the person charged: 6695

(a) Any household product that is generally available for 6696
sale to consumers in this state in the quantity and 6697
concentration available for sale to those consumers; 6698

(b) A self-defense spray; 6699

(c) A biological agent, toxin, or delivery system the 6700
person possesses solely for protective purposes, bona fide 6701
research, or other peaceful purposes; 6702

(d) A chemical weapon that the person possesses solely for 6703
a purpose not prohibited under this section if the type and 6704
quantity is consistent with that purpose. 6705

(D) For purposes of division (C) of this section, "a 6706
purpose not prohibited under this section" means any of the 6707
following: 6708

(1) Any peaceful purpose related to an industrial, 6709
agricultural, research, medical, or pharmaceutical activity or 6710
other peaceful activity; 6711

(2) Any purpose directly related to protection against 6712
toxic chemicals and to protection against chemical weapons; 6713

(3) Any military purpose of the United States when related 6714
to the performance of official duties; 6715

(4) Any law enforcement purpose when related to the 6716
performance of official duties. 6717

Sec. 2909.27. (A) ~~No person shall recklessly use, deploy,~~ 6718
~~release, or cause to be used, deployed, or released any chemical~~ 6719
~~weapon, biological weapon, radiological or nuclear weapon, or~~ 6720
~~explosive device that creates a risk of death or serious~~ 6721
~~physical harm to another person not a participant in the~~ 6722
~~offense.~~ 6723

~~(B) No person shall knowingly recklessly use, deploy,~~ 6724
~~release, or cause to be used, deployed, or released any chemical~~ 6725
~~weapon, biological weapon, or radiological or nuclear weapon, ~~or~~~~ 6726
~~explosive device with the intent to do any of the following:~~ 6727

~~(1) Intimidate or coerce a civilian population;~~ 6728

~~(2) Influence the policy of any government by intimidation~~ 6729
~~or coercion;~~ 6730

~~(3) Affect the conduct of any government by murder,~~ 6731
~~assassination, or kidnapping;~~ 6732

~~(4) Cause physical harm to, or the death of, any person~~ 6733
~~who is not a participant in the offense.~~ 6734

~~(C)~~ (B) Whoever violates this section is guilty of criminal 6735
use of a chemical weapon, biological weapon, or radiological or 6736
nuclear weapon, ~~or explosive device. A violation of division (A)~~ 6737
~~of this section is a felony of the second degree. A violation of~~ 6738
~~division (B) of this section is a felony of the first degree.~~ 6739

~~(D) (1) Division (A) of this section does not apply to any~~ 6740
~~person who uses (C) (1) It is an affirmative defense to a charge~~ 6741
~~of a violation of this section that the item being used,~~ 6742
~~deployed, released, or caused to be used, deployed, or released~~ 6743
~~that is the basis of the charge is any of the following:~~ 6744

(a) Any household product that is generally available for 6745
sale to consumers in this state in the quantity and 6746
concentration available for sale to those consumers; 6747

(b) A self-defense spray; 6748

(c) A biological agent, toxin, or delivery system the 6749
person possesses solely for protective purposes, bona fide 6750
research, or other peaceful purposes; 6751

(d) A chemical weapon that the person possesses solely for 6752
a purpose not prohibited under this section if the type and 6753
quantity is consistent with that purpose. 6754

(2) For purposes of ~~this division~~ (C) (1) of this section, 6755
"a purpose not prohibited under this section" means any of the 6756
following: 6757

(a) Any peaceful purpose related to an industrial, 6758
agricultural, research, medical, or pharmaceutical activity or 6759
other peaceful activity; 6760

(b) Any purpose directly related to protection against 6761
toxic chemicals and to protection against chemical weapons; 6762

(c) Any military purpose of the United States ~~that is not~~ 6763
~~connected with the use of a chemical weapon or that is not~~ 6764
~~dependent on the use of the toxic or poisonous properties of the~~ 6765
~~chemical weapon to cause death or other harm, when related to~~ 6766
the performance of official duties; 6767

(d) Any law enforcement purpose, ~~including any domestic~~ 6768
~~riot control purpose,~~ when related to the performance of 6769
official duties. 6770

Sec. 2909.28. (A) No person, with the intent to 6771
manufacture a chemical weapon, biological weapon, or 6772
radiological or nuclear weapon, ~~or explosive device,~~ shall 6773
knowingly assemble or possess one or more toxins, toxic 6774
chemicals, precursors of toxic chemicals, vectors, biological 6775
agents, or hazardous radioactive substances that may be used to 6776
manufacture a chemical weapon, biological weapon, or 6777
radiological or nuclear weapon, ~~or explosive device.~~ 6778

(B) In a prosecution under this section, it is not 6779
necessary to allege or prove that the ~~offender~~ defendant 6780
assembled or possessed all chemicals or substances necessary to 6781
manufacture a chemical weapon, biological weapon, or 6782
radiological or nuclear weapon, ~~or explosive device.~~ The 6783
assembly or possession of a single chemical or substance, with 6784
the intent to use that chemical or substance in the manufacture 6785
of a chemical weapon, biological weapon, or radiological or 6786
nuclear weapon, ~~or explosive device,~~ is sufficient to violate 6787
this section. 6788

(C) Whoever violates this section is guilty of illegal 6789
assembly or possession of chemicals or substances for the 6790
manufacture of a chemical weapon, biological weapon, or 6791
radiological or nuclear weapon, ~~or explosive device,~~ which is a 6792
felony of the fourth degree. 6793

(D) ~~This~~ It is an affirmative defense to a charge of a 6794
violation of this section does not apply when that the items 6795
described in division (A) of this section that are the basis of 6796
the charge are assembled or possessed for a purpose related to 6797

the performance of official duties related to any military or 6798
security purpose of the United States ~~and or~~ any law enforcement 6799
purpose, ~~including any domestic riot control purpose.~~ 6800

Sec. ~~2927.24~~ 2909.29. (A) ~~As used in this section:~~ 6801

~~(1) "Poison" has the same meaning as in section 3719.01 of~~ 6802
~~the Revised Code.~~ 6803

~~(2) "Drug" has the same meaning as in section 4729.01 of~~ 6804
~~the Revised Code.~~ 6805

~~(3) "Hazardous chemical, biological, or radioactive~~ 6806
~~substance" means any of the following:~~ 6807

~~(a) Any toxic or poisonous chemical, the precursor of any~~ 6808
~~toxic or poisonous chemical, or any toxin;~~ 6809

~~(b) Any disease organism or biological agent;~~ 6810

~~(c) Any substance or item that releases or is designed to~~ 6811
~~release radiation or radioactivity at a level dangerous to human~~ 6812
~~life.~~ 6813

~~(4) "Biological agent" means any microorganism, virus,~~ 6814
~~infectious substance, or biological product that may be~~ 6815
~~engineered through biotechnology, or any naturally occurring or~~ 6816
~~bioengineered component of any microorganism, virus, infectious~~ 6817
~~substance, or biological product that may be engineered through~~ 6818
~~biotechnology, capable of causing death, disease, or other~~ 6819
~~biological malfunction in a human, an animal, a plant, or~~ 6820
~~another living organism, deterioration of food, water,~~ 6821
~~equipment, supplies, or material of any kind, or deleterious~~ 6822
~~alteration of the environment.~~ 6823

~~(5) "Toxin" means the toxic material of plants, animals,~~ 6824
~~microorganisms, viruses, fungi, or infectious substances, or a~~ 6825

~~recombinant molecule, whatever its origin or method of~~ 6826
~~reproduction, including, but not limited to, any poisonous~~ 6827
~~substance or biological product that may be engineered through~~ 6828
~~biotechnology or produced by a living organism and any poisonous~~ 6829
~~isomer or biological product, homolog, or derivative of any~~ 6830
~~substance or product of that nature.~~ 6831

~~(B)~~ Except as provided in division ~~(D)~~ (C) of this 6832
section, no person shall do any of the following: 6833

(1) ~~Knowingly mingle~~ Recklessly place a poison, hazardous 6834
chemical, biological, or radioactive substance, or other harmful 6835
substance ~~with~~ in a food, drink, nonprescription drug, 6836
prescription drug, ~~or~~ pharmaceutical product, ~~or knowingly place~~ 6837
~~a poison, hazardous chemical, biological, or radioactive~~ 6838
~~substance, or other harmful substance in a~~ spring, well, 6839
reservoir, or public water supply, if the person knows or has 6840
reason to know that the food, drink, nonprescription drug, 6841
prescription drug, pharmaceutical product, or water may be 6842
ingested or used by another person. For purposes of this 6843
division, a person does not know or have reason to know that 6844
water may be ingested or used by another person if it is 6845
disposed of as waste into a household drain including the drain 6846
of a toilet, sink, tub, or floor. 6847

(2) Knowingly release into the air, knowingly leave in any 6848
public place, or knowingly expose one or more persons to any 6849
hazardous chemical, biological, or radioactive substance with 6850
the ~~intent~~ purpose to cause, or create a risk of, death or 6851
serious physical harm to any person. 6852

~~(C)~~ (B) No person shall knowingly do any of the following: 6853

(1) Inform another person that a poison, hazardous 6854

chemical, biological, or radioactive substance, or other harmful 6855
substance has been or will be placed in a food, drink, 6856
nonprescription drug, prescription drug, ~~or other~~ pharmaceutical 6857
product, spring, well, reservoir, or public water supply, if the 6858
placement of the poison or substance would be a violation of 6859
division ~~(B) (1)~~ (A) (1) of this section, and the person knows both 6860
that the information is false and that the information likely 6861
will be disseminated to the public. 6862

(2) Inform another person that a hazardous chemical, 6863
biological, or radioactive substance has been or will be 6864
released into the air or left in a public place, or that one or 6865
more persons has been or will be exposed to a hazardous 6866
chemical, biological, or radioactive substance, if the release, 6867
leaving, or exposure of the hazardous chemical, biological, or 6868
radioactive substance would be a violation of division ~~(B) (2)~~ (A) 6869
(2) of this section, and the person knows both that the 6870
information is false and that the information likely will be 6871
disseminated to the general public. 6872

~~(D) (1)~~ (C) This section does not apply to either of the 6873
following: 6874

(1) A person ~~may mingle who places~~ a drug ~~with in~~ a food 6875
or drink for the purpose of causing the drug to be ingested or 6876
used in the quantity described by its labeling or prescription. 6877

(2) A person ~~may place who places~~ a poison or other 6878
harmful substance in a spring, well, reservoir, or public water 6879
supply in such quantity as is necessary to treat the spring, 6880
well, reservoir, or water supply to make it safe for human 6881
consumption and use. 6882

~~(3)~~ (D) The provisions of division ~~(B)~~ (A) of this section 6883

shall not be applied in a manner that conflicts with any other 6884
state or federal law or rule relating to substances permitted to 6885
be applied to or present in any food, raw or processed, any milk 6886
or milk product, any meat or meat product, any type of crop, 6887
water, or alcoholic or nonalcoholic beverage. 6888

(E) (1) Whoever violates division ~~(B) (1)~~ (A) (1) or (2) of 6889
this section is guilty of contaminating a substance for human 6890
consumption or use ~~or contamination with a hazardous chemical,~~ 6891
~~biological, or radioactive substance.~~ Except as otherwise 6892
provided in this division, contaminating a substance for human 6893
consumption or use ~~or contamination with a hazardous chemical,~~ 6894
~~biological, or radioactive substance~~ is a felony of the first 6895
degree. If the offense involved an amount of poison, the 6896
hazardous chemical, biological, or radioactive substance, or the 6897
other harmful substance sufficient to cause death if ingested or 6898
used by a person regarding a violation of division ~~(B) (1)~~ (A) (1) 6899
of this section or sufficient to cause death to persons who are 6900
exposed to it regarding a violation of division ~~(B) (2)~~ (A) (2) of 6901
this section ~~or if the offense resulted in serious physical harm~~ 6902
~~to another person,~~ whoever violates division ~~(B) (1)~~ (A) (1) or (2) 6903
of this section shall be imprisoned for life with parole 6904
eligibility after serving fifteen years of imprisonment. 6905

(2) Whoever violates division ~~(C) (1)~~ (B) (1) or (2) of this 6906
section is guilty of spreading a false report of contamination, 6907
a felony of the fourth degree. 6908

(F) Divisions ~~(C) (1)~~ (B) (1) and (2) of this section do not 6909
limit or affect the application of ~~sections~~ section 2917.31 ~~or~~ 6910
~~2917.32~~ of the Revised Code. Any act that is a violation of both 6911
division ~~(C) (1)~~ (B) (1) or (2) of this section and of section 6912
2917.31 ~~or 2917.32~~ of the Revised Code may be prosecuted under 6913

this section, section 2917.31 ~~or 2917.32~~ of the Revised Code, or 6914
both this section and section 2917.31 ~~or 2917.32~~ of the Revised 6915
Code. 6916

Sec. 2909.30. (A) A judge of a court of record shall 6917
direct the clerk of that court to notify the immigration and 6918
customs enforcement section of the United States department of 6919
homeland security when a suspected alien has been convicted of 6920
or pleaded guilty to a felony. 6921

(B) The department of rehabilitation and correction 6922
monthly shall compile a list of suspected aliens who are serving 6923
a prison term. The list shall include the earliest possible date 6924
of release of the offender, whether through expiration of prison 6925
term, parole, or other means. The department shall provide a 6926
copy of the list to the immigration and customs enforcement 6927
section of the United States department of homeland security for 6928
the section to determine whether it wishes custody of the 6929
suspected alien. If the immigration and customs enforcement 6930
section indicates it wishes custody, the department of 6931
rehabilitation and correction is responsible for the suspected 6932
alien until the section takes custody. 6933

(C) The department of rehabilitation and correction, 6934
pursuant to a valid detainer lodged against an alien who is not 6935
legally present in the United States and who has been convicted 6936
of or pleaded guilty to a felony, shall transfer that alien to 6937
the custody of the immigration and enforcement section of the 6938
United States department of homeland security upon completion of 6939
the alien's prison term. 6940

~~(D) As used in this section, "alien" means an individual 6941
who is not a citizen of the United States. 6942~~

Sec. 2909.31. (A) No person entering or present in an 6943
airport, train station, port, or other similar critical 6944
transportation infrastructure site shall refuse to show 6945
identification when requested by a law enforcement officer when 6946
there is a threat to security ~~and~~ or when the law enforcement 6947
officer is requiring identification of all persons entering, 6948
~~present at, or remaining at~~ the site. 6949

(B) A law enforcement officer may ~~prevent any person who~~ 6950
~~refuses to show identification when asked under the~~ 6951
~~circumstances described in division (A) of this section from~~ 6952
~~entering the critical transportation infrastructure site~~ refuse 6953
admittance onto or require a person to leave a site listed in 6954
division (A) of this section if the person refuses to show 6955
identification when required under that division. 6956

(C) Any person who refuses to show identification as 6957
required under division (A) of this section and who also refuses 6958
to leave the site when required under division (B) of this 6959
section is guilty of refusal to show identification at a 6960
critical transportation site, a misdemeanor of the fourth 6961
degree. 6962

Sec. 2911.01. (A) No person, in attempting or committing a 6963
theft offense, ~~as defined in section 2913.01 of the Revised~~ 6964
~~Code,~~ or in fleeing immediately after the attempt or offense, 6965
shall knowingly do ~~any either~~ of the following: 6966

(1) Have control of a deadly weapon ~~on or about the~~ 6967
~~offender's person or under the offender's control~~ dangerous 6968
ordnance and ~~either~~ display the weapon or ordnance, brandish it, 6969
indicate that the ~~offender~~ person possesses it, or use it; 6970

(2) ~~Have a dangerous ordnance on or about the offender's~~ 6971

~~person or under the offender's control;~~ 6972

~~(3) Inflict, or attempt to inflict,~~ serious physical harm 6973
on another. 6974

(B) No person, without privilege to do so, shall knowingly 6975
~~remove or attempt to remove~~ a deadly weapon from the person of a 6976
law enforcement officer, or shall knowingly deprive ~~or attempt~~ 6977
~~to deprive~~ a law enforcement officer of a deadly weapon, when 6978
both of the following apply: 6979

(1) The law enforcement officer, at the time of the 6980
~~removal, attempted removal, or~~ deprivation, ~~or attempted~~ 6981
~~deprivation,~~ is acting within the course and scope of the 6982
officer's duties; 6983

(2) The ~~offender~~ person knows or has reasonable cause to 6984
know that the law enforcement officer is a law enforcement 6985
officer. 6986

(C) Whoever violates this section is guilty of aggravated 6987
robbery, a felony of the first degree. 6988

~~(D) As used in this section:~~ 6989

~~(1) "Deadly weapon" and "dangerous ordnance" have the same~~ 6990
~~meanings as in section 2923.11 of the Revised Code.~~ 6991

~~(2) "Law enforcement officer" has the same meaning as in~~ 6992
~~section 2901.01 of the Revised Code and also includes employees~~ 6993
~~of the department of rehabilitation and correction who are~~ 6994
~~authorized to carry weapons within the course and scope of their~~ 6995
~~duties.~~ 6996

Sec. 2911.011. As used in this chapter: 6997

(A) "All-purpose vehicle," "off-highway motorcycle," and 6998

<u>"snowmobile" have the same meanings as in section 4519.01 of the</u>	6999
<u>Revised Code.</u>	7000
<u>(B) "Critical infrastructure facility" means:</u>	7001
<u>(1) One of the following, if completely enclosed by a</u>	7002
<u>fence or other physical barrier that is obviously designed to</u>	7003
<u>exclude intruders, or if clearly marked with signs that are</u>	7004
<u>reasonably likely to come to the attention of potential</u>	7005
<u>intruders and that indicate entry is forbidden without site</u>	7006
<u>authorization:</u>	7007
<u>(a) A petroleum or alumina refinery;</u>	7008
<u>(b) An electric generating facility, substation, switching</u>	7009
<u>station, electrical control center, or electric transmission and</u>	7010
<u>distribution lines and associated equipment;</u>	7011
<u>(c) A chemical, polymer, or rubber manufacturing facility;</u>	7012
<u>(d) A water intake structure, water treatment facility,</u>	7013
<u>wastewater facility, drainage facility, water management</u>	7014
<u>facility, or any similar water or sewage treatment system and</u>	7015
<u>its water and sewage piping;</u>	7016
<u>(e) A natural gas company facility or interstate natural</u>	7017
<u>gas pipeline, including a pipeline interconnection, a natural</u>	7018
<u>gas compressor station and associated facilities, city gate or</u>	7019
<u>town border station, metering station, above-ground piping,</u>	7020
<u>regulator station, valve site, delivery station, fabricated</u>	7021
<u>assembly, or any other part of a natural gas storage facility</u>	7022
<u>involved in the gathering, storage, transmission, or</u>	7023
<u>distribution of gas;</u>	7024
<u>(f) A telecommunications central switching office or</u>	7025
<u>remote switching facility or an equivalent network facility that</u>	7026

<u>serves a similar purpose;</u>	7027
<u>(g) Wireline or wireless telecommunications infrastructure, including telecommunications towers and telephone poles and lines, including fiber optic lines;</u>	7028
	7029
	7030
<u>(h) A port, trucking terminal, or other freight transportation facility;</u>	7031
	7032
<u>(i) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;</u>	7033
	7034
	7035
<u>(j) A transmission facility used by a federally licensed radio or television station;</u>	7036
	7037
<u>(k) A steel-making facility that uses an electric arc furnace to make steel;</u>	7038
	7039
<u>(l) A facility identified and regulated by the United States department of homeland security's chemical facility anti-terrorism standards program under 6 C.F.R. part 27;</u>	7040
	7041
	7042
<u>(m) A dam that is regulated by the state or federal government;</u>	7043
	7044
<u>(n) A crude oil or refined products storage and distribution facility, including valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline, or piping and truck loading or off-loading facility;</u>	7045
	7046
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	7048
	7049
<u>(o) A video service network and broadband infrastructure, including associated buildings and facilities, video service headends, towers, utility poles, and utility lines such as fiber optic lines. As used in this division, "video service network" has the same meaning as in section 1332.21 of the Revised Code.</u>	7050
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<u>(p) Any above-ground portion of an oil, gas, hazardous</u>	7055
<u>liquid or chemical pipeline, tank, or other storage facility;</u>	7056
<u>(q) Any above-ground portion of a well, well pad, or</u>	7057
<u>production operation;</u>	7058
<u>(r) A laydown area or construction site for pipe and other</u>	7059
<u>equipment intended for use on an interstate or intrastate</u>	7060
<u>natural gas or crude oil pipeline;</u>	7061
<u>(s) Any mining operation, including any processing</u>	7062
<u>equipment, batching operation, or support facility for that</u>	7063
<u>mining operation.</u>	7064
<u>(2) With respect to a video service network or broadband</u>	7065
<u>or wireless telecommunications infrastructure, the above-ground</u>	7066
<u>portion of a facility installed in a public right-of-way on a</u>	7067
<u>utility pole or in a conduit;</u>	7068
<u>(3) Any railroad property;</u>	7069
<u>(4) An electronic asset of any of the following:</u>	7070
<u>(a) An electric light company that is a public utility</u>	7071
<u>under section 4905.02 of the Revised Code;</u>	7072
<u>(b) An electric cooperative, as defined in section 4928.01</u>	7073
<u>of the Revised Code;</u>	7074
<u>(c) A municipal electric utility, as defined in section</u>	7075
<u>4928.01 of the Revised Code;</u>	7076
<u>(d) A natural gas company that is a public utility under</u>	7077
<u>section 4905.02 of the Revised Code;</u>	7078
<u>(e) A telephone company that is a public utility under</u>	7079
<u>section 4905.02 of the Revised Code;</u>	7080
<u>(f) A video service provider, including a cable operator,</u>	7081

as those terms are defined in section 1332.21 of the Revised Code. 7082
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(C) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. 7084
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(D) "Electronic asset" includes, but is not limited to, the hardware, software, and data of a programmable electronic device; all communications, operations, and customer data networks; and the contents of those data networks. 7086
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(E) "Habitation" means any structure or separately secured portion of any structure, however permanent or temporary, the primary purpose of which is a dwelling for any person. 7090
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(F) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof. 7093
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(G) "Law enforcement officer" has the same meaning as in section 2901.01 of the Revised Code and also includes employees of the department of rehabilitation and correction who are authorized to carry weapons within the course and scope of their duties. 7097
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(H) "Production operation," "well," and "well pad" have the same meanings as in section 1509.01 of the Revised Code. 7102
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(I) "Theft offense" has the same meaning as in section 2913.01 of the Revised Code. 7104
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Sec. 2911.02. (A) No person, in attempting or committing a theft offense or in fleeing immediately after the attempt or offense, shall knowingly do any of the following: 7106
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(1) Have a deadly weapon ~~on or about the offender's person~~ 7109

~~or~~ under the ~~offender's~~ person's control; 7110

(2) ~~Inflict, attempt to inflict, or threaten to inflict~~ 7111
physical harm on another; 7112

(3) Use or threaten the immediate use of force against 7113
another. 7114

(B) Whoever violates this section is guilty of robbery. A 7115
violation of division (A) (1) or (2) of this section is a felony 7116
of the second degree. A violation of division (A) (3) of this 7117
section is a felony of the third degree. 7118

~~(C) As used in this section:~~ 7119

~~(1) "Deadly weapon" has the same meaning as in section~~ 7120
~~2923.11 of the Revised Code.~~ 7121

~~(2) "Theft offense" has the same meaning as in section~~ 7122
~~2913.01 of the Revised Code.~~ 7123

Sec. ~~2911.11~~ 2911.03. (A) No person, by force, stealth, or 7124
deception, shall knowingly trespass in ~~an occupied structure or~~ 7125
~~in a separately secured or separately occupied portion of an~~ 7126
~~occupied structure, a habitation~~ when another person other than 7127
an accomplice of the ~~offender~~ person is present, with purpose to 7128
commit in the ~~structure or in the separately secured or~~ 7129
~~separately occupied portion of the structure~~ habitation any 7130
criminal offense, if ~~any~~ either of the following ~~apply~~ applies: 7131

(1) The ~~offender~~ person ~~inflicts, or attempts or threatens~~ 7132
~~to inflict~~ physical harm on another; 7133

(2) The ~~offender~~ person has control of a deadly weapon or 7134
dangerous ordnance ~~on or about the offender's person or under~~ 7135
~~the offender's control.~~ 7136

(B) Whoever violates this section is guilty of aggravated burglary, a felony of the first degree. 7137
7138

(C) As used in this section: 7139

~~(1) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.~~ 7140
7141

~~(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code, the element of trespass refers to a violation of division (D) of section 2911.06 of the Revised Code.~~ 7142
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Sec. 2911.12-2911.04. (A) No person, by force, stealth, or deception, shall knowingly do any either of the following: 7146
7147

(1) ~~Trespass in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, a habitation when another person other than an accomplice of the offender person is present, with purpose to commit in the structure or in the separately secured or separately occupied portion of the structure habitation any criminal offense;~~ 7148
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(2) ~~Trespass in an occupied structure or in a separately secured or separately occupied portion of an occupied structure that is a permanent or temporary habitation of any person when any person other than an accomplice of the offender is present or likely to be present, with purpose to commit in the habitation any criminal offense;~~ 7154
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~~(3) Trespass in an occupied structure or in a separately secured or separately occupied portion of an occupied structure, with purpose to commit in the structure or separately secured or separately occupied portion of the structure any criminal offense.~~ 7160
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7164

(B) No person, by force, stealth, or deception, shall knowingly trespass in a ~~permanent or temporary~~ habitation of any person ~~when any person other than an accomplice of the offender is present or likely to be present.~~

(C) As used in this section, ~~"occupied structure" has the same meaning as in section 2909.01 of the Revised Code~~ the element of trespass refers to a violation of division (D) of section 2911.06 of the Revised Code.

(D) Whoever violates division (A) of this section is guilty of burglary. A violation of division (A) (1) ~~or (2)~~ of this section is a felony of the second degree. A violation of division ~~(A) (3)~~ (A) (2) of this section is a felony of the third degree.

(E) Whoever violates division (B) of this section is guilty of trespass in a habitation ~~when a person is present or likely to be present,~~ a felony of the fourth degree.

Sec. ~~2911.13~~ 2911.05. (A) No person, by force, stealth, or deception, with purpose to commit any theft offense or felony, shall knowingly trespass in an unoccupied any structure, ~~with purpose to commit therein any theft offense, as defined in section 2913.01 of the Revised Code, or any felony when another person other than an accomplice of the person is present.~~

(B) No person, by force, stealth, or deception, with purpose to commit any theft offense or felony, shall knowingly trespass ~~on the land or premises of another, with purpose to commit a felony~~ in any structure.

(C) Whoever violates this section is guilty of breaking and entering~~7~~. Subject to division (D) of this section, a violation of division (A) of this section is a felony of the

fourth degree. Subject to division (D) of this section, a 7194
violation of division (B) of this section is a felony of the 7195
fifth degree. 7196

(D) Notwithstanding division (C) of this section, if the 7197
person, during the commission of the offense, inflicts physical 7198
harm upon another person not the accomplice of the person, 7199
breaking and entering in violation of division (A) or (B) of 7200
this section is a felony of the third degree. 7201

(E) As used in this section, the element of trespass 7202
refers to a violation of division (D) of section 2911.06 of the 7203
Revised Code. 7204

Sec. ~~2911.21~~ 2911.06. (A) No person shall knowingly do 7205
either of the following: 7206

(1) Enter or remain on the land or premises of another 7207
with purpose to commit a felony; 7208

(2) Enter or remain on a critical infrastructure facility 7209
with purpose to destroy or tamper with the facility. 7210

(B) No person shall knowingly enter or remain on the land 7211
or premises of another with purpose to commit a misdemeanor, the 7212
elements of which involve causing physical harm to another 7213
person. 7214

(C) (1) No person, without privilege to do so, shall 7215
knowingly enter or remain on any restricted portion of a place 7216
of public amusement that the person knows or has reasonable 7217
cause to believe is a restricted area and, as a result of that 7218
conduct, interrupt or cause the delay of the live performance, 7219
sporting event, or other activity taking place at the place of 7220
public amusement. 7221

(2) An owner or lessee of a place of public amusement, an agent of the owner or lessee, or a performer or participant at a place of public amusement may use reasonable force to restrain and remove a person from a restricted portion of the place of public amusement if the person enters or remains on the restricted portion of the place of public amusement and, as a result of that conduct, interrupts or causes the delay of the live performance, sporting event, or other activity taking place at the place of public amusement.

(3) Division (C) (2) of this section does not provide immunity from criminal liability for any use of force beyond reasonable force by an owner or lessee of a place of public amusement, an agent of either the owner or lessee, or a performer or participant at a place of public amusement.

(D) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes, or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;

(3) Recklessly enter or remain on the land or premises of another, ~~as to which~~ when notice against unauthorized access or presence is given by actual communication to the ~~offender~~ person, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly

designed to restrict access; 7251

(4) Being on the land or premises of another, negligently 7252
fail or refuse to leave upon being notified by signage posted in 7253
a conspicuous place or otherwise ~~being~~ notified to ~~do so~~ leave 7254
by the owner or occupant, or the agent or ~~servant~~ employee of 7255
either; 7256

(5) Knowingly enter or remain on a critical infrastructure 7257
facility. 7258

~~(B)~~ (E) It is no defense to a charge under this section 7259
that ~~the~~ either of the following applies: 7260

(1) The land or premises involved was owned, controlled, 7261
or in custody of a public agency. 7262

~~(C) It is no defense to a charge under this section that~~ 7263
~~the offender~~ (2) The person was authorized to enter or remain on 7264
the land or premises involved, when such authorization was 7265
secured by deception. 7266

~~(D) (1)~~ (F) Whoever violates this section is guilty of 7267
criminal trespass and shall be punished as provided in divisions 7268
(F) (1) to (4) of this section. 7269

(1) Criminal trespass in violation of division (A) (1), ~~—~~ 7270
~~(2), (3), or (4)~~ of this section is a ~~misdemeanor~~ felony of the 7271
~~fourth~~ fifth degree. 7272

(2) Criminal trespass in violation of division (A) (2) of 7273
this section is a felony of the third degree. 7274

(3) Criminal trespass in violation of division ~~(A) (5)~~ (B), 7275
(C), or (D) (5) of this section is a misdemeanor of the first 7276
degree. 7277

(4) Except as otherwise provided in this division, 7278
criminal trespass in violation of divisions (D) (1) to (4) of 7279
this section is a misdemeanor of the fourth degree. If the 7280
person previously has been convicted of or pleaded guilty to a 7281
violation of divisions (D) (1) to (4) of this section within two 7282
years of the date of the offense, criminal trespass in violation 7283
of divisions (D) (1) to (4) of this section is a misdemeanor of 7284
the third degree. 7285

~~(2) Notwithstanding section 2929.28 of the Revised Code,~~ 7286
~~if the person, in committing the violation of this section, used~~ 7287
~~a snowmobile, off-highway motorcycle, or all-purpose vehicle,~~ 7288
~~the court shall impose a fine of two times the usual amount~~ 7289
~~imposed for the violation.~~ 7290

~~(3) If an offender previously has been convicted of or~~ 7291
~~pleaded guilty to two or more violations of this section or a~~ 7292
~~substantially equivalent municipal ordinance, and the offender,~~ 7293
~~in committing each violation, used a snowmobile, off-highway~~ 7294
~~motorcycle, or all-purpose vehicle, the court, in addition to or~~ 7295
~~independent of all other penalties imposed for the violation,~~ 7296
~~may impound the certificate of registration of that snowmobile~~ 7297
~~or off-highway motorcycle or the certificate of registration and~~ 7298
~~license plate of that all-purpose vehicle for not less than~~ 7299
~~sixty days. In such a case, section 4519.47 of the Revised Code~~ 7300
~~applies.~~ 7301

~~(E)~~ (G) Notwithstanding any provision of the Revised Code, 7302
if the offender, in committing the violation of this section, 7303
used an all-purpose vehicle, the clerk of the court shall pay 7304
the fine imposed pursuant to this section to the state 7305
recreational vehicle fund created by section 4519.11 of the 7306
Revised Code. 7307

(F) As used in this section:	7308
(1) "All-purpose vehicle," "off-highway motorcycle," and "snowmobile" have the same meanings as in section 4519.01 of the Revised Code.	7309 7310 7311
(2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.	7312 7313 7314 7315
(3) "Production operation," "well," and "well pad" have the same meanings as in section 1509.01 of the Revised Code.	7316 7317
(4) "Critical infrastructure facility" means:	7318
(a) One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization:	7319 7320 7321 7322 7323 7324
(i) A petroleum or alumina refinery;	7325
(ii) An electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment;	7326 7327 7328
(iii) A chemical, polymer, or rubber manufacturing facility;	7329 7330
(iv) A water intake structure, water treatment facility, waste water facility, drainage facility, water management facility, or any similar water or sewage treatment system and its water and sewage piping;	7331 7332 7333 7334

- ~~(v) A natural gas company facility or interstate natural gas pipeline, including a pipeline interconnection, a natural gas compressor station and associated facilities, city gate or town border station, metering station, above ground piping, regulator station, valve site, delivery station, fabricated assembly, or any other part of a natural gas storage facility involved in the gathering, storage, transmission, or distribution of gas;~~ 7335
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- ~~(vi) A telecommunications central switching office or remote switching facility or an equivalent network facility that serves a similar purpose;~~ 7343
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- ~~(vii) Wireline or wireless telecommunications infrastructure, including telecommunications towers and telephone poles and lines, including fiber optic lines;~~ 7346
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- ~~(viii) A port, trucking terminal, or other freight transportation facility;~~ 7349
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- ~~(ix) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;~~ 7351
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- ~~(x) A transmission facility used by a federally licensed radio or television station;~~ 7354
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- ~~(xi) A steel making facility that uses an electric arc furnace to make steel;~~ 7356
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- ~~(xii) A facility identified and regulated by the United States department of homeland security's chemical facility anti-terrorism standards program under 6 C.F.R. part 27;~~ 7358
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- ~~(xiii) A dam that is regulated by the state or federal government;~~ 7361
7362

~~(xiv) A crude oil or refined products storage and distribution facility, including valve sites, pipeline interconnections, pump station, metering station, below or above ground pipeline, or piping and truck loading or off-loading facility;~~ 7363
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~~(xv) A video service network and broadband infrastructure, including associated buildings and facilities, video service headends, towers, utility poles, and utility lines such as fiber optic lines. As used in this division, "video service network" has the same meaning as in section 1332.21 of the Revised Code.~~ 7368
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~~(xvi) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility;~~ 7373
7374

~~(xvii) Any above-ground portion of a well, well pad, or production operation;~~ 7375
7376

~~(xviii) A laydown area or construction site for pipe and other equipment intended for use on an interstate or intrastate natural gas or crude oil pipeline;~~ 7377
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~~(xix) Any mining operation, including any processing equipment, batching operation, or support facility for that mining operation.~~ 7380
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~~(b) With respect to a video service network or broadband or wireless telecommunications infrastructure, the above-ground portion of a facility installed in a public right of way on a utility pole or in a conduit;~~ 7383
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~~(c) Any railroad property;~~ 7387

~~(d) An electronic asset of any of the following:~~ 7388

~~(i) An electric light company that is a public utility under section 4905.02 of the Revised Code;~~ 7389
7390

~~(ii) An electric cooperative, as defined in section 4928.01 of the Revised Code;~~ 7391
7392

~~(iii) A municipal electric utility, as defined in section 4928.01 of the Revised Code;~~ 7393
7394

~~(iv) A natural gas company that is a public utility under section 4905.02 of the Revised Code;~~ 7395
7396

~~(v) A telephone company that is a public utility under section 4905.02 of the Revised Code;~~ 7397
7398

~~(vi) A video service provider, including a cable operator, as those terms are defined in section 1332.21 of the Revised Code.~~ 7399
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~~(5) "Electronic asset" includes, but is not limited to, the hardware, software, and data of a programmable electronic device; all communications, operations, and customer data networks; and the contents of those data networks.~~ 7402
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Sec. ~~2911.31~~ 2911.07. (A) No person, with purpose to 7406
commit an offense, shall knowingly enter, force an entrance 7407
into, or tamper with any vault, or safe, ~~or strongbox.~~ 7408

(B) Whoever violates this section is guilty of 7409
safecracking, a felony of the fourth degree. 7410

Sec. 2913.01. (A) As used in this chapter, unless the 7411
context requires that a term be given a different meaning and 7412
except as otherwise provided in divisions (B) to (O) of this 7413
section: 7414

~~(A)(1)~~ "Deception" means knowingly deceiving another or 7415
causing another to be deceived by any false or misleading 7416
representation, by withholding information, by preventing 7417
another from acquiring information, or by any other conduct, 7418

act, or omission that creates, confirms, or perpetuates a false 7419
impression in another, including a false impression as to law, 7420
value, state of mind, or other objective or subjective fact. 7421

~~(B)~~ (2) "Defraud" means to knowingly obtain, by deception, 7422
some benefit for oneself or another, or to knowingly cause, by 7423
deception, some detriment to another. 7424

~~(C)~~ (3) "Deprive" means to do any of the following: 7425

~~(1)~~ (a) Withhold property of another permanently, or for a 7426
period that appropriates a substantial portion of its value or 7427
use, or with purpose to restore it only upon payment of a reward 7428
or other consideration; 7429

~~(2)~~ (b) Dispose of property so as to make it unlikely that 7430
the owner will recover it; 7431

~~(3)~~ (c) Accept, use, or appropriate money, property, or 7432
services, with purpose not to give proper consideration in 7433
return for the money, property, or services, and without 7434
reasonable justification or excuse for not giving proper 7435
consideration. 7436

~~(D)~~ (4) "Owner" means, unless the context requires a 7437
different meaning, any person, other than the actor, who is the 7438
owner of, who has possession or control of, or who has any 7439
license or interest in property or services, even though the 7440
ownership, possession, control, license, or interest is 7441
unlawful. 7442

~~(E)~~ (5) "Services" include labor, personal services, 7443
professional services, rental services, public utility services 7444
including wireless service as defined in division (F) (1) of 7445
section 128.01 of the Revised Code, common carrier services, and 7446
food, drink, transportation, entertainment, and cable television 7447

services and, for purposes of section 2913.04 of the Revised 7448
Code, include cable services as defined in ~~that~~ division (B) of 7449
this section. 7450

~~(F)~~ (6) "Writing" means any computer software, document, 7451
letter, memorandum, note, paper, plate, data, film, or other 7452
thing having in or upon it any written, typewritten, or printed 7453
matter, and any token, stamp, seal, credit card, badge, 7454
trademark, label, or other symbol of value, right, privilege, 7455
license, or identification. 7456

~~(G)~~ (7) "Forge" means to fabricate or create, in whole or 7457
in part and by any means, any spurious writing, or to make, 7458
execute, alter, complete, reproduce, or otherwise purport to 7459
authenticate any writing, when the writing in fact is not 7460
authenticated by that conduct. 7461

~~(H)~~ (8) "Utter" means to issue, publish, transfer, use, put 7462
or send into circulation, deliver, or display. 7463

~~(I)~~ (9) "Coin machine" means any mechanical or electronic 7464
device designed to do both of the following: 7465

~~(1)~~ (a) Receive a coin, bill, or token made for that 7466
purpose; 7467

~~(2)~~ (b) In return for the insertion or deposit of a coin, 7468
bill, or token, automatically dispense property, provide a 7469
service, or grant a license. 7470

~~(J)~~ (10) "Slug" means an object that, by virtue of its 7471
size, shape, composition, or other quality, is capable of being 7472
inserted or deposited in a coin machine as an improper 7473
substitute for a genuine coin, bill, or token made for that 7474
purpose. 7475

(K) <u>(11)</u> "Theft offense" means any of the following:	7476
(1) <u>(a)</u> A violation of section 2911.01, 2911.02, 2911.11,	7477
2911.12, 2911.13, 2911.31, 2911.32, <u>2911.03, 2911.04, 2911.05,</u>	7478
<u>2911.07, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06,</u>	7479
<u>2913.08, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34,</u>	7480
2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 2913.47, 2913.48,	7481
former section 2913.47 or 2913.48, or section 2913.51, 2915.05,	7482
or 2921.41, <u>or former section 2913.32, 2913.33, 2913.47, or</u>	7483
<u>2913.48</u> of the Revised Code;	7484
(2) <u>(b)</u> A violation of an existing or former municipal	7485
ordinance or law of this or any other state, or of the United	7486
States, substantially equivalent to any section listed in	7487
division (K) (1) <u>(A) (11) (a)</u> of this section or a violation of	7488
section 2913.41, 2913.81, or 2915.06 of the Revised Code as it	7489
existed prior to July 1, 1996;	7490
(3) <u>(c)</u> An offense under an existing or former municipal	7491
ordinance or law of this or any other state, or of the United	7492
States, involving robbery, burglary, breaking and entering,	7493
theft, embezzlement, wrongful conversion, forgery,	7494
counterfeiting, deceit, or fraud;	7495
(4) <u>(d)</u> A conspiracy or attempt to commit, or complicity in	7496
committing, any offense under division (K) (1), (2), or (3) <u>(A)</u>	7497
<u>(11) (a), (b), or (c)</u> of this section.	7498
(L) <u>(12)</u> "Computer services" includes, but is not limited	7499
to, the use of a computer system, computer network, computer	7500
program, data that is prepared for computer use, or data that is	7501
contained within a computer system or computer network.	7502
(M) <u>(13)</u> "Computer" means an electronic device that	7503
performs logical, arithmetic, and memory functions by the	7504

manipulation of electronic or magnetic impulses. "Computer" 7505
includes, but is not limited to, all input, output, processing, 7506
storage, computer program, or communication facilities that are 7507
connected, or related, in a computer system or network to an 7508
electronic device of that nature. 7509

~~(N)~~ (14) "Computer system" means a computer and related 7510
devices, whether connected or unconnected, including, but not 7511
limited to, data input, output, and storage devices, data 7512
communications links, and computer programs and data that make 7513
the system capable of performing specified special purpose data 7514
processing tasks. 7515

~~(O)~~ (15) "Computer network" means a set of related and 7516
remotely connected computers and communication facilities that 7517
includes more than one computer system that has the capability 7518
to transmit among the connected computers and communication 7519
facilities through the use of computer facilities. 7520

~~(P)~~ (16) "Computer program" means an ordered set of data 7521
representing coded instructions or statements that, when 7522
executed by a computer, cause the computer to process data. 7523

~~(Q)~~ (17) "Computer software" means computer programs, 7524
procedures, and other documentation associated with the 7525
operation of a computer system. 7526

~~(R)~~ (18) "Data" means a representation of information, 7527
knowledge, facts, concepts, or instructions that are being or 7528
have been prepared in a formalized manner and that are intended 7529
for use in a computer, computer system, or computer network. For 7530
purposes of section 2913.47 of the Revised Code, "data" has the 7531
additional meaning set forth in division ~~(A)~~ (I) of ~~that~~ this 7532
section. 7533

~~(S)~~ (19) "Cable television service" means any services 7534
provided by or through the facilities of any cable television 7535
system or other similar closed circuit coaxial cable 7536
communications system, or any microwave or similar transmission 7537
service used in connection with any cable television system or 7538
other similar closed circuit coaxial cable communications 7539
system. 7540

~~(T)~~ (20) "Gain access" means to approach, instruct, 7541
communicate with, store data in, retrieve data from, or 7542
otherwise make use of any resources of a computer, computer 7543
system, or computer network, or any cable service or cable 7544
system both as defined in division (B) of this section ~~2913.04~~ 7545
~~of the Revised Code.~~ 7546

~~(U)~~ (21) "Credit card" includes, but is not limited to, a 7547
card, code, device, or other means of access to a customer's 7548
account for the purpose of obtaining money, property, labor, or 7549
services on credit, or for initiating an electronic fund 7550
transfer at a point-of-sale terminal, an automated teller 7551
machine, or a cash dispensing machine. It also includes a county 7552
procurement card issued under section 301.29 of the Revised 7553
Code. 7554

~~(V)~~ (22) "Electronic fund transfer" has the same meaning as 7555
in 92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. 7556

~~(W)~~ (23) "Rented property" means personal property in which 7557
the right of possession and use of the property is for a short 7558
and possibly indeterminate term in return for consideration; the 7559
rentee generally controls the duration of possession of the 7560
property, within any applicable minimum or maximum term; and the 7561
amount of consideration generally is determined by the duration 7562
of possession of the property. 7563

~~(X)~~ (24) "Telecommunication" means the origination, 7564
emission, dissemination, transmission, or reception of data, 7565
images, signals, sounds, or other intelligence or equivalence of 7566
intelligence of any nature over any communications system by any 7567
method, including, but not limited to, a fiber optic, 7568
electronic, magnetic, optical, digital, or analog method. 7569

~~(Y)~~ (25) "Telecommunications device" means any instrument, 7570
equipment, machine, or other device that facilitates 7571
telecommunication, including, but not limited to, a computer, 7572
computer network, computer chip, computer circuit, scanner, 7573
telephone, cellular telephone, pager, personal communications 7574
device, transponder, receiver, radio, modem, or device that 7575
enables the use of a modem. 7576

~~(Z)~~ (26) "Telecommunications service" means the providing, 7577
allowing, facilitating, or generating of any form of 7578
telecommunication through the use of a telecommunications device 7579
over a telecommunications system. 7580

~~(AA)~~ (27) "Counterfeit telecommunications device" means a 7581
telecommunications device that, alone or with another 7582
telecommunications device, has been altered, constructed, 7583
manufactured, or programmed to acquire, intercept, receive, or 7584
otherwise facilitate the use of a telecommunications service or 7585
information service without the authority or consent of the 7586
provider of the telecommunications service or information 7587
service. "Counterfeit telecommunications device" includes, but 7588
is not limited to, a clone telephone, clone microchip, tumbler 7589
telephone, or tumbler microchip; a wireless scanning device 7590
capable of acquiring, intercepting, receiving, or otherwise 7591
facilitating the use of telecommunications service or 7592
information service without immediate detection; or a device, 7593

equipment, hardware, or software designed for, or capable of, 7594
altering or changing the electronic serial number in a wireless 7595
telephone. 7596

~~(BB)~~(1)(28) (a) "Information service" means, subject to 7597
division ~~(BB)~~(2)(A) (28) (b) of this section, the offering of a 7598
capability for generating, acquiring, storing, transforming, 7599
processing, retrieving, utilizing, or making available 7600
information via telecommunications, including, but not limited 7601
to, electronic publishing. 7602

~~(2)~~(b) "Information service" does not include any use of a 7603
capability of a type described in division ~~(BB)~~(1)(A) (28) (a) of 7604
this section for the management, control, or operation of a 7605
telecommunications system or the management of a 7606
telecommunications service. 7607

~~(CC)~~(29) "Elderly person" means a person who is sixty-five 7608
years of age or older. 7609

~~(DD)~~(30) "Disabled adult" means a person who is eighteen 7610
years of age or older and has some impairment of body or mind 7611
that makes the person unable to work at any substantially 7612
remunerative employment that the person otherwise would be able 7613
to perform and that will, with reasonable probability, continue 7614
for a period of at least twelve months without any present 7615
indication of recovery from the impairment, or who is eighteen 7616
years of age or older and has been certified as permanently and 7617
totally disabled by an agency of this state or the United States 7618
that has the function of so classifying persons. 7619

~~(EE)~~(31) "Firearm" and "dangerous ordnance" have the same 7620
meanings as in section 2923.11 of the Revised Code. 7621

~~(FF)~~(32) "Motor vehicle" has the same meaning as in 7622

section 4501.01 of the Revised Code. 7623

~~(GG)~~ (33) "Dangerous drug" has the same meaning as in 7624
section 4729.01 of the Revised Code. 7625

~~(HH)~~ (34) "Drug abuse offense" has the same meaning as in 7626
section 2925.01 of the Revised Code. 7627

~~(II)~~ ~~(1)~~ (35) (a) "Computer hacking" means any of the 7628
following: 7629

~~(a)~~ (i) Gaining access or attempting to gain access to all 7630
or part of a computer, computer system, or a computer network 7631
without express or implied authorization with the intent to 7632
defraud or with intent to commit a crime; 7633

~~(b)~~ (ii) Misusing computer or network services including, 7634
but not limited to, mail transfer programs, file transfer 7635
programs, proxy servers, and web servers by performing functions 7636
not authorized by the owner of the computer, computer system, or 7637
computer network or other person authorized to give consent. As 7638
used in this division, "misuse of computer and network services" 7639
includes, but is not limited to, the unauthorized use of any of 7640
the following: 7641

~~(i)~~ (I) Mail transfer programs to send mail to persons 7642
other than the authorized users of that computer or computer 7643
network; 7644

~~(ii)~~ (II) File transfer program proxy services or proxy 7645
servers to access other computers, computer systems, or computer 7646
networks; 7647

~~(iii)~~ (III) Web servers to redirect users to other web 7648
pages or web servers. 7649

~~(e)~~ ~~(i)~~ (iii) (I) Subject to division ~~(II)~~ ~~(1)~~ ~~(e)~~ ~~(ii)~~ (A) (35) 7650

(a) (iii) (II) of this section, using a group of computer programs 7651
commonly known as "port scanners" or "probes" to intentionally 7652
access any computer, computer system, or computer network 7653
without the permission of the owner of the computer, computer 7654
system, or computer network or other person authorized to give 7655
consent. The group of computer programs referred to in this 7656
division includes, but is not limited to, those computer 7657
programs that use a computer network to access a computer, 7658
computer system, or another computer network to determine any of 7659
the following: the presence or types of computers or computer 7660
systems on a network; the computer network's facilities and 7661
capabilities; the availability of computer or network services; 7662
the presence or versions of computer software including, but not 7663
limited to, operating systems, computer services, or computer 7664
contaminants; the presence of a known computer software 7665
deficiency that can be used to gain unauthorized access to a 7666
computer, computer system, or computer network; or any other 7667
information about a computer, computer system, or computer 7668
network not necessary for the normal and lawful operation of the 7669
computer initiating the access. 7670

~~(ii) (II)~~ The group of computer programs referred to in 7671
division ~~(II) (1) (c) (i) (A) (35) (a) (iii) (I)~~ of this section does 7672
not include standard computer software used for the normal 7673
operation, administration, management, and test of a computer, 7674
computer system, or computer network including, but not limited 7675
to, domain name services, mail transfer services, and other 7676
operating system services, computer programs commonly called 7677
"ping," "tcpdump," and "traceroute" and other network monitoring 7678
and management computer software, and computer programs commonly 7679
known as "nslookup" and "whois" and other systems administration 7680
computer software. 7681

~~(d)~~(iv) The intentional use of a computer, computer system, or a computer network in a manner that exceeds any right or permission granted by the owner of the computer, computer system, or computer network or other person authorized to give consent.

~~(2)~~(b) "Computer hacking" does not include the introduction of a computer contaminant, as defined in section 2909.01 of the Revised Code, into a computer, computer system, computer program, or computer network.

~~(JJ)~~(36) "~~Police dog or horse animal~~" has the same meaning as in division (F) of section 2921.321-2921.01 of the Revised Code.

~~(KK)~~(37) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this division. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.

~~(LL)~~(38) "Assistance dog" has the same meaning as in section 955.011 of the Revised Code.

~~(MM)~~(39) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.

~~(NN)~~(40) "Active duty service member" means any member of the armed forces of the United States performing active duty under title 10 of the United States Code.

(41) "Voice over internet protocol service" has the same meaning as in section 4927.01 of the Revised Code.

- (B) As used in section 2913.04 of the Revised Code: 7710
- (1) "Cable operator" means any person or group of persons 7711
that does either of the following: 7712
- (a) Provides cable service over a cable system and 7713
directly or through one or more affiliates owns a significant 7714
interest in that cable system; 7715
- (b) Otherwise controls or is responsible for, through any 7716
arrangement, the management and operation of a cable system. 7717
- (2) "Cable service" means any of the following: 7718
- (a) The one-way transmission to subscribers of video 7719
programming or of information that a cable operator makes 7720
available to all subscribers generally; 7721
- (b) Subscriber interaction, if any, that is required for 7722
the selection or use of video programming or of information that 7723
a cable operator makes available to all subscribers generally, 7724
both as described in division (B) (2) (a) of this section; 7725
- (c) Any cable television service. 7726
- (3) "Cable system" means any facility, consisting of a set 7727
of closed transmission paths and associated signal generation, 7728
reception, and control equipment that is designed to provide 7729
cable service that includes video programming and that is 7730
provided to multiple subscribers within a community. "Cable 7731
system" does not include any of the following: 7732
- (a) Any facility that serves only to retransmit the 7733
television signals of one or more television broadcast stations; 7734
- (b) Any facility that serves subscribers without using any 7735
public right-of-way; 7736

<u>(c) Any facility of a common carrier that, under 47 U.S.C.</u>	7737
<u>522(7)(c), is excluded from the term "cable system" as defined</u>	7738
<u>in 47 U.S.C. 522(7);</u>	7739
<u>(d) Any open video system that complies with 47 U.S.C.</u>	7740
<u>573;</u>	7741
<u>(e) Any facility of any electric utility used solely for</u>	7742
<u>operating its electric utility system.</u>	7743
<u>(C) As used in section 2913.07 of the Revised Code:</u>	7744
<u>(1) "Audiovisual recording function" means the capability</u>	7745
<u>of a device to record or transmit a motion picture or any part</u>	7746
<u>of a motion picture by means of any technology existing on, or</u>	7747
<u>developed after, March 9, 2004.</u>	7748
<u>(2) "Facility" means a movie theater.</u>	7749
<u>(D) As used in section 2913.11 of the Revised Code:</u>	7750
<u>(1) "Check" includes any form of debit from a demand</u>	7751
<u>deposit account, including, but not limited to any of the</u>	7752
<u>following:</u>	7753
<u>(a) A check, bill of exchange, draft, order of withdrawal,</u>	7754
<u>or similar negotiable or nonnegotiable instrument;</u>	7755
<u>(b) An electronic check, electronic transaction, debit</u>	7756
<u>card transaction, check card transaction, substitute check, web</u>	7757
<u>check, or any form of automated clearing house transaction.</u>	7758
<u>(2) "Issue a check" means causing any form of debit from a</u>	7759
<u>demand deposit account.</u>	7760
<u>(E) As used in section 2913.30 of the Revised Code:</u>	7761
<u>(1) "Access device" means any debit or credit card</u>	7762
<u>representing a monetary security or retail amount by any</u>	7763

financial institution, including a bank, savings bank, savings and loan association, credit union, or business entity. 7764
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(2) "Obligation or other security" means an instrument recognized as currency or legal tender or that is issued by the United States treasury, including bills, coins, bonds, or checks. 7766
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(F) As used in section 2913.34 of the Revised Code: 7770

(1) (a) Except as provided in division (F) (1) (b) of this section, "counterfeit mark" means a spurious trademark or a spurious service mark that satisfies both of the following: 7771
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(i) It is identical with or substantially indistinguishable from a mark that is registered on the principal register in the United States patent and trademark office for the same goods or services as the goods or services to which or in connection with which the spurious trademark or spurious service mark is attached, affixed, or otherwise used or from a mark that is registered with the secretary of state pursuant to sections 1329.54 to 1329.67 of the Revised Code for the same goods or services as the goods or services to which or in connection with which the spurious trademark or spurious service mark is attached, affixed, or otherwise used, and the owner of the registration uses the registered mark, whether or not the offender knows that the mark is registered in a manner described in division (F) (1) (a) (i) of this section. 7774
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(ii) Its use is likely to cause confusion or mistake or to deceive other persons. 7788
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(b) "Counterfeit mark" does not include a mark or other designation that is attached to, affixed to, or otherwise used in connection with goods or services if the holder of the right 7790
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to use the mark or other designation authorizes the 7793
manufacturer, producer, or vendor of those goods or services to 7794
attach, affix, or otherwise use the mark or other designation in 7795
connection with those goods or services at the time of their 7796
manufacture, production, or sale. 7797

(2) "Cumulative sales price" means the product of the 7798
lowest single unit sales price charged or sought to be charged 7799
by an offender for goods to which or in connection with which a 7800
counterfeit mark is attached, affixed, or otherwise used or of 7801
the lowest single service transaction price charged or sought to 7802
be charged by an offender for services in connection with which 7803
a counterfeit mark is used, multiplied by the total number of 7804
those goods or services, whether or not units of goods are sold 7805
or are in an offender's possession, custody, or control. 7806

(3) "Registered trademark or service mark" means a 7807
trademark or service mark that is registered in a manner 7808
described in division (F) (1) of this section. 7809

(4) "Trademark" and "service mark" have the same meanings 7810
as in section 1329.54 of the Revised Code. 7811

(G) As used in section 2913.40 of the Revised Code: 7812

(1) "Provider" means any person who has signed a provider 7813
agreement with the department of medicaid to provide goods or 7814
services pursuant to the medicaid program or any person who has 7815
signed an agreement with a party to such a provider agreement 7816
under which the person agrees to provide goods or services that 7817
are reimbursable under the medicaid program. 7818

(2) "Provider agreement" has the same meaning as in 7819
section 5164.01 of the Revised Code. 7820

(3) "Recipient" means any individual who receives goods or 7821

services from a provider under the medicaid program. 7822

(4) "Records" means any medical, professional, financial, 7823
or business records relating to the treatment or care of any 7824
recipient, to goods or services provided to any recipient, or to 7825
rates paid for goods or services provided to any recipient and 7826
any records that are required by the rules of the medicaid 7827
director to be kept for the medicaid program. 7828

(5) "Statement or representation" means any oral, written, 7829
electronic, electronic impulse, or magnetic communication that 7830
is used to identify an item of goods or a service for which 7831
reimbursement may be made under the medicaid program or that 7832
states income and expense and is or may be used to determine a 7833
rate of reimbursement under the medicaid program. 7834

(H) As used in section 2913.41 of the Revised Code: 7835

(1) "Medicaid services" has the same meaning as in section 7836
5164.01 of the Revised Code. 7837

(2) "Property" means any real or personal property or 7838
other asset in which a person has any legal title or interest. 7839

(I) As used in section 2913.46 of the Revised Code: 7840

(1) "Access device" means any card, plate, code, account 7841
number, or other means of access that can be used, alone or in 7842
conjunction with another access device, to obtain payments, 7843
allotments, benefits, money, goods, or other things of value or 7844
that can be used to initiate a transfer of funds pursuant to 7845
section 5101.33 of the Revised Code and the "Food and Nutrition 7846
Act of 2008," 7 U.S.C. 2011 et seq., or any supplemental food 7847
program administered by any department of this state or any 7848
county or local agency pursuant to section 17 of the "Child 7849
Nutrition Act of 1966," 42 U.S.C. 1786. An "access device" may 7850

include any electronic debit card or other means authorized by 7851
section 5101.33 of the Revised Code. 7852

(2) "Aggregate value of supplemental nutrition assistance 7853
program benefits, WIC program benefits, and electronically 7854
transferred benefits involved in the violation" means the total 7855
face value of any supplemental nutrition assistance program 7856
benefits, plus the total face value of WIC program coupons or 7857
delivery verification receipts, plus the total value of other 7858
WIC program benefits, plus the total value of any electronically 7859
transferred benefit or other access device, involved in the 7860
violation. 7861

(3) "Electronically transferred benefit" means the 7862
transfer of supplemental nutrition assistance program benefits 7863
or WIC program benefits through the use of an access device. 7864

(4) "Organization" means a corporation for profit or not 7865
for profit, partnership, limited partnership, joint venture, 7866
unincorporated nonprofit association, estate, trust, or other 7867
commercial or legal entity. Organization does not include an 7868
entity organized as or by a governmental agency for the 7869
execution of a governmental program. 7870

(5) "Total value of any electronically transferred benefit 7871
or other access device" means the total value of the payments, 7872
allotments, benefits, money, goods, or other things of value 7873
that may be obtained, or the total value of funds that may be 7874
transferred, by use of any electronically transferred benefit or 7875
other access device at the time of violation. 7876

(6) "WIC program benefits" includes money, coupons, 7877
delivery verification receipts, other documents, food, or other 7878
property received directly or indirectly pursuant to section 17 7879

of the "Child Nutrition Act of 1966," 42 U.S.C. 1786. 7880

(J) As used in section 2913.47 of the Revised Code: 7881

(1) "Data" has the same meaning as in division (A) of this 7882
section and additionally includes any other representation of 7883
information, knowledge, facts, concepts, or instructions that 7884
are being or have been prepared in a formalized manner. 7885

(2) "Deceptive" means that a statement, in whole or in 7886
part, would cause another to be deceived because it contains a 7887
misleading representation, withholds information, prevents the 7888
acquisition of information, or by any other conduct, act, or 7889
omission creates, confirms, or perpetuates a false impression, 7890
including, but not limited to, a false impression as to law, 7891
value, state of mind, or other objective or subjective fact. 7892

(3) "Insurer" means any person that is authorized to 7893
engage in the business of insurance in this state under Title 7894
XXXIX of the Revised Code, the Ohio fair plan underwriting 7895
association created under section 3929.43 of the Revised Code, 7896
any health insuring corporation, and any legal entity that is 7897
self-insured and provides benefits to its employees or members. 7898

(4) "Policy" means a policy, certificate, contract, or 7899
plan that is issued by an insurer. 7900

(5) "Statement" includes, but is not limited to, any 7901
notice, letter, or memorandum; proof of loss; bill of lading; 7902
receipt for payment; invoice, account, or other financial 7903
statement; estimate of property damage; bill for services; 7904
diagnosis or prognosis; prescription; hospital, medical, or 7905
dental chart or other record; x-ray, photograph, videotape, or 7906
movie film; test result; other evidence of loss, injury, or 7907
expense; computer-generated document; and data in any form. 7908

<u>(K) As used in section 2913.48 of the Revised Code:</u>	7909
<u>(1) "Claim" means any attempt to cause the bureau, an independent third party with whom the administrator or an employer contracts under section 4121.44 of the Revised Code, or a self-insuring employer to make payment or reimbursement for workers' compensation benefits.</u>	7910 7911 7912 7913 7914
<u>(2) "Employer," "employee," and "self-insuring employer" have the same meanings as in section 4123.01 of the Revised Code.</u>	7915 7916 7917
<u>(3) "Employment" means participating in any trade, occupation, business, service, or profession for substantial gainful remuneration.</u>	7918 7919 7920
<u>(4) "False" means wholly or partially untrue or deceptive.</u>	7921
<u>(5) "Goods" includes, but is not limited to, medical supplies, appliances, rehabilitative equipment, and any other apparatus or furnishing provided or used in the care, treatment, or rehabilitation of a claimant for workers' compensation benefits.</u>	7922 7923 7924 7925 7926
<u>(6) "Records" means any medical, professional, financial, or business record relating to the treatment or care of any person, to goods or services provided to any person, or to rates paid for goods or services provided to any person, or any record that the administrator of workers' compensation requires pursuant to rule.</u>	7927 7928 7929 7930 7931 7932
<u>(7) "Remuneration" includes, but is not limited to, wages, commissions, rebates, and any other reward or consideration.</u>	7933 7934
<u>(8) "Services" includes, but is not limited to, any service provided by any health care provider to a claimant for</u>	7935 7936

workers' compensation benefits and any and all services provided 7937
by the bureau as part of workers' compensation insurance 7938
coverage. 7939

(9) "Statement" includes, but is not limited to, any oral, 7940
written, electronic, electronic impulse, or magnetic 7941
communication notice, letter, memorandum, receipt for payment, 7942
invoice, account, financial statement, or bill for services; a 7943
diagnosis, prognosis, prescription, hospital, medical, or dental 7944
chart or other record; and a computer-generated document. 7945

(10) "Workers' compensation benefits" means any 7946
compensation or benefits payable under Chapter 4121., 4123., 7947
4127., or 4131. of the Revised Code. 7948

(L) As used in section 2913.49 of the Revised Code, 7949
"personal identifying information" includes, but is not limited 7950
to, the following: the name, address, telephone number, driver's 7951
license, driver's license number, commercial driver's license, 7952
commercial driver's license number, state identification card, 7953
state identification card number, social security card, social 7954
security number, birth certificate, place of employment, 7955
employee identification number, mother's maiden name, demand 7956
deposit account number, savings account number, money market 7957
account number, mutual fund account number, other financial 7958
account number, personal identification number, password, or 7959
credit card number of a living or dead individual. 7960

(M) As used in section 2913.72 of the Revised Code: 7961

(1) "Rentee" means a person who pays consideration to a 7962
renter for the use of rented property. 7963

(2) "Renter" means a person who owns rented property. 7964

(N) As used in section 2913.73 of the Revised Code, "lacks 7965

the capacity to consent" means being impaired for any reason to 7966
the extent that the person lacks sufficient understanding or 7967
capacity to make and carry out reasonable decisions concerning 7968
the person or the person's resources. 7969

(O) As used in section 2913.82 of the Revised Code, "major 7970
part" has the same meaning as in the "Motor Vehicle Theft Law 7971
Enforcement Act of 1984," 15 U.S.C. 2021 (7). 7972

Sec. 2913.02. (A) No person, with purpose to deprive the 7973
owner of property or services, shall knowingly obtain or exert 7974
control over either the property or services in any of the 7975
following ways: 7976

(1) Without the consent of the owner or person authorized 7977
to give consent; 7978

(2) Beyond the scope of the express or implied consent of 7979
the owner or person authorized to give consent; 7980

(3) By deception; 7981

(4) By threat; 7982

(5) By intimidation. 7983

(B) ~~(1) Whoever~~ Except as provided in divisions (B) (2) and 7984
(3) of this section, whoever violates this section is guilty of 7985
theft. Unless the measured value of the violation requires that 7986
the offense be enhanced under division (A) of section 2913.90 of 7987
the Revised Code, or prior offenses require that the offense be 7988
enhanced under division (B) of that section, theft is a 7989
misdemeanor of the third degree. 7990

~~(2) Except as otherwise provided in this division or~~ 7991
~~division (B) (3), (4), (5), (6), (7), (8), or (9) of this~~ 7992
~~section, a violation of this section is petty theft, a~~ 7993

~~misdemeanor of the first degree. If the value of the property or 7994
services stolen is one thousand dollars or more and is less than 7995
seven thousand five hundred dollars or if the property stolen is 7996
any of the property listed in section 2913.71 of the Revised 7997
Code, a violation of this section is theft, a felony of the 7998
fifth degree. If the value of the property or services stolen is 7999
seven thousand five hundred dollars or more and is less than one 8000
hundred fifty thousand dollars, a violation of this section is 8001
grand theft, a felony of the fourth degree. If the value of the 8002
property or services stolen is one hundred fifty thousand 8003
dollars or more and is less than seven hundred fifty thousand 8004
dollars, a violation of this section is aggravated theft, a 8005
felony of the third degree. If the value of the property or 8006
services is seven hundred fifty thousand dollars or more and is 8007
less than one million five hundred thousand dollars, a violation 8008
of this section is aggravated theft, a felony of the second- 8009
degree. If the value of the property or services stolen is one 8010
million five hundred thousand dollars or more, a violation of 8011
this section is aggravated theft of one million five hundred 8012
thousand dollars or more, a felony of the first degree. 8013~~

~~(3) Except as otherwise provided in division (B) (4), (5), 8014
(6), (7), (8), or (9) of this section, if the victim of the 8015
offense is an elderly person, disabled adult, active duty 8016
service member, or spouse of an active duty service member, a 8017
violation of this section is theft from a person in a protected 8018
class, and division (B) (3) of this section applies. Except as 8019
otherwise provided in this division, theft from a person in a 8020
protected class is a felony of the fifth degree. If the value of 8021
the property or services stolen is one thousand dollars or more 8022
and is less than seven thousand five hundred dollars, theft from 8023
a person in a protected class is a felony of the fourth degree. 8024~~

~~If the value of the property or services stolen is seven-~~ 8025
~~thousand five hundred dollars or more and is less than thirty-~~ 8026
~~seven thousand five hundred dollars, theft from a person in a~~ 8027
~~protected class is a felony of the third degree. If the value of~~ 8028
~~the property or services stolen is thirty seven thousand five~~ 8029
~~hundred dollars or more and is less than one hundred fifty~~ 8030
~~thousand dollars, theft from a person in a protected class is a~~ 8031
~~felony of the second degree. If the value of the property or~~ 8032
~~services stolen is one hundred fifty thousand dollars or more,~~ 8033
~~theft from a person in a protected class is a felony of the~~ 8034
~~first degree. If the victim of the offense is an elderly person,~~ 8035
~~in addition to any other penalty imposed for the offense, the~~ 8036
~~offender shall be required to pay full restitution to the victim~~ 8037
~~and to pay a fine of up to fifty thousand dollars. The clerk of~~ 8038
~~court shall forward all fines collected under division (B) (3) of~~ 8039
~~this section to the county department of job and family services~~ 8040
~~to be used for the reporting and investigation of elder abuse,~~ 8041
~~neglect, and exploitation or for the provision or arrangement of~~ 8042
~~protective services under sections 5101.61 to 5101.71 of the~~ 8043
~~Revised Code.~~ 8044

~~(4) If the property stolen is a firearm or dangerous~~ 8045
~~ordnance, a violation of this section is grand theft. Except as~~ 8046
~~otherwise provided in this division, grand theft when the~~ 8047
~~property stolen is a firearm or dangerous ordnance is a felony~~ 8048
~~of the third degree, and there is a presumption in favor of the~~ 8049
~~court imposing a prison term for the offense. If the firearm or~~ 8050
~~dangerous ordnance was stolen from a federally licensed firearms~~ 8051
~~dealer, grand theft when the property stolen is a firearm or~~ 8052
~~dangerous ordnance is a felony of the first degree. The offender~~ 8053
~~shall serve a prison term imposed for grand theft when the~~ 8054
~~property stolen is a firearm or dangerous ordnance consecutively~~ 8055

~~to any other prison term or mandatory prison term previously or
subsequently imposed upon the offender.~~ 8056
8057

~~(5) If the property stolen is a motor vehicle, a violation
of this section is grand theft of a motor vehicle, a felony of
the fourth degree.~~ 8058
8059
8060

~~(6) If the property stolen is any dangerous drug, a
violation of this section is theft of drugs, a felony of the
fourth degree, or, if the offender previously has been convicted
of a felony drug abuse offense, a felony of the third degree.~~ 8061
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~~(7) If the property stolen is a police dog or horse or an
assistance dog and the offender knows or should know that the
property stolen is a police dog or horse or an assistance dog, a
violation of this section is theft of a police dog or horse or
an assistance dog, a felony of the third degree.~~ 8065
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~~(8) If the property stolen is anhydrous ammonia, a
violation of this section is theft of anhydrous ammonia, a
felony of the third degree.~~ 8070
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~~(9) Except as provided in division (B) (2) of this section
with respect to property with a value of seven thousand five
hundred dollars or more and division (B) (3) of this section with
respect to property with a value of one thousand dollars or
more, if the property stolen is a special purpose article as
defined in section 4737.04 of the Revised Code or is a bulk
merchandise container as defined in section 4737.012 of the
Revised Code, a violation of this section is theft of a special-
purpose article or articles or theft of a bulk merchandise
container or containers, a felony of the fifth degree.~~ 8073
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~~(10) In addition to the penalties described in division
(B) (2) of this section, if the offender committed the violation~~ 8083
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~~by causing a motor vehicle to leave the premises of an~~ 8085
~~establishment at which gasoline is offered for retail sale~~ 8086
~~without the offender making full payment for gasoline that was~~ 8087
~~dispensed into the fuel tank of the motor vehicle or into~~ 8088
~~another container, the court may do one of the following:~~ 8089

~~(a) Unless division (B) (10) (b) of this section applies,~~ 8090
~~suspend for not more than six months the offender's driver's~~ 8091
~~license, probationary driver's license, commercial driver's~~ 8092
~~license, temporary instruction permit, or nonresident operating~~ 8093
~~privilege;~~ 8094

~~(b) If the offender's driver's license, probationary~~ 8095
~~driver's license, commercial driver's license, temporary~~ 8096
~~instruction permit, or nonresident operating privilege has~~ 8097
~~previously been suspended pursuant to division (B) (10) (a) of~~ 8098
~~this section, impose a class seven suspension of the offender's~~ 8099
~~license, permit, or privilege from the range specified in~~ 8100
~~division (A) (7) of section 4510.02 of the Revised Code, provided~~ 8101
~~that the suspension shall be for at least six months.~~ 8102

~~(c) The court, in lieu of suspending the offender's~~ 8103
~~driver's or commercial driver's license, probationary driver's~~ 8104
~~license, temporary instruction permit, or nonresident operating~~ 8105
~~privilege pursuant to division (B) (10) (a) or (b) of this~~ 8106
~~section, instead may require the offender to perform community~~ 8107
~~service for a number of hours determined by the court.~~ 8108

~~(11) In addition to the penalties described in division~~ 8109
~~(B) (2) of this section, if the offender committed the violation~~ 8110
~~by stealing rented property or rental services, the court may~~ 8111
~~order that the offender make restitution pursuant to section~~ 8112
~~2929.18 or 2929.28 of the Revised Code. Restitution may include,~~ 8113
~~but is not limited to, the cost of repairing or replacing the~~ 8114

~~stolen property, or the cost of repairing the stolen property~~ 8115
~~and any loss of revenue resulting from deprivation of the~~ 8116
~~property due to theft of rental services that is less than or~~ 8117
~~equal to the actual value of the property at the time it was~~ 8118
~~rented. Evidence of intent to commit theft of rented property or~~ 8119
~~rental services shall be determined pursuant to the provisions~~ 8120
~~of section 2913.72 of the Revised Code.~~ 8121

~~(C) The sentencing court that suspends an offender's~~ 8122
~~license, permit, or nonresident operating privilege under~~ 8123
~~division (B) (10) of this section may grant the offender limited~~ 8124
~~driving privileges during the period of the suspension in~~ 8125
~~accordance with Chapter 4510. of the Revised Code. If the~~ 8126
~~property stolen is anhydrous ammonia, a violation of this~~ 8127
~~section is theft of anhydrous ammonia. Unless the measured value~~ 8128
~~of the violation requires that the offense be enhanced under~~ 8129
~~division (A) of section 2913.90 of the Revised Code, or prior~~ 8130
~~offenses require that the offense be enhanced under division (B)~~ 8131
~~of that section, theft of anhydrous ammonia is a felony of the~~ 8132
~~fifth degree.~~ 8133

(3) If the property stolen is any firearm or dangerous 8134
ordinance, a violation of this section is grand theft. Unless 8135
the measured value of the violation requires that the offense be 8136
enhanced under division (A) of section 2913.90 of the Revised 8137
Code, or prior offenses require that the offense be enhanced 8138
under division (B) of that section, grand theft is a felony of 8139
the third degree. 8140

(C) For purposes of enhancement under division (A) of 8141
section 2913.90 of the Revised Code, the measured value of a 8142
violation of this section is the value of the property or 8143
services stolen. 8144

Sec. 2913.03. (A) No person shall knowingly use or operate 8145
an aircraft, motor vehicle, motorcycle, motorboat, or other 8146
motor-propelled vehicle without the consent of the owner or 8147
person authorized to give consent. 8148

(B) No person shall knowingly use or operate an aircraft, 8149
motor vehicle, motorboat, or other motor-propelled vehicle 8150
without the consent of the owner or person authorized to give 8151
consent, and either remove it from this state or keep possession 8152
of it for more than forty-eight hours. 8153

(C) The following are affirmative defenses to a charge 8154
under this section: 8155

(1) At the time of the alleged offense, the actor, though 8156
mistaken, reasonably believed that the actor was authorized to 8157
use or operate the property. 8158

(2) At the time of the alleged offense, the actor 8159
reasonably believed that the owner or person empowered to give 8160
consent would authorize the actor to use or operate the 8161
property. 8162

~~(D)(1)(D)~~ Whoever violates this section is guilty of 8163
unauthorized use of a vehicle. 8164

~~(2) Except as otherwise provided in division (D)(4) of~~ 8165
~~this section, a A violation of division (A) of this section is a~~ 8166
~~misdemeanor of the first-third degree.~~ 8167

~~(3) Except as otherwise provided in division (D)(4) of~~ 8168
~~this section, a A violation of division (B) of this section is a~~ 8169
~~felony misdemeanor of the fifth-first degree.~~ 8170

~~(4) If the victim of the offense is an elderly person or~~ 8171
~~disabled adult and if the victim incurs a loss as a result of~~ 8172

~~the violation, a violation of division (A) or (B) of this section is whichever of the following is applicable:~~ 8173
8174

~~(a) Except as otherwise provided in division (D) (4) (b), (c), or (d) of this section, a felony of the fifth degree;~~ 8175
8176

~~(b) If the loss to the victim is one thousand dollars or more and is less than seven thousand five hundred dollars, a felony of the fourth degree;~~ 8177
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~~(c) If the loss to the victim is seven thousand five hundred dollars or more and is less than thirty seven thousand five hundred dollars, a felony of the third degree;~~ 8180
8181
8182

~~(d) If the loss to the victim is thirty seven thousand five hundred dollars or more, a felony of the second degree.~~ 8183
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Sec. 2913.04. (A) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent. 8185
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~~(B) No person, in any manner and by any means, including, but not limited to, computer hacking, shall knowingly gain access to, attempt to gain access to, or cause access to be gained to any computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service without the consent of, or beyond the scope of the express or implied consent of, the owner of the computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service or other person authorized to give consent.~~ 8188
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~~(C) Except as permitted under section 5503.101 of the Revised Code, no person shall knowingly gain access to, attempt to gain access to, cause access to be granted to, or disseminate~~ 8199
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8201

information gained from access to the law enforcement automated 8202
database system created ~~pursuant to~~ under section 5503.10 of the 8203
Revised Code without the consent of, or beyond the scope of the 8204
express or implied consent of, the chair of the law enforcement 8205
automated data system steering committee. 8206

~~(D)~~ (C) No person shall knowingly gain access to, ~~attempt~~ 8207
~~to gain access to,~~ cause access to be granted to, or disseminate 8208
information gained from access to the Ohio law enforcement 8209
gateway established and operated ~~pursuant to~~ under division (C) 8210
(1) of section 109.57 of the Revised Code without the consent 8211
of, or beyond the scope of the express or implied consent of, 8212
the superintendent of the bureau of criminal identification and 8213
investigation. 8214

~~(E)~~ (D) The affirmative defenses contained in division (C) 8215
of section 2913.03 of the Revised Code are affirmative defenses 8216
to a charge under this section. 8217

~~(F)~~ ~~(1)~~ (E) (1) Whoever violates division (A) of this section 8218
is guilty of unauthorized use of property. 8219

(2) ~~Except as otherwise provided in division (F) (3) or (4)~~ 8220
~~of this section.~~ Unless the measured value of the violation 8221
requires that the offense be enhanced under division (A) of 8222
section 2913.90 of the Revised Code, or prior offenses require 8223
that the offense be enhanced under division (B) of that section, 8224
unauthorized use of property is a misdemeanor of the ~~fourth-~~ 8225
third degree. 8226

(3) ~~Except as otherwise provided in division (F) (4) of~~ 8227
~~this section, if unauthorized use of property is committed for~~ 8228
~~the purpose of devising or executing a scheme to defraud or to~~ 8229
~~obtain property or services, unauthorized use of property is-~~ 8230

~~whichever of the following is applicable:~~ 8231

~~(a) Except as otherwise provided in division (F) (3) (b),~~ 8232
~~(c), or (d) of this section, a misdemeanor of the first degree.~~ 8233

~~(b) If the value of the property or services or the loss~~ 8234
~~to the victim is one thousand dollars or more and is less than~~ 8235
~~seven thousand five hundred dollars, a felony of the fifth~~ 8236
~~degree.~~ 8237

~~(c) If the value of the property or services or the loss~~ 8238
~~to the victim is seven thousand five hundred dollars or more and~~ 8239
~~is less than one hundred fifty thousand dollars, a felony of the~~ 8240
~~fourth degree.~~ 8241

~~(d) If the value of the property or services or the loss~~ 8242
~~to the victim is one hundred fifty thousand dollars or more, a~~ 8243
~~felony of the third degree.~~ 8244

~~(4) If the victim of the offense is an elderly person or~~ 8245
~~disabled adult, unauthorized use of property is whichever of the~~ 8246
~~following is applicable:~~ 8247

~~(a) Except as otherwise provided in division (F) (4) (b),~~ 8248
~~(c), or (d) of this section, a felony of the fifth degree;~~ 8249

~~(b) If the value of the property or services or loss to~~ 8250
~~the victim is one thousand dollars or more and is less than~~ 8251
~~seven thousand five hundred dollars, a felony of the fourth~~ 8252
~~degree;~~ 8253

~~(c) If the value of the property or services or loss to~~ 8254
~~the victim is seven thousand five hundred dollars or more and is~~ 8255
~~less than thirty seven thousand five hundred dollars, a felony~~ 8256
~~of the third degree;~~ 8257

~~(d) If the value of the property or services or loss to~~ 8258

~~the victim is thirty seven thousand five hundred dollars or
more, a felony of the second degree.~~ 8259
8260

~~(G) (1) Whoever violates division (B) of this section is
guilty of unauthorized use of computer, cable, or
telecommunication property, and shall be punished as provided in
division (G) (2), (3), or (4) of this section.~~ 8261
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~~(2) Except as otherwise provided in division (G) (3) or (4)
of this section, unauthorized use of computer, cable, or
telecommunication property is a felony of the fifth degree.~~ 8265
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8267

~~(3) Except as otherwise provided in division (G) (4) of
this section, if unauthorized use of computer, cable, or
telecommunication property is committed for the purpose of
devising or executing a scheme to defraud or to obtain property
or services, for obtaining money, property, or services by false
or fraudulent pretenses, or for committing any other criminal
offense, unauthorized use of computer, cable, or
telecommunication property is whichever of the following is
applicable:~~ 8268
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~~(a) Except as otherwise provided in division (G) (3) (b) of
this section, if the value of the property or services involved
or the loss to the victim is seven thousand five hundred dollars
or more and less than one hundred fifty thousand dollars, a
felony of the fourth degree;~~ 8277
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~~(b) If the value of the property or services involved or
the loss to the victim is one hundred fifty thousand dollars or
more, a felony of the third degree.~~ 8282
8283
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~~(4) If the victim of the offense is an elderly person or
disabled adult, unauthorized use of computer, cable, or
telecommunication property is whichever of the following is~~ 8285
8286
8287

applicable: 8288

~~(a) Except as otherwise provided in division (G) (4) (b),~~ 8289
~~(c), or (d) of this section, a felony of the fifth degree;~~ 8290

~~(b) If the value of the property or services or loss to~~ 8291
~~the victim is one thousand dollars or more and is less than~~ 8292
~~seven thousand five hundred dollars, a felony of the fourth~~ 8293
~~degree;~~ 8294

~~(c) If the value of the property or services or loss to~~ 8295
~~the victim is seven thousand five hundred dollars or more and is~~ 8296
~~less than thirty seven thousand five hundred dollars, a felony~~ 8297
~~of the third degree;~~ 8298

~~(d) If the value of the property or services or loss to~~ 8299
~~the victim is thirty seven thousand five hundred dollars or~~ 8300
~~more, a felony of the second degree.~~ 8301

~~(H) For purposes of enhancement under division (A) of~~ 8302
~~section 2913.90 of the Revised Code, the measured value of a~~ 8303
~~violation of division (A) of this section is the value of the~~ 8304
~~property or services or loss to the victim.~~ 8305

~~(F) Whoever violates division ~~(C)~~ (B) of this section is~~ 8306
guilty of unauthorized use of the law enforcement automated 8307
database system, a felony of the fifth degree. 8308

~~(I) (G) Whoever violates division ~~(D)~~ (C) of this section is~~ 8309
guilty of unauthorized use of the Ohio law enforcement gateway, 8310
a felony of the fifth degree. 8311

~~(J) As used in this section:~~ 8312

~~(1) "Cable operator" means any person or group of persons~~ 8313
~~that does either of the following:~~ 8314

- ~~(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system;~~ 8315
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- ~~(b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.~~ 8318
8319
- ~~(2) "Cable service" means any of the following:~~ 8320
- ~~(a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally;~~ 8321
8322
8323
- ~~(b) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in division (J) (2) (a) of this section;~~ 8324
8325
8326
8327
- ~~(c) Any cable television service.~~ 8328
- ~~(3) "Cable system" means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. "Cable system" does not include any of the following:~~ 8329
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- ~~(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;~~ 8335
8336
- ~~(b) Any facility that serves subscribers without using any public right-of-way;~~ 8337
8338
- ~~(c) Any facility of a common carrier that, under 47 U.S.C.A. 522(7) (c), is excluded from the term "cable system" as defined in 47 U.S.C.A. 522(7);~~ 8339
8340
8341

~~(d) Any open video system that complies with 47 U.S.C.A. 573.~~ 8342
8343

~~(e) Any facility of any electric utility used solely for operating its electric utility system.~~ 8344
8345

Sec. 2913.041. (A) No person shall knowingly possess any 8346
device, including any instrument, apparatus, computer chip, 8347
equipment, decoder, descrambler, converter, software, or other 8348
device specially adapted, modified, or remanufactured for 8349
gaining access to cable television service, without securing 8350
authorization from or paying the required compensation to the 8351
owner or operator of the system that provides the cable 8352
television service. 8353

(B) No person shall knowingly sell, distribute, or 8354
manufacture any device, including any instrument, apparatus, 8355
computer chip, equipment, decoder, descrambler, converter, 8356
software, or other device specially adapted, modified, or 8357
remanufactured for gaining access to cable television service, 8358
without securing authorization from or paying the required 8359
compensation to the owner or operator of the system that 8360
provides the cable television service. 8361

(C) Whoever violates ~~division (A) of this section is~~ 8362
guilty of possession of an unauthorized device, a felony of the 8363
fifth degree. ~~Whoever violates division (B) of this section is~~ 8364
~~guilty of sale of an unauthorized device, a felony of the fourth~~ 8365
~~degree.~~ 8366

(D) A person commits a separate violation of this section 8367
with regard to each device that is sold, distributed, 8368
manufactured, or possessed in violation of ~~division (A) or (B)~~ 8369
~~of this section.~~ 8370

Sec. 2913.05. (A) No person, having devised a scheme to 8371
defraud, shall knowingly disseminate, transmit, or cause to be 8372
disseminated or transmitted by means of a wire, radio, 8373
satellite, telecommunication, telecommunications device, 8374
telecommunications service, or voice over internet protocol 8375
service any writing, data, sign, signal, picture, sound, or 8376
image with purpose to execute or otherwise further the scheme to 8377
defraud. 8378

(B) No person, with the intent to defraud, cause harm, or 8379
wrongfully obtain anything of value, shall knowingly cause, 8380
directly or indirectly, any caller identification service to 8381
transmit or display misleading or inaccurate caller 8382
identification information in connection with any 8383
telecommunication service or voice over internet protocol 8384
service. 8385

(C) Divisions (A) and (B) of this section do not apply to 8386
any of the following: 8387

(1) A person who uses a telephone number that is 8388
identified as "unknown" or "blocked" or who leaves a message and 8389
includes the person's true identity; 8390

(2) Any lawfully authorized investigative, protective, or 8391
intelligence activity of a law enforcement agency of the United 8392
States, a state, a county, or a political subdivision of a 8393
state; 8394

(3) Any activity engaged in pursuant to a court order that 8395
specifically authorizes the use of caller identification 8396
manipulation. 8397

(D) Whoever violates this section is guilty of 8398
telecommunications fraud. Unless the measured value of the 8399

violation requires that the offense be enhanced under division 8400
(A) of section 2913.90 of the Revised Code, or prior offenses 8401
require that the offense be enhanced under division (B) of that 8402
section, telecommunications fraud is a misdemeanor of the first 8403
degree. 8404

(E) (1) For purposes of enhancement under division (A) of 8405
section 2913.90 of the Revised Code, the measured value of a 8406
violation of this section is the value of the benefit obtained 8407
by the offender or of the detriment to the victim. 8408

(2) If an offender commits a violation of ~~division (A) or~~ 8409
~~(B) of this section and the violation occurs as part of a course~~ 8410
~~of conduct involving other violations of ~~division (A) or (B) of~~~~ 8411
~~this section or violations of, attempts to violate, conspiracies~~ 8412
~~to violate, or complicity in violations of section 2913.02,~~ 8413
~~2913.04, 2913.08, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43,~~ 8414
~~or 2921.13 of the Revised Code, the court, in determining the~~ 8415
~~degree of the offense pursuant to ~~division (E) of this section~~~~ 8416
~~measured value of the violation for purposes of enhancement~~ 8417
~~under division (A) of section 2913.90 of the Revised Code, may~~ 8418
~~aggregate the value of the benefit obtained by the offender or~~ 8419
~~of the detriment to the victim of the fraud in the violations~~ 8420
~~involved in that course of conduct. The course of conduct may~~ 8421
~~involve one victim or more than one victim.~~ 8422

~~(E) (1) Whoever violates this section is guilty of~~ 8423
~~telecommunications fraud. Except as otherwise provided in this~~ 8424
~~division, telecommunications fraud is a felony of the fifth~~ 8425
~~degree. If the value of the benefit obtained by the offender or~~ 8426
~~of the detriment to the victim of the fraud is one thousand~~ 8427
~~dollars or more but less than seven thousand five hundred~~ 8428
~~dollars, telecommunications fraud is a felony of the fourth~~ 8429

~~degree. If the value of the benefit obtained by the offender or
of the detriment to the victim of the fraud is seven thousand
five hundred dollars or more but less than one hundred fifty
thousand dollars, telecommunications fraud is a felony of the
third degree. If the value of the benefit obtained by the
offender or of the detriment to the victims of the fraud is one
hundred fifty thousand dollars or more but less than one million
dollars, telecommunications fraud is a felony of the second
degree. If the value of the benefit obtained by the offender or
of the detriment to the victims of the fraud is one million
dollars or more, telecommunications fraud is a felony of the
first degree.~~ 8430
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~~(2) If the victim of a violation of this section is an
elderly person, disabled adult, active duty service member, or
spouse of an active duty service member, telecommunications
fraud is a felony of the fourth degree.~~ 8442
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~~(F) As used in this section, "voice over internet protocol
service" has the same meaning as in section 4927.01 of the
Revised Code.~~ 8446
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Sec. 2913.06. (A) No person shall knowingly manufacture,
possess, deliver, offer to deliver, or advertise a counterfeit
telecommunications device with purpose to use it criminally. 8449
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(B) No person shall knowingly manufacture, possess,
deliver, offer to deliver, or advertise a counterfeit
telecommunications device with purpose to use or allow that
device ~~or to allow that device~~ to be used, or knowing or having
~~reason reasonable cause to know believe~~ that another person may
use that device, to ~~do any of the following:~~ 8452
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~~(1) Obtain or attempt to obtain telecommunications service~~ 8458

~~or information service with purpose to avoid a lawful charge for~~ 8459
~~that service or aid or cause another person to obtain or attempt~~ 8460
~~to obtain telecommunications service or information service with~~ 8461
~~purpose to avoid a lawful charge for that service;~~ 8462

~~(2) Conceal conceal the existence, place of origin, or~~ 8463
~~destination of a telecommunications service or information~~ 8464
~~service.~~ 8465

(C) Whoever violates this section is guilty of unlawful 8466
use of a telecommunications device~~7~~. Except as otherwise 8467
provided in this division, unlawful use of a telecommunications 8468
device is a misdemeanor of the first degree. If the offender 8469
previously has been convicted of or pleaded guilty to a 8470
violation of this section, unlawful use of a telecommunications 8471
device is a felony of the fifth degree. 8472

(D) This section does not prohibit or restrict a person 8473
who holds an amateur service license issued by the federal 8474
communications commission from possessing a radio receiver or 8475
transceiver that is intended primarily or exclusively for use in 8476
the amateur radio service and is used for lawful purposes. 8477

(E) This section does not preclude a person from disputing 8478
charges imposed for telecommunications service or information 8479
service by the provider of that service. 8480

Sec. 2913.07. (A) ~~As used in this section:~~ 8481

~~(1) "Audiovisual recording function" means the capability~~ 8482
~~of a device to record or transmit a motion picture or any part~~ 8483
~~of a motion picture by means of any technology existing on, or~~ 8484
~~developed after, the effective date of this section.~~ 8485

~~(2) "Facility" means a movie theater.~~ 8486

~~(B)~~ No person, without the written consent of the owner or 8487
lessee of the facility and of the licensor of the motion 8488
picture, shall knowingly operate an audiovisual recording 8489
function of a device in a facility in which a motion picture is 8490
being shown. 8491

~~(C)~~(B) Whoever violates division ~~(B)~~(A) of this section is 8492
guilty of motion picture piracy~~7~~. Except as otherwise provided 8493
in this division, motion picture piracy is a misdemeanor of the 8494
first degree ~~on the first offense and~~. If the offender 8495
previously has been convicted of or pleaded guilty to a 8496
violation of division (A) of this section, motion picture piracy 8497
is a felony of the fifth degree ~~on each subsequent offense~~. 8498

~~(D)~~(C) This section does not prohibit or restrict a 8499
lawfully authorized investigative, law enforcement, protective, 8500
or intelligence gathering employee or agent of the government of 8501
this state or a political subdivision of this state, or of the 8502
federal government, when acting in an official capacity, from 8503
operating an audiovisual recording function of a device in any 8504
facility in which a motion picture is being shown. 8505

~~(E)~~(D) Division ~~(B)~~(A) of this section does not limit or 8506
affect the application of any other prohibition in the Revised 8507
Code. Any act that is a violation of both division ~~(B)~~(A) of 8508
this section and another provision of the Revised Code may be 8509
prosecuted under this section, under the other provision of the 8510
Revised Code, or under both this section and the other provision 8511
of the Revised Code. 8512

Sec. 2913.08. (A) No person, in any manner and by any 8513
means, including, but not limited to, computer hacking, shall 8514
knowingly gain access to or cause access to be gained to any 8515
computer, computer system, computer network, cable service, 8516

cable system, telecommunications device, telecommunications 8517
service, or information service without the consent of, or 8518
beyond the scope of the express or implied consent of, the owner 8519
of the computer, computer system, computer network, cable 8520
service, cable system, telecommunications device, 8521
telecommunications service, or information service or other 8522
person authorized to give consent. 8523

(B) No person, in any manner and by any means, including, 8524
but not limited to, computer hacking, shall knowingly gain 8525
access to or cause access to be gained to any computer, computer 8526
system, computer network, cable service, cable system, 8527
telecommunications device, telecommunications service, or 8528
information service without the consent of, or beyond the scope 8529
of the express or implied consent of, the owner of the computer, 8530
computer system, computer network, cable service, cable system, 8531
telecommunications device, telecommunications service, or 8532
information service or other person authorized to give consent, 8533
for any of the following reasons: 8534

(1) For the purpose of devising or executing a scheme to 8535
defraud or to obtain property services; 8536

(2) For obtaining money, property, or services by false or 8537
fraudulent pretenses; 8538

(3) For committing any other criminal offense. 8539

(C) (1) Whoever violates division (A) of this section is 8540
guilty of unauthorized use of a computer, cable, or 8541
telecommunication property, a felony of the fifth degree. 8542

(2) Whoever violates division (B) of this section is 8543
guilty of aggravated unauthorized use of a computer, cable, or 8544
telecommunication property. Unless the measured value of the 8545

violation requires that the offense be enhanced under division 8546
(A) of section 2913.90 of the Revised Code, or prior offenses 8547
require that the offense be enhanced under division (B) of that 8548
section, aggravated unauthorized use of a computer, cable, or 8549
telecommunication property is a felony of the fifth degree. 8550

(D) For purposes of enhancement under section 2913.90 of 8551
the Revised Code, the measured value of a violation of division 8552
(B) of this section is the value of the property or services or 8553
loss to the victim. 8554

Sec. 2913.11. (A) ~~As used in this section:~~ 8555

~~(1) "Check" includes any form of debit from a demand~~ 8556
~~deposit account, including, but not limited to any of the~~ 8557
~~following:~~ 8558

~~(a) A check, bill of exchange, draft, order of withdrawal,~~ 8559
~~or similar negotiable or non-negotiable instrument;~~ 8560

~~(b) An electronic check, electronic transaction, debit~~ 8561
~~card transaction, check card transaction, substitute check, web~~ 8562
~~check, or any form of automated clearing house transaction.~~ 8563

~~(2) "Issue a check" means causing any form of debit from a~~ 8564
~~demand deposit account.~~ 8565

~~(B)~~ No person, with purpose to defraud, shall issue or 8566
transfer or cause to be issued or transferred a check or other 8567
negotiable instrument, knowing that it will be dishonored or 8568
knowing that a person has ordered or will order stop payment on 8569
the check or other negotiable instrument. 8570

~~(C)~~ (B) For purposes of this section, a person who issues 8571
or transfers a check or other negotiable instrument is presumed 8572
to know that it will be dishonored if either of the following 8573

occurs: 8574

(1) The drawer had no account with the drawee at the time 8575
of issue or the stated date, whichever is later; 8576

(2) ~~The check or other negotiable instrument~~ Payment was 8577
properly refused ~~payment~~ for insufficient funds upon presentment 8578
of the check or negotiable instrument within thirty days after 8579
issue or the stated date, whichever is later, and the liability 8580
of ~~the drawer, indorser, or any party~~ who may be liable thereon 8581
is not discharged by payment or satisfaction within ten days 8582
after receiving notice of dishonor. 8583

~~(D)~~ (C) Whoever violates this section is guilty of passing 8584
bad checks. Unless the measured value of the violation requires 8585
that the offense be enhanced under division (A) of section 8586
2913.90 of the Revised Code, or prior offenses require that the 8587
offense be enhanced under division (B) of that section, passing 8588
bad checks is a misdemeanor of the third degree. 8589

(D) (1) For purposes of enhancement under division (A) of 8590
section 2913.90 of the Revised Code, the measured value of a 8591
violation of this section is the value of the check or checks or 8592
other negotiable instrument or instruments issued or transferred 8593
in violation of this section. 8594

(2) In determining the measured value of the ~~payment~~ 8595
violation for purposes of enhancement under division ~~(E)~~ (A) of 8596
this section 2913.90 of the Revised Code, the court may 8597
aggregate all checks and other negotiable instruments that the 8598
offender issued or transferred or caused to be issued or 8599
transferred in violation of ~~division (A) of~~ this section within 8600
a period of one hundred eighty consecutive days. 8601

~~(E) Whoever violates this section is guilty of passing bad~~ 8602

~~checks. Except as otherwise provided in this division, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of one thousand dollars or more but less than seven thousand five hundred dollars or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of one thousand five hundred dollars or more but less than seven thousand five hundred dollars, passing bad checks is a felony of the fifth degree. If the check or checks or other negotiable instrument or instruments are for the payment of seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars, passing bad checks is a felony of the fourth degree. If the check or checks or other negotiable instrument or instruments are for the payment of one hundred fifty thousand dollars or more, passing bad checks is a felony of the third degree.~~

Sec. 2913.21. (A) No person shall do any of the following: 8621

(1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon; 8622
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(2) Knowingly buy or sell a credit card from or to a person other than the issuer; 8625
8626

(3) As an officer, employee, or appointee of a political subdivision or as a public servant as defined under section 2921.01 of the Revised Code, knowingly misuse a credit card account held by a political subdivision. 8627
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(B) No person, with purpose to defraud, shall do any of 8631

the following: 8632

(1) Obtain control over a credit card as security for a 8633
debt; 8634

(2) Obtain property or services by the use of a credit 8635
card, in one or more transactions, knowing or having reasonable 8636
cause to believe that the card has expired or been revoked, or 8637
was obtained, is retained, or is being used in violation of law; 8638

(3) Furnish property or services upon presentation of a 8639
credit card, knowing that the card is being used in violation of 8640
law; 8641

(4) Represent or cause to be represented to the issuer of 8642
a credit card that property or services have been furnished, 8643
knowing that the representation is false. 8644

(C) No person, with purpose to violate this section, shall 8645
receive, possess, control, or dispose of a credit card. 8646

~~(D)(1)~~ (D) Whoever violates this section is guilty of 8647
misuse of credit cards. Unless the measured value of the 8648
violation requires that the offense be enhanced under division 8649
(A) of section 2913.90 of the Revised Code, or prior offenses 8650
require that the offense be enhanced under division (B) of that 8651
section, misuse of credit cards is a misdemeanor of the third 8652
degree 8653

~~(2) Except as otherwise provided in division (D)(4) of~~ 8654
~~this section, a violation of division (A), (B)(1), or (C) of~~ 8655
~~this section is a misdemeanor of the first degree.~~ 8656

~~(3) Except as otherwise provided in this division or~~ 8657
~~division (D)(4) of this section, a violation of division (B)(2),~~ 8658
~~(3), or (4) of this section is a misdemeanor of the first~~ 8659

~~degree. If the cumulative retail value of the property and 8660
services involved in one or more violations of division (B) (2), 8661
(3), or (4) of this section, which violations involve one or 8662
more credit card accounts and occur within a period of ninety 8663
consecutive days commencing on the date of the first violation, 8664
is one thousand dollars or more and is less than seven thousand 8665
five hundred dollars, misuse of credit cards in violation of any 8666
of those divisions is a felony of the fifth degree. If the 8667
cumulative retail value of the property and services involved in 8668
one or more violations of division (B) (2), (3), or (4) of this 8669
section, which violations involve one or more credit card 8670
accounts and occur within a period of ninety consecutive days 8671
commencing on the date of the first violation, is seven thousand 8672
five hundred dollars or more and is less than one hundred fifty 8673
thousand dollars, misuse of credit cards in violation of any of 8674
those divisions is a felony of the fourth degree. If the 8675
cumulative retail value of the property and services involved in 8676
one or more violations of division (B) (2), (3), or (4) of this 8677
section, which violations involve one or more credit card 8678
accounts and occur within a period of ninety consecutive days 8679
commencing on the date of the first violation, is one hundred 8680
fifty thousand dollars or more, misuse of credit cards in 8681
violation of any of those divisions is a felony of the third 8682
degree. 8683~~

~~(4) If the victim of the offense is an elderly person or 8684
disabled adult, and if the offense involves a violation of 8685
division (B) (1) or (2) of this section, division (D) (4) of this 8686
section applies. Except as otherwise provided in division (D) (4) 8687
of this section, a violation of division (B) (1) or (2) of this 8688
section is a felony of the fifth degree. If the debt for which 8689
the card is held as security or the cumulative retail value of 8690~~

~~the property or services involved in the violation is one- 8691
thousand dollars or more and is less than seven thousand five- 8692
hundred dollars, a violation of either of those divisions is a 8693
felony of the fourth degree. If the debt for which the card is 8694
held as security or the cumulative retail value of the property- 8695
or services involved in the violation is seven thousand five- 8696
hundred dollars or more and is less than thirty seven thousand- 8697
five hundred dollars, a violation of either of those divisions- 8698
is a felony of the third degree. If the debt for which the card 8699
is held as security or the cumulative retail value of the 8700
property or services involved in the violation is thirty seven- 8701
thousand five hundred dollars or more, a violation of either of 8702
those divisions is a felony of the second degree. In addition to 8703
any other penalty imposed under division (D) (4) of this section, 8704
the offender shall be required to pay full restitution to the 8705
victim and to pay a fine of up to fifty thousand dollars. The 8706
clerk of court shall forward all fines collected under division- 8707
(D) (4) of this section to the county department of job and 8708
family services to be used for the reporting and investigation 8709
of elder abuse, neglect, and exploitation or for the provision 8710
or arrangement of protective services under sections 5101.61 to 8711
5101.71 of the Revised Code. 8712~~

(E) For purposes of enhancement under division (A) of 8713
section 2913.90 of the Revised Code: 8714

(1) The measured value of a violation of division (B) (1) 8715
of this section is the value of the debt for which the card is 8716
held as security. 8717

(2) The measured value of a violation of division (B) (2), 8718
(3), or (4) of this section is the cumulative retail value of 8719
the property or services involved in the violation. 8720

Sec. 2913.30. (A) ~~As used in this section:~~ 8721

~~(1) "Access device" means any debit or credit card representing a monetary security or retail amount by any financial institution, including a bank, savings bank, savings and loan association, credit union, or business entity.~~ 8722
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~~(2) "Obligation or other security" means an instrument recognized as currency or legal tender or that is issued by the United States treasury, including bills, coins, bonds, or checks.~~ 8726
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~~(B)~~ No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do any of the following: 8730
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(1) Falsely make, forge, counterfeit, or alter any obligation or other security of the United States; 8732
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(2) Pass, utter, sell, purchase, conceal, or transfer any counterfeit obligation or other security of the United States; 8734
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(3) Possess with the purpose to utter any obligation or other security of the United States, knowing that the obligation or other security has been counterfeited; 8736
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(4) Without authorization of the issuer, falsely make, forge, counterfeit, alter, or knowingly possess any access device. 8739
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~~(C)~~ (B) Whoever violates this section is guilty of counterfeiting. Except as otherwise provided in this division, counterfeiting is a felony of the fourth degree, and in addition, the court shall impose on the offender a fine from the range of fines for a felony of the fourth degree that is not less than five hundred dollars. 8742
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(1) If the value of the counterfeited obligations or other 8748

securities or access devices is five thousand dollars or more 8749
and is less than one hundred thousand dollars, or if the offense 8750
involves five or more access devices, counterfeiting is a felony 8751
of the third degree. 8752

(2) If the value of the counterfeited obligations or other 8753
securities or access devices is one hundred thousand dollars or 8754
more and is less than one million dollars, counterfeiting is a 8755
felony of the second degree. 8756

(3) If the value of the counterfeited obligations or other 8757
securities or access devices is one million dollars or more, 8758
counterfeiting is a felony of the first degree. 8759

~~(D)~~ (C) A prosecution for a violation of this section does 8760
not preclude a prosecution for a violation of section 2913.02, ~~or~~ 8761
or 2913.31, ~~or 2913.32~~ of the Revised Code based on the same 8762
conduct. However, if an offender is convicted of or pleads 8763
guilty to a violation of this section and is also convicted of 8764
or pleads guilty to a violation of section 2913.02, or 2913.31, ~~or~~ 8765
~~2913.32~~ of the Revised Code based on the same conduct 8766
involving the same victim that was the basis of the violation of 8767
this section, the two or more offenses are ~~allied offenses of~~ 8768
~~similar import to be merged~~ under section 2941.25 of the Revised 8769
Code. 8770

Sec. 2913.31. (A) No person, without privilege to do so 8771
and with purpose to defraud, ~~or~~ knowing that the person is 8772
facilitating a fraud, shall do any of the following: 8773

(1) Forge any writing ~~of another without the other~~ 8774
~~person's authority;~~ 8775

(2) ~~Forge any writing so that it purports to be genuine~~ 8776
~~when it actually is spurious, or to be the act of another who~~ 8777

~~did not authorize that act, or to have been executed at a time— 8778
or place or with terms different from what in fact was the case,— 8779
or to be a copy of an original when no such original existed; 8780~~

~~(3) Utter, or possess with purpose to utter, any writing 8781
that the person knows to have been forged; 8782~~

~~(3) Make or alter any object so that it appears to have 8783
value that it does not in fact possess; 8784~~

~~(4) Utter, or possess with purpose to utter, any object 8785
that the person knows to have been made or altered so that it 8786
appears to have value that it does not in fact possess. 8787~~

~~(B) No person shall knowingly do either of the following: 8788~~

~~(1) Forge an identification card; 8789~~

~~(2) Sell or otherwise distribute a card that purports to— 8790
be an identification card, knowing it to have been forged. 8791~~

~~As used in this division, "identification card" means a— 8792
card that includes personal information or characteristics of an— 8793
individual, a purpose of which is to establish the identity of— 8794
the bearer described on the card, whether the words "identity,"— 8795
"identification," "identification card," or other similar words— 8796
appear on the card. 8797~~

~~(C) (1) (a) Whoever violates division (A) of this section is 8798
guilty of forgery. Unless the measured value of the violation 8799
requires that the offense be enhanced under division (A) of 8800
section 2913.90 of the Revised Code, or prior offenses require 8801
that the offense be enhanced under division (B) of that section, 8802
forgery is a misdemeanor of the first degree. For purposes of 8803
enhancement under division (A) of section 2913.90 of the Revised 8804
Code, the measured value of a violation of this section is the 8805~~

value of property or services or the loss to the victim. 8806

~~(b) Except as otherwise provided in this division or 8807
division (C) (1) (c) of this section and subject to division (C) 8808
(1) (d) of this section, forgery is a felony of the fifth degree. 8809
If property or services are involved in the offense or the 8810
victim suffers a loss, forgery is one of the following: 8811~~

~~(i) If the value of the property or services or the loss 8812
to the victim is seven thousand five hundred dollars or more and 8813
is less than one hundred fifty thousand dollars, a felony of the 8814
fourth degree; 8815~~

~~(ii) If the value of the property or services or the loss 8816
to the victim is one hundred fifty thousand dollars or more, a 8817
felony of the third degree. 8818~~

~~(c) If the victim of the offense is an elderly person or 8819
disabled adult, division (C) (1) (c) of this section applies to 8820
the forgery. Except as otherwise provided in division (C) (1) (c) 8821
of this section, forgery is a felony of the fifth degree. If 8822
property or services are involved in the offense or if the 8823
victim suffers a loss, forgery is one of the following: 8824~~

~~(i) If the value of the property or services or the loss 8825
to the victim is one thousand dollars or more and is less than 8826
seven thousand five hundred dollars, a felony of the fourth 8827
degree; 8828~~

~~(ii) If the value of the property or services or the loss 8829
to the victim is seven thousand five hundred dollars or more and 8830
is less than thirty seven thousand five hundred dollars, a 8831
felony of the third degree; 8832~~

~~(iii) If the value of the property or services or the loss 8833
to the victim is thirty seven thousand five hundred dollars or 8834~~

~~more, a felony of the second degree.~~ 8835

~~(d) If the victim of the offense is an elderly person, division (C) (1) (d) of this section applies to the forgery. In addition to any other penalty imposed for the offense under division (C) (1) (c) of this section, the offender shall be required to pay full restitution to the victim and to pay a fine of up to fifty thousand dollars. The clerk of court shall forward all fines collected under division (C) (1) (d) of this section to the county department of job and family services to be used for the reporting and investigation of elder abuse, neglect, and exploitation or for the provision or arrangement of protective services under sections 5101.61 to 5101.71 of the Revised Code.~~ 8836
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~~(2) (a) Whoever violates division (B) of this section is guilty of forging identification cards or selling or distributing forged identification cards. Except as otherwise provided in this division, forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (B) of this section, forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree and, in addition, the court shall impose upon the offender a fine of not less than two hundred fifty dollars.~~ 8848
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~~(b) If the victim of a violation of division (B) of this section is an elderly person, division (C) (2) (b) of this section applies to the offense. In addition to any other penalty imposed for the offense under division (C) (2) (a) of this section, whoever violates division (B) of this section shall be required to pay full restitution to the victim and to pay a fine of up to~~ 8859
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~~fifty thousand dollars. The clerk of court shall forward all~~ 8865
~~finest collected under division (C) (2) (b) of this section to the~~ 8866
~~county department of job and family services to be used for the~~ 8867
~~reporting and investigation of elder abuse, neglect, and~~ 8868
~~exploitation or for the provision or arrangement of protective~~ 8869
~~services under sections 5101.61 to 5101.71 of the Revised Code.~~ 8870

Sec. ~~2911.32~~ 2913.32. (A) No person, with purpose to 8871
commit theft or to defraud, shall knowingly enter, force an 8872
entrance into, tamper with, or insert any part of an instrument 8873
into any coin machine. 8874

(B) Whoever violates this section is guilty of tampering 8875
with coin machines, a misdemeanor of the first degree. If the 8876
offender previously has been convicted of a violation of this 8877
section ~~or of any theft offense as defined in section 2913.01 of~~ 8878
~~the Revised Code~~, tampering with coin machines is a felony of 8879
the fifth degree. 8880

Sec. 2913.34. (A) No person shall ~~knowingly~~ do any of the 8881
following with knowledge that the mark is counterfeit: 8882

(1) ~~Attach, affix, or otherwise use a counterfeit mark in~~ 8883
~~connection with the manufacture of goods or services, whether or~~ 8884
~~not the goods or services are intended for sale or resale~~ 8885
Manufacture, use, display, advertise, distribute, offer for 8886
sale, sell, or possess with intent to sell or distribute, any 8887
item or service bearing or identified by a counterfeit mark; 8888

(2) Possess, sell, or offer for sale ~~tools, machines,~~ 8889
~~instruments, materials, articles, or other items of personal~~ 8890
~~property with the knowledge that they are~~ any item that is 8891
~~designed for the production or reproduction of counterfeit~~ 8892
~~marks.~~ 8893

~~(3) Purchase or otherwise acquire goods, and keep or
otherwise have the goods in the person's possession, with the
knowledge that a counterfeit mark is attached to, affixed to, or
otherwise used in connection with the goods and with the intent
to sell or otherwise dispose of the goods;~~ 8894
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~~(4) Sell, offer for sale, or otherwise dispose of goods
with the knowledge that a counterfeit mark is attached to,
affixed to, or otherwise used in connection with the goods;~~ 8899
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~~(5) Sell, offer for sale, or otherwise provide services
with the knowledge that a counterfeit mark is used in connection
with that sale, offer for sale, or other provision of the
services.~~ 8902
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~~(B) (1) (B) Whoever violates this section is guilty of
trademark counterfeiting. Unless the measured value of the
violation requires that the offense be enhanced under division
(A) of section 2913.90 of the Revised Code, or prior offenses
require that the offense be enhanced under division (B) of that
section, trademark counterfeiting is a misdemeanor of the first
degree~~ 8906
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~~(2) Except as otherwise provided in this division, a
violation of division (A) (1) of this section is a felony of the
fifth degree. Except as otherwise provided in this division, if
the cumulative sales price of the goods or services to which or
in connection with which the counterfeit mark is attached,
affixed, or otherwise used in the offense is five thousand
dollars or more but less than one hundred thousand dollars or if
the number of units of goods to which or in connection with
which the counterfeit mark is attached, affixed, or otherwise
used in the offense is more than one hundred units but less than
one thousand units, a violation of division (A) (1) of this~~ 8913
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~~section is a felony of the fourth degree. If the cumulative sales price of the goods or services to which or in connection with which the counterfeit mark is attached, affixed, or otherwise used in the offense is one hundred thousand dollars or more or if the number of units of goods to which or in connection with which the counterfeit mark is attached, affixed, or otherwise used in the offense is one thousand units or more, a violation of division (A) (1) of this section is a felony of the third degree.~~

~~(3) Except as otherwise provided in this division, a violation of division (A) (2) of this section is a misdemeanor of the first degree. If the circumstances of the violation indicate that the tools, machines, instruments, materials, articles, or other items of personal property involved in the violation were intended for use in the commission of a felony, a violation of division (A) (2) of this section is a felony of the fifth degree.~~

~~(4) Except as otherwise provided in this division, a violation of division (A) (3), (4), or (5) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division, if the cumulative sales price of the goods or services to which or in connection with which the counterfeit mark is attached, affixed, or otherwise used in the offense is one thousand dollars or more but less than seven thousand five hundred dollars, a violation of division (A) (3), (4), or (5) of this section is a felony of the fifth degree. Except as otherwise provided in this division, if the cumulative sales price of the goods or services to which or in connection with which the counterfeit mark is attached, affixed, or otherwise used in the offense is seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars or if the number of units of goods to which or in connection with which~~

~~the counterfeit mark is attached, affixed, or otherwise used in~~ 8955
~~the offense is more than one hundred units but less than one~~ 8956
~~thousand units, a violation of division (A) (3), (4), or (5) of~~ 8957
~~this section is a felony of the fourth degree. If the cumulative~~ 8958
~~sales price of the goods or services to which or in connection~~ 8959
~~with which the counterfeit mark is attached, affixed, or~~ 8960
~~otherwise used in the offense is one hundred fifty thousand~~ 8961
~~dollars or more or if the number of units of goods to which or~~ 8962
~~in connection with which the counterfeit mark is attached,~~ 8963
~~affixed, or otherwise used in the offense is one thousand units~~ 8964
~~or more, a violation of division (A) (3), (4), or (5) of this~~ 8965
~~section is a felony of the third degree.~~ 8966

(C) A defendant may assert as an affirmative defense to a 8967
charge of a violation of this section defenses, affirmative 8968
defenses, and limitations on remedies that would be available in 8969
a civil, criminal, or administrative action or proceeding under 8970
the "Lanham Act," 60 Stat. 427-443 (1946), 15 U.S.C. 1051-1127, 8971
as amended, "The Trademark Counterfeiting Act of 1984," 98 Stat. 8972
2178, 18 U.S.C. 2320, as amended, Chapter 1329. or another 8973
section of the Revised Code, or common law. 8974

~~(D) (1) Law enforcement officers may seize pursuant to~~ 8975
~~Criminal Rule 41 or Chapter 2933. or 2981. of the Revised Code~~ 8976
~~either of the following:~~ 8977

~~(a) Goods to which or in connection with which a person~~ 8978
~~attached, affixed, otherwise used, or intended to attach, affix,~~ 8979
~~or otherwise use a counterfeit mark in violation of this~~ 8980
~~section;~~ 8981

~~(b) Tools, machines, instruments, materials, articles,~~ 8982
~~vehicles, or other items of personal property that are~~ 8983
~~possessed, sold, offered for sale, or used in a violation of~~ 8984

~~this section or in an attempt to commit or complicity in the
commission of a violation of this section.~~ 8985
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~~(2) Notwithstanding any contrary provision of Chapter
2981. of the Revised Code, if a person is convicted of or pleads
guilty to a violation of this section, an attempt to violate
this section, or complicity in a violation of this section, the
court involved shall declare that the goods described in
division (D) (1) (a) of this section and the personal property
described in division (D) (1) (b) of this section are contraband
and are forfeited. Prior to the court's entry of judgment under
Criminal Rule 32, the owner of a registered trademark or service
mark that is the subject of the counterfeit mark may recommend a
manner in which the forfeited goods and forfeited personal
property should be disposed of. If that owner makes a timely
recommendation of a manner of disposition, the court is not
bound by the recommendation. If that owner makes a timely
recommendation of a manner of disposition, the court may include
in its entry of judgment an order that requires appropriate
persons to dispose of the forfeited goods and forfeited personal
property in the recommended manner. If that owner fails to make
a timely recommendation of a manner of disposition or if that
owner makes a timely recommendation of the manner of disposition
but the court determines to not follow the recommendation, the
court shall include in its entry of judgment an order that
requires the law enforcement agency that employs the law
enforcement officer who seized the forfeited goods or the
forfeited personal property to destroy them or cause their
destruction.~~ 8987
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~~(E)(D)~~ This section does not affect the rights of an owner 9013
of a trademark or a service mark, or the enforcement in a civil 9014
action or in administrative proceedings of the rights of an 9015

owner of a trademark or a service mark, under the "Lanham Act," 9016
60 Stat. 427-443 (1946), 15 U.S.C. 1051-1127, as amended, "The 9017
Trademark Counterfeiting Act of 1984," 92 Stat. 2178, 18 U.S.C. 9018
2320, as amended, Chapter 1329. or another section of the 9019
Revised Code, or common law. 9020

~~(F) As used in this section:~~ 9021

~~(1)(a) Except as provided in division (F)(1)(b) of this 9022
section, "counterfeit mark" means a spurious trademark or a 9023
spurious service mark that satisfies both of the following: 9024~~

~~(i) It is identical with or substantially 9025
indistinguishable from a mark that is registered on the 9026
principal register in the United States patent and trademark 9027
office for the same goods or services as the goods or services 9028
to which or in connection with which the spurious trademark or 9029
spurious service mark is attached, affixed, or otherwise used or 9030
from a mark that is registered with the secretary of state 9031
pursuant to sections 1329.54 to 1329.67 of the Revised Code for 9032
the same goods or services as the goods or services to which or 9033
in connection with which the spurious trademark or spurious 9034
service mark is attached, affixed, or otherwise used, and the 9035
owner of the registration uses the registered mark, whether or 9036
not the offender knows that the mark is registered in a manner 9037
described in division (F)(1)(a)(i) of this section. 9038~~

~~(ii) Its use is likely to cause confusion or mistake or to 9039
deceive other persons. 9040~~

~~(b) "Counterfeit mark" does not include a mark or other 9041
designation that is attached to, affixed to, or otherwise used 9042
in connection with goods or services if the holder of the right 9043
to use the mark or other designation authorizes the 9044~~

~~manufacturer, producer, or vendor of those goods or services to~~ 9045
~~attach, affix, or otherwise use the mark or other designation in~~ 9046
~~connection with those goods or services at the time of their~~ 9047
~~manufacture, production, or sale.~~ 9048

~~(2) "Cumulative sales price" means the product of the~~ 9049
~~lowest single unit sales price charged or sought to be charged~~ 9050
~~by an offender for goods to which or in connection with which a~~ 9051
~~counterfeit mark is attached, affixed, or otherwise used or of~~ 9052
~~the lowest single service transaction price charged or sought to~~ 9053
~~be charged by an offender for services in connection with which~~ 9054
~~a counterfeit mark is used, multiplied by the total number of~~ 9055
~~those goods or services, whether or not units of goods are sold~~ 9056
~~or are in an offender's possession, custody, or control.~~ 9057

~~(3) "Registered trademark or service mark" means a~~ 9058
~~trademark or service mark that is registered in a manner~~ 9059
~~described in division (F) (1) of this section.~~ 9060

~~(4) "Trademark" and "service mark" have the same meanings~~ 9061
~~as in section 1329.54 of the Revised Code.~~ 9062

Sec. 2913.40. (A) ~~As used in this section:~~ 9063

~~(1) "Statement or representation" means any oral, written,~~ 9064
~~electronic, electronic impulse, or magnetic communication that~~ 9065
~~is used to identify an item of goods or a service for which~~ 9066
~~reimbursement may be made under the medicaid program or that~~ 9067
~~states income and expense and is or may be used to determine a~~ 9068
~~rate of reimbursement under the medicaid program.~~ 9069

~~(2) "Provider" means any person who has signed a provider~~ 9070
~~agreement with the department of medicaid to provide goods or~~ 9071
~~services pursuant to the medicaid program or any person who has~~ 9072
~~signed an agreement with a party to such a provider agreement~~ 9073

~~under which the person agrees to provide goods or services that
are reimbursable under the medicaid program.~~ 9074
9075

~~(3) "Provider agreement" has the same meaning as in
section 5164.01 of the Revised Code.~~ 9076
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~~(4) "Recipient" means any individual who receives goods or
services from a provider under the medicaid program.~~ 9078
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~~(5) "Records" means any medical, professional, financial,
or business records relating to the treatment or care of any
recipient, to goods or services provided to any recipient, or to
rates paid for goods or services provided to any recipient and
any records that are required by the rules of the medicaid
director to be kept for the medicaid program.~~ 9080
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~~(B) No person shall knowingly make or cause to be made a
false or misleading statement or representation for use in
obtaining reimbursement from the medicaid program.~~ 9086
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~~(C) (B) No person, with purpose to commit fraud or knowing
that the person is facilitating a fraud, shall do either of the
following:~~ 9089
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(1) Contrary to the terms of the person's provider
agreement, charge, solicit, accept, or receive for goods or
services that the person provides under the medicaid program any
property, money, or other consideration in addition to the
amount of reimbursement under the medicaid program and the
person's provider agreement for the goods or services and any
cost-sharing expenses authorized by section 5162.20 of the
Revised Code or rules adopted by the medicaid director regarding
the medicaid program. 9092
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(2) Solicit, offer, or receive any remuneration, other
than any cost-sharing expenses authorized by section 5162.20 of 9101
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the Revised Code or rules adopted by the medicaid director 9103
regarding the medicaid program, in cash or in kind, including, 9104
but not limited to, a kickback or rebate, in connection with the 9105
furnishing of goods or services for which whole or partial 9106
reimbursement is or may be made under the medicaid program. 9107

~~(D)~~ (C) No person, having submitted a claim for or provided 9108
goods or services under the medicaid program, shall do either of 9109
the following for a period of at least six years after a 9110
reimbursement pursuant to that claim, or a reimbursement for 9111
those goods or services, is received under the medicaid program: 9112

(1) Knowingly alter, falsify, destroy, conceal, or remove 9113
any records that are necessary to fully disclose the nature of 9114
all goods or services for which the claim was submitted, or for 9115
which reimbursement was received, by the person; 9116

(2) Knowingly alter, falsify, destroy, conceal, or remove 9117
any records that are necessary to disclose fully all income and 9118
expenditures upon which rates of reimbursements were based for 9119
the person. 9120

~~(E)~~ (D) Whoever violates this section is guilty of medicaid 9121
fraud. ~~Except as otherwise provided in this division~~ Unless the 9122
measured value of the violation requires that the offense be 9123
enhanced under division (A) of section 2913.90 of the Revised 9124
Code, or prior offenses require that the offense be enhanced 9125
under division (B) of that section, medicaid fraud is a 9126
misdemeanor of the first degree. ~~If the value of property,~~ 9127
~~services, or funds obtained in violation of this section is one-~~ 9128
~~thousand dollars or more and is less than seven thousand five-~~ 9129
~~hundred dollars, medicaid fraud is a felony of the fifth degree.~~ 9130
~~If the value of property, services, or funds obtained in~~ 9131
~~violation of this section is seven thousand five hundred dollars-~~ 9132

~~or more and is less than one hundred fifty thousand dollars,~~ 9133
~~medicaid fraud is a felony of the fourth degree. If the value of~~ 9134
~~the property, services, or funds obtained in violation of this~~ 9135
~~section is one hundred fifty thousand dollars or more, medicaid~~ 9136
~~fraud is a felony of the third degree.~~ 9137

(E) For purposes of enhancement under division (A) of 9138
section 2913.90 of the Revised Code, the measured value of a 9139
violation of this section is the value of property, services, or 9140
funds obtained in violation of this section. 9141

(F) Upon application of the governmental agency, office, 9142
or other entity that conducted the investigation and prosecution 9143
in a case under this section, the court shall order any person 9144
who is convicted of a violation of this section for receiving 9145
any reimbursement for furnishing goods or services under the 9146
medicaid program to which the person is not entitled to pay to 9147
the applicant its cost of investigating and prosecuting the 9148
case. The costs of investigation and prosecution that a 9149
defendant is ordered to pay pursuant to this division shall be 9150
in addition to any other penalties for the receipt of that 9151
reimbursement that are provided in this section, section 5164.35 9152
of the Revised Code, or any other provision of law. 9153

(G) The provisions of this section are not intended to be 9154
exclusive remedies and do not preclude the use of any other 9155
criminal or civil remedy for any act that is in violation of 9156
this section. 9157

Sec. ~~2913.401~~ 2913.41. (A) ~~As used in this section:~~ 9158

~~(1) "Medicaid services" has the same meaning as in section~~ 9159
~~5164.01 of the Revised Code.~~ 9160

~~(2) "Property" means any real or personal property or~~ 9161

~~other asset in which a person has any legal title or interest.~~ 9162

~~(B)~~ No person shall knowingly do any of the following in 9163
an application for enrollment in the medicaid program or in a 9164
document that requires a disclosure of assets for the purpose of 9165
determining eligibility for the medicaid program: 9166

(1) Make or cause to be made a false or misleading 9167
statement; 9168

(2) Conceal an interest in property; 9169

(3) (a) Except as provided in division ~~(B) (3) (b)~~ (A) (3) (b) 9170
of this section, fail to disclose a transfer of property that 9171
occurred during the period beginning thirty-six months before 9172
submission of the application or document and ending on the date 9173
the application or document was submitted; 9174

(b) Fail to disclose a transfer of property that occurred 9175
during the period beginning sixty months before submission of 9176
the application or document and ending on the date the 9177
application or document was submitted and that was made to an 9178
irrevocable trust a portion of which is not distributable to the 9179
applicant for or recipient of medicaid or to a revocable trust. 9180

~~(C) (1)~~ (B) (1) Whoever violates this section is guilty of 9181
medicaid eligibility fraud. ~~Except as otherwise provided in this~~ 9182
~~division, a violation of this section~~ Unless the measured value 9183
of the violation requires that the offense be enhanced under 9184
division (A) of section 2913.90 of the Revised Code, or prior 9185
offenses require that the offense be enhanced under division (B) 9186
of that section, medicaid eligibility fraud is a misdemeanor of 9187
the first degree. ~~If the value of the medicaid services paid as~~ 9188
~~a result of the violation is one thousand dollars or more and is~~ 9189
~~less than seven thousand five hundred dollars, a violation of~~ 9190

~~this section is a felony of the fifth degree. If the value of the medicaid services paid as a result of the violation is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, a violation of this section is a felony of the fourth degree. If the value of the medicaid services paid as a result of the violation is one hundred fifty thousand dollars or more, a violation of this section is a felony of the third degree.~~

(2) In addition to imposing a sentence under division ~~(C)~~ (B) (1) of this section, the court shall order that a person who is guilty of medicaid eligibility fraud make restitution in the full amount of any medicaid services paid on behalf of an applicant for or recipient of medicaid for which the applicant or recipient was not eligible, plus interest at the rate applicable to judgments on unreimbursed amounts from the date on which the medicaid services were paid to the date on which restitution is made.

(3) The remedies and penalties provided in this section are not exclusive and do not preclude the use of any other criminal or civil remedy for any act that is in violation of this section.

(C) For purposes of enhancement under division (A) of section 2913.90 of the Revised Code, the measured value of a violation of this section is the value of the medicaid services paid as a result of the violation.

~~(D) This~~ It is an affirmative defense to a charge under this section does not apply to a that the person who fully disclosed in an application for medicaid or in a document that requires a disclosure of assets for the purpose of determining eligibility for medicaid all of the interests in property of the

applicant for or recipient of medicaid, all transfers of 9221
property by the applicant for or recipient of medicaid, and the 9222
circumstances of all those transfers. 9223

(E) Any amounts of medicaid services recovered as 9224
restitution under this section and any interest on those amounts 9225
shall be credited to the general revenue fund, and any 9226
applicable federal share shall be returned to the appropriate 9227
agency or department of the United States. 9228

Sec. 2913.42. (A) No person, knowing the person has no 9229
privilege to do so, and with purpose to defraud or knowing that 9230
the person is facilitating a fraud, shall do any of the 9231
following: 9232

(1) Falsify, destroy, remove, conceal, alter, deface, or 9233
mutilate any writing, computer software, data, or record; 9234

(2) Utter any writing or record, knowing it to have been 9235
tampered with as provided in division (A) (1) of this section. 9236

(B) (1) ~~Whoever~~ Except as provided in division (B) (2) of 9237
this section, whoever violates this section is guilty of 9238
tampering with records. Unless the measured value of the 9239
violation requires that the offense be enhanced under division 9240
(A) of section 2913.90 of the Revised Code, or prior offenses 9241
require that the offense be enhanced under division (B) of that 9242
section, tampering with records is a misdemeanor of the first 9243
degree. 9244

(2) ~~Except as provided in division (B) (4) of this section,~~ 9245
~~if the offense does not involve data or computer software,~~ 9246
~~tampering with records is whichever of the following is~~ 9247
~~applicable:~~ 9248

~~(a) If division (B) (2) (b) of this section does not apply,~~ 9249

~~a misdemeanor of the first degree;~~ 9250

~~(b) If the writing or record is a will unrevoked at the time of the offense, a felony of the fifth degree.~~ 9251
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~~(3) Except as provided in division (B) (4) of this section, if the offense involves a violation of division (A) of this section involving data or computer software, tampering with records is whichever of the following is applicable:~~ 9253
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~~(a) Except as otherwise provided in division (B) (3) (b), (c), or (d) of this section, a misdemeanor of the first degree;~~ 9257
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~~(b) If the value of the data or computer software involved in the offense or the loss to the victim is one thousand dollars or more and is less than seven thousand five hundred dollars, a felony of the fifth degree;~~ 9259
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~~(c) If the value of the data or computer software involved in the offense or the loss to the victim is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, a felony of the fourth degree;~~ 9263
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~~(d) If the value of the data or computer software involved in the offense or the loss to the victim is one hundred fifty thousand dollars or more or if the offense is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services and the value of the property or services or the loss to the victim is seven thousand five hundred dollars or more, a felony of the third degree.~~ 9267
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~~(4) If the writing, data, computer software, or record is kept by or belongs to a local, state, or federal governmental entity, whoever violates this section is guilty of tampering with governmental records. Unless the measured value of the violation requires that the offense be enhanced under division~~ 9274
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(A) of section 2913.90 of the Revised Code, or prior offenses 9279
require that the offense be enhanced under division (B) of that 9280
section, tampering with governmental records is a felony of the 9281
third degree. 9282

(C) For purposes of enhancement under division (A) of 9283
section 2913.90 of the Revised Code, the measured value of a 9284
violation of this section is the value of the data or computer 9285
software involved in the offense or the loss to the victim. 9286

Sec. 2913.43. (A) No person, by deception, shall cause 9287
another to execute any writing that disposes of or encumbers 9288
property, or by which a pecuniary obligation is incurred. 9289

(B) (1) Whoever violates this section is guilty of securing 9290
writings by deception. 9291

~~(2) Except as otherwise provided in this division or~~ 9292
~~division (B) (3) of this section Unless the measured value of the~~ 9293
~~violation requires that the offense be enhanced under division~~ 9294
~~(A) of section 2913.90 of the Revised Code, or prior offenses~~ 9295
~~require that the offense be enhanced under division (B) of that~~ 9296
~~section, securing writings by deception is a misdemeanor of the~~ 9297
~~first degree. If the value of the property or the obligation~~ 9298
~~involved is one thousand dollars or more and less than seven~~ 9299
~~thousand five hundred dollars, securing writings by deception is~~ 9300
~~a felony of the fifth degree. If the value of the property or~~ 9301
~~the obligation involved is seven thousand five hundred dollars~~ 9302
~~or more and is less than one hundred fifty thousand dollars,~~ 9303
~~securing writings by deception is a felony of the fourth degree.~~ 9304
~~If the value of the property or the obligation involved is one~~ 9305
~~hundred fifty thousand dollars or more, securing writings by~~ 9306
~~deception is a felony of the third degree.~~ 9307

~~(3) If the victim of the offense is an elderly person, disabled adult, active duty service member, or spouse of an active duty service member, division (B) (3) of this section applies. Except as otherwise provided in division (B) (3) of this section, securing writings by deception is a felony of the fifth degree. If the value of the property or obligation involved is one thousand dollars or more and is less than seven thousand five hundred dollars, securing writings by deception is a felony of the fourth degree. If the value of the property or obligation involved is seven thousand five hundred dollars or more and is less than thirty seven thousand five hundred dollars, securing writings by deception is a felony of the third degree. If the value of the property or obligation involved is thirty seven thousand five hundred dollars or more, securing writings by deception is a felony of the second degree. If the victim of the offense is an elderly person, in addition to any other penalty imposed for the offense, the offender shall be required to pay full restitution to the victim and to pay a fine of up to fifty thousand dollars. The clerk of court shall forward all fines collected under division (B) (3) of this section to the county department of job and family services to be used for the reporting and investigation of elder abuse, neglect, and exploitation or for the provision or arrangement of protective services under sections 5101.61 to 5101.71 of the Revised Code.~~

(C) For purposes of enhancement under division (A) of section 2913.90 of the Revised Code, the measured value of a violation of this section is the value of the property or obligation involved.

Sec. 2913.45. (A) No person, with purpose to defraud one or more of the person's creditors, shall do any of the following:

(1) Remove, conceal, destroy, encumber, convey, or 9339
otherwise deal with any of the person's property; 9340

(2) Misrepresent or refuse to disclose to a fiduciary 9341
appointed to administer or manage the person's affairs or 9342
estate, the existence, amount, or location of any of the 9343
person's property, or any other information regarding such 9344
property that the person is legally required to furnish to the 9345
fiduciary. 9346

(B) Whoever violates this section is guilty of defrauding 9347
creditors. ~~Except as otherwise provided in this division. Unless~~ 9348
~~the measured value of the violation requires that the offense be~~ 9349
~~enhanced under division (A) of section 2913.90 of the Revised~~ 9350
~~Code, or prior offenses require that the offense be enhanced~~ 9351
~~under division (B) of that section,~~ defrauding creditors is a 9352
misdemeanor of the first degree. ~~If the value of the property~~ 9353
~~involved is one thousand dollars or more and is less than seven~~ 9354
~~thousand five hundred dollars, defrauding creditors is a felony~~ 9355
~~of the fifth degree. If the value of the property involved is~~ 9356
~~seven thousand five hundred dollars or more and is less than one~~ 9357
~~hundred fifty thousand dollars, defrauding creditors is a felony~~ 9358
~~of the fourth degree. If the value of the property involved is~~ 9359
~~one hundred fifty thousand dollars or more, defrauding creditors~~ 9360
~~is a felony of the third degree.~~ 9361

(C) For purposes of enhancement under division (A) of 9362
section 2913.90 of the Revised Code, the measured value of a 9363
violation of this section is the value of the property involved. 9364

Sec. 2913.46. ~~(A) (1) As used in this section:~~ 9365

~~(a) "Electronically transferred benefit" means the~~ 9366
~~transfer of supplemental nutrition assistance program benefits~~ 9367

~~or WIC program benefits through the use of an access device.~~ 9368

~~(b) "WIC program benefits" includes money, coupons, 9369
delivery verification receipts, other documents, food, or other 9370
property received directly or indirectly pursuant to section 17- 9371
of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 9372
1786, as amended. 9373~~

~~(c) "Access device" means any card, plate, code, account- 9374
number, or other means of access that can be used, alone or in 9375
conjunction with another access device, to obtain payments, 9376
allotments, benefits, money, goods, or other things of value or 9377
that can be used to initiate a transfer of funds pursuant to 9378
section 5101.33 of the Revised Code and the Food and Nutrition- 9379
Act of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food 9380
program administered by any department of this state or any 9381
county or local agency pursuant to section 17 of the "Child- 9382
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 9383
amended. An "access device" may include any electronic debit- 9384
card or other means authorized by section 5101.33 of the Revised 9385
Code. 9386~~

~~(d) "Aggregate value of supplemental nutrition assistance- 9387
program benefits, WIC program benefits, and electronically- 9388
transferred benefits involved in the violation" means the total- 9389
face value of any supplemental nutrition assistance program 9390
benefits, plus the total face value of WIC program coupons or 9391
delivery verification receipts, plus the total value of other- 9392
WIC program benefits, plus the total value of any electronically- 9393
transferred benefit or other access device, involved in the 9394
violation. 9395~~

~~(e) "Total value of any electronically transferred benefit- 9396
or other access device" means the total value of the payments, 9397~~

~~allotments, benefits, money, goods, or other things of value~~ 9398
~~that may be obtained, or the total value of funds that may be~~ 9399
~~transferred, by use of any electronically transferred benefit or~~ 9400
~~other access device at the time of violation.~~ 9401

~~(2) If supplemental nutrition assistance program benefits,~~ 9402
~~WIC program benefits, or electronically transferred benefits or~~ 9403
~~other access devices of various values are used, transferred,~~ 9404
~~bought, acquired, altered, purchased, possessed, presented for~~ 9405
~~redemption, or transported in violation of this section over a~~ 9406
~~period of twelve months, the course of conduct may be charged as~~ 9407
~~one offense and the values of supplemental nutrition assistance~~ 9408
~~program benefits, WIC program benefits, or any electronically~~ 9409
~~transferred benefits or other access devices may be aggregated~~ 9410
~~in determining the degree of the offense.~~ 9411

~~(B)~~(A) No individual shall knowingly possess, buy, sell, 9412
use, alter, accept, or transfer supplemental nutrition 9413
assistance program benefits, WIC program benefits, or any 9414
electronically transferred benefit in any manner not authorized 9415
by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or 9416
section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 9417
42 U.S.C. 1786, as amended. 9418

~~(C)~~(B) No organization, ~~as defined in division (D) of~~ 9419
~~section 2901.23 of the Revised Code,~~ shall do either of the 9420
following: 9421

(1) Knowingly allow an employee or agent to sell, 9422
transfer, or trade items or services, the purchase of which is 9423
prohibited by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 9424
et seq.) or section 17 of the "Child Nutrition Act of 1966," 80 9425
Stat. 885, 42 U.S.C. 1786, as amended, in exchange for 9426
supplemental nutrition assistance program benefits, WIC program 9427

benefits, or any electronically transferred benefit; 9428

(2) Negligently allow an employee or agent to sell, 9429
transfer, or exchange supplemental nutrition assistance program 9430
benefits, WIC program benefits, or any electronically 9431
transferred benefit for anything of value. 9432

~~(D)~~(C) Whoever violates this section is guilty of illegal 9433
use of supplemental nutrition assistance program benefits or WIC 9434
program benefits. ~~Except as otherwise provided in this division~~ 9435
Unless the measured value of the violation requires that the 9436
offense be enhanced under division (A) of section 2913.90 of the 9437
Revised Code or prior offenses require that the offense be 9438
enhanced under division (B) of that section, illegal use of 9439
supplemental nutrition assistance program benefits or WIC 9440
program benefits is a ~~felony misdemeanor~~ of the ~~fifth~~first 9441
degree. ~~If the aggregate value of the supplemental nutrition~~ 9442
~~assistance program benefits, WIC program benefits, and~~ 9443
~~electronically transferred benefits involved in the violation is~~ 9444
~~one thousand dollars or more and is less than seven thousand~~ 9445
~~five hundred dollars, illegal use of supplemental nutrition~~ 9446
~~assistance program benefits or WIC program benefits is a felony~~ 9447
~~of the fourth degree. If the aggregate value of the supplemental~~ 9448
~~nutrition assistance program benefits, WIC program benefits, and~~ 9449
~~electronically transferred benefits involved in the violation is~~ 9450
~~seven thousand five hundred dollars or more and is less than one~~ 9451
~~hundred fifty thousand dollars, illegal use of supplemental~~ 9452
~~nutrition assistance program benefits or WIC program benefits is~~ 9453
~~a felony of the third degree. If~~ 9454

(D) For purposes of enhancement under division (A) of 9455
section 2913.90 of the Revised Code, the measured value of a 9456
violation of this section is the aggregate value of the 9457

supplemental nutrition assistance program benefits, WIC program 9458
benefits, and electronically transferred benefits involved ~~in~~ 9459
~~the violation is one hundred fifty thousand dollars or more,~~ 9460
~~illegal use of supplemental nutrition assistance program~~ 9461
~~benefits or WIC program benefits is a felony of the second~~ 9462
~~degree.~~ 9463

Sec. 2913.47. (A) ~~As used in this section:~~ 9464

~~(1) "Data" has the same meaning as in section 2913.01 of~~ 9465
~~the Revised Code and additionally includes any other~~ 9466
~~representation of information, knowledge, facts, concepts, or~~ 9467
~~instructions that are being or have been prepared in a~~ 9468
~~formalized manner.~~ 9469

~~(2) "Deceptive" means that a statement, in whole or in~~ 9470
~~part, would cause another to be deceived because it contains a~~ 9471
~~misleading representation, withholds information, prevents the~~ 9472
~~acquisition of information, or by any other conduct, act, or~~ 9473
~~omission creates, confirms, or perpetuates a false impression,~~ 9474
~~including, but not limited to, a false impression as to law,~~ 9475
~~value, state of mind, or other objective or subjective fact.~~ 9476

~~(3) "Insurer" means any person that is authorized to~~ 9477
~~engage in the business of insurance in this state under Title~~ 9478
~~XXXIX of the Revised Code, the Ohio fair plan underwriting~~ 9479
~~association created under section 3929.43 of the Revised Code,~~ 9480
~~any health insuring corporation, and any legal entity that is~~ 9481
~~self-insured and provides benefits to its employees or members.~~ 9482

~~(4) "Policy" means a policy, certificate, contract, or~~ 9483
~~plan that is issued by an insurer.~~ 9484

~~(5) "Statement" includes, but is not limited to, any~~ 9485
~~notice, letter, or memorandum; proof of loss; bill of lading;~~ 9486

~~receipt for payment; invoice, account, or other financial- 9487
statement; estimate of property damage; bill for services; 9488
diagnosis or prognosis; prescription; hospital, medical, or 9489
dental chart or other record; x ray, photograph, videotape, or 9490
movie film; test result; other evidence of loss, injury, or 9491
expense; computer generated document; and data in any form. 9492~~

~~(B) No person, with purpose to defraud or knowing that the 9493
person is facilitating a fraud, shall do either of the 9494
following: 9495~~

~~(1) Present present to, or cause to be presented to, an 9496
insurer any written or oral statement that is part of, or in 9497
support of, an application for insurance, a claim for payment 9498
pursuant to a policy, or a claim for any other benefit pursuant 9499
to a policy, knowing that the statement, or any part of the 9500
statement, is false or deceptive. 9501~~

~~(2) Assist, aid, abet, solicit, procure, or conspire with 9502
another to prepare or make any written or oral statement that is 9503
intended to be presented to an insurer as part of, or in support 9504
of, an application for insurance, a claim for payment pursuant 9505
to a policy, or a claim for any other benefit pursuant to a 9506
policy, knowing that the statement, or any part of the 9507
statement, is false or deceptive. 9508~~

~~(C) (B) Whoever violates this section is guilty of 9509
insurance fraud. ~~Except as otherwise provided in this division~~ 9510
Unless the measured value of the violation requires that the 9511
offense be enhanced under division (A) of section 2913.90 of the 9512
Revised Code, or prior offenses require that the offense be 9513
enhanced under division (B) of that section, insurance fraud is 9514
a misdemeanor of the first degree. ~~If the amount of the claim~~ 9515
~~that is false or deceptive is one thousand dollars or more and~~ 9516~~

~~is less than seven thousand five hundred dollars, insurance 9517
fraud is a felony of the fifth degree. If the amount of the 9518
claim that is false or deceptive is seven thousand five hundred 9519
dollars or more and is less than one hundred fifty thousand 9520
dollars, insurance fraud is a felony of the fourth degree. If 9521
the amount of the claim that is false or deceptive is one 9522
hundred fifty thousand dollars or more, insurance fraud is a 9523
felony of the third degree. 9524~~

(C) For purposes of enhancement under division (A) of 9525
section 2913.90 of the Revised Code, the measured value of a 9526
violation of this section is the amount of the claim that is 9527
false or deceptive. 9528

(D) This section shall not be construed to abrogate, 9529
waive, or modify division (A) of section 2317.02 of the Revised 9530
Code. 9531

Sec. 2913.48. (A) No person, with purpose to defraud or 9532
knowing that the person is facilitating a fraud, shall do any of 9533
the following: 9534

(1) Receive workers' compensation benefits to which the 9535
person is not entitled; 9536

(2) Make or present or cause to be made or presented a 9537
false or misleading statement with the purpose to secure payment 9538
for goods or services rendered under Chapter 4121., 4123., 9539
4127., or 4131. of the Revised Code or to secure workers' 9540
compensation benefits; 9541

(3) Alter, falsify, destroy, conceal, or remove any record 9542
or document that is necessary to fully establish the validity of 9543
any claim filed with, or necessary to establish the nature and 9544
validity of all goods and services for which reimbursement or 9545

payment was received or is requested from, the bureau of 9546
workers' compensation, or a self-insuring employer under Chapter 9547
4121., 4123., 4127., or 4131. of the Revised Code; 9548

(4) Enter into an agreement or conspiracy to defraud the 9549
bureau or a self-insuring employer by making or presenting or 9550
causing to be made or presented a false claim for workers' 9551
compensation benefits; 9552

(5) Make or present or cause to be made or presented a 9553
false statement concerning manual codes, classification of 9554
employees, payroll, paid compensation, or number of personnel, 9555
when information of that nature is necessary to determine the 9556
actual workers' compensation premium or assessment owed to the 9557
bureau by an employer; 9558

(6) Alter, forge, or create a workers' compensation 9559
certificate to falsely show current or correct workers' 9560
compensation coverage; 9561

(7) Fail to secure or maintain workers' compensation 9562
coverage as required by Chapter 4123. of the Revised Code with 9563
the intent to defraud the bureau of workers' compensation. 9564

(B) Whoever violates this section is guilty of workers' 9565
compensation fraud. ~~Except as otherwise provided in this~~ 9566
~~division, a violation of this section~~ Unless the measured value 9567
of the violation requires that the offense be enhanced under 9568
division (A) of section 2913.90 of the Revised Code, or prior 9569
offenses require that the offense be enhanced under division (B) 9570
of that section, workers' compensation fraud is a misdemeanor of 9571
the first degree. ~~If the value of premiums and assessments~~ 9572
~~unpaid pursuant to actions described in division (A) (5), (6), or~~ 9573
~~(7) of this section, or of goods, services, property, or money~~ 9574

~~stolen is one thousand dollars or more and is less than seven- 9575
thousand five hundred dollars, a violation of this section is a 9576
felony of the fifth degree. If the value of premiums and 9577
assessments unpaid pursuant to actions described in division (A) 9578
(5), (6), or (7) of this section, or of goods, services, 9579
property, or money stolen is seven thousand five hundred dollars- 9580
or more and is less than one hundred fifty thousand dollars, a 9581
violation of this section is a felony of the fourth degree. If- 9582
the value of premiums and assessments unpaid pursuant to actions- 9583
described in division (A) (5), (6), or (7) of this section, or of 9584
goods, services, property, or money stolen is one hundred fifty- 9585
thousand dollars or more, a violation of this section is a 9586
felony of the third degree. 9587~~

(C) Upon application of the governmental body that 9588
conducted the investigation and prosecution of a violation of 9589
this section, the court shall order the person who is convicted 9590
of the violation to pay the governmental body its costs of 9591
investigating and prosecuting the case. These costs are in 9592
addition to any other costs or penalty provided in the Revised 9593
Code or any other section of law. 9594

(D) The remedies and penalties provided in this section 9595
are not exclusive remedies and penalties and do not preclude the 9596
use of any other criminal or civil remedy or penalty for any act 9597
that is in violation of this section. 9598

~~(E) As used in this section: 9599~~

~~(1) "False" means wholly or partially untrue or deceptive. 9600~~

~~(2) "Goods" includes, but is not limited to, medical 9601
supplies, appliances, rehabilitative equipment, and any other 9602
apparatus or furnishing provided or used in the care, treatment, 9603~~

~~or rehabilitation of a claimant for workers' compensation benefits.~~ 9604
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~~(3) "Services" includes, but is not limited to, any service provided by any health care provider to a claimant for workers' compensation benefits and any and all services provided by the bureau as part of workers' compensation insurance coverage.~~ 9606
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~~(4) "Claim" means any attempt to cause the bureau, an independent third party with whom the administrator or an employer contracts under section 4121.44 of the Revised Code, or a self-insuring employer to make payment or reimbursement for workers' compensation benefits.~~ 9611
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~~(5) "Employment" means participating in any trade, occupation, business, service, or profession for substantial gainful remuneration.~~ 9616
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~~(6) "Employer," "employee," and "self-insuring employer" have the same meanings as in section 4123.01 of the Revised Code.~~ 9619
9620
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~~(7) "Remuneration" includes, but is not limited to, wages, commissions, rebates, and any other reward or consideration.~~ 9622
9623

~~(8) "Statement" includes, but is not limited to, any oral, written, electronic, electronic impulse, or magnetic communication notice, letter, memorandum, receipt for payment, invoice, account, financial statement, or bill for services; a diagnosis, prognosis, prescription, hospital, medical, or dental chart or other record; and a computer generated document.~~ 9624
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~~(9) "Records" means any medical, professional, financial, or business record relating to the treatment or care of any person, to goods or services provided to any person, or to rates~~ 9630
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~~paid for goods or services provided to any person, or any record~~ 9633
~~that the administrator of workers' compensation requires~~ 9634
~~pursuant to rule.~~ 9635

~~(10) "Workers' compensation benefits" means any~~ 9636
~~compensation or benefits payable under Chapter 4121., 4123.,~~ 9637
~~4127., or 4131. of the Revised Code.~~ 9638

Sec. 2913.49. (A) ~~As used in this section, "personal~~ 9639
~~identifying information" includes, but is not limited to, the~~ 9640
~~following: the name, address, telephone number, driver's~~ 9641
~~license, driver's license number, commercial driver's license,~~ 9642
~~commercial driver's license number, state identification card,~~ 9643
~~state identification card number, social security card, social~~ 9644
~~security number, birth certificate, place of employment,~~ 9645
~~employee identification number, mother's maiden name, demand~~ 9646
~~deposit account number, savings account number, money market~~ 9647
~~account number, mutual fund account number, other financial~~ 9648
~~account number, personal identification number, password, or~~ 9649
~~credit card number of a living or dead individual.~~ 9650

~~(B) No person, without the express or implied consent of~~ 9651
~~the other person, shall use, obtain, or possess any personal~~ 9652
~~identifying information of another person with intent purpose to~~ 9653
~~do either of the following:~~ 9654

(1) Hold the person out to be the other person; 9655

(2) Represent the other person's personal identifying 9656
information as the person's own personal identifying 9657
information. 9658

~~(C) No person shall create, obtain, possess, or use the~~ 9659
~~personal identifying information of any person with the intent~~ 9660
~~to aid or abet another person in violating division (B) of this~~ 9661

~~section.~~ 9662

~~(D)~~(B) No person, with ~~intent~~ purpose to defraud, shall 9663
permit another person to use the person's own personal 9664
identifying information. 9665

~~(E)~~(C) No person who is permitted to use another person's 9666
personal identifying information as described in division ~~(D)~~(B) 9667
of this section shall use, obtain, or possess the other person's 9668
personal identifying information with intent to defraud any 9669
person by doing any act identified in division ~~(B)~~(1)(A) (1) or 9670
(2) of this section. 9671

~~(F)~~(1)(D) (1) It is an affirmative defense to a charge 9672
under division ~~(B)~~(A) of this section that the person using the 9673
personal identifying information is acting in accordance with a 9674
legally recognized guardianship or conservatorship or as a 9675
trustee or fiduciary. 9676

(2) It is an affirmative defense to a charge under 9677
division (A), (B), or (C), ~~(D)~~, ~~or~~ ~~(E)~~ of this section that 9678
either of the following applies: 9679

(a) The person or entity using, obtaining, possessing, or 9680
creating the personal identifying information or permitting it 9681
to be used is a law enforcement agency, authorized fraud 9682
personnel, or a representative of or attorney for a law 9683
enforcement agency or authorized fraud personnel and is using, 9684
obtaining, possessing, or creating the personal identifying 9685
information or permitting it to be used, with prior consent 9686
given as specified in this division, in a bona fide 9687
investigation, an information security evaluation, a pretext 9688
calling evaluation, or a similar matter. The prior consent 9689
required under this division shall be given by the person whose 9690

personal identifying information is being used, obtained, 9691
possessed, or created or is being permitted to be used or, if 9692
the person whose personal identifying information is being used, 9693
obtained, possessed, or created or is being permitted to be used 9694
is deceased, by that deceased person's executor, or a member of 9695
that deceased person's family, or that deceased person's 9696
attorney. The prior consent required under this division may be 9697
given orally or in writing by the person whose personal 9698
identifying information is being used, obtained, possessed, or 9699
created or is being permitted to be used or that person's 9700
executor, or family member, or attorney. 9701

(b) The personal identifying information was obtained, 9702
possessed, used, created, or permitted to be used for a lawful 9703
purpose, provided that division ~~(F) (2) (b)~~ (D) (2) (b) of this 9704
section does not apply if the person or entity using, obtaining, 9705
possessing, or creating the personal identifying information or 9706
permitting it to be used is a law enforcement agency, authorized 9707
fraud personnel, or a representative of or attorney for a law 9708
enforcement agency or authorized fraud personnel that is using, 9709
obtaining, possessing, or creating the personal identifying 9710
information or permitting it to be used in an investigation, an 9711
information security evaluation, a pretext calling evaluation, 9712
or similar matter. 9713

~~(G)~~ (E) It is not a defense to a charge under this section 9714
that the person whose personal identifying information was 9715
obtained, possessed, used, created, or permitted to be used was 9716
deceased at the time of the offense. 9717

~~(H) (1)~~ (F) Whoever violates this section is guilty of 9718
identity fraud. Unless the measured value of the violation 9719
requires that the offense be enhanced under division (A) of 9720

section 2913.90 of the Revised Code, or prior offenses require 9721
that the offense be enhanced under division (B) of that section, 9722
identity fraud is a felony of the fifth degree. 9723

(G)(1) For purposes of enhancement under division (A) of 9724
section 2913.90 of the Revised Code, the measured value of a 9725
violation of this section is the value of the credit, property, 9726
services, debt, or other legal obligation involved in the 9727
violation or course of conduct. 9728

(2) If an offender commits a violation of division (A), 9729
(B), ~~(D)~~, or ~~(E)~~(C) of this section and the violation occurs as 9730
part of a course of conduct involving other violations of 9731
division (A), (B), ~~(D)~~, or ~~(E)~~(C) of this section or violations 9732
of, attempts to violate, conspiracies to violate, or complicity 9733
in violations of ~~division (C) of this section or section~~ 9734
2913.02, 2913.04, 2913.08, 2913.11, 2913.21, 2913.31, 2913.42, 9735
2913.43, or 2921.13 of the Revised Code, the court, in 9736
determining the ~~degree of the offense pursuant to division (I)~~ 9737
~~of this section~~ measured value for purposes of enhancement under 9738
division (A) of section 2913.90 of the Revised Code, may 9739
aggregate all credit, property, or services obtained or sought 9740
to be obtained by the offender and all debts or other legal 9741
obligations avoided or sought to be avoided by the offender in 9742
the violations involved in that course of conduct. The course of 9743
conduct may involve one victim or more than one victim. 9744

~~(2) If an offender commits a violation of division (C) of~~ 9745
~~this section and the violation occurs as part of a course of~~ 9746
~~conduct involving other violations of division (C) of this~~ 9747
~~section or violations of, attempts to violate, conspiracies to~~ 9748
~~violate, or complicity in violations of division (B), (D), or~~ 9749
~~(E) of this section or section 2913.02, 2913.04, 2913.11,~~ 9750

~~2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in determining the degree of the offense pursuant to division (I) of this section, may aggregate all credit, property, or services obtained or sought to be obtained by the person aided or abetted and all debts or other legal obligations avoided or sought to be avoided by the person aided or abetted in the violations involved in that course of conduct. The course of conduct may involve one victim or more than one victim.~~ 9751
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~~(I) (1) Whoever violates this section is guilty of identity fraud.~~ 9760
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~~(2) Except as otherwise provided in this division or division (I) (3) of this section, identity fraud is a felony of the fifth degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is one thousand dollars or more and is less than seven thousand five hundred dollars, except as otherwise provided in division (I) (3) of this section, identity fraud is a felony of the fourth degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, except as otherwise provided in division (I) (3) of this section, identity fraud is a felony of the third degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is one hundred fifty thousand dollars or more, except as otherwise provided in division (I) (3) of this section, identity fraud is a felony of the second degree.~~ 9762
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~~(3) If the victim of the offense is an elderly person,~~ 9780

~~disabled adult, active duty service member, or spouse of an~~ 9781
~~active duty service member, a violation of this section is~~ 9782
~~identity fraud against a person in a protected class. Except as~~ 9783
~~otherwise provided in this division, identity fraud against a~~ 9784
~~person in a protected class is a felony of the fourth degree. If~~ 9785
~~the value of the credit, property, services, debt, or other~~ 9786
~~legal obligation involved in the violation or course of conduct~~ 9787
~~is one thousand dollars or more and is less than seven thousand~~ 9788
~~five hundred dollars, identity fraud against a person in a~~ 9789
~~protected class is a felony of the third degree. If the value of~~ 9790
~~the credit, property, services, debt, or other legal obligation~~ 9791
~~involved in the violation or course of conduct is seven thousand~~ 9792
~~five hundred dollars or more and is less than one hundred fifty~~ 9793
~~thousand dollars, identity fraud against a person in a protected~~ 9794
~~class is a felony of the second degree. If the value of the~~ 9795
~~credit, property, services, debt, or other legal obligation~~ 9796
~~involved in the violation or course of conduct is one hundred~~ 9797
~~fifty thousand dollars or more, identity fraud against a person~~ 9798
~~in a protected class is a felony of the first degree. If the~~ 9799
~~victim of the offense is an elderly person, in addition to any~~ 9800
~~other penalty imposed for the offense, the offender shall be~~ 9801
~~required to pay full restitution to the victim and to pay a fine~~ 9802
~~of up to fifty thousand dollars. The clerk of court shall~~ 9803
~~forward all fines collected under division (I)(3) of this~~ 9804
~~section to the county department of job and family services to~~ 9805
~~be used for the reporting and investigation of elder abuse,~~ 9806
~~neglect, and exploitation or for the provision or arrangement of~~ 9807
~~protective services under sections 5101.61 to 5101.71 of the~~ 9808
~~Revised Code.~~ 9809

~~(J)(H)~~ In addition to the penalties described in division 9810
~~(I)(F)~~ of this section, anyone injured in person or property by 9811

a violation of division (A), (B), ~~(D)~~, or ~~(E)~~(C) of this section 9812
who is the owner of the identifying information involved in that 9813
violation has a civil action against the offender pursuant to 9814
section 2307.60 of the Revised Code. That person may also bring 9815
a civil action to enjoin or restrain future acts that would 9816
constitute a violation of division (A), (B), ~~(D)~~, or ~~(E)~~(C) of 9817
this section. 9818

Sec. 2913.51. (A) No person shall receive, retain, or 9819
dispose of property of another knowing or having reasonable 9820
cause to believe that the property has been obtained through 9821
commission of a theft offense. 9822

(B) It is not a defense to a charge of receiving stolen 9823
property in violation of this section that the property was 9824
obtained by means other than through the commission of a theft 9825
offense if the property was explicitly represented to the 9826
accused person as being obtained through the commission of a 9827
theft offense. 9828

~~(C) Whoever~~(C) (1) Except as provided in division (C) (2) or 9829
(3) of this section, whoever violates this section is guilty of 9830
receiving stolen property. ~~Except as otherwise provided in this~~ 9831
~~division or division (D) of this section~~Unless the measured 9832
value of the violation requires that the offense be enhanced 9833
under division (A) of section 2913.90 of the Revised Code, or 9834
prior offenses require that the offense be enhanced under 9835
division (B) of that section, receiving stolen property is a 9836
misdemeanor of the ~~first~~third degree. ~~If the value of the~~ 9837
~~property involved is one thousand dollars or more and is less~~ 9838
~~than seven thousand five hundred dollars, if the property~~ 9839
~~involved is any of the property listed in section 2913.71 of the~~ 9840
~~Revised Code, receiving stolen property is a felony of the fifth~~ 9841

~~degree. If the property involved is a motor vehicle, as defined in section 4501.01 of the Revised Code, if the property involved is a dangerous drug, as defined in section 4729.01 of the Revised Code, if the value of the property involved is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, or if the property involved is a firearm or dangerous ordnance, as defined in section 2923.11 of the Revised Code, receiving stolen property is a felony of the fourth degree. If the value of the property involved is one hundred fifty thousand dollars or more, receiving stolen property is a felony of the third degree.~~

~~(D) Except as provided in division (C) of this section with respect to property involved in a violation of this section with a value of seven thousand five hundred dollars or more, if the property involved in violation of this section is a special purchase article as defined in section 4737.04 of the Revised Code or a bulk merchandise container as defined in section 4737.012 of the Revised Code, a violation of this section is receiving a stolen special purchase article or articles or receiving a stolen bulk merchandise container or containers, a felony of the fifth degree.~~

(2) If the property involved in the violation is anhydrous ammonia, whoever violates this section is guilty of receiving stolen anhydrous ammonia. Unless the measured value of the violation requires that the offense be enhanced under division (A) of section 2913.90 of the Revised Code, or prior offenses require that the offense be enhanced under division (B) of that section, receiving stolen anhydrous ammonia is a felony of the fifth degree.

(3) If the property involved in the violation is a firearm

or dangerous ordnance, whoever violates this section is guilty 9872
of receiving a stolen firearm or dangerous ordnance. Unless the 9873
measured value of the violation requires that the offense be 9874
enhanced under division (A) of section 2913.90 of the Revised 9875
Code, or prior offenses require that the offense be enhanced 9876
under division (B) of that section, receiving a stolen firearm 9877
or dangerous ordnance is a felony of the third degree. 9878

(D) For purposes of any enhancement under section 2913.90 9879
of the Revised Code, the measured value of a violation of this 9880
section is the value of the property involved in the violation. 9881

Sec. 2913.61. (A) When a person is charged with a theft 9882
offense, or with a violation of division (A) (1) of section 9883
1716.14 of the Revised Code involving a victim who is an elderly 9884
person or disabled adult that involves ~~property or services~~ 9885
~~valued at one thousand dollars or more, property or services~~ 9886
~~valued at one thousand dollars or more and less than seven~~ 9887
~~thousand five hundred dollars, property or services valued at~~ 9888
~~one thousand five hundred dollars or more and less than seven~~ 9889
~~thousand five hundred dollars, property or services valued at~~ 9890
~~seven thousand five hundred dollars or more and less than~~ 9891
~~thirty seven thousand five hundred dollars, property or services~~ 9892
~~valued at seven thousand five hundred dollars or more and less~~ 9893
~~than one hundred fifty thousand dollars, property or services~~ 9894
~~valued at thirty seven thousand five hundred dollars or more and~~ 9895
~~less than one hundred fifty thousand dollars, property or~~ 9896
~~services valued at thirty seven thousand five hundred dollars or~~ 9897
~~more, property or services valued at one hundred fifty thousand~~ 9898
~~dollars or more, property or services valued at one hundred~~ 9899
~~fifty thousand dollars or more and less than seven hundred fifty~~ 9900
~~thousand dollars, property or services valued at seven hundred~~ 9901
~~fifty thousand dollars or more and less than one million five~~ 9902

~~hundred thousand dollars, or property or services valued at one~~ 9903
~~million five hundred thousand dollars or more, the jury or court~~ 9904
~~trying the accused, as an element, the valuation of, or physical~~ 9905
~~damage to, property or services, this section applies to~~ 9906
~~calculate the measured value of, or amount of physical damage~~ 9907
~~to, the property or services. An element of this nature, for~~ 9908
~~purposes of this section, is a valuation element. The trier of~~ 9909
~~fact shall determine the measured value of, or amount of~~ 9910
~~physical damage to, the property or services as of the time of~~ 9911
the offense and, if a guilty verdict is returned, shall return 9912
the finding of the measured value or amount of physical damage 9913
as part of the verdict. ~~In any case in which the jury or court~~ 9914
~~determines that the value of the property or services at the~~ 9915
~~time of the offense was one thousand dollars or more~~ 9916

If the valuation element of the offense establishes a 9917
minimum measured value required for a finding of guilt for that 9918
particular degree of offense, it is unnecessary to find and 9919
return the exact value, and it is sufficient if the ~~finding and~~ 9920
~~return is to the effect~~ trier of fact finds that the measured 9921
value of, or amount of physical damage to, the property or 9922
services involved ~~was one thousand dollars or more, was one~~ 9923
~~thousand dollars or more and less than seven thousand five~~ 9924
~~hundred dollars, was one thousand five hundred dollars or more~~ 9925
~~and less than seven thousand five hundred dollars, was seven~~ 9926
~~thousand five hundred dollars or more and less than thirty seven~~ 9927
~~thousand five hundred dollars, was seven thousand five hundred~~ 9928
~~dollars or more and less than one hundred fifty thousand~~ 9929
~~dollars, was thirty seven thousand five hundred dollars or more~~ 9930
~~and less than one hundred fifty thousand dollars, was thirty~~ 9931
~~seven thousand five hundred dollars or more, was one hundred~~ 9932
~~fifty thousand dollars or more, was one hundred fifty thousand~~ 9933

~~dollars or more and less than seven hundred fifty thousand-~~ 9934
~~dollars, was seven hundred fifty thousand dollars or more and~~ 9935
~~less than one million five hundred thousand dollars, or was one~~ 9936
~~million five hundred thousand dollars or more, whichever is~~ 9937
~~relevant regarding the offense~~meets or exceeds the required 9938
minimum measured value or amount of physical damage. If the 9939
trier of fact finds that the valuation does not meet or exceed 9940
the required minimum measured value or amount of physical 9941
damage, the trier of fact may include in its verdict the 9942
valuation that was proved. Under that circumstance, section 9943
2945.75 of the Revised Code applies as to the degree of offense. 9944

(B) If more than one item of property or services is 9945
involved in a theft offense or in a violation of division (A) (1) 9946
of section 1716.14 of the Revised Code involving a victim who is 9947
an elderly person or disabled adult, the measured value of, or 9948
amount of physical damage to, the property or services involved 9949
for the purpose of determining the measured value or amount of 9950
physical damage as required by division (A) of this section is 9951
the aggregate measured value of, or amount of physical damage 9952
to, all property or services involved in the offense. 9953

(C) (1) ~~When a series of offenses under section 2913.02 of~~ 9954
~~the Revised Code, or a series of violations of, attempts to~~ 9955
~~commit a violation of, conspiracies to violate, or complicity in~~ 9956
~~violations of division (A) (1) of section 1716.14, section~~ 9957
~~2913.02, 2913.03, or 2913.04, division (B) (1) or (2) of section~~ 9958
~~2913.21, or section 2913.31 or 2913.43 of the Revised Code~~ 9959
~~involving a victim who is an elderly person or disabled adult,~~ 9960
~~is committed by the offender in the offender's same employment,~~ 9961
~~capacity, or relationship to another, all of those offenses~~ 9962
~~shall be tried as a single offense. When a series of offenses~~ 9963
~~under section 2913.02 of the Revised Code, or a series of~~ 9964

~~violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of section 2913.02 or 2913.43 of the Revised Code involving a victim who is an active duty service member or spouse of an active duty service member is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses shall be tried as a single offense. The value of the property or services involved in the series of offenses for the purpose of determining the value as required by division (A) of this section is the aggregate value of all property and services involved in all offenses in the series.~~ 9965
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~~(2) If an offender commits a series of offenses under section 2913.02 Chapter 2913. of the Revised Code or division (A) (1) of section 1716.14 of the Revised Code that involves a common course of conduct to defraud multiple victims, all of the offenses may be tried as a single offense.~~ 9976
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~~(2) If an offender is being tried for the commission of commits a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of division (A) (1) of section 1716.14, section 2913.02, 2913.03, or 2913.04, division (B) (1) or (2) of section 2913.21, or section 2913.31 or 2913.43 of the Revised Code, whether committed against one victim or more than one victim, involving a victim who is an elderly person or disabled adult, pursuant to offenses under Chapter 2913. of the Revised Code or division (A) (1) of section 1716.14 of the Revised Code that are connected in time or place so as to be a part of a single scheme or course of conduct, all of those offenses may be tried as a single offense. If an offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of section~~ 9981
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~~2913.02 or 2913.43 of the Revised Code, whether committed- 9996
against one victim or more than one victim, involving a victim- 9997
who is an active duty service member or spouse of an active duty- 9998
service member pursuant to a scheme or course of conduct, all of- 9999
those offenses may be tried as a single offense. If the offenses- 10000
are tried as a single offense, the value of the property or- 10001
services involved for the purpose of determining the value as- 10002
required by division (A) of this section is the aggregate value- 10003
of all property and services involved in all of the offenses in- 10004
the course of conduct. 10005~~

(3) When a series of two or more offenses under section 10006
2913.40, 2913.48, or 2921.41 of the Revised Code is committed by 10007
the offender in the offender's same employment, capacity, or 10008
relationship to another, all of those offenses may be tried as a 10009
single offense. ~~If the offenses are tried as a single offense,- 10010
the value of the property or services involved for the purpose- 10011
of determining the value as required by division (A) of this- 10012
section is the aggregate value of all property and services- 10013
involved in all of the offenses in the series of two or more- 10014
offenses. 10015~~

(4) In prosecuting a single offense under division (C) (1), 10016
(2), or (3) of this section, it is not necessary to separately 10017
allege and prove each offense in the series. Rather, it is 10018
sufficient to allege and prove that the offender, within a given 10019
span of time, committed one or more ~~theft offenses or violations- 10020
of section 2913.40, 2913.48, or 2921.41 of the Revised Code and- 10021
that the offender committed those offenses as a common course of- 10022
conduct to defraud multiple victims under division (C) (1) of- 10023
this section, the offender committed those offenses as a single- 10024
scheme or course of conduct under division (C) (2) of this- 10025
section, or that the offender committed those offenses in the- 10026~~

offender's same employment, capacity, or relationship to another 10027
as described in division ~~(C) (1) or (3)~~ (C) (3) of this section, 10028
~~or committed one or more theft offenses that involve a common~~ 10029
~~course of conduct to defraud multiple victims or a scheme or~~ 10030
~~course of conduct as described in division (C) (2) of this~~ 10031
~~section.~~ While it is not necessary to separately allege and 10032
prove each offense in the series in order to prosecute a single 10033
offense under division (C) (1), (2), or (3) of this section, it 10034
remains necessary ~~in prosecuting them as a single offense to~~ 10035
prove the aggregate measured value of, or amount of physical 10036
damage to, the property or services in order to meet the 10037
requisite statutory offense level sought by the prosecution. If 10038
the offenses are tried as a single offense, the measured value 10039
of, or amount of physical damage to, the property or services 10040
involved for the purpose of determining the measured value or 10041
amount of physical damage as required by division (A) of this 10042
section is the aggregate measured value of, or amount of 10043
physical damage to, all property and services involved in all of 10044
the offenses in the series of two or more offenses. 10045

(D) The following criteria shall be used in determining 10046
the measured value of, or amount of physical damage to, property 10047
or services involved in a theft offense: 10048

(1) ~~The value of~~ If the property is an heirloom, memento, 10049
collector's item, antique, museum piece, manuscript, document, 10050
record, or other thing that ~~has intrinsic worth to its owner and~~ 10051
~~that~~ either is irreplaceable or is replaceable only on the 10052
expenditure of substantial time, effort, or money, the value is 10053
the amount that would compensate the owner for its loss. 10054

(2) The value of personal effects and household goods, and 10055
of materials, supplies, equipment, and fixtures used in the 10056

profession, business, trade, occupation, or avocation of its owner, ~~which property is not covered under division (D) (1) of this section and which~~ that retains substantial utility for its purpose regardless of its age or condition, is the cost of replacing the property with new property of like kind and quality.

(3) If the property is not covered under division (D) (1) or (2) of this section and the physical damage is such that the property can be restored substantially to the property's former condition then the amount of physical damage involved is the reasonable cost of restoring the property.

(4) If the property is not covered under division (D) (1) or (2) of this section and the physical damage is such that the property cannot be restored substantially to the property's former condition, the measured value of the property is either of the following:

(a) In the case of personal property, the cost of replacing the property with new property of like kind and quality;

(b) In the case of real property or real property fixtures, the difference in fair market value of the property immediately before and immediately after the offense.

(5) The value of any real or personal property that is not covered under division (D) (1) ~~or~~, (2), (3), or (4) of this section, and the value of services, is the fair market value of the property or services. As used in this section, "fair market value" is the money consideration that a buyer would give and a seller would accept for property or services, assuming that the buyer is willing to buy and the seller is willing to sell, that

both are fully informed as to all facts material to the 10086
transaction, and that neither is under any compulsion to act. 10087

(E) Without limitation on the evidence that may be used to 10088
establish the value of property or services involved in a theft 10089
offense: 10090

(1) When the property involved is personal property held 10091
for sale at wholesale or retail, the price at which the property 10092
was held for sale is prima-facie evidence of its value. 10093

(2) When the property involved is a security or commodity 10094
traded on an exchange, the closing price or, if there is no 10095
closing price, the asked price, given in the latest market 10096
quotation prior to the offense is prima-facie evidence of the 10097
value of the security or commodity. 10098

(3) When the property involved is livestock, poultry, or 10099
raw agricultural products for which a local market price is 10100
available, the latest local market price prior to the offense is 10101
prima-facie evidence of the value of the livestock, poultry, or 10102
products. 10103

(4) When the property involved is a negotiable instrument, 10104
the face value is prima-facie evidence of the value of the 10105
instrument. 10106

(5) When the property involved is a warehouse receipt, 10107
bill of lading, pawn ticket, claim check, or other instrument 10108
entitling the holder or bearer to receive property, the face 10109
value or, if there is no face value, the value of the property 10110
covered by the instrument less any payment necessary to receive 10111
the property is prima-facie evidence of the value of the 10112
instrument. 10113

(6) When the property involved is a ticket of admission, 10114

ticket for transportation, coupon, token, or other instrument 10115
entitling the holder or bearer to receive property or services, 10116
the face value or, if there is no face value, the value of the 10117
property or services that may be received by the instrument is 10118
prima-facie evidence of the value of the instrument. 10119

(7) When the services involved are gas, electricity, 10120
water, telephone, transportation, shipping, or other services 10121
for which the rate is established by law, the duly established 10122
rate is prima-facie evidence of the value of the services. 10123

(8) When the services involved are services for which the 10124
rate is not established by law, and the offender has been 10125
notified prior to the offense of the rate for the services, 10126
either in writing, orally, or by posting in a manner reasonably 10127
calculated to come to the attention of potential offenders, the 10128
rate contained in the notice is prima-facie evidence of the 10129
value of the services. 10130

Sec. 2913.72. (A) Each of the following shall be 10131
considered evidence of an intent to commit theft of rented 10132
property or rental services: 10133

(1) At the time of entering into the rental contract, the 10134
rentee presented the renter with identification that was 10135
materially false, fictitious, or not current with respect to 10136
name, address, place of employment, or other relevant 10137
information. 10138

(2) After receiving a notice demanding the return of 10139
rented property as provided in division (B) of this section, the 10140
rentee neither returned the rented property nor made 10141
arrangements acceptable with the renter to return the rented 10142
property. 10143

(B) To establish that a rentee has an intent to commit theft of rented property or rental services under division (A) (2) of this section, a renter may issue a notice to a rentee demanding the return of rented property. The renter shall mail the notice by certified mail, return receipt requested, to the rentee at the address the rentee gave when the rental contract was executed, or to the rentee at the last address the rentee or the rentee's agent furnished in writing to the renter.

(C) A demand for the return of rented property is not a prerequisite for the prosecution of a rentee for theft of rented property or rental services. The evidence specified in division (A) of this section does not constitute the only evidence that may be considered as evidence of intent to commit theft of rented property or rental services.

~~(D) As used in this section:~~

~~(1) "Renter" means a person who owns rented property.~~

~~(2) "Rentee" means a person who pays consideration to a renter for the use of rented property.~~

Sec. 2913.73. In a prosecution for any ~~alleged~~ violation of a provision of this chapter, if the lack of consent of the victim is an element of the provision that ~~allegedly~~ was violated, evidence that, at the time of the ~~alleged~~ violation, the victim lacked the capacity to give consent is admissible to show that the victim did not give consent.

~~As used in this section, "lacks the capacity to consent" means being impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person or the person's resources.~~

Sec. 2913.82. If a person is convicted of a theft offense 10173
that involves a motor vehicle, as defined in section 4501.01 of 10174
the Revised Code, or any major part of a motor vehicle, and if a 10175
local authority, as defined in section 4511.01 of the Revised 10176
Code, the owner of the vehicle or major part, or a person, 10177
acting on behalf of the owner, was required to pay any towing or 10178
storage fees prior to recovering possession of the motor vehicle 10179
or major part, the court that sentences the offender, as a part 10180
of its sentence, shall require the offender to repay the fees to 10181
the local authority, the owner, or the person who paid the fees 10182
on behalf of the owner. 10183

~~As used in this section, "major part" has the same meaning~~ 10184
~~as in the "Motor Vehicle Theft Law Enforcement Act of 1984," 98~~ 10185
~~Stat. 2754, 15 U.S.C. 2021 (7), as amended.~~ 10186

Sec. 2913.90. (A) If enhancement under this division would 10187
result in a higher offense level than is indicated in the 10188
section creating the offense, a violation of section 2913.02, 10189
2913.05, 2913.08, 2913.11, 2913.21, 2913.31, 2913.34, 2913.40, 10190
2913.401, 2913.42, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 10191
2913.49, 2913.51, or 2913.52 or division (A) of section 2913.04 10192
of the Revised Code shall be enhanced as follows: 10193

(1) If the measured value of the offense is five hundred 10194
dollars or more, the offense is a misdemeanor of the first 10195
degree. 10196

(2) If the measured value of the offense is two thousand 10197
five hundred dollars or more, the offense is a felony of the 10198
fifth degree. 10199

(3) If the measured value of the offense is ten thousand 10200
dollars or more, the offense is a felony of the fourth degree. 10201

(4) If the measured value of the offense is one hundred thousand dollars or more, the offense is a felony of the third degree. 10202
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(5) If the measured value of the offense is two hundred fifty thousand dollars or more, the offense is a felony of the second degree. 10205
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(6) If the measured value of the offense is five hundred thousand dollars or more, the offense is a felony of the first degree. 10208
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(B) In addition to any enhancements under division (A) of this section, if an offender is found guilty of a violation of section 2913.02, 2913.05, 2913.08, 2913.11, 2913.21, 2913.31, 2913.34, 2913.40, 2913.401, 2913.42, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, or 2913.52 or division (A) of section 2913.04 of the Revised Code and if the offender has previously been convicted of or pleaded guilty to committing two or more violations of any of those sections within five years prior to the date of the commission of the current offense, the offense shall be further enhanced as follows, with the first figure indicating the base offense level including any enhancements under division (A) of this section and the second figure indicating the offense level after enhancement: 10211
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(1) Misdemeanor of the third degree -- enhanced to a misdemeanor of the first degree; 10224
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(2) Misdemeanor of the first degree -- enhanced to a felony of the fifth degree; 10226
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(3) Felony of the fifth degree -- enhanced to a felony of the fourth degree; 10228
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(4) Felony of the fourth degree -- enhanced to a felony of 10230

the third degree; 10231

(5) Felony of the third degree -- enhanced to a felony of 10232
the second degree; 10233

(6) Felony of the second degree -- enhanced to a felony of 10234
the first degree. 10235

Sec. 2917.01. (A) No person shall knowingly engage in 10236
conduct designed to urge or incite another to commit any offense 10237
of violence, when ~~either~~both of the following apply: 10238

(1) The conduct takes place under circumstances that 10239
create ~~a clear and present~~an imminent danger that any offense 10240
of violence likely will be committed~~r~~. 10241

(2) The conduct proximately results in the commission of 10242
any offense of violence. 10243

(B) Whoever violates this section is guilty of inciting to 10244
violence. If the offense of violence that the other person ~~is~~ 10245
~~being urged or incited to commit~~committed is a misdemeanor, 10246
inciting to violence is a misdemeanor of the ~~first~~next lesser 10247
degree than the offense of violence committed. If the offense of 10248
violence that the other person ~~is being urged or incited to~~ 10249
~~commit~~committed is a felony of the first, second, third, or 10250
fourth degree, inciting to violence is a felony of the ~~third~~ 10251
next lesser degree than the offense of violence committed. If 10252
the offense of violence that the other person committed is a 10253
felony of the fifth degree or an unclassified felony other than 10254
aggravated murder, murder, or an offense for which the maximum 10255
penalty is imprisonment for life, inciting to violence is a 10256
misdemeanor of the first degree. If the offense of violence that 10257
the other person committed is aggravated murder, murder, or an 10258
offense for which the maximum penalty is imprisonment for life, 10259

<u>inciting to violence is a felony of the first degree.</u>	10260
<u>Sec. 2917.011. (A) Except as otherwise provided in</u>	10261
<u>division (B) or (C) of this section, as used in this chapter:</u>	10262
<u>(1) "Biological agent" means any microorganism, virus,</u>	10263
<u>infectious substance, or biological product that may be</u>	10264
<u>engineered through biotechnology, or any naturally occurring or</u>	10265
<u>bioengineered component of any microorganism, virus, infectious</u>	10266
<u>substance, or biological product that may be engineered through</u>	10267
<u>biotechnology, capable of causing any of the following:</u>	10268
<u>(a) Death, disease, or other biological malfunction in a</u>	10269
<u>human, an animal, a plant, or another living organism;</u>	10270
<u>(b) Deterioration of food, water, equipment, supplies, or</u>	10271
<u>material of any kind;</u>	10272
<u>(c) Deleterious alteration of the environment.</u>	10273
<u>(2) "Cable operator" has the same meaning as in section</u>	10274
<u>1332.21 of the Revised Code.</u>	10275
<u>(3) "Caller" means the person described in division (A) of</u>	10276
<u>section 2917.21 of the Revised Code who makes or causes to be</u>	10277
<u>made a telecommunication or who permits a telecommunication to</u>	10278
<u>be made from a telecommunications device under that person's</u>	10279
<u>control.</u>	10280
<u>(4) "Committed in the vicinity of a school" has the same</u>	10281
<u>meaning as in section 2925.01 of the Revised Code.</u>	10282
<u>(5) "Critical infrastructure facility" has the same</u>	10283
<u>meaning as in section 2911.21 of the Revised Code.</u>	10284
<u>(6) "Deadly weapon" and "dangerous ordnance" have the same</u>	10285
<u>meanings as in section 2923.11 of the Revised Code.</u>	10286

<u>(7) "Delivery system" means any of the following:</u>	10287
<u>(a) Any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector;</u>	10288
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<u>(b) Any vector.</u>	10291
<u>(8) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.</u>	10292
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<u>(9) "Emergency facility" has the same meaning as in section 2909.01 of the Revised Code.</u>	10294
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<u>(10) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.01 of the Revised Code.</u>	10296
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<u>(11) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.</u>	10299
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<u>(12) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.</u>	10302
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<u>(13) "Family or household member" means any of the following:</u>	10304
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<u>(a) Any of the following who is residing or has resided with the recipient of the telecommunication against whom the act prohibited in division (A) (9) of section 2917.21 of the Revised Code is committed:</u>	10306
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<u>(i) A spouse, a person living as a spouse, or a former spouse of the recipient;</u>	10310
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<u>(ii) A parent, a foster parent, or a child of the recipient, or another person related by consanguinity or</u>	10312
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affinity to the recipient; 10314

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the recipient, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the recipient. 10315
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(b) The natural parent of any child of whom the recipient of the telecommunication against whom the act prohibited in division (A) (9) of section 2917.21 of the Revised Code is committed is the other natural parent or is the putative other natural parent. 10319
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(14) "Hoax chemical weapon, biological weapon, or radiological or nuclear weapon" means any device or object that by its design, construction, content, or characteristics appears to be, appears to constitute, or appears to contain, or is represented as being, constituting, or containing, a chemical weapon, biological weapon, or radiological or nuclear weapon and to which either of the following applies: 10324
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(a) It is, in fact, an inoperative facsimile, imitation, counterfeit, or representation of a chemical weapon, biological weapon, or radiological or nuclear weapon that does not meet the definition of a chemical weapon, biological weapon, or radiological or nuclear weapon. 10331
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(b) It does not actually contain or constitute a weapon, biological agent, toxin, vector, or delivery system. 10336
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(15) "Infectious agent" means a microorganism such as a virus, bacterium, or similar agent that causes disease or death in human beings. 10338
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(16) "Institution of higher education" means any of the following: 10341
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(a) A state university or college as defined in division (A) (1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college; 10343
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(b) A private, nonprofit college, university or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code; 10347
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(c) A post-secondary institution with a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code. 10351
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(17) "Interactive computer service" and "information content provider" have the same meanings as in 47 U.S.C. 230. 10354
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(18) "Person living as a spouse" means a person who is living or has lived with the recipient of the telecommunication against whom the act prohibited in division (A) (9) of section 2917.21 of the Revised Code is committed in a common law marital relationship, who otherwise is cohabiting with the recipient, or who otherwise has cohabited with the recipient within five years prior to the date of the alleged commission of the act in question. 10356
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(19) "Physical damage to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical damage to property" does not include wear and tear occasioned by normal use. 10364
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(20) "Public transportation system" means a county transit system operated in accordance with sections 306.01 to 306.13 of the Revised Code, a regional transit authority operated in 10369
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accordance with sections 306.30 to 306.71 of the Revised Code, 10372
or a regional transit commission operated in accordance with 10373
sections 306.80 to 306.90 of the Revised Code. 10374

(21) "School" means any school operated by a board of 10375
education or any school for which the state board of education 10376
prescribes minimum standards under section 3301.07 of the 10377
Revised Code, whether or not any instruction, extracurricular 10378
activities, or training provided by the school is being 10379
conducted at the time a violation of section 2917.31 of the 10380
Revised Code is committed. 10381

(22) "Sexual activity" has the same meaning as in section 10382
2907.01 of the Revised Code. 10383

(23) "Telecommunication" and "telecommunications device" 10384
have the same meanings as in section 2913.01 of the Revised 10385
Code. 10386

(24) "Toxin" means the toxic material of plants, animals, 10387
microorganisms, viruses, fungi, or infectious substances or a 10388
recombinant molecule, whatever its origin or method of 10389
reproduction, including, but not limited to, any of the 10390
following: 10391

(a) Any poisonous substance or biological product that may 10392
be engineered through biotechnology and that is produced by a 10393
living organism; 10394

(b) Any poisonous isomer or biological product, homolog, 10395
or derivative of any substance or product described in division 10396
(A) (20) (a) of this section. 10397

(25) "Vector" means a living organism or molecule, 10398
including a recombinant molecule or biological product that may 10399
be engineered through biotechnology, capable of carrying a 10400

biological agent or toxin to a host. 10401

(B) As used in section 2917.21 of the Revised Code, 10402
"economic harm" means all direct, incidental, and consequential 10403
pecuniary harm suffered by a victim as a result of criminal 10404
conduct. "Economic harm" includes, but is not limited to, all of 10405
the following: 10406

(1) All wages, salaries, or other compensation lost as a 10407
result of the criminal conduct; 10408

(2) The cost of all wages, salaries, or other compensation 10409
paid to employees for time those employees are prevented from 10410
working as a result of the criminal conduct; 10411

(3) The overhead costs incurred for the time that a 10412
business is shut down as a result of the criminal conduct; 10413

(4) The loss of value to tangible or intangible property 10414
that was damaged as a result of the criminal conduct. 10415

(C) As used in section 2917.31 of the Revised Code, 10416
"economic harm" means any of the following: 10417

(1) All direct, incidental, and consequential pecuniary 10418
harm suffered by a victim as a result of criminal conduct. 10419
"Economic harm" includes, but is not limited to, all of the 10420
following: 10421

(a) All wages, salaries, or other compensation lost as a 10422
result of the criminal conduct; 10423

(b) The cost of all wages, salaries, or other compensation 10424
paid to employees for time those employees are prevented from 10425
working as a result of the criminal conduct; 10426

(c) The overhead costs incurred for the time that a 10427

business is shut down as a result of the criminal conduct; 10428

(d) The loss of value to tangible or intangible property 10429
that was damaged as a result of the criminal conduct. 10430

(2) All costs incurred by the state or any political 10431
subdivision as a result of, or in making any response to, the 10432
criminal conduct that constituted the violation of section 10433
2917.31 of the Revised Code, including, but not limited to, all 10434
costs so incurred by any law enforcement officers, firefighters, 10435
rescue personnel, or emergency medical services personnel of the 10436
state or the political subdivision. 10437

Sec. 2917.02. (A) No person shall actively participate 10438
with four or more others in a course of disorderly conduct in 10439
violation of section 2917.11 of the Revised Code when any of the 10440
following applies: 10441

(1) ~~With~~ The person does so with purpose to commit or 10442
facilitate the commission of a felony; 10443

(2) ~~With~~ The person does so with purpose to commit or 10444
facilitate the commission of any offense of violence; 10445

(3) ~~When the~~ The offender or any participant to the 10446
knowledge of the offender has on or about the offender's or 10447
participant's person or under the offender's or participant's 10448
control, uses, or intends to use a deadly weapon or dangerous 10449
ordnance, ~~as defined in section 2923.11 of the Revised Code.~~ 10450

(B) (1) No person, being an inmate in a detention facility, 10451
shall violate division (A) (1) or (3) of this section. 10452

(2) No person, being an inmate in a detention facility, 10453
shall violate division (A) (2) of this section or section 2917.03 10454
of the Revised Code. 10455

(C) Whoever violates this section is guilty of aggravated riot. A violation of division (A) (1) or (3) of this section is a felony of the fifth degree. A violation of division (A) (2) or (B) (1) of this section is a felony of the fourth degree. A violation of division (B) (2) of this section is a felony of the third degree.

~~(D) As used in this section, "detention facility" has the same meaning as in section 2921.01 of the Revised Code.~~

Sec. 2917.03. (A) No person shall actively participate with four or more others in a course of disorderly conduct in violation of section 2917.11 of the Revised Code with any of the following purposes:

(1) ~~With~~ The person does so with purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;

(2) ~~With~~ The person does so with purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede, or obstruct a function of government;

(3) ~~With~~ The person does so with purpose to hinder, impede, or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at such institution.

(B) No person shall actively participate with four or more others with purpose to do an act with unlawful force or violence, even though such act might otherwise be lawful.

(C) Whoever violates this section is guilty of riot, a misdemeanor of the first degree.

Sec. 2917.031. For the purposes of prosecuting violations 10484
of sections 2917.02 and 2917.03 of the Revised Code, the state 10485
is not required to allege or prove that the offender expressly 10486
agreed with four or more others to commit any act that 10487
constitutes a violation of either section prior to or while 10488
committing ~~those~~ the act or acts. 10489

Sec. 2917.04. (A) Where five or more persons are 10490
participating in a course of disorderly conduct in violation of 10491
section 2917.11 of the Revised Code, and there are other persons 10492
in the vicinity whose presence creates the likelihood of 10493
physical harm to persons or physical damage to property or of 10494
serious public inconvenience, annoyance, or alarm, a law 10495
enforcement officer or other public official may order the 10496
participants and such other persons to disperse. No person shall 10497
knowingly fail to obey such order. 10498

(B) Nothing in this section requires persons to disperse 10499
who are peaceably assembled for a lawful purpose. 10500

(C) (1) Whoever violates this section is guilty of failure 10501
to disperse. 10502

(2) Except as otherwise provided in division (C) (3) of 10503
this section, failure to disperse is a ~~minor misdemeanor~~ of the
fourth degree. 10504
10505

(3) Failure to disperse is a misdemeanor of the ~~fourth~~ 10506
third degree if the failure to obey the order described in 10507
division (A) of this section creates the likelihood of physical 10508
harm to persons or ~~is committed at the scene of a fire,~~ 10509
~~accident, disaster, riot, or emergency of any kind~~ physical
damage to property. 10510
10511

Sec. 2917.05. A law enforcement officer or ~~fireman~~ 10512

firefighter, engaged in suppressing riot or in protecting 10513
persons or property during riot: 10514

(A) Is justified in using force, other than deadly force, 10515
when and to the extent ~~he~~ the law enforcement officer or 10516
firefighter has probable cause to believe such force is 10517
necessary to disperse or apprehend rioters; 10518

(B) Is justified in using force, including deadly force, 10519
when and to the extent ~~he~~ the law enforcement officer or 10520
firefighter has probable cause to believe such force is 10521
necessary to disperse or apprehend rioters whose conduct is 10522
creating a substantial risk of serious physical harm to persons. 10523

Sec. 2917.11. (A) No person shall ~~recklessly~~ knowingly 10524
cause inconvenience, annoyance, or alarm to another by doing any 10525
of the following: 10526

(1) Engaging in fighting, engaging in threatening physical 10527
harm to persons or physical damage to property, or ~~in violent or~~ 10528
~~turbulent behavior~~ creating a condition that is physically 10529
offensive to persons or that presents a risk of physical harm to 10530
persons or physical damage to property, by any act that serves 10531
no lawful and reasonable purpose of the person; 10532

(2) Making unreasonable noise ~~or an offensively coarse~~ 10533
~~utterance, gesture, or display or communicating unwarranted and~~ 10534
~~grossly abusive language to any person;~~ 10535

(3) Insulting, taunting, or challenging another, under 10536
circumstances in which that conduct is likely to provoke ~~a~~ an 10537
imminent violent response; 10538

(4) Hindering or preventing the movement of persons ~~on a~~ 10539
~~public street, road, highway, or right-of-way, or to, from,~~ 10540
within, or upon public or private property, so as to interfere 10541

with the rights of others, and by any act that serves no lawful 10542
and reasonable purpose of the ~~offender,~~ 10543

~~(5) Creating a condition that is physically offensive to 10544
persons or that presents a risk of physical harm to persons or 10545
property, by any act that serves no lawful and reasonable- 10546
purpose of the offender person. 10547~~

(B) No person, while voluntarily intoxicated, shall 10548
recklessly do either of the following: 10549

(1) In a public place or in the presence of two or more 10550
persons, engage in conduct likely to ~~be offensive or to cause 10551
inconvenience, annoyance, or alarm to persons of ordinary 10552
sensibilities, which conduct the offender, if the offender were 10553
not intoxicated, should know is likely to have that effect on 10554
others~~ another; 10555

(2) Engage in conduct or create a condition that presents 10556
a risk of physical harm to the ~~offender person~~ or another, or 10557
physical damage to the property of another. 10558

(C) ~~Violation~~ A violation of any statute or ordinance of 10559
which an element is operating a motor vehicle, locomotive, 10560
watercraft, aircraft, or other vehicle while under the influence 10561
of alcohol or any drug of abuse, is not a violation of division 10562
(B) of this section. 10563

~~(D) If~~ (1) For purposes of division (B) of this section, 10564
if a person appears to an ordinary observer to be intoxicated, 10565
it is probable cause to ~~believe~~ lawfully arrest that person ~~is 10566
voluntarily intoxicated for purposes of division (B) of this 10567
section~~ so as to permit the person's commitment and treatment 10568
under section 2935.33 and Chapter 3720. of the Revised Code, but 10569
it is not sufficient proof of voluntary intoxication for 10570

purposes of a finding of the person's guilt of a violation of that division. 10571
10572

(2) For purposes of divisions (B) and (D)(1) of this section, a person is "voluntarily intoxicated" if the person consumed alcohol or used a drug of abuse in such quantity that it adversely affected the person's actions or mental process to deprive the person of that clearness of intellect or control over the person's actions that the person otherwise would have had. 10573
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(E) (1) Whoever violates this section is guilty of disorderly conduct. 10580
10581

(2) Except as otherwise provided in divisions (E) (3) and (4) of this section, disorderly conduct is a minor misdemeanor. 10582
10583

(3) Disorderly conduct is a misdemeanor of the fourth degree if ~~any either~~ of the following applies: 10584
10585

(a) The offender persists in disorderly conduct after reasonable warning or request to desist. 10586
10587

(b) The offense is committed in the vicinity of a school or in a school safety zone when the offender knows or has reasonable cause to believe that children are present. 10588
10589
10590

~~(c) The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind.~~ 10591
10592
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10595

~~(d) The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.~~ 10596
10597
10598

(4) If an offender previously has been convicted of or
pleaded guilty to three or more violations of division (B) of
this section, a violation of division (B) of this section is a
misdemeanor of the fourth degree.

~~(F) As used in this section:~~

~~(1) "Emergency medical services person" is the singular of
"emergency medical services personnel" as defined in section
2133.21 of the Revised Code.~~

~~(2) "Emergency facility person" is the singular of
"emergency facility personnel" as defined in section 2909.04 of
the Revised Code.~~

~~(3) "Emergency facility" has the same meaning as in
section 2909.04 of the Revised Code.~~

~~(4) "Committed in the vicinity of a school" has the same
meaning as in section 2925.01 of the Revised Code.~~

Sec. 2917.12. (A) No person, with purpose to prevent or
disrupt a lawful meeting, procession, or gathering, shall do
~~either of the following:~~

~~(1) Do any act which substantially obstructs or
interferes with the due conduct of ~~such~~ the meeting, procession,
or gathering;~~

~~(2) Make any utterance, gesture, or display which outrages
the sensibilities of the group.~~

(B) Whoever violates this section is guilty of disturbing
a lawful meeting, a misdemeanor of the fourth degree.

Sec. 2917.13. (A) No person shall knowingly do any of the
following:

(1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person, engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;

(2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;

(3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

(B) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of the news media representative's duties.

(C) Whoever violates this section is guilty of misconduct at an emergency. ~~Except as otherwise provided in this division, misconduct at an emergency is a misdemeanor of the fourth degree. If a violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is,~~ a misdemeanor of the ~~first~~ second degree.

~~(D) As used in this section:~~

~~(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.~~

~~(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code.~~

~~(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code.~~ 10654
10655

Sec. 2917.21. (A) No person shall knowingly make or cause 10656
to be made a telecommunication, or knowingly permit a 10657
telecommunication to be made from a telecommunications device 10658
under the person's control, to another, if the caller does any 10659
of the following: 10660

(1) Makes the telecommunication with purpose to harass, 10661
intimidate, or abuse any person at the premises to which the 10662
telecommunication is made, whether or not actual communication 10663
takes place between the caller and a recipient; 10664

(2) Describes, suggests, requests, or proposes that the 10665
caller, the recipient of the telecommunication, or any other 10666
person engage in sexual activity, and the recipient or another 10667
person at the premises to which the telecommunication is made 10668
has requested, in a previous telecommunication or in the 10669
immediate telecommunication, that the caller not make a 10670
telecommunication to the recipient or to the premises to which 10671
the telecommunication is made; 10672

(3) During the telecommunication, violates section 2903.21 10673
of the Revised Code; 10674

(4) Knowingly states to the recipient of the 10675
telecommunication that the caller intends to cause damage to or 10676
destroy public or private property, and the recipient, any 10677
member of the recipient's family, or any other person who 10678
resides at the premises to which the telecommunication is made 10679
owns, leases, resides, or works in, will at the time of the 10680
destruction or damaging be near or in, has the responsibility of 10681
protecting, or insures the property that will be destroyed or 10682

damaged; 10683

(5) Knowingly makes the telecommunication to the recipient 10684
of the telecommunication, to another person at the premises to 10685
which the telecommunication is made, or to those premises, and 10686
the recipient or another person at those premises previously has 10687
told the caller not to make a telecommunication to those 10688
premises or to any persons at those premises; 10689

(6) Knowingly makes any comment, request, suggestion, or 10690
proposal to the recipient of the telecommunication that is 10691
threatening, intimidating, menacing, coercive, or obscene with 10692
the intent to abuse, threaten, or harass the recipient; 10693

(7) Without a lawful business purpose, knowingly 10694
interrupts the telecommunication service of any person; 10695

(8) Without a lawful business purpose, knowingly transmits 10696
to any person, regardless of whether the telecommunication is 10697
heard in its entirety, any file, document, or other 10698
communication that prevents that person from using the person's 10699
telephone service or electronic communication device; 10700

(9) Knowingly makes any false statement concerning the 10701
death, injury, illness, disfigurement, reputation, indecent 10702
conduct, or criminal conduct of the recipient of the 10703
telecommunication or family or household member of the recipient 10704
with purpose to abuse, threaten, intimidate, or harass the 10705
recipient; 10706

(10) Knowingly incites another person through a 10707
telecommunication or other means to harass or participate in the 10708
harassment of a person; 10709

(11) Knowingly alarms the recipient by making a 10710
telecommunication without a lawful purpose at an hour or hours 10711

known to be inconvenient to the recipient and in an offensive or
repetitive manner. 10712
10713

(B) (1) No person shall make or cause to be made a 10714
telecommunication, or permit a telecommunication to be made from 10715
a telecommunications device under the person's control, with 10716
purpose to abuse, threaten, or harass another person. 10717

(2) No person shall knowingly post a text or audio 10718
statement or an image on an internet web site or web page for 10719
the purpose of abusing, threatening, or harassing another 10720
person. 10721

(C) (1) Whoever violates this section is guilty of 10722
telecommunications harassment. 10723

(2) A violation of division (A) (1), (2), (3), (5), (6), 10724
(7), (8), (9), (10), or (11) or (B) of this section is a 10725
misdemeanor of the first degree on a first offense and a felony 10726
of the fifth degree on each subsequent offense. 10727

(3) Except as otherwise provided in division (C) (3) of 10728
this section, a violation of division (A) (4) of this section is 10729
a misdemeanor of the first degree on a first offense and a 10730
felony of the fifth degree on each subsequent offense. If a 10731
violation of division (A) (4) of this section results in economic 10732
harm of ~~one two thousand~~ five hundred dollars or more ~~but less~~ 10733
~~than seven thousand five hundred dollars, except as otherwise~~ 10734
provided in this division, telecommunications harassment is a 10735
felony of the fifth degree. If a violation of division (A) (4) of 10736
this section results in economic harm of ~~seven ten thousand five~~ 10737
~~hundred dollars or more but less than one hundred fifty thousand~~ 10738
~~dollars, except as otherwise provided in this division,~~ 10739
telecommunications harassment is a felony of the fourth degree. 10740

If a violation of division (A) (4) of this section results in 10741
economic harm of one hundred ~~fifty~~-thousand dollars or more, 10742
telecommunications harassment is a felony of the third degree. 10743

(D) No cause of action may be asserted in any court of 10744
this state against any provider of a telecommunications service, 10745
interactive computer service ~~as defined in section 230 of Title~~ 10746
~~47 of the United States Code~~, or information service, or against 10747
any officer, employee, or agent of a telecommunication service, 10748
interactive computer service ~~as defined in section 230 of Title~~ 10749
~~47 of the United States Code~~, or information service, for any 10750
injury, death, or loss to person or property that allegedly 10751
arises out of the provider's, officer's, employee's, or agent's 10752
provision of information, facilities, or assistance in 10753
accordance with the terms of a court order that is issued in 10754
relation to the investigation or prosecution of an alleged 10755
violation of this section. A provider of a telecommunications 10756
service, interactive computer service ~~as defined in section 230~~ 10757
~~of Title 47 of the United States Code~~, or information service, 10758
or an officer, employee, or agent of a telecommunications 10759
service, interactive computer service ~~as defined in section 230~~ 10760
~~of Title 47 of the United States Code~~, or information service, 10761
is immune from any civil or criminal liability for injury, 10762
death, or loss to person or property that allegedly arises out 10763
of the provider's, officer's, employee's, or agent's provision 10764
of information, facilities, or assistance in accordance with the 10765
terms of a court order that is issued in relation to the 10766
investigation or prosecution of an alleged violation of this 10767
section. 10768

(E) (1) This section does not apply to a person solely 10769
because the person provided access or connection to or from an 10770
electronic method of remotely transferring information not under 10771

that person's control, including having provided capabilities 10772
that are incidental to providing access or connection to or from 10773
the electronic method of remotely transferring the information, 10774
and that do not include the creation of the content of the 10775
material that is the subject of the access or connection. In 10776
addition, any person providing access or connection to or from 10777
an electronic method of remotely transferring information not 10778
under that person's control shall not be liable for any action 10779
voluntarily taken in good faith to block the receipt or 10780
transmission through its service of any information that the 10781
person believes is, or will be sent, in violation of this 10782
section. 10783

(2) Division (E)(1) of this section does not create an 10784
affirmative duty for any person providing access or connection 10785
to or from an electronic method of remotely transferring 10786
information not under that person's control to block the receipt 10787
or transmission through its service of any information that it 10788
believes is, or will be sent, in violation of this section 10789
except as otherwise provided by law. 10790

(3) Division (E)(1) of this section does not apply to a 10791
person who conspires with a person actively involved in the 10792
creation or knowing distribution of material in violation of 10793
this section or who knowingly advertises the availability of 10794
material of that nature. 10795

(4) A provider or user of an interactive computer service, ~~10796
as defined in section 230 of Title 47 of the United States Code,~~ 10797
shall neither be treated as the publisher or speaker of any 10798
information provided by another information content provider, ~~10799
as defined in section 230 of Title 47 of the United States Code,~~ 10800
nor held civilly or criminally liable for the creation or 10801

development of information provided by another information 10802
content provider, ~~as defined in section 230 of Title 47 of the~~ 10803
~~United States Code.~~ Nothing in this division shall be construed 10804
to protect a person from liability to the extent that the person 10805
developed or created any content in violation of this section. 10806

(F) Divisions (A) (5) to (11) and (B) (2) of this section do 10807
not apply to a person who, while employed or contracted by a 10808
newspaper, magazine, press association, news agency, news wire 10809
service, cable channel or cable operator, or radio or television 10810
station, is gathering, processing, transmitting, compiling, 10811
editing, or disseminating information for the general public 10812
within the scope of the person's employment in that capacity or 10813
the person's contractual authority in that capacity. 10814

(G) ~~As used in this section:~~ 10815

~~(1) "Economic harm" means all direct, incidental, and~~ 10816
~~consequential pecuniary harm suffered by a victim as a result of~~ 10817
~~criminal conduct. "Economic harm" includes, but is not limited~~ 10818
~~to, all of the following:~~ 10819

~~(a) All wages, salaries, or other compensation lost as a~~ 10820
~~result of the criminal conduct;~~ 10821

~~(b) The cost of all wages, salaries, or other compensation~~ 10822
~~paid to employees for time those employees are prevented from~~ 10823
~~working as a result of the criminal conduct;~~ 10824

~~(c) The overhead costs incurred for the time that a~~ 10825
~~business is shut down as a result of the criminal conduct;~~ 10826

~~(d) The loss of value to tangible or intangible property~~ 10827
~~that was damaged as a result of the criminal conduct.~~ 10828

~~(2) "Caller" means the person described in division (A) of~~ 10829

~~this section who makes or causes to be made a telecommunication- 10830
or who permits a telecommunication to be made from a- 10831
telecommunications device under that person's control. 10832~~

~~(3) "Telecommunication" and "telecommunications device" 10833
have the same meanings as in section 2913.01 of the Revised- 10834
Code. 10835~~

~~(4) "Sexual activity" has the same meaning as in section- 10836
2907.01 of the Revised Code. 10837~~

~~(5) "Family or household member" means any of the- 10838
following: 10839~~

~~(a) Any of the following who is residing or has resided- 10840
with the recipient of the telecommunication against whom the act- 10841
prohibited in division (A) (9) of this section is committed: 10842~~

~~(i) A spouse, a person living as a spouse, or a former- 10843
spouse of the recipient; 10844~~

~~(ii) A parent, a foster parent, or a child of the- 10845
recipient, or another person related by consanguinity or- 10846
affinity to the recipient; 10847~~

~~(iii) A parent or a child of a spouse, person living as a- 10848
spouse, or former spouse of the recipient, or another person- 10849
related by consanguinity or affinity to a spouse, person living- 10850
as a spouse, or former spouse of the recipient. 10851~~

~~(b) The natural parent of any child of whom the recipient- 10852
of the telecommunication against whom the act prohibited in- 10853
division (A) (9) of this section is committed is the other- 10854
natural parent or is the putative other natural parent. 10855~~

~~(6) "Person living as a spouse" means a person who is- 10856
living or has lived with the recipient of the telecommunication- 10857~~

~~against whom the act prohibited in division (A) (9) of this~~ 10858
~~section is committed in a common law marital relationship, who~~ 10859
~~otherwise is cohabiting with the recipient, or who otherwise has~~ 10860
~~cohabited with the recipient within five years prior to the date~~ 10861
~~of the alleged commission of the act in question.~~ 10862

~~(7) "Cable operator" has the same meaning as in section~~ 10863
~~1332.21 of the Revised Code.~~ 10864

~~(H)~~ Nothing in this section prohibits a person from making 10865
a telecommunication to a debtor that is in compliance with the 10866
"Fair Debt Collection Practices Act," 91 Stat. 874 (1977), 15 10867
U.S.C. 1692, as amended, or the "Telephone Consumer Protection 10868
Act," 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended. 10869

Sec. 2917.31. (A) No person shall cause the evacuation of 10870
any public place, or otherwise cause serious public 10871
inconvenience or alarm, by doing any of the following: 10872

(1) ~~Initiating~~ Recklessly initiating or circulating a 10873
report or warning of an alleged or impending fire, explosion, 10874
crime, or other catastrophe, knowing that such report or warning 10875
is false; 10876

(2) ~~Threatening~~ Recklessly threatening to commit any 10877
offense of violence; 10878

(3) Committing any offense, with reckless disregard of the 10879
likelihood that its commission will cause serious public 10880
inconvenience or alarm. 10881

(B) ~~Division~~ No person shall do any of the following: 10882

(1) Knowingly cause a false alarm of fire or other 10883
emergency to be transmitted to or within any organization, 10884
public or private, for dealing with emergencies involving a risk 10885

of physical harm to persons or physical damage to property; 10886

(2) Report to any law enforcement agency an alleged 10887
offense or other incident within its concern, knowing that such 10888
offense did not occur; 10889

(3) Initiate or circulate a report or warning of an 10890
alleged or impending fire, explosion, crime, or other 10891
catastrophe, knowing that the report or warning is false and 10892
likely to impede the operation of a critical infrastructure 10893
facility. 10894

(C) Divisions (A) (1) and (B) of this section ~~does~~ do not 10895
apply to any person conducting an authorized fire or emergency 10896
drill. 10897

~~(C) (1)~~ (D) (1) Whoever violates this section is guilty of 10898
inducing panic. 10899

(2) Except as otherwise provided in division ~~(C) (3)~~ (D) (3), 10900
(4), (5), or (6), ~~(7)~~, ~~or~~ (8) of this section, inducing panic is 10901
a misdemeanor of the first degree. 10902

(3) Except as otherwise provided in division ~~(C) (4)~~ (D) (4), 10903
(5), or (6), ~~(7)~~, ~~or~~ (8) of this section, if a violation of 10904
division (A) of this section results in physical harm to any 10905
person, inducing panic is a felony of the ~~fourth~~ fifth degree. 10906

(4) Except as otherwise provided in division ~~(C) (5)~~, (D) (5) 10907
or (6), ~~(7)~~, ~~or~~ (8) of this section, if a violation of this 10908
section results in economic harm, ~~the penalty shall be~~ 10909
~~determined as follows:~~ 10910

~~(a) If the violation results in economic harm of one~~ 10911
~~thousand dollars or more but less than seven~~ of two thousand 10912
~~five hundred dollars and if division~~ ~~(C) (3)~~ (D) (3) of this 10913

section does not apply, inducing panic is a felony of the fifth degree. 10914
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~~(b) If the violation results in economic harm of seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars, inducing panic is a felony of the fourth degree.~~ 10916
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~~(c) If the violation results in economic harm of one hundred fifty thousand dollars or more, inducing panic is a felony of the third degree.~~ 10920
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(5) If the public place involved in a violation of division (A) (1) of this section is a school or an institution of higher education, inducing panic is ~~a felony of the second degree~~ one of the following: 10923
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10925
10926

(a) Except as otherwise provided in division (C) (5) (b) of this section, a misdemeanor of the first degree; 10927
10928

(b) A felony of the fifth degree if both of the following apply: 10929
10930

(i) The offender is not a juvenile who attends the school or institution of higher education involved in the violation; 10931
10932

(ii) Physical harm to persons or physical damage to property resulted from the violation or pecuniary harm resulted from the violation. 10933
10934
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(6) If the violation pertains to a purported, threatened, or actual use of a chemical weapon, biological weapon, or radiological or nuclear weapon of mass destruction, and ~~except as otherwise provided in division (C) (5), (7), or (8) of this section,~~ inducing panic is a felony of the ~~fourth~~ fifth degree. 10936
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~~(7) If the violation pertains to a purported, threatened,~~ 10941

~~or actual use of a weapon of mass destruction, and except as
otherwise provided in division (C) (5) of this section, if a
violation of this section results in physical harm to any
person, inducing panic is a felony of the third degree.~~ 10942
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~~(8) If the violation pertains to a purported, threatened,
or actual use of a weapon of mass destruction, and except as
otherwise provided in division (C) (5) of this section, if a
violation of this section results in economic harm of one
hundred thousand dollars or more, inducing panic is a felony of
the third degree.~~ 10946
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~~(D) (1) (E) (1) It is not a defense to a charge under this
section that pertains to a purported or threatened use of a
chemical weapon, biological weapon, or radiological or nuclear
weapon of mass destruction that the offender did not possess or
have the ability to use a chemical weapon, biological weapon, or
radiological or nuclear weapon of mass destruction or that what
was represented to be a chemical weapon, biological weapon, or
radiological or nuclear weapon of mass destruction was not a
chemical weapon, biological weapon, or radiological or nuclear
weapon of mass destruction.~~ 10952
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(2) Any act that is a violation of this section and any
other section of the Revised Code may be prosecuted under this
section, the other section, or both sections. 10962
10963
10964

~~(E) As used in this section:~~ 10965

~~(1) "Economic harm" means any of the following:~~ 10966

~~(a) All direct, incidental, and consequential pecuniary
harm suffered by a victim as a result of criminal conduct.
"Economic harm" as described in this division includes, but is
not limited to, all of the following:~~ 10967
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10969
10970

- ~~(i) All wages, salaries, or other compensation lost as a result of the criminal conduct;~~ 10971
10972
- ~~(ii) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;~~ 10973
10974
10975
- ~~(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;~~ 10976
10977
- ~~(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.~~ 10978
10979
- ~~(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or section 2917.32 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.~~ 10980
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- ~~(2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.~~ 10987
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10992
- ~~(3) "Weapon of mass destruction" means any of the following:~~ 10993
10994
- ~~(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;~~ 10995
10996
10997
- ~~(b) Any weapon involving a disease organism or biological~~ 10998

agent;	10999
(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;	11000
	11001
(d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:	11002
	11003
	11004
	11005
(i) Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;	11006
	11007
	11008
	11009
(ii) Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (E) (3) (d) (i) of this section and from which an item or device described in that division may be readily assembled.	11010
	11011
	11012
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	11014
(4) "Biological agent" has the same meaning as in section 2917.33 of the Revised Code.	11015
	11016
(5) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.	11017
	11018
(6) "Institution of higher education" means any of the following:	11019
	11020
(a) A state university or college as defined in division (A) (1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college;	11021
	11022
	11023
	11024
(b) A private, nonprofit college, university or other post-secondary institution located in this state that possesses	11025
	11026

~~a certificate of authorization issued by the Ohio board of
regents pursuant to Chapter 1713. of the Revised Code;~~ 11027
11028

~~(c) A post-secondary institution with a certificate of
registration issued by the state board of career colleges and
schools under Chapter 3332. of the Revised Code.~~ 11029
11030
11031

Sec. 2917.33. (A) No person, without privilege to do so, 11032
shall knowingly manufacture, possess, sell, deliver, display, 11033
use, threaten to use, ~~attempt to use, conspire to use,~~ or make 11034
readily accessible to others a hoax chemical weapon, biological 11035
weapon, or radiological or nuclear weapon of mass destruction 11036
with the intent to deceive or otherwise mislead one or more 11037
persons into reasonably believing that the hoax chemical weapon, 11038
biological weapon, or radiological or nuclear weapon of mass 11039
~~destruction~~ will cause terror, bodily harm, or property damage. 11040

(B) ~~This~~ It is an affirmative defense to a charge under 11041
this section does not apply to any that the person charged is a 11042
member or employee of the armed forces of the United States, a 11043
governmental agency of this state, another state, or the United 11044
States, or a private entity, ~~to whom~~ who satisfies all of the 11045
following apply conditions: 11046

(1) The member or employee otherwise is engaged in lawful 11047
activity within the scope of the member's or employee's duties 11048
or employment. 11049

(2) The member or employee otherwise is duly authorized or 11050
licensed to manufacture, possess, sell, deliver, display, or 11051
otherwise engage in activity as described in division (A) of 11052
this section. 11053

(3) The member or employee is in compliance with 11054
applicable federal and state law. 11055

(C) Whoever violates this section is guilty of unlawful possession or use of a hoax chemical weapon, biological weapon, or radiological or nuclear weapon of mass destruction, a felony of the fourth degree.

(D) Any act that is a violation of this section and any other section of the Revised Code may be prosecuted under this section, the other section, or both sections.

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

~~(1) "Hoax weapon of mass destruction" means any device or object that by its design, construction, content, or characteristics appears to be, appears to constitute, or appears to contain, or is represented as being, constituting, or containing, a weapon of mass destruction and to which either of the following applies:~~

~~(a) It is, in fact, an inoperative facsimile, imitation, counterfeit, or representation of a weapon of mass destruction that does not meet the definition of a weapon of mass destruction.~~

~~(b) It does not actually contain or constitute a weapon, biological agent, toxin, vector, or delivery system.~~

~~(2) "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be engineered through biotechnology, or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance, or biological product that may be engineered through biotechnology, capable of causing any of the following:~~

~~(a) Death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;~~

(b) Deterioration of food, water, equipment, supplies, or material of any kind;	11084
	11085
(c) Deleterious alteration of the environment.	11086
(3) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances or a recombinant molecule, whatever its origin or method of reproduction, including, but not limited to, any of the following:	11087
	11088
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	11091
(a) Any poisonous substance or biological product that may be engineered through biotechnology and that is produced by a living organism;	11092
	11093
	11094
(b) Any poisonous isomer or biological product, homolog, or derivative of any substance or product described in division (D)(3)(a) of this section.	11095
	11096
	11097
(4) "Delivery system" means any of the following:	11098
(a) Any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector;	11099
	11100
	11101
(b) Any vector.	11102
(5) "Vector" means a living organism or molecule, including a recombinant molecule or biological product that may be engineered through biotechnology, capable of carrying a biological agent or toxin to a host.	11103
	11104
	11105
	11106
(6) "Weapon of mass destruction" has the same meaning as in section 2917.31 of the Revised Code.	11107
	11108
Sec. 2917.41. (A) No person shall <u>knowingly</u> evade the	11109
payment of the known fares of a public transportation system.	11110

(B) No person shall alter any transfer, pass, ticket, or token of a public transportation system with the purpose of evading the payment of fares or of defrauding the system.

~~(C) No person shall do any of the following while in any facility or on any vehicle of a public transportation system:~~

~~(1) Play sound equipment without the proper use of a private earphone;~~

~~(2) Smoke, eat, or drink in any area where the activity is clearly marked as being prohibited;~~

~~(3) Expectorate upon a person, facility, or vehicle.~~

~~(D)~~ No person shall knowingly write, deface, draw, or otherwise mark on any facility or vehicle of a public transportation system.

~~(E)~~ (D) No person shall knowingly fail to comply with a lawful order of a public transportation system police officer, and no person shall resist, obstruct, or abuse a public transportation police officer in the performance of the officer's duties.

~~(F)~~ (E) Whoever violates this section is guilty of misconduct involving a public transportation system.

(1) ~~Violation~~ A violation of division (A), (B), or ~~(E)~~ (D) of this section is a misdemeanor of the fourth degree.

~~(2) Violation of division (C) of this section is a minor misdemeanor on a first offense. If a person previously has been convicted of or pleaded guilty to a violation of any division of this section or of a municipal ordinance that is substantially similar to any division of this section, violation of division (C) of this section is a misdemeanor of the fourth degree.~~

~~(3) Violation~~ A violation of division ~~(D)~~ (C) of this 11139
section is a misdemeanor of the third degree. 11140

~~(G)~~ (F) Notwithstanding any other provision of law, 11141
seventy-five per cent of each fine paid to satisfy a sentence 11142
imposed for a violation of this section shall be deposited into 11143
the treasury of the county in which the violation occurred and 11144
twenty-five per cent shall be deposited with the county transit 11145
board, regional transit authority, or regional transit 11146
commission that operates the public transportation system 11147
involved in the violation, unless the board of county 11148
commissioners operates the public transportation system, in 11149
which case one hundred per cent of each fine shall be deposited 11150
into the treasury of the county. 11151

~~(H) As used in this section, "public transportation-~~ 11152
~~system" means a county transit system operated in accordance-~~ 11153
~~with sections 306.01 to 306.13 of the Revised Code, a regional-~~ 11154
~~transit authority operated in accordance with sections 306.30 to~~ 11155
~~306.71 of the Revised Code, or a regional transit commission-~~ 11156
~~operated in accordance with sections 306.80 to 306.90 of the~~ 11157
~~Revised Code.~~ 11158

Sec. 2917.47. ~~As used in this section, "infectious agent"-~~ 11159
~~means a microorganism such as a virus, bacterium, or similar-~~ 11160
~~agent that causes disease or death in human beings.~~ 11161

(A) No person shall knowingly possess, send, receive, or 11162
cause to be sent or received an isolate or derivative of an 11163
isolate of an infectious agent, except as permitted by division 11164
(B) of this section. 11165

(B) A person may possess, send, receive, or cause to be 11166
sent or received an isolate or derivative of an isolate of an 11167

infectious agent as permitted by state or federal law, including 11168
for purposes of biomedical or biotechnical research or 11169
production, provision of health care services, or investigation 11170
of disease by public health agencies. 11171

(C) Whoever violates this section is guilty of improperly 11172
handling infectious agents, a felony of the second degree. 11173

Sec. 2919.22. (A) No person, who is the parent, guardian, 11174
custodian, person having custody or control, or person in loco 11175
parentis of a child under eighteen years of age or a mentally or 11176
physically handicapped child under twenty-one years of age, 11177
shall create a substantial risk to the health or safety of the 11178
child, by violating a duty of care, protection, or support. It 11179
is not a violation of a duty of care, protection, or support 11180
under this division when the parent, guardian, custodian, or 11181
person having custody or control of a child treats the physical 11182
or mental illness or defect of the child by spiritual means 11183
through prayer alone, in accordance with the tenets of a 11184
recognized religious body. 11185

(B) No person shall do any of the following to a child 11186
under eighteen years of age or a mentally or physically 11187
handicapped child under twenty-one years of age: 11188

(1) Abuse the child; 11189

(2) Torture or cruelly abuse the child; 11190

(3) Administer corporal punishment or other physical 11191
disciplinary measure, or physically restrain the child in a 11192
cruel manner or for a prolonged period, which punishment, 11193
discipline, or restraint is excessive under the circumstances 11194
and creates a substantial risk of serious physical harm to the 11195
child; 11196

(4) Repeatedly administer unwarranted disciplinary 11197
measures to the child, when there is a substantial risk that 11198
such conduct, if continued, will seriously impair or retard the 11199
child's mental health or development; 11200

(5) Entice, coerce, permit, encourage, compel, hire, 11201
employ, use, or allow the child to act, model, or in any other 11202
way participate in, or be photographed for, the production, 11203
presentation, dissemination, or advertisement of any material or 11204
performance that the offender knows or reasonably should know is 11205
obscene, is sexually oriented matter, or is nudity-oriented 11206
matter; 11207

(6) Allow the child to be on the same parcel of real 11208
property and within one hundred feet of, or, in the case of more 11209
than one housing unit on the same parcel of real property, in 11210
the same housing unit and within one hundred feet of, any act in 11211
violation of section 2925.04 or 2925.041 of the Revised Code 11212
when the person knows that the act is occurring, whether or not 11213
any person is prosecuted for or convicted of the violation of 11214
section 2925.04 or 2925.041 of the Revised Code that is the 11215
basis of the violation of this division. 11216

(C) (1) No person shall operate a vehicle, streetcar, or 11217
trackless trolley within this state in violation of division (A) 11218
of section 4511.19 of the Revised Code when one or more children 11219
under eighteen years of age are in the vehicle, streetcar, or 11220
trackless trolley. Notwithstanding any other provision of law, a 11221
person may be convicted at the same trial or proceeding of a 11222
violation of this division and a violation of division (A) of 11223
section 4511.19 of the Revised Code that constitutes the basis 11224
of the charge of the violation of this division. For purposes of 11225
sections 4511.191 to 4511.197 of the Revised Code and all 11226

related provisions of law, a person arrested for a violation of 11227
this division shall be considered to be under arrest for 11228
operating a vehicle while under the influence of alcohol, a drug 11229
of abuse, or a combination of them or for operating a vehicle 11230
with a prohibited concentration of alcohol, a controlled 11231
substance, or a metabolite of a controlled substance in the 11232
whole blood, blood serum or plasma, breath, or urine. 11233

(2) As used in division (C) (1) of this section: 11234

(a) "Controlled substance" has the same meaning as in 11235
section 3719.01 of the Revised Code. 11236

(b) "Vehicle," "streetcar," and "trackless trolley" have 11237
the same meanings as in section 4511.01 of the Revised Code. 11238

(D) (1) Division (B) (5) of this section does not apply to 11239
any material or performance that is produced, presented, or 11240
disseminated for a bona fide medical, scientific, educational, 11241
religious, governmental, judicial, or other proper purpose, by 11242
or to a physician, psychologist, sociologist, scientist, 11243
teacher, person pursuing bona fide studies or research, 11244
librarian, member of the clergy, prosecutor, judge, or other 11245
person having a proper interest in the material or performance. 11246

(2) Mistake of age is not a defense to a charge under 11247
division (B) (5) of this section. 11248

(3) In a prosecution under division (B) (5) of this 11249
section, the trier of fact may infer that an actor, model, or 11250
participant in the material or performance involved is a 11251
juvenile if the material or performance, through its title, 11252
text, visual representation, or otherwise, represents or depicts 11253
the actor, model, or participant as a juvenile. 11254

(4) As used in this division and division (B) (5) of this 11255

section: 11256

(a) "Material," "performance," "obscene," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code. 11257
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11259

(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest. 11260
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11262
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(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality. 11264
11265
11266

(E)(1) Whoever violates this section is guilty of endangering children. 11267
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(2) If the offender violates division (A) or (B)(1) of this section, endangering children is one of the following, and, in the circumstances described in division (E)(2)(e) of this section, that division applies: 11269
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11271
11272

(a) Except as otherwise provided in division (E)(2)(b), (c), or (d) of this section, a misdemeanor of the first degree; 11273
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(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E)(2)(c) or (d) of this section, a felony of the fourth degree; 11275
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11277
11278
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(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree; 11280
11281
11282

(d) If the violation is a violation of division (B)(1) of 11283

this section and results in serious physical harm to the child 11284
involved, a felony of the second degree. 11285

(e) If the violation is a felony violation of division (B) 11286
(1) of this section and the offender also is convicted of or 11287
pleads guilty to a specification as described in section 11288
2941.1422 of the Revised Code that was included in the 11289
indictment, count in the indictment, or information charging the 11290
offense, the court shall sentence the offender to a mandatory 11291
prison term as provided in division (B) (7) of section 2929.14 of 11292
the Revised Code and shall order the offender to make 11293
restitution as provided in division (B) (8) of section 2929.18 of 11294
the Revised Code. 11295

(3) If the offender violates division (B) (2), (3), (4), or 11296
(6) of this section, except as otherwise provided in this 11297
division, endangering children is a felony of the third degree. 11298
If the violation results in serious physical harm to the child 11299
involved, or if the offender previously has been convicted of an 11300
offense under this section or of any offense involving neglect, 11301
abandonment, contributing to the delinquency of, or physical 11302
abuse of a child, endangering children is a felony of the second 11303
degree. If the offender violates division (B) (2), (3), or (4) of 11304
this section and the offender also is convicted of or pleads 11305
guilty to a specification as described in section 2941.1422 of 11306
the Revised Code that was included in the indictment, count in 11307
the indictment, or information charging the offense, the court 11308
shall sentence the offender to a mandatory prison term as 11309
provided in division (B) (7) of section 2929.14 of the Revised 11310
Code and shall order the offender to make restitution as 11311
provided in division (B) (8) of section 2929.18 of the Revised 11312
Code. If the offender violates division (B) (6) of this section 11313
and the drug involved is methamphetamine, the court shall impose 11314

a mandatory prison term on the offender as follows: 11315

(a) If the violation is a violation of division (B) (6) of 11316
this section that is a felony of the third degree under division 11317
(E) (3) of this section and the drug involved is methamphetamine, 11318
except as otherwise provided in this division, the court shall 11319
impose as a mandatory prison term one of the prison terms 11320
prescribed for a felony of the third degree that is not less 11321
than two years. If the violation is a violation of division (B) 11322
(6) of this section that is a felony of the third degree under 11323
division (E) (3) of this section, if the drug involved is 11324
methamphetamine, and if the offender previously has been 11325
convicted of or pleaded guilty to a violation of division (B) (6) 11326
of this section, a violation of division (A) of section 2925.04 11327
of the Revised Code, or a violation of division (A) of section 11328
2925.041 of the Revised Code, the court shall impose as a 11329
mandatory prison term one of the prison terms prescribed for a 11330
felony of the third degree that is not less than five years. 11331

(b) If the violation is a violation of division (B) (6) of 11332
this section that is a felony of the second degree under 11333
division (E) (3) of this section and the drug involved is 11334
methamphetamine, except as otherwise provided in this division, 11335
the court shall impose as a mandatory prison term one of the 11336
definite prison terms prescribed for a felony of the second 11337
degree in division (A) (2) (b) of section 2929.14 of the Revised 11338
Code that is not less than three years, except that if the 11339
violation is committed on or after the effective date of this 11340
amendment, the court shall impose as the minimum prison term for 11341
the offense a mandatory prison term that is one of the minimum 11342
terms prescribed for a felony of the second degree in division 11343
(A) (2) (a) of that section that is not less than three years. If 11344
the violation is a violation of division (B) (6) of this section 11345

that is a felony of the second degree under division (E) (3) of 11346
this section, if the drug involved is methamphetamine, and if 11347
the offender previously has been convicted of or pleaded guilty 11348
to a violation of division (B) (6) of this section, a violation 11349
of division (A) of section 2925.04 of the Revised Code, or a 11350
violation of division (A) of section 2925.041 of the Revised 11351
Code, the court shall impose as a mandatory prison term one of 11352
the definite prison terms prescribed for a felony of the second 11353
degree in division (A) (2) (b) of section 2929.14 of the Revised 11354
Code that is not less than five years, except that if the 11355
violation is committed on or after ~~the effective date of this~~ 11356
~~amendment~~ March 22, 2019, the court shall impose as the minimum 11357
prison term for the offense a mandatory prison term that is one 11358
of the terms prescribed for a felony of the second degree in 11359
division (A) (2) (a) of that section that is not less than five 11360
years. 11361

(4) If the offender violates division (B) (5) of this 11362
section, endangering children is a felony of the second degree. 11363
If the offender also is convicted of or pleads guilty to a 11364
specification as described in section 2941.1422 of the Revised 11365
Code that was included in the indictment, count in the 11366
indictment, or information charging the offense, the court shall 11367
sentence the offender to a mandatory prison term as provided in 11368
division (B) (7) of section 2929.14 of the Revised Code and shall 11369
order the offender to make restitution as provided in division 11370
(B) (8) of section 2929.18 of the Revised Code. 11371

(5) If the offender violates division (C) of this section, 11372
the offender shall be punished as follows: 11373

(a) Except as otherwise provided in division (E) (5) (b) or 11374
(c) of this section, endangering children in violation of 11375

division (C) of this section is a misdemeanor of the first 11376
degree. 11377

(b) If the violation results in serious physical harm to 11378
the child involved or the offender previously has been convicted 11379
of an offense under this section or any offense involving 11380
neglect, abandonment, contributing to the delinquency of, or 11381
physical abuse of a child, except as otherwise provided in 11382
division (E) (5) (c) of this section, endangering children in 11383
violation of division (C) of this section is a felony of the 11384
fifth degree. 11385

(c) If the violation results in serious physical harm to 11386
the child involved and if the offender previously has been 11387
convicted of a violation of division (C) of this section, 11388
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 11389
of the Revised Code as it existed prior to March 23, 2000, or 11390
section 2903.04 of the Revised Code in a case in which the 11391
offender was subject to the sanctions described in division (D) 11392
of that section, endangering children in violation of division 11393
(C) of this section is a felony of the fourth degree. 11394

(d) In addition to any term of imprisonment, fine, or 11395
other sentence, penalty, or sanction it imposes upon the 11396
offender pursuant to division (E) (5) (a), (b), or (c) of this 11397
section or pursuant to any other provision of law and in 11398
addition to any suspension of the offender's driver's or 11399
commercial driver's license or permit or nonresident operating 11400
privilege under Chapter 4506., 4509., 4510., or 4511. of the 11401
Revised Code or under any other provision of law, the court also 11402
may impose upon the offender a class seven suspension of the 11403
offender's driver's or commercial driver's license or permit or 11404
nonresident operating privilege from the range specified in 11405

division (A) (7) of section 4510.02 of the Revised Code. 11406

(e) In addition to any term of imprisonment, fine, or 11407
other sentence, penalty, or sanction imposed upon the offender 11408
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 11409
or pursuant to any other provision of law for the violation of 11410
division (C) of this section, if as part of the same trial or 11411
proceeding the offender also is convicted of or pleads guilty to 11412
a separate charge charging the violation of division (A) of 11413
section 4511.19 of the Revised Code that was the basis of the 11414
charge of the violation of division (C) of this section, the 11415
offender also shall be sentenced in accordance with section 11416
4511.19 of the Revised Code for that violation of division (A) 11417
of section 4511.19 of the Revised Code. 11418

(F) (1) (a) A court may require an offender to perform not 11419
more than two hundred hours of supervised community service work 11420
under the authority of an agency, subdivision, or charitable 11421
organization. The requirement shall be part of the community 11422
control sanction or sentence of the offender, and the court 11423
shall impose the community service in accordance with and 11424
subject to divisions (F) (1) (a) and (b) of this section. The 11425
court may require an offender whom it requires to perform 11426
supervised community service work as part of the offender's 11427
community control sanction or sentence to pay the court a 11428
reasonable fee to cover the costs of the offender's 11429
participation in the work, including, but not limited to, the 11430
costs of procuring a policy or policies of liability insurance 11431
to cover the period during which the offender will perform the 11432
work. If the court requires the offender to perform supervised 11433
community service work as part of the offender's community 11434
control sanction or sentence, the court shall do so in 11435
accordance with the following limitations and criteria: 11436

(i) The court shall require that the community service work be performed after completion of the term of imprisonment or jail term imposed upon the offender for the violation of division (C) of this section, if applicable.

(ii) The supervised community service work shall be subject to the limitations set forth in divisions (B) (1), (2), and (3) of section 2951.02 of the Revised Code.

(iii) The community service work shall be supervised in the manner described in division (B) (4) of section 2951.02 of the Revised Code by an official or person with the qualifications described in that division. The official or person periodically shall report in writing to the court concerning the conduct of the offender in performing the work.

(iv) The court shall inform the offender in writing that if the offender does not adequately perform, as determined by the court, all of the required community service work, the court may order that the offender be committed to a jail or workhouse for a period of time that does not exceed the term of imprisonment that the court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under the sentence or term that was imposed upon the offender for that violation and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code, and that, if the court orders that the offender be so committed, the court is authorized, but not required, to grant the offender credit upon the period of the commitment for the community service work that the offender adequately performed.

(b) If a court, pursuant to division (F) (1) (a) of this section, orders an offender to perform community service work as part of the offender's community control sanction or sentence and if the offender does not adequately perform all of the required community service work, as determined by the court, the court may order that the offender be committed to a jail or workhouse for a period of time that does not exceed the term of imprisonment that the court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under the sentence or term that was imposed upon the offender for that violation and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code. The court may order that a person committed pursuant to this division shall receive hour-for-hour credit upon the period of the commitment for the community service work that the offender adequately performed. No commitment pursuant to this division shall exceed the period of the term of imprisonment that the sentencing court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under that sentence or term and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code.

(2) Division (F) (1) of this section does not limit or affect the authority of the court to suspend the sentence imposed upon a misdemeanor offender and place the offender under a community control sanction pursuant to section 2929.25 of the

Revised Code, to require a misdemeanor or felony offender to 11498
perform supervised community service work in accordance with 11499
division (B) of section 2951.02 of the Revised Code, or to place 11500
a felony offender under a community control sanction. 11501

(G) (1) If a court suspends an offender's driver's or 11502
commercial driver's license or permit or nonresident operating 11503
privilege under division (E) (5) (d) of this section, the period 11504
of the suspension shall be consecutive to, and commence after, 11505
the period of suspension of the offender's driver's or 11506
commercial driver's license or permit or nonresident operating 11507
privilege that is imposed under Chapter 4506., 4509., 4510., or 11508
4511. of the Revised Code or under any other provision of law in 11509
relation to the violation of division (C) of this section that 11510
is the basis of the suspension under division (E) (5) (d) of this 11511
section or in relation to the violation of division (A) of 11512
section 4511.19 of the Revised Code that is the basis for that 11513
violation of division (C) of this section. 11514

(2) An offender is not entitled to request, and the court 11515
shall not grant to the offender, limited driving privileges if 11516
the offender's license, permit, or privilege has been suspended 11517
under division (E) (5) (d) of this section and the offender, 11518
within the preceding six years, has been convicted of or pleaded 11519
guilty to three or more violations of one or more of the 11520
following: 11521

(a) Division (C) of this section; 11522

(b) Any equivalent offense, as defined in section 4511.181 11523
of the Revised Code. 11524

(H) (1) If a person violates division (C) of this section 11525
and if, at the time of the violation, there were two or more 11526

children under eighteen years of age in the motor vehicle 11527
involved in the violation, the offender may be convicted of a 11528
violation of division (C) of this section for each of the 11529
children, ~~but the court may sentence the offender for only one~~ 11530
~~of the violations.~~ 11531

(2) (a) If a person is convicted of or pleads guilty to a 11532
violation of division (C) of this section but ~~the person is~~ not 11533
also convicted of and does not also plead guilty to a separate 11534
~~charge charging the~~ violation of division (A) of section 4511.19 11535
of the Revised Code that was the basis of the charge of the 11536
violation of division (C) of this section, ~~both of the following~~ 11537
~~apply:~~ 11538

~~(i) For purposes of the provisions of section 4511.19 of~~ 11539
~~the Revised Code that set forth the penalties and sanctions for~~ 11540
~~a violation of division (A) of section 4511.19 of the Revised~~ 11541
~~Code, the conviction of or plea of guilty to the violation of~~ 11542
~~division (C) of this section shall not constitute a violation of~~ 11543
~~division (A) of section 4511.19 of the Revised Code;~~ 11544

~~(ii) For purposes of any provision of law that refers to a~~ 11545
~~conviction of or plea of guilty to a violation of division (A)~~ 11546
~~of section 4511.19 of the Revised Code and that is not described~~ 11547
~~in division (H) (2) (a) (i) of this section, the conviction of or~~ 11548
~~plea of guilty to the violation of division (C) of this section~~ 11549
~~shall constitute a conviction of or plea of guilty to a~~ 11550
~~violation of division (A) of section 4511.19 of the Revised Code~~ 11551
the court shall not sentence the offender under section 4511.19 11552
of the Revised Code for the violation of division (C) of this 11553
section. However, the violation of division (C) of this section 11554
constitutes a violation of division (A) of section 4511.19 of 11555
the Revised Code for purposes of any other provision of law. 11556

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and ~~the person~~ also is convicted of or pleads guilty to a separate ~~charge charging the~~ violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, ~~the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code notwithstanding section 2941.25 of the Revised Code or any other provision of law, the court shall sentence the offender for both violations in accordance with this section and section 4511.19 of the Revised Code and shall determine whether any jail terms or terms of imprisonment shall be served consecutively or concurrently in accordance with Chapter 2929. of the Revised Code. In that circumstance, the violation of division (C) of this section does not constitute a violation of division (A) of section 4511.19 of the Revised Code for purposes of any provision of law.~~

(I) As used in this section: 11578

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code; 11579
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(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code; 11581
11582

(3) "Methamphetamine" has the same meaning as in section 2925.01 of the Revised Code. 11583
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Sec. 2921.01. ~~As~~ (A) Except as otherwise provided in 11585

divisions (B) to (K) of this section, as used in sections 11586
2921.01 to 2921.45 of the Revised Code, this chapter: 11587

~~(A)~~ (1) "Public official" means any elected or appointed 11588
officer, or employee, or agent of the state or any political 11589
subdivision, whether in a temporary or permanent capacity, and 11590
includes, but is not limited to, legislators, judges, and law 11591
enforcement officers. "Public official" does not include an 11592
employee, officer, or governor-appointed member of the board of 11593
directors of the nonprofit corporation formed under section 11594
187.01 of the Revised Code. 11595

~~(B)~~ (2)(a) "Public servant" means, except as provided in 11596
divisions (B) and (I) of this section, any of the following: 11597

~~(1)~~ (i) Any public official; 11598

~~(2)~~ (ii) Any person performing ad hoc a governmental 11599
function, including, but not limited to, a juror, member of a 11600
temporary commission, master, arbitrator, advisor, or 11601
consultant; 11602

~~(3)~~ (iii) A person who is a candidate for public office, 11603
whether or not the person is elected or appointed to the office 11604
for which the person is a candidate. A person is a candidate for 11605
purposes of this division if the person has been nominated 11606
according to law for election or appointment to public office, 11607
or if the person has filed a petition or petitions as required 11608
by law to have the person's name placed on the ballot in a 11609
primary, general, or special election, or if the person 11610
campaigns as a write-in candidate in any primary, general, or 11611
special election. 11612

(b) "Public servant" does not include an employee, 11613
officer, or governor-appointed member of the board of directors 11614

of the nonprofit corporation formed under section 187.01 of the Revised Code. 11615
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~~(C)~~ (3) "Party official" means any person who holds an 11617
elective or appointive post in a political party in the United 11618
States or this state, by virtue of which the person directs, 11619
conducts, or participates in directing or conducting party 11620
affairs at any level of responsibility. 11621

~~(D)~~ (4) "Official proceeding" means any proceeding before a 11622
legislative, judicial, administrative, or other governmental 11623
agency or official authorized to take evidence under oath, and 11624
includes any proceeding before a referee, hearing examiner, 11625
commissioner, notary, or other person taking testimony or a 11626
deposition in connection with an official proceeding. 11627

~~(E)~~ (5) "Detention" means arrest; confinement in any 11628
vehicle subsequent to an arrest; confinement in any public or 11629
private facility for custody of persons charged with or 11630
convicted of crime in this state or another state or under the 11631
laws of the United States or alleged or found to be a delinquent 11632
child or unruly child in this state or another state or under 11633
the laws of the United States; hospitalization, 11634
institutionalization, or confinement in any public or private 11635
facility that is ordered pursuant to or under the authority of 11636
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 11637
or 2945.402 of the Revised Code; confinement in any vehicle for 11638
transportation to or from any facility of any of those natures; 11639
detention for extradition or deportation; except as provided in 11640
this division, supervision by any employee of any facility of 11641
any of those natures that is incidental to hospitalization, 11642
institutionalization, or confinement in the facility but that 11643
occurs outside the facility; supervision by an employee of the 11644

department of rehabilitation and correction of a person on any 11645
type of release from a state correctional institution; or 11646
confinement in any vehicle, airplane, or place while being 11647
returned from outside of this state into this state by a private 11648
person or entity pursuant to a contract entered into under 11649
division (E) of section 311.29 of the Revised Code or division 11650
(B) of section 5149.03 of the Revised Code. For a person 11651
confined in a county jail who participates in a county jail 11652
industry program pursuant to section 5147.30 of the Revised 11653
Code, "detention" includes time spent at an assigned work site 11654
and going to and from the work site. 11655

~~(F)~~ (6) "Detention facility" means any public or private 11656
place used for the confinement of a person charged with or 11657
convicted of any crime in this state or another state or under 11658
the laws of the United States or alleged or found to be a 11659
delinquent child or unruly child in this state or another state 11660
or under the laws of the United States. 11661

~~(G)~~ (7) "Valuable thing or valuable benefit" includes, but 11662
is not limited to, a contribution. This inclusion does not 11663
indicate or imply that a contribution was not included in those 11664
terms before September 17, 1986. 11665

~~(H)~~ (8) "Campaign committee," "contribution," "political 11666
action committee," "legislative campaign fund," "political 11667
party," and "political contributing entity" have the same 11668
meanings as in section 3517.01 of the Revised Code. 11669

~~(I)~~ (9) "Provider agreement" has the same meaning as in 11670
section 5164.01 of the Revised Code. 11671

(10) "Burn injury" means any of the following: 11672

(a) Second or third degree burns; 11673

<u>(b) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;</u>	11674
	11675
<u>(c) Any burn injury or wound that may result in death;</u>	11676
<u>(d) Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by section 3743.01 of the Revised Code.</u>	11677
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	11680
<u>(11) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.</u>	11681
	11682
<u>(12) "Cleric" has the same meaning as in section 2317.02 of the Revised Code.</u>	11683
	11684
<u>(13) "Correctional employee" and "youth services employee" have the same meanings as in section 149.43 of the Revised Code.</u>	11685
	11686
<u>(14) "Dangerous ordnance," "deadly weapon," and "firearm," have the same meanings as in section 2923.11 of the Revised Code.</u>	11687
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<u>(15) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code.</u>	11690
	11691
<u>(16) "Intoxicating liquor" has the same meaning as in section 4301.01 of the Revised Code.</u>	11692
	11693
<u>(17) "Moving violation" has the same meaning as in section 2743.70 of the Revised Code.</u>	11694
	11695
<u>(18) "Nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse.</u>	11696
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<u>(19) Subject to division (J) of this section, "peace officer" and "prosecutor" have the same meanings as in section 2935.01 of the Revised Code.</u>	11698
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(20) "Police officer" has the same meaning as in section 4511.01 of the Revised Code. 11701
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(21) "Public contract" means any of the following: 11703

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either; 11704
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(b) A contract for the design, construction, alteration, repair, or maintenance of any public property. 11710
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(22) "Supervised release detention" means detention that is supervision of a person by an employee of the department of rehabilitation and correction while the person is on any type of release from a state correctional institution, other than transitional control under section 2967.26 of the Revised Code or placement in a community-based correctional facility by the parole board under section 2967.28 of the Revised Code. 11712
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(23) "Theft offense" has same meaning as in division (A) (11) of section 2913.01 of the Revised Code. 11719
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(B) As used in section 2921.02 of the Revised Code, "public servant" also includes a humane society agent approved under section 1717.06 of the Revised Code. 11721
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(C) As used in section 2921.03 of the Revised Code, "witness" means any person who has or claims to have knowledge concerning a fact or facts relative to a criminal or delinquent act, whether or not criminal or delinquent child charges are actually filed. 11724
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<u>(D) As used in sections 2921.05, 2921.29, and 2921.331 of</u>	11729
<u>the Revised Code:</u>	11730
<u>(1) "Physical damage to property" means any tangible or</u>	11731
<u>intangible damage to property that, in any degree, results in</u>	11732
<u>loss to its value or interferes with its use or enjoyment.</u>	11733
<u>Physical damage to property does not include wear and tear</u>	11734
<u>occasioned by normal use.</u>	11735
<u>(2) "Serious physical damage to property" means any</u>	11736
<u>physical damage to property that does either of the following:</u>	11737
<u>(a) Results in substantial loss to the value of the</u>	11738
<u>property or requires a substantial amount of time, effort, or</u>	11739
<u>money to repair or replace;</u>	11740
<u>(b) Temporarily prevents the use or enjoyment of the</u>	11741
<u>property or substantially interferes with its use or enjoyment</u>	11742
<u>for an extended period of time.</u>	11743
<u>(E) As used in section 2921.32 of the Revised Code:</u>	11744
<u>(1) "Act of terrorism" has the same meaning as in section</u>	11745
<u>2909.01 of the Revised Code.</u>	11746
<u>(2) "Adult" and "child" have the same meanings as in</u>	11747
<u>section 2151.011 of the Revised Code.</u>	11748
<u>(3) "Delinquent child" has the same meaning as in section</u>	11749
<u>2152.02 of the Revised Code.</u>	11750
<u>(F) As used in section 2921.321 of the Revised Code:</u>	11751
<u>(1) "Assistance dog," "blind," and "mobility impaired</u>	11752
<u>person" have the same meanings as in section 955.011 of the</u>	11753
<u>Revised Code.</u>	11754
<u>(2) "Physical harm" means any injury, illness, or other</u>	11755

<u>physiological impairment, regardless of its gravity or duration.</u>	11756
<u>(3) "Police animal" means an animal that has been trained,</u>	11757
<u>and may be used, to assist law enforcement officers in the</u>	11758
<u>performance of their official duties.</u>	11759
<u>(4) "Serious physical harm" means any of the following:</u>	11760
<u>(a) Any physical harm that carries a substantial risk of</u>	11761
<u>death;</u>	11762
<u>(b) Any physical harm that causes permanent maiming or</u>	11763
<u>that involves some temporary, substantial maiming;</u>	11764
<u>(c) Any physical harm that causes acute pain of a duration</u>	11765
<u>that results in substantial suffering.</u>	11766
<u>(G) As used in section 2921.41 of the Revised Code:</u>	11767
<u>(1) "Continuing member," "participant account," and</u>	11768
<u>"participating employee" have the same meanings as in section</u>	11769
<u>148.01 of the Revised Code.</u>	11770
<u>(2) "Electing employee" and "provider" have the same</u>	11771
<u>meanings as in section 3305.01 of the Revised Code.</u>	11772
<u>(3) "Government unit" has the same meaning as in section</u>	11773
<u>148.06 of the Revised Code.</u>	11774
<u>(H) As used in section 2921.421 of the Revised Code,</u>	11775
<u>"political subdivision" means a county, a municipal corporation,</u>	11776
<u>or a township that adopts a limited home rule government under</u>	11777
<u>Chapter 504. of the Revised Code.</u>	11778
<u>(I) As used in section 2921.44 of the Revised Code,</u>	11779
<u>"public servant" includes the following:</u>	11780
<u>(1) An officer or employee of a contractor as defined in</u>	11781
<u>section 9.08 of the Revised Code;</u>	11782

(2) A fiscal officer employed by the operator of a community school established under Chapter 3314. of the Revised Code or by the operator of a college-preparatory boarding school established under Chapter 3328. of the Revised Code. 11783
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(J) As used in section 2921.51 of the Revised Code: 11787

(1) "Federal law enforcement officer" means an employee of the United States who serves in a position the duties of which are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses under the criminal laws of the United States. 11788
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(2) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of, or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons. 11793
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(3) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code. 11799
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(4) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, or township constable, who is employed by a political subdivision of this state; a member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code; a member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code; a state university law enforcement officer appointed under section 3345.04 of the Revised Code; a veterans' home police 11802
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officer appointed under section 5907.02 of the Revised Code; a 11812
special police officer employed by a port authority under 11813
section 4582.04 or 4582.28 of the Revised Code; an officer, 11814
agent, or employee of the state or any of its agencies, 11815
instrumentalities, or political subdivisions, upon whom, by 11816
statute, a duty to conserve the peace or to enforce all or 11817
certain laws is imposed and the authority to arrest violators is 11818
conferred, within limits of that statutory duty and authority; 11819
or a state highway patrol trooper whose primary duties are to 11820
preserve the peace, to protect life and property, and to enforce 11821
the laws, ordinances, or rules of the state or any of its 11822
political subdivisions. 11823

(5) "Private police officer" means any security guard, 11824
special police officer, private detective, or other person who 11825
is privately employed in a police capacity. 11826

(K) As used in section 2921.52 of the Revised Code: 11827

(1) "Lawfully issued" means adopted, issued, or rendered 11828
in accordance with the United States constitution, the 11829
constitution of a state, and the applicable statutes, rules, 11830
regulations, and ordinances of the United States, a state, and 11831
the political subdivisions of a state. 11832

(2) "State" means a state of the United States, including 11833
without limitation, the state legislature, the highest court of 11834
the state that has statewide jurisdiction, the offices of all 11835
elected state officers, and all departments, boards, offices, 11836
commissions, agencies, institutions, and other instrumentalities 11837
of the state. "State" does not include the political 11838
subdivisions of the state. 11839

(3) "Political subdivisions" means municipal corporations, 11840

townships, counties, school districts, and all other bodies 11841
corporate and politic that are organized under state law and are 11842
responsible for governmental activities only in geographical 11843
areas smaller than that of a state. 11844

(4) "Sham legal process" means an instrument that meets 11845
all of the following conditions: 11846

(a) It is not lawfully issued. 11847

(b) It purports to do any of the following: 11848

(i) To be a summons, subpoena, judgment, or order of a 11849
court, a law enforcement officer, or a legislative, executive, 11850
or administrative body. 11851

(ii) To assert jurisdiction over or determine the legal or 11852
equitable status, rights, duties, powers, or privileges of any 11853
person or property. 11854

(iii) To require or authorize the search, seizure, 11855
indictment, arrest, trial, or sentencing of any person or 11856
property. 11857

(c) It is designed to make another person believe that it 11858
is lawfully issued. 11859

Sec. 2921.02. (A) No person, with purpose to corrupt a 11860
public servant or party official, or improperly to influence a 11861
public servant or party official with respect to the discharge 11862
of the public servant's or party official's duty, whether before 11863
or after the public servant or party official is elected, 11864
appointed, qualified, employed, summoned, or sworn, shall 11865
promise, offer, or give any valuable thing or valuable benefit. 11866

(B) No person, either before or after the person is 11867
elected, appointed, qualified, employed, summoned, or sworn as a 11868

public servant or party official, shall knowingly solicit or 11869
accept for self or another person any valuable thing or valuable 11870
benefit to corrupt or improperly influence the person or another 11871
public servant or party official with respect to the discharge 11872
of the person's or the other public servant's or party 11873
official's duty. 11874

(C) No person, with purpose to corrupt a witness or 11875
improperly to influence a witness with respect to the witness's 11876
testimony in an official proceeding, either before or after the 11877
witness is subpoenaed or sworn, shall promise, offer, or give 11878
the witness or another person any valuable thing or valuable 11879
benefit. 11880

(D) No person, either before or after the person is 11881
subpoenaed or sworn as a witness, shall knowingly solicit or 11882
accept for self or another person any valuable thing or valuable 11883
benefit to corrupt or improperly influence self or another 11884
person with respect to testimony given in an official 11885
proceeding. 11886

(E) No person, with purpose to corrupt a director, 11887
officer, or employee of a municipal school district 11888
transformation alliance established under section 3311.86 of the 11889
Revised Code, or improperly to influence a director, officer, or 11890
employee of a municipal school district transformation alliance 11891
with respect to the discharge of the director's, officer's, or 11892
employee's duties, whether before or after the director, 11893
officer, or employee is appointed or employed, shall promise, 11894
offer, or give the director, officer, or employee any valuable 11895
thing or valuable benefit. 11896

(F) No person, either before or after the person is 11897
appointed or employed as a director, officer, or employee of a 11898

municipal school district transformation alliance established 11899
under section 3311.86 of the Revised Code, shall knowingly 11900
solicit or accept for self or another person any valuable thing 11901
or valuable benefit to corrupt or improperly influence the 11902
person or another director, officer, or employee of a municipal 11903
school district transformation alliance with respect to the 11904
discharge of the person's or other director's, officer's, or 11905
employee's duties. 11906

~~(G) As used in this section, "public servant" includes a~~ 11907
~~humane society agent approved under section 1717.06 of the~~ 11908
~~Revised Code.~~ 11909

~~(H)~~Whoever violates this section is guilty of bribery, a 11910
felony of the third degree. 11911

~~(I)~~(H) A public servant or party official, or director, 11912
officer, or employee of a municipal school district 11913
transformation alliance established under section 3311.86 of the 11914
Revised Code, who is convicted of bribery is forever 11915
disqualified from holding any public office, employment, or 11916
position of trust in this state. 11917

Sec. 2921.03. (A) No person, shall knowingly and by force, 11918
by unlawful threat of harm to any person or property, or by 11919
filing, recording, or otherwise using a materially false or 11920
fraudulent writing with malicious purpose, in bad faith, or in a 11921
wanton or reckless manner, shall attempt to influence, 11922
intimidate, or hinder a public servant, a party official, or an 11923
attorney or witness involved in a civil or criminal action or 11924
proceeding or delinquent child proceeding in the discharge of 11925
the that person's the duties of the public servant, party 11926
official, attorney, or witness, by any of the following means: 11927

<u>(1) By force;</u>	11928
<u>(2) By unlawful threat of harm to any person or property;</u>	11929
<u>(3) By filing, recording, or using a materially false or fraudulent writing, if the person knew the writing was materially false or fraudulent or was reckless in that regard.</u>	11930 11931 11932
<u>(B) (1) No person shall recklessly intimidate or hinder the victim of a crime or delinquent act in the filing or prosecution of criminal charges or a delinquent child action or proceeding.</u>	11933 11934 11935
<u>(2) No person shall recklessly intimidate a witness to a criminal or delinquent act because the person witnessed that act.</u>	11936 11937 11938
<u>(C) Whoever violates this section is guilty of intimidation⁷. A violation of division (A) of this section is a felony of the third degree. A violation of division (B) of this section is a misdemeanor of the first degree.</u>	11939 11940 11941 11942
<u>(C)(D) Division (B) of this section does not apply to a person who is attempting to resolve or has resolved a dispute pertaining to the alleged commission of a criminal offense, either prior to or subsequent to the filing of a complaint, indictment, or information, by participating in the arbitration, mediation, compromise, settlement, or conciliation of that dispute pursuant to an authorization for arbitration, mediation, compromise, settlement, or conciliation of a dispute of that nature that is conferred by any of the following:</u>	11943 11944 11945 11946 11947 11948 11949 11950 11951
<u>(1) A section of the Revised Code;</u>	11952
<u>(2) The Rules of Criminal Procedure, the Rules of Superintendence for Municipal Courts and County Courts, the Rules of Superintendence for Courts of Common Pleas, or another</u>	11953 11954 11955

rule adopted by the supreme court in accordance with Ohio 11956
Constitution, Article IV, Section 5; 11957

(3) A local rule of court, including, but not limited to, 11958
a local rule of court that relates to alternative dispute 11959
resolution or other case management programs and that authorizes 11960
the referral of disputes pertaining to the alleged commission of 11961
certain types of criminal offenses to appropriate and available 11962
arbitration, mediation, compromise, settlement, or other 11963
conciliation programs; 11964

(4) The order of a judge of a municipal court, county 11965
court, or court of common pleas. 11966

(E) A person who violates division (A) of this section is 11967
liable in a civil action to any person harmed by the violation 11968
for injury, death, or loss to person or property incurred as a 11969
result of the commission of the offense and for reasonable 11970
attorney's fees, court costs, and other expenses incurred as a 11971
result of prosecuting the civil action commenced under this 11972
division. A civil action under this division is not the 11973
exclusive remedy of a person who incurs injury, death, or loss 11974
to person or property as a result of a violation of division (A) 11975
of this section. 11976

Sec. 2921.05. (A) No person, ~~shall purposely and by force~~ 11977
~~or by unlawful threat of harm to any person or property, shall~~ 11978
retaliate against a public servant, a party official, or an 11979
attorney or witness who was involved in a civil or criminal 11980
action or proceeding or a delinquent child proceeding because 11981
the public servant, party official, attorney, or witness 11982
discharged ~~the~~ that person's duties of the public servant, party 11983
official, attorney, or witness, by either of the following 11984
means: 11985

(1) By force or unlawful threat of physical harm to any person or physical damage to property; 11986
11987

(2) By unlawful threat to commit any offense against any person. 11988
11989

(B) No person, ~~shall purposely and by force or by unlawful threat of harm to any person or property,~~ shall retaliate 11990
against the victim of a crime through either of the following 11991
means because the victim filed ~~or prosecuted~~ criminal charges or 11992
assisted with the prosecution of criminal charges: 11993
11994

(1) Through force or unlawful threat of physical harm to any person or physical damage to property; 11995
11996

(2) Through unlawful threat to commit any offense against any person. 11997
11998

(C) Whoever violates this section is guilty of 11999
retaliation, a felony of the third degree. 12000

Sec. 2921.11. (A) No person, in any official proceeding, 12001
shall knowingly make a false statement under oath or 12002
affirmation, or knowingly swear or affirm the truth of a false 12003
statement previously made, when either statement is material. 12004

(B) A falsification is material, regardless of its 12005
admissibility in evidence, if it can affect the course or 12006
outcome of the proceeding. It is no defense to a charge under 12007
this section that the offender mistakenly believed a 12008
falsification to be immaterial. 12009

(C) It is no defense to a charge under this section that 12010
the oath or affirmation was administered or taken in an 12011
irregular manner. 12012

(D) Where contradictory statements relating to the same 12013

material fact are made by the offender under oath or affirmation 12014
and within the period of the statute of limitations for perjury, 12015
it is not necessary for the prosecution to prove which statement 12016
was false, but only that one or the other was false. 12017

~~(E) No person shall be convicted of a violation of this 12018
section where proof of falsity rests solely upon contradiction 12019
by testimony of one person other than the defendant. 12020~~

~~(F) Whoever violates this section is guilty of perjury. 12021
Except as otherwise provided in divisions (E) (1) to (4) of this 12022
section, perjury is a felony of the third degree. 12023~~

(1) Perjury is a felony of the second degree if the 12024
official proceeding was a criminal or delinquent child 12025
proceeding and the most serious charge in that proceeding was 12026
aggravated murder, murder, or a felony of the first degree, or 12027
would be a felony of the first degree if committed by an adult. 12028

(2) Perjury is a felony of the fourth degree if the 12029
official proceeding was a criminal or delinquent child 12030
proceeding and the most serious charge in that proceeding was a 12031
felony of the fourth or fifth degree, an unclassified felony 12032
other than aggravated murder or murder, or a misdemeanor of the 12033
first degree, or would be such a felony or misdemeanor if 12034
committed by an adult. 12035

(3) Perjury is a misdemeanor of the first degree if the 12036
official proceeding was a criminal or delinquent child 12037
proceeding and the most serious charge in that proceeding was a 12038
misdemeanor of the second, third, or fourth degree, or would be 12039
such a misdemeanor if committed by an adult. 12040

(4) Perjury is a misdemeanor of the third degree if the 12041
official proceeding was a criminal or delinquent child 12042

proceeding that involved only a minor misdemeanor or an act that 12043
would be a minor misdemeanor if committed by an adult. 12044

(F)(1) Division (E) of this section applies to a child who 12045
was adjudicated a delinquent child. 12046

(2) For purposes of division (E) of this section, the most 12047
serious charge is the charge carrying the greatest penalty. 12048

Sec. 2921.12. (A) No person, ~~knowing~~ with knowledge that 12049
an official proceeding or investigation is in progress, or is 12050
about to be or likely to be instituted, shall recklessly do any 12051
of the following: 12052

(1) Alter, damage, or destroy, ~~conceal, or remove~~ any 12053
record, document, or thing, with purpose to impair its value or 12054
availability as evidence in such proceeding or investigation; 12055

(2) Conceal or remove any record, document, or thing, with 12056
purpose to impair its value or availability as evidence in such 12057
proceeding or investigation; 12058

(3) Make, present, or use any record, document, or thing, 12059
knowing it to be false and with purpose to mislead a public 12060
official who is or may be engaged in such proceeding or 12061
investigation, or with purpose to corrupt the outcome of any 12062
such proceeding or investigation. 12063

(B) Whoever violates this section is guilty of tampering 12064
with evidence, a felony of the third degree. Except as otherwise 12065
provided in division (B)(1) or (2) of this section, tampering 12066
with evidence in violation of division (A)(1) or (2) of this 12067
section is a felony of the fifth degree. Tampering with evidence 12068
in violation of division (A)(3) of this section is a felony of 12069
the third degree. 12070

(1) Tampering with evidence in violation of division (A) 12071
(1) of this section is a felony of the fourth degree if the 12072
trier of fact finds that, as a result of the violation, the 12073
record, document, or thing was substantially altered or damaged 12074
in a manner that impairs its usefulness as evidence. 12075

(2) Tampering with evidence in violation of division (A) 12076
(1) or (2) of this section is a felony of the third degree if 12077
either of the following applies: 12078

(a) As a result of a violation of division (A) (1) of this 12079
section, the record, document, or thing was destroyed; 12080

(b) As a result of a violation of division (A) (2) of this 12081
section, the record, document, or thing was concealed or removed 12082
in a manner that made the evidence completely unavailable for 12083
use in the investigation or proceeding. 12084

Sec. 2921.13. (A) No person shall knowingly make a false 12085
statement, or knowingly swear or affirm the truth of a false 12086
statement previously made, when any of the following applies: 12087

(1) The statement is made in any official proceeding. 12088

(2) The statement is made with purpose to incriminate 12089
another. 12090

(3) The statement is made with purpose to mislead a public 12091
official in performing the public official's official function. 12092

(4) The statement is made with purpose to secure the 12093
payment of ~~unemployment compensation; Ohio works first;~~ 12094
~~prevention, retention, and contingency benefits and services;~~ 12095
~~disability financial assistance; retirement benefits or health-~~ 12096
~~care coverage from a state retirement system; economic~~ 12097
~~development assistance, as defined in section 9.66 of the~~ 12098

~~Revised Code; or other benefits~~ any benefit administered by a 12099
governmental agency or paid out of a public treasury. 12100

(5) The statement is made with purpose to secure the 12101
issuance by a governmental agency of a license, permit, 12102
authorization, certificate, registration, release, or provider 12103
agreement. 12104

(6) The statement is sworn or affirmed before a notary 12105
public or another person empowered to administer oaths. 12106

(7) The statement is in writing on or in connection with a 12107
report or return that is required or authorized by law, or the 12108
statement is made on an account, form, record, stamp, label, or 12109
other writing required by law. 12110

(8) The statement is in writing and is made with purpose 12111
to induce another to extend credit to or employ the offender, to 12112
confer any degree, diploma, certificate of attainment, award of 12113
excellence, or honor on the offender, or to extend to or bestow 12114
upon the offender any other valuable benefit or distinction, 12115
when the person to whom the statement is directed relies upon it 12116
to that person's detriment. 12117

(9) ~~The statement is made with purpose to commit or~~ 12118
~~facilitate the commission of a theft offense.~~ 12119

~~(10)~~ The statement is knowingly made to a probate court in 12120
connection with any action, proceeding, or other matter within 12121
its jurisdiction, either orally or in a written document, 12122
including, but not limited to, an application, petition, 12123
complaint, or other pleading, or an inventory, account, or 12124
report. 12125

~~(11)~~ ~~The statement is made on an account, form, record,~~ 12126
~~stamp, label, or other writing that is required by law.~~ 12127

~~(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.~~ 12128
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~~(13)~~(10) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record. 12135
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~~(14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a concealed handgun license or is made in an affidavit submitted to a county sheriff to obtain a concealed handgun license on a temporary emergency basis under section 2923.1213 of the Revised Code.~~ 12139
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~~(15)~~(11) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale. 12145
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(12) The statement is, or the person caused another to make a statement of, a false report under division (B) of section 2151.421 of the Revised Code alleging that any person committed an act or omission that resulted in a child being an abused child or a neglected child. 12148
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(13) The statement alleges in a writing directed to a law enforcement agent or agency that a peace officer engaged in misconduct during the performance of the officer's official duties. 12153
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(B) No person, in connection with the purchase of a
firearm, ~~as defined in section 2923.11 of the Revised Code,~~
shall knowingly furnish to the seller of the firearm a
fictitious or altered driver's or commercial driver's license or
permit, a fictitious or altered identification card, or any
other document that contains false information about the
purchaser's identity.

(C) No person, in an attempt to obtain a concealed handgun
license ~~under section 2923.125 of the Revised Code,~~ shall
knowingly ~~present to a sheriff a fictitious or altered document~~
~~that purports to be certification of the person's competence in~~
~~handling a handgun as described in division (B) (3) of that~~
section make any false statement in connection with an
application filed with a county sheriff for such a license
pursuant to section 2923.125 of the Revised Code or in
connection with an affidavit submitted to a county sheriff for
such a license on a temporary emergency basis under section
2923.1213 of the Revised Code.

(D) It is no defense to a charge under division (A) (6) of
this section that the oath or affirmation was administered or
taken in an irregular manner.

(E) If contradictory statements relating to the same fact
are made by the offender within the period of the statute of
limitations for falsification, it is not necessary for the
prosecution to prove which statement was false but only that one
or the other was false.

(F) (1) ~~Whoever~~ Except as otherwise provided in division
(F) (4) of this section, whoever violates division (A) (1), (2),
(3), (4), (5), (6), (7), (8), (10), (11), (13), or (15) of this
section is guilty of falsification. ~~Except as otherwise provided~~

~~in this division, falsification is a~~ misdemeanor of the first 12187
~~degree.~~ 12188

~~(2) Whoever violates division (A) (9) of this section is~~ 12189
~~guilty of falsification in a theft offense. Except as otherwise~~ 12190
~~provided in this division, falsification in a theft offense is a~~ 12191
~~misdemeanor of the first degree. If the value of the property or~~ 12192
~~services stolen is one thousand dollars or more and is less than~~ 12193
~~seven thousand five hundred dollars, falsification in a theft~~ 12194
~~offense is a felony of the fifth degree. If the value of the~~ 12195
~~property or services stolen is seven thousand five hundred~~ 12196
~~dollars or more and is less than one hundred fifty thousand~~ 12197
~~dollars, falsification in a theft offense is a felony of the~~ 12198
~~fourth degree. If the value of the property or services stolen~~ 12199
~~is one hundred fifty thousand dollars or more, falsification in~~ 12200
~~a theft offense is a felony of the third degree.~~ 12201

~~(3) Whoever violates division (A) (12) or (B) of this~~ 12202
~~section is guilty of falsification to purchase a firearm, a~~ 12203
~~felony of the fifth degree.~~ 12204

~~(4) (3) Whoever violates division (A) (14) or (C) of this~~ 12205
~~section is guilty of falsification to obtain a concealed handgun~~ 12206
~~license, a felony of the fourth degree.~~ 12207

~~(5) (4) Whoever violates division (A) of this section in~~ 12208
~~removal proceedings under section 319.26, 321.37, 507.13, or~~ 12209
~~733.78 of the Revised Code is guilty of falsification regarding~~ 12210
~~a removal proceeding, a felony of the third degree.~~ 12211

(G) A person who violates this section is liable in a 12212
civil action to any person harmed by the violation for injury, 12213
death, or loss to person or property incurred as a result of the 12214
commission of the offense and for reasonable attorney's fees, 12215

court costs, and other expenses incurred as a result of 12216
prosecuting the civil action commenced under this division. A 12217
civil action under this division is not the exclusive remedy of 12218
a person who incurs injury, death, or loss to person or property 12219
as a result of a violation of this section. 12220

Sec. 2921.21. (A) No person shall knowingly demand, 12221
accept, or agree to accept anything of value in consideration of 12222
abandoning or agreeing to abandon a pending criminal 12223
prosecution. 12224

(B) It is an affirmative defense to a charge under this 12225
section when ~~both~~all of the following apply: 12226

(1) ~~The pending prosecution involved is for a violation of~~ 12227
~~section 2913.02 or 2913.11, division (B) (2) of section 2913.21,~~ 12228
~~or section 2913.47 of the Revised Code, of which the actor under~~ 12229
~~this section was an offense for which the victim is capable of~~ 12230
receiving restitution. 12231

(2) The thing of value demanded, accepted, or agreed to be 12232
accepted, in consideration of abandoning or agreeing to abandon 12233
the prosecution, did not exceed an amount that the ~~actor~~victim 12234
reasonably believed due ~~him~~the victim as restitution for the 12235
loss caused ~~him~~to the victim by the offense. 12236

(3) The prosecuting attorney assigned to the case was 12237
notified of the pretrial restitution agreement. 12238

(C) When a prosecuting witness abandons or agrees to 12239
abandon a prosecution under division (B) of this section, the 12240
abandonment or agreement in no way binds the state to abandoning 12241
the prosecution. 12242

(D) Whoever violates this section is guilty of compounding 12243
a crime, a misdemeanor of the first degree. 12244

Sec. 2921.23. (A) No person shall negligently fail or 12245
refuse to aid a law enforcement officer, when called upon for 12246
assistance in preventing or halting the commission of an 12247
offense, or in apprehending or detaining an offender, when such 12248
aid can be given without a substantial risk of physical harm to 12249
the person giving it. 12250

(B) No person shall knowingly fail or refuse to aid a law 12251
enforcement officer, when called upon for assistance in 12252
protecting the officer, when the person knows or has reasonable 12253
cause to believe that the officer is in danger of suffering 12254
serious physical harm, when such aid can be given without a 12255
substantial risk of serious physical harm to the person giving 12256
it. 12257

(C) Whoever violates this section is guilty of failure to 12258
aid a law enforcement officer. A violation of division (A) of 12259
this section is a minor misdemeanor. A violation of division (B) 12260
of this section is a misdemeanor of the first degree. 12261

Sec. 2921.24. (A) No officer or employee of a 12262
municipality, of a law enforcement agency or court, or of the 12263
office of the clerk of any court, including a mayor's court, 12264
shall purposely disclose during the pendency of any criminal 12265
case the home address of any peace officer, parole officer, 12266
prosecuting attorney, assistant prosecuting attorney, 12267
correctional employee, or youth services employee who is a 12268
witness or arresting officer in the case. 12269

(B) Division (A) of this section does not prohibit a peace 12270
officer, parole officer, prosecuting attorney, assistant 12271
prosecuting attorney, correctional employee, or youth services 12272
employee from disclosing the peace officer's, parole officer's, 12273
prosecuting attorney's, assistant prosecuting attorney's, 12274

correctional employee's, or youth services employee's own home 12275
address, and does not apply to any person who discloses the home 12276
address of a peace officer, parole officer, prosecuting 12277
attorney, assistant prosecuting attorney, correctional employee, 12278
or youth services employee pursuant to a court-ordered 12279
disclosure under division (C) of this section. 12280

(C) ~~The~~ A judge of a court of record, a mayor presiding 12281
over a mayor's court, or a court in which any criminal case is 12282
pending ~~may shall not~~ order the disclosure of the home address 12283
of any peace officer, parole officer, prosecuting attorney, 12284
assistant prosecuting attorney, correctional employee, or youth 12285
services employee who is a witness or arresting officer in the 12286
case, ~~if unless~~ the judge, mayor, or court determines after a 12287
written request by the defendant for the disclosure that ~~good-~~ 12288
~~cause a compelling interest~~ exists for disclosing the home 12289
address of the peace officer, parole officer, prosecuting 12290
attorney, assistant prosecuting attorney, correctional employee, 12291
or youth services employee. 12292

(D) Whoever violates division (A) of this section is 12293
guilty of disclosure of confidential information, a misdemeanor 12294
of the fourth degree. 12295

~~(E) As used in this section:~~ 12296

~~(1) "Peace officer" has the same meaning as in section~~ 12297
~~2935.01 of the Revised Code.~~ 12298

~~(2) "Correctional employee" and "youth services employee"~~ 12299
~~have the same meanings as in section 149.43 of the Revised Code.~~ 12300

Sec. 2921.26. (A) (1) No person, having knowledge that a 12301
felony was or is being committed, shall knowingly fail to report 12302
such information to law enforcement authorities. 12303

(2) No person who discovers a body shall negligently fail to report the death immediately to law enforcement authorities, the deceased's primary care physician, the deceased's advanced practice registered nurse, an ambulance service, an emergency squad, or the coroner in the political subdivision where the body is discovered. For purposes of this division, "advanced practice registered nurse" does not include a certified registered nurse anesthetist. 12304
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(3) Upon the request of medical or law enforcement authorities, no person who discovers a body or has firsthand knowledge of the circumstances of a death shall fail to provide to such authorities any facts within the person's knowledge that may have bearing on the investigation into the death. 12312
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(B) (1) Nothing in this section requires disclosure of information when the information is privileged by reason of the relationship between any of the following: 12317
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(a) Attorney and client; 12320

(b) Physician and patient; 12321

(c) Advanced practice registered nurse and patient; 12322

(d) Licensed psychologist or licensed school psychologist and client; 12323
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(e) Licensed professional clinical counselor or licensed professional counselor and client; 12325
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(f) Independent social worker or social worker and client; 12327

(g) Independent marriage and family therapist and client; 12328

(h) Spouses. 12329

(2) Nothing in this section requires disclosure of 12330

information when any of the following applies: 12331

(a) The information would tend to incriminate a member of 12332
the actor's immediate family; 12333

(b) Disclosure would reveal a news source privileged under 12334
section 2739.04 or 2739.12 of the Revised Code; 12335

(c) Disclosure would amount to disclosure by a member of 12336
the ordained clergy of an organized religious body of a 12337
confidential communication made to that member in that member's 12338
capacity as a member of the clergy by a person seeking the aid 12339
or counsel of that member, whether or not such aid or counsel is 12340
sought for a religious purpose; 12341

(d) Disclosure would amount to revealing information 12342
acquired by the actor in the course of the actor's duties in 12343
connection with a bona fide program of treatment or services for 12344
drug dependent persons or persons in danger of drug dependence, 12345
which program is maintained or conducted by a hospital, clinic, 12346
person, agency, or community addiction services provider whose 12347
alcohol and drug addiction services are certified under section 12348
5119.36 of the Revised Code; 12349

(e) Disclosure would amount to revealing information 12350
acquired by the actor in the course of the actor's duties in 12351
connection with a bona fide program for providing counseling 12352
services to victims of crimes that are violations of section 12353
2907.02 or 2907.05 of the Revised Code or to victims of 12354
felonious sexual penetration in violation of former section 12355
2907.12 of the Revised Code. For purposes of this division, 12356
"counseling services" include services provided in an informal 12357
setting by a person who, by education or experience, is 12358
competent to provide those services. 12359

(C) Whoever violates this section is guilty of failure to report a crime or death, a misdemeanor of the fourth degree. 12360
12361

(D) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence. 12362
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Sec. 2921.27. (A) Except for conditions that are within the scope of section 2921.28 of the Revised Code, no person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any of the following: 12365
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(1) Any gunshot or stab wound treated or observed by the person giving aid; 12369
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(2) Any serious physical harm to a person that the person giving aid knows or has reasonable cause to believe resulted from an offense of violence. 12371
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(B) (1) No doctor of medicine or osteopathic medicine, hospital intern or resident, nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence shall fail to report that knowledge or belief and the basis for it in the patient's or client's records. 12374
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(2) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege or advanced practice registered nurse-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under division (B) (1) of this section, and the information may be admitted as evidence in accordance with the 12383
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<u>Rules of Evidence.</u>	12389
<u>(C) No disclosure of information pursuant to this section</u>	12390
<u>gives rise to any liability or recrimination for a breach of</u>	12391
<u>privilege or confidence.</u>	12392
<u>(D) Whoever violates this section is guilty of failure to</u>	12393
<u>report a gunshot wound, stab wound, domestic violence, or</u>	12394
<u>serious physical harm, a misdemeanor of the second degree.</u>	12395
Sec. 2921.28. <u>(A) No physician, nurse, physician</u>	12396
<u>assistant, or limited practitioner who, outside a hospital,</u>	12397
<u>sanitarium, or other medical facility, attends or treats a</u>	12398
<u>person who has sustained a burn injury that is inflicted by an</u>	12399
<u>explosion or other incendiary device or that shows evidence of</u>	12400
<u>having been inflicted in a violent, malicious, or criminal</u>	12401
<u>manner shall fail to report the burn injury immediately to the</u>	12402
<u>local arson, or fire and explosion investigation, bureau, if</u>	12403
<u>there is a bureau of this type in the jurisdiction in which the</u>	12404
<u>person is attended or treated, or otherwise to local law</u>	12405
<u>enforcement authorities.</u>	12406
<u>(B) No manager, superintendent, or other person in charge</u>	12407
<u>of a hospital, sanitarium, or other medical facility in which a</u>	12408
<u>person is attended or treated for any burn injury that is</u>	12409
<u>inflicted by an explosion or other incendiary device or that</u>	12410
<u>shows evidence of having been inflicted in a violent, malicious,</u>	12411
<u>or criminal manner shall fail to report the burn injury</u>	12412
<u>immediately to the local arson, or fire and explosion</u>	12413
<u>investigation, bureau, if there is a bureau of this type in the</u>	12414
<u>jurisdiction in which the person is attended or treated, or</u>	12415
<u>otherwise to local law enforcement authorities.</u>	12416
<u>(C) No person who is required to report any burn injury</u>	12417

under this section shall fail to file, within three working days 12418
after attending or treating the victim, a written report of the 12419
burn injury with the office of the state fire marshal. The 12420
report shall comply with the uniform standard developed by the 12421
state fire marshal under division (A) (15) of section 3737.22 of 12422
the Revised Code. 12423

(D) Anyone participating in the making of reports under 12424
this section or anyone participating in a judicial proceeding 12425
resulting from the reports is immune from any civil or criminal 12426
liability that otherwise might be incurred or imposed as a 12427
result of such actions. Notwithstanding section 4731.22 of the 12428
Revised Code, the physician-patient relationship or advanced 12429
practice nurse-patient relationship is not a ground for 12430
excluding evidence regarding a person's burn injury or the cause 12431
of the burn injury in any judicial proceeding resulting from a 12432
report submitted under this section. 12433

(E) No disclosure of information pursuant to this section 12434
gives rise to any liability or recrimination for a breach of 12435
privilege or confidence. 12436

(F) Whoever violates this section is guilty of failure to 12437
report a burn injury. 12438

(1) Whoever negligently violates this section is guilty of 12439
a minor misdemeanor. 12440

(2) Whoever knowingly violates this section is guilty of a 12441
misdemeanor of the second degree. 12442

Sec. 2921.29. (A) No person who is in a public place shall 12443
knowingly refuse to disclose the person's name, or address, or 12444
date of birth, when requested by a law enforcement officer ~~who~~ 12445
reasonably suspects either, if both of the following apply: 12446

(1) The <u>officer reasonably suspects any of the following:</u>	12447
<u>(a) The person is committing, has committed, or is about</u>	12448
to commit a criminal offense.	12449
(2)(b) The person witnessed any of the following:	12450
(a)(i) An offense of violence that would constitute a	12451
felony under the laws of this state;	12452
(b)(ii) A felony offense that causes or results in, or	12453
creates a substantial risk of, serious physical harm to another	12454
person or <u>serious physical damage</u> to property;	12455
(e)(iii) Any attempt or conspiracy to commit, or	12456
complicity in committing, any offense identified in division (A)	12457
(2)(a)(A)(1)(b)(i) or (b)(ii) of this section;	12458
(d)(iv) Any conduct reasonably indicating that any offense	12459
identified in division (A)(2)(a)(A)(1)(b)(i) or (b)(ii) of this	12460
section or any attempt, conspiracy, or complicity described in	12461
division (A)(2)(e)(A)(1)(b)(iii) of this section has been, is	12462
being, or is about to be committed.	12463
<u>(2) The officer has advised the person that disclosure of</u>	12464
<u>the person's name or address is required by law because the</u>	12465
<u>officer reasonably suspects the person of any of the conduct</u>	12466
<u>described in division (A)(1) of this section.</u>	12467
(B) Whoever violates this section is guilty of failure to	12468
disclose one's personal information, a misdemeanor of the fourth	12469
degree.	12470
(C) Nothing in this section requires a person to answer	12471
any questions beyond that person's name, <u>or address,</u> or date of	12472
birth . Nothing in this section authorizes a law enforcement	12473
officer to arrest a person for not providing any information	12474

beyond that person's name, ~~or address, or date of birth~~ or for 12475
refusing to describe the offense observed. 12476

~~(D) It is not a violation of this section to refuse to 12477
answer a question that would reveal a person's age or date of 12478
birth if age is an element of the crime that the person is 12479
suspected of committing. 12480~~

Sec. 2921.31. (A) No person, without privilege to do so 12481
and with purpose to prevent, obstruct, or delay the performance 12482
by a public official of any authorized act within the public 12483
official's official capacity, shall do any act that actually 12484
hampers or impedes a public official in the performance of the 12485
public official's lawful duties. 12486

(B) This section does not apply to a person who prevents, 12487
obstructs, or delays a law enforcement agent investigating a 12488
criminal offense. 12489

(C) Whoever violates this section is guilty of obstructing 12490
official business. Except as otherwise provided in this 12491
division, obstructing official business is a misdemeanor of the 12492
second degree. If a violation of this section creates a risk of 12493
physical harm to any person, obstructing official business is a 12494
felony of the fifth degree. 12495

Sec. 2921.32. (A) No person, ~~with purpose to shall~~ 12496
purposely materially hinder the investigation, discovery, 12497
apprehension, adjudication as a delinquent child, prosecution, 12498
conviction, or punishment of another any person for a crime or 12499
to assist another to benefit from the commission of a crime, and 12500
no person, with purpose to hinder the discovery, apprehension, 12501
prosecution, adjudication as a delinquent child, or disposition 12502
of a child for an act that if committed by an adult would be a 12503

~~crime or to assist a child to benefit from the commission of an~~ 12504
~~act that if committed by an adult would be a crime, shall do~~ 12505
delinquent act by doing any of the following: 12506

(1) ~~Harbor or conceal~~ Harboring or concealing the other 12507
person or child; 12508

(2) ~~Provide the other~~ Providing another person or child 12509
with money, transportation, a weapon, a disguise, or other means 12510
of avoiding discovery or apprehension; 12511

(3) ~~Warn the other~~ Warning another person or child of 12512
impending discovery or apprehension; 12513

(4) ~~Destroy or conceal physical evidence of the crime or~~ 12514
~~act, or induce~~ Inducing any person to withhold testimony or 12515
information or to elude legal process summoning the person to 12516
testify or supply evidence; 12517

(5) ~~Communicate~~ Communicating false information to any 12518
person; 12519

(6) ~~Prevent or obstruct~~ Preventing or obstructing any 12520
person, by means of force, intimidation, or deception, from 12521
performing any act to aid in the investigation, discovery, 12522
apprehension, or prosecution of ~~the other any person or child.~~ 12523

(B) No person, knowing that the person is being detained 12524
for investigative purposes, shall recklessly fail to comply with 12525
a lawful order to remain in a specific location during the 12526
pendency of a lawful stop based on reasonable suspicion for 12527
investigative purposes. 12528

(C) A person may be prosecuted for, and may be convicted 12529
of or adjudicated a delinquent child for committing, a violation 12530
of division (A) of this section regardless of whether the person 12531

or child aided ultimately is apprehended for, is charged with, 12532
is convicted or acquitted of, pleads guilty to, or is 12533
adjudicated a delinquent child for committing the crime or act 12534
the person or child aided committed. ~~The crime or act the person~~ 12535
~~or child aided committed shall be used under division (C) of~~ 12536
~~this section in determining the penalty for the violation of~~ 12537
~~division (A) of this section, regardless of whether the person~~ 12538
~~or child aided ultimately is apprehended for, is charged with,~~ 12539
~~is convicted of, pleads guilty to, or is adjudicated a~~ 12540
~~delinquent child for committing the crime or act the person or~~ 12541
~~child aided committed.~~ 12542

~~(C)(1)(D)~~ Whoever violates this section is guilty of 12543
obstructing justice and shall be punished as provided in 12544
division (D) (1) or (2) of this section. 12545

(1) Obstructing justice in violation of division (A) of 12546
this section is one of the following: 12547

(a) Except as otherwise provided in divisions (D) (1) (b) to 12548
(d) of this section, obstructing justice in violation of 12549
division (A) of this section is a felony of the fifth degree. 12550

(b) Obstructing justice in violation of division (A) of 12551
this section is a felony of the second degree if both of the 12552
following apply: 12553

(i) The crime committed or under investigation was 12554
aggravated murder, murder, or an act of terrorism, or the act 12555
committed by the child aided would be one of those offenses if 12556
committed by an adult; 12557

(ii) The offender knew or reasonably should have known the 12558
crime committed. 12559

(c) Obstructing justice in violation of division (A) of 12560

this section is a felony of the third degree if both of the 12561
following apply: 12562

(i) The crime committed was a felony of the first or 12563
second degree, or the act committed by the child aided would be 12564
one of those offenses if committed by an adult; 12565

(ii) The offender knew or reasonably should have known the 12566
crime committed. 12567

(d) If the crime committed by the person aided is a 12568
misdemeanor, or if the act committed by the child aided would be 12569
a misdemeanor if committed by an adult, obstructing justice in 12570
violation of division (A) of this section is a misdemeanor of 12571
the most serious degree of crime committed by the person aided 12572
or a misdemeanor of the most serious degree that the act 12573
committed by the child aided would be if committed by an adult. 12574

(2) Obstruction of justice in violation of division (B) of 12575
this section is a misdemeanor of the second degree. 12576

~~(2) If the crime committed by the person aided is a~~ 12577
~~misdemeanor or if the act committed by the child aided would be~~ 12578
~~a misdemeanor if committed by an adult, obstructing justice is a~~ 12579
~~misdemeanor of the same degree as the crime committed by the~~ 12580
~~person aided or a misdemeanor of the same degree that the act~~ 12581
~~committed by the child aided would be if committed by an adult.~~ 12582

~~(3) Except as otherwise provided in divisions (C) (4), (5),~~ 12583
~~and (6) of this section, if the crime committed by the person~~ 12584
~~aided is a felony or if the act committed by the child aided~~ 12585
~~would be a felony if committed by an adult, obstructing justice~~ 12586
~~is a felony of the fifth degree.~~ 12587

~~(4) Except as otherwise provided in division (C) (6) of~~ 12588
~~this section, if the crime committed by the person aided is~~ 12589

~~aggravated murder, murder, or a felony of the first or second- 12590
degree or if the act committed by the child aided would be one- 12591
of those offenses if committed by an adult and if the offender- 12592
knows or has reason to believe that the crime committed by the- 12593
person aided is one of those offenses or that the act committed- 12594
by the child aided would be one of those offenses if committed- 12595
by an adult, obstructing justice is a felony of the third- 12596
degree. 12597~~

~~(5) If the crime or act committed by the person or child- 12598
aided is an act of terrorism, obstructing justice is one of the- 12599
following: 12600~~

~~(a) Except as provided in division (C) (5) (b) of this- 12601
section, a felony of the second degree, 12602~~

~~(b) If the act of terrorism resulted in the death of a- 12603
person who was not a participant in the act of terrorism, a- 12604
felony of the first degree. 12605~~

~~(6) If the crime committed by the person is trafficking in- 12606
persons or if the act committed by the child aided would be- 12607
trafficking in persons if committed by an adult, obstructing- 12608
justice is a felony of the second degree. 12609~~

~~(D) As used in this section: 12610~~

~~(1) "Adult" and "child" have the same meanings as in- 12611
section 2151.011 of the Revised Code. 12612~~

~~(2) "Delinquent child" has the same meaning as in section- 12613
2152.02 of the Revised Code. 12614~~

~~(3) "Act of terrorism" has the same meaning as in section- 12615
2909.21 of the Revised Code. 12616~~

Sec. 2921.321. (A) No person shall knowingly cause,~~or~~ 12617

~~attempt to cause,~~ physical harm to a police animal or assistance
dog ~~or horse~~ in ~~either~~ any of the following circumstances: 12618
12619

(1) The police ~~dog or horse~~ animal is assisting a law 12620
enforcement officer in the performance of the officer's official 12621
duties at the time the physical harm is caused ~~or attempted~~. 12622

(2) The police ~~dog or horse~~ animal is not assisting a law 12623
enforcement officer in the performance of the officer's official 12624
duties at the time the physical harm is caused ~~or attempted~~, but 12625
the ~~offender~~ accused has actual knowledge that the ~~dog or horse~~
animal is a police ~~dog or horse~~ animal. 12626
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(3) The assistance dog is assisting the person whom the
dog was trained to assist. 12628
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(4) The assistance dog is not assisting the person whom
the dog was trained to assist, but the accused has actual
knowledge that the dog is an assistance dog. 12630
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(B) No person shall recklessly do any of the following: 12633

(1) ~~Taunt, torment, or strike a police dog or horse;~~ 12634

~~(2) Throw an object or substance at a police dog or horse;~~ 12635

~~(3) Interfere with or obstruct a police dog or horse~~
animal, or interfere with or obstruct a law enforcement officer 12636
who is being assisted by a police ~~dog or horse~~ animal, in a 12637
manner that ~~does any of the following:~~ 12638
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~~(a) Inhibits~~ inhibits or restricts the ~~law enforcement~~
officer's control of the ~~police dog or horse;~~ 12640
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~~(b) Deprives the law enforcement officer of control of the~~
~~police dog or horse;~~ 12642
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~~(c) Releases the police dog or horse from its area of~~ 12644

~~control;~~ 12645

~~(d) Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;~~ 12646
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~~(e) Inhibits or restricts animal or the ability of the police dog or horse animal to assist a law enforcement officer. provide the services for which it was trained;~~ 12649
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~~(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse (2) Interfere with or obstruct an assistance dog in a manner that inhibits or restricts the control of the dog or the ability of the dog to provide the services for which it was trained;~~ 12652
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~~(5) (3) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police animal or assistance dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties providing the services for which it was trained or that the person owner, keeper, or harbinger of the dog knows the animal is a police animal or assistance dog or horse.~~ 12657
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~~(C) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:~~ 12667
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~~(1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.~~ 12670
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~~(2) The dog is not assisting or serving a blind, deaf or~~ 12673

~~hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.~~ 12674
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~~(D) No person shall recklessly do any of the following:~~ 12677

~~(1) Taunt, torment, or strike an assistance dog;~~ 12678

~~(2) Throw an object or substance at an assistance dog;~~ 12679

~~(3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:~~ 12680
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~~(a) Inhibits or restricts the assisted or served person's control of the dog;~~ 12684
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~~(b) Deprives the assisted or served person of control of the dog;~~ 12686
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~~(c) Releases the dog from its area of control;~~ 12688

~~(d) Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;~~ 12689
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~~(e) Inhibits or restricts the ability of the dog to assist the assisted or served person.~~ 12692
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~~(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;~~ 12694
12695

~~(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is~~ 12696
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~~assisting or serving a blind, deaf or hearing impaired, or
mobility impaired person or that the person knows is an
assistance dog.~~ 12701
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~~(E) (1) Whoever violates division (A) of this section is
guilty of assaulting a police animal or assistance dog or horse,
and shall be punished as provided in divisions (E) (1) (a) and (b)
(C) (1) to (3) of this section.~~ 12704
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~~(a) (1) Except as otherwise provided in this division (C)
(2) or (3) of this section, assaulting a police animal or
assistance dog or horse is a misdemeanor of the second degree.
If~~ 12708
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~~(2) If the violation results in the death of the police
animal or assistance dog or horse, assaulting a police animal or
assistance dog or horse is a felony of the third degree and the
court shall impose as a mandatory prison term one of the
definite prison terms prescribed in division (A) (3) (b) of
section 2929.14 of the Revised Code for a felony of the third
degree. If~~ 12712
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~~(3) If the violation results in serious physical harm to
the police animal or assistance dog or horse other than its
death, assaulting a police animal or assistance dog or horse is
a felony of the fourth degree. If the violation results in
physical harm to the police dog or horse other than death or
serious physical harm, assaulting a police dog or horse is a
misdemeanor of the first degree.~~ 12719
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~~(b) In addition to any other sanction imposed for
assaulting a police dog or horse, if the violation of division
(A) of this section results in the death of the police dog or
horse, the sentencing court shall impose as a financial sanction~~ 12726
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~~a mandatory fine under division (B) (10) of section 2929.18 of the Revised Code. The fine shall be paid to the law enforcement agency that was served by the police dog or horse that was killed, and shall be used by that agency only for one or more of the following purposes:~~ 12730
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~~(i) If the dog or horse was not owned by the agency, the payment to the owner of the dog or horse of the cost of the dog or horse and the cost of the training of the dog or horse to qualify it as a police dog or horse, if that cost has not previously been paid by the agency;~~ 12735
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~~(ii) After payment of the costs described in division (E) (1) (b) (i) of this section, if applicable, payment of the cost of replacing the dog or horse that was killed;~~ 12740
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~~(iii) After payment of the costs described in division (E) (1) (b) (i) of this section, if applicable, payment of the cost of training the replacement dog or horse to qualify it as a police dog or horse;~~ 12743
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~~(iv) After payment of the costs described in division (E) (1) (b) (i) of this section, if applicable, payment of the cost of further training of the replacement dog or horse that is needed to train it to the level of training that had been achieved by the dog or horse that was killed.~~ 12747
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12751

~~(2) Whoever violates division (B) of this section is guilty of harassing a police dog or horse. Except as otherwise provided in this division, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse, harassing a police dog or horse is a felony of the third degree. If the violation results in serious physical harm to the police dog or horse, but does~~ 12752
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~~not result in its death, harassing a police dog or horse, is a
felony of the fourth degree. If the violation results in
physical harm to the police dog or horse, but does not result in
its death or in serious physical harm to it, harassing a police
dog or horse is a misdemeanor of the first degree.~~ 12759
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~~(3) Whoever violates division (C) of this section is
guilty of assaulting an assistance dog. Except as otherwise
provided in this division, assaulting an assistance dog is a
misdemeanor of the second degree. If the violation results in
the death of the assistance dog, assaulting an assistance dog is
a felony of the third degree. If the violation results in
serious physical harm to the assistance dog other than its
death, assaulting an assistance dog is a felony of the fourth
degree. If the violation results in physical harm to the
assistance dog other than death or serious physical harm,
assaulting an assistance dog is a misdemeanor of the first
degree.~~ 12764
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~~(4) Whoever violates division (D) of this section is
guilty of harassing an assistance dog. Except as otherwise
provided in this division, harassing an assistance dog is a
misdemeanor of the second degree. If the violation results in
the death of the assistance dog, harassing an assistance dog is
a felony of the third degree. If the violation results in
serious physical harm to the assistance dog, but does not result
in its death, harassing an assistance dog is a felony of the
fourth degree. If the violation results in physical harm to the
assistance dog, but does not result in its death or in serious
physical harm to it, harassing an assistance dog is a
misdemeanor of the first degree.~~ 12776
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~~(5) In addition to any other sanction or penalty imposed~~ 12788

~~for the offense under this section, Chapter 2929., or any other
provision of the Revised Code, whoever violates division (A),
(B), (C), or (D) of this section is responsible for the payment
of all of the following:~~ 12789
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~~(a) Any veterinary bill or bill for medication incurred as
a result of the violation by the police department regarding a
violation of division (A) or (B) of this section or by the
blind, deaf or hearing impaired, or mobility impaired person
assisted or served by the assistance dog regarding a violation
of division (C) or (D) of this section;~~ 12793
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~~(b) The cost of any damaged equipment that results from
the violation;~~ 12799
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~~(c) If the violation did not result in the death of the
police dog or horse or the assistance dog that was the subject
of the violation and if, as a result of that dog or horse being
the subject of the violation, the dog or horse needs further
training or retraining to be able to continue in the capacity of
a police dog or horse or an assistance dog, the cost of any
further training or retraining of that dog or horse by a law
enforcement officer or by the blind, deaf or hearing impaired,
or mobility impaired person assisted or served by the assistance
dog;~~ 12801
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~~(d) If the violation resulted in the death of the
assistance dog that was the subject of the violation or resulted
in serious physical harm to the police dog or horse or the
assistance dog or horse that was the subject of the violation to
the extent that the dog or horse needs to be replaced on either
a temporary or a permanent basis, the cost of replacing that dog
or horse and of any further training of a new police dog or
horse or a new assistance dog by a law enforcement officer or by~~ 12811
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~~the blind, deaf or hearing impaired, or mobility impaired person-~~ 12819
~~assisted or served by the assistance dog, which replacement or-~~ 12820
~~training is required because of the death of or the serious-~~ 12821
~~physical harm to the dog or horse that was the subject of the-~~ 12822
~~violation.~~ 12823

~~(F)~~ (D) This section does not apply to a licensed 12824
veterinarian whose conduct is in accordance with Chapter 4741. 12825
of the Revised Code. 12826

~~(G)~~ (E) This section only applies to an offender who knows 12827
or should know at the time of the violation that the police ~~dog-~~ 12828
~~or horse~~ animal or assistance dog that is the subject of a 12829
violation under this section is a police ~~dog or horse~~ animal or 12830
~~an~~-assistance dog. 12831

~~(H) As used in this section:~~ 12832

~~(1) "Physical harm" means any injury, illness, or other-~~ 12833
~~physiological impairment, regardless of its gravity or duration.~~ 12834

~~(2) "Police dog or horse" means a dog or horse that has-~~ 12835
~~been trained, and may be used, to assist law enforcement-~~ 12836
~~officers in the performance of their official duties.~~ 12837

~~(3) "Serious physical harm" means any of the following:~~ 12838

~~(a) Any physical harm that carries a substantial risk of-~~ 12839
~~death;~~ 12840

~~(b) Any physical harm that causes permanent maiming or-~~ 12841
~~that involves some temporary, substantial maiming;~~ 12842

~~(c) Any physical harm that causes acute pain of a duration-~~ 12843
~~that results in substantial suffering.~~ 12844

~~(4) "Assistance dog," "blind," and "mobility impaired-~~ 12845

~~person" have the same meanings as in section 955.011 of the Revised Code.~~ 12846
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Sec. 2921.33. (A) No person, ~~recklessly or by force,~~ shall knowingly resist or interfere with a lawful arrest of the person or another. 12848
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~~(B) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person and, during the course of or as a result of the resistance or interference, cause physical harm to a law enforcement officer.~~ 12851
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~~(C) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person if either of the following applies:~~ 12855
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~~(1) The offender, during the course of or as a result of the resistance or interference, recklessly causes physical harm to a law enforcement officer by means of a deadly weapon;~~ 12858
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~~(2) The offender, during the course of the resistance or interference, brandishes a deadly weapon.~~ 12861
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~~(D) Whoever violates this section is guilty of resisting arrest and shall be punished as provided in divisions (B) (1) to (4) of this section. A violation of division (A) of this section~~ 12863
12864
12865

(1) Except as otherwise provided in divisions (B) (2) to (4) of this section, resisting arrest is a misdemeanor of the second degree. ~~A violation of division (B) of this section~~ 12866
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(2) Except as otherwise provided in division (B) (3) or (4) of this section, resisting arrest is a misdemeanor of the first degree if the trier of fact finds that during the commission of the violation the offender recklessly caused physical harm to any person. ~~A violation of division (C) of this section~~ 12869
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(3) Except as otherwise provided in division (B) (4) of this section, resisting arrest is a felony of the fourth degree if the trier of fact finds that during the commission of the violation the offender recklessly caused physical harm to any person by means of a deadly weapon. 12874
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(4) Resisting arrest is a felony of the third degree if the trier of fact finds that during the commission of the violation the offender recklessly caused serious physical harm to any person. 12879
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~~(E) As used in this section, "deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.~~ 12883
12884

Sec. 2921.331. (A) No person shall recklessly fail to 12885
comply with any lawful order or direction of any police officer 12886
invested with authority to direct, control, or regulate traffic. 12887

(B) No person shall operate a motor vehicle so as 12888
~~willfully~~ to purposely elude or flee a police officer after 12889
receiving a visible or audible signal from a police officer to 12890
bring the person's motor vehicle to a stop. 12891

(C) (1) Whoever violates this section is guilty of failure 12892
to comply with an order or signal of a police officer. 12893

(2) A violation of division (A) of this section is a 12894
misdemeanor of the first degree. 12895

(3) Except as provided in divisions (C) (4) and (5) of this 12896
section, a violation of division (B) of this section is a 12897
misdemeanor of the first degree. 12898

(4) Except as provided in division (C) (5) of this section, 12899
a violation of division (B) of this section is a felony of the 12900
fourth degree if the ~~jury or judge as~~ trier of fact finds ~~by~~ 12901

~~proof beyond a reasonable doubt~~ that, in committing the offense, 12902
the offender was fleeing immediately after the commission of a 12903
felony. 12904

(5) (a) A violation of division (B) of this section is a 12905
felony of the third degree if the ~~jury or judge as~~ trier of fact 12906
finds any of the following ~~by proof beyond a reasonable doubt~~: 12907

(i) The operation of the motor vehicle by the offender was 12908
a proximate cause of serious physical harm to persons or serious 12909
physical damage to property. 12910

(ii) The operation of the motor vehicle by the offender 12911
caused a substantial risk of serious physical harm to persons or 12912
serious physical damage to property. 12913

(b) If a police officer pursues an offender who is 12914
violating division (B) of this section and division (C) (5) (a) of 12915
this section applies, the sentencing court, in determining the 12916
seriousness of an offender's conduct for purposes of sentencing 12917
the offender for a violation of division (B) of this section, 12918
shall consider, along with the factors set forth in sections 12919
2929.12 and 2929.13 of the Revised Code that are required to be 12920
considered, all of the following: 12921

(i) The duration and distance of the pursuit; 12922

(ii) ~~The distance of the pursuit;~~ 12923

~~(iii)~~ The rate of speed at which the offender operated the 12924
motor vehicle during the pursuit; 12925

~~(iv) Whether the offender failed to stop for traffic~~ 12926
~~lights or stop signs during the pursuit;~~ 12927

~~(v)~~ (iii) The number of traffic lights or stop signs for 12928
which the offender failed to stop during the pursuit, if any; 12929

~~(vi)~~ (iv) Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required; 12930
12931
12932

~~(vii) Whether the offender committed a moving violation during the pursuit;~~ 12933
12934

~~(viii)~~ (v) The number of moving violations the offender committed during the pursuit; 12935
12936

~~(ix)~~ (vi) Any other relevant factors ~~indicating that the offender's conduct is more serious than conduct normally constituting the offense.~~ 12937
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~~(D) If an offender is sentenced pursuant to division (C) (4) or (5) of this section for a violation of division (B) of this section, and if the offender is sentenced to a prison term for that violation, the offender shall serve the prison term consecutively to any other prison term or mandatory prison term imposed upon the offender.~~ 12940
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~~(E) In addition to any other sanction imposed for a felony violation of division (B) of this section, the court shall impose a class two suspension from the range specified in division (A) (2) of section 4510.02 of the Revised Code. In addition to any other sanction imposed for a violation of division (A) of this section or a misdemeanor violation of division (B) of this section, the court shall impose a class five suspension from the range specified in division (A) (5) of section 4510.02 of the Revised Code. If the offender previously has been found guilty of an offense under this section, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in division (A) (1) of that section. The court shall not grant~~ 12946
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~~limited driving privileges to the offender on a suspension-~~ 12959
~~imposed for a felony violation of this section. The court may-~~ 12960
~~grant limited driving privileges to the offender on a suspension-~~ 12961
~~imposed for a misdemeanor violation of this section as set forth-~~ 12962
~~in section 4510.021 of the Revised Code. No judge shall suspend-~~ 12963
~~the first three years of suspension under a class two suspension-~~ 12964
~~of an offender's license, permit, or privilege required by this-~~ 12965
~~division on any portion of the suspension under a class one-~~ 12966
~~suspension of an offender's license, permit, or privilege-~~ 12967
~~required by this division, all of the following apply:~~ 12968

(1) For a felony violation of this section, the court may 12969
impose a license suspension within the range specified for 12970
either a class two or class three license suspension as provided 12971
in section 4510.02 of the Revised Code. 12972

(2) For a misdemeanor violation of this section, the court 12973
may impose a license suspension within the range specified for 12974
either a class five or class six license suspension as provided 12975
in section 4510.02 of the Revised Code. 12976

(3) If the court imposes a class of suspension under this 12977
division, the court shall not suspend the definite period of 12978
suspension of the range provided in section 4510.02 of the 12979
Revised Code for that suspension class. However, the court may 12980
grant limited driving privileges to the offender as provided in 12981
section 4510.221 of the Revised Code and may specify any 12982
reasonable conditions on the exercise of the limited driving 12983
privileges that the court deems appropriate. 12984

~~(F) As used in this section:~~ 12985

~~(1) "Moving violation" has the same meaning as in section-~~ 12986
~~2743.70 of the Revised Code.~~ 12987

~~(2) "Police officer" has the same meaning as in section 4511.01 of the Revised Code.~~ 12988
12989

Sec. 2921.34. (A) (1) No person, knowing the person is 12990
under detention, other than supervised release detention, or 12991
being reckless in that regard, shall purposely break or attempt 12992
to break the detention, or purposely fail to return to 12993
detention, either following temporary leave granted for a 12994
specific purpose or limited period, or at the time required when 12995
serving a sentence in intermittent confinement. 12996

(2) (a) Division (A) (2) (b) of this section applies to any 12997
person who is sentenced to a prison term pursuant to division 12998
(A) (3) or (B) of section 2971.03 of the Revised Code. 12999

(b) No person to whom this division applies, for whom the 13000
requirement that the entire prison term imposed upon the person 13001
pursuant to division (A) (3) or (B) of section 2971.03 of the 13002
Revised Code be served in a state correctional institution has 13003
been modified pursuant to section 2971.05 of the Revised Code, 13004
and who, pursuant to that modification, is restricted to a 13005
geographic area, knowing that the person is under a geographic 13006
restriction or being reckless in that regard, shall purposely 13007
leave the geographic area to which the restriction applies or 13008
purposely fail to return to that geographic area following a 13009
temporary leave granted for a specific purpose or for a limited 13010
period of time. 13011

~~(3) No person, knowing the person is under supervised 13012
release detention or being reckless in that regard, shall 13013
purposely break or attempt to break the supervised release 13014
detention or purposely fail to return to the supervised release 13015
detention, either following temporary leave granted for a 13016
specific purpose or limited period, or at the time required when 13017~~

~~-serving a sentence in intermittent confinement.~~ 13018

(B) Irregularity in bringing about or maintaining 13019
detention, or lack of jurisdiction of the committing or 13020
detaining authority, is not a defense to a charge under this 13021
section if the detention is pursuant to judicial order or in a 13022
detention facility. In the case of any other detention, 13023
irregularity or lack of jurisdiction is an affirmative defense 13024
only if either of the following occurs: 13025

(1) The escape involved no substantial risk of harm to the 13026
person or property of another. 13027

(2) The detaining authority knew or should have known 13028
there was no legal basis or authority for the detention. 13029

(C) Whoever violates this section is guilty of escape. 13030

~~(1) If the offender violates division (A) (1) or (2) of~~ 13031
~~this section, if the offender, at the time of the commission of~~ 13032
~~the offense, was under detention as an alleged or adjudicated~~ 13033
~~delinquent child or unruly child, and if the act for which the~~ 13034
~~offender was under detention would not be a felony if committed~~ 13035
~~by an adult, escape is a misdemeanor of the first degree. Except~~ 13036
~~as otherwise provided in division (C) (4) of this section, escape~~ 13037
~~is a felony of the second degree when the most serious charge~~ 13038
~~for which the person was under detention is aggravated murder,~~ 13039
~~murder, or any other felony of the first or second degree, or is~~ 13040
~~a sentence imposed under section 2971.03 of the Revised Code.~~ 13041

~~(2) If the offender violates division (A) (1) or (2) of~~ 13042
~~this section and if either the offender, at the time of the~~ 13043
~~commission of the offense, was under detention in any other~~ 13044
~~manner or the offender is a person for whom the requirement that~~ 13045
~~the entire prison term imposed upon the person pursuant to~~ 13046

~~division (A) (3) or (B) of section 2971.03 of the Revised Code be- 13047
served in a state correctional institution has been modified- 13048
pursuant to section 2971.05 of the Revised Code, escape is one- 13049
of the following: 13050~~

~~(a) A felony of the second degree, when the most serious- 13051
offense for which the person was under detention or for which- 13052
the person had been sentenced to the prison term under division- 13053
(A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B)- 13054
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code- 13055
is aggravated murder, murder, or a felony of the first or second- 13056
degree or, if the person was under detention as an alleged or- 13057
adjudicated delinquent child, when the most serious act for- 13058
which the person was under detention would be aggravated murder,- 13059
murder, or a felony of the first or second degree if committed- 13060
by an adult; 13061~~

~~(b) A felony of the third degree, when the most serious- 13062
offense for which the person was under detention or for which- 13063
the person had been sentenced to the prison term under division- 13064
(A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B)- 13065
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code- 13066
is a felony of the third, fourth, or fifth degree or an- 13067
unclassified felony or, if the person was under detention as an- 13068
alleged or adjudicated delinquent child, when the most serious- 13069
act for which the person was under detention would be a felony- 13070
of the third, fourth, or fifth degree or an unclassified felony- 13071
if committed by an adult; 13072~~

~~(c) A Except as otherwise provided in division (C) (4) of 13073
this section, escape is a felony of the third degree when the 13074
most serious charge for which the person was under detention is 13075
a felony of the third, fourth, or fifth degree, or an 13076~~

unclassified felony not listed in division (C) (1) of this section. 13077
13078

(3) Except as otherwise provided in division (C) (4) of this section, escape is a felony of the fifth degree, when ~~any~~ either of the following applies: 13079
13080
13081

~~(i)(a)~~ (a) The most serious offense for which the person was under detention is a misdemeanor. 13082
13083

~~(ii)(b)~~ (b) The person was found not guilty by reason of insanity, and the person's detention consisted of hospitalization, institutionalization, or confinement in a facility under an order made pursuant to or under authority of section 2945.40, 2945.401, or 2945.402 of the Revised Code. 13084
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~~(d) A misdemeanor of the first degree, when the most serious offense for which the person was under detention is a misdemeanor and when the person fails to return to detention at a specified time following temporary leave granted for a specific purpose or limited period or at the time required when serving a sentence in intermittent confinement.~~ 13089
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~~(3) If the offender violates division (A) (3) of this section, except as otherwise provided in this division, escape is a felony of the fifth degree. If the offender violates division (A) (3) of this section and if, at the time of the commission of the offense, the most serious offense for which the offender was under supervised release detention was aggravated murder, murder, any other offense for which a sentence of life imprisonment was imposed, or a felony of the first or second degree, escape is a felony of the fourth degree.~~ 13095
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~~(D) As used in this section, "supervised release detention" means detention that is supervision of a person by an~~ 13104
13105

~~employee of the department of rehabilitation and correction- 13106
while the person is on any type of release from a state- 13107
correctional institution, other than transitional control under- 13108
section 2967.26 of the Revised Code or placement in a community- 13109
based correctional facility by the parole board under section- 13110
2967.28 of the Revised Code. 13111~~

(4) Notwithstanding divisions (C) (1), (2), and (3) of this 13112
section, all of the following apply to a person under detention 13113
as a result of being adjudicated a delinquent or unruly child, 13114
and who then violates this section: 13115

(a) Escape is a felony of the third degree if the act for 13116
which the person is under detention would be a felony of the 13117
third degree or higher if committed by an adult, including 13118
aggravated murder or murder, or is a sentence imposed under 13119
section 2971.03 of the Revised Code. 13120

(b) Escape is a felony of the fifth degree if the act for 13121
which the person is under detention would be an unclassified 13122
felony not listed in division (C) (4) (a) of this section, a 13123
felony of the fourth degree, or a felony of the fifth degree if 13124
committed by an adult. 13125

(c) Escape is a misdemeanor of the first degree if the act 13126
for which the person is under detention would be a misdemeanor 13127
if committed by an adult. 13128

Sec. 2921.35. (A) No person, with purpose to promote or 13129
facilitate an escape ~~or resistance to lawful authority~~, shall 13130
convey into a detention facility, or provide anyone confined 13131
therein with any instrument or thing which may be used for such 13132
purposes. 13133

(B) No person who is confined in a detention facility, and 13134

with purpose to promote or facilitate an escape ~~or resistance to~~ 13135
~~lawful authority~~, shall make, procure, conceal, unlawfully 13136
possess, or give to another inmate, any instrument or thing 13137
which may be used for such purposes. 13138

(C) Whoever violates this section is guilty of aiding 13139
~~escape or resistance to lawful authority~~, a felony of the fourth 13140
degree. 13141

Sec. 2921.36. (A) No person shall knowingly convey, ~~or~~ 13142
~~attempt to convey~~, onto the grounds of a detention facility or 13143
of an institution, office building, or other place that is under 13144
the control of the department of mental health and addiction 13145
services, the department of developmental disabilities, the 13146
department of youth services, or the department of 13147
rehabilitation and correction any of the following items: 13148

(1) Any deadly weapon or dangerous ordnance, ~~as defined in~~ 13149
~~section 2923.11 of the Revised Code~~, or any part of or 13150
ammunition for use in such a deadly weapon or dangerous 13151
ordnance; 13152

(2) Any drug of abuse, ~~as defined in section 3719.011 of~~ 13153
~~the Revised Code~~; 13154

(3) Any intoxicating liquor, ~~as defined in section 4301.01~~ 13155
~~of the Revised Code~~, except for small amounts of wine for 13156
sacramental purposes when the person engaging in the specified 13157
conduct is a cleric, ~~as defined in section 2317.02 of the~~ 13158
~~Revised Code~~. 13159

(B) (1) Division (A) of this section does not apply to any 13160
person who conveys ~~or attempts to convey~~ an item onto the 13161
grounds of a detention facility or of an institution, office 13162
building, or other place under the control of the department of 13163

mental health and addiction services, the department of 13164
developmental disabilities, the department of youth services, or 13165
the department of rehabilitation and correction pursuant to the 13166
written authorization of the person in charge of the detention 13167
facility or the institution, office building, or other place and 13168
in accordance with the written rules of the detention facility 13169
or the institution, office building, or other place. 13170

(2) It is an affirmative defense to a charge under 13171
division (A) of this section that the item was conveyed by a 13172
person who was placed under arrest and who conveys the item to 13173
the detention facility as a result of the involuntary transport 13174
of the person under arrest to the facility. 13175

(C) (1) No person shall knowingly deliver, ~~or attempt to~~ 13176
~~deliver,~~ to any person who is confined in a detention facility, 13177
to a child confined in a youth services facility, to a prisoner 13178
who is temporarily released from confinement for a work 13179
assignment, or to any patient in an institution under the 13180
control of the department of mental health and addiction 13181
services or the department of developmental disabilities any 13182
item listed in division (A) (1), (2), or (3) of this section. 13183

(2) No person shall knowingly deliver a tobacco product to 13184
any person who is confined in a detention facility, to a child 13185
confined in a youth services facility, or to a prisoner who is 13186
temporarily released from confinement for a work assignment. 13187

(D) No person shall knowingly deliver, ~~or attempt to~~ 13188
~~deliver,~~ cash to any person who is confined in a detention 13189
facility, to a child confined in a youth services facility, or 13190
to a prisoner who is temporarily released from confinement for a 13191
work assignment. 13192

(E) No person shall knowingly deliver,~~or attempt to~~ deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment a cellular telephone, two-way radio, or other electronic communications device.

(F) (1) It is an affirmative defense to a charge under division (A) (1) of this section that the weapon or dangerous ordnance in question was being transported in a motor vehicle for any lawful purpose, that it was not on the actor's person, and, if the weapon or dangerous ordnance in question was a firearm, that it was unloaded and was being carried in a closed package, box, or case or in a compartment that can be reached only by leaving the vehicle.

(2) It is an affirmative defense to a charge under division (C) of this section that the actor was not otherwise prohibited by law from delivering the item to the confined person, the child, the prisoner, or the patient and that either of the following applies:

(a) The actor was permitted by the written rules of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.

(b) The actor was given written authorization by the person in charge of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.

(G) (1) Whoever violates division (A) (1) of this section or commits a violation of division ~~(C)~~ (C) (1) of this section involving an item listed in division (A) (1) of this section is

guilty of illegal conveyance of weapons onto the grounds of a 13222
specified governmental facility, a felony of the third degree. 13223
~~If the offender is an officer or employee of the department of~~ 13224
~~rehabilitation and correction, the court shall impose a~~ 13225
~~mandatory prison term from the range of definite prison terms~~ 13226
~~prescribed in division (A) (3) (b) of section 2929.14 of the~~ 13227
~~Revised Code for a felony of the third degree.~~ 13228

(2) Whoever violates division (A) (2) of this section or 13229
commits a violation of division ~~(C)~~(C) (1) of this section 13230
involving any drug of abuse is guilty of illegal conveyance of 13231
drugs of abuse onto the grounds of a specified governmental 13232
facility, a felony of the third degree. ~~If the offender is an~~ 13233
~~officer or employee of the department of rehabilitation and~~ 13234
~~correction or of the department of youth services, the court~~ 13235
~~shall impose a mandatory prison term from the range of definite~~ 13236
~~prison terms prescribed in division (A) (3) (b) of section 2929.14~~ 13237
~~of the Revised Code for a felony of the third degree.~~ 13238

(3) Whoever violates division (A) (3) of this section or 13239
commits a violation of division ~~(C)~~(C) (1) or (2) of this section 13240
involving any intoxicating liquor or tobacco product is guilty 13241
of illegal conveyance of intoxicating liquor or tobacco product 13242
onto the grounds of a specified governmental facility, a 13243
misdemeanor of the second degree. 13244

(4) Whoever violates division (D) of this section is 13245
guilty of illegal conveyance of cash onto the grounds of a 13246
detention facility, a misdemeanor of the first degree. If the 13247
offender previously has been convicted of or pleaded guilty to a 13248
violation of division (D) of this section, illegal conveyance of 13249
cash onto the grounds of a detention facility is a felony of the 13250
fifth degree. 13251

(5) Whoever violates division (E) of this section is 13252
guilty of illegal conveyance of a communications device onto the 13253
grounds of a specified governmental facility, a misdemeanor of 13254
the first degree, or if the offender previously has been 13255
convicted of or pleaded guilty to a violation of division (E) of 13256
this section, a felony of the fifth degree. 13257

Sec. 2921.37. The person in charge of a detention facility 13258
shall, on the grounds of the detention facility, have the same 13259
power as a peace officer, ~~as defined in section 2935.01 of the~~ 13260
~~Revised Code,~~ to arrest a person who violates or attempts to 13261
violate section 2921.36 of the Revised Code. 13262

Sec. 2921.38. (A) No person who is confined in a detention 13263
facility, with intent to harass, annoy, threaten, or alarm 13264
another person, shall cause ~~or attempt to cause~~ the other person 13265
to come into contact with blood, semen, urine, feces, or another 13266
bodily substance by throwing the bodily substance at the other 13267
person, by expelling the bodily substance upon the other person, 13268
or in any other manner. 13269

(B) No person, with intent to harass, annoy, threaten, or 13270
alarm a law enforcement officer, shall cause ~~or attempt to cause~~ 13271
the law enforcement officer to come into contact with blood, 13272
semen, urine, feces, or another bodily substance by throwing the 13273
bodily substance at the law enforcement officer, by expelling 13274
the bodily substance upon the law enforcement officer, or in any 13275
other manner. 13276

(C) No person, with knowledge that the person is a carrier 13277
of the virus that causes acquired immunodeficiency syndrome, is 13278
a carrier of a hepatitis virus, or is infected with tuberculosis 13279
and with intent to harass, annoy, threaten, or alarm another 13280
person, shall cause ~~or attempt to cause~~ the other person to come 13281

into contact with blood, semen, urine, feces, or another bodily substance by throwing the bodily substance at the other person, by expelling the bodily substance upon the other person, or in any other manner.

(D) Whoever violates this section is guilty of harassment with a bodily substance. A violation of division (A) or (B) of this section is a felony of the fifth degree. A violation of division (C) of this section is a felony of the third degree.

(E) (1) The court, on request of the prosecutor, or the law enforcement authority responsible for the investigation of the violation, shall cause a person who allegedly has committed a violation of this section to submit to one or more appropriate tests to determine if the person is a carrier of the virus that causes acquired immunodeficiency syndrome, is a carrier of a hepatitis virus, or is infected with tuberculosis.

(2) The court shall charge the offender with the costs of the test or tests ordered under division (E) (1) of this section unless the court determines that the accused is unable to pay, in which case the costs shall be charged to the entity that operates the detention facility in which the alleged offense occurred.

(F) This section does not apply to a person who is hospitalized, institutionalized, or confined in a facility operated by the department of mental health and addiction services or the department of developmental disabilities.

Sec. 2921.41. (A) No public official or party official shall commit any theft offense, as defined in division ~~(K)~~ (A) (11) of section 2913.01 of the Revised Code, when either of the following applies:

(1) The offender uses the offender's office in aid of 13311
committing the offense or permits or assents to its use in aid 13312
of committing the offense; 13313

(2) The property or service involved is owned by this 13314
state, any other state, the United States, a county, a municipal 13315
corporation, a township, or any political subdivision, 13316
department, or agency of any of them, is owned by a political 13317
party, or is part of a political campaign fund. 13318

(B) Whoever violates this section is guilty of theft in 13319
office. Except as otherwise provided in this division, theft in 13320
office is a felony of the fifth degree. ~~If Except as otherwise~~ 13321
~~provided in this division, if~~ the value of property or services 13322
stolen is ~~one two thousand five hundred dollars or more and is~~ 13323
~~less than seven thousand five hundred dollars,~~ theft in office 13324
is a felony of the fourth degree. ~~If Except as otherwise~~ 13325
~~provided in this division, if~~ the value of property or services 13326
stolen is ~~seven ten thousand five hundred dollars or more and~~ 13327
~~is less than one hundred fifty thousand dollars,~~ theft in office 13328
is a felony of the third degree. ~~If Except as otherwise provided~~ 13329
~~in this division, if~~ the value of property or services stolen is 13330
one hundred fifty thousand dollars or more ~~and is less than~~ 13331
~~seven hundred fifty thousand dollars,~~ theft in office is a 13332
felony of the second degree. If the value of property or 13333
services stolen is seven hundred fifty thousand dollars or more, 13334
theft in office is a felony of the first degree. 13335

(C) (1) A public official or party official who pleads 13336
guilty to theft in office and whose plea is accepted by the 13337
court or a public official or party official against whom a 13338
verdict or finding of guilt for committing theft in office is 13339
returned is forever disqualified from holding any public office, 13340

employment, or position of trust in this state. 13341

(2) (a) (i) A court that imposes sentence for a violation of 13342
this section based on conduct described in division (A) (2) of 13343
this section shall require the public official or party official 13344
who is convicted of or pleads guilty to the offense to make 13345
restitution for all of the property or the service that is the 13346
subject of the offense, in addition to the term of imprisonment 13347
and any fine imposed. The total amount of restitution imposed 13348
under this division shall include costs of auditing the public 13349
entities specified in division (A) (2) of this section that own 13350
the property or service involved in the conduct described in 13351
that division that is a violation of this section, but, except 13352
as otherwise provided in a negotiated plea agreement, shall not 13353
exceed the amount of the restitution imposed for all of the 13354
property or the service that is the subject of the offense. 13355

(ii) A court that imposes sentence for a violation of this 13356
section based on conduct described in division (A) (1) of this 13357
section and that determines at trial that this state or a 13358
political subdivision of this state if the offender is a public 13359
official, or a political party in the United States or this 13360
state if the offender is a party official, suffered actual loss 13361
as a result of the offense shall require the offender to make 13362
restitution to the state, political subdivision, or political 13363
party for all of the actual loss experienced, in addition to the 13364
term of imprisonment and any fine imposed. The total amount of 13365
restitution imposed under this division shall include costs of 13366
auditing the state, political subdivision, or political party 13367
that suffered the actual loss based on conduct described in that 13368
division that is a violation of this section, but, except as 13369
otherwise provided in a negotiated plea agreement, shall not 13370
exceed the amount of the restitution imposed for all of the 13371

actual loss suffered. 13372

(b) (i) In any case in which a sentencing court is required 13373
to order restitution under division (C) (2) (a) of this section 13374
and in which the offender, at the time of the commission of the 13375
offense or at any other time, was a member of the public 13376
employees retirement system, the Ohio police and fire pension 13377
fund, the state teachers retirement system, the school employees 13378
retirement system, or the state highway patrol retirement 13379
system; was an electing employee, ~~as defined in section 3305.01~~ 13380
~~of the Revised Code,~~ participating in an alternative retirement 13381
plan provided pursuant to Chapter 3305. of the Revised Code; was 13382
a participating employee or continuing member, ~~as defined in~~ 13383
~~section 148.01 of the Revised Code,~~ in a deferred compensation 13384
program offered by the Ohio public employees deferred 13385
compensation board; was an officer or employee of a municipal 13386
corporation who was a participant in a deferred compensation 13387
program offered by that municipal corporation; was an officer or 13388
employee of a government unit, ~~as defined in section 148.06 of~~ 13389
~~the Revised Code,~~ who was a participant in a deferred 13390
compensation program offered by that government unit, or was a 13391
participating employee, continuing member, or participant in any 13392
deferred compensation program described in this division and a 13393
member of a retirement system specified in this division or a 13394
retirement system of a municipal corporation, the entity to 13395
which restitution is to be made may file a motion with the 13396
sentencing court specifying any retirement system, any provider 13397
~~as defined in section 3305.01 of the Revised Code,~~ and any 13398
deferred compensation program of which the offender was a 13399
member, electing employee, participating employee, continuing 13400
member, or participant and requesting the court to issue an 13401
order requiring the specified retirement system, the specified 13402

provider under the alternative retirement plan, or the specified 13403
deferred compensation program, or, if more than one is specified 13404
in the motion, the applicable combination of these, to withhold 13405
the amount required as restitution from any payment that is to 13406
be made under a pension, annuity, or allowance, under an option 13407
in the alternative retirement plan, under a participant account, 13408
~~as defined in section 148.01 of the Revised Code,~~ or under any 13409
other type of benefit, other than a survivorship benefit, that 13410
has been or is in the future granted to the offender, from any 13411
payment of accumulated employee contributions standing to the 13412
offender's credit with that retirement system, that provider of 13413
the option under the alternative retirement plan, or that 13414
deferred compensation program, or, if more than one is specified 13415
in the motion, the applicable combination of these, and from any 13416
payment of any other amounts to be paid to the offender upon the 13417
offender's withdrawal of the offender's contributions pursuant 13418
to Chapter 145., 148., 742., 3307., 3309., or 5505. of the 13419
Revised Code. A motion described in this division may be filed 13420
at any time subsequent to the conviction of the offender or 13421
entry of a guilty plea. Upon the filing of the motion, the clerk 13422
of the court in which the motion is filed shall notify the 13423
offender, the specified retirement system, the specified 13424
provider under the alternative retirement plan, or the specified 13425
deferred compensation program, or, if more than one is specified 13426
in the motion, the applicable combination of these, in writing, 13427
of all of the following: that the motion was filed; that the 13428
offender will be granted a hearing on the issuance of the 13429
requested order if the offender files a written request for a 13430
hearing with the clerk prior to the expiration of thirty days 13431
after the offender receives the notice; that, if a hearing is 13432
requested, the court will schedule a hearing as soon as possible 13433
and notify the offender, any specified retirement system, any 13434

specified provider under an alternative retirement plan, and any 13435
specified deferred compensation program of the date, time, and 13436
place of the hearing; that, if a hearing is conducted, it will 13437
be limited only to a consideration of whether the offender can 13438
show good cause why the requested order should not be issued; 13439
that, if a hearing is conducted, the court will not issue the 13440
requested order if the court determines, based on evidence 13441
presented at the hearing by the offender, that there is good 13442
cause for the requested order not to be issued; that the court 13443
will issue the requested order if a hearing is not requested or 13444
if a hearing is conducted but the court does not determine, 13445
based on evidence presented at the hearing by the offender, that 13446
there is good cause for the requested order not to be issued; 13447
and that, if the requested order is issued, any retirement 13448
system, any provider under an alternative retirement plan, and 13449
any deferred compensation program specified in the motion will 13450
be required to withhold the amount required as restitution from 13451
payments to the offender. 13452

(ii) In any case in which a sentencing court is required 13453
to order restitution under division (C) (2) (a) of this section 13454
and in which a motion requesting the issuance of a withholding 13455
order as described in division (C) (2) (b) (i) of this section is 13456
filed, the offender may receive a hearing on the motion by 13457
delivering a written request for a hearing to the court prior to 13458
the expiration of thirty days after the offender's receipt of 13459
the notice provided pursuant to division (C) (2) (b) (i) of this 13460
section. If a request for a hearing is made by the offender 13461
within the prescribed time, the court shall schedule a hearing 13462
as soon as possible after the request is made and shall notify 13463
the offender, the specified retirement system, the specified 13464
provider under the alternative retirement plan, or the specified 13465

deferred compensation program, or, if more than one is specified 13466
in the motion, the applicable combination of these, of the date, 13467
time, and place of the hearing. A hearing scheduled under this 13468
division shall be limited to a consideration of whether there is 13469
good cause, based on evidence presented by the offender, for the 13470
requested order not to be issued. If the court determines, based 13471
on evidence presented by the offender, that there is good cause 13472
for the order not to be issued, the court shall deny the motion 13473
and shall not issue the requested order. If the offender does 13474
not request a hearing within the prescribed time or if the court 13475
conducts a hearing but does not determine, based on evidence 13476
presented by the offender, that there is good cause for the 13477
order not to be issued, the court shall order the specified 13478
retirement system, the specified provider under the alternative 13479
retirement plan, or the specified deferred compensation program, 13480
or, if more than one is specified in the motion, the applicable 13481
combination of these, to withhold the amount required as 13482
restitution under division (C) (2) (a) of this section from any 13483
payments to be made under a pension, annuity, or allowance, 13484
under a participant account, as defined in section 148.01 of the 13485
Revised Code, under an option in the alternative retirement 13486
plan, or under any other type of benefit, other than a 13487
survivorship benefit, that has been or is in the future granted 13488
to the offender, from any payment of accumulated employee 13489
contributions standing to the offender's credit with that 13490
retirement system, that provider under the alternative 13491
retirement plan, or that deferred compensation program, or, if 13492
more than one is specified in the motion, the applicable 13493
combination of these, and from any payment of any other amounts 13494
to be paid to the offender upon the offender's withdrawal of the 13495
offender's contributions pursuant to Chapter 145., 148., 742., 13496
3307., 3309., or 5505. of the Revised Code, and to continue the 13497

withholding for that purpose, in accordance with the order, out 13498
of each payment to be made on or after the date of issuance of 13499
the order, until further order of the court. Upon receipt of an 13500
order issued under this division, the public employees 13501
retirement system, the Ohio police and fire pension fund, the 13502
state teachers retirement system, the school employees 13503
retirement system, the state highway patrol retirement system, a 13504
municipal corporation retirement system, the provider under the 13505
alternative retirement plan, and the deferred compensation 13506
program offered by the Ohio public employees deferred 13507
compensation board, a municipal corporation, or a government 13508
unit, as defined in section 148.06 of the Revised Code, 13509
whichever are applicable, shall withhold the amount required as 13510
restitution, in accordance with the order, from any such 13511
payments and immediately shall forward the amount withheld to 13512
the clerk of the court in which the order was issued for payment 13513
to the entity to which restitution is to be made. 13514

(iii) Service of a notice required by division (C) (2) (b) 13515
(i) or (ii) of this section shall be effected in the same manner 13516
as provided in the Rules of Civil Procedure for the service of 13517
process. 13518

(c) Consistent with the ruling of the supreme court of the 13519
United States in Kelly v. Robinson, 479 U.S. 36 (1986), 13520
restitution imposed under division (C) (2) (a) of this section is 13521
not dischargeable under Chapter 7 of the United States 13522
Bankruptcy Code pursuant to 11 U.S.C. 523, as amended. 13523

(D) Upon the filing of charges against a person under this 13524
section, the prosecutor, ~~as defined in section 2935.01 of the~~ 13525
~~Revised Code,~~ who is assigned the case shall send written notice 13526
that charges have been filed against that person to the public 13527

employees retirement system, the Ohio police and fire pension 13528
fund, the state teachers retirement system, the school employees 13529
retirement system, the state highway patrol retirement system, 13530
the provider under an alternative retirement plan, any municipal 13531
corporation retirement system in this state, and the deferred 13532
compensation program offered by the Ohio public employees 13533
deferred compensation board, a municipal corporation, or a 13534
government unit, as defined in section 148.06 of the Revised 13535
Code. The written notice shall specifically identify the person 13536
charged. 13537

Sec. 2921.42. (A) No public official shall knowingly do 13538
any of the following: 13539

(1) Authorize, or employ the authority or influence of the 13540
public official's office to secure authorization of any public 13541
contract in which the public official, a member of the public 13542
official's family, or any of the public official's business 13543
associates has an interest; 13544

(2) Authorize, or employ the authority or influence of the 13545
public official's office to secure the investment of public 13546
funds in any share, bond, mortgage, or other security, with 13547
respect to which the public official, a member of the public 13548
official's family, or any of the public official's business 13549
associates either has an interest, is an underwriter, or 13550
receives any brokerage, origination, or servicing fees; 13551

(3) During the public official's term of office or within 13552
one year thereafter, occupy any position of profit in the 13553
prosecution of a public contract authorized by the public 13554
official or by a legislative body, commission, or board of which 13555
the public official was a member at the time of authorization, 13556
unless the contract was let by competitive bidding to the lowest 13557

and best bidder; 13558

(4) Have an interest in the profits or benefits of a 13559
public contract entered into by or for the use of the political 13560
subdivision or governmental agency or instrumentality with which 13561
the public official is connected; 13562

(5) Have an interest in the profits or benefits of a 13563
public contract that is not let by competitive bidding if 13564
required by law and that involves more than one hundred fifty 13565
dollars. 13566

(B) In the absence of bribery or a purpose to defraud, a 13567
public official, member of a public official's family, or any of 13568
a public official's business associates shall not be considered 13569
as having an interest in a public contract or the investment of 13570
public funds, if all of the following apply: 13571

(1) The interest of that person is limited to owning or 13572
controlling shares of the corporation, or being a creditor of 13573
the corporation or other organization, that is the contractor on 13574
the public contract involved, or that is the issuer of the 13575
security in which public funds are invested; 13576

(2) The shares owned or controlled by that person do not 13577
exceed five per cent of the outstanding shares of the 13578
corporation, and the amount due that person as creditor does not 13579
exceed five per cent of the total indebtedness of the 13580
corporation or other organization; 13581

(3) That person, prior to the time the public contract is 13582
entered into, files with the political subdivision or 13583
governmental agency or instrumentality involved, an affidavit 13584
giving that person's exact status in connection with the 13585
corporation or other organization. 13586

(C) ~~This~~ It is an affirmative defense to a charge under 13587
this section does not that all of the following apply with 13588
respect to a the public contract in question in which a public 13589
official, member of a public official's family, or one of a 13590
public official's business associates has an interest, ~~when all~~ 13591
~~of the following apply:~~ 13592

(1) The subject of the public contract is necessary 13593
supplies or services for the political subdivision or 13594
governmental agency or instrumentality involved; 13595

(2) The supplies or services are unobtainable elsewhere 13596
for the same or lower cost, or are being furnished to the 13597
political subdivision or governmental agency or instrumentality 13598
as part of a continuing course of dealing established prior to 13599
the public official's becoming associated with the political 13600
subdivision or governmental agency or instrumentality involved; 13601

(3) The treatment accorded the political subdivision or 13602
governmental agency or instrumentality is either preferential to 13603
or the same as that accorded other customers or clients in 13604
similar transactions; 13605

(4) The entire transaction is conducted at arm's length, 13606
with full knowledge by the political subdivision or governmental 13607
agency or instrumentality involved, of the interest of the 13608
public official, member of the public official's family, or 13609
business associate, and the public official takes no part in the 13610
deliberations or decision of the political subdivision or 13611
governmental agency or instrumentality with respect to the 13612
public contract. 13613

(D) Division (A) (4) of this section does not prohibit 13614
participation by a public employee in any housing program funded 13615

by public moneys if the public employee otherwise qualifies for 13616
the program and does not use the authority or influence of the 13617
public employee's office or employment to secure benefits from 13618
the program and if the moneys are to be used on the primary 13619
residence of the public employee. Such participation does not 13620
constitute an unlawful interest in a public contract in 13621
violation of this section. 13622

(E) Whoever violates this section is guilty of having an 13623
unlawful interest in a public contract. Violation of division 13624
(A) (1) or (2) of this section is a felony of the fourth degree. 13625
Violation of division (A) (3), (4), or (5) of this section is a 13626
misdemeanor of the first degree. 13627

(F) It is not a violation of this section for a 13628
prosecuting attorney to appoint assistants and employees in 13629
accordance with sections 309.06 and 2921.421 of the Revised 13630
Code, for a chief legal officer of a municipal corporation or an 13631
official designated as prosecutor in a municipal corporation to 13632
appoint assistants and employees in accordance with sections 13633
733.621 and 2921.421 of the Revised Code, or for a township law 13634
director appointed under section 504.15 of the Revised Code to 13635
appoint assistants and employees in accordance with sections 13636
504.151 and 2921.421 of the Revised Code. 13637

(G) ~~This~~ It is an affirmative defense to a charge under 13638
this section does not that all of the following apply with 13639
respect to a the public contract in question in which a township 13640
trustee in a township with a population of five thousand or less 13641
in its unincorporated area, a member of the township trustee's 13642
family, or one of the township trustee's business associates has 13643
an interest, ~~if all of the following apply:~~ 13644

(1) The subject of the public contract is necessary 13645

supplies or services for the township and the amount of the 13646
contract is less than five thousand dollars per year; 13647

(2) The supplies or services are being furnished to the 13648
township as part of a continuing course of dealing established 13649
before the township trustee held that office with the township; 13650

(3) The treatment accorded the township is either 13651
preferential to or the same as that accorded other customers or 13652
clients in similar transactions; 13653

(4) The entire transaction is conducted with full 13654
knowledge by the township of the interest of the township 13655
trustee, member of the township trustee's family, or the 13656
township trustee's business associate. 13657

(H) Any public contract in which a public official, a 13658
member of the public official's family, or any of the public 13659
official's business associates has an interest in violation of 13660
this section is void and unenforceable. Any contract securing 13661
the investment of public funds in which a public official, a 13662
member of the public official's family, or any of the public 13663
official's business associates has an interest, is an 13664
underwriter, or receives any brokerage, origination, or 13665
servicing fees and that was entered into in violation of this 13666
section is void and unenforceable. 13667

~~(I) As used in this section:~~ 13668

~~(1) "Public contract" means any of the following:~~ 13669

~~(a) The purchase or acquisition, or a contract for the 13670
purchase or acquisition, of property or services by or for the 13671
use of the state, any of its political subdivisions, or any 13672
agency or instrumentality of either, including the employment of 13673
an individual by the state, any of its political subdivisions,~~ 13674

~~or any agency or instrumentality of either,~~ 13675

~~(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.~~ 13676
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~~(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.~~ 13678
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Sec. 2921.421. (A) ~~As used in this section:~~ 13680

~~(1) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.~~ 13681
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~~(2) "Political subdivision" means a county, a municipal corporation, or a township that adopts a limited home rule government under Chapter 504. of the Revised Code.~~ 13683
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~~(B)~~ A prosecuting attorney may appoint assistants and employees, except a member of the family of the prosecuting attorney, in accordance with division (B) of section 309.06 of the Revised Code, a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation may appoint assistants and employees, except a member of the family of the chief legal officer or official designated as prosecutor, in accordance with section 733.621 of the Revised Code, and a township law director appointed under section 504.15 of the Revised Code may appoint assistants and employees, except a member of the family of the township law director, in accordance with section 504.151 of the Revised Code, if all of the following apply: 13686
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(1) The services to be furnished by the appointee or employee are necessary services for the political subdivision or are authorized by the legislative authority, governing board, or other contracting authority of the political subdivision. 13699
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(2) The treatment accorded the political subdivision is 13703
either preferential to or the same as that accorded other 13704
clients or customers of the appointee or employee in similar 13705
transactions, or the legislative authority, governing board, or 13706
other contracting authority of the political subdivision, in its 13707
sole discretion, determines that the compensation and other 13708
terms of appointment or employment of the appointee or employee 13709
are fair and reasonable to the political subdivision. 13710

(3) The appointment or employment is made after prior 13711
written disclosure to the legislative authority, governing 13712
board, or other contracting authority of the political 13713
subdivision of the business relationship between the prosecuting 13714
attorney, the chief legal officer or official designated as 13715
prosecutor in a municipal corporation, or the township law 13716
director and the appointee or employee thereof. In the case of a 13717
municipal corporation, the disclosure may be made or evidenced 13718
in an ordinance, resolution, or other document that does either 13719
or both of the following: 13720

(a) Authorizes the furnishing of services as required 13721
under division ~~(B)(1)~~(A)(1) of this section; 13722

(b) Determines that the compensation and other terms of 13723
appointment or employment of the appointee or employee are fair 13724
and reasonable to the political subdivision as required under 13725
division ~~(B)(2)~~(A)(2) of this section. 13726

(4) The prosecuting attorney, the elected chief legal 13727
officer, or the township law director does not receive any 13728
distributive share or other portion, in whole or in part, of the 13729
earnings of the business associate, partner, or employee paid by 13730
the political subdivision to the business associate, partner, or 13731
employee for services rendered for the political subdivision. 13732

~~(C)~~ (B) It is not a violation of this section or of section 13733
102.03 or 2921.42 of the Revised Code for the legislative 13734
authority, the governing board, or other contracting authority 13735
of a political subdivision to engage the services of any firm 13736
that practices the profession of law upon the terms approved by 13737
the legislative authority, the governing board, or the 13738
contracting authority, or to designate any partner, officer, or 13739
employee of that firm as a nonelected public official or 13740
employee of the political subdivision, whether the public office 13741
or position of employment is created by statute, charter, 13742
ordinance, resolution, or other legislative or administrative 13743
action. 13744

Sec. 2921.44. (A) No law enforcement officer shall 13745
negligently do any of the following: 13746

(1) Fail to serve a lawful warrant without delay; 13747

(2) Fail to prevent or halt the commission of an offense 13748
or to apprehend an offender, when it is in the law enforcement 13749
officer's power to do so alone or with available assistance. 13750

(B) No law enforcement, ministerial, or judicial officer 13751
shall negligently fail to perform a lawful duty in a criminal 13752
case or proceeding. 13753

(C) No officer, having ~~charge~~ supervisory control of a 13754
detention facility, shall negligently do any of the following: 13755

(1) ~~Allow~~ Fail to keep the detention facility ~~to become~~
~~littered or unsanitary~~ clean and sanitary; 13756
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(2) Fail to provide persons confined in the detention 13758
facility with adequate food, clothing, bedding, shelter, and 13759
medical attention; 13760

(3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another; 13761
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(4) Allow a prisoner to escape; 13763

(5) Fail to observe any lawful and reasonable regulation for the management of the detention facility. 13764
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(D) No public official of the state shall recklessly create a deficiency, incur a liability, or expend a greater sum than is appropriated by the general assembly for the use in any one year of the department, agency, or institution of the state with which the public official is connected. 13766
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(E) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office. 13771
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(F) Whoever violates this section is guilty of dereliction of duty⁷. Dereliction of duty in violation of division (A), (B), or (C) of this section is a misdemeanor of the second degree. 13775
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Dereliction of duty in violation of division (D) or (E) of this section is a misdemeanor of the first degree. 13778
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(G) Except as otherwise provided by law, a public servant who is a county treasurer; county auditor; township fiscal officer; city auditor; city treasurer; village fiscal officer; village clerk-treasurer; village clerk; in the case of a municipal corporation having a charter that designates an officer who, by virtue of the charter, has duties and functions similar to those of the city or village officers referred to in this section, the officer so designated by the charter; school district treasurer; fiscal officer of a community school established under Chapter 3314. of the Revised Code; treasurer 13780
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of a science, technology, engineering, and mathematics school 13790
established under Chapter 3326. of the Revised Code; or fiscal 13791
officer of a college-preparatory boarding school established 13792
under Chapter 3328. of the Revised Code and is convicted of or 13793
pleads guilty to dereliction of duty is disqualified from 13794
holding any public office, employment, or position of trust in 13795
this state for four years following the date of conviction or of 13796
entry of the plea, and is not entitled to hold any public office 13797
until any repayment or restitution required by the court is 13798
satisfied. 13799

~~(H) As used in this section, "public servant" includes the 13800
following: 13801~~

~~(1) An officer or employee of a contractor as defined in 13802
section 9.08 of the Revised Code; 13803~~

~~(2) A fiscal officer employed by the operator of a 13804
community school established under Chapter 3314. of the Revised 13805
Code or by the operator of a college preparatory boarding school 13806
established under Chapter 3328. of the Revised Code. 13807~~

Sec. 2921.45. (A) No public servant, under color of the 13808
public servant's office, employment, or authority, shall 13809
knowingly deprive, or conspire ~~or attempt~~ to deprive any person 13810
of a constitutional or statutory right. 13811

(B) Whoever violates this section is guilty of interfering 13812
with civil rights, a misdemeanor of the first degree. 13813

Sec. 2921.51. (A) ~~As used in this section: 13814~~

~~(1) "Peace officer" means a sheriff, deputy sheriff, 13815
marshal, deputy marshal, member of the organized police 13816
department of a municipal corporation, or township constable, 13817
who is employed by a political subdivision of this state; a 13818~~

~~member of a police force employed by a metropolitan housing- 13819
authority under division (D) of section 3735.31 of the Revised- 13820
Code; a member of a police force employed by a regional transit- 13821
authority under division (Y) of section 306.35 of the Revised- 13822
Code; a state university law enforcement officer appointed under- 13823
section 3345.04 of the Revised Code; a veterans' home police- 13824
officer appointed under section 5907.02 of the Revised Code; a- 13825
special police officer employed by a port authority under- 13826
section 4582.04 or 4582.28 of the Revised Code; an officer,- 13827
agent, or employee of the state or any of its agencies,- 13828
instrumentalities, or political subdivisions, upon whom, by- 13829
statute, a duty to conserve the peace or to enforce all or- 13830
certain laws is imposed and the authority to arrest violators is- 13831
conferred, within limits of that statutory duty and authority;- 13832
or a state highway patrol trooper whose primary duties are to- 13833
preserve the peace, to protect life and property, and to enforce- 13834
the laws, ordinances, or rules of the state or any of its- 13835
political subdivisions. 13836~~

~~(2) "Private police officer" means any security guard,- 13837
special police officer, private detective, or other person who- 13838
is privately employed in a police capacity. 13839~~

~~(3) "Federal law enforcement officer" means an employee of- 13840
the United States who serves in a position the duties of which- 13841
are primarily the investigation, apprehension, or detention of- 13842
individuals suspected or convicted of offenses under the- 13843
criminal laws of the United States. 13844~~

~~(4) "Impersonate" means to act the part of, assume the- 13845
identity of, wear the uniform or any part of the uniform of, or- 13846
display the identification of a particular person or of a member- 13847
of a class of persons with purpose to make another person- 13848~~

~~believe that the actor is that particular person or is a member
of that class of persons.~~ 13849
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~~(5) "Investigator of the bureau of criminal identification
and investigation" has the same meaning as in section 2903.11 of
the Revised Code.~~ 13851
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13853

~~(B)~~ No person shall knowingly impersonate a peace officer,
private police officer, federal law enforcement officer, or
investigator of the bureau of criminal identification and
investigation. 13854
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~~(C) No person, by impersonating a peace officer, private
police officer, federal law enforcement officer, or investigator
of the bureau of criminal identification and investigation,
shall arrest or detain any person, search any person, or search
the property of any person.~~ 13858
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~~(D)~~ (B) No person, with purpose to commit or facilitate the
commission of an a misdemeanor offense or with purpose to detain
any person or search any person or person's property, shall
knowingly impersonate a peace officer, private police officer,
federal law enforcement officer, officer, agent, or employee of
the state, or investigator of the bureau of criminal
identification and investigation. 13863
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~~(E)~~ (C) No person ~~shall,~~ with purpose to commit or
facilitate the commission of a felony while impersonating, shall
knowingly impersonate a peace officer, private police officer,
federal law enforcement officer, officer, agent, or employee of
the state, or investigator of the bureau of criminal
identification and investigation. 13870
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~~(F)~~ (D) It is an affirmative defense to a charge under
division ~~(B)~~ (A) of this section that the impersonation of the 13876
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peace officer, private police officer, or investigator of the 13878
bureau of criminal identification and investigation was for a 13879
lawful purpose. 13880

~~(G)(E) Whoever violates division (B) of this section is 13881
guilty of a misdemeanor of the fourth degree. Whoever violates 13882
division (C) or (D) of this section is guilty of a misdemeanor 13883
of the first degree. If the purpose of a violation of division 13884
(D) of this section is to commit or facilitate the commission of 13885
a felony, a violation of division (D) is a felony of the fourth 13886
degree. Whoever violates division (E) of this section is guilty 13887
of a felony of the third degree impersonating a peace officer. 13888~~

(1) Impersonating a peace officer in violation of division 13889
(A) of this section is a misdemeanor of the second degree. 13890

(2) Impersonating a peace officer in violation of division 13891
(B) of this section is a misdemeanor of the first degree. 13892

(3) Impersonating a peace officer in violation of division 13893
(C) of this section is one of the following: 13894

(a) Except as otherwise provided in divisions (E) (3) (b) 13895
and (c) of this section, a felony one degree higher than the 13896
felony that the offender had purpose to commit or facilitate 13897
while impersonating a peace officer; 13898

(b) A felony of the first degree if the felony the person 13899
had purpose to commit or facilitate while impersonating a peace 13900
officer was murder, aggravated murder, or a felony of the first 13901
degree; 13902

(c) A felony of the fourth degree if the felony the person 13903
had purpose to commit or facilitate while impersonating a peace 13904
officer was an unclassified felony other than murder or 13905
aggravated murder. 13906

Sec. 2921.52. (A) As used in this section:	13907
(1) "Lawfully issued" means adopted, issued, or rendered in accordance with the United States constitution, the constitution of a state, and the applicable statutes, rules, regulations, and ordinances of the United States, a state, and the political subdivisions of a state.	13908 13909 13910 13911 13912
(2) "State" means a state of the United States, including without limitation, the state legislature, the highest court of the state that has statewide jurisdiction, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state. "State" does not include the political subdivisions of the state.	13913 13914 13915 13916 13917 13918 13919
(3) "Political subdivisions" means municipal corporations, townships, counties, school districts, and all other bodies corporate and politic that are organized under state law and are responsible for governmental activities only in geographical areas smaller than that of a state.	13920 13921 13922 13923 13924
(4) "Sham legal process" means an instrument that meets all of the following conditions:	13925 13926
(a) It is not lawfully issued.	13927
(b) It purports to do any of the following:	13928
(i) To be a summons, subpoena, judgment, or order of a court, a law enforcement officer, or a legislative, executive, or administrative body.	13929 13930 13931
(ii) To assert jurisdiction over or determine the legal or equitable status, rights, duties, powers, or privileges of any person or property.	13932 13933 13934

~~(iii) To require or authorize the search, seizure, indictment, arrest, trial, or sentencing of any person or property.~~ 13935
13936
13937

~~(c) It is designed to make another person believe that it is lawfully issued.~~ 13938
13939

~~(B)~~ No person shall, knowing the sham legal process to be sham legal process, do any of the following: 13940
13941

(1) Knowingly issue, display, deliver, distribute, or otherwise use sham legal process; 13942
13943

(2) Knowingly use sham legal process to arrest, detain, search, or seize any person or the property of another person; 13944
13945

~~(3)~~ Knowingly or knowingly commit or facilitate the commission of ~~an~~ a misdemeanor offense, using sham legal process; 13946
13947
13948

~~(4)~~ (3) Knowingly commit a felony by using sham legal process; 13949
13950

(4) Knowingly file or record a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness against any person using sham legal process. 13951
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~~(C)~~ (B) It is an affirmative defense to a charge under division ~~(B) (1) or (2)~~ (A) (1) of this section that the use of sham legal process was for a lawful purpose. 13954
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~~(D)~~ (C) Whoever violates this section is guilty of using sham legal process. A violation of division ~~(B) (1)~~ (A) (1) of this section is a misdemeanor of the fourth degree. A violation of division ~~(B) (2) or (3)~~ (A) (2) of this section is a misdemeanor of the first degree, ~~except that, if the purpose of a violation of division (B) (3) of this section is to commit or facilitate the~~ 13957
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~~commission of a felony, a violation of division (B) (3) of this~~ 13963
~~section is a felony of the fourth degree.~~ A violation of 13964
division ~~(B) (4)~~ (A) (3) or (4) of this section is a felony of the 13965
third degree. 13966

~~(E)~~ (D) A person who violates this section is liable in a 13967
civil action to any person harmed by the violation for injury, 13968
death, or loss to person or property incurred as a result of the 13969
commission of the offense and for reasonable attorney's fees, 13970
court costs, and other expenses incurred as a result of 13971
prosecuting the civil action commenced under this division. A 13972
civil action under this division is not the exclusive remedy of 13973
a person who incurs injury, death, or loss to person or property 13974
as a result of a violation of this section. 13975

Sec. 2923.01. (A) No person, with ~~purpose to commit or to~~ 13976
~~promote or facilitate the commission of aggravated murder,~~ 13977
~~murder, kidnapping, abduction, compelling prostitution,~~ 13978
~~promoting prostitution, trafficking in persons, aggravated~~ 13979
~~arson, arson, aggravated robbery, robbery, aggravated burglary,~~ 13980
~~burglary, trespassing in a habitation when a person is present~~ 13981
~~or likely to be present, engaging in a pattern of corrupt~~ 13982
~~activity, corrupting another with drugs, a felony drug~~ 13983
~~trafficking, manufacturing, processing, or possession offense,~~ 13984
~~theft of drugs, or illegal processing of drug documents, the~~ 13985
~~commission of a felony offense of unauthorized use of a vehicle,~~ 13986
~~illegally transmitting multiple commercial electronic mail~~ 13987
~~messages or unauthorized access of a computer in violation of~~ 13988
~~section 2923.421 of the Revised Code, or the commission of a~~ 13989
~~violation of any provision of Chapter 3734. of the Revised Code,~~ 13990
~~other than section 3734.18 of the Revised Code, that relates to~~ 13991
~~hazardous wastes, shall do either of the following:~~ 13992

~~(1) With another person or persons, shall purposely plan~~ 13993
~~or, aid in planning the commission of any of the specified~~ 13994
~~offenses;~~ 13995

~~(2) Agree with another person or persons that one or more~~ 13996
~~of them will engage in conduct that facilitates the commission~~ 13997
~~of any of the specified offenses committing, or agree to commit~~ 13998
~~or facilitate the commission of aggravated murder, murder, or a~~ 13999
~~felony of the first or second degree.~~ 14000

(B) No person shall be convicted of conspiracy unless a 14001
substantial overt act in furtherance of the conspiracy is 14002
alleged and proved to have been done by ~~the accused or a person~~ 14003
~~with whom the accused conspired, subsequent to the accused's~~ 14004
~~entrance~~ a conspirator after the person accused entered into the 14005
conspiracy. For purposes of this section, an overt act is 14006
substantial when it ~~is of a character that manifests a~~ any 14007
person's purpose on the part of the actor that the object of the 14008
conspiracy ~~should be~~ completed. 14009

(C) ~~When the offender knows or has reasonable cause to~~ 14010
~~believe that a person with whom the offender conspires also has~~ 14011
~~conspired or is conspiring with another to commit the same~~ 14012
~~offense, the offender is~~ A person need not know the identity of 14013
a co-conspirator to be guilty of conspiring with that other 14014
person, ~~even though the other person's identity may be unknown~~ 14015
~~to the offender~~ if the person knows that the other person has 14016
also conspired or is conspiring to commit the same offense. 14017

(D) ~~It is no defense to a charge under this section that,~~ 14018
~~in retrospect, commission of the offense that was the object of~~ 14019
~~the conspiracy was impossible under the circumstances.~~ 14020

~~(E)~~ A conspiracy terminates when the offense or offenses 14021

that are its objects are committed or when it is abandoned by 14022
all conspirators. In the absence of abandonment, it is no 14023
defense to a charge under this section that ~~no~~the offense that 14024
was the object of the conspiracy was not committed. 14025

~~(F) A person who conspires to commit more than one offense— 14026
is guilty of only one conspiracy, when the offenses are the 14027
object of the same agreement or continuous conspiratorial— 14028
relationship. 14029~~

~~(G) When a person is convicted of committing or attempting— 14030
to commit a specific offense or of complicity in the commission— 14031
of or attempt to commit the specific offense, the person shall— 14032
not be convicted of conspiracy involving the same offense. 14033~~

~~(H) (1) No person shall be convicted of conspiracy upon the 14034
testimony of a person with whom the defendant conspired, 14035
unsupported by other evidence. 14036~~

~~(2) If a person with whom the defendant allegedly has 14037
conspired testifies against the defendant in a case in which the 14038
defendant is charged with conspiracy and if the testimony is— 14039
supported by other evidence, the court, when it charges the 14040
jury, shall state substantially the following: 14041~~

~~"The testimony of an accomplice that is supported by other— 14042
evidence does not become inadmissible because of the— 14043
accomplice's complicity, moral turpitude, or self interest, but— 14044
the admitted or claimed complicity of a witness may affect the 14045
witness' credibility and make the witness' testimony subject to— 14046
grave suspicion, and require that it be weighed with great— 14047
caution. 14048~~

~~It is for you, as jurors, in the light of all the facts— 14049
presented to you from the witness stand, to evaluate such— 14050~~

~~testimony and to determine its quality and worth or its lack of
quality and worth."~~ 14051
14052

~~(3) "Conspiracy," as used in division (H)(1) of this
section, does not include any conspiracy that results in an
attempt to commit an offense or in the commission of an offense.~~ 14053
14054
14055

~~(I)(E)~~ (E) The following are affirmative defenses to a charge 14056
of conspiracy: 14057

(1) After conspiring to commit an offense, the ~~actor~~ 14058
person thwarted the success of the conspiracy under 14059
circumstances manifesting a complete and voluntary renunciation 14060
of the ~~actor's~~ person's criminal purpose. 14061

(2) After conspiring to commit an offense, the ~~actor~~ 14062
person abandoned the conspiracy ~~prior to the commission of or~~ 14063
~~attempt to commit any offense that was~~ in either of the 14064
following manners before the object of the conspiracy, ~~either by~~ 14065
was completed: 14066

(a) By advising all other conspirators of the ~~actor's~~ 14067
person's abandonment, ~~or by;~~ 14068

(b) By informing ~~any~~ law enforcement ~~authority~~ of the 14069
conspiracy's existence ~~of the conspiracy~~ and of the ~~actor's~~ 14070
person's participation in the conspiracy. 14071

~~(J)(F)~~ (F) It is no defense to a charge under this section 14072
that in retrospect, commission of the offense that was the 14073
object of the conspiracy was impossible under the circumstances. 14074

(G) Whoever violates this section is guilty of conspiracy, 14075
which is one of the following: 14076

(1) A felony of the first degree, when one of the objects 14077
of the conspiracy is aggravated murder, murder, or an offense 14078

for which the maximum penalty is imprisonment for life; 14079

(2) A felony of the next lesser degree than the most 14080
serious offense that is the object of the conspiracy, when the 14081
~~most serious offense that is the object of the conspiracy is a~~ 14082
felony of the first, or second, ~~third, or fourth degree;~~ 14083

~~(3) A felony punishable by a fine of not more than twenty-~~ 14084
~~five thousand dollars or imprisonment for not more than eighteen-~~ 14085
~~months, or both, when the offense that is the object of the~~ 14086
~~conspiracy is a violation of any provision of Chapter 3734. of~~ 14087
~~the Revised Code, other than section 3734.18 of the Revised~~ 14088
~~Code, that relates to hazardous wastes;~~ 14089

~~(4) A misdemeanor of the first degree, when the most~~ 14090
~~serious offense that is the object of the conspiracy is a felony~~ 14091
~~of the fifth degree.~~ 14092

~~(K) This section does not define a separate conspiracy~~ 14093
~~offense or penalty where conspiracy is defined as an offense by~~ 14094
~~one or more sections of the Revised Code, other than this~~ 14095
~~section. In such a case, however:~~ 14096

~~(1) With respect to the offense specified as the object of~~ 14097
~~the conspiracy in the other section or sections, division (A) of~~ 14098
~~this section defines the voluntary act or acts and culpable~~ 14099
~~mental state necessary to constitute the conspiracy;~~ 14100

~~(2) Divisions (B) to (I) of this section are incorporated~~ 14101
~~by reference in the conspiracy offense defined by the other~~ 14102
~~section or sections of the Revised Code.~~ 14103

~~(L) (1) In addition to the penalties that otherwise are~~ 14104
~~imposed for conspiracy, a person who is found guilty of~~ 14105
~~conspiracy to engage in a pattern of corrupt activity is subject~~ 14106
~~to divisions (B) (2) and (3) of section 2923.32, division (A) of~~ 14107

~~section 2981.04, and division (D) of section 2981.06 of the Revised Code.~~ 14108
14109

~~(2) If a person is convicted of or pleads guilty to conspiracy and if the most serious offense that is the object of the conspiracy is a felony drug trafficking, manufacturing, processing, or possession offense, in addition to the penalties or sanctions that may be imposed for the conspiracy under division (J) (2) or (4) of this section and Chapter 2929. of the Revised Code, both of the following apply:~~ 14110
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~~(a) The provisions of divisions (D), (F), and (G) of section 2925.03, division (D) of section 2925.04, division (D) of section 2925.05, division (D) of section 2925.06, and division (E) of section 2925.11 of the Revised Code that pertain to mandatory and additional fines, driver's or commercial driver's license or permit suspensions, and professionally licensed persons and that would apply under the appropriate provisions of those divisions to a person who is convicted of or pleads guilty to the felony drug trafficking, manufacturing, processing, or possession offense that is the most serious offense that is the basis of the conspiracy shall apply to the person who is convicted of or pleads guilty to the conspiracy as if the person had been convicted of or pleaded guilty to the felony drug trafficking, manufacturing, processing, or possession offense that is the most serious offense that is the basis of the conspiracy.~~ 14117
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~~(b) The court that imposes sentence upon the person who is convicted of or pleads guilty to the conspiracy shall comply with the provisions identified as being applicable under division (L) (2) of this section, in addition to any other penalty or sanction that it imposes for the conspiracy under~~ 14133
14134
14135
14136
14137

~~division (J) (2) or (4) of this section and Chapter 2929. of the Revised Code.~~ 14138
14139

~~(M) As used in this section:~~ 14140

~~(1) "Felony drug trafficking, manufacturing, processing, or possession offense" means any of the following that is a felony:~~ 14141
14142
14143

~~(a) A violation of section 2925.03, 2925.04, 2925.05, or 2925.06 of the Revised Code;~~ 14144
14145

~~(b) A violation of section 2925.11 of the Revised Code that is not a minor drug possession offense.~~ 14146
14147

~~(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.~~ 14148
14149

(H) In addition to the penalties for conspiracy under division (G) of this section, a person who is found guilty of conspiracy to engage in a pattern of corrupt activity is also subject to the fines and forfeiture provisions in divisions (C) (2) and (3) of section 2923.32, division (A) of section 2981.04, and division (D) of section 2981.06 of the Revised Code. 14150
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(I) No person shall be found guilty of conspiracy based solely on the unsupported or uncorroborated testimony of a co-conspirator unless the testimony is believed by the trier of fact and proves the conspiracy beyond a reasonable doubt, after the trier of fact has been made aware of the facts and circumstances surrounding the co-conspirator's decision to testify and alleged involvement in the offense. 14156
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Sec. 2923.02. ~~(A) No person, purposely or knowingly, and when purpose or knowledge is sufficient culpability with the same mental state needed for the commission of an offense, shall~~ 14163
14164
14165

engage in conduct that, if successful, would constitute ~~or~~ 14166
~~result in the~~ commission of that offense. 14167

(B) ~~It~~ Legal or factual impossibility is no defense to a 14168
charge under this section ~~that, in retrospect, commission of the~~ 14169
~~offense that was the object of the attempt was either factually~~ 14170
~~or legally impossible under the attendant circumstances, if that~~ 14171
the offense could have been committed had the ~~attendant~~ 14172
circumstances been as the ~~actor~~ person believed them to be. 14173

(C) ~~No person who is convicted of committing a specific~~ 14174
~~offense, of complicity in the commission of an offense, or of~~ 14175
~~conspiracy to commit an offense shall be convicted of an attempt~~ 14176
~~to commit the same offense in violation of this section.~~ 14177

~~(D)~~ It is an affirmative defense to a charge under this 14178
section that the ~~actor~~ attempt was abandoned ~~the actor's effort~~ 14179
~~to commit or renounced, or~~ the offense ~~or was~~ otherwise 14180
prevented its commission, under circumstances manifesting a by 14181
the person showing complete and voluntary renunciation of the 14182
~~actor's~~ person's criminal purpose. 14183

~~(E)~~ ~~(1)~~ (D) (1) (a) Whoever violates this section is guilty of 14184
an attempt to commit an offense. An attempt to commit aggravated 14185
murder, murder, or an offense for which the maximum penalty is 14186
imprisonment for life is a felony of the first degree. ~~An~~ 14187
~~attempt to commit a drug abuse offense for which the penalty is~~ 14188
~~determined by the amount or number of unit doses of the~~ 14189
~~controlled substance involved in the drug abuse offense is an~~ 14190
~~offense of the same degree as the drug abuse offense attempted~~ 14191
~~would be if that drug abuse offense had been committed and had~~ 14192
~~involved an amount or number of unit doses of the controlled~~ 14193
~~substance that is within the next lower range of controlled~~ 14194
~~substance amounts than was involved in the attempt. An attempt~~ 14195

to commit any other offense is an offense of the next lesser 14196
degree than the offense attempted. ~~In the case of an attempt to~~ 14197
~~commit an offense other than a violation of Chapter 3734. of the~~ 14198
~~Revised Code that is not specifically classified, an attempt is~~ 14199
~~a misdemeanor of the first degree if the offense attempted is a~~ 14200
~~felony, and a misdemeanor of the fourth degree if the offense~~ 14201
~~attempted is a misdemeanor. In the case of an attempt to commit~~ 14202
~~a violation of any provision of Chapter 3734. of the Revised~~ 14203
~~Code, other than section 3734.18 of the Revised Code, that~~ 14204
~~relates to hazardous wastes, an attempt is a felony punishable~~ 14205
~~by a fine of not more than twenty five thousand dollars or~~ 14206
~~imprisonment for not more than eighteen months, or both. An~~ 14207

(b) ~~An attempt to commit a minor misdemeanor, or to engage~~ 14208
~~in conspiracy, is not an offense under this section.~~ 14209

(2) If a person is convicted of or pleads guilty to 14210
attempted rape and also is convicted of or pleads guilty to a 14211
specification of the type described in section 2941.1418, 14212
2941.1419, or 2941.1420 of the Revised Code, the offender shall 14213
be sentenced to a prison term or term of life imprisonment 14214
pursuant to section 2971.03 of the Revised Code. 14215

~~(3) In addition to any other sanctions imposed pursuant to~~ 14216
~~division (E) (1) of this section for an attempt to commit~~ 14217
~~aggravated murder or murder in violation of division (A) of this~~ 14218
~~section, if the offender used a motor vehicle as the means to~~ 14219
~~attempt to commit the offense, the court shall impose upon the~~ 14220
~~offender a class two suspension of the offender's driver's~~ 14221
~~license, commercial driver's license, temporary instruction~~ 14222
~~permit, probationary license, or nonresident operating privilege~~ 14223
~~as specified in division (A) (2) of section 4510.02 of the~~ 14224
~~Revised Code.~~ 14225

~~(4)(3)~~ If a person is convicted of or found guilty of an attempt to commit aggravated murder of the type described in division (E) or (F) of section 2903.01 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

~~(F) As used in this section:~~

~~(1) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.~~

~~(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.~~

Sec. 2923.03. (A) No person, ~~acting with the kind of culpability required~~ same mental state needed for the commission of an offense, shall knowingly do any either of the following:

(1) Solicit ~~or~~ procure, or cause another to commit the offense;

(2) Aid or abet another in committing the offense;

~~(3) Conspire with another to commit the offense in violation of section 2923.01 of the Revised Code;~~

~~(4) Cause an innocent or irresponsible person to commit the offense.~~

(B) It is no defense to a charge under this section that ~~no person with whom the accused was in complicity has been convicted as a principal offender~~ another has not been charged with or convicted of committing the offense.

(C) No person shall be convicted of complicity under this section unless an offense is actually committed, but if the

offense has not been committed, a person may be convicted of 14253
complicity in an attempt to commit an offense in violation of 14254
section 2923.02 of the Revised Code. 14255

~~(D) If an alleged accomplice of the defendant testifies~~ 14256
~~against the defendant in a case in which the defendant is~~ 14257
~~charged with complicity in the commission of or an attempt to~~ 14258
~~commit an offense, an attempt to commit an offense, or an~~ 14259
~~offense, the court, when it charges the jury, shall state~~ 14260
~~substantially the following:~~ 14261

~~"The testimony of an accomplice does not become~~ 14262
~~inadmissible because of his complicity, moral turpitude, or~~ 14263
~~self-interest, but the admitted or claimed complicity of a~~ 14264
~~witness may affect his credibility and make his testimony~~ 14265
~~subject to grave suspicion, and require that it be weighed with~~ 14266
~~great caution.~~ 14267

~~It is for you, as jurors, in the light of all the facts~~ 14268
~~presented to you from the witness stand, to evaluate such~~ 14269
~~testimony and to determine its quality and worth or its lack of~~ 14270
~~quality and worth."~~ 14271

~~(E) It is an affirmative defense to a charge under this~~ 14272
~~section that a person, prior to the commission of or attempt to~~ 14273
~~commit the offense, the actor terminated his complicity, under~~ 14274
~~circumstances manifesting showing a complete and voluntary~~ 14275
~~renunciation of his the person's criminal purpose intent,~~ 14276
~~terminated complicity to an offense before the offense was~~ 14277
~~attempted or committed.~~ 14278

(E) No person shall be convicted of complicity based 14279
solely on the unsupported or uncorroborated testimony of an 14280
accomplice unless the testimony is believed by the trier of fact 14281

and proves the complicity beyond a reasonable doubt after the 14282
trier of fact has been made aware of the facts and circumstances 14283
surrounding the accomplice's decision to testify and the 14284
accomplice's alleged involvement in the offense. 14285

(F) Whoever violates this section is guilty of complicity 14286
~~in the commission of an offense, and shall be prosecuted and~~ 14287
~~punished as if he were a principal offender. A charge of~~ 14288
~~complicity may be stated in terms of this section, or in terms~~ 14289
~~of the principal offense. If the offense committed or attempted~~ 14290
was a classified offense, complicity is an offense of the same 14291
degree as the offense committed or attempted. If the offense 14292
committed or attempted was an unclassified offense, the person 14293
shall be punished as if the person was convicted of committing 14294
the unclassified offense. 14295

Sec. 2923.125. It is the intent of the general assembly 14296
that Ohio concealed handgun license law be compliant with the 14297
national instant criminal background check system, that the 14298
bureau of alcohol, tobacco, firearms, and explosives is able to 14299
determine that Ohio law is compliant with the national instant 14300
criminal background check system, and that no person shall be 14301
eligible to receive a concealed handgun license permit under 14302
section 2923.125 or 2923.1213 of the Revised Code unless the 14303
person is eligible lawfully to receive or possess a firearm in 14304
the United States. 14305

(A) This section applies with respect to the application 14306
for and issuance by this state of concealed handgun licenses 14307
other than concealed handgun licenses on a temporary emergency 14308
basis that are issued under section 2923.1213 of the Revised 14309
Code. Upon the request of a person who wishes to obtain a 14310
concealed handgun license with respect to which this section 14311

applies or to renew a concealed handgun license with respect to 14312
which this section applies, a sheriff, as provided in division 14313
(I) of this section, shall provide to the person free of charge 14314
an application form and the web site address at which a 14315
printable version of the application form that can be downloaded 14316
and the pamphlet described in division (B) of section 109.731 of 14317
the Revised Code may be found. A sheriff shall accept a 14318
completed application form and the fee, items, materials, and 14319
information specified in divisions (B)(1) to (5) of this section 14320
at the times and in the manners described in division (I) of 14321
this section. 14322

(B) An applicant for a concealed handgun license who is a 14323
resident of this state shall submit a completed application form 14324
and all of the material and information described in divisions 14325
(B)(1) to (6) of this section to the sheriff of the county in 14326
which the applicant resides or to the sheriff of any county 14327
adjacent to the county in which the applicant resides. An 14328
applicant for a license who resides in another state shall 14329
submit a completed application form and all of the material and 14330
information described in divisions (B)(1) to (7) of this section 14331
to the sheriff of the county in which the applicant is employed 14332
or to the sheriff of any county adjacent to the county in which 14333
the applicant is employed: 14334

(1)(a) A nonrefundable license fee as described in either 14335
of the following: 14336

(i) For an applicant who has been a resident of this state 14337
for five or more years, a fee of sixty-seven dollars; 14338

(ii) For an applicant who has been a resident of this 14339
state for less than five years or who is not a resident of this 14340
state, but who is employed in this state, a fee of sixty-seven 14341

dollars plus the actual cost of having a background check 14342
performed by the federal bureau of investigation. 14343

(b) No sheriff shall require an applicant to pay for the 14344
cost of a background check performed by the bureau of criminal 14345
identification and investigation. 14346

(c) A sheriff shall waive the payment of the license fee 14347
described in division (B) (1) (a) of this section in connection 14348
with an initial or renewal application for a license that is 14349
submitted by an applicant who is an active or reserve member of 14350
the armed forces of the United States or has retired from or was 14351
honorably discharged from military service in the active or 14352
reserve armed forces of the United States, a retired peace 14353
officer, a retired person described in division (B) (1) (b) of 14354
section 109.77 of the Revised Code, or a retired federal law 14355
enforcement officer who, prior to retirement, was authorized 14356
under federal law to carry a firearm in the course of duty, 14357
unless the retired peace officer, person, or federal law 14358
enforcement officer retired as the result of a mental 14359
disability. 14360

(d) The sheriff shall deposit all fees paid by an 14361
applicant under division (B) (1) (a) of this section into the 14362
sheriff's concealed handgun license issuance fund established 14363
pursuant to section 311.42 of the Revised Code. The county shall 14364
distribute the fees in accordance with section 311.42 of the 14365
Revised Code. 14366

(2) A color photograph of the applicant that was taken 14367
within thirty days prior to the date of the application; 14368

(3) One or more of the following competency 14369
certifications, each of which shall reflect that, regarding a 14370

certification described in division (B) (3) (a), (b), (c), (e), or 14371
(f) of this section, within the three years immediately 14372
preceding the application the applicant has performed that to 14373
which the competency certification relates and that, regarding a 14374
certification described in division (B) (3) (d) of this section, 14375
the applicant currently is an active or reserve member of the 14376
armed forces of the United States, the applicant has retired 14377
from or was honorably discharged from military service in the 14378
active or reserve armed forces of the United States, or within 14379
the ten years immediately preceding the application the 14380
retirement of the peace officer, person described in division 14381
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 14382
enforcement officer to which the competency certification 14383
relates occurred: 14384

(a) An original or photocopy of a certificate of 14385
completion of a firearms safety, training, or requalification or 14386
firearms safety instructor course, class, or program that was 14387
offered by or under the auspices of a national gun advocacy 14388
organization and that complies with the requirements set forth 14389
in division (G) of this section; 14390

(b) An original or photocopy of a certificate of 14391
completion of a firearms safety, training, or requalification or 14392
firearms safety instructor course, class, or program that 14393
satisfies all of the following criteria: 14394

(i) It was open to members of the general public. 14395

(ii) It utilized qualified instructors who were certified 14396
by a national gun advocacy organization, the executive director 14397
of the Ohio peace officer training commission pursuant to 14398
section 109.75 or 109.78 of the Revised Code, or a governmental 14399
official or entity of another state. 14400

(iii) It was offered by or under the auspices of a law enforcement agency of this or another state or the United States, a public or private college, university, or other similar postsecondary educational institution located in this or another state, a firearms training school located in this or another state, or another type of public or private entity or organization located in this or another state.

(iv) It complies with the requirements set forth in division (G) of this section.

(c) An original or photocopy of a certificate of completion of a state, county, municipal, or department of natural resources peace officer training school that is approved by the executive director of the Ohio peace officer training commission pursuant to section 109.75 of the Revised Code and that complies with the requirements set forth in division (G) of this section, or the applicant has satisfactorily completed and been issued a certificate of completion of a basic firearms training program, a firearms requalification training program, or another basic training program described in section 109.78 or 109.801 of the Revised Code that complies with the requirements set forth in division (G) of this section;

(d) A document that evidences both of the following:

(i) That the applicant is an active or reserve member of the armed forces of the United States, has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, is a retired trooper of the state highway patrol, or is a retired peace officer or federal law enforcement officer described in division (B) (1) of this section or a retired person described in division (B) (1) (b) of section 109.77 of the Revised Code and division (B) (1) of

this section; 14431

(ii) That, through participation in the military service 14432
or through the former employment described in division (B) (3) (d) 14433
(i) of this section, the applicant acquired experience with 14434
handling handguns or other firearms, and the experience so 14435
acquired was equivalent to training that the applicant could 14436
have acquired in a course, class, or program described in 14437
division (B) (3) (a), (b), or (c) of this section. 14438

(e) A certificate or another similar document that 14439
evidences satisfactory completion of a firearms training, 14440
safety, or requalification or firearms safety instructor course, 14441
class, or program that is not otherwise described in division 14442
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 14443
by an instructor who was certified by an official or entity of 14444
the government of this or another state or the United States or 14445
by a national gun advocacy organization, and that complies with 14446
the requirements set forth in division (G) of this section; 14447

(f) An affidavit that attests to the applicant's 14448
satisfactory completion of a course, class, or program described 14449
in division (B) (3) (a), (b), (c), or (e) of this section and that 14450
is subscribed by the applicant's instructor or an authorized 14451
representative of the entity that offered the course, class, or 14452
program or under whose auspices the course, class, or program 14453
was offered; 14454

(g) A document that evidences that the applicant has 14455
successfully completed the Ohio peace officer training program 14456
described in section 109.79 of the Revised Code. 14457

(4) A certification by the applicant that the applicant 14458
has read the pamphlet prepared by the Ohio peace officer 14459

training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code.

(6) If the applicant is not a citizen or national of the United States, the name of the applicant's country of citizenship and the applicant's alien registration number issued by the United States citizenship and immigration services agency.

(7) If the applicant resides in another state, adequate proof of employment in Ohio.

(C) Upon receipt of the completed application form, supporting documentation, and, if not waived, license fee of an applicant under this section, a sheriff, in the manner specified in section 311.41 of the Revised Code, shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code.

(D) (1) Except as provided in division (D) (3) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a concealed handgun license under this section, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance

with division (H) of this section the information described in 14489
that division and, upon making the information available through 14490
the system, shall issue to the applicant a concealed handgun 14491
license that shall expire as described in division (D) (2) (a) of 14492
this section if all of the following apply: 14493

(a) The applicant is legally living in the United States. 14494
For purposes of division (D) (1) (a) of this section, if a person 14495
is absent from the United States in compliance with military or 14496
naval orders as an active or reserve member of the armed forces 14497
of the United States and if prior to leaving the United States 14498
the person was legally living in the United States, the person, 14499
solely by reason of that absence, shall not be considered to 14500
have lost the person's status as living in the United States. 14501

(b) The applicant is at least twenty-one years of age. 14502

(c) The applicant is not a fugitive from justice. 14503

(d) The applicant is not under indictment for or otherwise 14504
charged with a felony; an offense under Chapter 2925., 3719., or 14505
4729. of the Revised Code that involves the illegal possession, 14506
use, sale, administration, or distribution of or trafficking in 14507
a drug of abuse; a misdemeanor offense of violence; or a 14508
violation of section 2903.14 or 2923.1211 of the Revised Code. 14509

(e) Except as otherwise provided in division (D) (4) or (5) 14510
of this section, the applicant has not been convicted of or 14511
pleaded guilty to a felony or an offense under Chapter 2925., 14512
3719., or 4729. of the Revised Code that involves the illegal 14513
possession, use, sale, administration, or distribution of or 14514
trafficking in a drug of abuse; has not been adjudicated a 14515
delinquent child for committing an act that if committed by an 14516
adult would be a felony or would be an offense under Chapter 14517

2925., 3719., or 4729. of the Revised Code that involves the 14518
illegal possession, use, sale, administration, or distribution 14519
of or trafficking in a drug of abuse; has not been convicted of, 14520
pleaded guilty to, or adjudicated a delinquent child for 14521
committing a violation of section 2903.13 of the Revised Code 14522
when the victim of the violation is a peace officer, regardless 14523
of whether the applicant was sentenced under division (C) (4) of 14524
that section; and has not been convicted of, pleaded guilty to, 14525
or adjudicated a delinquent child for committing any other 14526
offense that is not previously described in this division that 14527
is a misdemeanor punishable by imprisonment for a term exceeding 14528
one year. 14529

(f) Except as otherwise provided in division (D) (4) or (5) 14530
of this section, the applicant, within three years of the date 14531
of the application, has not been convicted of or pleaded guilty 14532
to a misdemeanor offense of violence other than a misdemeanor 14533
violation of section 2921.33 of the Revised Code or a violation 14534
of section 2903.13 of the Revised Code when the victim of the 14535
violation is a peace officer, or a misdemeanor violation of 14536
section 2923.1211 of the Revised Code; and has not been 14537
adjudicated a delinquent child for committing an act that if 14538
committed by an adult would be a misdemeanor offense of violence 14539
other than a misdemeanor violation of section 2921.33 of the 14540
Revised Code or a violation of section 2903.13 of the Revised 14541
Code when the victim of the violation is a peace officer or for 14542
committing an act that if committed by an adult would be a 14543
misdemeanor violation of section 2923.1211 of the Revised Code. 14544

(g) Except as otherwise provided in division (D) (1) (e) of 14545
this section, the applicant, within five years of the date of 14546
the application, has not been convicted of, pleaded guilty to, 14547
or adjudicated a delinquent child for committing two or more 14548

violations of section 2903.13 or 2903.14 of the Revised Code. 14549

(h) Except as otherwise provided in division (D) (4) or (5) 14550
of this section, the applicant, within ten years of the date of 14551
the application, has not been convicted of, pleaded guilty to, 14552
or adjudicated a delinquent child for committing a violation of 14553
section 2921.33 of the Revised Code. 14554

(i) The applicant has not been adjudicated as a mental 14555
defective, has not been committed to any mental institution, is 14556
not under adjudication of mental incompetence, has not been 14557
found by a court to be a mentally ill person subject to court 14558
order, and is not an involuntary patient other than one who is a 14559
patient only for purposes of observation. As used in this 14560
division, "mentally ill person subject to court order" and 14561
"patient" have the same meanings as in section 5122.01 of the 14562
Revised Code. 14563

(j) The applicant is not currently subject to a civil 14564
protection order, a temporary protection order, or a protection 14565
order issued by a court of another state. 14566

(k) The applicant certifies that the applicant desires a 14567
legal means to carry a concealed handgun for defense of the 14568
applicant or a member of the applicant's family while engaged in 14569
lawful activity. 14570

(l) The applicant submits a competency certification of 14571
the type described in division (B) (3) of this section and 14572
submits a certification of the type described in division (B) (4) 14573
of this section regarding the applicant's reading of the 14574
pamphlet prepared by the Ohio peace officer training commission 14575
pursuant to section 109.731 of the Revised Code. 14576

(m) The applicant currently is not subject to a suspension 14577

imposed under division (A) (2) of section 2923.128 of the Revised Code of a concealed handgun license that previously was issued to the applicant under this section or section 2923.1213 of the Revised Code or a similar suspension imposed by another state regarding a concealed handgun license issued by that state.

(n) If the applicant resides in another state, the applicant is employed in this state.

(o) The applicant certifies that the applicant is not an unlawful user of or addicted to any controlled substance as defined in 21 U.S.C. 802.

(p) If the applicant is not a United States citizen, the applicant is an alien and has not been admitted to the United States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a) (26).

(q) The applicant has not been discharged from the armed forces of the United States under dishonorable conditions.

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if applicable.

(s) The applicant has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code or a similar violation in another state.

(2) (a) A concealed handgun license that a sheriff issues under division (D) (1) of this section shall expire five years after the date of issuance.

If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of

letters and numbers identifying the license in accordance with 14606
the procedure prescribed by the Ohio peace officer training 14607
commission pursuant to section 109.731 of the Revised Code. 14608

(b) If a sheriff denies an application under this section 14609
because the applicant does not satisfy the criteria described in 14610
division (D) (1) of this section, the sheriff shall specify the 14611
grounds for the denial in a written notice to the applicant. The 14612
applicant may appeal the denial pursuant to section 119.12 of 14613
the Revised Code in the county served by the sheriff who denied 14614
the application. If the denial was as a result of the criminal 14615
records check conducted pursuant to section 311.41 of the 14616
Revised Code and if, pursuant to section 2923.127 of the Revised 14617
Code, the applicant challenges the criminal records check 14618
results using the appropriate challenge and review procedure 14619
specified in that section, the time for filing the appeal 14620
pursuant to section 119.12 of the Revised Code and this division 14621
is tolled during the pendency of the request or the challenge 14622
and review. 14623

(c) If the court in an appeal under section 119.12 of the 14624
Revised Code and division (D) (2) (b) of this section enters a 14625
judgment sustaining the sheriff's refusal to grant to the 14626
applicant a concealed handgun license, the applicant may file a 14627
new application beginning one year after the judgment is 14628
entered. If the court enters a judgment in favor of the 14629
applicant, that judgment shall not restrict the authority of a 14630
sheriff to suspend or revoke the license pursuant to section 14631
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 14632
the license for any proper cause that may occur after the date 14633
the judgment is entered. In the appeal, the court shall have 14634
full power to dispose of all costs. 14635

(3) If the sheriff with whom an application for a
concealed handgun license was filed under this section becomes
aware that the applicant has been arrested for or otherwise
charged with an offense that would disqualify the applicant from
holding the license, the sheriff shall suspend the processing of
the application until the disposition of the case arising from
the arrest or charge.

(4) If an applicant has been convicted of or pleaded
guilty to an offense identified in division (D)(1)(e), (f), or
(h) of this section or has been adjudicated a delinquent child
for committing an act or violation identified in any of those
divisions, and if a court has ordered the sealing or expungement
of the records of that conviction, guilty plea, or adjudication
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to
~~2953.36, or section 2953.37~~ 2953.35 of the Revised Code or the
applicant has been relieved under operation of law or legal
process from the disability imposed pursuant to section 2923.13
of the Revised Code relative to that conviction, guilty plea, or
adjudication, the sheriff with whom the application was
submitted shall not consider the conviction, guilty plea, or
adjudication in making a determination under division (D)(1) or
(F) of this section or, in relation to an application for a
concealed handgun license on a temporary emergency basis
submitted under section 2923.1213 of the Revised Code, in making
a determination under division (B)(2) of that section.

(5) If an applicant has been convicted of or pleaded
guilty to a minor misdemeanor offense or has been adjudicated a
delinquent child for committing an act or violation that is a
minor misdemeanor offense, the sheriff with whom the application
was submitted shall not consider the conviction, guilty plea, or
adjudication in making a determination under division (D)(1) or

(F) of this section or, in relation to an application for a
concealed handgun license on a temporary basis submitted under
section 2923.1213 of the Revised Code, in making a determination
under division (B) (2) of that section.

(E) If a concealed handgun license issued under this
section is lost or is destroyed, the licensee may obtain from
the sheriff who issued that license a duplicate license upon the
payment of a fee of fifteen dollars and the submission of an
affidavit attesting to the loss or destruction of the license.
The sheriff, in accordance with the procedures prescribed in
section 109.731 of the Revised Code, shall place on the
replacement license a combination of identifying numbers
different from the combination on the license that is being
replaced.

(F) (1) (a) Except as provided in division (F) (1) (b) of this
section, a licensee who wishes to renew a concealed handgun
license issued under this section may do so at any time before
the expiration date of the license or at any time after the
expiration date of the license by filing with the sheriff of the
county in which the applicant resides or with the sheriff of an
adjacent county, or in the case of an applicant who resides in
another state with the sheriff of the county that issued the
applicant's previous concealed handgun license an application
for renewal of the license obtained pursuant to division (D) of
this section, a certification by the applicant that, subsequent
to the issuance of the license, the applicant has reread the
pamphlet prepared by the Ohio peace officer training commission
pursuant to section 109.731 of the Revised Code that reviews
firearms, dispute resolution, and use of deadly force matters,
and a nonrefundable license renewal fee in an amount determined
pursuant to division (F) (4) of this section unless the fee is

waived. 14698

(b) A person on active duty in the armed forces of the 14699
United States or in service with the peace corps, volunteers in 14700
service to America, or the foreign service of the United States 14701
is exempt from the license requirements of this section for the 14702
period of the person's active duty or service and for six months 14703
thereafter, provided the person was a licensee under this 14704
section at the time the person commenced the person's active 14705
duty or service or had obtained a license while on active duty 14706
or service. The spouse or a dependent of any such person on 14707
active duty or in service also is exempt from the license 14708
requirements of this section for the period of the person's 14709
active duty or service and for six months thereafter, provided 14710
the spouse or dependent was a licensee under this section at the 14711
time the person commenced the active duty or service or had 14712
obtained a license while the person was on active duty or 14713
service, and provided further that the person's active duty or 14714
service resulted in the spouse or dependent relocating outside 14715
of this state during the period of the active duty or service. 14716
This division does not prevent such a person or the person's 14717
spouse or dependent from making an application for the renewal 14718
of a concealed handgun license during the period of the person's 14719
active duty or service. 14720

(2) A sheriff shall accept a completed renewal 14721
application, the license renewal fee, and the information 14722
specified in division (F)(1) of this section at the times and in 14723
the manners described in division (I) of this section. Upon 14724
receipt of a completed renewal application, of certification 14725
that the applicant has reread the specified pamphlet prepared by 14726
the Ohio peace officer training commission, and of a license 14727
renewal fee unless the fee is waived, a sheriff, in the manner 14728

specified in section 311.41 of the Revised Code shall conduct or 14729
cause to be conducted the criminal records check and the 14730
incompetency records check described in section 311.41 of the 14731
Revised Code. The sheriff shall renew the license if the sheriff 14732
determines that the applicant continues to satisfy the 14733
requirements described in division (D) (1) of this section, 14734
except that the applicant is not required to meet the 14735
requirements of division (D) (1) (1) of this section. A renewed 14736
license shall expire five years after the date of issuance. A 14737
renewed license is subject to division (E) of this section and 14738
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 14739
shall comply with divisions (D) (2) and (3) of this section when 14740
the circumstances described in those divisions apply to a 14741
requested license renewal. If a sheriff denies the renewal of a 14742
concealed handgun license, the applicant may appeal the denial, 14743
or challenge the criminal record check results that were the 14744
basis of the denial if applicable, in the same manner as 14745
specified in division (D) (2) (b) of this section and in section 14746
2923.127 of the Revised Code, regarding the denial of a license 14747
under this section. 14748

(3) A renewal application submitted pursuant to division 14749
(F) of this section shall only require the licensee to list on 14750
the application form information and matters occurring since the 14751
date of the licensee's last application for a license pursuant 14752
to division (B) or (F) of this section. A sheriff conducting the 14753
criminal records check and the incompetency records check 14754
described in section 311.41 of the Revised Code shall conduct 14755
the check only from the date of the licensee's last application 14756
for a license pursuant to division (B) or (F) of this section 14757
through the date of the renewal application submitted pursuant 14758
to division (F) of this section. 14759

(4) An applicant for a renewal concealed handgun license 14760
under this section shall submit to the sheriff of the county in 14761
which the applicant resides or to the sheriff of any county 14762
adjacent to the county in which the applicant resides, or in the 14763
case of an applicant who resides in another state to the sheriff 14764
of the county that issued the applicant's previous concealed 14765
handgun license, a nonrefundable license fee as described in 14766
either of the following: 14767

(a) For an applicant who has been a resident of this state 14768
for five or more years, a fee of fifty dollars; 14769

(b) For an applicant who has been a resident of this state 14770
for less than five years or who is not a resident of this state 14771
but who is employed in this state, a fee of fifty dollars plus 14772
the actual cost of having a background check performed by the 14773
federal bureau of investigation. 14774

(5) The concealed handgun license of a licensee who is no 14775
longer a resident of this state or no longer employed in this 14776
state, as applicable, is valid until the date of expiration on 14777
the license, and the licensee is prohibited from renewing the 14778
concealed handgun license. 14779

(G) (1) Each course, class, or program described in 14780
division (B) (3) (a), (b), (c), or (e) of this section shall 14781
provide to each person who takes the course, class, or program 14782
the web site address at which the pamphlet prepared by the Ohio 14783
peace officer training commission pursuant to section 109.731 of 14784
the Revised Code that reviews firearms, dispute resolution, and 14785
use of deadly force matters may be found. Each such course, 14786
class, or program described in one of those divisions shall 14787
include at least eight hours of training in the safe handling 14788
and use of a firearm that shall include training, provided as 14789

described in division (G) (3) of this section, on all of the 14790
following: 14791

(a) The ability to name, explain, and demonstrate the 14792
rules for safe handling of a handgun and proper storage 14793
practices for handguns and ammunition; 14794

(b) The ability to demonstrate and explain how to handle 14795
ammunition in a safe manner; 14796

(c) The ability to demonstrate the knowledge, skills, and 14797
attitude necessary to shoot a handgun in a safe manner; 14798

(d) Gun handling training; 14799

(e) A minimum of two hours of in-person training that 14800
consists of range time and live-fire training. 14801

(2) To satisfactorily complete the course, class, or 14802
program described in division (B) (3) (a), (b), (c), or (e) of 14803
this section, the applicant shall pass a competency examination 14804
that shall include both of the following: 14805

(a) A written section, provided as described in division 14806
(G) (3) of this section, on the ability to name and explain the 14807
rules for the safe handling of a handgun and proper storage 14808
practices for handguns and ammunition; 14809

(b) An in-person physical demonstration of competence in 14810
the use of a handgun and in the rules for safe handling and 14811
storage of a handgun and a physical demonstration of the 14812
attitude necessary to shoot a handgun in a safe manner. 14813

(3) (a) Except as otherwise provided in this division, the 14814
training specified in division (G) (1) (a) of this section shall 14815
be provided to the person receiving the training in person by an 14816
instructor. If the training specified in division (G) (1) (a) of 14817

this section is provided by a course, class, or program 14818
described in division (B) (3) (a) of this section, or it is 14819
provided by a course, class, or program described in division 14820
(B) (3) (b), (c), or (e) of this section and the instructor is a 14821
qualified instructor certified by a national gun advocacy 14822
organization, the training so specified, other than the training 14823
that requires the person receiving the training to demonstrate 14824
handling abilities, may be provided online or as a combination 14825
of in-person and online training, as long as the online training 14826
includes an interactive component that regularly engages the 14827
person. 14828

(b) Except as otherwise provided in this division, the 14829
written section of the competency examination specified in 14830
division (G) (2) (a) of this section shall be administered to the 14831
person taking the competency examination in person by an 14832
instructor. If the training specified in division (G) (1) (a) of 14833
this section is provided to the person receiving the training by 14834
a course, class, or program described in division (B) (3) (a) of 14835
this section, or it is provided by a course, class, or program 14836
described in division (B) (3) (b), (c), or (e) of this section and 14837
the instructor is a qualified instructor certified by a national 14838
gun advocacy organization, the written section of the competency 14839
examination specified in division (G) (2) (a) of this section may 14840
be administered online, as long as the online training includes 14841
an interactive component that regularly engages the person. 14842

(4) The competency certification described in division (B) 14843
(3) (a), (b), (c), or (e) of this section shall be dated and 14844
shall attest that the course, class, or program the applicant 14845
successfully completed met the requirements described in 14846
division (G) (1) of this section and that the applicant passed 14847
the competency examination described in division (G) (2) of this 14848

section. 14849

(H) Upon deciding to issue a concealed handgun license, 14850
deciding to issue a replacement concealed handgun license, or 14851
deciding to renew a concealed handgun license pursuant to this 14852
section, and before actually issuing or renewing the license, 14853
the sheriff shall make available through the law enforcement 14854
automated data system all information contained on the license. 14855
If the license subsequently is suspended under division (A) (1) 14856
or (2) of section 2923.128 of the Revised Code, revoked pursuant 14857
to division (B) (1) of section 2923.128 of the Revised Code, or 14858
lost or destroyed, the sheriff also shall make available through 14859
the law enforcement automated data system a notation of that 14860
fact. The superintendent of the state highway patrol shall 14861
ensure that the law enforcement automated data system is so 14862
configured as to permit the transmission through the system of 14863
the information specified in this division. 14864

(I) (1) A sheriff shall accept a completed application form 14865
or renewal application, and the fee, items, materials, and 14866
information specified in divisions (B) (1) to (5) or division (F) 14867
of this section, whichever is applicable, and shall provide an 14868
application form or renewal application to any person during at 14869
least fifteen hours a week and shall provide the web site 14870
address at which a printable version of the application form 14871
that can be downloaded and the pamphlet described in division 14872
(B) of section 109.731 of the Revised Code may be found at any 14873
time, upon request. The sheriff shall post notice of the hours 14874
during which the sheriff is available to accept or provide the 14875
information described in this division. 14876

(2) A sheriff shall transmit a notice to the attorney 14877
general, in a manner determined by the attorney general, every 14878

time a license is issued that waived payment under division (B) 14879
(1) (c) of this section for an applicant who is an active or 14880
reserve member of the armed forces of the United States or has 14881
retired from or was honorably discharged from military service 14882
in the active or reserve armed forces of the United States. The 14883
attorney general shall monitor and inform sheriffs issuing 14884
licenses under this section when the amount of license fee 14885
payments waived and transmitted to the attorney general reach 14886
one million five hundred thousand dollars each year. Once a 14887
sheriff is informed that the payments waived reached one million 14888
five hundred thousand dollars in any year, a sheriff shall no 14889
longer waive payment of a license fee for an applicant who is an 14890
active or reserve member of the armed forces of the United 14891
States or has retired from or was honorably discharged from 14892
military service in the active or reserve armed forces of the 14893
United States for the remainder of that year. 14894

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 14895
concealed handgun license is arrested for or otherwise charged 14896
with an offense described in division (D) (1) (d) of section 14897
2923.125 of the Revised Code or with a violation of section 14898
2923.15 of the Revised Code or becomes subject to a temporary 14899
protection order or to a protection order issued by a court of 14900
another state that is substantially equivalent to a temporary 14901
protection order, the sheriff who issued the license shall 14902
suspend it and shall comply with division (A) (3) of this section 14903
upon becoming aware of the arrest, charge, or protection order. 14904
Upon suspending the license, the sheriff also shall comply with 14905
division (H) of section 2923.125 of the Revised Code. 14906

(b) A suspension under division (A) (1) (a) of this section 14907
shall be considered as beginning on the date that the licensee 14908
is arrested for or otherwise charged with an offense described 14909

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

(2) (a) If a licensee holding a valid concealed handgun license is convicted of or pleads guilty to a misdemeanor violation of division (B) (1), (2), or (4) of section 2923.12 of the Revised Code or of division (E) (1), (2), (3), or (5) of section 2923.16 of the Revised Code, except as provided in division (A) (2) (c) of this section and subject to division (C) of this section, the sheriff who issued the license shall suspend it and shall comply with division (A) (3) of this section upon becoming aware of the conviction or guilty plea. Upon suspending the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A) (2) (a) of this section shall be considered as beginning on the date that the licensee is convicted of or pleads guilty to the offense described in that division, irrespective of when the sheriff notifies the licensee under division (A) (3) of this section. If the suspension is imposed for a misdemeanor violation of division (B) (1) or (2) of section 2923.12 of the Revised Code or of division (E) (1), (2), or (3) of section 2923.16 of the Revised Code, it shall end on the date that is one year after the date

that the licensee is convicted of or pleads guilty to that 14941
violation. If the suspension is imposed for a misdemeanor 14942
violation of division (B) (4) of section 2923.12 of the Revised 14943
Code or of division (E) (5) of section 2923.16 of the Revised 14944
Code, it shall end on the date that is two years after the date 14945
that the licensee is convicted of or pleads guilty to that 14946
violation. If the licensee's license was issued under section 14947
2923.125 of the Revised Code and the license remains valid after 14948
the suspension ends as described in this division, when the 14949
suspension ends, the sheriff shall return the license to the 14950
licensee. If the licensee's license was issued under section 14951
2923.125 of the Revised Code and the license expires before the 14952
suspension ends as described in this division, or if the 14953
licensee's license was issued under section 2923.1213 of the 14954
Revised Code, the licensee is not eligible to apply for a new 14955
license under section 2923.125 or 2923.1213 of the Revised Code 14956
or to renew the license under section 2923.125 of the Revised 14957
Code until after the suspension ends as described in this 14958
division. 14959

(c) The license of a licensee who is convicted of or 14960
pleads guilty to a violation of division (B) (1) of section 14961
2923.12 or division (E) (1) or (2) of section 2923.16 of the 14962
Revised Code shall not be suspended pursuant to division (A) (2) 14963
(a) of this section if, at the time of the stop of the licensee 14964
for a law enforcement purpose, for a traffic stop, or for a 14965
purpose defined in section 5503.34 of the Revised Code that was 14966
the basis of the violation, any law enforcement officer involved 14967
with the stop or the employee of the motor carrier enforcement 14968
unit who made the stop had actual knowledge of the licensee's 14969
status as a licensee. 14970

(3) Upon becoming aware of an arrest, charge, or 14971

protection order described in division (A) (1) (a) of this section 14972
with respect to a licensee who was issued a concealed handgun 14973
license, or a conviction of or plea of guilty to a misdemeanor 14974
offense described in division (A) (2) (a) of this section with 14975
respect to a licensee who was issued a concealed handgun license 14976
and with respect to which division (A) (2) (c) of this section 14977
does not apply, subject to division (C) of this section, the 14978
sheriff who issued the licensee's license shall notify the 14979
licensee, by certified mail, return receipt requested, at the 14980
licensee's last known residence address that the license has 14981
been suspended and that the licensee is required to surrender 14982
the license at the sheriff's office within ten days of the date 14983
on which the notice was mailed. If the suspension is pursuant to 14984
division (A) (2) of this section, the notice shall identify the 14985
date on which the suspension ends. 14986

(B) (1) A sheriff who issues a concealed handgun license to 14987
a licensee shall revoke the license in accordance with division 14988
(B) (2) of this section upon becoming aware that the licensee 14989
satisfies any of the following: 14990

(a) The licensee is under twenty-one years of age. 14991

(b) Subject to division (C) of this section, at the time 14992
of the issuance of the license, the licensee did not satisfy the 14993
eligibility requirements of division (D) (1) (c), (d), (e), (f), 14994
(g), or (h) of section 2923.125 of the Revised Code. 14995

(c) Subject to division (C) of this section, on or after 14996
the date on which the license was issued, the licensee is 14997
convicted of or pleads guilty to a violation of section 2923.15 14998
of the Revised Code or an offense described in division (D) (1) 14999
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 15000

(d) On or after the date on which the license was issued, 15001
the licensee becomes subject to a civil protection order or to a 15002
protection order issued by a court of another state that is 15003
substantially equivalent to a civil protection order. 15004

(e) The licensee knowingly carries a concealed handgun 15005
into a place that the licensee knows is an unauthorized place 15006
specified in division (B) of section 2923.126 of the Revised 15007
Code. 15008

(f) On or after the date on which the license was issued, 15009
the licensee is adjudicated as a mental defective or is 15010
committed to a mental institution. 15011

(g) At the time of the issuance of the license, the 15012
licensee did not meet the residency requirements described in 15013
division (D)(1) of section 2923.125 of the Revised Code and 15014
currently does not meet the residency requirements described in 15015
that division. 15016

(h) Regarding a license issued under section 2923.125 of 15017
the Revised Code, the competency certificate the licensee 15018
submitted was forged or otherwise was fraudulent. 15019

(2) Upon becoming aware of any circumstance listed in 15020
division (B)(1) of this section that applies to a particular 15021
licensee who was issued a concealed handgun license, subject to 15022
division (C) of this section, the sheriff who issued the license 15023
to the licensee shall notify the licensee, by certified mail, 15024
return receipt requested, at the licensee's last known residence 15025
address that the license is subject to revocation and that the 15026
licensee may come to the sheriff's office and contest the 15027
sheriff's proposed revocation within fourteen days of the date 15028
on which the notice was mailed. After the fourteen-day period 15029

and after consideration of any information that the licensee provides during that period, if the sheriff determines on the basis of the information of which the sheriff is aware that the licensee is described in division (B) (1) of this section and no longer satisfies the requirements described in division (D) (1) of section 2923.125 of the Revised Code that are applicable to the licensee's type of license, the sheriff shall revoke the license, notify the licensee of that fact, and require the licensee to surrender the license. Upon revoking the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(C) If a sheriff who issues a concealed handgun license to a licensee becomes aware that at the time of the issuance of the license the licensee had been convicted of or pleaded guilty to an offense identified in division (D) (1) (e), (f), or (h) of section 2923.125 of the Revised Code or had been adjudicated a delinquent child for committing an act or violation identified in any of those divisions or becomes aware that on or after the date on which the license was issued the licensee has been convicted of or pleaded guilty to an offense identified in division (A) (2) (a) or (B) (1) (c) of this section, the sheriff shall not consider that conviction, guilty plea, or adjudication as having occurred for purposes of divisions (A) (2), (A) (3), (B) (1), and (B) (2) of this section if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to ~~2953.36~~ 2953.34 of the Revised Code or the licensee has been relieved under operation of law or legal process from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction, guilty plea, or adjudication.

(D) As used in this section, "motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code. 15061
15062
15063

Sec. 2923.1213. (A) As used in this section: 15064

(1) "Evidence of imminent danger" means any of the following: 15065
15066

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed; 15067
15068
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15071

(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor. 15072
15073
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15081

(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 15082
15083

(B) (1) A person seeking a concealed handgun license on a temporary emergency basis shall submit to the sheriff of the county in which the person resides or, if the person usually resides in another state, to the sheriff of the county in which the person is temporarily staying, all of the following: 15084
15085
15086
15087
15088

(a) Evidence of imminent danger to the person or a member 15089

of the person's family; 15090

(b) A sworn affidavit that contains all of the information 15091
required to be on the license and attesting that the person is 15092
legally living in the United States; is at least twenty-one 15093
years of age; is not a fugitive from justice; is not under 15094
indictment for or otherwise charged with an offense identified 15095
in division (D) (1) (d) of section 2923.125 of the Revised Code; 15096
has not been convicted of or pleaded guilty to an offense, and 15097
has not been adjudicated a delinquent child for committing an 15098
act, identified in division (D) (1) (e) of that section and to 15099
which division (B) (3) of this section does not apply; within 15100
three years of the date of the submission, has not been 15101
convicted of or pleaded guilty to an offense, and has not been 15102
adjudicated a delinquent child for committing an act, identified 15103
in division (D) (1) (f) of that section and to which division (B) 15104
(3) of this section does not apply; within five years of the 15105
date of the submission, has not been convicted of, pleaded 15106
guilty, or adjudicated a delinquent child for committing two or 15107
more violations identified in division (D) (1) (g) of that 15108
section; within ten years of the date of the submission, has not 15109
been convicted of, pleaded guilty, or adjudicated a delinquent 15110
child for committing a violation identified in division (D) (1) 15111
(h) of that section and to which division (B) (3) of this section 15112
does not apply; has not been adjudicated as a mental defective, 15113
has not been committed to any mental institution, is not under 15114
adjudication of mental incompetence, has not been found by a 15115
court to be a mentally ill person subject to court order, and is 15116
not an involuntary patient other than one who is a patient only 15117
for purposes of observation, as described in division (D) (1) (i) 15118
of that section; is not currently subject to a civil protection 15119
order, a temporary protection order, or a protection order 15120

issued by a court of another state, as described in division (D) 15121
(1)(j) of that section; is not currently subject to a suspension 15122
imposed under division (A)(2) of section 2923.128 of the Revised 15123
Code of a concealed handgun license that previously was issued 15124
to the person or a similar suspension imposed by another state 15125
regarding a concealed handgun license issued by that state; is 15126
not an unlawful user of or addicted to any controlled substance 15127
as defined in 21 U.S.C. 802; if applicable, is an alien and has 15128
not been admitted to the United States under a nonimmigrant 15129
visa, as defined in the "Immigration and Nationality Act," 8 15130
U.S.C. 1101(a)(26); has not been discharged from the armed 15131
forces of the United States under dishonorable conditions; if 15132
applicable, has not renounced the applicant's United States 15133
citizenship; and has not been convicted of, pleaded guilty to, 15134
or been adjudicated a delinquent child for committing a 15135
violation identified in division (D)(1)(s) of section 2923.125 15136
of the Revised Code; 15137

(c) A nonrefundable temporary emergency license fee as 15138
described in either of the following: 15139

(i) For an applicant who has been a resident of this state 15140
for five or more years, a fee of fifteen dollars plus the actual 15141
cost of having a background check performed by the bureau of 15142
criminal identification and investigation pursuant to section 15143
311.41 of the Revised Code; 15144

(ii) For an applicant who has been a resident of this 15145
state for less than five years or who is not a resident of this 15146
state, but is temporarily staying in this state, a fee of 15147
fifteen dollars plus the actual cost of having background checks 15148
performed by the federal bureau of investigation and the bureau 15149
of criminal identification and investigation pursuant to section 15150

311.41 of the Revised Code. 15151

(d) A set of fingerprints of the applicant provided as 15152
described in section 311.41 of the Revised Code through use of 15153
an electronic fingerprint reading device or, if the sheriff to 15154
whom the application is submitted does not possess and does not 15155
have ready access to the use of an electronic fingerprint 15156
reading device, on a standard impression sheet prescribed 15157
pursuant to division (C) (2) of section 109.572 of the Revised 15158
Code. If the fingerprints are provided on a standard impression 15159
sheet, the person also shall provide the person's social 15160
security number to the sheriff. 15161

(2) A sheriff shall accept the evidence of imminent 15162
danger, the sworn affidavit, the fee, and the set of 15163
fingerprints required under division (B) (1) of this section at 15164
the times and in the manners described in division (I) of this 15165
section. Upon receipt of the evidence of imminent danger, the 15166
sworn affidavit, the fee, and the set of fingerprints required 15167
under division (B) (1) of this section, the sheriff, in the 15168
manner specified in section 311.41 of the Revised Code, 15169
immediately shall conduct or cause to be conducted the criminal 15170
records check and the incompetency records check described in 15171
section 311.41 of the Revised Code. Immediately upon receipt of 15172
the results of the records checks, the sheriff shall review the 15173
information and shall determine whether the criteria set forth 15174
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 15175
of the Revised Code apply regarding the person. If the sheriff 15176
determines that all of the criteria set forth in divisions (D) 15177
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 15178
Code apply regarding the person, the sheriff shall immediately 15179
make available through the law enforcement automated data system 15180
all information that will be contained on the temporary 15181

emergency license for the person if one is issued, and the 15182
superintendent of the state highway patrol shall ensure that the 15183
system is so configured as to permit the transmission through 15184
the system of that information. Upon making that information 15185
available through the law enforcement automated data system, the 15186
sheriff shall immediately issue to the person a concealed 15187
handgun license on a temporary emergency basis. 15188

If the sheriff denies the issuance of a license on a 15189
temporary emergency basis to the person, the sheriff shall 15190
specify the grounds for the denial in a written notice to the 15191
person. The person may appeal the denial, or challenge criminal 15192
records check results that were the basis of the denial if 15193
applicable, in the same manners specified in division (D) (2) of 15194
section 2923.125 and in section 2923.127 of the Revised Code, 15195
regarding the denial of an application for a concealed handgun 15196
license under that section. 15197

The license on a temporary emergency basis issued under 15198
this division shall be in the form, and shall include all of the 15199
information, described in divisions (A) (2) (a) and (d) of section 15200
109.731 of the Revised Code, and also shall include a unique 15201
combination of identifying letters and numbers in accordance 15202
with division (A) (2) (c) of that section. 15203

The license on a temporary emergency basis issued under 15204
this division is valid for ninety days and may not be renewed. A 15205
person who has been issued a license on a temporary emergency 15206
basis under this division shall not be issued another license on 15207
a temporary emergency basis unless at least four years has 15208
expired since the issuance of the prior license on a temporary 15209
emergency basis. 15210

(3) If a person seeking a concealed handgun license on a 15211

temporary emergency basis has been convicted of or pleaded 15212
guilty to an offense identified in division (D) (1) (e), (f), or 15213
(h) of section 2923.125 of the Revised Code or has been 15214
adjudicated a delinquent child for committing an act or 15215
violation identified in any of those divisions, and if a court 15216
has ordered the sealing or expungement of the records of that 15217
conviction, guilty plea, or adjudication pursuant to sections 15218
2151.355 to 2151.358 or sections 2953.31 to ~~2953.36~~ 2953.34 of 15219
the Revised Code or the applicant has been relieved under 15220
operation of law or legal process from the disability imposed 15221
pursuant to section 2923.13 of the Revised Code relative to that 15222
conviction, guilty plea, or adjudication, the conviction, guilty 15223
plea, or adjudication shall not be relevant for purposes of the 15224
sworn affidavit described in division (B) (1) (b) of this section, 15225
and the person may complete, and swear to the truth of, the 15226
affidavit as if the conviction, guilty plea, or adjudication 15227
never had occurred. 15228

(4) The sheriff shall waive the payment pursuant to 15229
division (B) (1) (c) of this section of the license fee in 15230
connection with an application that is submitted by an applicant 15231
who is a retired peace officer, a retired person described in 15232
division (B) (1) (b) of section 109.77 of the Revised Code, or a 15233
retired federal law enforcement officer who, prior to 15234
retirement, was authorized under federal law to carry a firearm 15235
in the course of duty, unless the retired peace officer, person, 15236
or federal law enforcement officer retired as the result of a 15237
mental disability. 15238

The sheriff shall deposit all fees paid by an applicant 15239
under division (B) (1) (c) of this section into the sheriff's 15240
concealed handgun license issuance fund established pursuant to 15241
section 311.42 of the Revised Code. 15242

(C) A person who holds a concealed handgun license on a temporary emergency basis has the same right to carry a concealed handgun as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code, and any exceptions to the prohibitions contained in section 1547.69 and sections 2923.12 to 2923.16 of the Revised Code for a licensee under section 2923.125 of the Revised Code apply to a licensee under this section. The person is subject to the same restrictions, and to all other procedures, duties, and sanctions, that apply to a person who carries a license issued under section 2923.125 of the Revised Code, other than the license renewal procedures set forth in that section.

(D) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards to the license. The sheriff shall suspend or revoke the license in accordance with section 2923.128 of the Revised Code. In addition to the suspension or revocation procedures set forth in section 2923.128 of the Revised Code, the sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed perjury in obtaining the license; if the sheriff revokes a license under this additional authority, the sheriff shall notify the person, by certified mail, return receipt requested, at the person's last known residence address that the license has been revoked and that the person is required to surrender the license at the sheriff's office within

ten days of the date on which the notice was mailed. Division 15274
(H) of section 2923.125 of the Revised Code applies regarding 15275
any suspension or revocation of a concealed handgun license on a 15276
temporary emergency basis. 15277

(E) A sheriff who issues a concealed handgun license on a 15278
temporary emergency basis under this section shall retain, for 15279
the entire period during which the license is in effect, the 15280
evidence of imminent danger that the person submitted to the 15281
sheriff and that was the basis for the license, or a copy of 15282
that evidence, as appropriate. 15283

(F) If a concealed handgun license on a temporary 15284
emergency basis issued under this section is lost or is 15285
destroyed, the licensee may obtain from the sheriff who issued 15286
that license a duplicate license upon the payment of a fee of 15287
fifteen dollars and the submission of an affidavit attesting to 15288
the loss or destruction of the license. The sheriff, in 15289
accordance with the procedures prescribed in section 109.731 of 15290
the Revised Code, shall place on the replacement license a 15291
combination of identifying numbers different from the 15292
combination on the license that is being replaced. 15293

(G) The attorney general shall prescribe, and shall make 15294
available to sheriffs, a standard form to be used under division 15295
(B) of this section by a person who applies for a concealed 15296
handgun license on a temporary emergency basis on the basis of 15297
imminent danger of a type described in division (A) (1) (a) of 15298
this section. The attorney general shall design the form to 15299
enable applicants to provide the information that is required by 15300
law to be collected, and shall update the form as necessary. 15301
Burdens or restrictions to obtaining a concealed handgun license 15302
that are not expressly prescribed in law shall not be 15303

incorporated into the form. The attorney general shall post a
printable version of the form on the web site of the attorney
general and shall provide the address of the web site to any
person who requests the form.

(H) A sheriff who receives any fees paid by a person under
this section shall deposit all fees so paid into the sheriff's
concealed handgun license issuance expense fund established
under section 311.42 of the Revised Code.

(I) A sheriff shall accept evidence of imminent danger, a
sworn affidavit, the fee, and the set of fingerprints specified
in division (B)(1) of this section at any time during normal
business hours. In no case shall a sheriff require an
appointment, or designate a specific period of time, for the
submission or acceptance of evidence of imminent danger, a sworn
affidavit, the fee, and the set of fingerprints specified in
division (B)(1) of this section, or for the provision to any
person of a standard form to be used for a person to apply for a
concealed handgun license on a temporary emergency basis.

Sec. 2923.13. (A) Unless relieved from disability under
operation of law or legal process, no person shall knowingly
acquire, have, carry, or use any firearm or dangerous ordnance,
if any of the following apply:

(1) The person is a fugitive from justice.

(2) The person ~~is under indictment for or~~ has been
convicted of any felony offense of violence or has been
adjudicated a delinquent child for the commission of an offense
that, if committed by an adult, would have been a felony offense
of violence.

(3) The person ~~is under indictment for or~~ has been

convicted of any felony offense involving the illegal 15333
possession, use, sale, administration, distribution, or 15334
trafficking in any drug of abuse or has been adjudicated a 15335
delinquent child for the commission of an offense that, if 15336
committed by an adult, would have been a felony offense 15337
involving the illegal possession, use, sale, administration, 15338
distribution, or trafficking in any drug of abuse. 15339

(4) The person is drug dependent, in danger of drug 15340
dependence, or a chronic alcoholic. 15341

(5) The person is under adjudication of mental 15342
incompetence, has been adjudicated as a mental defective, has 15343
been committed to a mental institution, has been found by a 15344
court to be a mentally ill person subject to court order, or is 15345
an involuntary patient other than one who is a patient only for 15346
purposes of observation. As used in this division, "mentally ill 15347
person subject to court order" and "patient" have the same 15348
meanings as in section 5122.01 of the Revised Code. 15349

(6) The person is under indictment for any offense 15350
described in division (A) (2) or (3) of this section, but only if 15351
the person knows or has reasonable cause to believe that the 15352
person is under indictment for the offense. 15353

(B) Whoever violates this section is guilty of having 15354
weapons while under disability, a felony of the third degree. 15355

(C) For the purposes of this section, "under operation of 15356
law or legal process" shall not itself include mere completion, 15357
termination, or expiration of a sentence imposed as a result of 15358
a criminal conviction. 15359

Sec. 2923.14. (A) (1) Except as otherwise provided in 15360
division (A) (2) of this section, any person who is prohibited 15361

from acquiring, having, carrying, or using firearms may apply to 15362
the court of common pleas in the county in which the person 15363
resides for relief from such prohibition. 15364

(2) Division (A)(1) of this section does not apply to a 15365
person who has been convicted of or pleaded guilty to a 15366
violation of section 2923.132 of the Revised Code or to a person 15367
who, two or more times, has been convicted of or pleaded guilty 15368
to a felony and a specification of the type described in section 15369
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 15370
of the Revised Code. 15371

(B) The application shall recite the following: 15372

(1) All indictments, convictions, or adjudications upon 15373
which the applicant's disability is based, the sentence imposed 15374
and served, and any release granted under a community control 15375
sanction, post-release control sanction, or parole, any partial 15376
or conditional pardon granted, or other disposition of each 15377
case, or, if the disability is based upon a factor other than an 15378
indictment, a conviction, or an adjudication, the factor upon 15379
which the disability is based and all details related to that 15380
factor; 15381

(2) Facts showing the applicant to be a fit subject for 15382
relief under this section. 15383

(C) A copy of the application shall be served on the 15384
county prosecutor. The county prosecutor shall cause the matter 15385
to be investigated and shall raise before the court any 15386
objections to granting relief that the investigation reveals. 15387

(D) Upon hearing, the court may grant the applicant relief 15388
pursuant to this section, if all of the following apply: 15389

(1) One of the following applies: 15390

(a) If the disability is based upon an indictment, a conviction, or an adjudication, the applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance.

(b) If the disability is based upon a factor other than an indictment, a conviction, or an adjudication, that factor no longer is applicable to the applicant.

(2) The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so.

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.

(F) Relief from disability granted pursuant to this section restores the applicant to all civil firearm rights to the full extent enjoyed by any citizen, and is subject to the following conditions:

(1) Applies only with respect to indictments, convictions, or adjudications, or to the other factor, recited in the application as the basis for the applicant's disability;

(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;

(3) May be revoked by the court at any time for good cause shown and upon notice to the applicant;

(4) Is automatically void upon commission by the applicant of any offense set forth in division (A) (2) ~~or~~, (3), or (6) of section 2923.13 of the Revised Code, or upon the applicant's

becoming one of the class of persons named in division (A) (1),	15419
(4), or (5) of that section.	15420
(G) As used in this section:	15421
(1) "Community control sanction" has the same meaning as	15422
in section 2929.01 of the Revised Code.	15423
(2) "Post-release control" and "post-release control	15424
sanction" have the same meanings as in section 2967.01 of the	15425
Revised Code.	15426
Sec. 2923.16. (A) No person shall knowingly discharge a	15427
firearm while in or on a motor vehicle.	15428
(B) No person shall knowingly transport or have a loaded	15429
firearm in a motor vehicle in such a manner that the firearm is	15430
accessible to the operator or any passenger without leaving the	15431
vehicle.	15432
(C) No person shall knowingly transport or have a firearm	15433
in a motor vehicle, unless the person may lawfully possess that	15434
firearm under applicable law of this state or the United States,	15435
the firearm is unloaded, and the firearm is carried in one of	15436
the following ways:	15437
(1) In a closed package, box, or case;	15438
(2) In a compartment that can be reached only by leaving	15439
the vehicle;	15440
(3) In plain sight and secured in a rack or holder made	15441
for the purpose;	15442
(4) If the firearm is at least twenty-four inches in	15443
overall length as measured from the muzzle to the part of the	15444
stock furthest from the muzzle and if the barrel is at least	15445

eighteen inches in length, either in plain sight with the action 15446
open or the weapon stripped, or, if the firearm is of a type on 15447
which the action will not stay open or which cannot easily be 15448
stripped, in plain sight. 15449

(D) No person shall knowingly transport or have a loaded 15450
handgun in a motor vehicle if, at the time of that 15451
transportation or possession, any of the following applies: 15452

(1) The person is under the influence of alcohol, a drug 15453
of abuse, or a combination of them. 15454

(2) The person's whole blood, blood serum or plasma, 15455
breath, or urine contains a concentration of alcohol, a listed 15456
controlled substance, or a listed metabolite of a controlled 15457
substance prohibited for persons operating a vehicle, as 15458
specified in division (A) of section 4511.19 of the Revised 15459
Code, regardless of whether the person at the time of the 15460
transportation or possession as described in this division is 15461
the operator of or a passenger in the motor vehicle. 15462

(E) No person who has been issued a concealed handgun 15463
license or who is an active duty member of the armed forces of 15464
the United States and is carrying a valid military 15465
identification card and documentation of successful completion 15466
of firearms training that meets or exceeds the training 15467
requirements described in division (G)(1) of section 2923.125 of 15468
the Revised Code, who is the driver or an occupant of a motor 15469
vehicle that is stopped as a result of a traffic stop or a stop 15470
for another law enforcement purpose or is the driver or an 15471
occupant of a commercial motor vehicle that is stopped by an 15472
employee of the motor carrier enforcement unit for the purposes 15473
defined in section 5503.34 of the Revised Code, and who is 15474
transporting or has a loaded handgun in the motor vehicle or 15475

commercial motor vehicle in any manner, shall do any of the 15476
following: 15477

(1) Fail to promptly inform any law enforcement officer 15478
who approaches the vehicle while stopped that the person has 15479
been issued a concealed handgun license or is authorized to 15480
carry a concealed handgun as an active duty member of the armed 15481
forces of the United States and that the person then possesses 15482
or has a loaded handgun in the motor vehicle; 15483

(2) Fail to promptly inform the employee of the unit who 15484
approaches the vehicle while stopped that the person has been 15485
issued a concealed handgun license or is authorized to carry a 15486
concealed handgun as an active duty member of the armed forces 15487
of the United States and that the person then possesses or has a 15488
loaded handgun in the commercial motor vehicle; 15489

(3) Knowingly fail to remain in the motor vehicle while 15490
stopped or knowingly fail to keep the person's hands in plain 15491
sight at any time after any law enforcement officer begins 15492
approaching the person while stopped and before the law 15493
enforcement officer leaves, unless the failure is pursuant to 15494
and in accordance with directions given by a law enforcement 15495
officer; 15496

(4) Knowingly have contact with the loaded handgun by 15497
touching it with the person's hands or fingers in the motor 15498
vehicle at any time after the law enforcement officer begins 15499
approaching and before the law enforcement officer leaves, 15500
unless the person has contact with the loaded handgun pursuant 15501
to and in accordance with directions given by the law 15502
enforcement officer; 15503

(5) Knowingly disregard or fail to comply with any lawful 15504

order of any law enforcement officer given while the motor 15505
vehicle is stopped, including, but not limited to, a specific 15506
order to the person to keep the person's hands in plain sight. 15507

(F) (1) Divisions (A), (B), (C), and (E) of this section do 15508
not apply to any of the following: 15509

(a) An officer, agent, or employee of this or any other 15510
state or the United States, or a law enforcement officer, when 15511
authorized to carry or have loaded or accessible firearms in 15512
motor vehicles and acting within the scope of the officer's, 15513
agent's, or employee's duties; 15514

(b) Any person who is employed in this state, who is 15515
authorized to carry or have loaded or accessible firearms in 15516
motor vehicles, and who is subject to and in compliance with the 15517
requirements of section 109.801 of the Revised Code, unless the 15518
appointing authority of the person has expressly specified that 15519
the exemption provided in division (F) (1) (b) of this section 15520
does not apply to the person. 15521

(2) Division (A) of this section does not apply to a 15522
person if all of the following circumstances apply: 15523

(a) The person discharges a firearm from a motor vehicle 15524
at a coyote or groundhog, the discharge is not during the deer 15525
gun hunting season as set by the chief of the division of 15526
wildlife of the department of natural resources, and the 15527
discharge at the coyote or groundhog, but for the operation of 15528
this section, is lawful. 15529

(b) The motor vehicle from which the person discharges the 15530
firearm is on real property that is located in an unincorporated 15531
area of a township and that either is zoned for agriculture or 15532
is used for agriculture. 15533

(c) The person owns the real property described in 15534
division (F) (2) (b) of this section, is the spouse or a child of 15535
another person who owns that real property, is a tenant of 15536
another person who owns that real property, or is the spouse or 15537
a child of a tenant of another person who owns that real 15538
property. 15539

(d) The person does not discharge the firearm in any of 15540
the following manners: 15541

(i) While under the influence of alcohol, a drug of abuse, 15542
or alcohol and a drug of abuse; 15543

(ii) In the direction of a street, highway, or other 15544
public or private property used by the public for vehicular 15545
traffic or parking; 15546

(iii) At or into an occupied structure that is a permanent 15547
or temporary habitation; 15548

(iv) In the commission of any violation of law, including, 15549
but not limited to, a felony that includes, as an essential 15550
element, purposely or knowingly causing or attempting to cause 15551
the death of or physical harm to another and that was committed 15552
by discharging a firearm from a motor vehicle. 15553

(3) Division (A) of this section does not apply to a 15554
person if all of the following apply: 15555

(a) The person possesses a valid all-purpose vehicle 15556
permit issued under section 1533.103 of the Revised Code by the 15557
chief of the division of wildlife. 15558

(b) The person discharges a firearm at a wild quadruped or 15559
game bird as defined in section 1531.01 of the Revised Code 15560
during the open hunting season for the applicable wild quadruped 15561

or game bird. 15562

(c) The person discharges a firearm from a stationary all- 15563
purpose vehicle as defined in section 1531.01 of the Revised 15564
Code from private or publicly owned lands or from a motor 15565
vehicle that is parked on a road that is owned or administered 15566
by the division of wildlife. 15567

(d) The person does not discharge the firearm in any of 15568
the following manners: 15569

(i) While under the influence of alcohol, a drug of abuse, 15570
or alcohol and a drug of abuse; 15571

(ii) In the direction of a street, a highway, or other 15572
public or private property that is used by the public for 15573
vehicular traffic or parking; 15574

(iii) At or into an occupied structure that is a permanent 15575
or temporary habitation; 15576

(iv) In the commission of any violation of law, including, 15577
but not limited to, a felony that includes, as an essential 15578
element, purposely or knowingly causing or attempting to cause 15579
the death of or physical harm to another and that was committed 15580
by discharging a firearm from a motor vehicle. 15581

(4) Divisions (B) and (C) of this section do not apply to 15582
a person if all of the following circumstances apply: 15583

(a) At the time of the alleged violation of either of 15584
those divisions, the person is the operator of or a passenger in 15585
a motor vehicle. 15586

(b) The motor vehicle is on real property that is located 15587
in an unincorporated area of a township and that either is zoned 15588
for agriculture or is used for agriculture. 15589

(c) The person owns the real property described in 15590
division (D) (4) (b) of this section, is the spouse or a child of 15591
another person who owns that real property, is a tenant of 15592
another person who owns that real property, or is the spouse or 15593
a child of a tenant of another person who owns that real 15594
property. 15595

(d) The person, prior to arriving at the real property 15596
described in division (D) (4) (b) of this section, did not 15597
transport or possess a firearm in the motor vehicle in a manner 15598
prohibited by division (B) or (C) of this section while the 15599
motor vehicle was being operated on a street, highway, or other 15600
public or private property used by the public for vehicular 15601
traffic or parking. 15602

(5) Divisions (B) and (C) of this section do not apply to 15603
a person who transports or possesses a handgun in a motor 15604
vehicle if, at the time of that transportation or possession, 15605
both of the following apply: 15606

(a) The person transporting or possessing the handgun is 15607
either carrying a valid concealed handgun license or is an 15608
active duty member of the armed forces of the United States and 15609
is carrying a valid military identification card and 15610
documentation of successful completion of firearms training that 15611
meets or exceeds the training requirements described in division 15612
(G) (1) of section 2923.125 of the Revised Code. 15613

(b) The person transporting or possessing the handgun is 15614
not knowingly in a place described in division (B) of section 15615
2923.126 of the Revised Code. 15616

(6) Divisions (B) and (C) of this section do not apply to 15617
a person if all of the following apply: 15618

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

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

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

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

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

(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and

while the motor vehicle was on the actor's own property, 15648
provided that this affirmative defense is not available unless 15649
the person, immediately prior to arriving at the actor's own 15650
property, did not transport or possess the firearm in a motor 15651
vehicle in a manner prohibited by division (B) or (C) of this 15652
section while the motor vehicle was being operated on a street, 15653
highway, or other public or private property used by the public 15654
for vehicular traffic. 15655

(H) (1) No person who is charged with a violation of 15656
division (B), (C), or (D) of this section shall be required to 15657
obtain a concealed handgun license as a condition for the 15658
dismissal of the charge. 15659

(2) (a) If a person is convicted of, was convicted of, 15660
pleads guilty to, or has pleaded guilty to a violation of 15661
division (E) of this section as it existed prior to September 15662
30, 2011, and if the conduct that was the basis of the violation 15663
no longer would be a violation of division (E) of this section 15664
on or after September 30, 2011, the person may file an 15665
application under section ~~2953.37~~2953.35 of the Revised Code 15666
requesting the expungement of the record of conviction. 15667

If a person is convicted of, was convicted of, pleads 15668
guilty to, or has pleaded guilty to a violation of division (B) 15669
or (C) of this section as the division existed prior to 15670
September 30, 2011, and if the conduct that was the basis of the 15671
violation no longer would be a violation of division (B) or (C) 15672
of this section on or after September 30, 2011, due to the 15673
application of division (F) (5) of this section as it exists on 15674
and after September 30, 2011, the person may file an application 15675
under section ~~2953.37~~2953.35 of the Revised Code requesting the 15676
expungement of the record of conviction. 15677

(b) The attorney general shall develop a public media advisory that summarizes the expungement procedure established under section ~~2953.37~~2953.35 of the Revised Code and the offenders identified in division (H) (2) (a) of this section who are authorized to apply for the expungement. Within thirty days after September 30, 2011, the attorney general shall provide a copy of the advisory to each daily newspaper published in this state and each television station that broadcasts in this state. The attorney general may provide the advisory in a tangible form, an electronic form, or in both tangible and electronic forms.

(I) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of division (A) of this section is a felony of the fourth degree. Violation of division (C) of this section is a misdemeanor of the fourth degree. A violation of division (D) of this section is a felony of the fifth degree or, if the loaded handgun is concealed on the person's person, a felony of the fourth degree. Except as otherwise provided in this division, a violation of division (E) (1) or (2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to division (A) (2) of section 2923.128 of the Revised Code. If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in section 5503.34 of the Revised Code that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of division (E) (1) or (2) of this section is a minor misdemeanor, and the offender's

concealed handgun license shall not be suspended pursuant to 15709
division (A) (2) of section 2923.128 of the Revised Code. A 15710
violation of division (E) (4) of this section is a felony of the 15711
fifth degree. A violation of division (E) (3) or (5) of this 15712
section is a misdemeanor of the first degree or, if the offender 15713
previously has been convicted of or pleaded guilty to a 15714
violation of division (E) (3) or (5) of this section, a felony of 15715
the fifth degree. In addition to any other penalty or sanction 15716
imposed for a misdemeanor violation of division (E) (3) or (5) of 15717
this section, the offender's concealed handgun license shall be 15718
suspended pursuant to division (A) (2) of section 2923.128 of the 15719
Revised Code. A violation of division (B) of this section is a 15720
felony of the fourth degree. 15721

(J) If a law enforcement officer stops a motor vehicle for 15722
a traffic stop or any other purpose, if any person in the motor 15723
vehicle surrenders a firearm to the officer, either voluntarily 15724
or pursuant to a request or demand of the officer, and if the 15725
officer does not charge the person with a violation of this 15726
section or arrest the person for any offense, the person is not 15727
otherwise prohibited by law from possessing the firearm, and the 15728
firearm is not contraband, the officer shall return the firearm 15729
to the person at the termination of the stop. If a court orders 15730
a law enforcement officer to return a firearm to a person 15731
pursuant to the requirement set forth in this division, division 15732
(B) of section 2923.163 of the Revised Code applies. 15733

(K) As used in this section: 15734

(1) "Motor vehicle," "street," and "highway" have the same 15735
meanings as in section 4511.01 of the Revised Code. 15736

(2) "Occupied structure" has the same meaning as in 15737
section 2909.01 of the Revised Code. 15738

(3) "Agriculture" has the same meaning as in section 15739
519.01 of the Revised Code. 15740

(4) "Tenant" has the same meaning as in section 1531.01 of 15741
the Revised Code. 15742

(5) (a) "Unloaded" means, with respect to a firearm other 15743
than a firearm described in division (K) (6) of this section, 15744
that no ammunition is in the firearm in question, no magazine or 15745
speed loader containing ammunition is inserted into the firearm 15746
in question, and one of the following applies: 15747

(i) There is no ammunition in a magazine or speed loader 15748
that is in the vehicle in question and that may be used with the 15749
firearm in question. 15750

(ii) Any magazine or speed loader that contains ammunition 15751
and that may be used with the firearm in question is stored in a 15752
compartment within the vehicle in question that cannot be 15753
accessed without leaving the vehicle or is stored in a container 15754
that provides complete and separate enclosure. 15755

(b) For the purposes of division (K) (5) (a) (ii) of this 15756
section, a "container that provides complete and separate 15757
enclosure" includes, but is not limited to, any of the 15758
following: 15759

(i) A package, box, or case with multiple compartments, as 15760
long as the loaded magazine or speed loader and the firearm in 15761
question either are in separate compartments within the package, 15762
box, or case, or, if they are in the same compartment, the 15763
magazine or speed loader is contained within a separate 15764
enclosure in that compartment that does not contain the firearm 15765
and that closes using a snap, button, buckle, zipper, hook and 15766
loop closing mechanism, or other fastener that must be opened to 15767

access the contents or the firearm is contained within a 15768
separate enclosure of that nature in that compartment that does 15769
not contain the magazine or speed loader; 15770

(ii) A pocket or other enclosure on the person of the 15771
person in question that closes using a snap, button, buckle, 15772
zipper, hook and loop closing mechanism, or other fastener that 15773
must be opened to access the contents. 15774

(c) For the purposes of divisions (K) (5) (a) and (b) of 15775
this section, ammunition held in stripper-clips or in en-bloc 15776
clips is not considered ammunition that is loaded into a 15777
magazine or speed loader. 15778

(6) "Unloaded" means, with respect to a firearm employing 15779
a percussion cap, flintlock, or other obsolete ignition system, 15780
when the weapon is uncapped or when the priming charge is 15781
removed from the pan. 15782

(7) "Commercial motor vehicle" has the same meaning as in 15783
division (A) of section 4506.25 of the Revised Code. 15784

(8) "Motor carrier enforcement unit" means the motor 15785
carrier enforcement unit in the department of public safety, 15786
division of state highway patrol, that is created by section 15787
5503.34 of the Revised Code. 15788

(L) Divisions (K) (5) (a) and (b) of this section do not 15789
affect the authority of a person who is carrying a valid 15790
concealed handgun license to have one or more magazines or speed 15791
loaders containing ammunition anywhere in a vehicle, without 15792
being transported as described in those divisions, as long as no 15793
ammunition is in a firearm, other than a handgun, in the vehicle 15794
other than as permitted under any other provision of this 15795
chapter. A person who is carrying a valid concealed handgun 15796

license may have one or more magazines or speed loaders 15797
containing ammunition anywhere in a vehicle without further 15798
restriction, as long as no ammunition is in a firearm, other 15799
than a handgun, in the vehicle other than as permitted under any 15800
provision of this chapter. 15801

Sec. 2925.04. ~~(A)(1)~~ No person shall knowingly 15802
~~cultivate~~ do either of the following: 15803

(a) Cultivate marihuana or knowingly manufacture; 15804

(b) Manufacture or otherwise engage in any part of the 15805
production of a controlled substance. 15806

(2) Notwithstanding anything to the contrary in section 15807
2941.25 of the Revised Code, a person who is found guilty of 15808
violating division (A)(2) of this section shall not also be 15809
found guilty of violating division (A) of section 2925.061 of 15810
the Revised Code if both charges involve the same chemicals. 15811

(B) This section does not apply to any person listed in 15812
division (B)(1), (2), or (3) of section 2925.03 of the Revised 15813
Code to the extent and under the circumstances described in 15814
those divisions. 15815

(C)(1) Whoever commits a violation of division (A) of this 15816
section that involves any drug other than marihuana is guilty of 15817
illegal manufacture of drugs, and whoever commits a violation of 15818
division (A) of this section that involves marihuana is guilty 15819
of illegal cultivation of marihuana. 15820

(2) Except as otherwise provided in this division, if the 15821
drug involved in the violation of division (A) of this section 15822
is any compound, mixture, preparation, or substance included in 15823
schedule I or II, with the exception of methamphetamine or 15824
marihuana, illegal manufacture of drugs is a felony of the 15825

second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

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

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

(a) Except as otherwise provided in division (C) (3) (b) of this section, if the drug involved in the violation is methamphetamine, illegal manufacture of drugs is a felony of the 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 15856
of a juvenile, in the vicinity of a school, or on public 15857
premises, illegal manufacture of drugs is a felony of the first 15858
degree, and, subject to division (E) of this section, the court 15859
shall impose a mandatory prison term on the offender determined 15860
in accordance with this division. Except as otherwise provided 15861
in this division, the court shall impose as a mandatory prison 15862
term a first degree felony mandatory prison term that is not 15863
less than four years. If the offender previously has been 15864
convicted of or pleaded guilty to a violation of division (A) of 15865
this section, a violation of division (B) (6) of section 2919.22 15866
of the Revised Code, or a violation of division (A) of section 15867
2925.041 of the Revised Code, the court shall impose as a 15868
mandatory prison term a first degree felony mandatory prison 15869
term that is not less than five years. 15870

(4) If the drug involved in the violation of division (A) 15871
of this section is any compound, mixture, preparation, or 15872
substance included in schedule III, IV, or V, illegal 15873
manufacture of drugs is a felony of the third degree or, if the 15874
offense was committed in the vicinity of a school or in the 15875
vicinity of a juvenile, a felony of the second degree, and there 15876
is a presumption for a prison term for the offense. 15877

(5) If the drug involved in the violation is marihuana, 15878
the penalty for the offense shall be determined as follows: 15879

(a) Except as otherwise provided in division (C) (5) (b), 15880
(c), (d), (e), or (f) of this section, illegal cultivation of 15881
marihuana is a minor misdemeanor or, if the offense was 15882
committed in the vicinity of a school or in the vicinity of a 15883
juvenile, a misdemeanor of the fourth degree. 15884

(b) If the amount of marihuana involved equals or exceeds 15885

one hundred grams but is less than two hundred grams, illegal 15886
cultivation of marihuana is a misdemeanor of the fourth degree 15887
or, if the offense was committed in the vicinity of a school or 15888
in the vicinity of a juvenile, a misdemeanor of the third 15889
degree. 15890

(c) If the amount of marihuana involved equals or exceeds 15891
two hundred grams but is less than one thousand grams, illegal 15892
cultivation of marihuana is a felony of the fifth degree or, if 15893
the offense was committed in the vicinity of a school or in the 15894
vicinity of a juvenile, a felony of the fourth degree, and 15895
division (B) of section 2929.13 of the Revised Code applies in 15896
determining whether to impose a prison term on the offender. 15897

(d) If the amount of marihuana involved equals or exceeds 15898
one thousand grams but is less than five thousand grams, illegal 15899
cultivation of marihuana is a felony of the third degree or, if 15900
the offense was committed in the vicinity of a school or in the 15901
vicinity of a juvenile, a felony of the second degree, and 15902
division (C) of section 2929.13 of the Revised Code applies in 15903
determining whether to impose a prison term on the offender. 15904

(e) If the amount of marihuana involved equals or exceeds 15905
five thousand grams but is less than twenty thousand grams, 15906
illegal cultivation of marihuana is a felony of the third degree 15907
or, if the offense was committed in the vicinity of a school or 15908
in the vicinity of a juvenile, a felony of the second degree, 15909
and there is a presumption for a prison term for the offense. 15910

(f) Except as otherwise provided in this division, if the 15911
amount of marihuana involved equals or exceeds twenty thousand 15912
grams, illegal cultivation of marihuana is a felony of the 15913
second degree, and the court shall impose as a mandatory prison 15914
term a maximum second degree felony mandatory prison term. If 15915

the amount of the drug involved equals or exceeds twenty 15916
thousand grams and if the offense was committed in the vicinity 15917
of a school or in the vicinity of a juvenile, illegal 15918
cultivation of marihuana is a felony of the first degree, and 15919
the court shall impose as a mandatory prison term a maximum 15920
first degree felony mandatory prison term. 15921

(D) In addition to any prison term authorized or required 15922
by division (C) or (E) of this section and sections 2929.13 and 15923
2929.14 of the Revised Code and in addition to any other 15924
sanction imposed for the offense under this section or sections 15925
2929.11 to 2929.18 of the Revised Code, the court that sentences 15926
an offender who is convicted of or pleads guilty to a violation 15927
of division (A) of this section may suspend the offender's 15928
driver's or commercial driver's license or permit in accordance 15929
with division (G) of section 2925.03 of the Revised Code. 15930
However, if the offender pleaded guilty to or was convicted of a 15931
violation of section 4511.19 of the Revised Code or a 15932
substantially similar municipal ordinance or the law of another 15933
state or the United States arising out of the same set of 15934
circumstances as the violation, the court shall suspend the 15935
offender's driver's or commercial driver's license or permit in 15936
accordance with division (G) of section 2925.03 of the Revised 15937
Code. If applicable, the court also shall do the following: 15938

(1) If the violation of division (A) of this section is a 15939
felony of the first, second, or third degree, the court shall 15940
impose upon the offender the mandatory fine specified for the 15941
offense under division (B)(1) of section 2929.18 of the Revised 15942
Code unless, as specified in that division, the court determines 15943
that the offender is indigent. The clerk of the court shall pay 15944
a mandatory fine or other fine imposed for a violation of this 15945
section pursuant to division (A) of section 2929.18 of the 15946

Revised Code in accordance with and subject to the requirements 15947
of division (F) of section 2925.03 of the Revised Code. The 15948
agency that receives the fine shall use the fine as specified in 15949
division (F) of section 2925.03 of the Revised Code. If a person 15950
is charged with a violation of this section that is a felony of 15951
the first, second, or third degree, posts bail, and forfeits the 15952
bail, the clerk shall pay the forfeited bail as if the forfeited 15953
bail were a fine imposed for a violation of this section. 15954

(2) If the offender is a professionally licensed person, 15955
the court immediately shall comply with section 2925.38 of the 15956
Revised Code. 15957

(E) Notwithstanding the prison term otherwise authorized 15958
or required for the offense under division (C) of this section 15959
and sections 2929.13 and 2929.14 of the Revised Code, if the 15960
violation of division (A) of this section involves the sale, 15961
offer to sell, or possession of a schedule I or II controlled 15962
substance, with the exception of marihuana, and if the court 15963
imposing sentence upon the offender finds that the offender as a 15964
result of the violation is a major drug offender and is guilty 15965
of a specification of the type described in division (A) of 15966
section 2941.1410 of the Revised Code, the court, in lieu of the 15967
prison term otherwise authorized or required, shall impose upon 15968
the offender the mandatory prison term specified in division (B) 15969
(3) of section 2929.14 of the Revised Code. 15970

(F) It is an affirmative defense, as provided in section 15971
2901.05 of the Revised Code, to a charge under this section for 15972
a fifth degree felony violation of illegal cultivation of 15973
marihuana that the marihuana that gave rise to the charge is in 15974
an amount, is in a form, is prepared, compounded, or mixed with 15975
substances that are not controlled substances in a manner, or is 15976

possessed or cultivated under any other circumstances that 15977
indicate that the marihuana was solely for personal use. 15978

Notwithstanding any contrary provision of division (F) of 15979
this section, if, in accordance with section 2901.05 of the 15980
Revised Code, a person who is charged with a violation of 15981
illegal cultivation of marihuana that is a felony of the fifth 15982
degree sustains the burden of going forward with evidence of and 15983
establishes by a preponderance of the evidence the affirmative 15984
defense described in this division, the person may be prosecuted 15985
for and may be convicted of or plead guilty to a misdemeanor 15986
violation of illegal cultivation of marihuana. 15987

(G) Arrest or conviction for a minor misdemeanor violation 15988
of this section does not constitute a criminal record and need 15989
not be reported by the person so arrested or convicted in 15990
response to any inquiries about the person's criminal record, 15991
including any inquiries contained in an application for 15992
employment, a license, or any other right or privilege or made 15993
in connection with the person's appearance as a witness. 15994

(H) (1) If the sentencing court suspends the offender's 15995
driver's or commercial driver's license or permit under this 15996
section in accordance with division (G) of section 2925.03 of 15997
the Revised Code, the offender may request termination of, and 15998
the court may terminate, the suspension of the offender in 15999
accordance with that division. 16000

(2) Any offender who received a mandatory suspension of 16001
the offender's driver's or commercial driver's license or permit 16002
under this section prior to September 13, 2016, may file a 16003
motion with the sentencing court requesting the termination of 16004
the suspension. However, an offender who pleaded guilty to or 16005
was convicted of a violation of section 4511.19 of the Revised 16006

Code or a substantially similar municipal ordinance or law of 16007
another state or the United States that arose out of the same 16008
set of circumstances as the violation for which the offender's 16009
license or permit was suspended under this section shall not 16010
file such a motion. 16011

Upon the filing of a motion under division (H)(2) of this 16012
section, the sentencing court, in its discretion, may terminate 16013
the suspension. 16014

Sec. 2925.11. (A) No person shall knowingly obtain, 16015
possess, or use a controlled substance or a controlled substance 16016
analog. 16017

(B)(1) This section does not apply to any of the 16018
following: 16019

(a) Manufacturers, licensed health professionals 16020
authorized to prescribe drugs, pharmacists, owners of 16021
pharmacies, and other persons whose conduct was in accordance 16022
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 16023
4741. of the Revised Code; 16024

(b) If the offense involves an anabolic steroid, any 16025
person who is conducting or participating in a research project 16026
involving the use of an anabolic steroid if the project has been 16027
approved by the United States food and drug administration; 16028

(c) Any person who sells, offers for sale, prescribes, 16029
dispenses, or administers for livestock or other nonhuman 16030
species an anabolic steroid that is expressly intended for 16031
administration through implants to livestock or other nonhuman 16032
species and approved for that purpose under the "Federal Food, 16033
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 16034
as amended, and is sold, offered for sale, prescribed, 16035

dispensed, or administered for that purpose in accordance with 16036
that act; 16037

(d) Any person who obtained the controlled substance 16038
pursuant to a prescription issued by a licensed health 16039
professional authorized to prescribe drugs if the prescription 16040
was issued for a legitimate medical purpose and not altered, 16041
forged, or obtained through deception or commission of a theft 16042
offense. 16043

As used in division (B) (1) (d) of this section, "deception" 16044
and "theft offense" have the same meanings as in section 2913.01 16045
of the Revised Code. 16046

(2) (a) As used in division (B) (2) of this section: 16047

(i) "Community addiction services provider" has the same 16048
meaning as in section 5119.01 of the Revised Code. 16049

(ii) "Community control sanction" and "drug treatment 16050
program" have the same meanings as in section 2929.01 of the 16051
Revised Code. 16052

(iii) "Health care facility" has the same meaning as in 16053
section 2919.16 of the Revised Code. 16054

(iv) "Minor drug possession offense" means a violation of 16055
this section that is a misdemeanor or a felony of the fifth 16056
degree. 16057

(v) "Post-release control sanction" has the same meaning 16058
as in section 2967.28 of the Revised Code. 16059

(vi) "Peace officer" has the same meaning as in section 16060
2935.01 of the Revised Code. 16061

(vii) "Public agency" has the same meaning as in section 16062

2930.01 of the Revised Code. 16063

(viii) "Qualified individual" means a person who is not on 16064
community control or post-release control and is a person acting 16065
in good faith who seeks or obtains medical assistance for 16066
another person who is experiencing a drug overdose, a person who 16067
experiences a drug overdose and who seeks medical assistance for 16068
that overdose, or a person who is the subject of another person 16069
seeking or obtaining medical assistance for that overdose as 16070
described in division (B) (2) (b) of this section. 16071

(ix) "Seek or obtain medical assistance" includes, but is 16072
not limited to making a 9-1-1 call, contacting in person or by 16073
telephone call an on-duty peace officer, or transporting or 16074
presenting a person to a health care facility. 16075

(b) Subject to division (B) (2) (f) of this section, a 16076
qualified individual shall not be arrested, charged, prosecuted, 16077
convicted, or penalized pursuant to this chapter for a minor 16078
drug possession offense or a violation of section 2925.12, 16079
division (C) (1) of section 2925.14, or section 2925.141 of the 16080
Revised Code if all of the following apply: 16081

(i) The evidence of the obtaining, possession, or use of 16082
the controlled substance or controlled substance analog, drug 16083
abuse instruments, or drug paraphernalia that would be the basis 16084
of the offense was obtained as a result of the qualified 16085
individual seeking the medical assistance or experiencing an 16086
overdose and needing medical assistance. 16087

(ii) Subject to division (B) (2) (g) of this section, within 16088
thirty days after seeking or obtaining the medical assistance, 16089
the qualified individual seeks and obtains a screening and 16090
receives a referral for treatment from a community addiction 16091

services provider or a properly credentialed addiction treatment professional. 16092
16093

(iii) Subject to division (B) (2) (g) of this section, the 16094
qualified individual who obtains a screening and receives a 16095
referral for treatment under division (B) (2) (b) (ii) of this 16096
section, upon the request of any prosecuting attorney, submits 16097
documentation to the prosecuting attorney that verifies that the 16098
qualified individual satisfied the requirements of that 16099
division. The documentation shall be limited to the date and 16100
time of the screening obtained and referral received. 16101

(c) If a person is found to be in violation of any 16102
community control sanction and if the violation is a result of 16103
either of the following, the court shall first consider ordering 16104
the person's participation or continued participation in a drug 16105
treatment program or mitigating the penalty specified in section 16106
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 16107
applicable, after which the court has the discretion either to 16108
order the person's participation or continued participation in a 16109
drug treatment program or to impose the penalty with the 16110
mitigating factor specified in any of those applicable sections: 16111

(i) Seeking or obtaining medical assistance in good faith 16112
for another person who is experiencing a drug overdose; 16113

(ii) Experiencing a drug overdose and seeking medical 16114
assistance for that overdose or being the subject of another 16115
person seeking or obtaining medical assistance for that overdose 16116
as described in division (B) (2) (b) of this section. 16117

(d) If a person is found to be in violation of any post- 16118
release control sanction and if the violation is a result of 16119
either of the following, the court or the parole board shall 16120

first consider ordering the person's participation or continued 16121
participation in a drug treatment program or mitigating the 16122
penalty specified in section 2929.141 or 2967.28 of the Revised 16123
Code, whichever is applicable, after which the court or the 16124
parole board has the discretion either to order the person's 16125
participation or continued participation in a drug treatment 16126
program or to impose the penalty with the mitigating factor 16127
specified in either of those applicable sections: 16128

(i) Seeking or obtaining medical assistance in good faith 16129
for another person who is experiencing a drug overdose; 16130

(ii) Experiencing a drug overdose and seeking medical 16131
assistance for that emergency or being the subject of another 16132
person seeking or obtaining medical assistance for that overdose 16133
as described in division (B) (2) (b) of this section. 16134

(e) Nothing in division (B) (2) (b) of this section shall be 16135
construed to do any of the following: 16136

(i) Limit the admissibility of any evidence in connection 16137
with the investigation or prosecution of a crime with regards to 16138
a defendant who does not qualify for the protections of division 16139
(B) (2) (b) of this section or with regards to any crime other 16140
than a minor drug possession offense or a violation of section 16141
2925.12, division (C) (1) of section 2925.14, or section 2925.141 16142
of the Revised Code committed by a person who qualifies for 16143
protection pursuant to division (B) (2) (b) of this section ~~for a~~ 16144
~~minor drug possession offense;~~ 16145

(ii) Limit any seizure of evidence or contraband otherwise 16146
permitted by law; 16147

(iii) Limit or abridge the authority of a peace officer to 16148
detain or take into custody a person in the course of an 16149

investigation or to effectuate an arrest for any offense except 16150
as provided in that division; 16151

(iv) Limit, modify, or remove any immunity from liability 16152
available pursuant to law in effect prior to September 13, 2016, 16153
to any public agency or to an employee of any public agency. 16154

(f) Division (B) (2) (b) of this section does not apply to 16155
any person who twice previously has been granted an immunity 16156
under division (B) (2) (b) of this section. No person shall be 16157
granted an immunity under division (B) (2) (b) of this section 16158
more than two times. 16159

(g) Nothing in this section shall compel any qualified 16160
individual to disclose protected health information in a way 16161
that conflicts with the requirements of the "Health Insurance 16162
Portability and Accountability Act of 1996," 104 Pub. L. No. 16163
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 16164
regulations promulgated by the United States department of 16165
health and human services to implement the act or the 16166
requirements of 42 C.F.R. Part 2. 16167

(C) Whoever violates division (A) of this section is 16168
guilty of one of the following: 16169

(1) If the drug involved in the violation is a compound, 16170
mixture, preparation, or substance included in schedule I or II, 16171
with the exception of marihuana, cocaine, L.S.D., heroin, any 16172
fentanyl-related compound, hashish, and any controlled substance 16173
analog, whoever violates division (A) of this section is guilty 16174
of aggravated possession of drugs. The penalty for the offense 16175
shall be determined as follows: 16176

(a) Except as otherwise provided in division (C) (1) (b), 16177
(c), (d), or (e) of this section, aggravated possession of drugs 16178

is a felony of the fifth degree, and division (B) of section 16179
2929.13 of the Revised Code applies in determining whether to 16180
impose a prison term on the offender. 16181

(b) If the amount of the drug involved equals or exceeds 16182
the bulk amount but is less than five times the bulk amount, 16183
aggravated possession of drugs is a felony of the third degree, 16184
and there is a presumption for a prison term for the offense. 16185

(c) If the amount of the drug involved equals or exceeds 16186
five times the bulk amount but is less than fifty times the bulk 16187
amount, aggravated possession of drugs is a felony of the second 16188
degree, and the court shall impose as a mandatory prison term a 16189
second degree felony mandatory prison term. 16190

(d) If the amount of the drug involved equals or exceeds 16191
fifty times the bulk amount but is less than one hundred times 16192
the bulk amount, aggravated possession of drugs is a felony of 16193
the first degree, and the court shall impose as a mandatory 16194
prison term a first degree felony mandatory prison term. 16195

(e) If the amount of the drug involved equals or exceeds 16196
one hundred times the bulk amount, aggravated possession of 16197
drugs is a felony of the first degree, the offender is a major 16198
drug offender, and the court shall impose as a mandatory prison 16199
term a maximum first degree felony mandatory prison term. 16200

(2) If the drug involved in the violation is a compound, 16201
mixture, preparation, or substance included in schedule III, IV, 16202
or V, whoever violates division (A) of this section is guilty of 16203
possession of drugs. The penalty for the offense shall be 16204
determined as follows: 16205

(a) Except as otherwise provided in division (C) (2) (b), 16206
(c), or (d) of this section, possession of drugs is a 16207

misdemeanor of the first degree or, if the offender previously 16208
has been convicted of a drug abuse offense, a felony of the 16209
fifth degree. 16210

(b) If the amount of the drug involved equals or exceeds 16211
the bulk amount but is less than five times the bulk amount, 16212
possession of drugs is a felony of the fourth degree, and 16213
division (C) of section 2929.13 of the Revised Code applies in 16214
determining whether to impose a prison term on the offender. 16215

(c) If the amount of the drug involved equals or exceeds 16216
five times the bulk amount but is less than fifty times the bulk 16217
amount, possession of drugs is a felony of the third degree, and 16218
there is a presumption for a prison term for the offense. 16219

(d) If the amount of the drug involved equals or exceeds 16220
fifty times the bulk amount, possession of drugs is a felony of 16221
the second degree, and the court shall impose upon the offender 16222
as a mandatory prison term a second degree felony mandatory 16223
prison term. 16224

(3) If the drug involved in the violation is marihuana or 16225
a compound, mixture, preparation, or substance containing 16226
marihuana other than hashish, whoever violates division (A) of 16227
this section is guilty of possession of marihuana. The penalty 16228
for the offense shall be determined as follows: 16229

(a) Except as otherwise provided in division (C) (3) (b), 16230
(c), (d), (e), (f), or (g) of this section, possession of 16231
marihuana is a minor misdemeanor. 16232

(b) If the amount of the drug involved equals or exceeds 16233
one hundred grams but is less than two hundred grams, possession 16234
of marihuana is a misdemeanor of the fourth degree. 16235

(c) If the amount of the drug involved equals or exceeds 16236

two hundred grams but is less than one thousand grams, 16237
possession of marihuana is a felony of the fifth degree, and 16238
division (B) of section 2929.13 of the Revised Code applies in 16239
determining whether to impose a prison term on the offender. 16240

(d) If the amount of the drug involved equals or exceeds 16241
one thousand grams but is less than five thousand grams, 16242
possession of marihuana is a felony of the third degree, and 16243
division (C) of section 2929.13 of the Revised Code applies in 16244
determining whether to impose a prison term on the offender. 16245

(e) If the amount of the drug involved equals or exceeds 16246
five thousand grams but is less than twenty thousand grams, 16247
possession of marihuana is a felony of the third degree, and 16248
there is a presumption that a prison term shall be imposed for 16249
the offense. 16250

(f) If the amount of the drug involved equals or exceeds 16251
twenty thousand grams but is less than forty thousand grams, 16252
possession of marihuana is a felony of the second degree, and 16253
the court shall impose as a mandatory prison term a second 16254
degree felony mandatory prison term of five, six, seven, or 16255
eight years. 16256

(g) If the amount of the drug involved equals or exceeds 16257
forty thousand grams, possession of marihuana is a felony of the 16258
second degree, and the court shall impose as a mandatory prison 16259
term a maximum second degree felony mandatory prison term. 16260

(4) If the drug involved in the violation is cocaine or a 16261
compound, mixture, preparation, or substance containing cocaine, 16262
whoever violates division (A) of this section is guilty of 16263
possession of cocaine. The penalty for the offense shall be 16264
determined as follows: 16265

(a) Except as otherwise provided in division (C) (4) (b), 16266
(c), (d), (e), or (f) of this section, possession of cocaine is 16267
a felony of the fifth degree, and division (B) of section 16268
2929.13 of the Revised Code applies in determining whether to 16269
impose a prison term on the offender. 16270

(b) If the amount of the drug involved equals or exceeds 16271
five grams but is less than ten grams of cocaine, possession of 16272
cocaine is a felony of the fourth degree, and division (B) of 16273
section 2929.13 of the Revised Code applies in determining 16274
whether to impose a prison term on the offender. 16275

(c) If the amount of the drug involved equals or exceeds 16276
ten grams but is less than twenty grams of cocaine, possession 16277
of cocaine is a felony of the third degree, and, except as 16278
otherwise provided in this division, there is a presumption for 16279
a prison term for the offense. If possession of cocaine is a 16280
felony of the third degree under this division and if the 16281
offender two or more times previously has been convicted of or 16282
pleaded guilty to a felony drug abuse offense, the court shall 16283
impose as a mandatory prison term one of the prison terms 16284
prescribed for a felony of the third degree. 16285

(d) If the amount of the drug involved equals or exceeds 16286
twenty grams but is less than twenty-seven grams of cocaine, 16287
possession of cocaine is a felony of the second degree, and the 16288
court shall impose as a mandatory prison term a second degree 16289
felony mandatory prison term. 16290

(e) If the amount of the drug involved equals or exceeds 16291
twenty-seven grams but is less than one hundred grams of 16292
cocaine, possession of cocaine is a felony of the first degree, 16293
and the court shall impose as a mandatory prison term a first 16294
degree felony mandatory prison term. 16295

(f) If the amount of the drug involved equals or exceeds 16296
one hundred grams of cocaine, possession of cocaine is a felony 16297
of the first degree, the offender is a major drug offender, and 16298
the court shall impose as a mandatory prison term a maximum 16299
first degree felony mandatory prison term. 16300

(5) If the drug involved in the violation is L.S.D., 16301
whoever violates division (A) of this section is guilty of 16302
possession of L.S.D. The penalty for the offense shall be 16303
determined as follows: 16304

(a) Except as otherwise provided in division (C) (5) (b), 16305
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 16306
felony of the fifth degree, and division (B) of section 2929.13 16307
of the Revised Code applies in determining whether to impose a 16308
prison term on the offender. 16309

(b) If the amount of L.S.D. involved equals or exceeds ten 16310
unit doses but is less than fifty unit doses of L.S.D. in a 16311
solid form or equals or exceeds one gram but is less than five 16312
grams of L.S.D. in a liquid concentrate, liquid extract, or 16313
liquid distillate form, possession of L.S.D. is a felony of the 16314
fourth degree, and division (C) of section 2929.13 of the 16315
Revised Code applies in determining whether to impose a prison 16316
term on the offender. 16317

(c) If the amount of L.S.D. involved equals or exceeds 16318
fifty unit doses, but is less than two hundred fifty unit doses 16319
of L.S.D. in a solid form or equals or exceeds five grams but is 16320
less than twenty-five grams of L.S.D. in a liquid concentrate, 16321
liquid extract, or liquid distillate form, possession of L.S.D. 16322
is a felony of the third degree, and there is a presumption for 16323
a prison term for the offense. 16324

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

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

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

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

(a) Except as otherwise provided in division (C) (6) (b), (c), (d), (e), or (f) of this section, possession of heroin is a

felony of the fifth degree, and division (B) of section 2929.13 16355
of the Revised Code applies in determining whether to impose a 16356
prison term on the offender. 16357

(b) If the amount of the drug involved equals or exceeds 16358
ten unit doses but is less than fifty unit doses or equals or 16359
exceeds one gram but is less than five grams, possession of 16360
heroin is a felony of the fourth degree, and division (C) of 16361
section 2929.13 of the Revised Code applies in determining 16362
whether to impose a prison term on the offender. 16363

(c) If the amount of the drug involved equals or exceeds 16364
fifty unit doses but is less than one hundred unit doses or 16365
equals or exceeds five grams but is less than ten grams, 16366
possession of heroin is a felony of the third degree, and there 16367
is a presumption for a prison term for the offense. 16368

(d) If the amount of the drug involved equals or exceeds 16369
one hundred unit doses but is less than five hundred unit doses 16370
or equals or exceeds ten grams but is less than fifty grams, 16371
possession of heroin is a felony of the second degree, and the 16372
court shall impose as a mandatory prison term a second degree 16373
felony mandatory prison term. 16374

(e) If the amount of the drug involved equals or exceeds 16375
five hundred unit doses but is less than one thousand unit doses 16376
or equals or exceeds fifty grams but is less than one hundred 16377
grams, possession of heroin is a felony of the first degree, and 16378
the court shall impose as a mandatory prison term a first degree 16379
felony mandatory prison term. 16380

(f) If the amount of the drug involved equals or exceeds 16381
one thousand unit doses or equals or exceeds one hundred grams, 16382
possession of heroin is a felony of the first degree, the 16383

offender is a major drug offender, and the court shall impose as 16384
a mandatory prison term a maximum first degree felony mandatory 16385
prison term. 16386

(7) If the drug involved in the violation is hashish or a 16387
compound, mixture, preparation, or substance containing hashish, 16388
whoever violates division (A) of this section is guilty of 16389
possession of hashish. The penalty for the offense shall be 16390
determined as follows: 16391

(a) Except as otherwise provided in division (C) (7) (b), 16392
(c), (d), (e), (f), or (g) of this section, possession of 16393
hashish is a minor misdemeanor. 16394

(b) If the amount of the drug involved equals or exceeds 16395
five grams but is less than ten grams of hashish in a solid form 16396
or equals or exceeds one gram but is less than two grams of 16397
hashish in a liquid concentrate, liquid extract, or liquid 16398
distillate form, possession of hashish is a misdemeanor of the 16399
fourth degree. 16400

(c) If the amount of the drug involved equals or exceeds 16401
ten grams but is less than fifty grams of hashish in a solid 16402
form or equals or exceeds two grams but is less than ten grams 16403
of hashish in a liquid concentrate, liquid extract, or liquid 16404
distillate form, possession of hashish is a felony of the fifth 16405
degree, and division (B) of section 2929.13 of the Revised Code 16406
applies in determining whether to impose a prison term on the 16407
offender. 16408

(d) If the amount of the drug involved equals or exceeds 16409
fifty grams but is less than two hundred fifty grams of hashish 16410
in a solid form or equals or exceeds ten grams but is less than 16411
fifty grams of hashish in a liquid concentrate, liquid extract, 16412

or liquid distillate form, possession of hashish is a felony of 16413
the third degree, and division (C) of section 2929.13 of the 16414
Revised Code applies in determining whether to impose a prison 16415
term on the offender. 16416

(e) If the amount of the drug involved equals or exceeds 16417
two hundred fifty grams but is less than one thousand grams of 16418
hashish in a solid form or equals or exceeds fifty grams but is 16419
less than two hundred grams of hashish in a liquid concentrate, 16420
liquid extract, or liquid distillate form, possession of hashish 16421
is a felony of the third degree, and there is a presumption that 16422
a prison term shall be imposed for the offense. 16423

(f) If the amount of the drug involved equals or exceeds 16424
one thousand grams but is less than two thousand grams of 16425
hashish in a solid form or equals or exceeds two hundred grams 16426
but is less than four hundred grams of hashish in a liquid 16427
concentrate, liquid extract, or liquid distillate form, 16428
possession of hashish is a felony of the second degree, and the 16429
court shall impose as a mandatory prison term a second degree 16430
felony mandatory prison term of five, six, seven, or eight 16431
years. 16432

(g) If the amount of the drug involved equals or exceeds 16433
two thousand grams of hashish in a solid form or equals or 16434
exceeds four hundred grams of hashish in a liquid concentrate, 16435
liquid extract, or liquid distillate form, possession of hashish 16436
is a felony of the second degree, and the court shall impose as 16437
a mandatory prison term a maximum second degree felony mandatory 16438
prison term. 16439

(8) If the drug involved is a controlled substance analog 16440
or compound, mixture, preparation, or substance that contains a 16441
controlled substance analog, whoever violates division (A) of 16442

this section is guilty of possession of a controlled substance 16443
analog. The penalty for the offense shall be determined as 16444
follows: 16445

(a) Except as otherwise provided in division (C) (8) (b), 16446
(c), (d), (e), or (f) of this section, possession of a 16447
controlled substance analog is a felony of the fifth degree, and 16448
division (B) of section 2929.13 of the Revised Code applies in 16449
determining whether to impose a prison term on the offender. 16450

(b) If the amount of the drug involved equals or exceeds 16451
ten grams but is less than twenty grams, possession of a 16452
controlled substance analog is a felony of the fourth degree, 16453
and there is a presumption for a prison term for the offense. 16454

(c) If the amount of the drug involved equals or exceeds 16455
twenty grams but is less than thirty grams, possession of a 16456
controlled substance analog is a felony of the third degree, and 16457
there is a presumption for a prison term for the offense. 16458

(d) If the amount of the drug involved equals or exceeds 16459
thirty grams but is less than forty grams, possession of a 16460
controlled substance analog is a felony of the second degree, 16461
and the court shall impose as a mandatory prison term a second 16462
degree felony mandatory prison term. 16463

(e) If the amount of the drug involved equals or exceeds 16464
forty grams but is less than fifty grams, possession of a 16465
controlled substance analog is a felony of the first degree, and 16466
the court shall impose as a mandatory prison term a first degree 16467
felony mandatory prison term. 16468

(f) If the amount of the drug involved equals or exceeds 16469
fifty grams, possession of a controlled substance analog is a 16470
felony of the first degree, the offender is a major drug 16471

offender, and the court shall impose as a mandatory prison term 16472
a maximum first degree felony mandatory prison term. 16473

(9) If the drug involved in the violation is a compound, 16474
mixture, preparation, or substance that is a combination of a 16475
fentanyl-related compound and marihuana, one of the following 16476
applies: 16477

(a) Except as otherwise provided in division (C) (9) (b) of 16478
this section, the offender is guilty of possession of marihuana 16479
and shall be punished as provided in division (C) (3) of this 16480
section. Except as otherwise provided in division (C) (9) (b) of 16481
this section, the offender is not guilty of possession of a 16482
fentanyl-related compound under division (C) (11) of this section 16483
and shall not be charged with, convicted of, or punished under 16484
division (C) (11) of this section for possession of a fentanyl- 16485
related compound. 16486

(b) If the offender knows or has reason to know that the 16487
compound, mixture, preparation, or substance that is the drug 16488
involved contains a fentanyl-related compound, the offender is 16489
guilty of possession of a fentanyl-related compound and shall be 16490
punished under division (C) (11) of this section. 16491

(10) If the drug involved in the violation is a compound, 16492
mixture, preparation, or substance that is a combination of a 16493
fentanyl-related compound and any schedule III, schedule IV, or 16494
schedule V controlled substance that is not a fentanyl-related 16495
compound, one of the following applies: 16496

(a) Except as otherwise provided in division (C) (10) (b) of 16497
this section, the offender is guilty of possession of drugs and 16498
shall be punished as provided in division (C) (2) of this 16499
section. Except as otherwise provided in division (C) (10) (b) of 16500

this section, the offender is not guilty of possession of a 16501
fentanyl-related compound under division (C) (11) of this section 16502
and shall not be charged with, convicted of, or punished under 16503
division (C) (11) of this section for possession of a fentanyl- 16504
related compound. 16505

(b) If the offender knows or has reason to know that the 16506
compound, mixture, preparation, or substance that is the drug 16507
involved contains a fentanyl-related compound, the offender is 16508
guilty of possession of a fentanyl-related compound and shall be 16509
punished under division (C) (11) of this section. 16510

(11) If the drug involved in the violation is a fentanyl- 16511
related compound and neither division (C) (9) (a) nor division (C) 16512
(10) (a) of this section applies to the drug involved, or is a 16513
compound, mixture, preparation, or substance that contains a 16514
fentanyl-related compound or is a combination of a fentanyl- 16515
related compound and any other controlled substance and neither 16516
division (C) (9) (a) nor division (C) (10) (a) of this section 16517
applies to the drug involved, whoever violates division (A) of 16518
this section is guilty of possession of a fentanyl-related 16519
compound. The penalty for the offense shall be determined as 16520
follows: 16521

(a) Except as otherwise provided in division (C) (11) (b), 16522
(c), (d), (e), (f), or (g) of this section, possession of a 16523
fentanyl-related compound is a felony of the fifth degree, and 16524
division (B) of section 2929.13 of the Revised Code applies in 16525
determining whether to impose a prison term on the offender. 16526

(b) If the amount of the drug involved equals or exceeds 16527
ten unit doses but is less than fifty unit doses or equals or 16528
exceeds one gram but is less than five grams, possession of a 16529
fentanyl-related compound is a felony of the fourth degree, and 16530

division (C) of section 2929.13 of the Revised Code applies in 16531
determining whether to impose a prison term on the offender. 16532

(c) If the amount of the drug involved equals or exceeds 16533
fifty unit doses but is less than one hundred unit doses or 16534
equals or exceeds five grams but is less than ten grams, 16535
possession of a fentanyl-related compound is a felony of the 16536
third degree, and there is a presumption for a prison term for 16537
the offense. 16538

(d) If the amount of the drug involved equals or exceeds 16539
one hundred unit doses but is less than two hundred unit doses 16540
or equals or exceeds ten grams but is less than twenty grams, 16541
possession of a fentanyl-related compound is a felony of the 16542
second degree, and the court shall impose as a mandatory prison 16543
term one of the prison terms prescribed for a felony of the 16544
second degree. 16545

(e) If the amount of the drug involved equals or exceeds 16546
two hundred unit doses but is less than five hundred unit doses 16547
or equals or exceeds twenty grams but is less than fifty grams, 16548
possession of a fentanyl-related compound is a felony of the 16549
first degree, and the court shall impose as a mandatory prison 16550
term one of the prison terms prescribed for a felony of the 16551
first degree. 16552

(f) If the amount of the drug involved equals or exceeds 16553
five hundred unit doses but is less than one thousand unit doses 16554
or equals or exceeds fifty grams but is less than one hundred 16555
grams, possession of a fentanyl-related compound is a felony of 16556
the first degree, and the court shall impose as a mandatory 16557
prison term the maximum prison term prescribed for a felony of 16558
the first degree. 16559

(g) If the amount of the drug involved equals or exceeds 16560
one thousand unit doses or equals or exceeds one hundred grams, 16561
possession of a fentanyl-related compound is a felony of the 16562
first degree, the offender is a major drug offender, and the 16563
court shall impose as a mandatory prison term the maximum prison 16564
term prescribed for a felony of the first degree. 16565

(D) Arrest or conviction for a minor misdemeanor violation 16566
of this section does not constitute a criminal record and need 16567
not be reported by the person so arrested or convicted in 16568
response to any inquiries about the person's criminal record, 16569
including any inquiries contained in any application for 16570
employment, license, or other right or privilege, or made in 16571
connection with the person's appearance as a witness. 16572

(E) In addition to any prison term or jail term authorized 16573
or required by division (C) of this section and sections 16574
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 16575
Code and in addition to any other sanction that is imposed for 16576
the offense under this section, sections 2929.11 to 2929.18, or 16577
sections 2929.21 to 2929.28 of the Revised Code, the court that 16578
sentences an offender who is convicted of or pleads guilty to a 16579
violation of division (A) of this section may suspend the 16580
offender's driver's or commercial driver's license or permit for 16581
not more than five years. However, if the offender pleaded 16582
guilty to or was convicted of a violation of section 4511.19 of 16583
the Revised Code or a substantially similar municipal ordinance 16584
or the law of another state or the United States arising out of 16585
the same set of circumstances as the violation, the court shall 16586
suspend the offender's driver's or commercial driver's license 16587
or permit for not more than five years. If applicable, the court 16588
also shall do the following: 16589

(1) (a) If the violation is a felony of the first, second, 16590
or third degree, the court shall impose upon the offender the 16591
mandatory fine specified for the offense under division (B) (1) 16592
of section 2929.18 of the Revised Code unless, as specified in 16593
that division, the court determines that the offender is 16594
indigent. 16595

(b) Notwithstanding any contrary provision of section 16596
3719.21 of the Revised Code, the clerk of the court shall pay a 16597
mandatory fine or other fine imposed for a violation of this 16598
section pursuant to division (A) of section 2929.18 of the 16599
Revised Code in accordance with and subject to the requirements 16600
of division (F) of section 2925.03 of the Revised Code. The 16601
agency that receives the fine shall use the fine as specified in 16602
division (F) of section 2925.03 of the Revised Code. 16603

(c) If a person is charged with a violation of this 16604
section that is a felony of the first, second, or third degree, 16605
posts bail, and forfeits the bail, the clerk shall pay the 16606
forfeited bail pursuant to division (E) (1) (b) of this section as 16607
if it were a mandatory fine imposed under division (E) (1) (a) of 16608
this section. 16609

(2) If the offender is a professionally licensed person, 16610
in addition to any other sanction imposed for a violation of 16611
this section, the court immediately shall comply with section 16612
2925.38 of the Revised Code. 16613

(F) It is an affirmative defense, as provided in section 16614
2901.05 of the Revised Code, to a charge of a fourth degree 16615
felony violation under this section that the controlled 16616
substance that gave rise to the charge is in an amount, is in a 16617
form, is prepared, compounded, or mixed with substances that are 16618
not controlled substances in a manner, or is possessed under any 16619

other circumstances, that indicate that the substance was 16620
possessed solely for personal use. Notwithstanding any contrary 16621
provision of this section, if, in accordance with section 16622
2901.05 of the Revised Code, an accused who is charged with a 16623
fourth degree felony violation of division (C) (2), (4), (5), or 16624
(6) of this section sustains the burden of going forward with 16625
evidence of and establishes by a preponderance of the evidence 16626
the affirmative defense described in this division, the accused 16627
may be prosecuted for and may plead guilty to or be convicted of 16628
a misdemeanor violation of division (C) (2) of this section or a 16629
fifth degree felony violation of division (C) (4), (5), or (6) of 16630
this section respectively. 16631

(G) When a person is charged with possessing a bulk amount 16632
or multiple of a bulk amount, division (E) of section 2925.03 of 16633
the Revised Code applies regarding the determination of the 16634
amount of the controlled substance involved at the time of the 16635
offense. 16636

(H) It is an affirmative defense to a charge of possession 16637
of a controlled substance analog under division (C) (8) of this 16638
section that the person charged with violating that offense 16639
obtained, possessed, or used one of the following items that are 16640
excluded from the meaning of "controlled substance analog" under 16641
section 3719.01 of the Revised Code: 16642

(1) A controlled substance; 16643

(2) Any substance for which there is an approved new drug 16644
application; 16645

(3) With respect to a particular person, any substance if 16646
an exemption is in effect for investigational use for that 16647
person pursuant to federal law to the extent that conduct with 16648

respect to that substance is pursuant to that exemption. 16649

(I) Any offender who received a mandatory suspension of 16650
the offender's driver's or commercial driver's license or permit 16651
under this section prior to September 13, 2016, may file a 16652
motion with the sentencing court requesting the termination of 16653
the suspension. However, an offender who pleaded guilty to or 16654
was convicted of a violation of section 4511.19 of the Revised 16655
Code or a substantially similar municipal ordinance or law of 16656
another state or the United States that arose out of the same 16657
set of circumstances as the violation for which the offender's 16658
license or permit was suspended under this section shall not 16659
file such a motion. 16660

Upon the filing of a motion under division (I) of this 16661
section, the sentencing court, in its discretion, may terminate 16662
the suspension. 16663

Sec. 2925.12. (A) No person shall knowingly make, obtain, 16664
possess, or use any instrument, article, or thing the customary 16665
and primary purpose of which is for the administration or use of 16666
a dangerous drug, other than marihuana, when the instrument 16667
involved is a hypodermic or syringe, whether or not of crude or 16668
extemporized manufacture or assembly, and the instrument, 16669
article, or thing involved has been used by the offender to 16670
unlawfully administer or use a dangerous drug, other than 16671
marihuana, or to prepare a dangerous drug, other than marihuana, 16672
for unlawful administration or use. 16673

~~(B)~~ (B) (1) This section does not apply to manufacturers, 16674
licensed health professionals authorized to prescribe drugs, 16675
pharmacists, owners of pharmacies, and other persons whose 16676
conduct was in accordance with Chapters 3719., 4715., 4723., 16677
4729., 4730., 4731., and 4741. of the Revised Code. 16678

(2) Division (B)(2) of section 2925.11 of the Revised Code 16679
applies with respect to a violation of this section when a 16680
person seeks or obtains medical assistance for another person 16681
who is experiencing a drug overdose, a person experiences a drug 16682
overdose and seeks medical assistance for that overdose, or a 16683
person is the subject of another person seeking or obtaining 16684
medical assistance for that overdose. 16685

(C) Whoever violates this section is guilty of possessing 16686
drug abuse instruments, a misdemeanor of the second degree. If 16687
the offender previously has been convicted of a drug abuse 16688
offense, a violation of this section is a misdemeanor of the 16689
first degree. 16690

(D) (1) In addition to any other sanction imposed upon an 16691
offender for a violation of this section, the court may suspend 16692
for not more than five years the offender's driver's or 16693
commercial driver's license or permit. However, if the offender 16694
pleaded guilty to or was convicted of a violation of section 16695
4511.19 of the Revised Code or a substantially similar municipal 16696
ordinance or the law of another state or the United States 16697
arising out of the same set of circumstances as the violation, 16698
the court shall suspend the offender's driver's or commercial 16699
driver's license or permit for not more than five years. If the 16700
offender is a professionally licensed person, in addition to any 16701
other sanction imposed for a violation of this section, the 16702
court immediately shall comply with section 2925.38 of the 16703
Revised Code. 16704

(2) Any offender who received a mandatory suspension of 16705
the offender's driver's or commercial driver's license or permit 16706
under this section prior to ~~the effective date of this amendment~~ 16707
September 13, 2016, may file a motion with the sentencing court 16708

requesting the termination of the suspension. However, an 16709
offender who pleaded guilty to or was convicted of a violation 16710
of section 4511.19 of the Revised Code or a substantially 16711
similar municipal ordinance or law of another state or the 16712
United States that arose out of the same set of circumstances as 16713
the violation for which the offender's license or permit was 16714
suspended under this section shall not file such a motion. 16715

Upon the filing of a motion under division (D) (2) of this 16716
section, the sentencing court, in its discretion, may terminate 16717
the suspension. 16718

Sec. 2925.14. (A) As used in this section, "drug 16719
paraphernalia" means any equipment, product, or material of any 16720
kind that is used by the offender, intended by the offender for 16721
use, or designed for use, in propagating, cultivating, growing, 16722
harvesting, manufacturing, compounding, converting, producing, 16723
processing, preparing, testing, analyzing, packaging, 16724
repackaging, storing, containing, concealing, injecting, 16725
ingesting, inhaling, or otherwise introducing into the human 16726
body, a controlled substance in violation of this chapter. "Drug 16727
paraphernalia" includes, but is not limited to, any of the 16728
following equipment, products, or materials that are used by the 16729
offender, intended by the offender for use, or designed by the 16730
offender for use, in any of the following manners: 16731

(1) A kit for propagating, cultivating, growing, or 16732
harvesting any species of a plant that is a controlled substance 16733
or from which a controlled substance can be derived; 16734

(2) A kit for manufacturing, compounding, converting, 16735
producing, processing, or preparing a controlled substance; 16736

(3) Any object, instrument, or device for manufacturing, 16737

compounding, converting, producing, processing, or preparing methamphetamine;	16738 16739
(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;	16740 16741
(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;	16742 16743
(6) A scale or balance for weighing or measuring a controlled substance;	16744 16745
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	16746 16747 16748
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	16749 16750
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	16751 16752
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	16753 16754
(11) A container or device for storing or concealing a controlled substance;	16755 16756
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	16757 16758 16759
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured	16760 16761 16762 16763 16764

metal bowl; water pipe; carburetion tube or device; smoking or 16765
carburetion mask; roach clip or similar object used to hold 16766
burning material, such as a marihuana cigarette, that has become 16767
too small or too short to be held in the hand; miniature cocaine 16768
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 16769
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 16770

(B) In determining if any equipment, product, or material 16771
is drug paraphernalia, a court or law enforcement officer shall 16772
consider, in addition to other relevant factors, the following: 16773

(1) Any statement by the owner, or by anyone in control, 16774
of the equipment, product, or material, concerning its use; 16775

(2) The proximity in time or space of the equipment, 16776
product, or material, or of the act relating to the equipment, 16777
product, or material, to a violation of any provision of this 16778
chapter; 16779

(3) The proximity of the equipment, product, or material 16780
to any controlled substance; 16781

(4) The existence of any residue of a controlled substance 16782
on the equipment, product, or material; 16783

(5) Direct or circumstantial evidence of the intent of the 16784
owner, or of anyone in control, of the equipment, product, or 16785
material, to deliver it to any person whom the owner or person 16786
in control of the equipment, product, or material knows intends 16787
to use the object to facilitate a violation of any provision of 16788
this chapter. A finding that the owner, or anyone in control, of 16789
the equipment, product, or material, is not guilty of a 16790
violation of any other provision of this chapter does not 16791
prevent a finding that the equipment, product, or material was 16792
intended or designed by the offender for use as drug 16793

paraphernalia.	16794
(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;	16795 16796
(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;	16797 16798
(8) National or local advertising concerning the use of the equipment, product, or material;	16799 16800
(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;	16801 16802
(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;	16803 16804 16805
(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;	16806 16807
(12) Expert testimony concerning the use of the equipment, product, or material.	16808 16809
(C) (1) Subject to division <u>divisions</u> (D) (2) <u>and (3)</u> of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.	16810 16811 16812
(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.	16813 16814 16815 16816
(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement	16817 16818 16819 16820

is to promote the illegal sale in this state of the equipment, 16821
product, or material that the offender intended or designed for 16822
use as drug paraphernalia. 16823

(D) (1) This section does not apply to manufacturers, 16824
licensed health professionals authorized to prescribe drugs, 16825
pharmacists, owners of pharmacies, and other persons whose 16826
conduct is in accordance with Chapters 3719., 4715., 4723., 16827
4729., 4730., 4731., and 4741. of the Revised Code. This section 16828
shall not be construed to prohibit the possession or use of a 16829
hypodermic as authorized by section 3719.172 of the Revised 16830
Code. 16831

(2) Division (C) (1) of this section does not apply to a 16832
person's use, or possession with purpose to use, any drug 16833
paraphernalia that is equipment, a product, or material of any 16834
kind that is used by the person, intended by the person for use, 16835
or designed for use in storing, containing, concealing, 16836
injecting, ingesting, inhaling, or otherwise introducing into 16837
the human body marihuana. 16838

(3) Division (B) (2) of section 2925.11 of the Revised Code 16839
applies with respect to a violation of division (C) (1) of this 16840
section when a person seeks or obtains medical assistance for 16841
another person who is experiencing a drug overdose, a person 16842
experiences a drug overdose and seeks medical assistance for 16843
that overdose, or a person is the subject of another person 16844
seeking or obtaining medical assistance for that overdose. 16845

(E) Notwithstanding Chapter 2981. of the Revised Code, any 16846
drug paraphernalia that was used, possessed, sold, or 16847
manufactured in a violation of this section shall be seized, 16848
after a conviction for that violation shall be forfeited, and 16849
upon forfeiture shall be disposed of pursuant to division (B) of 16850

section 2981.12 of the Revised Code. 16851

(F) (1) Whoever violates division (C) (1) of this section is 16852
guilty of illegal use or possession of drug paraphernalia, a 16853
misdemeanor of the fourth degree. 16854

(2) Except as provided in division (F) (3) of this section, 16855
whoever violates division (C) (2) of this section is guilty of 16856
dealing in drug paraphernalia, a misdemeanor of the second 16857
degree. 16858

(3) Whoever violates division (C) (2) of this section by 16859
selling drug paraphernalia to a juvenile is guilty of selling 16860
drug paraphernalia to juveniles, a misdemeanor of the first 16861
degree. 16862

(4) Whoever violates division (C) (3) of this section is 16863
guilty of illegal advertising of drug paraphernalia, a 16864
misdemeanor of the second degree. 16865

(G) (1) In addition to any other sanction imposed upon an 16866
offender for a violation of this section, the court may suspend 16867
for not more than five years the offender's driver's or 16868
commercial driver's license or permit. However, if the offender 16869
pleaded guilty to or was convicted of a violation of section 16870
4511.19 of the Revised Code or a substantially similar municipal 16871
ordinance or the law of another state or the United States 16872
arising out of the same set of circumstances as the violation, 16873
the court shall suspend the offender's driver's or commercial 16874
driver's license or permit for not more than five years. If the 16875
offender is a professionally licensed person, in addition to any 16876
other sanction imposed for a violation of this section, the 16877
court immediately shall comply with section 2925.38 of the 16878
Revised Code. 16879

(2) Any offender who received a mandatory suspension of 16880
the offender's driver's or commercial driver's license or permit 16881
under this section prior to ~~the effective date of this amendment~~ 16882
September 13, 2016, may file a motion with the sentencing court 16883
requesting the termination of the suspension. However, an 16884
offender who pleaded guilty to or was convicted of a violation 16885
of section 4511.19 of the Revised Code or a substantially 16886
similar municipal ordinance or law of another state or the 16887
United States that arose out of the same set of circumstances as 16888
the violation for which the offender's license or permit was 16889
suspended under this section shall not file such a motion. 16890

Upon the filing of a motion under division (G) (2) of this 16891
section, the sentencing court, in its discretion, may terminate 16892
the suspension. 16893

Sec. 2925.141. (A) As used in this section, "drug 16894
paraphernalia" has the same meaning as in section 2925.14 of the 16895
Revised Code. 16896

(B) In determining if any equipment, product, or material 16897
is drug paraphernalia, a court or law enforcement officer shall 16898
consider, in addition to other relevant factors, all factors 16899
identified in division (B) of section 2925.14 of the Revised 16900
Code. 16901

(C) No person shall knowingly use, or possess with purpose 16902
to use, any drug paraphernalia that is equipment, a product, or 16903
material of any kind that is used by the person, intended by the 16904
person for use, or designed for use in storing, containing, 16905
concealing, injecting, ingesting, inhaling, or otherwise 16906
introducing into the human body marihuana. 16907

(D) This section does not apply to any person identified 16908

in division (D) (1) of section 2925.14 of the Revised Code, and 16909
it shall not be construed to prohibit the possession or use of a 16910
hypodermic as authorized by section 3719.172 of the Revised 16911
Code. 16912

~~(E)~~ (E) (1) Division (E) of section 2925.14 of the Revised 16913
Code applies with respect to any drug paraphernalia that was 16914
used or possessed in violation of this section. 16915

(2) Division (B) (2) of section 2925.11 of the Revised Code 16916
applies with respect to a violation of this section when a 16917
person seeks or obtains medical assistance for another person 16918
who is experiencing a drug overdose, a person experiences a drug 16919
overdose and seeks medical assistance for that overdose, or a 16920
person is the subject of another person seeking or obtaining 16921
medical assistance for that overdose. 16922

(F) Whoever violates division (C) of this section is 16923
guilty of illegal use or possession of marihuana drug 16924
paraphernalia, a minor misdemeanor. 16925

(G) (1) In addition to any other sanction imposed upon an 16926
offender for a violation of this section, the court may suspend 16927
for not more than five years the offender's driver's or 16928
commercial driver's license or permit. However, if the offender 16929
pleaded guilty to or was convicted of a violation of section 16930
4511.19 of the Revised Code or a substantially similar municipal 16931
ordinance or the law of another state or the United States 16932
arising out of the same set of circumstances as the violation, 16933
the court shall suspend the offender's driver's or commercial 16934
driver's license or permit for not more than five years. If the 16935
offender is a professionally licensed person, in addition to any 16936
other sanction imposed for a violation of this section, the 16937
court immediately shall comply with section 2925.38 of the 16938

Revised Code. 16939

(2) Any offender who received a mandatory suspension of 16940
the offender's driver's or commercial driver's license or permit 16941
under this section prior to ~~the effective date of this amendment~~ 16942
September 13, 2016, may file a motion with the sentencing court 16943
requesting the termination of the suspension. However, an 16944
offender who pleaded guilty to or was convicted of a violation 16945
of section 4511.19 of the Revised Code or a substantially 16946
similar municipal ordinance or law of another state or the 16947
United States that arose out of the same set of circumstances as 16948
the violation for which the offender's license or permit was 16949
suspended under this section shall not file such a motion. 16950

Upon the filing of a motion under division (G) (2) of this 16951
section, the sentencing court, in its discretion, may terminate 16952
the suspension. 16953

Sec. 2927.01. As used in this chapter: 16954

(A) "Age verification" means a service provided by an 16955
independent third party, other than a manufacturer, producer, 16956
distributor, wholesaler, or retailer of cigarettes, other 16957
tobacco products, alternative nicotine products, or papers used 16958
to roll cigarettes, that compares information available from a 16959
commercially available database, or aggregate of databases, that 16960
regularly are used by government and businesses for the purpose 16961
of age and identity verification to personal information 16962
provided during an internet sale or other remote method of sale 16963
to establish that the purchaser is twenty-one years of age or 16964
older. 16965

(B) (1) "Alternative nicotine product" means, subject to 16966
division (B) (2) of this section, an electronic smoking device, 16967

vapor product, or any other product or device that consists of 16968
or contains nicotine that can be ingested into the body by any 16969
means, including chewing, smoking, absorbing, dissolving, or 16970
inhaling. 16971

(2) "Alternative nicotine product" does not include any of 16972
the following: 16973

(a) Any cigarette or other tobacco product; 16974

(b) Any product that is a "drug" as that term is defined 16975
in 21 U.S.C. 321(g) (1); 16976

(c) Any product that is a "device" as that term is defined 16977
in 21 U.S.C. 321(h); 16978

(d) Any product that is a "combination product" as 16979
described in 21 U.S.C. 353(g). 16980

(C) "Authorized recipient of tobacco products" means a 16981
person who is: 16982

(1) Licensed as a cigarette wholesale dealer under section 16983
5743.15 of the Revised Code; 16984

(2) Licensed as a retail dealer as long as the person 16985
purchases cigarettes with the appropriate tax stamp affixed; 16986

(3) An export warehouse proprietor as defined in section 16987
5702 of the Internal Revenue Code; 16988

(4) An operator of a customs bonded warehouse under 19 16989
U.S.C. 1311 or 19 U.S.C. 1555; 16990

(5) An officer, employee, or agent of the federal 16991
government or of this state acting in the person's official 16992
capacity; 16993

(6) A department, agency, instrumentality, or political 16994

<u>subdivision of the federal government or of this state;</u>	16995
<u>(7) A person having a consent for consumer shipment issued</u>	16996
<u>by the tax commissioner under section 5743.71 of the Revised</u>	16997
<u>Code.</u>	16998
<u>(D) "Booking photograph" means a photograph of a subject</u>	16999
<u>individual that was taken in this state by an arresting law</u>	17000
<u>enforcement agency.</u>	17001
<u>(E) "Card holder" means any person who presents a driver's</u>	17002
<u>or commercial driver's license or an identification card to a</u>	17003
<u>seller, or an agent or employee of a seller, to purchase or</u>	17004
<u>receive cigarettes, other tobacco products, or alternative</u>	17005
<u>nicotine products from the seller, agent, or employee.</u>	17006
<u>(F) "Cigarette" includes clove cigarettes and hand-rolled</u>	17007
<u>cigarettes.</u>	17008
<u>(G) "Criminal record information" means a booking</u>	17009
<u>photograph or the name, address, charges filed, or description</u>	17010
<u>of a subject individual who is asserted or implied to have</u>	17011
<u>engaged in illegal conduct.</u>	17012
<u>(H) "Distribute" means to furnish, give, or provide</u>	17013
<u>cigarettes, other tobacco products, alternative nicotine</u>	17014
<u>products, or papers used to roll cigarettes to the ultimate</u>	17015
<u>consumer of the cigarettes, other tobacco products, alternative</u>	17016
<u>nicotine products, or papers used to roll cigarettes.</u>	17017
<u>(I) "Electronic smoking device" means any device that can</u>	17018
<u>be used to deliver aerosolized or vaporized nicotine or any</u>	17019
<u>other substance to the person inhaling from the device including</u>	17020
<u>an electronic cigarette, electronic cigar, electronic hookah,</u>	17021
<u>vaping pen, or electronic pipe. "Electronic smoking device"</u>	17022
<u>includes any component, part, or accessory of such a device,</u>	17023

whether or not sold separately, and includes any substance 17024
intended to be aerosolized or vaporized during the use of the 17025
device. "Electronic smoking device" does not include any product 17026
that is a drug, device, or combination product, as those terms 17027
are defined or described in 21 U.S.C. 321 and 353(g). 17028

(J) "Identification card" means an identification card 17029
issued under sections 4507.50 to 4507.52 of the Revised Code. 17030

(K) "Law enforcement agency" has the same meaning as in 17031
section 109.573 of the Revised Code. 17032

(L) "Motor carrier" has the same meaning as in section 17033
4923.01 of the Revised Code. 17034

(M) "Offense subject to forfeiture proceedings" means any 17035
of the following: 17036

(1) A violation of section 2903.01, 2903.02, 2903.03, 17037
2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11, 17038
2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, or 17039
2903.211 of the Revised Code; 17040

(2) A violation of section 2905.01, 2905.02, 2905.03, 17041
2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code; 17042

(3) A violation of section 2907.011, 2907.02, 2907.03, 17043
2907.04, 2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 17044
2907.321, 2907.322, or 2907.323 of the Revised Code; 17045

(4) A violation of section 2909.02, 2909.03, 2909.22, 17046
2909.23, 2909.24, 2909.26, 2909.27, or 2909.28 of the Revised 17047
Code; 17048

(5) A violation of section 2911.01, 2911.02, 2911.03, 17049
2911.04, or 2911.05 of the Revised Code; 17050

<u>(6) A violation of section 2915.02, 2915.03, 2915.04, or</u>	17051
<u>2915.05 of the Revised Code;</u>	17052
<u>(7) A violation of section 2921.02, 2921.03, 2921.05,</u>	17053
<u>2921.11, 2921.12, or 2921.41 of the Revised Code;</u>	17054
<u>(8) A violation of section 2925.02, 2925.03, 2925.04,</u>	17055
<u>2925.041, 2925.05, 2925.06, 2925.09, or 2925.11 of the Revised</u>	17056
<u>Code;</u>	17057
<u>(9) A conspiracy or attempt to commit, or complicity in</u>	17058
<u>committing, any offense under division (M) (1), (2), (3), (4),</u>	17059
<u>(5), (6), (7), or (8) of this section.</u>	17060
<u>(N) "Proceeds" has the same meaning as in section 2981.01</u>	17061
<u>of the Revised Code.</u>	17062
<u>(O) "Proof of age" means a driver's license, a commercial</u>	17063
<u>driver's license, a military identification card, a passport, or</u>	17064
<u>an identification card issued under sections 4507.50 to 4507.52</u>	17065
<u>of the Revised Code that shows that a person is eighteen years</u>	17066
<u>of age or older.</u>	17067
<u>(P) "Seller" means a seller of cigarettes, other tobacco</u>	17068
<u>products, or alternative nicotine products and includes any</u>	17069
<u>person whose gift of or other distribution of cigarettes, other</u>	17070
<u>tobacco products, or alternative nicotine products is subject to</u>	17071
<u>the prohibitions of section 2927.02 of the Revised Code.</u>	17072
<u>(Q) "Sexual activity" has the same meaning as in section</u>	17073
<u>2907.01 of the Revised Code.</u>	17074
<u>(R) "Subject individual" means an individual who was</u>	17075
<u>arrested and had the individual's photograph taken by a law</u>	17076
<u>enforcement agency during the processing of the arrest.</u>	17077
<u>(S) "Surety" has the same meaning as in section 3905.83 of</u>	17078

the Revised Code. 17079

(T) "Tobacco product" means any product that is made or 17080
derived from tobacco or that contains any form of nicotine, if 17081
it is intended for human consumption or is likely to be 17082
consumed, whether smoked, heated, chewed, absorbed, dissolved, 17083
inhaled, or ingested by any other means, including, but not 17084
limited to, a cigarette, an electronic smoking device, a cigar, 17085
pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" 17086
also means any component or accessory used in the consumption of 17087
a tobacco product, such as filters, rolling papers, pipes, blunt 17088
or hemp wraps, and liquids used in electronic smoking devices, 17089
whether or not they contain nicotine. "Tobacco product" does not 17090
include any product that is a drug, device, or combination 17091
product, as those terms are defined or described in 21 U.S.C. 17092
321 and 353(g). 17093

(U) "Transaction scan" means the process by which a seller 17094
or an agent or employee of a seller checks, by means of a 17095
transaction scan device, the validity of a driver's or 17096
commercial driver's license or an identification card that is 17097
presented as a condition for purchasing or receiving cigarettes, 17098
other tobacco products, or alternative nicotine products. 17099

(V) "Transaction scan device" means any commercial device 17100
or combination of devices used at a point of sale that is 17101
capable of deciphering in an electronically readable format the 17102
information encoded on the magnetic strip or bar code of a 17103
driver's or commercial driver's license or an identification 17104
card. 17105

(W) "Underlying offense" means a violation of section 17106
2903.21, division (A)(6), (B), or (C) of section 2909.05, 17107
division (C)(1) of section 2909.08, or division (A)(2) or (3) of 17108

section 2917.21 of the Revised Code and that violation is a 17109
necessary element of the ethnic intimidation charge. 17110

(X) "Vapor product" means a product, other than a 17111
cigarette or other tobacco product as defined in Chapter 5743. 17112
of the Revised Code, that contains or is made or derived from 17113
nicotine and that is intended and marketed for human 17114
consumption, including by smoking, inhaling, snorting, or 17115
sniffing. "Vapor product" includes any component, part, or 17116
additive that is intended for use in an electronic smoking 17117
device, a mechanical heating element, battery, or electronic 17118
circuit and is used to deliver the product. "Vapor product" does 17119
not include any product that is a drug, device, or combination 17120
product, as those terms are defined or described in 21 U.S.C. 17121
321 and 353(g). "Vapor product" includes any product containing 17122
nicotine, regardless of concentration. 17123

(Y) "Vehicle" has the same meaning as in section 4501.01 17124
of the Revised Code. 17125

(Z) "Vending machine" has the same meaning as "coin 17126
machine" in section 2913.01 of the Revised Code. 17127

Sec. ~~2927.01~~ 2927.011. (A) ~~No person, except as authorized~~ 17128
~~by law, shall treat a human corpse in a way that the person~~ 17129
~~knows would outrage reasonable family sensibilities.~~ 17130

~~(B) No person, except~~ shall knowingly do any of the 17131
following: 17132

(1) Except as authorized by law, shall treat a human 17133
corpse in a way that would outrage reasonable community 17134
sensibilities; 17135

(2) Except as authorized by law, disinter, damage, 17136
dissect, or carry away a human corpse; 17137

(3) Engage in sexual activity with or involving a human 17138
corpse. 17139

~~(C)~~ (B) Whoever violates ~~division (A) of this section is~~ 17140
~~guilty of abuse of a corpse.~~ A violation of division (A) (1) of 17141
this section is a misdemeanor of the ~~second~~ first degree. 17142
~~Whoever violates~~ A violation of division (B) (A) (2) or (3) of 17143
~~this section is guilty of gross abuse of a corpse,~~ a felony of 17144
~~the fifth degree.~~ 17145

Sec. 2927.02. ~~(A) As used in this section and sections~~ 17146
~~2927.021 and 2927.022 of the Revised Code:—~~ 17147

~~(1) "Age verification" means a service provided by an~~ 17148
~~independent third party (other than a manufacturer, producer,~~ 17149
~~distributor, wholesaler, or retailer of cigarettes, other~~ 17150
~~tobacco products, alternative nicotine products, or papers used~~ 17151
~~to roll cigarettes) that compares information available from a~~ 17152
~~commercially available database, or aggregate of databases, that~~ 17153
~~regularly are used by government and businesses for the purpose~~ 17154
~~of age and identity verification to personal information~~ 17155
~~provided during an internet sale or other remote method of sale~~ 17156
~~to establish that the purchaser is twenty one years of age or~~ 17157
~~older.—~~ 17158

~~(2) (a) "Alternative nicotine product" means, subject to~~ 17159
~~division (A) (2) (b) of this section, an electronic smoking~~ 17160
~~device, vapor product, or any other product or device that~~ 17161
~~consists of or contains nicotine that can be ingested into the~~ 17162
~~body by any means, including, but not limited to, chewing,~~ 17163
~~smoking, absorbing, dissolving, or inhaling.—~~ 17164

~~(b) "Alternative nicotine product" does not include any of~~ 17165
~~the following:—~~ 17166

- ~~(i) Any cigarette or other tobacco product;~~ 17167
- ~~(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);~~ 17168
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- ~~(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);~~ 17170
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- ~~(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).~~ 17172
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- ~~(3) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.~~ 17174
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- ~~(4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.~~ 17176
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- ~~(5) "Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. "Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. "Electronic smoking device" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).~~ 17181
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- ~~(6) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows that a person is eighteen years~~ 17192
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~~of age or older.~~ 17196

~~(7) "Tobacco product" means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. "Tobacco product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).~~ 17197
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~~(8) "Vapor product" means a product, other than a cigarette or other tobacco product as defined in Chapter 5743 of the Revised Code, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. "Vapor product" includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. "Vapor product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" includes any product containing nicotine, regardless of concentration.~~ 17211
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~~(9) "Vending machine" has the same meaning as "coin machine" in section 2913.01 of the Revised Code.~~ 17224
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~~(B) No manufacturer, producer, distributor, wholesaler, or~~ 17226
~~retailer of cigarettes, other tobacco products, papers used to~~ 17227
~~roll cigarettes, or alternative nicotine products, or papers~~ 17228
~~used to roll cigarettes, no agent, employee, or representative~~ 17229
~~of a manufacturer, producer, distributor, wholesaler, or~~ 17230
~~retailer of cigarettes, other tobacco products, papers used to~~ 17231
~~roll cigarettes, or alternative nicotine products, or papers~~ 17232
~~used to roll cigarettes, and no other person shall recklessly do~~ 17233
any of the following: 17234

(1) Give away, sell, or otherwise distribute ~~cigarettes,~~ 17235
~~other tobacco products, papers used to roll cigarettes, or~~ 17236
alternative nicotine products, ~~or papers used to roll cigarettes~~ 17237
to any person under twenty-one years of age; 17238

(2) Give away, sell, or otherwise distribute ~~cigarettes,~~ 17239
~~other tobacco products, papers used to roll cigarettes, or~~ 17240
alternative nicotine products, ~~or papers used to roll cigarettes~~ 17241
in any place that does not have posted in a conspicuous place a 17242
legibly printed sign in letters at least one-half inch high 17243
stating that giving, selling, or otherwise distributing 17244
~~cigarettes, other tobacco products, papers used to roll~~ 17245
~~cigarettes, or alternative nicotine products, or papers used to~~ 17246
~~roll cigarettes~~ to a person under twenty-one years of age is 17247
prohibited by law; 17248

(3) ~~Knowingly furnish~~ Furnish any false information 17249
regarding the name, age, or other identification of any person 17250
under twenty-one years of age with purpose to obtain ~~cigarettes,~~ 17251
~~other tobacco products, papers used to roll cigarettes, or~~ 17252
alternative nicotine products, ~~or papers used to roll cigarettes~~ 17253
for that person; 17254

(4) Manufacture, sell, or distribute in this state any 17255

pack or other container of cigarettes containing fewer than 17256
twenty cigarettes or any package of roll-your-own tobacco 17257
containing less than six-tenths of one ounce of tobacco; 17258

(5) Sell cigarettes or alternative nicotine products in a 17259
smaller quantity than that placed in the pack or other container 17260
by the manufacturer; 17261

(6) Give away, sell, or otherwise distribute tobacco 17262
products other than cigarettes, papers used to roll cigarettes, 17263
or alternative nicotine products, ~~papers used to roll~~ 17264
~~cigarettes, or tobacco products other than cigarettes~~ over the 17265
internet or through another remote method without age 17266
verification. 17267

~~(C)~~ (B) No person shall recklessly sell or offer to sell 17268
~~cigarettes, other tobacco products, papers used to roll~~ 17269
cigarettes, or alternative nicotine products by or from a 17270
vending machine, except in the following locations: 17271

(1) An area within a factory, business, office, or other 17272
place not open to the general public; 17273

(2) An area to which persons under twenty-one years of age 17274
are not generally permitted access; 17275

(3) Any other place not identified in division ~~(C) (1)~~ (B) 17276
(1) or (2) of this section, upon all of the following 17277
conditions: 17278

(a) The vending machine is located within the immediate 17279
vicinity, plain view, and control of the person who owns or 17280
operates the place, or an employee of that person, so that all 17281
~~cigarettes, other tobacco product~~ products, papers used to roll 17282
cigarettes, and alternative nicotine ~~product~~ products purchases 17283
from the vending machine will be readily observed by the person 17284

who owns or operates the place or an employee of that person. 17285
For the purpose of this section, a vending machine located in 17286
any unmonitored area, including an unmonitored coatroom, 17287
restroom, hallway, or outer waiting area, shall not be 17288
considered located within the immediate vicinity, plain view, 17289
and control of the person who owns or operates the place, or an 17290
employee of that person. 17291

(b) The vending machine is inaccessible to the public when 17292
the place is closed. 17293

(c) A clearly visible notice is posted in the area where 17294
the vending machine is located that states the following in 17295
letters that are legibly printed and at least one-half inch 17296
high: 17297

"It is illegal for any person under the age of 21 to 17298
purchase tobacco or alternative nicotine products or papers used 17299
to roll cigarettes." 17300

~~(D)~~(C) (1) The following are affirmative defenses to a 17301
charge under division ~~(B) (1)~~ (A) (1) of this section: 17302

~~(1)~~ (a) The person under twenty-one years of age was 17303
accompanied by a parent, spouse who is twenty-one years of age 17304
or older, or legal guardian of the person under twenty-one years 17305
of age. 17306

~~(2)~~ (b) The person who gave, sold, or distributed 17307
~~cigarettes, other tobacco products, papers used to roll~~ 17308
cigarettes, or alternative nicotine products, or papers used to 17309
~~roll cigarettes~~ to a person under twenty-one years of age under 17310
division ~~(B) (1)~~ (A) (1) of this section is a parent, spouse who 17311
is twenty-one years of age or older, or legal guardian of the 17312
person under twenty-one years of age. 17313

(2) It is an affirmative defense to a charge under this section in which the age of the purchaser or other recipient of tobacco products, papers used to roll cigarettes, or alternative nicotine products is an element of the alleged offense that, as proved by the seller, agent, or employee, all of the following occurred: 17314
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(a) A card holder attempting to purchase or receive tobacco products, papers used to roll cigarettes, or alternative nicotine products presented a driver's or commercial driver's license or identification card. 17320
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(b) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid. 17324
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(c) The tobacco products, papers used to roll cigarettes, or alternative nicotine products were given away, sold, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan. 17327
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(3) In determining whether a seller, agent, or employee of a seller has proven the affirmative defense provided by division (C)(2) of this section, the trier of fact in the action for the alleged violation of this section shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of this section. For purposes of division (C)(2)(c) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller, agent, or 17332
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employee of a seller from exercising reasonable diligence to 17344
determine, the following: 17345

(a) Whether a person to whom the seller, agent, or 17346
employee of a seller sells, gives away, or otherwise distributes 17347
tobacco products, papers used to roll cigarettes, or alternative 17348
nicotine products is twenty-one years of age or older; 17349

(b) Whether the description and picture appearing on the 17350
driver's or commercial driver's license or identification card 17351
presented by a card holder is that of the card holder. 17352

(4) In any criminal action in which the affirmative 17353
defense provided by division (C) (2) of this section is raised, 17354
the registrar of motor vehicles or a deputy registrar who issued 17355
an identification card under section 4507.50, 4507.51, or 17356
4507.52 of the Revised Code shall be permitted to submit 17357
certified copies of the records of that issuance in lieu of the 17358
testimony of the personnel of, or contractors with, the bureau 17359
of motor vehicles in the action. 17360

(5) Rules adopted by the registrar of motor vehicles under 17361
division (C) of section 4301.61 of the Revised Code apply to the 17362
use of transaction scan devices for purposes of division (C) (2) 17363
of this section. 17364

~~(E)-(D)~~ It is not a violation of division ~~(B) (1)~~ ~~(A) (1)~~ or 17365
(2) of this section for a person to give or otherwise distribute 17366
to a person under twenty-one years of age ~~cigarettes, other~~ 17367
tobacco products, papers used to roll cigarettes, or alternative 17368
nicotine products, ~~or papers used to roll cigarettes~~ while the 17369
person under twenty-one years of age is participating in a 17370
research protocol if all of the following apply: 17371

(1) The parent, guardian, or legal custodian of the person 17372

under twenty-one years of age has consented in writing to the 17373
person under twenty-one years of age participating in the 17374
research protocol. 17375

(2) An institutional human subjects protection review 17376
board, or an equivalent entity, has approved the research 17377
protocol. 17378

(3) The person under twenty-one years of age is 17379
participating in the research protocol at the facility or 17380
location specified in the research protocol. 17381

~~(F) (1) (E) Whoever violates division (B) (1), (2), (4),~~ 17382
~~(5), or (6) (A) or (C) (B) of this section is guilty of illegal~~ 17383
~~distribution of cigarettes, other tobacco products, papers used~~ 17384
~~to roll cigarettes, or alternative nicotine products, and the~~ 17385
~~court may impose upon the offender a civil penalty of up to one~~ 17386
~~thousand dollars for each violation. The clerk of the court~~ 17387
~~shall pay each collected civil penalty to the county treasurer~~ 17388
~~for deposit into the county treasury. Except as otherwise~~ 17389
~~provided in this division, illegal distribution of cigarettes,~~ 17390
~~other tobacco products, or alternative nicotine products is a~~ 17391
~~misdemeanor of the fourth degree. If the offender previously has~~ 17392
~~been convicted of a violation of division (B) (1), (2), (4), (5),~~ 17393
~~or (6) or (C) of this section, illegal distribution of~~ 17394
~~cigarettes, other tobacco products, or alternative nicotine~~ 17395
~~products is a misdemeanor of the third degree.~~ 17396

~~(2) Whoever violates division (B) (3) of this section is~~ 17397
~~guilty of permitting a person under twenty-one years of age to~~ 17398
~~use cigarettes, other tobacco products, or alternative nicotine~~ 17399
~~products. Except as otherwise provided in this division,~~ 17400
~~permitting a person under twenty-one years of age to use~~ 17401
~~cigarettes, other tobacco products, or alternative nicotine~~ 17402

~~products is a misdemeanor of the fourth degree. If the offender
previously has been convicted of a violation of division (B)(3)
of this section, permitting a person under twenty one years of
age to use cigarettes, other tobacco products, or alternative
nicotine products is a misdemeanor of the third degree.~~ 17403
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~~(G) Any cigarettes, other tobacco products, alternative
nicotine products, or papers used to roll cigarettes that are
given, sold, or otherwise distributed to a person under twenty
one years of age in violation of this section and that are used,
possessed, purchased, or received by a person under twenty-one
years of age in violation of section 2151.87 of the Revised Code
are subject to seizure and forfeiture as contraband under
Chapter 2981. of the Revised Code.~~ 17408
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Sec. 2927.021. ~~(A) As used in this section and section
2927.022 of the Revised Code:~~ 17416
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~~(1) "Card holder" means any person who presents a driver's
or commercial driver's license or an identification card to a
seller, or an agent or employee of a seller, to purchase or
receive cigarettes, other tobacco products, or alternative
nicotine products from the seller, agent, or employee.~~ 17418
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~~(2) "Identification card" means an identification card
issued under sections 4507.50 to 4507.52 of the Revised Code.~~ 17423
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~~(3) "Seller" means a seller of cigarettes, other tobacco
products, or alternative nicotine products and includes any
person whose gift of or other distribution of cigarettes, other
tobacco products, or alternative nicotine products is subject to
the prohibitions of section 2927.02 of the Revised Code.~~ 17425
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~~(4) "Transaction scan" means the process by which a seller
or an agent or employee of a seller checks, by means of a~~ 17430
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~~transaction scan device, the validity of a driver's or
commercial driver's license or an identification card that is
presented as a condition for purchasing or receiving cigarettes,
other tobacco products, or alternative nicotine products.~~

~~(5) "Transaction scan device" means any commercial device
or combination of devices used at a point of sale that is
capable of deciphering in an electronically readable format the
information encoded on the magnetic strip or bar code of a
driver's or commercial driver's license or an identification
card.~~

~~(B) (1) A seller or an agent or employee of a seller may
perform a transaction scan by means of a transaction scan device
to check the validity of a driver's or commercial driver's
license or identification card presented by a card holder as a
condition for selling, giving away, or otherwise distributing to
the card holder cigarettes, other tobacco products, papers used
to roll cigarettes, or alternative nicotine products.~~

~~(2) If Neither the seller nor any agent or employee of the
seller shall recklessly sell, give away, or otherwise distribute
any tobacco products, papers used to roll cigarettes, or
alternative nicotine products to a card holder if the
information deciphered by the transaction scan performed under
division ~~(B) (1)~~ (A) (1) of this section fails to match the
information printed on the driver's or commercial driver's
license or identification card presented by the card holder, or
if the transaction scan indicates that the information so
printed is false or fraudulent, ~~neither the seller nor any agent
or employee of the seller shall sell, give away, or otherwise
distribute any cigarettes, other tobacco products, or
alternative nicotine products to the card holder.~~~~

(3) Division ~~(B) (1)~~ (A) (1) of this section does not 17462
preclude a seller or an agent or employee of a seller from using 17463
a transaction scan device to check the validity of a document 17464
other than a driver's or commercial driver's license or an 17465
identification card, if the document includes a bar code or 17466
magnetic strip that may be scanned by the device, as a condition 17467
for selling, giving away, or otherwise distributing ~~cigarettes,~~ 17468
~~other tobacco products, papers used to roll cigarettes, or~~ 17469
alternative nicotine products to the person presenting the 17470
document. 17471

~~(C)~~ (B) Rules adopted by the registrar of motor vehicles 17472
under division (C) of section 4301.61 of the Revised Code apply 17473
to the use of transaction scan devices for purposes of this 17474
section ~~and section 2927.022 of the Revised Code.~~ 17475

~~(D) (1)~~ (C) (1) No seller or agent or employee of a seller 17476
shall recklessly electronically or mechanically record or 17477
maintain any information derived from a transaction scan, except 17478
the following: 17479

(a) The name and date of birth of the person listed on the 17480
driver's or commercial driver's license or identification card 17481
presented by a card holder; 17482

(b) The expiration date and identification number of the 17483
driver's or commercial driver's license or identification card 17484
presented by a card holder. 17485

(2) No seller or agent or employee of a seller shall 17486
recklessly use the information that is derived from a 17487
transaction scan or that is permitted to be recorded and 17488
maintained under division ~~(D) (1)~~ (C) (1) of this section, except 17489
for purposes of division (C) of section 2927.022-2927.02 of the 17490

Revised Code. 17491

(3) No seller or agent or employee of a seller shall 17492
recklessly use a transaction scan device for a purpose other 17493
than the purpose specified in division ~~(B)(1)~~ (A)(1) of this 17494
section. 17495

(4) No seller or agent or employee of a seller shall 17496
recklessly sell or otherwise disseminate the information derived 17497
from a transaction scan to any third party, including, but not 17498
limited to, selling or otherwise disseminating that information 17499
for any marketing, advertising, or promotional activities, but a 17500
seller or agent or employee of a seller may release that 17501
information pursuant to a court order or as specifically 17502
authorized by division (C) of section 2927.022-2927.02 or 17503
another section of the Revised Code. 17504

~~(E)~~ (D) Nothing in this section or division (C) of section 17505
2927.022-2927.02 of the Revised Code relieves a seller or an 17506
agent or employee of a seller of any responsibility to comply 17507
with any other applicable state or federal laws or rules 17508
governing the sale, giving away, or other distribution of 17509
cigarettes, other tobacco products, papers used to roll 17510
cigarettes, or alternative nicotine products. 17511

~~(F)~~ (E) Whoever violates division ~~(B)(2)~~ (A)(2) or ~~(D)~~ (C) 17512
of this section is guilty of engaging in an illegal tobacco 17513
product, papers used to roll cigarettes, or alternative nicotine 17514
product transaction scan, and the court may impose upon the 17515
offender a civil penalty of up to one thousand dollars for each 17516
violation. The clerk of the court shall pay each collected civil 17517
penalty to the county treasurer for deposit into the county 17518
treasury. 17519

Sec. 2927.023. (A) As used in this section:	17520
(1) "Authorized recipient of tobacco products" means a person who is:	17521
(a) Licensed as a cigarette wholesale dealer under section 5743.15 of the Revised Code;	17522
(b) Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;	17523
(c) An export warehouse proprietor as defined in section 5702 of the Internal Revenue Code;	17524
(d) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;	17525
(e) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;	17526
(f) A department, agency, instrumentality, or political subdivision of the federal government or of this state;	17527
(g) A person having a consent for consumer shipment issued by the tax commissioner under section 5743.71 of the Revised Code.	17528
(2) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.	17529
The purpose of this section is to prevent the sale of cigarettes to minors and to ensure compliance with the Master Settlement Agreement, as defined in section 1346.01 of the Revised Code.	17530
(B) (1) No person shall <u>recklessly</u> cause to be shipped any cigarettes tobacco products within the scope of the definition	17531
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of "authorized recipient of tobacco products" to any person in 17547
this state other than an authorized recipient of tobacco 17548
products. 17549

(2) No motor carrier, or other person shall ~~knowingly~~ 17550
recklessly transport cigarettes-tobacco products within the 17551
scope of the definition of "authorized recipient of tobacco 17552
products" to any person in this state that the carrier or other 17553
person reasonably believes is not an authorized recipient of 17554
tobacco products. If cigarettes-tobacco products of that nature 17555
are transported to a home or residence, it shall be presumed 17556
that the motor carrier, or other person knew that the person to 17557
whom the cigarettes-tobacco products were delivered was not an 17558
authorized recipient of tobacco products. 17559

~~(C)~~ (B) No person engaged in the business of selling 17560
cigarettes who ships or causes to be shipped cigarettes to any 17561
person in this state in any container or wrapping other than the 17562
original container or wrapping of the cigarettes shall 17563
recklessly fail to plainly and visibly mark the exterior of the 17564
container or wrapping in which the cigarettes are shipped with 17565
the words "cigarettes." 17566

~~(D)~~ (C) A court shall impose a fine of up to one thousand 17567
dollars for each violation of ~~division (B) (1), (B) (2), or (C) of~~ 17568
this section. 17569

Sec. 2927.03. (A) No person, whether or not acting under 17570
color of law, shall by force or threat of force ~~willfully~~ 17571
purposely injure, intimidate, or interfere with, ~~or attempt to~~ 17572
~~injure, intimidate, or interfere with,~~ any of the following: 17573

(1) Any person because of race, color, religion, sex, 17574
familial status as defined in section 4112.01 of the Revised 17575

Code, national origin, military status as defined in that 17576
section, disability as defined in that section, or ancestry and 17577
because that person is or has been selling, purchasing, renting, 17578
financing, occupying, contracting, or negotiating for the sale, 17579
purchase, rental, financing, or occupation of any housing 17580
accommodations, or applying for or participating in any service, 17581
organization, or facility relating to the business of selling or 17582
renting housing accommodations; 17583

(2) Any person because that person is or has been doing, 17584
~~or in order to intimidate that person or any other person or any~~ 17585
~~class of persons from doing,~~ either of the following: 17586

(a) Participating, ~~without discrimination on account of~~ 17587
~~race, color, religion, sex, familial status as defined in~~ 17588
~~section 4112.01 of the Revised Code, national origin, military~~ 17589
~~status as defined in that section, disability as defined in that~~ 17590
~~section, or ancestry,~~ in any of the activities, services, 17591
organizations, or facilities described in division (A)(1) of 17592
this section without discrimination on account of race, color, 17593
religion, sex, familial status, national origin, military 17594
status, disability, or ancestry, as defined in section 4112.01 17595
of the Revised Code; 17596

(b) Affording another person or class of persons 17597
opportunity or protection so to participate. 17598

(3) Any person because that person is or has been, ~~or in~~ 17599
~~order to discourage that person or any other person from,~~ 17600
lawfully aiding or encouraging other persons to participate, 17601
~~without discrimination on account of race, color, religion, sex,~~ 17602
~~familial status as defined in section 4112.01 of the Revised~~ 17603
~~Code, national origin, military status as defined in that~~ 17604
~~section, disability as defined in that section, or ancestry, in~~ 17605

any of the activities, services, organizations, or facilities 17606
described in division (A) (1) of this section without 17607
discrimination on account of race, color, religion, sex, 17608
familial status, national origin, military status, disability, 17609
or ancestry, as defined in section 4112.01 of the Revised Code, 17610
or participating lawfully in speech or peaceful assembly 17611
opposing any denial of the opportunity to so participate. 17612

(B) Whoever violates division (A) of this section is 17613
guilty of a misdemeanor of the first degree. 17614

Sec. 2927.12. (A) No person shall violate section 2903.21, 17615
2903.22, 2909.06, or 2909.07, division (A) (1), (A) (2), (A) (6), 17616
(B), or (C) of section 2909.05, division (C) of section 2909.08, 17617
or division ~~(A) (3), (4), or (5)~~ (A) (2) or (3) of section 2917.21 17618
of the Revised Code by reason of the race, color, religion, or 17619
national origin of another person or group of persons. 17620

(B) Whoever violates this section is guilty of ethnic 17621
intimidation. Ethnic intimidation is an offense of the next 17622
higher degree than the underlying offense ~~the commission of~~ 17623
~~which is a necessary element of ethnic intimidation~~ committed. 17624

Sec. 2927.15. (A) No person shall knowingly collect any 17625
blood, urine, tissue, or other bodily substance of another 17626
person without privilege or consent to do so. 17627

(B) (1) Division (A) of this section does not apply to the 17628
collection of any bodily substance of a person by any of the 17629
following: 17630

(a) ~~The collection of any bodily substance of a person by~~ 17631
~~a~~ A law enforcement officer, or ~~by~~ another person pursuant to 17632
the direction or advice of a law enforcement officer, for 17633
purposes of a chemical test or tests of the substance under 17634

division (A) (1) of section 1547.111 or division (A) (2) of 17635
section 4511.191 of the Revised Code to determine the alcohol, 17636
drug, controlled substance, metabolite of a controlled 17637
substance, or combination content of the bodily substance; 17638

(b) ~~The collection of any bodily substance of a person by~~ 17639
~~a~~ A peace officer, or ~~by~~ another person pursuant to the 17640
direction or advice of a peace officer, for purposes of a test 17641
or tests of the substance as provided in division (A) of section 17642
4506.17 of the Revised Code to determine the person's alcohol 17643
concentration or the presence of any controlled substance or 17644
metabolite of a controlled substance. 17645

(2) Division (B) (1) of this section shall not be construed 17646
as implying that the persons identified in divisions (B) (1) (a) 17647
and (b) of this section do not have privilege to collect the 17648
bodily substance of another person as described in those 17649
divisions or as limiting the definition of "privilege" set forth 17650
in section 2901.01 of the Revised Code. 17651

(C) Whoever violates division (A) of this section is 17652
guilty of unlawful collection of a bodily substance. Except as 17653
otherwise provided in this division, unlawful collection of a 17654
bodily substance is a misdemeanor of the first degree. If the 17655
offender previously has been convicted of or pleaded guilty to a 17656
violation of division (A) of this section, unlawful collection 17657
of a bodily substance is a felony of the fifth degree. 17658

Sec. 2927.17. (A) No person, by means of a statement, 17659
solicitation, or offer in a print or electronic publication, 17660
sign, placard, storefront display, or other medium, shall 17661
advertise massage, relaxation massage, any other massage 17662
technique or method, or any related service, with the suggestion 17663
or promise of sexual activity. 17664

(B) Whoever violates this section is guilty of unlawful advertising of massage, a misdemeanor of the first degree.

(C) Nothing in this section prevents the legislative authority of a municipal corporation or township from enacting any regulation of the advertising of massage further than and in addition to the provisions of divisions (A) and (B) of this section.

~~(D) As used in this section, "sexual activity" has the same meaning as in section 2907.01 of the Revised Code.~~

Sec. 2927.21. (A) ~~As used in this section:~~

~~(1) "Offense subject to forfeiture proceedings" means any of the following:~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11, 2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, or 2903.211 of the Revised Code;~~

~~(b) A violation of section 2905.01, 2905.02, 2905.03, 2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code;~~

~~(c) A violation of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 2907.321, 2907.322, or 2907.323 of the Revised Code;~~

~~(d) A violation of section 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the Revised Code;~~

~~(e) A violation of section 2911.01, 2911.02, 2911.11, 2911.12, or 2911.13 of the Revised Code;~~

~~(f) A violation of section 2915.02, 2915.03, 2915.04, or~~

~~2915.05 of the Revised Code;~~ 17692

~~(g) A violation of section 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 2921.12, or 2921.41 of the Revised Code;~~ 17693
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~~(h) A violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, or 2925.11 of the Revised Code;~~ 17695
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~~(i) A conspiracy or attempt to commit, or complicity in committing, any offense under division (A) (1) (a), (b), (c), (d), (e), (f), (g), or (h) of this section.~~ 17698
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~~(2) "Proceeds" has the same meaning as in section 2981.01 of the Revised Code.~~ 17701
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~~(3) "Vehicle" has the same meaning as in section 4501.01 of the Revised Code.~~ 17703
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~~(B)~~ No person shall receive, retain, possess, or dispose of proceeds knowing or having reasonable cause to believe that the proceeds were derived from the commission of an offense subject to forfeiture proceedings. 17705
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~~(C)~~ (B) It is not a defense to a charge of receiving proceeds of an offense subject to forfeiture proceedings in violation of this section that the proceeds were derived by means other than the commission of an offense subject to forfeiture proceedings if the property was explicitly represented to the accused person as having been derived from the commission of an offense subject to forfeiture proceedings. 17709
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~~(D)~~ (C) A person shall be ~~considered~~ presumed to have received, retained, possessed, or disposed of proceeds if the proceeds are found anywhere in a vehicle and the person was the last person who operated the vehicle immediately prior to the 17716
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search of the vehicle by the law enforcement officer who found 17720
the proceeds. 17721

~~(E)~~ (D) Whoever violates this section is guilty of 17722
receiving proceeds of an offense subject to forfeiture 17723
proceedings. If the value of the proceeds involved is ~~less than~~ 17724
~~one thousand five hundred dollars or more~~, receiving proceeds of 17725
an offense subject to forfeiture proceedings is a misdemeanor of 17726
the first degree. If the value of the proceeds involved is ~~one~~ 17727
~~two thousand five hundred dollars or more and is less than~~ 17728
~~twenty five thousand dollars~~, receiving proceeds of an offense 17729
subject to forfeiture proceedings is a felony of the fifth 17730
degree. If the value of the proceeds involved is ~~twenty five ten~~ 17731
~~thousand dollars or more and is less than one hundred fifty~~ 17732
~~thousand dollars~~, receiving proceeds of an offense subject to 17733
forfeiture proceedings is a felony of the fourth degree. If the 17734
value of the proceeds involved is one hundred ~~fifty~~ thousand 17735
dollars or more, receiving proceeds of an offense subject to 17736
forfeiture proceedings is a felony of the third degree. 17737

Sec. 2927.22. (A) ~~As used in this section:~~ 17738

~~(1) "Booking photograph" means a photograph of a subject~~ 17739
~~individual that was taken in this state by an arresting law~~ 17740
~~enforcement agency.~~ 17741

~~(2) "Criminal record information" means a booking~~ 17742
~~photograph or the name, address, charges filed, or description~~ 17743
~~of a subject individual who is asserted or implied to have~~ 17744
~~engaged in illegal conduct.~~ 17745

~~(3) "Law enforcement agency" has the same meaning as in~~ 17746
~~section 109.573 of the Revised Code.~~ 17747

~~(4) "Subject individual" means an individual who was~~ 17748

~~arrested and had the individual's photograph taken by a law enforcement agency during the processing of the arrest.~~ 17749
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~~(B)~~ No person engaged in publishing or otherwise disseminating criminal record information through a print or electronic medium shall negligently solicit or accept from a subject individual the payment of a fee or other consideration to remove, correct, modify, or refrain from publishing or otherwise disseminating criminal record information. 17751
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~~(C)~~ (B) A violation of division ~~(B)~~ (A) of this section is misuse of criminal record information, a misdemeanor of the first degree. 17757
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~~(D)~~ (C) Each payment solicited or accepted in violation of this section constitutes a separate violation. 17760
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~~(E)~~ (D) In a civil action brought pursuant to section 2307.60 of the Revised Code for a violation of this section, a subject individual who suffers a loss or harm as a result of the violation may be awarded an amount equal to ten thousand dollars or actual and punitive damages, whichever is greater, and in addition may be awarded reasonable attorney's fees, court costs, and any other remedies provided by law. Humiliation or embarrassment shall be adequate to show that the plaintiff has incurred damages. No physical manifestation of either humiliation or embarrassment is necessary for damages to be shown. 17762
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Sec. 2927.27. (A) No person, other than a law enforcement officer, shall recklessly apprehend, detain, or arrest a principal on bond, wherever issued, unless that person meets all of the following criteria: 17773
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(1) The person is any of the following: 17777

(a) Qualified, licensed, and appointed as a surety bail bond agent under sections 3905.83 to 3905.95 of the Revised Code;	17778 17779 17780
(b) Licensed as a surety bail bond agent by the state where the bond was written;	17781 17782
(c) Licensed as a private investigator under chapter <u>Chapter</u> 4749. of the Revised Code;	17783 17784
(d) Licensed as a private investigator by the state where the bond was written;	17785 17786
(e) An off-duty peace officer, as defined in <u>division (J) of section 2921.51</u> 2921.51 <u>2921.01</u> of the Revised Code.	17787 17788
(2) The person, prior to apprehending, detaining, or arresting the principal, has entered into a written contract with the surety or with a licensed surety bail bond agent appointed by the surety, which contract sets forth the name of the principal who is to be apprehended, detained, or arrested.	17789 17790 17791 17792 17793
For purposes of division (A) (2) of this section, "surety" has the same meaning as in section 3905.83 of the Revised Code.	17794 17795
(3) The person, prior to apprehending, detaining, or arresting the principal, has notified the local law enforcement agency having jurisdiction over the area in which such activities will be performed and has provided any form of identification or other information requested by the law enforcement agency.	17796 17797 17798 17799 17800 17801
(B) No person shall <u>recklessly</u> represent the person's self to be a bail enforcement agent or bounty hunter, or claim any similar title, in this state.	17802 17803 17804
(C) (1) Whoever violates this section is guilty of illegal	17805

bail bond agent practices. 17806

(2) A violation of division (A) of this section is a 17807
misdemeanor of the first degree or, if the offender previously 17808
has been convicted of or pleaded guilty to two or more 17809
violations of division (A) of this section, a felony of the 17810
third degree. 17811

(3) A violation of division (B) of this section is a 17812
misdemeanor of the first degree or, if the offender previously 17813
has been convicted of or pleaded guilty to two or more 17814
violations of division (B) of this section, a felony of the 17815
third degree. 17816

Sec. 2929.01. As used in this chapter: 17817

(A)(1) "Alternative residential facility" means, subject 17818
to division (A)(2) of this section, any facility other than an 17819
offender's home or residence in which an offender is assigned to 17820
live and that satisfies all of the following criteria: 17821

(a) It provides programs through which the offender may 17822
seek or maintain employment or may receive education, training, 17823
treatment, or habilitation. 17824

(b) It has received the appropriate license or certificate 17825
for any specialized education, training, treatment, 17826
habilitation, or other service that it provides from the 17827
government agency that is responsible for licensing or 17828
certifying that type of education, training, treatment, 17829
habilitation, or service. 17830

(2) "Alternative residential facility" does not include a 17831
community-based correctional facility, jail, halfway house, or 17832
prison. 17833

(B) "Basic probation supervision" means a requirement that 17834
the offender maintain contact with a person appointed to 17835
supervise the offender in accordance with sanctions imposed by 17836
the court or imposed by the parole board pursuant to section 17837
2967.28 of the Revised Code. "Basic probation supervision" 17838
includes basic parole supervision and basic post-release control 17839
supervision. 17840

(C) "Cocaine," "fentanyl-related compound," "hashish," 17841
"L.S.D.," and "unit dose" have the same meanings as in section 17842
2925.01 of the Revised Code. 17843

(D) "Community-based correctional facility" means a 17844
community-based correctional facility and program or district 17845
community-based correctional facility and program developed 17846
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 17847

(E) "Community control sanction" means a sanction that is 17848
not a prison term and that is described in section 2929.15, 17849
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 17850
that is not a jail term and that is described in section 17851
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 17852
control sanction" includes probation if the sentence involved 17853
was imposed for a felony that was committed prior to July 1, 17854
1996, or if the sentence involved was imposed for a misdemeanor 17855
that was committed prior to January 1, 2004. 17856

(F) "Controlled substance," "marihuana," "schedule I," and 17857
"schedule II" have the same meanings as in section 3719.01 of 17858
the Revised Code. 17859

(G) "Curfew" means a requirement that an offender during a 17860
specified period of time be at a designated place. 17861

(H) "Day reporting" means a sanction pursuant to which an 17862

offender is required each day to report to and leave a center or 17863
other approved reporting location at specified times in order to 17864
participate in work, education or training, treatment, and other 17865
approved programs at the center or outside the center. 17866

(I) "Deadly weapon" has the same meaning as in section 17867
2923.11 of the Revised Code. 17868

(J) "Drug and alcohol use monitoring" means a program 17869
under which an offender agrees to submit to random chemical 17870
analysis of the offender's blood, breath, or urine to determine 17871
whether the offender has ingested any alcohol or other drugs. 17872

(K) "Drug treatment program" means any program under which 17873
a person undergoes assessment and treatment designed to reduce 17874
or completely eliminate the person's physical or emotional 17875
reliance upon alcohol, another drug, or alcohol and another drug 17876
and under which the person may be required to receive assessment 17877
and treatment on an outpatient basis or may be required to 17878
reside at a facility other than the person's home or residence 17879
while undergoing assessment and treatment. 17880

(L) "Economic loss" means any economic detriment suffered 17881
by a victim as a direct and proximate result of the commission 17882
of an offense and includes any loss of income due to lost time 17883
at work because of any injury caused to the victim, any property 17884
loss, medical cost, or funeral expense incurred as a result of 17885
the commission of the offense, and the cost of any accounting or 17886
auditing done to determine the extent of loss if the cost is 17887
incurred and payable by the victim. "Economic loss" does not 17888
include non-economic loss or any punitive or exemplary damages. 17889

(M) "Education or training" includes study at, or in 17890
conjunction with a program offered by, a university, college, or 17891

technical college or vocational study and also includes the 17892
completion of primary school, secondary school, and literacy 17893
curricula or their equivalent. 17894

(N) "Firearm" has the same meaning as in section 2923.11 17895
of the Revised Code. 17896

(O) "Halfway house" means a facility licensed by the 17897
division of parole and community services of the department of 17898
rehabilitation and correction pursuant to section 2967.14 of the 17899
Revised Code as a suitable facility for the care and treatment 17900
of adult offenders. 17901

(P) "House arrest" means a period of confinement of an 17902
offender that is in the offender's home or in other premises 17903
specified by the sentencing court or by the parole board 17904
pursuant to section 2967.28 of the Revised Code and during which 17905
all of the following apply: 17906

(1) The offender is required to remain in the offender's 17907
home or other specified premises for the specified period of 17908
confinement, except for periods of time during which the 17909
offender is at the offender's place of employment or at other 17910
premises as authorized by the sentencing court or by the parole 17911
board. 17912

(2) The offender is required to report periodically to a 17913
person designated by the court or parole board. 17914

(3) The offender is subject to any other restrictions and 17915
requirements that may be imposed by the sentencing court or by 17916
the parole board. 17917

(Q) "Intensive probation supervision" means a requirement 17918
that an offender maintain frequent contact with a person 17919
appointed by the court, or by the parole board pursuant to 17920

section 2967.28 of the Revised Code, to supervise the offender 17921
while the offender is seeking or maintaining necessary 17922
employment and participating in training, education, and 17923
treatment programs as required in the court's or parole board's 17924
order. "Intensive probation supervision" includes intensive 17925
parole supervision and intensive post-release control 17926
supervision. 17927

(R) "Jail" means a jail, workhouse, minimum security jail, 17928
or other residential facility used for the confinement of 17929
alleged or convicted offenders that is operated by a political 17930
subdivision or a combination of political subdivisions of this 17931
state. 17932

(S) "Jail term" means the term in a jail that a sentencing 17933
court imposes or is authorized to impose pursuant to section 17934
2929.24 or 2929.25 of the Revised Code or pursuant to any other 17935
provision of the Revised Code that authorizes a term in a jail 17936
for a misdemeanor conviction. 17937

(T) "Mandatory jail term" means the term in a jail that a 17938
sentencing court is required to impose pursuant to division (G) 17939
of section 1547.99 of the Revised Code, division (E) of section 17940
2903.06 or division (D) of section 2903.08 of the Revised Code, 17941
division (E) or (G) of section 2929.24 of the Revised Code, 17942
division (B) of section 4510.14 of the Revised Code, or division 17943
(G) of section 4511.19 of the Revised Code or pursuant to any 17944
other provision of the Revised Code that requires a term in a 17945
jail for a misdemeanor conviction. 17946

(U) "Delinquent child" has the same meaning as in section 17947
2152.02 of the Revised Code. 17948

(V) "License violation report" means a report that is made 17949

by a sentencing court, or by the parole board pursuant to 17950
section 2967.28 of the Revised Code, to the regulatory or 17951
licensing board or agency that issued an offender a professional 17952
license or a license or permit to do business in this state and 17953
that specifies that the offender has been convicted of or 17954
pleaded guilty to an offense that may violate the conditions 17955
under which the offender's professional license or license or 17956
permit to do business in this state was granted or an offense 17957
for which the offender's professional license or license or 17958
permit to do business in this state may be revoked or suspended. 17959

(W) "Major drug offender" means an offender who is 17960
convicted of or pleads guilty to the possession of, sale of, or 17961
offer to sell any drug, compound, mixture, preparation, or 17962
substance that consists of or contains at least one thousand 17963
grams of hashish; at least one hundred grams of cocaine; at 17964
least one thousand unit doses or one hundred grams of heroin; at 17965
least five thousand unit doses of L.S.D. or five hundred grams 17966
of L.S.D. in a liquid concentrate, liquid extract, or liquid 17967
distillate form; at least fifty grams of a controlled substance 17968
analog; at least one thousand unit doses or one hundred grams of 17969
a fentanyl-related compound; or at least one hundred times the 17970
amount of any other schedule I or II controlled substance other 17971
than marihuana that is necessary to commit a felony of the third 17972
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 17973
of the Revised Code that is based on the possession of, sale of, 17974
or offer to sell the controlled substance. 17975

(X) "Mandatory prison term" means any of the following: 17976

(1) Subject to division (X)(2) of this section, the term 17977
in prison that must be imposed for the offenses or circumstances 17978
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 17979

section 2929.13 and division (B) of section 2929.14 of the Revised Code. Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 2925.11 of the Revised Code, unless the maximum or another specific term is required under section 2929.14 or 2929.142 of the Revised Code, a mandatory prison term described in this division may be any prison term authorized for the level of offense except that if the offense is a felony of the first or second degree committed on or after March 22, 2019, a mandatory prison term described in this division may be one of the terms prescribed in division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, whichever is applicable, that is authorized as the minimum term for the offense.

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

(3) The term in prison imposed pursuant to division (A) of section 2971.03 of the Revised Code for the offenses and in the circumstances described in division (F) (11) of section 2929.13 of the Revised Code or pursuant to division (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code and that term as modified or terminated pursuant to section 2971.05 of the Revised Code.

(Y) "Monitored time" means a period of time during which an offender continues to be under the control of the sentencing court or parole board, subject to no conditions other than

leading a law-abiding life. 18010

(Z) "Offender" means a person who, in this state, is 18011
convicted of or pleads guilty to a felony or a misdemeanor. 18012

(AA) "Prison" means a residential facility used for the 18013
confinement of convicted felony offenders that is under the 18014
control of the department of rehabilitation and correction and 18015
includes a violation sanction center operated under authority of 18016
section 2967.141 of the Revised Code. 18017

(BB) (1) "Prison term" includes either of the following 18018
sanctions for an offender: 18019

(a) A stated prison term; 18020

(b) A term in a prison shortened by, or with the approval 18021
of, the sentencing court pursuant to section 2929.143, 2929.20, 18022
~~2967.26,~~ 5120.031, 5120.032, or 5120.073 of the Revised Code or 18023
shortened pursuant to section 2967.26 of the Revised Code. 18024

(2) With respect to a non-life felony indefinite prison 18025
term, references in any provision of law to a reduction of, or 18026
deduction from, the prison term mean a reduction in, or 18027
deduction from, the minimum term imposed as part of the 18028
indefinite term. 18029

(CC) "Repeat violent offender" means a person about whom 18030
both of the following apply: 18031

(1) The person is being sentenced for committing or for 18032
complicity in committing any of the following: 18033

(a) Aggravated murder, murder, any felony of the first or 18034
second degree that is an offense of violence, or an attempt to 18035
commit any of these offenses if the attempt is a felony of the 18036
first or second degree; 18037

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

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

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

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

(FF) (1) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender is serving a prison term as a risk reduction sentence under sections 2929.143 and 5120.036 of the Revised Code, "stated prison term" includes any period of time by which the prison term imposed upon the offender is shortened by the offender's successful completion of all assessment and treatment or

programming pursuant to those sections. 18068

(2) As used in the definition of "stated prison term" set 18069
forth in division (FF)(1) of this section, a prison term is a 18070
definite prison term imposed under section 2929.14 of the 18071
Revised Code or any other provision of law, is the minimum and 18072
maximum prison terms under a non-life felony indefinite prison 18073
term, or is a term of life imprisonment except to the extent 18074
that the use of that definition in a section of the Revised Code 18075
clearly is not intended to include a term of life imprisonment. 18076
With respect to an offender sentenced to a non-life felony 18077
indefinite prison term, references in section 2967.191 or 18078
2967.193 of the Revised Code or any other provision of law to a 18079
reduction of, or deduction from, the offender's stated prison 18080
term or to release of the offender before the expiration of the 18081
offender's stated prison term mean a reduction in, or deduction 18082
from, the minimum term imposed as part of the indefinite term or 18083
a release of the offender before the expiration of that minimum 18084
term, references in section 2929.19 or 2967.28 of the Revised 18085
Code to a stated prison term with respect to a prison term 18086
imposed for a violation of a post-release control sanction mean 18087
the minimum term so imposed, and references in any provision of 18088
law to an offender's service of the offender's stated prison 18089
term or the expiration of the offender's stated prison term mean 18090
service or expiration of the minimum term so imposed plus any 18091
additional period of incarceration under the sentence that is 18092
required under section 2967.271 of the Revised Code. 18093

(GG) "Victim-offender mediation" means a reconciliation or 18094
mediation program that involves an offender and the victim of 18095
the offense committed by the offender and that includes a 18096
meeting in which the offender and the victim may discuss the 18097
offense, discuss restitution, and consider other sanctions for 18098

the offense. 18099

(HH) "Fourth degree felony OVI offense" means a violation 18100
of division (A) of section 4511.19 of the Revised Code that, 18101
under division (G) of that section, is a felony of the fourth 18102
degree. 18103

(II) "Mandatory term of local incarceration" means the 18104
term of sixty or one hundred twenty days in a jail, a community- 18105
based correctional facility, a halfway house, or an alternative 18106
residential facility that a sentencing court may impose upon a 18107
person who is convicted of or pleads guilty to a fourth degree 18108
felony OVI offense pursuant to division (G) (1) of section 18109
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 18110
section 4511.19 of the Revised Code. 18111

(JJ) "Designated homicide, assault, or kidnapping 18112
offense," "violent sex offense," "sexual motivation 18113
specification," "sexually violent offense," "sexually violent 18114
predator," and "sexually violent predator specification" have 18115
the same meanings as in section 2971.01 of the Revised Code. 18116

(KK) "Sexually oriented offense," "child-victim oriented 18117
offense," and "tier III sex offender/child-victim offender" have 18118
the same meanings as in section 2950.01 of the Revised Code. 18119

(LL) An offense is "committed in the vicinity of a child" 18120
if the offender commits the offense within thirty feet of or 18121
within the same residential unit as a child who is under 18122
eighteen years of age, regardless of whether the offender knows 18123
the age of the child or whether the offender knows the offense 18124
is being committed within thirty feet of or within the same 18125
residential unit as the child and regardless of whether the 18126
child actually views the commission of the offense. 18127

(MM) "Family or household member" has the same meaning as 18128
in section 2919.25 of the Revised Code. 18129

(NN) "Motor vehicle" and "manufactured home" have the same 18130
meanings as in section 4501.01 of the Revised Code. 18131

(OO) "Detention" and "detention facility" have the same 18132
meanings as in section 2921.01 of the Revised Code. 18133

(PP) "Third degree felony OVI offense" means a violation 18134
of division (A) of section 4511.19 of the Revised Code that, 18135
under division (G) of that section, is a felony of the third 18136
degree. 18137

(QQ) "Random drug testing" has the same meaning as in 18138
section 5120.63 of the Revised Code. 18139

(RR) "Felony sex offense" has the same meaning as in 18140
section 2967.28 of the Revised Code. 18141

(SS) "Body armor" has the same meaning as in section 18142
2941.1411 of the Revised Code. 18143

(TT) "Electronic monitoring" means monitoring through the 18144
use of an electronic monitoring device. 18145

(UU) "Electronic monitoring device" means any of the 18146
following: 18147

(1) Any device that can be operated by electrical or 18148
battery power and that conforms with all of the following: 18149

(a) The device has a transmitter that can be attached to a 18150
person, that will transmit a specified signal to a receiver of 18151
the type described in division (UU) (1) (b) of this section if the 18152
transmitter is removed from the person, turned off, or altered 18153
in any manner without prior court approval in relation to 18154

electronic monitoring or without prior approval of the 18155
department of rehabilitation and correction in relation to the 18156
use of an electronic monitoring device for an inmate on 18157
transitional control or otherwise is tampered with, that can 18158
transmit continuously and periodically a signal to that receiver 18159
when the person is within a specified distance from the 18160
receiver, and that can transmit an appropriate signal to that 18161
receiver if the person to whom it is attached travels a 18162
specified distance from that receiver. 18163

(b) The device has a receiver that can receive 18164
continuously the signals transmitted by a transmitter of the 18165
type described in division (UU) (1) (a) of this section, can 18166
transmit continuously those signals by a wireless or landline 18167
telephone connection to a central monitoring computer of the 18168
type described in division (UU) (1) (c) of this section, and can 18169
transmit continuously an appropriate signal to that central 18170
monitoring computer if the device has been turned off or altered 18171
without prior court approval or otherwise tampered with. The 18172
device is designed specifically for use in electronic 18173
monitoring, is not a converted wireless phone or another 18174
tracking device that is clearly not designed for electronic 18175
monitoring, and provides a means of text-based or voice 18176
communication with the person. 18177

(c) The device has a central monitoring computer that can 18178
receive continuously the signals transmitted by a wireless or 18179
landline telephone connection by a receiver of the type 18180
described in division (UU) (1) (b) of this section and can monitor 18181
continuously the person to whom an electronic monitoring device 18182
of the type described in division (UU) (1) (a) of this section is 18183
attached. 18184

(2) Any device that is not a device of the type described 18185
in division (UU) (1) of this section and that conforms with all 18186
of the following: 18187

(a) The device includes a transmitter and receiver that 18188
can monitor and determine the location of a subject person at 18189
any time, or at a designated point in time, through the use of a 18190
central monitoring computer or through other electronic means. 18191

(b) The device includes a transmitter and receiver that 18192
can determine at any time, or at a designated point in time, 18193
through the use of a central monitoring computer or other 18194
electronic means the fact that the transmitter is turned off or 18195
altered in any manner without prior approval of the court in 18196
relation to the electronic monitoring or without prior approval 18197
of the department of rehabilitation and correction in relation 18198
to the use of an electronic monitoring device for an inmate on 18199
transitional control or otherwise is tampered with. 18200

(3) Any type of technology that can adequately track or 18201
determine the location of a subject person at any time and that 18202
is approved by the director of rehabilitation and correction, 18203
including, but not limited to, any satellite technology, voice 18204
tracking system, or retinal scanning system that is so approved. 18205

(VV) "Non-economic loss" means nonpecuniary harm suffered 18206
by a victim of an offense as a result of or related to the 18207
commission of the offense, including, but not limited to, pain 18208
and suffering; loss of society, consortium, companionship, care, 18209
assistance, attention, protection, advice, guidance, counsel, 18210
instruction, training, or education; mental anguish; and any 18211
other intangible loss. 18212

(WW) "Prosecutor" has the same meaning as in section 18213

2935.01 of the Revised Code. 18214

(XX) "Continuous alcohol monitoring" means the ability to 18215
automatically test and periodically transmit alcohol consumption 18216
levels and tamper attempts at least every hour, regardless of 18217
the location of the person who is being monitored. 18218

(YY) A person is "adjudicated a sexually violent predator" 18219
if the person is convicted of or pleads guilty to a violent sex 18220
offense and also is convicted of or pleads guilty to a sexually 18221
violent predator specification that was included in the 18222
indictment, count in the indictment, or information charging 18223
that violent sex offense or if the person is convicted of or 18224
pleads guilty to a designated homicide, assault, or kidnapping 18225
offense and also is convicted of or pleads guilty to both a 18226
sexual motivation specification and a sexually violent predator 18227
specification that were included in the indictment, count in the 18228
indictment, or information charging that designated homicide, 18229
assault, or kidnapping offense. 18230

(ZZ) An offense is "committed in proximity to a school" if 18231
the offender commits the offense in a school safety zone or 18232
within five hundred feet of any school building or the 18233
boundaries of any school premises, regardless of whether the 18234
offender knows the offense is being committed in a school safety 18235
zone or within five hundred feet of any school building or the 18236
boundaries of any school premises. 18237

(AAA) "Human trafficking" means a scheme or plan to which 18238
all of the following apply: 18239

(1) Its object is one or both of the following: 18240

(a) To subject a victim or victims to involuntary 18241
servitude, as defined in section 2905.31 of the Revised Code or 18242

to compel a victim or victims to engage in sexual activity for 18243
hire, to engage in a performance that is obscene, sexually 18244
oriented, or nudity oriented, or to be a model or participant in 18245
the production of material that is obscene, sexually oriented, 18246
or nudity oriented; 18247

(b) To facilitate, encourage, or recruit a victim who is a 18248
minor or is a person with a developmental disability, or victims 18249
who are minors or are persons with developmental disabilities, 18250
for any purpose listed in divisions (A) (2) (a) to (c) of section 18251
2905.32 of the Revised Code. 18252

(2) It involves at least two felony offenses, whether or 18253
not there has been a prior conviction for any of the felony 18254
offenses, to which all of the following apply: 18255

(a) Each of the felony offenses is a violation of section 18256
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 18257
division (A) (1) or (2) of section 2907.323, or division (B) (1), 18258
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 18259
is a violation of a law of any state other than this state that 18260
is substantially similar to any of the sections or divisions of 18261
the Revised Code identified in this division. 18262

(b) At least one of the felony offenses was committed in 18263
this state. 18264

(c) The felony offenses are related to the same scheme or 18265
plan and are not isolated instances. 18266

(BBB) "Material," "nudity," "obscene," "performance," and 18267
"sexual activity" have the same meanings as in section 2907.01 18268
of the Revised Code. 18269

(CCC) "Material that is obscene, sexually oriented, or 18270
nudity oriented" means any material that is obscene, that shows 18271

a person participating or engaging in sexual activity, 18272
masturbation, or bestiality, or that shows a person in a state 18273
of nudity. 18274

(DDD) "Performance that is obscene, sexually oriented, or 18275
nudity oriented" means any performance that is obscene, that 18276
shows a person participating or engaging in sexual activity, 18277
masturbation, or bestiality, or that shows a person in a state 18278
of nudity. 18279

(EEE) "Accelerant" means a fuel or oxidizing agent, such 18280
as an ignitable liquid, used to initiate a fire or increase the 18281
rate of growth or spread of a fire. 18282

(FFF) "Permanent disabling harm" means serious physical 18283
harm that results in permanent injury to the intellectual, 18284
physical, or sensory functions and that permanently and 18285
substantially impairs a person's ability to meet one or more of 18286
the ordinary demands of life, including the functions of caring 18287
for one's self, performing manual tasks, walking, seeing, 18288
hearing, speaking, breathing, learning, and working. 18289

(GGG) "Non-life felony indefinite prison term" means a 18290
prison term imposed under division (A) (1) (a) or (2) (a) of 18291
section 2929.14 and section 2929.144 of the Revised Code for a 18292
felony of the first or second degree committed on or after March 18293
22, 2019. 18294

Sec. 2929.11. (A) A court that sentences an offender for a 18295
felony that is not a capital offense and that is not an offense 18296
for which a sentence of life imprisonment is to be imposed shall 18297
be guided by the overriding purposes of felony sentencing. ~~The~~ 18298
~~overriding purposes of felony sentencing, which~~ are to protect 18299
the public from future crime by the offender and others, to 18300

punish the offender, and to reduce recidivism and promote the 18301
effective rehabilitation of the offender ~~using the minimum~~ 18302
~~sanctions that the court determines accomplish those purposes~~ 18303
~~without imposing an unnecessary burden on state or local~~ 18304
~~government resources~~ for safe and successful reentry into this 18305
state's communities. ~~To~~ 18306

(B) To achieve those the purposes specified in division 18307
(A) of this section, the sentencing court shall consider the 18308
nature and circumstances of the offense; the impact upon the 18309
victim; the history, character, and condition of the offender; 18310
the need for incapacitating the offender, deterring the offender 18311
~~and others from future crime,~~ rehabilitating the offender, 18312
deterring the offender and others from future crime, and making 18313
restitution to the victim of the offense, the public, or both; 18314
and any other factors the court considers relevant. 18315

~~(B)~~ (C) A sentence imposed on an offender for a felony 18316
shall be reasonably calculated to achieve the three overriding 18317
purposes of felony sentencing set forth in division (A) of this 18318
section, commensurate with and not demeaning to the seriousness 18319
of the offender's conduct and its impact upon the victim, and 18320
consistent with sentences imposed for similar crimes committed 18321
by similar offenders. 18322

(D) Divisions (A) to (C) of this section apply to all 18323
sentencing for all criminal violations of any law, ordinance, or 18324
resolution of this state or any political subdivision of this 18325
state that are a felony, except as otherwise provided in 18326
division (A) of this section, as this section is intended to 18327
operate uniformly throughout the state and constitutes a general 18328
law within the meaning of Ohio Constitution, Article XVIII, 18329
Section 3. 18330

~~(C)-(E)~~ A court that imposes a sentence ~~upon~~on an offender 18331
for a felony shall not base the sentence upon the race, ethnic 18332
background, gender, or religion of the offender. 18333

Sec. 2929.12. (A) Unless otherwise required by section 18334
2929.13 or 2929.14 of the Revised Code, a court that imposes a 18335
sentence under this chapter upon an offender for a felony has 18336
discretion to determine the most effective way to comply with 18337
the purposes and principles of sentencing set forth in section 18338
2929.11 of the Revised Code. In exercising that discretion, the 18339
court shall consider the factors set forth in divisions (B) and 18340
(C) of this section relating to the seriousness of the conduct, 18341
the factors provided in divisions (D) and (E) of this section 18342
relating to the likelihood of the offender's recidivism, and the 18343
factors set forth in division (F) of this section pertaining to 18344
the offender's service in the armed forces of the United States 18345
and, in addition, may consider any other factors that are 18346
relevant to achieving those purposes and principles of 18347
sentencing. 18348

Before imposing sentence on an offender, if two or more of 18349
the counts merge for purposes of sentencing, the court shall 18350
require the prosecutor to elect the charges to proceed on and 18351
shall impose sentence for the offenses under those charges. 18352

(B) The sentencing court shall consider all of the 18353
following that apply regarding the offender, the offense, or the 18354
victim, and any other relevant factors, as indicating that the 18355
offender's conduct is more serious than conduct normally 18356
constituting the offense: 18357

(1) The physical or mental injury suffered by the victim 18358
of the offense due to the conduct of the offender was 18359
exacerbated because of the physical or mental condition or age 18360

of the victim. 18361

(2) The victim of the offense suffered serious physical, 18362
psychological, or economic harm as a result of the offense. 18363

(3) The offender held a public office or position of trust 18364
in the community, and the offense related to that office or 18365
position. 18366

(4) The offender's occupation, elected office, or 18367
profession obliged the offender to prevent the offense or bring 18368
others committing it to justice. 18369

(5) The offender's professional reputation or occupation, 18370
elected office, or profession was used to facilitate the offense 18371
or is likely to influence the future conduct of others. 18372

(6) The offender's relationship with the victim 18373
facilitated the offense. 18374

(7) The offender committed the offense for hire or as a 18375
part of an organized criminal activity. 18376

(8) In committing the offense, the offender was motivated 18377
by prejudice based on race, ethnic background, gender, sexual 18378
orientation, or religion. 18379

(9) If the offense is a violation of section 2919.25 or a 18380
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 18381
Code involving a person who was a family or household member at 18382
the time of the violation, the offender committed the offense in 18383
the vicinity of one or more children who are not victims of the 18384
offense, and the offender or the victim of the offense is a 18385
parent, guardian, custodian, or person in loco parentis of one 18386
or more of those children. 18387

(C) The sentencing court shall consider all of the 18388

following that apply regarding the offender, the offense, or the 18389
victim, and any other relevant factors, as indicating that the 18390
offender's conduct is less serious than conduct normally 18391
constituting the offense: 18392

(1) The victim induced or facilitated the offense. 18393

(2) In committing the offense, the offender acted under 18394
strong provocation. 18395

(3) In committing the offense, the offender did not cause 18396
or expect to cause physical harm to any person or property. 18397

(4) There are substantial grounds to mitigate the 18398
offender's conduct, although the grounds are not enough to 18399
constitute a defense. 18400

(D) The sentencing court shall consider all of the 18401
following that apply regarding the offender, and any other 18402
relevant factors, as factors indicating that the offender is 18403
likely to commit future crimes: 18404

(1) At the time of committing the offense, the offender 18405
was under release from confinement before trial or sentencing; 18406
was under a sanction imposed pursuant to section 2929.16, 18407
2929.17, or 2929.18 of the Revised Code; was under post-release 18408
control pursuant to section 2967.28 or any other provision of 18409
the Revised Code for an earlier offense or had been unfavorably 18410
terminated from post-release control for a prior offense 18411
pursuant to division (B) of section 2967.16 or section 2929.141 18412
of the Revised Code; was under transitional control in 18413
connection with a prior offense; or had absconded from the 18414
offender's approved community placement resulting in the 18415
offender's removal from the transitional control program under 18416
section 2967.26 of the Revised Code. 18417

(2) The offender previously was adjudicated a delinquent child ~~pursuant to Chapter 2151. of the Revised Code prior to January 1, 2002, or pursuant to Chapter 2152. of the Revised Code~~ or unruly child, or the offender has a history of criminal convictions. 18418
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(3) The offender's prior juvenile and adult treatment and sentencing records and adjustment indicate that the offender has not been rehabilitated to a satisfactory degree after ~~previously~~ being adjudicated a delinquent child ~~pursuant to Chapter 2151. of the Revised Code prior to January 1, 2002, or pursuant to Chapter 2152. of the Revised Code~~, or the offender has not responded favorably to sanctions previously imposed for criminal convictions. 18423
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(4) The offender has demonstrated a pattern of drug or alcohol abuse that is related to the offense, and the offender refuses to acknowledge that the offender has demonstrated that pattern, or the offender refuses treatment for the drug or alcohol abuse. 18431
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(5) The offender shows no genuine remorse for the offense. 18436

(E) The sentencing court shall consider all of the following that apply regarding the offender, and any other relevant factors, as factors indicating that the offender is not likely to commit future crimes: 18437
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(1) Prior to committing the offense, the offender had not been adjudicated a delinquent child or unruly child. 18441
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(2) Prior to committing the offense, the offender had not been convicted of or pleaded guilty to a criminal offense. 18443
18444

(3) Prior to committing the offense, the offender had led a law-abiding life for a significant number of years. 18445
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(4) The offense was committed under circumstances not likely to recur. 18447
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(5) The offender shows genuine remorse for the offense. 18449

(F) The sentencing court shall consider the offender's military service record and whether the offender has an emotional, mental, or physical condition that is traceable to the offender's service in the armed forces of the United States and that was a contributing factor in the offender's commission of the offense or offenses. 18450
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Sec. 2929.121. (A) In all cases in which the offender's case was transferred to the court of common pleas for an offense committed when the offender was under eighteen years of age, in addition to the factors listed in section 2929.12 of the Revised Code, the court shall consider the juvenile offender's youthfulness as a mitigating factor when making a sentencing determination. The court also shall consider all of the following factors when sentencing any such juvenile offender whose case was so transferred: 18456
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(1) The character and record of the juvenile offender; 18465

(2) The background and mental and emotional development of the juvenile offender; 18466
18467

(3) The juvenile offender's chronological age and the immaturity, impetuosity, and inability to appreciate the risks and consequences of the juvenile offender's actions, as are associated with youth; 18468
18469
18470
18471

(4) The family and home environment that surrounds the juvenile offender; 18472
18473

(5) The circumstances of the offense, including the extent 18474

of the juvenile offender's participation and the familial and 18475
peer pressure that may have affected the juvenile offender; 18476

(6) The juvenile offender's relative ability to assert the 18477
juvenile offender's constitutional rights with police and 18478
prosecutors, or to assist the juvenile offender's attorney in 18479
the plea bargain or trial process; 18480

(7) The juvenile offender's potential for rehabilitation; 18481

(8) Whether the juvenile offender was the principal actor 18482
in the offense. 18483

(B) In addition to the factors specified in division (A) 18484
of this section and in section 2929.12 of the Revised Code, with 18485
respect to offenses committed when an offender in the category 18486
described in division (A) of this section was under eighteen 18487
years of age, the sentencing court shall consider the reports of 18488
a presentence investigation made under section 2947.06 or 18489
2951.03 of the Revised Code, which reports shall include a 18490
mental health evaluation conducted by a mental health 18491
professional licensed in this state to treat adolescents. The 18492
presentence investigation shall include the juvenile offender's 18493
developmental history, medical history, history of substance use 18494
and treatment, social history, mental health history and 18495
treatment history, and a psychological evaluation. 18496

Sec. 2929.14. (A) Except as provided in division (B) (1), 18497
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 18498
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 18499
in division (D) (6) of section 2919.25 of the Revised Code and 18500
except in relation to an offense for which a sentence of death 18501
or life imprisonment is to be imposed, if the court imposing a 18502
sentence upon an offender for a felony elects or is required to 18503

impose a prison term on the offender pursuant to this chapter, 18504
the court shall impose a prison term that shall be one of the 18505
following: 18506

(1) (a) For a felony of the first degree committed on or 18507
~~after the effective date of this amendment~~ March 22, 2019, the 18508
prison term shall be an indefinite prison term with a stated 18509
minimum term selected by the court of three, four, five, six, 18510
seven, eight, nine, ten, or eleven years and a maximum term that 18511
is determined pursuant to section 2929.144 of the Revised Code, 18512
except that if the section that criminalizes the conduct 18513
constituting the felony specifies a different minimum term or 18514
penalty for the offense, the specific language of that section 18515
shall control in determining the minimum term or otherwise 18516
sentencing the offender but the minimum term or sentence imposed 18517
under that specific language shall be considered for purposes of 18518
the Revised Code as if it had been imposed under this division. 18519

(b) For a felony of the first degree committed prior to 18520
~~the effective date of this amendment~~ March 22, 2019, the prison 18521
term shall be a definite prison term of three, four, five, six, 18522
seven, eight, nine, ten, or eleven years. 18523

(2) (a) For a felony of the second degree committed on or 18524
~~after the effective date of this amendment~~ March 22, 2019, the 18525
prison term shall be an indefinite prison term with a stated 18526
minimum term selected by the court of two, three, four, five, 18527
six, seven, or eight years and a maximum term that is determined 18528
pursuant to section 2929.144 of the Revised Code, except that if 18529
the section that criminalizes the conduct constituting the 18530
felony specifies a different minimum term or penalty for the 18531
offense, the specific language of that section shall control in 18532
determining the minimum term or otherwise sentencing the 18533

offender but the minimum term or sentence imposed under that 18534
specific language shall be considered for purposes of the 18535
Revised Code as if it had been imposed under this division. 18536

(b) For a felony of the second degree committed prior to 18537
~~the effective date of this amendment~~ March 22, 2019, the prison 18538
term shall be a definite term of two, three, four, five, six, 18539
seven, or eight years. 18540

(3) (a) For a felony of the third degree that is a 18541
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 18542
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 18543
Code, that is a violation of section 4511.19 of the Revised Code 18544
if the offender previously has been convicted of or pleaded 18545
guilty to a violation of division (A) of that section that was a 18546
felony, or that is a violation of section 2911.02 or ~~2911.12~~ 18547
~~2911.04~~ of the Revised Code if the offender previously has been 18548
convicted of or pleaded guilty in two or more separate 18549
proceedings to two or more violations of section 2911.01, 18550
2911.02, ~~2911.11~~, 2911.03, or ~~2911.12~~ 2911.04 of the Revised 18551
Code, the prison term shall be a definite term of twelve, 18552
eighteen, twenty-four, thirty, thirty-six, forty-two, forty- 18553
eight, fifty-four, or sixty months. 18554

(b) For a felony of the third degree that is not an 18555
offense for which division (A) (3) (a) of this section applies, 18556
the prison term shall be a definite term of nine, twelve, 18557
eighteen, twenty-four, thirty, or thirty-six months. 18558

(4) For a felony of the fourth degree, the prison term 18559
shall be a definite term of six, seven, eight, nine, ten, 18560
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 18561
or eighteen months. 18562

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

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

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

(ii) A prison term of three years if the specification is of the type described in division (A) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;

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

(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the

Revised Code that charges the offender with having a firearm 18592
that is an automatic firearm or that was equipped with a firearm 18593
muffler or suppressor on or about the offender's person or under 18594
the offender's control while committing the offense and 18595
specifies that the offender previously has been convicted of or 18596
pleaded guilty to a specification of the type described in 18597
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 18598
the Revised Code; 18599

(v) A prison term of fifty-four months if the 18600
specification is of the type described in division (D) of 18601
section 2941.145 of the Revised Code that charges the offender 18602
with having a firearm on or about the offender's person or under 18603
the offender's control while committing the offense and 18604
displaying the firearm, brandishing the firearm, indicating that 18605
the offender possessed the firearm, or using the firearm to 18606
facilitate the offense and that the offender previously has been 18607
convicted of or pleaded guilty to a specification of the type 18608
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 18609
2941.1412 of the Revised Code; 18610

(vi) A prison term of eighteen months if the specification 18611
is of the type described in division (D) of section 2941.141 of 18612
the Revised Code that charges the offender with having a firearm 18613
on or about the offender's person or under the offender's 18614
control while committing the offense and that the offender 18615
previously has been convicted of or pleaded guilty to a 18616
specification of the type described in section 2941.141, 18617
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 18618

(b) If a court imposes a prison term on an offender under 18619
division (B)(1)(a) of this section, the prison term shall not be 18620
reduced pursuant to ~~section 2967.19,~~ section 2929.20, section 18621

2967.193, or any other provision of Chapter 2967. or Chapter 18622
5120. of the Revised Code. Except as provided in division (B) (1) 18623
(g) of this section, a court shall not impose more than one 18624
prison term on an offender under division (B) (1) (a) of this 18625
section for felonies committed as part of the same act or 18626
transaction. 18627

(c) (i) Except as provided in division (B) (1) (e) of this 18628
section, if an offender who is convicted of or pleads guilty to 18629
a violation of section 2923.161 of the Revised Code or to a 18630
felony that includes, as an essential element, purposely or 18631
knowingly causing or attempting to cause the death of or 18632
physical harm to another, also is convicted of or pleads guilty 18633
to a specification of the type described in division (A) of 18634
section 2941.146 of the Revised Code that charges the offender 18635
with committing the offense by discharging a firearm from a 18636
motor vehicle other than a manufactured home, the court, after 18637
imposing a prison term on the offender for the violation of 18638
section 2923.161 of the Revised Code or for the other felony 18639
offense under division (A), (B) (2), or (B) (3) of this section, 18640
shall impose an additional prison term of five years upon the 18641
offender that shall not be reduced pursuant to section 2929.20, 18642
~~section 2967.19,~~ section 2967.193, or any other provision of 18643
Chapter 2967. or Chapter 5120. of the Revised Code. 18644

(ii) Except as provided in division (B) (1) (e) of this 18645
section, if an offender who is convicted of or pleads guilty to 18646
a violation of section 2923.161 of the Revised Code or to a 18647
felony that includes, as an essential element, purposely or 18648
knowingly causing or attempting to cause the death of or 18649
physical harm to another, also is convicted of or pleads guilty 18650
to a specification of the type described in division (C) of 18651
section 2941.146 of the Revised Code that charges the offender 18652

with committing the offense by discharging a firearm from a 18653
motor vehicle other than a manufactured home and that the 18654
offender previously has been convicted of or pleaded guilty to a 18655
specification of the type described in section 2941.141, 18656
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 18657
the court, after imposing a prison term on the offender for the 18658
violation of section 2923.161 of the Revised Code or for the 18659
other felony offense under division (A), (B) (2), or (3) of this 18660
section, shall impose an additional prison term of ninety months 18661
upon the offender that shall not be reduced pursuant to section 18662
2929.20, ~~2967.19~~, section 2967.193, or any other provision of 18663
Chapter 2967. or Chapter 5120. of the Revised Code. 18664

(iii) A court shall not impose more than one additional 18665
prison term on an offender under division (B) (1) (c) of this 18666
section for felonies committed as part of the same act or 18667
transaction. If a court imposes an additional prison term on an 18668
offender under division (B) (1) (c) of this section relative to an 18669
offense, the court also shall impose a prison term under 18670
division (B) (1) (a) of this section relative to the same offense, 18671
provided the criteria specified in that division for imposing an 18672
additional prison term are satisfied relative to the offender 18673
and the offense. 18674

(d) If an offender who is convicted of or pleads guilty to 18675
an offense of violence that is a felony also is convicted of or 18676
pleads guilty to a specification of the type described in 18677
section 2941.1411 of the Revised Code that charges the offender 18678
with wearing or carrying body armor while committing the felony 18679
offense of violence, the court shall impose on the offender an 18680
additional prison term of two years. The prison term so imposed, ~~7~~ 18681
~~subject to divisions (C) to (I) of section 2967.19 of the~~ 18682
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, 18683

~~section 2967.19,~~ section 2967.193, or any other provision of 18684
Chapter 2967. or Chapter 5120. of the Revised Code. A court 18685
shall not impose more than one prison term on an offender under 18686
division (B) (1) (d) of this section for felonies committed as 18687
part of the same act or transaction. If a court imposes an 18688
additional prison term under division (B) (1) (a) or (c) of this 18689
section, the court is not precluded from imposing an additional 18690
prison term under division (B) (1) (d) of this section. 18691

(e) The court shall not impose any of the prison terms 18692
described in division (B) (1) (a) of this section or any of the 18693
additional prison terms described in division (B) (1) (c) of this 18694
section upon an offender for a violation of section 2923.12 or 18695
2923.123 of the Revised Code. The court shall not impose any of 18696
the prison terms described in division (B) (1) (a) or (b) of this 18697
section upon an offender for a violation of section 2923.122 18698
that involves a deadly weapon that is a firearm other than a 18699
dangerous ordnance, section 2923.16, or section 2923.121 of the 18700
Revised Code. The court shall not impose any of the prison terms 18701
described in division (B) (1) (a) of this section or any of the 18702
additional prison terms described in division (B) (1) (c) of this 18703
section upon an offender for a violation of section 2923.13 of 18704
the Revised Code unless all of the following apply: 18705

(i) The offender previously has been convicted of 18706
aggravated murder, murder, or any felony of the first or second 18707
degree. 18708

(ii) Less than five years have passed since the offender 18709
was released from prison or post-release control, whichever is 18710
later, for the prior offense. 18711

(f) (i) If an offender is convicted of or pleads guilty to 18712
a felony that includes, as an essential element, causing or 18713

attempting to cause the death of or physical harm to another and 18714
also is convicted of or pleads guilty to a specification of the 18715
type described in division (A) of section 2941.1412 of the 18716
Revised Code that charges the offender with committing the 18717
offense by discharging a firearm at a peace officer as defined 18718
in section 2935.01 of the Revised Code or a corrections officer, 18719
as defined in section 2941.1412 of the Revised Code, the court, 18720
after imposing a prison term on the offender for the felony 18721
offense under division (A), (B) (2), or (B) (3) of this section, 18722
shall impose an additional prison term of seven years upon the 18723
offender that shall not be reduced pursuant to section 2929.20, 18724
~~section 2967.19,~~ section 2967.193, or any other provision of 18725
Chapter 2967. or Chapter 5120. of the Revised Code. 18726

(ii) If an offender is convicted of or pleads guilty to a 18727
felony that includes, as an essential element, causing or 18728
attempting to cause the death of or physical harm to another and 18729
also is convicted of or pleads guilty to a specification of the 18730
type described in division (B) of section 2941.1412 of the 18731
Revised Code that charges the offender with committing the 18732
offense by discharging a firearm at a peace officer, as defined 18733
in section 2935.01 of the Revised Code, or a corrections 18734
officer, as defined in section 2941.1412 of the Revised Code, 18735
and that the offender previously has been convicted of or 18736
pleaded guilty to a specification of the type described in 18737
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 18738
the Revised Code, the court, after imposing a prison term on the 18739
offender for the felony offense under division (A), (B) (2), or 18740
(3) of this section, shall impose an additional prison term of 18741
one hundred twenty-six months upon the offender that shall not 18742
be reduced pursuant to section 2929.20, ~~2967.19,~~ section 18743
2967.193, or any other provision of Chapter 2967. or 5120. of 18744

the Revised Code. 18745

(iii) If an offender is convicted of or pleads guilty to 18746
two or more felonies that include, as an essential element, 18747
causing or attempting to cause the death or physical harm to 18748
another and also is convicted of or pleads guilty to a 18749
specification of the type described under division (B)(1)(f) of 18750
this section in connection with two or more of the felonies of 18751
which the offender is convicted or to which the offender pleads 18752
guilty, the sentencing court shall impose on the offender the 18753
prison term specified under division (B)(1)(f) of this section 18754
for each of two of the specifications of which the offender is 18755
convicted or to which the offender pleads guilty and, in its 18756
discretion, also may impose on the offender the prison term 18757
specified under that division for any or all of the remaining 18758
specifications. If a court imposes an additional prison term on 18759
an offender under division (B)(1)(f) of this section relative to 18760
an offense, the court shall not impose a prison term under 18761
division (B)(1)(a) or (c) of this section relative to the same 18762
offense. 18763

(g) If an offender is convicted of or pleads guilty to two 18764
or more felonies, if one or more of those felonies are 18765
aggravated murder, murder, attempted aggravated murder, 18766
attempted murder, aggravated robbery, felonious assault, or 18767
rape, and if the offender is convicted of or pleads guilty to a 18768
specification of the type described under division (B)(1)(a) of 18769
this section in connection with two or more of the felonies, the 18770
sentencing court shall impose on the offender the prison term 18771
specified under division (B)(1)(a) of this section for each of 18772
the two most serious specifications of which the offender is 18773
convicted or to which the offender pleads guilty and, in its 18774
discretion, also may impose on the offender the prison term 18775

specified under that division for any or all of the remaining 18776
specifications. 18777

(2) (a) If division (B) (2) (b) of this section does not 18778
apply, the court may impose on an offender, in addition to the 18779
longest prison term authorized or required for the offense or, 18780
for offenses for which division (A) (1) (a) or (2) (a) of this 18781
section applies, in addition to the longest minimum prison term 18782
authorized or required for the offense, an additional definite 18783
prison term of one, two, three, four, five, six, seven, eight, 18784
nine, or ten years if all of the following criteria are met: 18785

(i) The offender is convicted of or pleads guilty to a 18786
specification of the type described in section 2941.149 of the 18787
Revised Code that the offender is a repeat violent offender. 18788

(ii) The offense of which the offender currently is 18789
convicted or to which the offender currently pleads guilty is 18790
aggravated murder and the court does not impose a sentence of 18791
death or life imprisonment without parole, murder, terrorism and 18792
the court does not impose a sentence of life imprisonment 18793
without parole, any felony of the first degree that is an 18794
offense of violence and the court does not impose a sentence of 18795
life imprisonment without parole, or any felony of the second 18796
degree that is an offense of violence and the trier of fact 18797
finds that the offense involved an attempt to cause or a threat 18798
to cause serious physical harm to a person or resulted in 18799
serious physical harm to a person. 18800

(iii) The court imposes the longest prison term for the 18801
offense or the longest minimum prison term for the offense, 18802
whichever is applicable, that is not life imprisonment without 18803
parole. 18804

(iv) The court finds that the prison terms imposed 18805
pursuant to division (B) (2) (a) (iii) of this section and, if 18806
applicable, division (B) (1) or (3) of this section are 18807
inadequate to punish the offender and protect the public from 18808
future crime, because the applicable factors under section 18809
2929.12 of the Revised Code indicating a greater likelihood of 18810
recidivism outweigh the applicable factors under that section 18811
indicating a lesser likelihood of recidivism. 18812

(v) The court finds that the prison terms imposed pursuant 18813
to division (B) (2) (a) (iii) of this section and, if applicable, 18814
division (B) (1) or (3) of this section are demeaning to the 18815
seriousness of the offense, because one or more of the factors 18816
under section 2929.12 of the Revised Code indicating that the 18817
offender's conduct is more serious than conduct normally 18818
constituting the offense are present, and they outweigh the 18819
applicable factors under that section indicating that the 18820
offender's conduct is less serious than conduct normally 18821
constituting the offense. 18822

(b) The court shall impose on an offender the longest 18823
prison term authorized or required for the offense or, for 18824
offenses for which division (A) (1) (a) or (2) (a) of this section 18825
applies, the longest minimum prison term authorized or required 18826
for the offense, and shall impose on the offender an additional 18827
definite prison term of one, two, three, four, five, six, seven, 18828
eight, nine, or ten years if all of the following criteria are 18829
met: 18830

(i) The offender is convicted of or pleads guilty to a 18831
specification of the type described in section 2941.149 of the 18832
Revised Code that the offender is a repeat violent offender. 18833

(ii) The offender within the preceding twenty years has 18834

been convicted of or pleaded guilty to three or more offenses 18835
described in division (CC) (1) of section 2929.01 of the Revised 18836
Code, including all offenses described in that division of which 18837
the offender is convicted or to which the offender pleads guilty 18838
in the current prosecution and all offenses described in that 18839
division of which the offender previously has been convicted or 18840
to which the offender previously pleaded guilty, whether 18841
prosecuted together or separately. 18842

(iii) The offense or offenses of which the offender 18843
currently is convicted or to which the offender currently pleads 18844
guilty is aggravated murder and the court does not impose a 18845
sentence of death or life imprisonment without parole, murder, 18846
terrorism and the court does not impose a sentence of life 18847
imprisonment without parole, any felony of the first degree that 18848
is an offense of violence and the court does not impose a 18849
sentence of life imprisonment without parole, or any felony of 18850
the second degree that is an offense of violence and the trier 18851
of fact finds that the offense involved an attempt to cause or a 18852
threat to cause serious physical harm to a person or resulted in 18853
serious physical harm to a person. 18854

(c) For purposes of division (B) (2) (b) of this section, 18855
two or more offenses committed at the same time or as part of 18856
the same act or event shall be considered one offense, and that 18857
one offense shall be the offense with the greatest penalty. 18858

(d) A sentence imposed under division (B) (2) (a) or (b) of 18859
this section shall not be reduced pursuant to section 2929.20, 18860
~~section 2967.19, or section 2967.193~~, or any other provision of 18861
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 18862
shall serve an additional prison term imposed under division (B) 18863
(2) (a) or (b) of this section consecutively to and prior to the 18864

prison term imposed for the underlying offense. 18865

(e) When imposing a sentence pursuant to division (B) (2) 18866
(a) or (b) of this section, the court shall state its findings 18867
explaining the imposed sentence. 18868

(3) Except when an offender commits a violation of section 18869
2903.01 or 2907.02 of the Revised Code and the penalty imposed 18870
for the violation is life imprisonment or commits a violation of 18871
section 2903.02 of the Revised Code, if the offender commits a 18872
violation of section 2925.03 or 2925.11 of the Revised Code and 18873
that section classifies the offender as a major drug offender, 18874
if the offender commits a violation of section 2925.05 of the 18875
Revised Code and division (E) (1) of that section classifies the 18876
offender as a major drug offender, if the offender commits a 18877
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 18878
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 18879
division (C) or (D) of section 3719.172, division (E) of section 18880
4729.51, or division (J) of section 4729.54 of the Revised Code 18881
that includes the sale, offer to sell, or possession of a 18882
schedule I or II controlled substance, with the exception of 18883
marihuana, and the court imposing sentence upon the offender 18884
finds that the offender is guilty of a specification of the type 18885
described in division (A) of section 2941.1410 of the Revised 18886
Code charging that the offender is a major drug offender, if the 18887
court imposing sentence upon an offender for a felony finds that 18888
the offender is guilty of corrupt activity with the most serious 18889
offense in the pattern of corrupt activity being a felony of the 18890
first degree, or if the offender is guilty of an attempted 18891
violation of section 2907.02 of the Revised Code and, had the 18892
offender completed the violation of section 2907.02 of the 18893
Revised Code that was attempted, the offender would have been 18894
subject to a sentence of life imprisonment or life imprisonment 18895

without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that, ~~subject to divisions (C) to (I) of section 2967.19 of the Revised Code,~~ cannot be reduced pursuant to section 2929.20, ~~section 2967.19,~~ or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A) (1) (b) of this section for a felony of the first degree, except that for offenses for which division (A) (1) (a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A) (4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A) (3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (B) (4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term

in the range of six months to thirty months for a fourth degree 18927
felony OVI offense and shall equal one of the authorized prison 18928
terms specified in division (A) (3) of this section for a third 18929
degree felony OVI offense. If the court imposes an additional 18930
prison term under division (B) (4) of this section, the offender 18931
shall serve the additional prison term after the offender has 18932
served the mandatory prison term required for the offense. In 18933
addition to the mandatory prison term or mandatory and 18934
additional prison term imposed as described in division (B) (4) 18935
of this section, the court also may sentence the offender to a 18936
community control sanction under section 2929.16 or 2929.17 of 18937
the Revised Code, but the offender shall serve all of the prison 18938
terms so imposed prior to serving the community control 18939
sanction. 18940

If the offender is being sentenced for a fourth degree 18941
felony OVI offense under division (G) (1) of section 2929.13 of 18942
the Revised Code and the court imposes a mandatory term of local 18943
incarceration, the court may impose a prison term as described 18944
in division (A) (1) of that section. 18945

(5) If an offender is convicted of or pleads guilty to a 18946
violation of division (A) (1) or (2) of section 2903.06 of the 18947
Revised Code and also is convicted of or pleads guilty to a 18948
specification of the type described in section 2941.1414 of the 18949
Revised Code that charges that the victim of the offense is a 18950
peace officer, as defined in section 2935.01 of the Revised 18951
Code, or an investigator of the bureau of criminal 18952
identification and investigation, as defined in section 2903.11 18953
of the Revised Code, the court shall impose on the offender a 18954
prison term of five years. If a court imposes a prison term on 18955
an offender under division (B) (5) of this section, the prison 18956
term, ~~subject to divisions (C) to (I) of section 2967.19 of the~~ 18957

~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, 18958
~~section 2967.19,~~ section 2967.193, or any other provision of 18959
Chapter 2967. or Chapter 5120. of the Revised Code. A court 18960
shall not impose more than one prison term on an offender under 18961
division (B) (5) of this section for felonies committed as part 18962
of the same act. 18963

(6) If an offender is convicted of or pleads guilty to a 18964
violation of division (A) (1) or (2) of section 2903.06 of the 18965
Revised Code and also is convicted of or pleads guilty to a 18966
specification of the type described in section 2941.1415 of the 18967
Revised Code that charges that the offender previously has been 18968
convicted of or pleaded guilty to three or more violations of 18969
division (A) or (B) of section 4511.19 of the Revised Code or an 18970
equivalent offense, as defined in section 2941.1415 of the 18971
Revised Code, or three or more violations of any combination of 18972
those divisions and offenses, the court shall impose on the 18973
offender a prison term of three years. If a court imposes a 18974
prison term on an offender under division (B) (6) of this 18975
section, the prison term, ~~subject to divisions (C) to (I) of~~ 18976
~~section 2967.19 of the Revised Code,~~ shall not be reduced 18977
pursuant to section 2929.20, ~~section 2967.19,~~ section 2967.193, 18978
or any other provision of Chapter 2967. or Chapter 5120. of the 18979
Revised Code. A court shall not impose more than one prison term 18980
on an offender under division (B) (6) of this section for 18981
felonies committed as part of the same act. 18982

(7) (a) If an offender is convicted of or pleads guilty to 18983
a felony violation of section 2905.01, 2905.02, 2907.21, 18984
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 18985
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 18986
section 2919.22 of the Revised Code and also is convicted of or 18987
pleads guilty to a specification of the type described in 18988

section 2941.1422 of the Revised Code that charges that the 18989
offender knowingly committed the offense in furtherance of human 18990
trafficking, the court shall impose on the offender a mandatory 18991
prison term that is one of the following: 18992

(i) If the offense is a felony of the first degree, a 18993
definite prison term of not less than five years and not greater 18994
than eleven years, except that if the offense is a felony of the 18995
first degree committed on or after ~~the effective date of this~~ 18996
~~amendment~~ March 22, 2019, the court shall impose as the minimum 18997
prison term a mandatory term of not less than five years and not 18998
greater than eleven years; 18999

(ii) If the offense is a felony of the second or third 19000
degree, a definite prison term of not less than three years and 19001
not greater than the maximum prison term allowed for the offense 19002
by division (A) (2) (b) or (3) of this section, except that if the 19003
offense is a felony of the second degree committed on or after 19004
~~the effective date of this amendment~~ March 22, 2019, the court 19005
shall impose as the minimum prison term a mandatory term of not 19006
less than three years and not greater than eight years; 19007

(iii) If the offense is a felony of the fourth or fifth 19008
degree, a definite prison term that is the maximum prison term 19009
allowed for the offense by division (A) of section 2929.14 of 19010
the Revised Code. 19011

(b) ~~Subject to divisions (C) to (I) of section 2967.19 of~~ 19012
~~the Revised Code, the~~ The prison term imposed under division (B) 19013
(7) (a) of this section shall not be reduced pursuant to section 19014
2929.20, ~~section 2967.19~~, section 2967.193, or any other 19015
provision of Chapter 2967. of the Revised Code. A court shall 19016
not impose more than one prison term on an offender under 19017
division (B) (7) (a) of this section for felonies committed as 19018

part of the same act, scheme, or plan. 19019

(8) If an offender is convicted of or pleads guilty to a 19020
felony violation of section 2903.11, 2903.12, or 2903.13 of the 19021
Revised Code and also is convicted of or pleads guilty to a 19022
specification of the type described in section 2941.1423 of the 19023
Revised Code that charges that the victim of the violation was a 19024
woman whom the offender knew was pregnant at the time of the 19025
violation, notwithstanding the range prescribed in division (A) 19026
of this section as the definite prison term or minimum prison 19027
term for felonies of the same degree as the violation, the court 19028
shall impose on the offender a mandatory prison term that is 19029
either a definite prison term of six months or one of the prison 19030
terms prescribed in division (A) of this section for felonies of 19031
the same degree as the violation, except that if the violation 19032
is a felony of the first or second degree committed on or after 19033
~~the effective date of this amendment~~ March 22, 2019, the court 19034
shall impose as the minimum prison term under division (A) (1) (a) 19035
or (2) (a) of this section a mandatory term that is one of the 19036
terms prescribed in that division, whichever is applicable, for 19037
the offense. 19038

(9) (a) If an offender is convicted of or pleads guilty to 19039
a violation of division (A) (1) or (2) of section 2903.11 of the 19040
Revised Code and also is convicted of or pleads guilty to a 19041
specification of the type described in section 2941.1425 of the 19042
Revised Code, the court shall impose on the offender a mandatory 19043
prison term of six years if either of the following applies: 19044

(i) The violation is a violation of division (A) (1) of 19045
section 2903.11 of the Revised Code and the specification 19046
charges that the offender used an accelerant in committing the 19047
violation and the serious physical harm to another or to 19048

another's unborn caused by the violation resulted in a 19049
permanent, serious disfigurement or permanent, substantial 19050
incapacity; 19051

(ii) The violation is a violation of division (A)(2) of 19052
section 2903.11 of the Revised Code and the specification 19053
charges that the offender used an accelerant in committing the 19054
violation, that the violation caused physical harm to another or 19055
to another's unborn, and that the physical harm resulted in a 19056
permanent, serious disfigurement or permanent, substantial 19057
incapacity. 19058

(b) If a court imposes a prison term on an offender under 19059
division (B)(9)(a) of this section, the prison term shall not be 19060
reduced pursuant to section 2929.20, ~~section 2967.19,~~ section 19061
2967.193, or any other provision of Chapter 2967. or Chapter 19062
5120. of the Revised Code. A court shall not impose more than 19063
one prison term on an offender under division (B)(9) of this 19064
section for felonies committed as part of the same act. 19065

(c) The provisions of divisions (B)(9) and (C)(6) of this 19066
section and of division (D)(2) of section 2903.11, division (F) 19067
~~(20)~~ (19) of section 2929.13, and section 2941.1425 of the 19068
Revised Code shall be known as "Judy's Law." 19069

(10) If an offender is convicted of or pleads guilty to a 19070
violation of division (A) of section 2903.11 of the Revised Code 19071
and also is convicted of or pleads guilty to a specification of 19072
the type described in section 2941.1426 of the Revised Code that 19073
charges that the victim of the offense suffered permanent 19074
disabling harm as a result of the offense and that the victim 19075
was under ten years of age at the time of the offense, 19076
regardless of whether the offender knew the age of the victim, 19077
the court shall impose upon the offender an additional definite 19078

prison term of six years. A prison term imposed on an offender 19079
under division (B) (10) of this section shall not be reduced 19080
pursuant to section 2929.20, section 2967.193, or any other 19081
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 19082
If a court imposes an additional prison term on an offender 19083
under this division relative to a violation of division (A) of 19084
section 2903.11 of the Revised Code, the court shall not impose 19085
any other additional prison term on the offender relative to the 19086
same offense. 19087

(11) If an offender is convicted of or pleads guilty to a 19088
felony violation of section 2925.03 or 2925.05 of the Revised 19089
Code or a felony violation of section 2925.11 of the Revised 19090
Code for which division (C) (11) of that section applies in 19091
determining the sentence for the violation, if the drug involved 19092
in the violation is a fentanyl-related compound or a compound, 19093
mixture, preparation, or substance containing a fentanyl-related 19094
compound, and if the offender also is convicted of or pleads 19095
guilty to a specification of the type described in division (B) 19096
of section 2941.1410 of the Revised Code that charges that the 19097
offender is a major drug offender, in addition to any other 19098
penalty imposed for the violation, the court shall impose on the 19099
offender a mandatory prison term of three, four, five, six, 19100
seven, or eight years. If a court imposes a prison term on an 19101
offender under division (B) (11) of this section, the prison 19102
term, ~~subject to divisions (C) to (I) of section 2967.19 of the~~ 19103
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, ~~2967.19, or~~ 19104
section 2967.193, or any other provision of Chapter 19105
2967. or 5120. of the Revised Code. A court shall not impose 19106
more than one prison term on an offender under division (B) (11) 19107
of this section for felonies committed as part of the same act. 19108

(C) (1) (a) Subject to division (C) (1) (b) of this section, 19109

if a mandatory prison term is imposed upon an offender pursuant 19110
to division (B) (1) (a) of this section for having a firearm on or 19111
about the offender's person or under the offender's control 19112
while committing a felony, if a mandatory prison term is imposed 19113
upon an offender pursuant to division (B) (1) (c) of this section 19114
for committing a felony specified in that division by 19115
discharging a firearm from a motor vehicle, or if both types of 19116
mandatory prison terms are imposed, the offender shall serve any 19117
mandatory prison term imposed under either division 19118
consecutively to any other mandatory prison term imposed under 19119
either division or under division (B) (1) (d) of this section, 19120
consecutively to and prior to any prison term imposed for the 19121
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 19122
this section or any other section of the Revised Code, and 19123
consecutively to any other prison term or mandatory prison term 19124
previously or subsequently imposed upon the offender. 19125

(b) If a mandatory prison term is imposed upon an offender 19126
pursuant to division (B) (1) (d) of this section for wearing or 19127
carrying body armor while committing an offense of violence that 19128
is a felony, the offender shall serve the mandatory term so 19129
imposed consecutively to any other mandatory prison term imposed 19130
under that division or under division (B) (1) (a) or (c) of this 19131
section, consecutively to and prior to any prison term imposed 19132
for the underlying felony under division (A), (B) (2), or (B) (3) 19133
of this section or any other section of the Revised Code, and 19134
consecutively to any other prison term or mandatory prison term 19135
previously or subsequently imposed upon the offender. 19136

(c) If a mandatory prison term is imposed upon an offender 19137
pursuant to division (B) (1) (f) of this section, the offender 19138
shall serve the mandatory prison term so imposed consecutively 19139
to and prior to any prison term imposed for the underlying 19140

felony under division (A), (B) (2), or (B) (3) of this section or 19141
any other section of the Revised Code, and consecutively to any 19142
other prison term or mandatory prison term previously or 19143
subsequently imposed upon the offender. 19144

(d) If a mandatory prison term is imposed upon an offender 19145
pursuant to division (B) (7) or (8) of this section, the offender 19146
shall serve the mandatory prison term so imposed consecutively 19147
to any other mandatory prison term imposed under that division 19148
or under any other provision of law and consecutively to any 19149
other prison term or mandatory prison term previously or 19150
subsequently imposed upon the offender. 19151

(e) If a mandatory prison term is imposed upon an offender 19152
pursuant to division (B) (11) of this section, the offender shall 19153
serve the mandatory prison term consecutively to any other 19154
mandatory prison term imposed under that division, consecutively 19155
to and prior to any prison term imposed for the underlying 19156
felony, and consecutively to any other prison term or mandatory 19157
prison term previously or subsequently imposed upon the 19158
offender. 19159

(2) If an offender who is an inmate in a jail, prison, or 19160
other residential detention facility violates section 2917.02, 19161
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 19162
(2) of section 2921.34 of the Revised Code, if an offender who 19163
is under detention at a detention facility commits a felony 19164
violation of section 2923.131 of the Revised Code, or if an 19165
offender who is an inmate in a jail, prison, or other 19166
residential detention facility or is under detention at a 19167
detention facility commits another felony while the offender is 19168
an escapee in violation of division (A) (1) or (2) of section 19169
2921.34 of the Revised Code, any prison term imposed upon the 19170

offender for one of those violations shall be served by the 19171
offender consecutively to the prison term or term of 19172
imprisonment the offender was serving when the offender 19173
committed that offense and to any other prison term previously 19174
or subsequently imposed upon the offender. 19175

(3) If a prison term is imposed for a violation of 19176
division (B) of section 2911.01 of the Revised Code, a violation 19177
of division (A) of section 2913.02 of the Revised Code in which 19178
the stolen property is a firearm or dangerous ordnance, or a 19179
felony violation of division (B) of section 2921.331 of the 19180
Revised Code, the offender shall serve that prison term 19181
consecutively to any other prison term or mandatory prison term 19182
previously or subsequently imposed upon the offender. 19183

(4) If multiple prison terms are imposed on an offender 19184
for convictions of multiple offenses, the court may require the 19185
offender to serve the prison terms consecutively if the court 19186
finds that the consecutive service is necessary to protect the 19187
public from future crime or to punish the offender and that 19188
consecutive sentences are not disproportionate to the 19189
seriousness of the offender's conduct and to the danger the 19190
offender poses to the public, and if the court also finds any of 19191
the following: 19192

(a) The offender committed one or more of the multiple 19193
offenses while the offender was awaiting trial or sentencing, 19194
was under a sanction imposed pursuant to section 2929.16, 19195
2929.17, or 2929.18 of the Revised Code, or was under post- 19196
release control for a prior offense. 19197

(b) At least two of the multiple offenses were committed 19198
as part of one or more courses of conduct, and the harm caused 19199
by two or more of the multiple offenses so committed was so 19200

great or unusual that no single prison term for any of the 19201
offenses committed as part of any of the courses of conduct 19202
adequately reflects the seriousness of the offender's conduct. 19203

(c) The offender's history of criminal conduct 19204
demonstrates that consecutive sentences are necessary to protect 19205
the public from future crime by the offender. 19206

(5) If a mandatory prison term is imposed upon an offender 19207
pursuant to division (B) (5) or (6) of this section, the offender 19208
shall serve the mandatory prison term consecutively to and prior 19209
to any prison term imposed for the underlying violation of 19210
division (A) (1) or (2) of section 2903.06 of the Revised Code 19211
pursuant to division (A) of this section or section 2929.142 of 19212
the Revised Code. If a mandatory prison term is imposed upon an 19213
offender pursuant to division (B) (5) of this section, and if a 19214
mandatory prison term also is imposed upon the offender pursuant 19215
to division (B) (6) of this section in relation to the same 19216
violation, the offender shall serve the mandatory prison term 19217
imposed pursuant to division (B) (5) of this section 19218
consecutively to and prior to the mandatory prison term imposed 19219
pursuant to division (B) (6) of this section and consecutively to 19220
and prior to any prison term imposed for the underlying 19221
violation of division (A) (1) or (2) of section 2903.06 of the 19222
Revised Code pursuant to division (A) of this section or section 19223
2929.142 of the Revised Code. 19224

(6) If a mandatory prison term is imposed on an offender 19225
pursuant to division (B) (9) of this section, the offender shall 19226
serve the mandatory prison term consecutively to and prior to 19227
any prison term imposed for the underlying violation of division 19228
(A) (1) or (2) of section 2903.11 of the Revised Code and 19229
consecutively to and prior to any other prison term or mandatory 19230

prison term previously or subsequently imposed on the offender. 19231

(7) If a mandatory prison term is imposed on an offender 19232
pursuant to division (B)(10) of this section, the offender shall 19233
serve that mandatory prison term consecutively to and prior to 19234
any prison term imposed for the underlying felonious assault. 19235
Except as otherwise provided in division (C) of this section, 19236
any other prison term or mandatory prison term previously or 19237
subsequently imposed upon the offender may be served 19238
concurrently with, or consecutively to, the prison term imposed 19239
pursuant to division (B)(10) of this section. 19240

(8) Any prison term imposed for a violation of section 19241
2903.04 of the Revised Code that is based on a violation of 19242
section 2925.03 or 2925.11 of the Revised Code or on a violation 19243
of section 2925.05 of the Revised Code that is not funding of 19244
marihuana trafficking shall run consecutively to any prison term 19245
imposed for the violation of section 2925.03 or 2925.11 of the 19246
Revised Code or for the violation of section 2925.05 of the 19247
Revised Code that is not funding of marihuana trafficking. 19248

(9) When consecutive prison terms are imposed pursuant to 19249
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 19250
division (H)(1) or (2) of this section, subject to division (C) 19251
(10) of this section, the term to be served is the aggregate of 19252
all of the terms so imposed. 19253

(10) When a court sentences an offender to a non-life 19254
felony indefinite prison term, any definite prison term or 19255
mandatory definite prison term previously or subsequently 19256
imposed on the offender in addition to that indefinite sentence 19257
that is required to be served consecutively to that indefinite 19258
sentence shall be served prior to the indefinite sentence. 19259

(11) If a court is sentencing an offender for a felony of the first or second degree, if division (A) (1) (a) or (2) (a) of this section applies with respect to the sentencing for the offense, and if the court is required under the Revised Code section that sets forth the offense or any other Revised Code provision to impose a mandatory prison term for the offense, the court shall impose the required mandatory prison term as the minimum term imposed under division (A) (1) (a) or (2) (a) of this section, whichever is applicable.

(D) (1) If a court imposes a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and that is not a felony sex offense, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a court to include a post-release control requirement in the sentence pursuant to this division does not negate, limit, or otherwise affect the mandatory period of post-release control that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D) (1) of this section, it shall include in the sentence a

requirement that the offender be subject to a period of post- 19291
release control after the offender's release from imprisonment, 19292
in accordance with that division, if the parole board determines 19293
that a period of post-release control is necessary. Section 19294
2929.191 of the Revised Code applies if, prior to July 11, 2006, 19295
a court imposed a sentence including a prison term of a type 19296
described in this division and failed to include in the sentence 19297
pursuant to this division a statement regarding post-release 19298
control. 19299

(E) The court shall impose sentence upon the offender in 19300
accordance with section 2971.03 of the Revised Code, and Chapter 19301
2971. of the Revised Code applies regarding the prison term or 19302
term of life imprisonment without parole imposed upon the 19303
offender and the service of that term of imprisonment if any of 19304
the following apply: 19305

(1) A person is convicted of or pleads guilty to a violent 19306
sex offense or a designated homicide, assault, or kidnapping 19307
offense, and, in relation to that offense, the offender is 19308
adjudicated a sexually violent predator. 19309

(2) A person is convicted of or pleads guilty to a 19310
violation of division (A) (1) (b) of section 2907.02 of the 19311
Revised Code committed on or after January 2, 2007, and either 19312
the court does not impose a sentence of life without parole when 19313
authorized pursuant to division (B) of section 2907.02 of the 19314
Revised Code, or division (B) of section 2907.02 of the Revised 19315
Code provides that the court shall not sentence the offender 19316
pursuant to section 2971.03 of the Revised Code. 19317

(3) A person is convicted of or pleads guilty to attempted 19318
rape committed on or after January 2, 2007, and a specification 19319
of the type described in section 2941.1418, 2941.1419, or 19320

2941.1420 of the Revised Code. 19321

(4) A person is convicted of or pleads guilty to a 19322
violation of section 2905.01 of the Revised Code committed on or 19323
after January 1, 2008, and that section requires the court to 19324
sentence the offender pursuant to section 2971.03 of the Revised 19325
Code. 19326

(5) A person is convicted of or pleads guilty to 19327
aggravated murder committed on or after January 1, 2008, and 19328
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 19329
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 19330
(a) (iv) of section 2929.03, or division (A) or (B) of section 19331
2929.06 of the Revised Code requires the court to sentence the 19332
offender pursuant to division (B) (3) of section 2971.03 of the 19333
Revised Code. 19334

(6) A person is convicted of or pleads guilty to murder 19335
committed on or after January 1, 2008, and division (B) (2) of 19336
section 2929.02 of the Revised Code requires the court to 19337
sentence the offender pursuant to section 2971.03 of the Revised 19338
Code. 19339

(F) If a person who has been convicted of or pleaded 19340
guilty to a felony is sentenced to a prison term or term of 19341
imprisonment under this section, sections 2929.02 to 2929.06 of 19342
the Revised Code, section 2929.142 of the Revised Code, section 19343
2971.03 of the Revised Code, or any other provision of law, 19344
section 5120.163 of the Revised Code applies regarding the 19345
person while the person is confined in a state correctional 19346
institution. 19347

(G) If an offender who is convicted of or pleads guilty to 19348
a felony that is an offense of violence also is convicted of or 19349

pleads guilty to a specification of the type described in 19350
section 2941.142 of the Revised Code that charges the offender 19351
with having committed the felony while participating in a 19352
criminal gang, the court shall impose upon the offender an 19353
additional prison term of one, two, or three years. 19354

(H) (1) If an offender who is convicted of or pleads guilty 19355
to aggravated murder, murder, or a felony of the first, second, 19356
or third degree that is an offense of violence also is convicted 19357
of or pleads guilty to a specification of the type described in 19358
section 2941.143 of the Revised Code that charges the offender 19359
with having committed the offense in a school safety zone or 19360
towards a person in a school safety zone, the court shall impose 19361
upon the offender an additional prison term of two years. The 19362
offender shall serve the additional two years consecutively to 19363
and prior to the prison term imposed for the underlying offense. 19364

(2) (a) If an offender is convicted of or pleads guilty to 19365
a felony violation of section 2907.22, 2907.24, 2907.241, or 19366
2907.25 of the Revised Code and to a specification of the type 19367
described in section 2941.1421 of the Revised Code and if the 19368
court imposes a prison term on the offender for the felony 19369
violation, the court may impose upon the offender an additional 19370
prison term as follows: 19371

(i) Subject to division (H) (2) (a) (ii) of this section, an 19372
additional prison term of one, two, three, four, five, or six 19373
months; 19374

(ii) If the offender previously has been convicted of or 19375
pleaded guilty to one or more felony or misdemeanor violations 19376
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 19377
the Revised Code and also was convicted of or pleaded guilty to 19378
a specification of the type described in section 2941.1421 of 19379

the Revised Code regarding one or more of those violations, an 19380
additional prison term of one, two, three, four, five, six, 19381
seven, eight, nine, ten, eleven, or twelve months. 19382

(b) In lieu of imposing an additional prison term under 19383
division (H)(2)(a) of this section, the court may directly 19384
impose on the offender a sanction that requires the offender to 19385
wear a real-time processing, continual tracking electronic 19386
monitoring device during the period of time specified by the 19387
court. The period of time specified by the court shall equal the 19388
duration of an additional prison term that the court could have 19389
imposed upon the offender under division (H)(2)(a) of this 19390
section. A sanction imposed under this division shall commence 19391
on the date specified by the court, provided that the sanction 19392
shall not commence until after the offender has served the 19393
prison term imposed for the felony violation of section 2907.22, 19394
2907.24, 2907.241, or 2907.25 of the Revised Code and any 19395
residential sanction imposed for the violation under section 19396
2929.16 of the Revised Code. A sanction imposed under this 19397
division shall be considered to be a community control sanction 19398
for purposes of section 2929.15 of the Revised Code, and all 19399
provisions of the Revised Code that pertain to community control 19400
sanctions shall apply to a sanction imposed under this division, 19401
except to the extent that they would by their nature be clearly 19402
inapplicable. The offender shall pay all costs associated with a 19403
sanction imposed under this division, including the cost of the 19404
use of the monitoring device. 19405

(I) At the time of sentencing, the court may recommend the 19406
offender for placement in a program of shock incarceration under 19407
section 5120.031 of the Revised Code or for placement in an 19408
intensive program prison under section 5120.032 of the Revised 19409
Code, disapprove placement of the offender in a program of shock 19410

incarceration or an intensive program prison of that nature, or 19411
make no recommendation on placement of the offender. In no case 19412
shall the department of rehabilitation and correction place the 19413
offender in a program or prison of that nature unless the 19414
department determines as specified in section 5120.031 or 19415
5120.032 of the Revised Code, whichever is applicable, that the 19416
offender is eligible for the placement. 19417

If the court disapproves placement of the offender in a 19418
program or prison of that nature, the department of 19419
rehabilitation and correction shall not place the offender in 19420
any program of shock incarceration or intensive program prison. 19421

If the court recommends placement of the offender in a 19422
program of shock incarceration or in an intensive program 19423
prison, and if the offender is subsequently placed in the 19424
recommended program or prison, the department shall notify the 19425
court of the placement and shall include with the notice a brief 19426
description of the placement. 19427

If the court recommends placement of the offender in a 19428
program of shock incarceration or in an intensive program prison 19429
and the department does not subsequently place the offender in 19430
the recommended program or prison, the department shall send a 19431
notice to the court indicating why the offender was not placed 19432
in the recommended program or prison. 19433

If the court does not make a recommendation under this 19434
division with respect to an offender and if the department 19435
determines as specified in section 5120.031 or 5120.032 of the 19436
Revised Code, whichever is applicable, that the offender is 19437
eligible for placement in a program or prison of that nature, 19438
the department shall screen the offender and determine if there 19439
is an available program of shock incarceration or an intensive 19440

program prison for which the offender is suited. If there is an 19441
available program of shock incarceration or an intensive program 19442
prison for which the offender is suited, the department shall 19443
notify the court of the proposed placement of the offender as 19444
specified in section 5120.031 or 5120.032 of the Revised Code 19445
and shall include with the notice a brief description of the 19446
placement. The court shall have ten days from receipt of the 19447
notice to disapprove the placement. 19448

(J) If a person is convicted of or pleads guilty to 19449
aggravated vehicular homicide in violation of division (A) (1) of 19450
section 2903.06 of the Revised Code and division (B) (2) (c) of 19451
that section applies, the person shall be sentenced pursuant to 19452
section 2929.142 of the Revised Code. 19453

(K) (1) The court shall impose an additional mandatory 19454
prison term of two, three, four, five, six, seven, eight, nine, 19455
ten, or eleven years on an offender who is convicted of or 19456
pleads guilty to a violent felony offense if the offender also 19457
is convicted of or pleads guilty to a specification of the type 19458
described in section 2941.1424 of the Revised Code that charges 19459
that the offender is a violent career criminal and had a firearm 19460
on or about the offender's person or under the offender's 19461
control while committing the presently charged violent felony 19462
offense and displayed or brandished the firearm, indicated that 19463
the offender possessed a firearm, or used the firearm to 19464
facilitate the offense. The offender shall serve the prison term 19465
imposed under this division consecutively to and prior to the 19466
prison term imposed for the underlying offense. The prison term 19467
shall not be reduced pursuant to section 2929.20 ~~or 2967.19~~ or 19468
any other provision of Chapter 2967. or 5120. of the Revised 19469
Code. A court may not impose more than one sentence under 19470
division (B) (2) (a) of this section and this division for acts 19471

committed as part of the same act or transaction. 19472

(2) As used in division (K)(1) of this section, "violent 19473
career criminal" and "violent felony offense" have the same 19474
meanings as in section 2923.132 of the Revised Code. 19475

(L) If an offender receives or received a sentence of life 19476
imprisonment without parole, a sentence of life imprisonment, a 19477
definite sentence, or a sentence to an indefinite prison term 19478
under this chapter for a felony offense that was committed when 19479
the offender was under eighteen years of age, the offender's 19480
parole eligibility shall be determined under section 2967.132 of 19481
the Revised Code. 19482

Sec. 2929.20. (A) As used in this section: 19483

(1)(a) Except as provided in division (A)(1)(b) of this 19484
section, "eligible offender" means any person who, on or after 19485
April 7, 2009, is serving a stated prison term that includes one 19486
or more nonmandatory prison terms. A person may be an eligible 19487
offender and, during a state of emergency declared by the 19488
governor, also may be a state of emergency-qualifying offender. 19489

(b) "Eligible offender" does not include any person who, 19490
on or after April 7, 2009, is serving a stated prison term for 19491
any of the following criminal offenses that was a felony and was 19492
committed while the person held a public office in this state: 19493

(i) A violation of section 2921.02, ~~2921.03~~, 2921.05, 19494
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 or division (A) 19495
of section 2921.03 of the Revised Code; 19496

(ii) A violation of section 2913.42, ~~2921.04~~, 2921.11, or 19497
2921.12 or division (B) of section 2921.03 of the Revised Code, 19498
when the conduct constituting the violation was related to the 19499
duties of the offender's public office or to the offender's 19500

actions as a public official holding that public office; 19501

(iii) A violation of an existing or former municipal 19502
ordinance or law of this or any other state or the United States 19503
that is substantially equivalent to any violation listed in 19504
division (A) (1) (b) (i) of this section; 19505

(iv) A violation of an existing or former municipal 19506
ordinance or law of this or any other state or the United States 19507
that is substantially equivalent to any violation listed in 19508
division (A) (1) (b) (ii) of this section, when the conduct 19509
constituting the violation was related to the duties of the 19510
offender's public office or to the offender's actions as a 19511
public official holding that public office; 19512

(v) A conspiracy to commit, attempt to commit, or 19513
complicity in committing any offense listed in division (A) (1) 19514
(b) (i) or described in division (A) (1) (b) (iii) of this section; 19515

(vi) A conspiracy to commit, attempt to commit, or 19516
complicity in committing any offense listed in division (A) (1) 19517
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 19518
if the conduct constituting the offense that was the subject of 19519
the conspiracy, that would have constituted the offense 19520
attempted, or constituting the offense in which the offender was 19521
complicit was or would have been related to the duties of the 19522
offender's public office or to the offender's actions as a 19523
public official holding that public office. 19524

(2) "State of emergency-qualifying offender" means any 19525
inmate who is serving a stated prison term during a state of 19526
emergency that is declared by the governor. 19527

(3) "Nonmandatory prison term" means a prison term that is 19528
not a mandatory prison term. 19529

~~(3)~~(4) "Public office" means any elected federal, state, 19530
or local government office in this state. 19531

~~(4)~~(5) "Victim's representative" has the same meaning as 19532
in section 2930.01 of the Revised Code. 19533

~~(5)~~(6) "Imminent danger of death," "medically 19534
incapacitated," and "terminal illness" have the same meanings as 19535
in section 2967.05 of the Revised Code. 19536

~~(6)~~(7) "Aggregated nonmandatory prison term or terms" 19537
means the aggregate of the following: 19538

(a) All nonmandatory definite prison terms; 19539

(b) With respect to any non-life felony indefinite prison 19540
term, all nonmandatory minimum prison terms imposed as part of 19541
the non-life felony indefinite prison term or terms. 19542

(B) On the motion of an eligible offender, on the motion 19543
of a state of emergency-qualifying offender made during the 19544
declared state of emergency, or ~~upon~~ on its own motion with 19545
respect to an eligible offender or with respect to a state of 19546
emergency-qualifying offender during the declared state of 19547
emergency, the sentencing court may reduce the ~~eligible~~ 19548
offender's aggregated nonmandatory prison term or terms through 19549
a judicial release under this section. 19550

(C) An eligible offender may file a motion for judicial 19551
release with the sentencing court, or a state of emergency- 19552
qualifying offender may file a motion for judicial release with 19553
the sentencing court during the declared state of emergency, 19554
within the following applicable periods: 19555

(1) If the aggregated nonmandatory prison term or terms is 19556
less than two years, the eligible offender or state of 19557

emergency-qualifying offender may file the motion at any time 19558
after the offender is delivered to a state correctional 19559
institution or, if the prison term includes a mandatory prison 19560
term or terms, at any time after the expiration of all mandatory 19561
prison terms. 19562

(2) If the aggregated nonmandatory prison term or terms is 19563
at least two years but less than five years, the eligible 19564
offender or state of emergency-qualifying offender may file the 19565
motion not earlier than one hundred eighty days after the 19566
offender is delivered to a state correctional institution or, if 19567
the prison term includes a mandatory prison term or terms, not 19568
earlier than one hundred eighty days after the expiration of all 19569
mandatory prison terms. 19570

(3) If the aggregated nonmandatory prison term or terms is 19571
five years, the eligible offender or state of emergency- 19572
qualifying offender may file the motion not earlier than the 19573
date on which the ~~eligible~~ offender has served four years of the 19574
offender's stated prison term or, if the prison term includes a 19575
mandatory prison term or terms, not earlier than four years 19576
after the expiration of all mandatory prison terms. 19577

(4) If the aggregated nonmandatory prison term or terms is 19578
more than five years but not more than ten years, the eligible 19579
offender or state of emergency-qualifying offender may file the 19580
motion not earlier than the date on which the ~~eligible~~ offender 19581
has served five years of the offender's stated prison term or, 19582
if the prison term includes a mandatory prison term or terms, 19583
not earlier than five years after the expiration of all 19584
mandatory prison terms. 19585

(5) If the aggregated nonmandatory prison term or terms is 19586
more than ten years, the eligible offender or state of 19587

emergency-qualifying offender may file the motion not earlier 19588
than the later of the date on which the offender has served one- 19589
half of the offender's stated prison term or the date specified 19590
in division (C) (4) of this section. 19591

~~(D)~~ (6) With respect to a state of emergency-qualifying 19592
offender, if the offender's prison term does not include a 19593
mandatory prison term or terms, or if the offender's prison term 19594
includes one or more mandatory prison terms and the offender has 19595
completed the mandatory prison term or terms, the state of 19596
emergency-qualifying offender may file the motion at any time 19597
during the offender's aggregated nonmandatory prison term or 19598
terms. 19599

(D) (1) (a) Upon receipt of a timely motion for judicial 19600
release filed by an eligible offender or a state of emergency- 19601
qualifying offender under division (C) of this section, or upon 19602
the sentencing court's own motion made within the appropriate 19603
time specified in that division, the court may deny the motion 19604
without a hearing or schedule a hearing on the motion. The court 19605
may grant the motion without a hearing for an offender under 19606
consideration for judicial release as a state of emergency- 19607
qualifying offender, but the court shall not grant the motion 19608
without a hearing for an offender under consideration as an 19609
eligible offender. If a court denies a motion without a hearing, 19610
the court later may consider judicial release for that eligible 19611
offender or that state of emergency-qualifying offender on a 19612
subsequent motion ~~filed by that eligible offender unless~~. For 19613
an offender under consideration for judicial release as an 19614
eligible offender, but not for one under consideration as a 19615
state of emergency-qualifying offender, the court ~~denies~~ may 19616
deny the motion with prejudice. If a court denies a motion with 19617
prejudice, the court may later consider judicial release on its 19618

own motion. ~~If~~For an offender under consideration for judicial 19619
release as a state of emergency-qualifying offender, the court 19620
shall not deny a motion with prejudice. For an offender under 19621
consideration for judicial release as an eligible offender, but 19622
not for one under consideration as a state of emergency- 19623
qualifying offender, if a court denies a motion after a hearing, 19624
the court shall not consider a subsequent motion for that 19625
offender based on the offender's classification as an eligible 19626
offender. The court may hold multiple hearings for any offender 19627
under consideration for judicial release as a state of 19628
emergency-qualifying offender, but shall hold only one hearing 19629
for any offender under consideration as an eligible offender. 19630

~~A~~(b) If an offender is under consideration for judicial 19631
release as an eligible offender and the motion is denied, and if 19632
the offender at that time also is or subsequently becomes a 19633
state of emergency-qualifying offender, the denial does not 19634
limit or affect any right of the offender to file a motion under 19635
this section for consideration for judicial release as a state 19636
of emergency-qualifying offender or for the court on its own 19637
motion to consider the offender for judicial release as a state 19638
of emergency-qualifying offender. 19639

If an offender is under consideration for judicial release 19640
as a state of emergency-qualifying offender and the motion is 19641
denied, and if the offender at that time also is or subsequently 19642
becomes an eligible offender, the denial does not limit or 19643
affect any right of the offender to file a motion under this 19644
section for consideration for judicial release as an eligible 19645
offender or for the court on its own motion to consider the 19646
offender for judicial release as an eligible offender. 19647

(2) (a) With respect to a motion for judicial release filed 19648

by an offender as an eligible offender or made by the court on 19649
its own motion for an offender as an eligible offender, a 19650
hearing under this section shall be conducted in open court not 19651
less than thirty or more than sixty days after the motion is 19652
filed, provided that the court may delay the hearing for one 19653
hundred eighty additional days. If the court holds a hearing, 19654
the court shall enter a ruling on the motion within ten days 19655
after the hearing. If the court denies the motion without a 19656
hearing, the court shall enter its ruling on the motion within 19657
sixty days after the motion is filed. 19658

(b) With respect to a motion for judicial release filed by 19659
an offender as a state of emergency-qualifying offender or made 19660
by the court on its own motion for an offender as a state of 19661
emergency-qualifying offender, the court may order the 19662
prosecuting attorney of the county in which the offender was 19663
indicted to respond to the motion in writing within ten days. 19664
The prosecuting attorney shall include in the response any 19665
statement that the victim wants to be represented to the court. 19666
The court shall consider any response from the prosecuting 19667
attorney and any statement from the victim in its ruling on the 19668
motion. After receiving the response from the prosecuting 19669
attorney, the court either shall order a hearing consistent with 19670
divisions (E) to (I) of this section as soon as possible, or 19671
shall enter its ruling on the motion for judicial release as 19672
soon as possible. If the court conducts a hearing, the hearing 19673
shall be conducted in open court or by a virtual, telephonic, or 19674
other form of remote hearing. If the court holds a hearing, the 19675
court shall enter a ruling on the motion within ten days after 19676
the hearing. If the court denies the motion without a hearing, 19677
the court shall enter its ruling on the motion within ten days 19678
after the motion is filed or after it receives the response from 19679

the prosecuting attorney. 19680

(E) If a court schedules a hearing under ~~division (D)~~ 19681
divisions (D) (1) and (2) (a) of this section or under divisions 19682
(D) (1) and (2) (b) of this section, the court shall notify the 19683
subject eligible offender or state of emergency-qualifying 19684
offender and the head of the state correctional institution in 19685
which ~~the eligible~~ that subject offender is confined prior to 19686
the hearing. The head of the state correctional institution 19687
immediately shall notify the appropriate person at the 19688
department of rehabilitation and correction of the hearing, and 19689
the department within twenty-four hours after receipt of the 19690
notice, shall post on the database it maintains pursuant to 19691
section 5120.66 of the Revised Code the subject offender's name 19692
and all of the information specified in division (A) (1) (c) (i) of 19693
that section. If the court schedules a hearing for judicial 19694
release, the court promptly shall give notice of the hearing to 19695
the prosecuting attorney of the county in which the subject 19696
eligible offender or state of emergency-qualifying offender was 19697
indicted. Upon receipt of the notice from the court, the 19698
prosecuting attorney shall do whichever of the following is 19699
applicable: 19700

(1) Subject to division (E) (2) of this section, notify the 19701
victim of the offense or the victim's representative pursuant to 19702
division (B) of section 2930.16 of the Revised Code; 19703

(2) If the offense was an offense of violence that is a 19704
felony of the first, second, or third degree, except as 19705
otherwise provided in this division, notify the victim or the 19706
victim's representative of the hearing regardless of whether the 19707
victim or victim's representative has requested the 19708
notification. The notice of the hearing shall not be given under 19709

this division to a victim or victim's representative if the 19710
victim or victim's representative has requested pursuant to 19711
division (B) (2) of section 2930.03 of the Revised Code that the 19712
victim or the victim's representative not be provided the 19713
notice. If notice is to be provided to a victim or victim's 19714
representative under this division, the prosecuting attorney may 19715
give the notice by any reasonable means, including regular mail, 19716
telephone, and electronic mail, in accordance with division (D) 19717
(1) of section 2930.16 of the Revised Code. If the notice is 19718
based on an offense committed prior to March 22, 2013, the 19719
notice also shall include the opt-out information described in 19720
division (D) (1) of section 2930.16 of the Revised Code. The 19721
prosecuting attorney, in accordance with division (D) (2) of 19722
section 2930.16 of the Revised Code, shall keep a record of all 19723
attempts to provide the notice, and of all notices provided, 19724
under this division. Division (E) (2) of this section, and the 19725
notice-related provisions of division (K) of this section, 19726
division (D) (1) of section 2930.16, division (H) of section 19727
2967.12, division (E) (1) (b) of section 2967.19 as it existed 19728
prior to the effective date of this amendment, division ~~(A) (3)~~ 19729
~~(b)~~ (A) (2) (b) of section 2967.26, division (D) (1) of section 19730
2967.28, and division (A) (2) of section 5149.101 of the Revised 19731
Code enacted in the act in which division (E) (2) of this section 19732
was enacted, shall be known as "Roberta's Law." 19733

(F) Upon an offender's successful completion of 19734
rehabilitative activities, the head of the state correctional 19735
institution may notify the sentencing court of the successful 19736
completion of the activities. 19737

(G) Prior to the date of the hearing on a motion for 19738
judicial release made by an eligible offender, by a state of 19739
emergency-qualifying offender, or by a court on its own under 19740

this section, the head of the state correctional institution in 19741
which the ~~eligible-subject~~ offender is confined shall send to 19742
the court an institutional summary report on the ~~eligible-~~ 19743
offender's conduct in the institution and in any institution 19744
from which the ~~eligible-~~ offender may have been transferred. Upon 19745
the request of the prosecuting attorney of the county in which 19746
the ~~eligible-subject~~ offender was indicted or of any law 19747
enforcement agency, the head of the state correctional 19748
institution, at the same time the person sends the institutional 19749
summary report to the court, also shall send a copy of the 19750
report to the requesting prosecuting attorney and law 19751
enforcement agencies. The institutional summary report shall 19752
cover the ~~eligible-subject~~ offender's participation in school, 19753
vocational training, work, treatment, and other rehabilitative 19754
activities and any disciplinary action taken against the 19755
~~eligible-subject~~ offender. The report shall be made part of the 19756
record of the hearing. A presentence investigation report is not 19757
required for judicial release. 19758

(H) If the court grants a hearing on a motion for judicial 19759
release made by an eligible offender, by a state of emergency- 19760
qualifying offender, or by a court on its own under this 19761
section, the ~~eligible-subject~~ offender shall attend the hearing 19762
if ordered to do so by the court. Upon receipt of a copy of the 19763
journal entry containing the order, the head of the state 19764
correctional institution in which the ~~eligible-subject~~ offender 19765
is incarcerated shall deliver the ~~eligible-subject~~ offender to 19766
the sheriff of the county in which the hearing is to be held. 19767
The sheriff shall convey the ~~eligible-subject~~ offender to and 19768
from the hearing. 19769

(I) At the hearing on a motion for judicial release under 19770
this section made by an eligible offender, by a state of 19771

emergency-qualifying offender, or by a court on its own, the 19772
court shall afford the ~~eligible-subject~~ offender and the 19773
~~eligible~~ offender's attorney an opportunity to present written 19774
and, if present, oral information relevant to the motion. The 19775
court shall afford a similar opportunity to the prosecuting 19776
attorney, the victim or the victim's representative, and any 19777
other person the court determines is likely to present 19778
additional relevant information. The court shall consider any 19779
statement of a victim made pursuant to section 2930.14 or 19780
2930.17 of the Revised Code, any victim impact statement 19781
prepared pursuant to section 2947.051 of the Revised Code, and 19782
any report made under division (G) of this section. The court 19783
may consider any written statement of any person submitted to 19784
the court pursuant to division (L) of this section. After ruling 19785
on the motion, the court shall notify the victim of the ruling 19786
in accordance with sections 2930.03 and 2930.16 of the Revised 19787
Code. 19788

(J) (1) A court shall not grant a judicial release under 19789
this section to an ~~eligible~~ offender who is imprisoned for a 19790
felony of the first or second degree and who is under 19791
consideration as an eligible offender, or to an ~~eligible~~ 19792
offender who committed an offense under Chapter 2925. or 3719. 19793
of the Revised Code, who is under consideration as an eligible 19794
offender, and for whom there was a presumption under section 19795
2929.13 of the Revised Code in favor of a prison term, unless 19796
the court, with reference to factors under section 2929.12 of 19797
the Revised Code, finds both of the following: 19798

(a) That a sanction other than a prison term would 19799
adequately punish the offender and protect the public from 19800
future criminal violations by the eligible offender because the 19801
applicable factors indicating a lesser likelihood of recidivism 19802

outweigh the applicable factors indicating a greater likelihood of recidivism; 19803
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(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the eligible offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh factors indicating that the eligible offender's conduct was more serious than conduct normally constituting the offense. 19805
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(2) A court that grants a judicial release ~~to an eligible offender~~ under division (J)(1) of this section to an offender who is under consideration as an eligible offender shall specify on the record both findings required in that division and also shall list all the factors described in that division that were presented at the hearing. 19811
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(3)(a) Subject to division (J)(3)(b) of this section, a court shall grant a judicial release under this section to an offender who is under consideration as a state of emergency-qualifying offender if the court determines that the risks posed by incarceration to the health and safety of the offender, because of the nature of the state of emergency, outweigh the risk to public safety if the offender were to be released from incarceration. 19817
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(b) A court shall not grant a judicial release under this section to an offender who is imprisoned for a felony of the first or second degree and is under consideration for judicial release as a state of emergency-qualifying offender unless the court, with reference to the factors specified under section 2929.12 of the Revised Code, finds both of the following: 19825
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(i) That a sanction other than a prison term would 19831

adequately punish the offender and protect the public from 19832
future criminal violations by the offender, because the 19833
applicable factors indicating a lesser likelihood of recidivism 19834
outweigh the applicable factors indicating a greater likelihood 19835
of recidivism; 19836

(ii) That a sanction other than a prison term would not 19837
demean the seriousness of the offense, because the applicable 19838
factors indicating that the offender's conduct in committing the 19839
offense was less serious than conduct normally constituting the 19840
offense outweigh the applicable factors indicating that the 19841
offender's conduct was more serious than conduct normally 19842
constituting the offense. 19843

(K) If the court grants a motion for judicial release 19844
under this section, the court shall order the release of the 19845
eligible offender or state of emergency-qualifying offender, 19846
shall place the ~~eligible~~-offender under an appropriate community 19847
control sanction, under appropriate conditions, and under the 19848
supervision of the department of probation serving the court and 19849
shall reserve the right to reimpose the sentence that it reduced 19850
if the offender violates the sanction. If the court reimposes 19851
the reduced sentence, it may do so either concurrently with, or 19852
consecutive to, any new sentence imposed ~~upon~~on the eligible 19853
offender or state of emergency-qualifying offender as a result 19854
of the violation that is a new offense. Except as provided in 19855
division ~~(R) (2)~~(N) (5) (b) of this section, the period of 19856
community control shall be no longer than five years. The court, 19857
in its discretion, may reduce the period of community control by 19858
the amount of time the ~~eligible~~-offender spent in jail or prison 19859
for the offense and in prison. If the court made any findings 19860
pursuant to division (J) (1) of this section, the court shall 19861
serve a copy of the findings upon counsel for the parties within 19862

fifteen days after the date on which the court grants the motion 19863
for judicial release. 19864

If the court grants a motion for judicial release, the 19865
court shall notify the appropriate person at the department of 19866
rehabilitation and correction, and the department shall post 19867
notice of the release on the database it maintains pursuant to 19868
section 5120.66 of the Revised Code. The court also shall notify 19869
the prosecuting attorney of the county in which the eligible 19870
offender or state of emergency-qualifying offender was indicted 19871
that the motion has been granted. Unless the victim or the 19872
victim's representative has requested pursuant to division (B) 19873
(2) of section 2930.03 of the Revised Code that the victim or 19874
victim's representative not be provided the notice, the 19875
prosecuting attorney shall notify the victim or the victim's 19876
representative of the judicial release in any manner, and in 19877
accordance with the same procedures, pursuant to which the 19878
prosecuting attorney is authorized to provide notice of the 19879
hearing pursuant to division (E)(2) of this section. If the 19880
notice is based on an offense committed prior to March 22, 2013, 19881
the notice to the victim or victim's representative also shall 19882
include the opt-out information described in division (D)(1) of 19883
section 2930.16 of the Revised Code. 19884

(L) In addition to and independent of the right of a 19885
victim to make a statement pursuant to section 2930.14, 2930.17, 19886
or 2946.051 of the Revised Code and any right of a person to 19887
present written information or make a statement pursuant to 19888
division (I) of this section, any person may submit to the 19889
court, at any time prior to the hearing on the ~~offender's~~ motion 19890
for judicial release of the eligible offender or state of 19891
emergency-qualifying offender, a written statement concerning 19892
the effects of the offender's crime or crimes, the circumstances 19893

surrounding the crime or crimes, the manner in which the crime 19894
or crimes were perpetrated, and the person's opinion as to 19895
whether the offender should be released. 19896

~~(M)~~ (M) (1) The changes to this section that are made on 19897
September 30, 2011, apply to any judicial release decision made 19898
on or after September 30, 2011, for any eligible offender, 19899
subject to division (M) (2) of this section. 19900

~~(N)~~ (2) The changes to this section that are made on the 19901
effective date of this amendment apply to any judicial release 19902
decision made on or after the effective date of this amendment 19903
for any eligible offender or state of emergency-qualifying 19904
offender. 19905

(N) (1) Notwithstanding the eligibility requirements 19906
specified in ~~division (A)~~ divisions (A) (1) and (2) of this 19907
section and the filing time frames specified in division (C) of 19908
this section and notwithstanding the findings required under 19909
division ~~(J)~~ (J) (1) and the eligibility criteria specified in 19910
division (J) (3) of this section, the sentencing court, upon the 19911
court's own motion and after considering whether the release of 19912
the offender into society would create undue risk to public 19913
safety, may grant a judicial release to an offender who is not 19914
serving a life sentence at any time during the offender's 19915
imposed sentence when the director of rehabilitation and 19916
correction certifies to the sentencing court through the chief 19917
medical officer for the department of rehabilitation and 19918
correction that the offender is in imminent danger of death, is 19919
medically incapacitated, or is suffering from a terminal 19920
illness. 19921

~~(O)~~ (2) The director of rehabilitation and correction shall 19922
not certify any offender under division ~~(N)~~ (N) (1) of this 19923

section who is serving a death sentence. 19924

~~(P)~~(3) A motion made by the court under division ~~(N)~~(N) (1) 19925
of this section is subject to the notice, hearing, and other 19926
procedural requirements specified in divisions (D), (E), (G), 19927
(H), (I), (K), and (L) of this section, except for the 19928
following: 19929

~~(1)~~(a) The court may waive the offender's appearance at 19930
any hearing scheduled by the court if the offender's condition 19931
makes it impossible for the offender to participate meaningfully 19932
in the proceeding. 19933

~~(2)~~(b) The court may grant the motion without a hearing, 19934
provided that the prosecuting attorney and victim or victim's 19935
representative to whom notice of the hearing was provided under 19936
division (E) of this section indicate that they do not wish to 19937
participate in the hearing or present information relevant to 19938
the motion. 19939

~~(Q)~~(4) The court may request health care records from the 19940
department of rehabilitation and correction to verify the 19941
certification made under division ~~(N)~~(N) (1) of this section. 19942

~~(R)~~~~(1)~~(5) (a) If the court grants judicial release under 19943
division ~~(N)~~(N) (1) of this section, the court shall do all of 19944
the following: 19945

~~(a)~~(i) Order the release of the offender; 19946

~~(b)~~(ii) Place the offender under an appropriate community 19947
control sanction, under appropriate conditions; 19948

~~(c)~~(iii) Place the offender under the supervision of the 19949
department of probation serving the court or under the 19950
supervision of the adult parole authority. 19951

~~(2)~~(b) The court, in its discretion, may revoke the 19952
judicial release if the offender violates the community control 19953
sanction described in division ~~(R)~~(1)~~(N)~~(5)(a) of this section. 19954
The period of that community control is not subject to the five- 19955
year limitation described in division (K) of this section and 19956
shall not expire earlier than the date on which all of the 19957
offender's mandatory prison terms expire. 19958

~~(S)~~(6) If the health of an offender who is released under 19959
division ~~(N)~~(N)(1) of this section improves so that the offender 19960
is no longer terminally ill, medically incapacitated, or in 19961
imminent danger of death, the court shall, upon the court's own 19962
motion, revoke the judicial release. The court shall not grant 19963
the motion without a hearing unless the offender waives a 19964
hearing. If a hearing is held, the court shall afford the 19965
offender and the offender's attorney an opportunity to present 19966
written and, if the offender or the offender's attorney is 19967
present, oral information relevant to the motion. The court 19968
shall afford a similar opportunity to the prosecuting attorney, 19969
the victim or the victim's representative, and any other person 19970
the court determines is likely to present additional relevant 19971
information. A court that grants a motion under this division 19972
shall specify its findings on the record. 19973

(O)(1) Separate from and independent of the provisions of 19974
divisions (A) to (N) of this section, the director of the 19975
department of rehabilitation and correction may recommend in 19976
writing to the sentencing court that the court consider 19977
releasing from prison, through a judicial release, any offender 19978
who is confined in a state correctional institution, who is 19979
servng a stated prison term of one year or more, and who is an 19980
eligible offender. The director may file such a recommendation 19981
for judicial release by submitting to the sentencing court a 19982

notice, in writing, of the recommendation within the applicable 19983
period specified in division (C) of this section, provided that 19984
references in that division to "the motion" shall be construed 19985
for purposes of this division as being references to the notice 19986
and recommendation specified in this division. 19987

The director shall include with any notice submitted to 19988
the sentencing court under this division an institutional 19989
summary report that covers the offender's participation while 19990
confined in a state correctional institution in school, 19991
training, work, treatment, and other rehabilitative activities 19992
and any disciplinary action taken against the offender while so 19993
confined. The director shall include with the notice any other 19994
documentation requested by the court, if available. 19995

If the director submits a notice under this division 19996
recommending judicial release, the department promptly shall 19997
provide to the prosecuting attorney of the county in which the 19998
offender was indicted a copy of the written notice and 19999
recommendation, a copy of the institutional summary report, and 20000
any other information provided to the court, and shall provide a 20001
copy of the institutional summary report to any law enforcement 20002
agency that requests the report. The department also shall 20003
provide written notice of the submission of the director's 20004
notice to any victim of the offender or victim's representative, 20005
in the same manner as is specified in divisions (E)(1) and (2) 20006
of this section with respect to notices of hearings. 20007

(2) A recommendation for judicial release in a notice 20008
submitted by the director under division (O)(1) of this section 20009
is subject to the notice, hearing, and other procedural 20010
requirements specified in divisions (E), (H), (I), and (L) of 20011
this section, except as otherwise specified in divisions (O)(3) 20012

to (5) of this section, provided that references in divisions 20013
(E), (H), (I), (K), and (L) of this section to "the motion" 20014
shall be construed for purposes of division (O) of this section 20015
as being references to the notice and recommendation specified 20016
in division (O) (1) of this section. 20017

(3) The director's submission of a notice under division 20018
(O) (1) of this section constitutes a recommendation by the 20019
director that the court strongly consider a judicial release of 20020
the offender consistent with the purposes and principles of 20021
sentencing set forth in sections 2929.11 and 2929.13 of the 20022
Revised Code and establishes a rebuttable presumption that the 20023
offender shall be released through a judicial release in 20024
accordance with the recommendation. The presumption of release 20025
may be rebutted only as described in division (O) (5) of this 20026
section. Only an offender recommended by the director under 20027
division (O) (1) of this section may be considered for a judicial 20028
release under division (O) of this section. 20029

(4) Upon receipt of a notice recommending judicial release 20030
submitted by the director under division (O) (1) of this section, 20031
the court shall schedule a hearing to consider the 20032
recommendation for the judicial release of the offender who is 20033
the subject of the notice. Within thirty days after the notice 20034
is submitted, the court shall inform the department and the 20035
prosecuting attorney of the county in which the offender who is 20036
the subject of the notice was indicted of the date, time, and 20037
location of the hearing. Upon receipt of the notice from the 20038
court, the prosecuting attorney shall comply with division (E) 20039
of this section and the department shall post the information 20040
specified in that division. 20041

(5) When a court schedules a hearing under division (O) (4) 20042

of this section, at the hearing, the court shall consider the 20043
institutional summary report submitted under division (O) (1) of 20044
this section and all other information, statements, reports, and 20045
documentation described in division (I) of this section, in 20046
determining whether to grant the offender judicial release under 20047
division (O) of this section. The court shall grant the offender 20048
judicial release unless the prosecuting attorney proves to the 20049
court, by clear and convincing evidence, that the release of the 20050
offender would constitute a present and substantial risk that 20051
the offender will commit an offense of violence. If the court 20052
grants a judicial release under this division, division (K) of 20053
this section applies regarding the judicial release, provided 20054
that references in division (K) of this section to "the motion" 20055
shall be construed for purposes of the judicial release granted 20056
under this division as being references to the notice and 20057
recommendation specified in division (O) (1) of this section. 20058

After ruling on whether to grant the offender judicial 20059
release under division (O) of this section, the court shall 20060
notify the offender, the prosecuting attorney, and the 20061
department of rehabilitation and correction of its decision, and 20062
shall notify the victim of its decision in accordance with 20063
sections 2930.03 and 2930.16 of the Revised Code. 20064

Sec. 2929.21. (A) A court that sentences an offender for a 20065
misdemeanor or minor misdemeanor violation of any provision of 20066
the Revised Code, or of any municipal ordinance that is 20067
substantially similar to a misdemeanor or minor misdemeanor 20068
violation of a provision of the Revised Code, shall be guided by 20069
the overriding purposes of misdemeanor sentencing. ~~The~~ 20070
~~overriding purposes of misdemeanor sentencing, which~~ are to 20071
protect the public from future crime by the offender and others 20072
~~and,~~ to punish the offender, and to reduce recidivism and 20073

rehabilitate the offender for safe and successful reentry into 20074
this state's communities. ~~To~~ 20075

(B) To achieve those the purposes specified in division 20076
(A) of this section, the sentencing court shall consider the 20077
nature and circumstances of the offense; the impact ~~of the~~ 20078
~~offense upon the victim and;~~ the history, character, and 20079
condition of the offender; the need for ~~changing the offender's~~ 20080
~~behavior, incapacitating the offender,~~ rehabilitating the 20081
offender, deterring the offender and others from future crime, 20082
and making restitution to the victim of the offense, the public, 20083
~~or the victim and the public both;~~ and any other factors the 20084
court considers relevant. 20085

~~(B)~~ (C) A sentence imposed on an offender for a misdemeanor 20086
or minor misdemeanor violation of a Revised Code provision or 20087
for a violation of a municipal ordinance that is subject to 20088
division (A) of this section shall be reasonably calculated to 20089
achieve the ~~two~~ three overriding purposes of misdemeanor 20090
sentencing set forth in division (A) of this section, 20091
commensurate with and not demeaning to the seriousness of the 20092
offender's conduct and its impact upon the victim, and 20093
consistent with sentences imposed for similar offenses committed 20094
by similar offenders. 20095

(D) Divisions (A) to (C) of this section apply to all 20096
sentencing for all criminal violations of any law, ordinance, or 20097
resolution of this state or any political subdivision of this 20098
state that are misdemeanors or minor misdemeanors, except as 20099
otherwise provided in division (F) of this section, as this 20100
section is intended to operate uniformly throughout the state 20101
and constitutes a general law within the meaning of Ohio 20102
Constitution, Article XVIII, Section 3. 20103

~~(C)~~(E) A court that imposes a sentence upon an offender 20104
for a misdemeanor or minor misdemeanor violation of a Revised 20105
Code provision or for a violation of a municipal ordinance that 20106
is subject to division (A) of this section shall not base the 20107
sentence upon the race, ethnic background, gender, or religion 20108
of the offender. 20109

~~(D)~~(F) Divisions (A) ~~and (B)~~ to (C) of this section shall 20110
not apply to any offense that is disposed of by a traffic 20111
violations bureau of any court pursuant to Traffic Rule 13 and 20112
shall not apply to any violation of any provision of the Revised 20113
Code that is a minor misdemeanor and that is disposed of without 20114
a court appearance. Divisions (A) to ~~(C)~~(E) of this section do 20115
not affect any penalties established by a municipal corporation 20116
for a violation of its ordinances. 20117

Sec. 2929.22. (A) Unless a mandatory jail term is required 20118
to be imposed by division (G) of section 1547.99, division (B) 20119
of section 4510.14, division (G) of section 4511.19 of the 20120
Revised Code, or any other provision of the Revised Code a court 20121
that imposes a sentence under this chapter upon an offender for 20122
a misdemeanor or minor misdemeanor has discretion to determine 20123
the most effective way to achieve the purposes and principles of 20124
sentencing set forth in section 2929.21 of the Revised Code. 20125

Unless a specific sanction is required to be imposed or is 20126
precluded from being imposed by the section setting forth an 20127
offense or the penalty for an offense or by any provision of 20128
sections 2929.23 to 2929.28 of the Revised Code, a court that 20129
imposes a sentence upon an offender for a misdemeanor may impose 20130
on the offender any sanction or combination of sanctions under 20131
sections 2929.24 to 2929.28 of the Revised Code. The court shall 20132
not impose a sentence that imposes an unnecessary burden on 20133

local government resources. 20134

Before imposing sentence on an offender, if two or more of 20135
the counts merge for purposes of sentencing, the court shall 20136
require the prosecutor to elect the charges to proceed on and 20137
shall impose sentence for the offenses under those charges. 20138

(B) (1) In determining the appropriate sentence for a 20139
misdemeanor, the court shall consider all of the following 20140
factors: 20141

(a) The nature and circumstances of the offense or 20142
offenses and the offender's prior juvenile delinquent child and 20143
unruly child and adult criminal records; 20144

(b) Whether the circumstances regarding the offender and 20145
the offense or offenses indicate that the offender has a history 20146
of persistent criminal activity and that the offender's 20147
character and condition reveal a substantial risk that the 20148
offender will commit another offense; 20149

(c) Whether the circumstances regarding the offender and 20150
the offense or offenses indicate that the offender's history, 20151
character, and condition reveal a substantial risk that the 20152
offender will be a danger to others and that the offender's 20153
conduct has been characterized by a pattern of repetitive, 20154
compulsive, or aggressive behavior with heedless indifference to 20155
the consequences; 20156

(d) Whether the victim's youth, age, disability, or other 20157
factor made the victim particularly vulnerable to the offense or 20158
made the impact of the offense more serious; 20159

(e) Whether the offender is likely to commit future crimes 20160
in general, in addition to the circumstances described in 20161
divisions (B) (1) (b) and (c) of this section; 20162

(f) Whether the offender has an emotional, mental, or 20163
physical condition that is traceable to the offender's service 20164
in the armed forces of the United States and that was a 20165
contributing factor in the offender's commission of the offense 20166
or offenses; 20167

(g) The offender's military service record. 20168

(2) In determining the appropriate sentence for a 20169
misdemeanor, in addition to complying with division (B)(1) of 20170
this section, the court may consider any other factors that are 20171
relevant to achieving the purposes and principles of sentencing 20172
set forth in section 2929.21 of the Revised Code. 20173

(C) Before imposing a jail term as a sentence for a 20174
misdemeanor, a court shall consider the appropriateness of 20175
imposing a community control sanction or a combination of 20176
community control sanctions under sections 2929.25, 2929.26, 20177
2929.27, and 2929.28 of the Revised Code. A court may impose the 20178
longest jail term authorized under section 2929.24 of the 20179
Revised Code only upon offenders who commit the worst forms of 20180
the offense or upon offenders whose conduct and response to 20181
prior sanctions for prior offenses demonstrate that the 20182
imposition of the longest jail term is necessary to deter the 20183
offender from committing a future crime. 20184

(D)(1) A sentencing court shall consider any relevant oral 20185
or written statement made by the victim, the defendant, the 20186
defense attorney, or the prosecuting authority regarding 20187
sentencing for a misdemeanor. This division does not create any 20188
rights to notice other than those rights authorized by Chapter 20189
2930. of the Revised Code. 20190

(2) At the time of sentencing for a misdemeanor or as soon 20191

as possible after sentencing, the court shall notify the victim 20192
of the offense of the victim's right to file an application for 20193
an award of reparations pursuant to sections 2743.51 to 2743.72 20194
of the Revised Code. 20195

Sec. 2929.34. (A) A person who is convicted of or pleads 20196
guilty to aggravated murder, murder, or an offense punishable by 20197
life imprisonment and who is sentenced to a term of life 20198
imprisonment or a prison term pursuant to that conviction shall 20199
serve that term in an institution under the control of the 20200
department of rehabilitation and correction. 20201

(B) (1) A person who is convicted of or pleads guilty to a 20202
felony other than aggravated murder, murder, or an offense 20203
punishable by life imprisonment and who is sentenced to a term 20204
of imprisonment or a prison term pursuant to that conviction 20205
shall serve that term as follows: 20206

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 20207
this section, in an institution under the control of the 20208
department of rehabilitation and correction if the term is a 20209
prison term or as otherwise determined by the sentencing court 20210
pursuant to section 2929.16 of the Revised Code if the term is 20211
not a prison term; 20212

(b) In a facility of a type described in division (G) (1) 20213
of section 2929.13 of the Revised Code, if the offender is 20214
sentenced pursuant to that division. 20215

(2) If the term is a prison term, the person may be 20216
imprisoned in a jail that is not a minimum security jail 20217
pursuant to agreement under section 5120.161 of the Revised Code 20218
between the department of rehabilitation and correction and the 20219
local authority that operates the jail. 20220

(3) (a) As used in divisions (B) (3) (a) to (d) of this section, "voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B) (3) (b) of this section and in which the agreement has not been terminated as described in that division.

(b) In any voluntary county, the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county may agree to having the county participate in the procedures regarding local and state confinement established under division (B) (3) (c) of this section. A board of county commissioners and an administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division shall take effect only at the end of the state fiscal biennium in which the termination decision is made.

(c) Except as provided in division (B) (3) (d) of this section, in any voluntary county, either division (B) (3) (c) (i) or divisions (B) (3) (c) (i) and (ii) of this section shall apply:

(i) On and after July 1, 2018, no person sentenced by the court of common pleas of a voluntary county to a prison term for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section.

(ii) On and after ~~September 1, 2022~~ June 30, 2022, no person sentenced by the court of common pleas of a voluntary

county to a prison term for a felony of the fourth degree shall 20251
serve the term in an institution under the control of the 20252
department of rehabilitation and correction. The person shall 20253
instead serve the sentence as a term of confinement in a 20254
facility of a type described in division (C) or (D) of this 20255
section. 20256

Nothing in this division relieves the state of its 20257
obligation to pay for the cost of confinement of the person in a 20258
community-based correctional facility under division (D) of this 20259
section. 20260

(d) Division (B)(3)(c) of this section does not apply to 20261
any person to whom any of the following apply: 20262

(i) The felony of the fourth or fifth degree was an 20263
offense of violence, as defined in section 2901.01 of the 20264
Revised Code, a sex offense under Chapter 2907. of the Revised 20265
Code, a violation of section 2925.03 of the Revised Code, or any 20266
offense for which a mandatory prison term is required. 20267

(ii) The person previously has been convicted of or 20268
pleaded guilty to any felony offense of violence, as defined in 20269
section 2901.01 of the Revised Code, unless the felony of the 20270
fifth degree for which the person is being sentenced is a 20271
violation of division (I)(1) of section 2903.43 of the Revised 20272
Code. 20273

(iii) The person previously has been convicted of or 20274
pleaded guilty to any felony sex offense under Chapter 2907. of 20275
the Revised Code. 20276

(iv) The person's sentence is required to be served 20277
concurrently to any other sentence imposed upon the person for a 20278
felony that is required to be served in an institution under the 20279

control of the department of rehabilitation and correction. 20280

(C) A person who is convicted of or pleads guilty to one 20281
or more misdemeanors and who is sentenced to a jail term or term 20282
of imprisonment pursuant to the conviction or convictions shall 20283
serve that term in a county, multicounty, municipal, municipal- 20284
county, or multicounty-municipal jail or workhouse; in a 20285
community alternative sentencing center or district community 20286
alternative sentencing center when authorized by section 307.932 20287
of the Revised Code; or, if the misdemeanor or misdemeanors are 20288
not offenses of violence, in a minimum security jail. 20289

(D) Nothing in this section prohibits the commitment, 20290
referral, or sentencing of a person who is convicted of or 20291
pleads guilty to a felony to a community-based correctional 20292
facility. 20293

Sec. 2929.71. (A) ~~As used in this section:~~ 20294

~~(1) "Agency" means any law enforcement agency, other 20295
public agency, or public official involved in the investigation 20296
or prosecution of the offender or in the investigation of the 20297
fire or explosion in an aggravated arson, arson, or criminal 20298
damaging or endangering case. An "agency" includes, but is not 20299
limited to, a sheriff's office, a municipal corporation, 20300
township, or township or joint police district police 20301
department, the office of a prosecuting attorney, city director 20302
of law, village solicitor, or similar chief legal officer of a 20303
municipal corporation, the fire marshal's office, a municipal 20304
corporation, township, or township fire district fire 20305
department, the office of a fire prevention officer, and any 20306
state, county, or municipal corporation crime laboratory. 20307~~

~~(2) "Assets" includes all forms of real or personal 20308~~

property. 20309

~~(3) "Itemized statement" means the statement of costs described in division (B) of this section. 20310
20311~~

~~(4) "Offender" means the person who has been convicted of or pleaded guilty to committing, attempting to commit, or complicity in committing a violation of section 2909.02 or 2909.03 of the Revised Code, or, when the means used are fire or explosion, division (A) (2) of section 2909.06 of the Revised Code. 20312
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~~(5) "Costs" means the reasonable value of the time spent by an officer or employee of an agency on the aggravated arson, arson, or criminal damaging or endangering case, any moneys spent by the agency on that case, and the reasonable fair market value of resources used or expended by the agency on that case. 20318
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~~(B) Prior to the sentencing of an offender, the court shall enter an order that directs agencies that wish to be reimbursed by the offender for the costs they incurred in the investigation or prosecution of the offender or in the investigation of the fire or explosion involved in the case, to file with the court within a specified time an itemized statement of those costs. The order also shall require that a copy of the itemized statement be given to the offender or offender's attorney within the specified time. Only itemized statements so filed and given shall be considered at the hearing described in division (C) of this section. 20323
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~~(C) The court shall set a date for a hearing on all the itemized statements filed with it and given to the offender or the offender's attorney in accordance with division (B) of this section. The hearing shall be held prior to the sentencing of 20334
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~~the offender, but may be held on the same day as the sentencing. 20338~~
~~Notice of the hearing date shall be given to the offender or the 20339~~
~~offender's attorney and to the agencies whose itemized 20340~~
~~statements are involved. At the hearing, each agency has the 20341~~
~~burden of establishing by a preponderance of the evidence that 20342~~
~~the costs set forth in its itemized statement were incurred in 20343~~
~~the investigation or prosecution of the offender or in the 20344~~
~~investigation of the fire or explosion involved in the case, and 20345~~
~~of establishing by a preponderance of the evidence that the 20346~~
~~offender has assets available for the reimbursement of all or a 20347~~
~~portion of the costs. 20348~~

~~The offender may cross examine all witnesses and examine 20349~~
~~all documentation presented by the agencies at the hearing, and 20350~~
~~the offender may present at the hearing witnesses and 20351~~
~~documentation the offender has obtained without a subpoena or a 20352~~
~~subpoena duces tecum or, in the case of documentation, that 20353~~
~~belongs to the offender. The offender also may issue subpoenas 20354~~
~~and subpoenas duces tecum for, and present and examine at the 20355~~
~~hearing, witnesses and documentation, subject to the following 20356~~
~~applying to the witnesses or documentation subpoenaed: 20357~~

~~(1) The testimony of witnesses subpoenaed or documentation 20358~~
~~subpoenaed is material to the preparation or presentation by the 20359~~
~~offender of the offender's defense to the claims of the agencies 20360~~
~~for a reimbursement of costs; 20361~~

~~(2) If witnesses to be subpoenaed are personnel of an 20362~~
~~agency or documentation to be subpoenaed belongs to an agency, 20363~~
~~the personnel or documentation may be subpoenaed only if the 20364~~
~~agency involved has indicated, pursuant to this division, that 20365~~
~~it intends to present the personnel as witnesses or use the 20366~~
~~documentation at the hearing. The offender shall submit, in 20367~~

~~writing, a request to an agency as described in this division to
ascertain whether the agency intends to present various
personnel as witnesses or to use particular documentation. The
request shall indicate that the offender is considering issuing
subpoenas to personnel of the agency who are specifically named
or identified by title or position, or for documentation of the
agency that is specifically described or generally identified,
and shall request the agency to indicate, in writing, whether it
intends to present such personnel as witnesses or to use such
documentation at the hearing. The agency shall promptly reply to
the request of the offender. An agency is prohibited from
presenting personnel as witnesses or from using documentation at
the hearing if it indicates to the offender it does not intend
to do so in response to a request of the offender under this
division, or if it fails to reply or promptly reply to such a
request.~~

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~~(D) Following the hearing, the court shall determine which
of the agencies established by a preponderance of the evidence
that costs set forth in their itemized statements were incurred
as described in division (C) of this section and that the
offender has assets available for reimbursement purposes. The
court also shall determine whether the offender has assets
available to reimburse all such agencies, in whole or in part,
for their established costs, and if it determines that the
assets are available, it shall order the offender, as part of
the offender's sentence, to reimburse the agencies from the
offender's assets for all or a specified portion of their
established costs. In addition to any fine imposed on the
offender, the court sentencing an offender who is convicted of
or pleads guilty to a violation of section 2909.02, 2909.03, or
sections 2909.22 to 2909.29, or division (B) (2) of section~~

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2909.05 of the Revised Code may order the offender to pay to the 20399
governmental agencies that handled the investigation and 20400
prosecution all of the costs that the governmental agencies 20401
reasonably incurred as response costs and costs related to the 20402
investigation and prosecution of the violation. Unless the 20403
amount is agreed to by the state and the defendant, the court 20404
shall hold a hearing to determine the amount of costs to be 20405
imposed under this section. The court may hold the hearing prior 20406
to or concurrent with the sentencing hearing for the offender. 20407
The order shall be a judgment in favor of the governmental 20408
agency and against the offender and shall be separate from any 20409
other judgment imposed as part of the offender's sentence. 20410

(B) A court shall not issue a judgment in favor of a 20411
governmental agency and against an offender under division (A) 20412
of this section unless the judgment is based upon an agreement 20413
between the state and the defendant, or is determined after a 20414
full hearing on the evidence. If the court finds by a 20415
preponderance of the evidence that a judgment should be issued 20416
against the offender under division (A) of this section, the 20417
court's findings for recovery shall state its findings of facts 20418
and conclusions of law. Any judgment so issued shall not become 20419
dormant, as provided under division (B) of section 2329.07 of 20420
the Revised Code, as long as either execution on the judgment is 20421
issued or a certificate of judgment is issued and filed, as 20422
provided in sections 2329.02 and 2329.04 of the Revised Code, 20423
within ten years after the date of the judgment or within 20424
fifteen years after the date of the issuance of the last 20425
execution on the judgment or the issuance and filing of the last 20426
such certificate, whichever is later. 20427

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of 20428
the Revised Code: 20429

(A) "Wire communication" means an aural transfer that is made in whole or in part through the use of facilities for the transmission of communications by the aid of wires or similar methods of connecting the point of origin of the communication and the point of reception of the communication, including the use of a method of connecting the point of origin and the point of reception of the communication in a switching station, if the facilities are furnished or operated by a person engaged in providing or operating the facilities for the transmission of communications. "Wire communication" includes an electronic storage of a wire communication.

(B) "Oral communication" means an oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception under circumstances justifying that expectation. "Oral communication" does not include an electronic communication.

(C) "Intercept" means the aural or other acquisition of the contents of any wire, oral, or electronic communication through the use of an interception device.

(D) "Interception device" means an electronic, mechanical, or other device or apparatus that can be used to intercept a wire, oral, or electronic communication. "Interception device" does not mean any of the following:

(1) A telephone or telegraph instrument, equipment, or facility, or any of its components, if the instrument, equipment, facility, or component is any of the following:

(a) Furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the

ordinary course of its business; 20459

(b) Furnished by a subscriber or user for connection to 20460
the facilities of a provider of wire or electronic communication 20461
service and used in the ordinary course of that subscriber's or 20462
user's business; 20463

(c) Being used by a provider of wire or electronic 20464
communication service in the ordinary course of its business or 20465
by an investigative or law enforcement officer in the ordinary 20466
course of the officer's duties that do not involve the 20467
interception of wire, oral, or electronic communications. 20468

(2) A hearing aid or similar device being used to correct 20469
subnormal hearing to not better than normal. 20470

(E) "Investigative officer" means any of the following: 20471

(1) An officer of this state or a political subdivision of 20472
this state, who is empowered by law to conduct investigations or 20473
to make arrests for a designated offense; 20474

(2) A person described in divisions (A) (11) (a) and (b) of 20475
section 2901.01 of the Revised Code; 20476

(3) An attorney authorized by law to prosecute or 20477
participate in the prosecution of a designated offense; 20478

(4) A secret service officer appointed pursuant to section 20479
309.07 of the Revised Code; 20480

(5) An officer of the United States, a state, or a 20481
political subdivision of a state who is authorized to conduct 20482
investigations pursuant to the "Electronic Communications 20483
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 20484
(1986), as amended. 20485

(F) "Interception warrant" means a court order that 20486
authorizes the interception of wire, oral, or electronic 20487
communications and that is issued pursuant to sections 2933.53 20488
to 2933.56 of the Revised Code. 20489

(G) "Contents," when used with respect to a wire, oral, or 20490
electronic communication, includes any information concerning 20491
the substance, purport, or meaning of the communication. 20492

(H) "Communications common carrier" means a person who is 20493
engaged as a common carrier for hire in intrastate, interstate, 20494
or foreign communications by wire, radio, or radio transmission 20495
of energy. "Communications common carrier" does not include, to 20496
the extent that the person is engaged in radio broadcasting, a 20497
person engaged in radio broadcasting. 20498

(I) "Designated offense" means any of the following: 20499

(1) A felony violation of section 1315.53, 1315.55, 20500
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 20501
2905.32, 2907.011, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 20502
2909.04, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 20503
~~2909.29~~, 2911.01, 2911.02, ~~2911.11~~, ~~2911.12~~, 2911.03, 2911.04, 20504
2913.02, 2913.04, 2913.08, 2913.42, 2913.51, 2915.02, 2915.03, 20505
2917.01, 2917.02, 2921.02, 2921.03, ~~2921.04~~, 2921.32, 2921.34, 20506
2923.20, 2923.32, 2925.03, 2925.04, 2925.05, or 2925.06, of 20507
division (B) of section 2909.22, or of division (B) of section 20508
2915.05 or of division (E) or (G) of section 3772.99 of the 20509
Revised Code; 20510

(2) A violation of section 2919.23 of the Revised Code 20511
that, had it occurred prior to July 1, 1996, would have been a 20512
violation of section 2905.04 of the Revised Code as it existed 20513
prior to that date; 20514

(3) A felony violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, as defined in section 2925.01 of the Revised Code; 20515
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(4) Complicity in the commission of a felony violation of a section listed in division (I)(1), (2), or (3) of this section; 20518
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(5) An attempt to commit, or conspiracy in the commission of, a felony violation of a section listed in division (I)(1), (2), or (3) of this section, if the attempt or conspiracy is punishable by a term of imprisonment of more than one year. 20521
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(J) "Aggrieved person" means a person who was a party to an intercepted wire, oral, or electronic communication or a person against whom the interception of the communication was directed. 20525
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(K) "Person" means a person, as defined in section 1.59 of the Revised Code, or a governmental officer, employee, or entity. 20529
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(L) "Special need" means a showing that a licensed physician, licensed practicing psychologist, attorney, practicing cleric, journalist, or either spouse is personally engaging in continuing criminal activity, was engaged in continuing criminal activity over a period of time, or is committing, has committed, or is about to commit, a designated offense, or a showing that specified public facilities are being regularly used by someone who is personally engaging in continuing criminal activity, was engaged in continuing criminal activity over a period of time, or is committing, has committed, or is about to commit, a designated offense. 20532
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(M) "Journalist" means a person engaged in, connected 20543

with, or employed by, any news media, including a newspaper, 20544
magazine, press association, news agency, or wire service, a 20545
radio or television station, or a similar media, for the purpose 20546
of gathering, processing, transmitting, compiling, editing, or 20547
disseminating news for the general public. 20548

(N) "Electronic communication" means a transfer of a sign, 20549
signal, writing, image, sound, datum, or intelligence of any 20550
nature that is transmitted in whole or in part by a wire, radio, 20551
electromagnetic, photoelectronic, or photo-optical system. 20552

"Electronic communication" does not mean any of the following: 20553

(1) A wire or oral communication; 20554

(2) A communication made through a tone-only paging 20555
device; 20556

(3) A communication from an electronic or mechanical 20557
tracking device that permits the tracking of the movement of a 20558
person or object. 20559

(O) "User" means a person or entity that uses an 20560
electronic communication service and is duly authorized by the 20561
provider of the service to engage in the use of the electronic 20562
communication service. 20563

(P) "Electronic communications system" means a wire, 20564
radio, electromagnetic, photoelectronic, or photo-optical 20565
facility for the transmission of electronic communications, and 20566
a computer facility or related electronic equipment for the 20567
electronic storage of electronic communications. 20568

(Q) "Electronic communication service" means a service 20569
that provides to users of the service the ability to send or 20570
receive wire or electronic communications. 20571

(R) "Readily accessible to the general public" means, with respect to a radio communication, that the communication is none of the following:

(1) Scrambled or encrypted;

(2) Transmitted using a modulation technique, the essential parameters of which have been withheld from the public with the intention of preserving the privacy of the communication;

(3) Carried on a subcarrier or other signal subsidiary to a radio transmission;

(4) Transmitted over a communications system provided by a communications common carrier, unless the communication is a tone-only paging system communication;

(5) Transmitted on a frequency allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, as those provisions existed on July 1, 1996, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio.

(S) "Electronic storage" means a temporary, intermediate storage of a wire or electronic communication that is incidental to the electronic transmission of the communication, and a storage of a wire or electronic communication by an electronic communication service for the purpose of backup protection of the communication.

(T) "Aural transfer" means a transfer containing the human voice at a point between and including the point of origin and the point of reception.

(U) "Pen register" means a device that records or decodes
electronic impulses that identify the numbers dialed, pulsed, or
otherwise transmitted on telephone lines to which the device is
attached.

(V) "Trap and trace device" means a device that captures
the incoming electronic or other impulses that identify the
originating number of an instrument or device from which a wire
communication or electronic communication was transmitted but
that does not intercept the contents of the wire communication
or electronic communication.

(W) "Judge of a court of common pleas" means a judge of
that court who is elected or appointed as a judge of general
jurisdiction or as a judge who exercises both general
jurisdiction and probate, domestic relations, or juvenile
jurisdiction. "Judge of a court of common pleas" does not mean a
judge of that court who is elected or appointed specifically as
a probate, domestic relations, or juvenile judge.

Sec. 2939.21. (A) Once every three months, the grand
jurors shall visit the county jail, examine its condition, and
inquire into the discipline and treatment of the prisoners,
their habits, diet, and accommodations. ~~They~~

(B) (1) If a multicounty correctional center or
multicounty-municipal correctional center is established as
described in section 307.93 of the Revised Code to serve two or
more counties, once every three months, the grand jurors of any
or all of the counties served by the center may visit the
facility, examine its contents, and inquire into the discipline
and treatment of the prisoners, their habits, diet, and
accommodations. Only one visit by grand jurors may be made under
this division during any three-month period.

(2) If a municipal-county correctional center is 20631
established as described in section 307.93 of the Revised Code 20632
to serve a county, once every three months, the grand jurors of 20633
the county may visit the facility, examine its contents, and 20634
inquire into the discipline and treatment of the prisoners, 20635
their habits, diet, and accommodations. 20636

(C) When grand jurors visit a jail under division (A), (B) 20637
(1), or (B) (2) of this section, they shall report on these—the 20638
matters specified in the particular division to the court of 20639
common pleas of the county served by the grand jurors in 20640
writing. The clerk of the court of common pleas shall forward a 20641
copy of the report to the department of rehabilitation and 20642
correction. 20643

Sec. 2941.1413. (A) Imposition of a mandatory additional 20644
prison term of one, two, three, four, or five years upon an 20645
offender under division (G) (2) of section 2929.13 of the Revised 20646
Code is precluded unless the indictment, count in the 20647
indictment, or information charging a felony violation of 20648
division (A) of section 4511.19 of the Revised Code specifies 20649
that ~~the~~ either: 20650

(1) The offender, within twenty years of the offense, 20651
previously has been convicted of or pleaded guilty to five or 20652
more equivalent offenses; 20653

(2) The offender previously has been convicted of or 20654
pleaded guilty to a specification of the type described in this 20655
section. The 20656

(B) The specification shall be stated at the end of the 20657
body of the indictment, count, or information and shall be 20658
stated in substantially the following form: 20659

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender, within twenty years of committing the offense, previously had been convicted of or pleaded guilty to five or more equivalent offenses or previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code)."

~~(B)~~ (C) As used in ~~division (A)~~ of this section, "equivalent offense" has the same meaning as in section 4511.181 of the Revised Code.

Sec. 2941.25. ~~(A) Where the same conduct by defendant can be construed to constitute two or more allied offenses of similar import, the indictment or information may contain counts for all such offenses, but the defendant may be convicted of only one.~~

~~(B) Where the defendant's conduct constitutes two or more offenses of dissimilar import, or where his conduct results in two or more offenses of the same or similar kind committed separately or with a separate animus as to each, the indictment or information may contain counts for all such offenses, and the defendant may be convicted of all of them.~~ A person may be charged with multiple offenses in a single indictment or information, found guilty after trial or upon plea, and sentenced for each offense unless the offenses are to be merged.

(B) Multiple offenses are to be merged if all of the following are true:

(1) The offenses were committed by conduct so connected in time and place as to constitute a single event.

(2) The offenses were committed with the same intent. 20689

(3) The offenses involved the same victim. 20690

(4) The offenses caused the same type of harm. 20691

(C) If multiple offenses are to be merged, the prosecutor may elect the offense on which the prosecutor wishes to proceed to sentencing, and the trial judge shall merge the offenses into a single sentence on the elected count as a final appealable order with the findings of guilt on any unelected offense also being appealable. If the elected count for which the sentence is imposed is vacated on appeal or collateral assault, the case may be remanded and the trial court may impose a sentence for an offense previously merged to prevent a miscarriage of justice. 20692
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(D) As used in this section, "finding of guilt" and "found guilty" mean that an entry of guilt has been entered against the person, either by the court after a plea of guilty or no contest or by the trier of fact after a trial. 20701
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Sec. 2945.42. No person is disqualified as a witness in a criminal prosecution by reason of the person's interest in the prosecution as a party or otherwise or by reason of the person's conviction of crime. Husband and wife are competent witnesses to testify in behalf of each other in all criminal prosecutions and to testify against each other in all actions, prosecutions, and proceedings for personal injury of either by the other, bigamy, or failure to provide for, neglect of, or cruelty to their children under eighteen years of age or their physically or mentally handicapped child under twenty-one years of age. A spouse may testify against his or her spouse in a prosecution under a provision of sections 2903.11 to 2903.13, 2919.21, 2919.22, or 2919.25 of the Revised Code for cruelty to, neglect 20705
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of, or abandonment of such spouse, in a prosecution against his 20718
or her spouse under section 2903.211 or ~~2911.211, division (B) of~~ 20719
section 2911.06 of the Revised Code for the commission of the 20720
offense against the spouse who is testifying, in a prosecution 20721
under section 2919.27 of the Revised Code involving a protection 20722
order issued or consent agreement approved pursuant to section 20723
2919.26 or 3113.31 of the Revised Code for the commission of the 20724
offense against the spouse who is testifying, or in a 20725
prosecution under section 2907.011 or 2907.02 of the Revised 20726
Code for the commission of aggravated rape or rape or under 20727
former section 2907.12 of the Revised Code for felonious sexual 20728
penetration against such spouse in a case in which the offense 20729
can be committed against a spouse. Such interest, conviction, or 20730
relationship may be shown for the purpose of affecting the 20731
credibility of the witness. Husband or wife shall not testify 20732
concerning a communication made by one to the other, or act done 20733
by either in the presence of the other, during coverture, unless 20734
the communication was made or act done in the known presence or 20735
hearing of a third person competent to be a witness, or in case 20736
of personal injury by either the husband or wife to the other, 20737
or rape or the former offense of felonious sexual penetration in 20738
a case in which the offense can be committed against a spouse, 20739
or bigamy, or failure to provide for, or neglect or cruelty of 20740
either to their children under eighteen years of age or their 20741
physically or mentally handicapped child under twenty-one years 20742
of age, violation of a protection order or consent agreement, or 20743
neglect or abandonment of a spouse under a provision of those 20744
sections. The presence or whereabouts of the husband or wife is 20745
not an act under this section. The rule is the same if the 20746
marital relation has ceased to exist. 20747

Sec. 2945.71. (A) Subject to division (D) of this section, 20748

a person against whom a charge is pending in a court not of record, or against whom a charge of minor misdemeanor is pending in a court of record, shall be brought to trial within thirty days after the person's arrest or the service of summons.

(B) Subject to division (D) of this section, a person against whom a charge of misdemeanor, other than a minor misdemeanor, is pending in a court of record, shall be brought to trial as follows:

(1) Within forty-five days after the person's arrest or the service of summons, if the offense charged is a misdemeanor of the third or fourth degree, or other misdemeanor for which the maximum penalty is imprisonment for not more than sixty days;

(2) Within ninety days after the person's arrest or the service of summons, if the offense charged is a misdemeanor of the first or second degree, or other misdemeanor for which the maximum penalty is imprisonment for more than sixty days.

(C) A person against whom a charge of felony is pending:

(1) Notwithstanding any provisions to the contrary in Criminal Rule 5(B), shall be accorded a preliminary hearing within fifteen consecutive days after the person's arrest if the accused is not held in jail in lieu of bail on the pending charge or within ten consecutive days after the person's arrest if the accused is held in jail in lieu of bail on the pending charge;

(2) ~~Shall~~ Except as provided in division (C) of section 2945.73 of the Revised Code, shall be brought to trial within two hundred seventy days after the person's arrest.

(D) A person against whom one or more charges of different

degrees, whether felonies, misdemeanors, or combinations of 20778
felonies and misdemeanors, all of which arose out of the same 20779
act or transaction, are pending shall be brought to trial on all 20780
of the charges within the time period required for the highest 20781
degree of offense charged, as determined under divisions (A), 20782
(B), and (C) of this section. 20783

(E) For purposes of computing time under divisions (A), 20784
(B), (C) (2), and (D) of this section, each day during which the 20785
accused is held in jail in lieu of bail on the pending charge 20786
shall be counted as three days. This division does not apply for 20787
purposes of computing time under division (C) (1) of this section 20788
or for purposes of computing the fourteen-day period specified 20789
in section 2945.73 of the Revised Code. 20790

(F) This section shall not be construed to modify in any 20791
way section 2941.401 or sections 2963.30 to 2963.35 of the 20792
Revised Code. 20793

Sec. 2945.73. (A) A charge of felony shall be dismissed if 20794
the accused is not accorded a preliminary hearing within the 20795
time required by sections 2945.71 and 2945.72 of the Revised 20796
Code. Such a dismissal has the same effect as a nolle prosequi. 20797

(B) (1) Upon motion made at or prior to the commencement of 20798
trial, a person charged with ~~an offense~~ a misdemeanor shall be 20799
discharged if ~~he~~ the person is not brought to trial within the 20800
time required by sections 2945.71 and 2945.72 of the Revised 20801
Code. Such a discharge is a bar to any further criminal 20802
proceedings against the person based on the same conduct. 20803

~~(C)~~ (2) Regardless of whether a longer time limit may be 20804
provided by sections 2945.71 and 2945.72 of the Revised Code, a 20805
person charged with misdemeanor shall be discharged if ~~he~~ the 20806

person is held in jail in lieu of bond awaiting trial on the 20807
pending charge: 20808

~~(1)~~ (a) For a total period equal to the maximum term of 20809
imprisonment which may be imposed for the most serious 20810
misdemeanor charged; 20811

~~(2)~~ (b) For a total period equal to the term of 20812
imprisonment allowed in lieu of payment of the maximum fine 20813
which may be imposed for the most serious misdemeanor charged, 20814
when the offense or offenses charged constitute minor 20815
misdemeanors. 20816

~~(D)~~ When a charge of (3) A discharge under division (B) (2) 20817
of this section is a bar to any further criminal proceedings 20818
against the person based on the same conduct. 20819

~~(C) (1) A person charged with a felony is dismissed~~ 20820
~~pursuant to division (A) of this section, such dismissal has the~~ 20821
~~same effect as a nolle prosequi. When an accused is discharged~~ 20822
~~pursuant to division (B) or (C) of this section, such discharge~~ 20823
~~is a bar to any further criminal proceedings against him based~~ 20824
~~on the same conduct, who is not brought to trial within the time~~ 20825
~~required by sections 2945.71 and 2945.72 of the Revised Code, is~~ 20826
~~eligible for release from detention. The court may release the~~ 20827
~~person from any detention in connection with the charges pending~~ 20828
~~trial and may impose any terms or conditions on the release that~~ 20829
~~the court considers appropriate.~~ 20830

(2) Upon motion made at or before the commencement of 20831
trial, but not sooner than fourteen days before the day the 20832
person would become eligible for release pursuant to division 20833
(C) (1) of this section, the charges shall be dismissed with 20834
prejudice unless the person is brought to trial on those charges 20835

within fourteen days after the motion is filed and served on the 20836
prosecuting attorney. If no motion is filed, the charges shall 20837
be dismissed with prejudice unless the person is brought to 20838
trial on those charges within fourteen days after it is 20839
determined by the court that the time for trial required by 20840
sections 2945.71 and 2945.72 of the Revised Code has expired. 20841
The fourteen-day period specified under this division may be 20842
extended at the request of the accused or on account of the 20843
fault or misconduct of the accused. 20844

Sec. 2950.01. As used in this chapter, unless the context 20845
clearly requires otherwise: 20846

(A) "Sexually oriented offense" means any of the following 20847
violations or offenses committed by a person, regardless of the 20848
person's age: 20849

(1) A violation of section 2907.011, 2907.02, 2907.03, 20850
2907.05, 2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 20851
2907.321, 2907.322, or 2907.323 of the Revised Code; 20852

(2) A violation of section 2907.04 of the Revised Code 20853
when the offender is less than four years older than the other 20854
person with whom the offender engaged in sexual conduct, the 20855
other person did not consent to the sexual conduct, and the 20856
offender previously has not been convicted of or pleaded guilty 20857
to a violation of section 2907.011, 2907.02, 2907.03, or 2907.04 20858
of the Revised Code or a violation of former section 2907.12 of 20859
the Revised Code; 20860

(3) A violation of section 2907.04 of the Revised Code 20861
when the offender is at least four years older than the other 20862
person with whom the offender engaged in sexual conduct or when 20863
the offender is less than four years older than the other person 20864

with whom the offender engaged in sexual conduct and the 20865
offender previously has been convicted of or pleaded guilty to a 20866
violation of section 2907.011, 2907.02, 2907.03, or 2907.04 of 20867
the Revised Code or a violation of former section 2907.12 of the 20868
Revised Code; 20869

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 20870
the Revised Code when the violation was committed with a sexual 20871
motivation; 20872

(5) A violation of division (A) of section 2903.04 of the 20873
Revised Code when the offender committed or attempted to commit 20874
the felony that is the basis of the violation with a sexual 20875
motivation; 20876

(6) A violation of division (A) (3) of section 2903.211 of 20877
the Revised Code; 20878

(7) A violation of division (A) (1), (2), (3), or (5) of 20879
section 2905.01 of the Revised Code when the offense is 20880
committed with a sexual motivation; 20881

(8) A violation of division (A) (4) of section 2905.01 of 20882
the Revised Code; 20883

(9) A violation of division (B) of section 2905.01 of the 20884
Revised Code when the victim of the offense is under eighteen 20885
years of age and the offender is not a parent of the victim of 20886
the offense; 20887

(10) A violation of division (B) of section 2903.03, of 20888
division (B) of section 2905.02, of division (B) of section 20889
2905.03, of division (B) of section 2905.05, or of division (B) 20890
(5) of section 2919.22 of the Revised Code; 20891

(11) A violation of section 2905.32 of the Revised Code 20892

when either of the following applies: 20893

(a) The violation is a violation of division (A) (1) of 20894
that section and the offender knowingly recruited, lured, 20895
enticed, isolated, harbored, transported, provided, obtained, or 20896
maintained, or knowingly attempted to recruit, lure, entice, 20897
isolate, harbor, transport, provide, obtain, or maintain, 20898
another person knowing that the person would be compelled to 20899
engage in sexual activity for hire, engage in a performance that 20900
was obscene, sexually oriented, or nudity oriented, or be a 20901
model or participant in the production of material that was 20902
obscene, sexually oriented, or nudity oriented. 20903

(b) The violation is a violation of division (A) (2) of 20904
that section and the offender knowingly recruited, lured, 20905
enticed, isolated, harbored, transported, provided, obtained, or 20906
maintained, or knowingly attempted to recruit, lure, entice, 20907
isolate, harbor, transport, provide, obtain, or maintain a 20908
person who is less than eighteen years of age or is a person 20909
with a developmental disability whom the offender knows or has 20910
reasonable cause to believe is a person with a developmental 20911
disability for any purpose listed in divisions (A) (2) (a) to (c) 20912
of that section. 20913

(12) A violation of division (B) (4) of section 2907.09 of 20914
the Revised Code if the sentencing court classifies the offender 20915
as a tier I sex offender/child-victim offender relative to that 20916
offense pursuant to division (D) of that section; 20917

(13) A violation of any former law of this state, any 20918
existing or former municipal ordinance or law of another state 20919
or the United States, any existing or former law applicable in a 20920
military court or in an Indian tribal court, or any existing or 20921
former law of any nation other than the United States that is or 20922

was substantially equivalent to any offense listed in division 20923
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 20924
(12) of this section; 20925

(14) Any attempt to commit, conspiracy to commit, or 20926
complicity in committing any offense listed in division (A) (1), 20927
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or 20928
(13) of this section. 20929

(B) (1) "Sex offender" means, subject to division (B) (2) of 20930
this section, a person who is convicted of, pleads guilty to, 20931
has been convicted of, has pleaded guilty to, is adjudicated a 20932
delinquent child for committing, or has been adjudicated a 20933
delinquent child for committing any sexually oriented offense. 20934

(2) "Sex offender" does not include a person who is 20935
convicted of, pleads guilty to, has been convicted of, has 20936
pleaded guilty to, is adjudicated a delinquent child for 20937
committing, or has been adjudicated a delinquent child for 20938
committing a sexually oriented offense if the offense involves 20939
consensual sexual conduct or consensual sexual contact and 20940
either of the following applies: 20941

(a) The victim of the sexually oriented offense was 20942
eighteen years of age or older and at the time of the sexually 20943
oriented offense was not under the custodial authority of the 20944
person who is convicted of, pleads guilty to, has been convicted 20945
of, has pleaded guilty to, is adjudicated a delinquent child for 20946
committing, or has been adjudicated a delinquent child for 20947
committing the sexually oriented offense. 20948

(b) The victim of the offense was thirteen years of age or 20949
older, and the person who is convicted of, pleads guilty to, has 20950
been convicted of, has pleaded guilty to, is adjudicated a 20951

delinquent child for committing, or has been adjudicated a 20952
delinquent child for committing the sexually oriented offense is 20953
not more than four years older than the victim. 20954

(C) "Child-victim oriented offense" means any of the 20955
following violations or offenses committed by a person, 20956
regardless of the person's age, when the victim is under 20957
eighteen years of age and is not a child of the person who 20958
commits the violation: 20959

(1) A violation of division (A)(1), (2), (3), or (5) of 20960
section 2905.01 of the Revised Code when the violation is not 20961
included in division (A)(7) of this section; 20962

(2) A violation of division (A) of section 2905.02, 20963
division (A) of section 2905.03, or division (A) of section 20964
2905.05 of the Revised Code; 20965

(3) A violation of any former law of this state, any 20966
existing or former municipal ordinance or law of another state 20967
or the United States, any existing or former law applicable in a 20968
military court or in an Indian tribal court, or any existing or 20969
former law of any nation other than the United States that is or 20970
was substantially equivalent to any offense listed in division 20971
(C)(1) or (2) of this section; 20972

(4) Any attempt to commit, conspiracy to commit, or 20973
complicity in committing any offense listed in division (C)(1), 20974
(2), or (3) of this section. 20975

(D) "Child-victim offender" means a person who is 20976
convicted of, pleads guilty to, has been convicted of, has 20977
pleaded guilty to, is adjudicated a delinquent child for 20978
committing, or has been adjudicated a delinquent child for 20979
committing any child-victim oriented offense. 20980

(E) "Tier I sex offender/child-victim offender" means any 20981
of the following: 20982

(1) A sex offender who is convicted of, pleads guilty to, 20983
has been convicted of, or has pleaded guilty to any of the 20984
following sexually oriented offenses: 20985

(a) A violation of section 2907.06, 2907.07, 2907.08, 20986
2907.22, or 2907.32 of the Revised Code; 20987

(b) A violation of section 2907.04 of the Revised Code 20988
when the offender is less than four years older than the other 20989
person with whom the offender engaged in sexual conduct, the 20990
other person did not consent to the sexual conduct, and the 20991
offender previously has not been convicted of or pleaded guilty 20992
to a violation of section 2907.02, 2907.03, or 2907.04 of the 20993
Revised Code or a violation of former section 2907.12 of the 20994
Revised Code; 20995

(c) A violation of division (A) (1), (2), (3), or (5) of 20996
section 2907.05 of the Revised Code; 20997

(d) A violation of division (A) (3) of section 2907.323 of 20998
the Revised Code; 20999

(e) A violation of division (A) (3) of section 2903.211, of 21000
division (B) of section 2905.03, or of division (B) of section 21001
2905.05 of the Revised Code; 21002

(f) A violation of division (B) (4) of section 2907.09 of 21003
the Revised Code if the sentencing court classifies the offender 21004
as a tier I sex offender/child-victim offender relative to that 21005
offense pursuant to division (D) of that section; 21006

(g) A violation of any former law of this state, any 21007
existing or former municipal ordinance or law of another state 21008

or the United States, any existing or former law applicable in a 21009
military court or in an Indian tribal court, or any existing or 21010
former law of any nation other than the United States, that is 21011
or was substantially equivalent to any offense listed in 21012
division (E) (1) (a), (b), (c), (d), (e), or (f) of this section; 21013

(h) Any attempt to commit, conspiracy to commit, or 21014
complicity in committing any offense listed in division (E) (1) 21015
(a), (b), (c), (d), (e), (f), or (g) of this section. 21016

(2) A child-victim offender who is convicted of, pleads 21017
guilty to, has been convicted of, or has pleaded guilty to a 21018
child-victim oriented offense and who is not within either 21019
category of child-victim offender described in division (F) (2) 21020
or (G) (2) of this section. 21021

(3) A sex offender who is adjudicated a delinquent child 21022
for committing or has been adjudicated a delinquent child for 21023
committing any sexually oriented offense and who a juvenile 21024
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 21025
of the Revised Code, classifies a tier I sex offender/child- 21026
victim offender relative to the offense. 21027

(4) A child-victim offender who is adjudicated a 21028
delinquent child for committing or has been adjudicated a 21029
delinquent child for committing any child-victim oriented 21030
offense and who a juvenile court, pursuant to section 2152.82, 21031
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 21032
tier I sex offender/child-victim offender relative to the 21033
offense. 21034

(F) "Tier II sex offender/child-victim offender" means any 21035
of the following: 21036

(1) A sex offender who is convicted of, pleads guilty to, 21037

has been convicted of, or has pleaded guilty to any of the 21038
following sexually oriented offenses: 21039

(a) A violation of section 2907.21, 2907.321, or 2907.322 21040
of the Revised Code; 21041

(b) A violation of section 2907.04 of the Revised Code 21042
when the offender is at least four years older than the other 21043
person with whom the offender engaged in sexual conduct, or when 21044
the offender is less than four years older than the other person 21045
with whom the offender engaged in sexual conduct and the 21046
offender previously has been convicted of or pleaded guilty to a 21047
violation of section 2907.011, 2907.02, 2907.03, or 2907.04 of 21048
the Revised Code or former section 2907.12 of the Revised Code; 21049

(c) A violation of division (A) (4) of section 2907.05 or 21050
of division (A) (1) or (2) of section 2907.323 of the Revised 21051
Code; 21052

(d) A violation of division (A) (1), (2), (3), or (5) of 21053
section 2905.01 of the Revised Code when the offense is 21054
committed with a sexual motivation; 21055

(e) A violation of division (A) (4) of section 2905.01 of 21056
the Revised Code when the victim of the offense is eighteen 21057
years of age or older; 21058

(f) A violation of division (B) of section 2905.02 or of 21059
division (B) (5) of section 2919.22 of the Revised Code; 21060

(g) A violation of section 2905.32 of the Revised Code 21061
that is described in division (A) (11) (a) or (b) of this section; 21062

(h) A violation of any former law of this state, any 21063
existing or former municipal ordinance or law of another state 21064
or the United States, any existing or former law applicable in a 21065

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

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

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

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

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

(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a

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delinquent child for committing any child-victim oriented 21095
offense and whom a juvenile court, pursuant to section 2152.82, 21096
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 21097
tier II sex offender/child-victim offender relative to the 21098
current offense. 21099

(5) A sex offender or child-victim offender who is not in 21100
any category of tier II sex offender/child-victim offender set 21101
forth in division (F) (1), (2), (3), or (4) of this section, who 21102
prior to January 1, 2008, was adjudicated a delinquent child for 21103
committing a sexually oriented offense or child-victim oriented 21104
offense, and who prior to that date was determined to be a 21105
habitual sex offender or determined to be a habitual child- 21106
victim offender, unless either of the following applies: 21107

(a) The sex offender or child-victim offender is 21108
reclassified pursuant to section 2950.031 or 2950.032 of the 21109
Revised Code as a tier I sex offender/child-victim offender or a 21110
tier III sex offender/child-victim offender relative to the 21111
offense. 21112

(b) A juvenile court, pursuant to section 2152.82, 21113
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 21114
child a tier I sex offender/child-victim offender or a tier III 21115
sex offender/child-victim offender relative to the offense. 21116

(G) "Tier III sex offender/child-victim offender" means 21117
any of the following: 21118

(1) A sex offender who is convicted of, pleads guilty to, 21119
has been convicted of, or has pleaded guilty to any of the 21120
following sexually oriented offenses: 21121

(a) A violation of section 2907.011, 2907.02, or 2907.03 21122
of the Revised Code; 21123

(b) A violation of division (B) of section 2907.05 of the Revised Code;	21124 21125
(c) A violation of section 2903.01, 2903.02, or 2903.11 of the Revised Code when the violation was committed with a sexual motivation;	21126 21127 21128
(d) A violation of division (A) of section 2903.04 of the Revised Code when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation;	21129 21130 21131 21132
(e) A violation of division (A) (4) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age;	21133 21134 21135
(f) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense;	21136 21137 21138 21139
(g) A violation of division (B) of section 2903.03 of the Revised Code;	21140 21141
(h) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section;	21142 21143 21144 21145 21146 21147 21148
(i) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (G) (1) (a), (b), (c), (d), (e), (f), (g), or (h) of this section;	21149 21150 21151

(j) Any sexually oriented offense that is committed after 21152
the sex offender previously has been convicted of, pleaded 21153
guilty to, or been adjudicated a delinquent child for committing 21154
any sexually oriented offense or child-victim oriented offense 21155
for which the offender was classified a tier II sex 21156
offender/child-victim offender or a tier III sex offender/child- 21157
victim offender. 21158

(2) A child-victim offender who is convicted of, pleads 21159
guilty to, has been convicted of, or has pleaded guilty to any 21160
child-victim oriented offense when the child-victim oriented 21161
offense is committed after the child-victim offender previously 21162
has been convicted of, pleaded guilty to, or been adjudicated a 21163
delinquent child for committing any sexually oriented offense or 21164
child-victim oriented offense for which the offender was 21165
classified a tier II sex offender/child-victim offender or a 21166
tier III sex offender/child-victim offender. 21167

(3) A sex offender who is adjudicated a delinquent child 21168
for committing or has been adjudicated a delinquent child for 21169
committing any sexually oriented offense and who a juvenile 21170
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 21171
of the Revised Code, classifies a tier III sex offender/child- 21172
victim offender relative to the offense. 21173

(4) A child-victim offender who is adjudicated a 21174
delinquent child for committing or has been adjudicated a 21175
delinquent child for committing any child-victim oriented 21176
offense and whom a juvenile court, pursuant to section 2152.82, 21177
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 21178
tier III sex offender/child-victim offender relative to the 21179
current offense. 21180

(5) A sex offender or child-victim offender who is not in 21181

any category of tier III sex offender/child-victim offender set 21182
forth in division (G) (1), (2), (3), or (4) of this section, who 21183
prior to January 1, 2008, was convicted of or pleaded guilty to 21184
a sexually oriented offense or child-victim oriented offense or 21185
was adjudicated a delinquent child for committing a sexually 21186
oriented offense or child-victim oriented offense and classified 21187
a juvenile offender registrant, and who prior to that date was 21188
adjudicated a sexual predator or adjudicated a child-victim 21189
predator, unless either of the following applies: 21190

(a) The sex offender or child-victim offender is 21191
reclassified pursuant to section 2950.031 or 2950.032 of the 21192
Revised Code as a tier I sex offender/child-victim offender or a 21193
tier II sex offender/child-victim offender relative to the 21194
offense. 21195

(b) The sex offender or child-victim offender is a 21196
delinquent child, and a juvenile court, pursuant to section 21197
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 21198
classifies the child a tier I sex offender/child-victim offender 21199
or a tier II sex offender/child-victim offender relative to the 21200
offense. 21201

(6) A sex offender who is convicted of, pleads guilty to, 21202
was convicted of, or pleaded guilty to a sexually oriented 21203
offense, if the sexually oriented offense and the circumstances 21204
in which it was committed are such that division (F) of section 21205
2971.03 of the Revised Code automatically classifies the 21206
offender as a tier III sex offender/child-victim offender; 21207

(7) A sex offender or child-victim offender who is 21208
convicted of, pleads guilty to, was convicted of, pleaded guilty 21209
to, is adjudicated a delinquent child for committing, or was 21210
adjudicated a delinquent child for committing a sexually 21211

oriented offense or child-victim offense in another state, in a 21212
federal court, military court, or Indian tribal court, or in a 21213
court in any nation other than the United States if both of the 21214
following apply: 21215

(a) Under the law of the jurisdiction in which the 21216
offender was convicted or pleaded guilty or the delinquent child 21217
was adjudicated, the offender or delinquent child is in a 21218
category substantially equivalent to a category of tier III sex 21219
offender/child-victim offender described in division (G) (1), 21220
(2), (3), (4), (5), or (6) of this section. 21221

(b) Subsequent to the conviction, plea of guilty, or 21222
adjudication in the other jurisdiction, the offender or 21223
delinquent child resides, has temporary domicile, attends school 21224
or an institution of higher education, is employed, or intends 21225
to reside in this state in any manner and for any period of time 21226
that subjects the offender or delinquent child to a duty to 21227
register or provide notice of intent to reside under section 21228
2950.04 or 2950.041 of the Revised Code. 21229

(H) "Confinement" includes, but is not limited to, a 21230
community residential sanction imposed pursuant to section 21231
2929.16 or 2929.26 of the Revised Code. 21232

(I) "Prosecutor" has the same meaning as in section 21233
2935.01 of the Revised Code. 21234

(J) "Supervised release" means a release of an offender 21235
from a prison term, a term of imprisonment, or another type of 21236
confinement that satisfies either of the following conditions: 21237

(1) The release is on parole, a conditional pardon, under 21238
a community control sanction, under transitional control, or 21239
under a post-release control sanction, and it requires the 21240

person to report to or be supervised by a parole officer, 21241
probation officer, field officer, or another type of supervising 21242
officer. 21243

(2) The release is any type of release that is not 21244
described in division (J) (1) of this section and that requires 21245
the person to report to or be supervised by a probation officer, 21246
a parole officer, a field officer, or another type of 21247
supervising officer. 21248

(K) "Sexually violent predator specification," "sexually 21249
violent predator," "sexually violent offense," "sexual 21250
motivation specification," "designated homicide, assault, or 21251
kidnapping offense," and "violent sex offense" have the same 21252
meanings as in section 2971.01 of the Revised Code. 21253

(L) "Post-release control sanction" and "transitional 21254
control" have the same meanings as in section 2967.01 of the 21255
Revised Code. 21256

(M) "Juvenile offender registrant" means a person who is 21257
adjudicated a delinquent child for committing on or after 21258
January 1, 2002, a sexually oriented offense or a child-victim 21259
oriented offense, who is fourteen years of age or older at the 21260
time of committing the offense, and who a juvenile court judge, 21261
pursuant to an order issued under section 2152.82, 2152.83, 21262
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 21263
juvenile offender registrant and specifies has a duty to comply 21264
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 21265
Revised Code. "Juvenile offender registrant" includes a person 21266
who prior to January 1, 2008, was a "juvenile offender 21267
registrant" under the definition of the term in existence prior 21268
to January 1, 2008, and a person who prior to July 31, 2003, was 21269
a "juvenile sex offender registrant" under the former definition 21270

of that former term. 21271

(N) "Public registry-qualified juvenile offender 21272
registrant" means a person who is adjudicated a delinquent child 21273
and on whom a juvenile court has imposed a serious youthful 21274
offender dispositional sentence under section 2152.13 of the 21275
Revised Code before, on, or after January 1, 2008, and to whom 21276
all of the following apply: 21277

(1) The person is adjudicated a delinquent child for 21278
committing, attempting to commit, conspiring to commit, or 21279
complicity in committing one of the following acts: 21280

(a) A violation of section 2907.011 or 2907.02 of the 21281
Revised Code, division (B) of section 2907.05 of the Revised 21282
Code, or section 2907.03 of the Revised Code if the victim of 21283
the violation was less than twelve years of age; 21284

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 21285
the Revised Code that was committed with a purpose to gratify 21286
the sexual needs or desires of the child; 21287

(c) A violation of division (B) of section 2903.03 of the 21288
Revised Code. 21289

(2) The person was fourteen, fifteen, sixteen, or 21290
seventeen years of age at the time of committing the act. 21291

(3) A juvenile court judge, pursuant to an order issued 21292
under section 2152.86 of the Revised Code, classifies the person 21293
a juvenile offender registrant, specifies the person has a duty 21294
to comply with sections 2950.04, 2950.05, and 2950.06 of the 21295
Revised Code, and classifies the person a public registry- 21296
qualified juvenile offender registrant, and the classification 21297
of the person as a public registry-qualified juvenile offender 21298
registrant has not been terminated pursuant to division (D) of 21299

section 2152.86 of the Revised Code. 21300

(O) "Secure facility" means any facility that is designed 21301
and operated to ensure that all of its entrances and exits are 21302
locked and under the exclusive control of its staff and to 21303
ensure that, because of that exclusive control, no person who is 21304
institutionalized or confined in the facility may leave the 21305
facility without permission or supervision. 21306

(P) "Out-of-state juvenile offender registrant" means a 21307
person who is adjudicated a delinquent child in a court in 21308
another state, in a federal court, military court, or Indian 21309
tribal court, or in a court in any nation other than the United 21310
States for committing a sexually oriented offense or a child- 21311
victim oriented offense, who on or after January 1, 2002, moves 21312
to and resides in this state or temporarily is domiciled in this 21313
state for more than five days, and who has a duty under section 21314
2950.04 or 2950.041 of the Revised Code to register in this 21315
state and the duty to otherwise comply with that applicable 21316
section and sections 2950.05 and 2950.06 of the Revised Code. 21317
"Out-of-state juvenile offender registrant" includes a person 21318
who prior to January 1, 2008, was an "out-of-state juvenile 21319
offender registrant" under the definition of the term in 21320
existence prior to January 1, 2008, and a person who prior to 21321
July 31, 2003, was an "out-of-state juvenile sex offender 21322
registrant" under the former definition of that former term. 21323

(Q) "Juvenile court judge" includes a magistrate to whom 21324
the juvenile court judge confers duties pursuant to division (A) 21325
(15) of section 2151.23 of the Revised Code. 21326

(R) "Adjudicated a delinquent child for committing a 21327
sexually oriented offense" includes a child who receives a 21328
serious youthful offender dispositional sentence under section 21329

2152.13 of the Revised Code for committing a sexually oriented offense. 21330
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(S) "School" and "school premises" have the same meanings as in section 2925.01 of the Revised Code. 21332
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(T) "Residential premises" means the building in which a residential unit is located and the grounds upon which that building stands, extending to the perimeter of the property. 21334
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"Residential premises" includes any type of structure in which a residential unit is located, including, but not limited to, multi-unit buildings and mobile and manufactured homes. 21336
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(U) "Residential unit" means a dwelling unit for residential use and occupancy, and includes the structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or two or more persons who maintain a common household. "Residential unit" does not include a halfway house or a community-based correctional facility. 21340
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(V) "Multi-unit building" means a building in which is located more than twelve residential units that have entry doors that open directly into the unit from a hallway that is shared with one or more other units. A residential unit is not considered located in a multi-unit building if the unit does not have an entry door that opens directly into the unit from a hallway that is shared with one or more other units or if the unit is in a building that is not a multi-unit building as described in this division. 21347
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(W) "Community control sanction," ~~has~~ "jail," and "prison" have the same ~~meaning~~ meanings as in section 2929.01 of the Revised Code. 21356
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(X) "Halfway house" and "community-based correctional facility" have the same meanings as in section 2929.01 of the Revised Code. 21359
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(Y) "Arson-related offense" means any of the following violations or offenses committed by a person: 21362
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(1) A violation of section 2909.02 or 2909.03 of the Revised Code; 21364
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(2) Any attempt to commit, conspiracy to commit, or complicity in committing either offense listed in division (Y) (1) of this section. 21366
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(Z) "Arson offender" means any of the following: 21369

(1) A person who on or after July 1, 2013, is convicted of or pleads guilty to an arson-related offense; 21370
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(2) A person who on July 1, 2013, has been convicted of or pleaded guilty to an arson-related offense and is confined in a jail, workhouse, state correctional institution, or other institution, serving a prison term, term of imprisonment, or other term of confinement for the offense; 21372
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(3) A person who on or after July 1, 2013, is charged with committing, attempting to commit, conspiring to commit, or complicity in committing a violation of section 2909.02 or 2909.03 of the Revised Code and who pleads guilty to a violation of any provision of Chapter 2909. of the Revised Code other than section 2909.02 or 2909.03 of the Revised Code. 21377
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(AA) "Firefighter" has the same meaning as in section 4765.01 of the Revised Code. 21383
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(BB) "Out-of-state arson offender" means a person who is convicted of, pleads guilty to, has been convicted of, or has 21385
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pleaded guilty to a violation of any existing or former 21387
municipal ordinance or law of another state or the United 21388
States, or any existing or former law applicable in a military 21389
court or in an Indian tribal court, that is or was substantially 21390
equivalent to a violation of section 2909.02 or 2909.03 of the 21391
Revised Code. 21392

Sec. ~~2909.14~~ 2950.21. (A) Each arson offender shall be 21393
provided notice of the arson offender's duty to register 21394
personally with the sheriff of the county in which the arson 21395
offender resides or that sheriff's designee. The following 21396
persons shall provide the notice at the following times: 21397

(1) On or after ~~the effective date of this section~~ July 1, 21398
2013, the official in charge of a jail, workhouse, state 21399
correctional institution, or other institution in which an arson 21400
offender is serving a prison term, term of imprisonment, or 21401
other term of confinement, or the official's designee, shall 21402
provide the notice to the arson offender before the arson 21403
offender is released pursuant to any type of supervised release 21404
or before the arson offender is otherwise released from the 21405
prison term, term of imprisonment, or other term of confinement. 21406

(2) If an arson offender is sentenced on or after ~~the~~ 21407
~~effective date of this section~~ July 1, 2013, for an arson- 21408
related offense and the judge does not sentence the arson 21409
offender to a prison term, term of imprisonment, or other term 21410
of confinement in a jail, workhouse, state correctional 21411
institution, or other institution for that offense, the judge 21412
shall provide the notice to the arson offender at the time of 21413
the arson offender's sentencing. 21414

(B) The judge, official, or official's designee providing 21415
the notice under divisions (A) (1) and (2) of this section shall 21416

require the arson offender to read and sign a form stating that 21417
the arson offender has received and understands the notice. If 21418
the arson offender is unable to read, the judge, official, or 21419
official's designee shall inform the arson offender of the arson 21420
offender's duties as set forth in the notice and shall certify 21421
on the form that the judge, official, or official's designee 21422
informed the arson offender of the arson offender's duties and 21423
that the arson offender indicated an understanding of those 21424
duties. 21425

(C) The attorney general shall prescribe the notice and 21426
the form provided under division (B) of this section. The notice 21427
shall include notice of the arson offender's duties to 21428
reregister annually. 21429

(D) The person providing the notice under division (B) of 21430
this section shall provide a copy of the notice and signed form 21431
to the arson offender. The person providing the notice also 21432
shall determine the county in which the arson offender intends 21433
to reside and shall provide a copy of the signed form to the 21434
sheriff of that county in accordance with rules adopted by the 21435
attorney general pursuant to Chapter 119. of the Revised Code. 21436

Sec. ~~2909.15~~ 2950.22. (A) Each arson offender who has 21437
received notice pursuant to section 2909.14 of the Revised Code 21438
shall register personally with the sheriff of the county in 21439
which the arson offender resides or that sheriff's designee 21440
within the following time periods: 21441

(1) An arson offender who receives notice under division 21442
(A) (1) of section ~~2909.14~~ 2950.21 of the Revised Code shall 21443
register within ten days after the arson offender is released 21444
from a jail, workhouse, state correctional institution, or other 21445
institution, unless the arson offender is being transferred to 21446

the custody of another jail, workhouse, state correctional 21447
institution, or other institution. The arson offender is not 21448
required to register with any sheriff or designee prior to 21449
release. 21450

(2) An arson offender who receives notice under division 21451
(A) (2) of section ~~2909.14~~2950.21 of the Revised Code shall 21452
register within ten days after the sentencing hearing. 21453

(B) Each out-of-state arson offender shall register 21454
personally with the sheriff of the county in which the out-of- 21455
state arson offender resides or that sheriff's designee within 21456
ten days after residing in or occupying a dwelling in this state 21457
for more than three consecutive days. 21458

(C) (1) An arson offender or out-of-state arson offender 21459
shall register personally with the sheriff of the county in 21460
which the offender resides or that sheriff's designee. The 21461
registrant shall obtain from the sheriff or designee a copy of a 21462
registration form prescribed by the attorney general that 21463
conforms to division (C) (2) of this section, shall complete and 21464
sign the form, and shall return to the sheriff or designee the 21465
completed and signed form together with the identification 21466
records required under division (C) (3) of this section. 21467

(2) The registration form to be used under division (C) (1) 21468
of this section shall include or contain all of the following 21469
for the arson offender or out-of-state arson offender who is 21470
registering: 21471

(a) The arson offender's or out-of-state arson offender's 21472
full name and any alias used; 21473

(b) The arson offender's or out-of-state arson offender's 21474
residence address; 21475

(c) The arson offender's or out-of-state arson offender's social security number; 21476
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(d) Any driver's license number, commercial driver's license number, or state identification card number issued to the arson offender or out-of-state arson offender by this or another state; 21478
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(e) The offense ~~that~~ of which the arson offender or out-of-state arson offender was convicted ~~of~~ or to which the offender pleaded guilty to; 21482
21483
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(f) The name and address of any place where the arson offender or out-of-state arson offender is employed; 21485
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(g) The name and address of any school or institution of higher education that the arson offender or out-of-state arson offender is attending; 21487
21488
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(h) The identification license plate number of each vehicle owned or operated by the arson offender or out-of-state arson offender or registered in the arson offender's or out-of-state arson offender's name, the vehicle identification number of each vehicle, and a description of each vehicle; 21490
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(i) A description of any scars, tattoos, or other distinguishing marks on the arson offender or out-of-state arson offender; 21495
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(j) Any other information required by the attorney general. 21498
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(3) The arson offender or out-of-state arson offender shall provide fingerprints and palm prints at the time of registration. The sheriff or sheriff's designee shall obtain a photograph of the arson offender or out-of-state arson offender 21500
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at the time of registration. 21504

(D) (1) Each arson offender or out-of-state arson offender 21505
shall reregister annually, in person, with the sheriff of the 21506
county in which the offender resides or that sheriff's designee 21507
within ten days of the anniversary of the calendar date on which 21508
the offender initially registered. The registrant shall 21509
reregister by completing, signing, and returning to the sheriff 21510
or designee a copy of the registration form prescribed by the 21511
attorney general and described in divisions (C) (1) and (2) of 21512
this section, amending any information required under division 21513
(C) of this section that has changed since the registrant's last 21514
registration, and providing any additional registration 21515
information required by the attorney general. The sheriff or 21516
designee with whom the arson offender or out-of-state arson 21517
offender reregisters shall obtain a new photograph of the 21518
offender annually when the offender reregisters. Additionally, 21519
if the arson offender's or out-of-state arson offender's most 21520
recent registration or reregistration was with a sheriff or 21521
designee of a sheriff of a different county, the offender shall 21522
provide written notice of the offender's change of residence 21523
address to that sheriff or a designee of that sheriff. 21524

(2) (a) Except as provided in division (D) (2) (b) of this 21525
section, the duty of an arson offender or out-of-state arson 21526
offender to reregister annually shall continue until the 21527
offender's death. 21528

(b) The judge may limit an arson offender's duty to 21529
reregister at an arson offender's sentencing hearing to not less 21530
than ten years if the judge receives a request from the 21531
prosecutor and the investigating law enforcement agency to 21532
consider limiting the arson offender's registration period. 21533

(3) The official in charge of a jail, workhouse, state
correctional institution, or other institution shall notify the
attorney general in accordance with rules adopted by the
attorney general pursuant to Chapter 119. of the Revised Code if
a registered arson offender or out-of-state arson offender is
confined in the jail, workhouse, state correctional institution,
or other institution.

(E) (1) After an arson offender or out-of-state arson
offender registers or reregisters with a sheriff or a sheriff's
designee pursuant to this section, the sheriff or designee shall
forward the offender's signed, written registration form,
photograph, fingerprints, palm prints, and other materials to
the bureau of criminal identification and investigation in
accordance with forwarding procedures adopted by the attorney
general under division (G) of this section. The bureau shall
include the information and materials forwarded to it under this
division in the registry of arson offenders and out-of-state
arson offenders established and maintained under division (E) (2)
of this section.

(2) The bureau of criminal identification and
investigation shall establish and maintain a registry of arson
offenders and out-of-state arson offenders that includes the
information and materials the bureau receives pursuant to
division (D) (1) of this section. The bureau shall make the
registry available to the fire marshal's office, to state and
local law enforcement officers, and to any firefighter who is
authorized by the chief of the agency the firefighter serves to
review the record through the Ohio law enforcement gateway or
its successor. The registry of arson offenders and out-of-state
arson offenders maintained by the bureau is not a public record
under section 149.43 of the Revised Code.

(F) Each sheriff or sheriff's designee with whom an arson offender or out-of-state arson offender registers or reregisters under this section shall collect a registration fee of fifty dollars and an annual reregistration fee of twenty-five dollars from each arson offender or out-of-state arson offender who registers or reregisters with the sheriff or designee. By the last day of March, the last day of June, the last day of September, and the last day of December in each year, each sheriff who collects or whose designee collects any fees under this division in the preceding three-month period shall send to the attorney general the fees collected during that period. The fees shall be used for the maintenance of the registry of arson offenders and out-of-state arson offenders. A sheriff or designee may waive a fee for an indigent arson offender or out-of-state arson offender.

(G) The attorney general shall prescribe the forms to be used by arson offenders and out-of-state arson offenders to register, reregister, and provide notice of a change of residence address under divisions (A) to (D) of this section. The attorney general shall adopt procedures for sheriffs to use to forward information, photographs, fingerprints, palm prints, and other materials to the bureau of criminal identification and investigation pursuant to division (E)(1) of this section.

(H) Whoever fails to register or reregister as required by this section is guilty of a felony of the fifth degree. If an arson offender or out-of-state arson offender is ~~subject to a community control sanction, is on probation or parole, is subject to one or more post-release control sanctions,~~ or is subject to any other type of supervised release at the time of the violation, the violation shall constitute a violation of the terms and conditions of the ~~community control sanction~~

probation, parole, ~~post-release control sanction~~, or other type 21596
of supervised ~~released~~ release. 21597

Sec. 2951.041. (A) (1) If an offender is charged with a 21598
criminal offense, including but not limited to a violation of 21599
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 21600
of the Revised Code, and the court has reason to believe that 21601
drug or alcohol usage by the offender was a factor leading to 21602
the criminal offense with which the offender is charged or that, 21603
at the time of committing that offense, the offender had a 21604
mental illness, was a person with an intellectual disability, or 21605
was a victim of a violation of section 2905.32 or 2907.21 of the 21606
Revised Code and that the mental illness, status as a person 21607
with an intellectual disability, or fact that the offender was a 21608
victim of a violation of section 2905.32 or 2907.21 of the 21609
Revised Code was a factor leading to the offender's criminal 21610
behavior, the court may accept, prior to the entry of a guilty 21611
plea, the offender's request for intervention in lieu of 21612
conviction. The request shall include a statement from the 21613
offender as to whether the offender is alleging that drug or 21614
alcohol usage by the offender was a factor leading to the 21615
criminal offense with which the offender is charged or is 21616
alleging that, at the time of committing that offense, the 21617
offender had a mental illness, was a person with an intellectual 21618
disability, or was a victim of a violation of section 2905.32 or 21619
2907.21 of the Revised Code and that the mental illness, status 21620
as a person with an intellectual disability, or fact that the 21621
offender was a victim of a violation of section 2905.32 or 21622
2907.21 of the Revised Code was a factor leading to the criminal 21623
offense with which the offender is charged. The request also 21624
shall include a waiver of the defendant's right to a speedy 21625
trial, the preliminary hearing, the time period within which the 21626

grand jury may consider an indictment against the offender, and 21627
arraignment, unless the hearing, indictment, or arraignment has 21628
already occurred. Unless an offender alleges that drug or 21629
alcohol usage by the offender was a factor leading to the 21630
criminal offense with which the offender is charged, the court 21631
may reject an offender's request without a hearing. If the court 21632
elects to consider an offender's request or the offender alleges 21633
that drug or alcohol usage by the offender was a factor leading 21634
to the criminal offense with which the offender is charged, the 21635
court shall conduct a hearing to determine whether the offender 21636
is eligible under this section for intervention in lieu of 21637
conviction and shall stay all criminal proceedings pending the 21638
outcome of the hearing. If the court schedules a hearing, the 21639
court shall order an assessment of the offender for the purpose 21640
of determining the offender's program eligibility for 21641
intervention in lieu of conviction and recommending an 21642
appropriate intervention plan. 21643

If the offender alleges that drug or alcohol usage by the 21644
offender was a factor leading to the criminal offense with which 21645
the offender is charged, the court may order that the offender 21646
be assessed by a community addiction services provider or a 21647
properly credentialed professional for the purpose of 21648
determining the offender's program eligibility for intervention 21649
in lieu of conviction and recommending an appropriate 21650
intervention plan. The community addiction services provider or 21651
the properly credentialed professional shall provide a written 21652
assessment of the offender to the court. 21653

(2) The victim notification provisions of division (C) of 21654
section 2930.06 of the Revised Code apply in relation to any 21655
hearing held under division (A)(1) of this section. 21656

(B) An offender is eligible for intervention in lieu of conviction if the court finds all of the following: 21657
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(1) The offender previously has not been convicted of or pleaded guilty to any felony offense of violence. 21659
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(2) The offense is not a felony of the first, second, or third degree, is not an offense of violence, is not a felony sex offense, is not a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code, is not a violation of division (A) (1) of section 2903.08 of the Revised Code, is not a violation of division (A) of section 4511.19 of the Revised Code or a municipal ordinance that is substantially similar to that division, and is not an offense for which a sentencing court is required to impose a mandatory prison term. 21661
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(3) The offender is not charged with a violation of section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged with a violation of section 2925.03 of the Revised Code that is a felony of the first, second, third, or fourth degree, and is not charged with a violation of section 2925.11 of the Revised Code that is a felony of the first or second degree. 21670
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(4) If an offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court has ordered that the offender be assessed by a community addiction services provider or a properly credentialed professional for the purpose of determining the offender's program eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan, the offender has been assessed by a community addiction services provider of that nature or a properly credentialed professional in accordance with the court's order, and the community addiction services provider or properly 21676
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credentialed professional has filed the written assessment of 21687
the offender with the court. 21688

(5) If an offender alleges that, at the time of committing 21689
the criminal offense with which the offender is charged, the 21690
offender had a mental illness, was a person with an intellectual 21691
disability, or was a victim of a violation of section 2905.32 or 21692
2907.21 of the Revised Code and that the mental illness, status 21693
as a person with an intellectual disability, or fact that the 21694
offender was a victim of a violation of section 2905.32 or 21695
2907.21 of the Revised Code was a factor leading to that 21696
offense, the offender has been assessed by a psychiatrist, 21697
psychologist, independent social worker, licensed professional 21698
clinical counselor, or independent marriage and family therapist 21699
for the purpose of determining the offender's program 21700
eligibility for intervention in lieu of conviction and 21701
recommending an appropriate intervention plan. 21702

(6) The offender's drug usage, alcohol usage, mental 21703
illness, or intellectual disability, or the fact that the 21704
offender was a victim of a violation of section 2905.32 or 21705
2907.21 of the Revised Code, whichever is applicable, was a 21706
factor leading to the criminal offense with which the offender 21707
is charged, intervention in lieu of conviction would not demean 21708
the seriousness of the offense, and intervention would 21709
substantially reduce the likelihood of any future criminal 21710
activity. 21711

(7) The alleged victim of the offense was not sixty-five 21712
years of age or older, permanently and totally disabled, under 21713
thirteen years of age, or a peace officer engaged in the 21714
officer's official duties at the time of the alleged offense. 21715

(8) If the offender is charged with a violation of section 21716

2925.24 of the Revised Code, the alleged violation did not 21717
result in physical harm to any person. 21718

(9) The offender is willing to comply with all terms and 21719
conditions imposed by the court pursuant to division (D) of this 21720
section. 21721

(10) The offender is not charged with an offense that 21722
would result in the offender being disqualified under Chapter 21723
4506. of the Revised Code from operating a commercial motor 21724
vehicle or would subject the offender to any other sanction 21725
under that chapter. 21726

(C) At the conclusion of a hearing held pursuant to 21727
division (A) of this section, the court shall determine whether 21728
the offender will be granted intervention in lieu of conviction. 21729
In making this determination, the court shall presume that 21730
intervention in lieu of conviction is appropriate. If the court 21731
finds under this division and division (B) of this section that 21732
the offender is eligible for intervention in lieu of conviction, 21733
the court shall grant the offender's request unless the court 21734
finds specific reasons to believe that the candidate's 21735
participation in intervention in lieu of conviction would be 21736
inappropriate. 21737

If the court denies an eligible offender's request for 21738
intervention in lieu of conviction, the court shall state the 21739
reasons for the denial, with particularity, in a written entry. 21740

If the court grants the offender's request, the court 21741
shall accept the offender's plea of guilty and waiver of the 21742
defendant's right to a speedy trial, the preliminary hearing, 21743
the time period within which the grand jury may consider an 21744
indictment against the offender, and arraignment, unless the 21745

hearing, indictment, or arraignment has already occurred. In 21746
addition, the court then may stay all criminal proceedings and 21747
order the offender to comply with all terms and conditions 21748
imposed by the court pursuant to division (D) of this section. 21749
If the court finds that the offender is not eligible or does not 21750
grant the offender's request, the criminal proceedings against 21751
the offender shall proceed as if the offender's request for 21752
intervention in lieu of conviction had not been made. 21753

(D) If the court grants an offender's request for 21754
intervention in lieu of conviction, the court shall place the 21755
offender under the general control and supervision of the county 21756
probation department, the adult parole authority, or another 21757
appropriate local probation or court services agency, if one 21758
exists, as if the offender was subject to a community control 21759
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 21760
the Revised Code. The court shall establish an intervention plan 21761
for the offender. The terms and conditions of the intervention 21762
plan shall require the offender, for at least one year, but not 21763
more than five years, from the date on which the court grants 21764
the order of intervention in lieu of conviction, to abstain from 21765
the use of illegal drugs and alcohol, to participate in 21766
treatment and recovery support services, and to submit to 21767
regular random testing for drug and alcohol use and may include 21768
any other treatment terms and conditions, or terms and 21769
conditions similar to community control sanctions, which may 21770
include community service or restitution, that are ordered by 21771
the court. 21772

(E) If the court grants an offender's request for 21773
intervention in lieu of conviction and the court finds that the 21774
offender has successfully completed the intervention plan for 21775
the offender, including the requirement that the offender 21776

abstain from using illegal drugs and alcohol for a period of at 21777
least one year, but not more than five years, from the date on 21778
which the court granted the order of intervention in lieu of 21779
conviction, the requirement that the offender participate in 21780
treatment and recovery support services, and all other terms and 21781
conditions ordered by the court, the court shall dismiss the 21782
proceedings against the offender. Successful completion of the 21783
intervention plan and period of abstinence under this section 21784
shall be without adjudication of guilt and is not a criminal 21785
conviction for purposes of any disqualification or disability 21786
imposed by law and upon conviction of a crime, and the court may 21787
order the sealing or expungement of records related to the 21788
offense in question, as a dismissal of the charges, in the 21789
manner provided in sections ~~2953.51 to 2953.56~~ 2953.31, 2953.33, 21790
2953.37, and 2953.521 of the Revised Code and divisions (H), 21791
(K), and (L) of section 2953.34 of the Revised Code. 21792

(F) If the court grants an offender's request for 21793
intervention in lieu of conviction and the offender fails to 21794
comply with any term or condition imposed as part of the 21795
intervention plan for the offender, the supervising authority 21796
for the offender promptly shall advise the court of this 21797
failure, and the court shall hold a hearing to determine whether 21798
the offender failed to comply with any term or condition imposed 21799
as part of the plan. If the court determines that the offender 21800
has failed to comply with any of those terms and conditions, it 21801
may continue the offender on intervention in lieu of conviction, 21802
continue the offender on intervention in lieu of conviction with 21803
additional terms, conditions, and sanctions, or enter a finding 21804
of guilty and impose an appropriate sanction under Chapter 2929. 21805
of the Revised Code. If the court sentences the offender to a 21806
prison term, the court, after consulting with the department of 21807

rehabilitation and correction regarding the availability of 21808
services, may order continued court-supervised activity and 21809
treatment of the offender during the prison term and, upon 21810
consideration of reports received from the department concerning 21811
the offender's progress in the program of activity and 21812
treatment, may consider judicial release under section 2929.20 21813
of the Revised Code. 21814

(G) As used in this section: 21815

(1) "Community addiction services provider" has the same 21816
meaning as in section 5119.01 of the Revised Code. 21817

(2) "Community control sanction" has the same meaning as 21818
in section 2929.01 of the Revised Code. 21819

(3) "Intervention in lieu of conviction" means any court- 21820
supervised activity that complies with this section. 21821

(4) "Intellectual disability" has the same meaning as in 21822
section 5123.01 of the Revised Code. 21823

(5) "Peace officer" has the same meaning as in section 21824
2935.01 of the Revised Code. 21825

(6) "Mental illness" and "psychiatrist" have the same 21826
meanings as in section 5122.01 of the Revised Code. 21827

(7) "Psychologist" has the same meaning as in section 21828
4732.01 of the Revised Code. 21829

(8) "Felony sex offense" means a violation of a section 21830
contained in Chapter 2907. of the Revised Code that is a felony. 21831

Sec. 2953.08. (A) In addition to any other right to appeal 21832
and except as provided in division (D) of this section, a 21833
defendant who is convicted of or pleads guilty to a felony may 21834

appeal as a matter of right the sentence imposed upon the 21835
defendant on one of the following grounds: 21836

(1) The sentence consisted of or included the maximum 21837
definite prison term allowed for the offense by division (A) of 21838
section 2929.14 or section 2929.142 of the Revised Code or, with 21839
respect to a non-life felony indefinite prison term, the longest 21840
minimum prison term allowed for the offense by division (A) (1) 21841
(a) or (2) (a) of section 2929.14 of the Revised Code, the 21842
maximum definite prison term or longest minimum prison term was 21843
not required for the offense pursuant to Chapter 2925. or any 21844
other provision of the Revised Code, and the court imposed the 21845
sentence under one of the following circumstances: 21846

(a) The sentence was imposed for only one offense. 21847

(b) The sentence was imposed for two or more offenses 21848
arising out of a single incident, and the court imposed the 21849
maximum definite prison term or longest minimum prison term for 21850
the offense of the highest degree. 21851

(2) The sentence consisted of or included a prison term 21852
and the offense for which it was imposed is a felony of the 21853
fourth or fifth degree or is a felony drug offense that is a 21854
violation of a provision of Chapter 2925. of the Revised Code 21855
and that is specified as being subject to division (B) of 21856
section 2929.13 of the Revised Code for purposes of sentencing. 21857
If the court specifies that it found one or more of the factors 21858
in division (B) (1) (b) of section 2929.13 of the Revised Code to 21859
apply relative to the defendant, the defendant is not entitled 21860
under this division to appeal as a matter of right the sentence 21861
imposed upon the offender. 21862

(3) The person was convicted of or pleaded guilty to a 21863

violent sex offense or a designated homicide, assault, or kidnapping offense, was adjudicated a sexually violent predator in relation to that offense, and was sentenced pursuant to division (A) (3) of section 2971.03 of the Revised Code, if the minimum term of the indefinite term imposed pursuant to division (A) (3) of section 2971.03 of the Revised Code is the longest term available for the offense from among the range of definite terms listed in section 2929.14 of the Revised Code or, with respect to a non-life felony indefinite prison term, the longest minimum prison term allowed for the offense by division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code. As used in this division, "designated homicide, assault, or kidnapping offense" and "violent sex offense" have the same meanings as in section 2971.01 of the Revised Code. As used in this division, "adjudicated a sexually violent predator" has the same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.

(4) The sentence is contrary to law.

(5) The sentence consisted of an additional prison term of ten years imposed pursuant to division (B) (2) (a) of section 2929.14 of the Revised Code.

(B) In addition to any other right to appeal and except as provided in division (D) of this section, a prosecuting attorney, a city director of law, village solicitor, or similar chief legal officer of a municipal corporation, or the attorney general, if one of those persons prosecuted the case, may appeal as a matter of right a sentence imposed upon a defendant who is convicted of or pleads guilty to a felony or, in the circumstances described in division (B) (3) of this section the

modification of a sentence imposed upon such a defendant, on any 21894
of the following grounds: 21895

(1) The sentence did not include a prison term despite a 21896
presumption favoring a prison term for the offense for which it 21897
was imposed, as set forth in section 2929.13 or Chapter 2925. of 21898
the Revised Code. 21899

(2) The sentence is contrary to law. 21900

(3) The sentence is a modification under section 2929.20 21901
of the Revised Code of a sentence that was imposed for a felony 21902
of the first or second degree. 21903

(C) (1) In addition to the right to appeal a sentence 21904
granted under division (A) or (B) of this section, a defendant 21905
who is convicted of or pleads guilty to a felony may seek leave 21906
to appeal a sentence imposed upon the defendant on the basis 21907
that the sentencing judge has imposed consecutive sentences 21908
under division (C) (3) of section 2929.14 of the Revised Code and 21909
that the consecutive sentences exceed the maximum definite 21910
prison term allowed by division (A) of that section for the most 21911
serious offense of which the defendant was convicted or, with 21912
respect to a non-life felony indefinite prison term, exceed the 21913
longest minimum prison term allowed by division (A) (1) (a) or (2) 21914
(a) of that section for the most serious such offense. Upon the 21915
filing of a motion under this division, the court of appeals may 21916
grant leave to appeal the sentence if the court determines that 21917
the allegation included as the basis of the motion is true. 21918

(2) A defendant may seek leave to appeal an additional 21919
sentence imposed upon the defendant pursuant to division (B) (2) 21920
(a) or (b) of section 2929.14 of the Revised Code if the 21921
additional sentence is for a definite prison term that is longer 21922

than five years. 21923

(D) (1) A sentence imposed upon a defendant is not subject 21924
to review under this section if the sentence is authorized by 21925
law, has been recommended jointly by the defendant and the 21926
prosecution in the case, and is imposed by a sentencing judge. 21927

(2) Except as provided in division (C) (2) of this section, 21928
a sentence imposed upon a defendant is not subject to review 21929
under this section if the sentence is imposed pursuant to 21930
division (B) (2) (b) of section 2929.14 of the Revised Code. 21931
Except as otherwise provided in this division, a defendant 21932
retains all rights to appeal as provided under this chapter or 21933
any other provision of the Revised Code. A defendant has the 21934
right to appeal under this chapter or any other provision of the 21935
Revised Code the court's application of division (B) (2) (c) of 21936
section 2929.14 of the Revised Code. 21937

(3) A sentence imposed for aggravated murder or murder 21938
pursuant to sections 2929.02 to 2929.06 of the Revised Code is 21939
not subject to review under this section. 21940

(4) A sentence imposed for a violation of section 2907.011 21941
of the Revised Code is not subject to review under this section. 21942

(E) A defendant, prosecuting attorney, city director of 21943
law, village solicitor, or chief municipal legal officer shall 21944
file an appeal of a sentence under this section to a court of 21945
appeals within the time limits specified in Rule 4(B) of the 21946
Rules of Appellate Procedure, provided that if the appeal is 21947
pursuant to division (B) (3) of this section, the time limits 21948
specified in that rule shall not commence running until the 21949
court grants the motion that makes the sentence modification in 21950
question. A sentence appeal under this section shall be 21951

consolidated with any other appeal in the case. If no other 21952
appeal is filed, the court of appeals may review only the 21953
portions of the trial record that pertain to sentencing. 21954

(F) On the appeal of a sentence under this section, the 21955
record to be reviewed shall include all of the following, as 21956
applicable: 21957

(1) Any presentence, psychiatric, or other investigative 21958
report that was submitted to the court in writing before the 21959
sentence was imposed. An appellate court that reviews a 21960
presentence investigation report prepared pursuant to section 21961
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 21962
connection with the appeal of a sentence under this section 21963
shall comply with division (D) (3) of section 2951.03 of the 21964
Revised Code when the appellate court is not using the 21965
presentence investigation report, and the appellate court's use 21966
of a presentence investigation report of that nature in 21967
connection with the appeal of a sentence under this section does 21968
not affect the otherwise confidential character of the contents 21969
of that report as described in division (D) (1) of section 21970
2951.03 of the Revised Code and does not cause that report to 21971
become a public record, as defined in section 149.43 of the 21972
Revised Code, following the appellate court's use of the report. 21973

(2) The trial record in the case in which the sentence was 21974
imposed; 21975

(3) Any oral or written statements made to or by the court 21976
at the sentencing hearing at which the sentence was imposed; 21977

(4) Any written findings that the court was required to 21978
make in connection with the modification of the sentence 21979
pursuant to a judicial release under division (I) of section 21980

2929.20 of the Revised Code. 21981

(G) (1) If the sentencing court was required to make the 21982
findings required by division (B) or (D) of section 2929.13 or 21983
division (I) of section 2929.20 of the Revised Code, or to state 21984
the findings of the trier of fact required by division (B) (2) (e) 21985
of section 2929.14 of the Revised Code, relative to the 21986
imposition or modification of the sentence, and if the 21987
sentencing court failed to state the required findings on the 21988
record, the court hearing an appeal under division (A), (B), or 21989
(C) of this section shall remand the case to the sentencing 21990
court and instruct the sentencing court to state, on the record, 21991
the required findings. 21992

(2) The court hearing an appeal under division (A), (B), 21993
or (C) of this section shall review the record, including the 21994
findings underlying the sentence or modification given by the 21995
sentencing court. 21996

The appellate court may increase, reduce, or otherwise 21997
modify a sentence that is appealed under this section or may 21998
vacate the sentence and remand the matter to the sentencing 21999
court for resentencing. The appellate court's standard for 22000
review is not whether the sentencing court abused its 22001
discretion. The appellate court may take any action authorized 22002
by this division if it clearly and convincingly finds either of 22003
the following: 22004

(a) That the record does not support the sentencing 22005
court's findings under division (B) or (D) of section 2929.13, 22006
division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) 22007
of section 2929.20 of the Revised Code, whichever, if any, is 22008
relevant; 22009

(b) That the sentence is otherwise contrary to law.	22010
(H) A judgment or final order of a court of appeals under this section may be appealed, by leave of court, to the supreme court.	22011 22012 22013
(I) As used in this section, "non-life felony indefinite prison term" has the same meaning as in section 2929.01 of the Revised Code.	22014 22015 22016
Sec. 2953.25. (A) As used in this section:	22017
(1) "Collateral sanction" means a penalty, disability, or disadvantage that is related to employment or occupational licensing, however denominated, as a result of the individual's conviction of or plea of guilty to an offense and that applies by operation of law in this state whether or not the penalty, disability, or disadvantage is included in the sentence or judgment imposed.	22018 22019 22020 22021 22022 22023 22024
"Collateral sanction" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.	22025 22026 22027
(2) "Decision-maker" includes, but is not limited to, the state acting through a department, agency, board, commission, or instrumentality established by the law of this state for the exercise of any function of government, a political subdivision, an educational institution, or a government contractor or subcontractor made subject to this section by contract, law, or ordinance.	22028 22029 22030 22031 22032 22033 22034
(3) "Department-funded program" means a residential or nonresidential program that is not a term in a state correctional institution, that is funded in whole or part by the department of rehabilitation and correction, and that is imposed	22035 22036 22037 22038

as a sanction for an offense, as part of a sanction that is 22039
imposed for an offense, or as a term or condition of any 22040
sanction that is imposed for an offense. 22041

(4) "Designee" means the person designated by the deputy 22042
director of the division of parole and community services to 22043
perform the duties designated in division (B) of this section. 22044

(5) "Division of parole and community services" means the 22045
division of parole and community services of the department of 22046
rehabilitation and correction. 22047

(6) "Offense" means any felony or misdemeanor under the 22048
laws of this state. 22049

(7) "Political subdivision" has the same meaning as in 22050
section 2969.21 of the Revised Code. 22051

(8) "Discretionary civil impact," "licensing agency," and 22052
"mandatory civil impact" have the same meanings as in section 22053
2961.21 of the Revised Code. 22054

(B) (1) An individual who is subject to one or more 22055
collateral sanctions as a result of being convicted of or 22056
pleading guilty to an offense and who either has served a term 22057
in a state correctional institution for any offense or has spent 22058
time in a department-funded program for any offense may file a 22059
petition with the designee of the deputy director of the 22060
division of parole and community services for a certificate of 22061
qualification for employment. 22062

(2) An individual who is subject to one or more collateral 22063
sanctions as a result of being convicted of or pleading guilty 22064
to an offense and who is not in a category described in division 22065
(B) (1) of this section may file for a certificate of 22066
qualification for employment by doing either of the following: 22067

(a) In the case of an individual who resides in this state, filing a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services;

(b) In the case of an individual who resides outside of this state, filing a petition with the court of common pleas of any county in which any conviction or plea of guilty from which the individual seeks relief was entered or with the designee of the deputy director of the division of parole and community services.

(3) A petition under division (B) (1) or (2) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (J) of this section, shall contain all of the information described in division (F) of this section, and, except as provided in division (B) (6) of this section, shall be accompanied by an application fee of fifty dollars.

(4) (a) Except as provided in division (B) (4) (b) of this section, an individual may file a petition under division (B) (1) or (2) of this section at any time after the expiration of whichever of the following is applicable:

(i) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at any time after the expiration of one year from the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration

of one year from the date of the individual's final release from 22098
all other sanctions imposed for that offense. 22099

(ii) If the offense that resulted in the collateral 22100
sanction from which the individual seeks relief is a 22101
misdemeanor, at any time after the expiration of six months from 22102
the date of release of the individual from any period of 22103
incarceration in a local correctional facility that was imposed 22104
for that offense and all periods of supervision imposed after 22105
release from the period of incarceration or, if the individual 22106
was not incarcerated for that offense, at any time after the 22107
expiration of six months from the date of the final release of 22108
the individual from all sanctions imposed for that offense 22109
including any period of supervision. 22110

(b) The department of rehabilitation and correction may 22111
establish criteria by rule adopted under Chapter 119. of the 22112
Revised Code that, if satisfied by an individual, would allow 22113
the individual to file a petition before the expiration of six 22114
months or one year from the date of final release, whichever is 22115
applicable under division (B) (4) (a) of this section. 22116

(5) (a) A designee that receives a petition for a 22117
certificate of qualification for employment from an individual 22118
under division (B) (1) or (2) of this section shall review the 22119
petition to determine whether it is complete. If the petition is 22120
complete, the designee shall forward the petition, the 22121
application fee, and any other information the designee 22122
possesses that relates to the petition, to the court of common 22123
pleas of the county in which the individual resides if the 22124
individual submitting the petition resides in this state or, if 22125
the individual resides outside of this state, to the court of 22126
common pleas of the county in which the conviction or plea of 22127

guilty from which the individual seeks relief was entered. 22128

(b) A court of common pleas that receives a petition for a 22129
certificate of qualification for employment from an individual 22130
under division (B) (2) of this section, or that is forwarded a 22131
petition for such a certificate under division (B) (5) (a) of this 22132
section, shall attempt to determine all other courts in this 22133
state in which the individual was convicted of or pleaded guilty 22134
to an offense other than the offense from which the individual 22135
is seeking relief. The court that receives or is forwarded the 22136
petition shall notify all other courts in this state that it 22137
determines under this division were courts in which the 22138
individual was convicted of or pleaded guilty to an offense 22139
other than the offense from which the individual is seeking 22140
relief that the individual has filed the petition and that the 22141
court may send comments regarding the possible issuance of the 22142
certificate. 22143

A court of common pleas that receives a petition for a 22144
certificate of qualification for employment under division (B) 22145
(2) of this section shall notify the county's prosecuting 22146
attorney that the individual has filed the petition. 22147

A court of common pleas that receives a petition for a 22148
certificate of qualification for employment under division (B) 22149
(2) of this section, or that is forwarded a petition for 22150
qualification under division (B) (5) (a) of this section may 22151
direct the clerk of court to process and record all notices 22152
required in or under this section. Except as provided in 22153
division (B) (6) of this section, the court shall pay thirty 22154
dollars of the application fee into the state treasury and 22155
twenty dollars of the application fee into the county general 22156
revenue fund. 22157

(6) Upon receiving a petition for a certificate of 22158
qualification for employment filed by an individual under 22159
division (B) (1) or (2) of this section, a court of common pleas 22160
or the designee of the deputy director of the division of parole 22161
and community services who receives the petition may waive all 22162
or part of the fifty-dollar filing fee for an applicant who is 22163
indigent. If an application fee is partially waived, the first 22164
twenty dollars of the fee that is collected shall be paid into 22165
the county general revenue fund. Any partial fee collected in 22166
excess of twenty dollars shall be paid into the state treasury. 22167

(C) (1) Upon receiving a petition for a certificate of 22168
qualification for employment filed by an individual under 22169
division (B) (2) of this section or being forwarded a petition 22170
for such a certificate under division (B) (5) (a) of this section, 22171
the court shall review the individual's petition, the 22172
individual's criminal history, except for information contained 22173
in any record that has been sealed under section 2953.32 of the 22174
Revised Code, all filings submitted by the prosecutor or by the 22175
victim in accordance with rules adopted by the division of 22176
parole and community services, the applicant's military service 22177
record, if applicable, and whether the applicant has an 22178
emotional, mental, or physical condition that is traceable to 22179
the applicant's military service in the armed forces of the 22180
United States and that was a contributing factor in the 22181
commission of the offense or offenses, and all other relevant 22182
evidence. The court may order any report, investigation, or 22183
disclosure by the individual that the court believes is 22184
necessary for the court to reach a decision on whether to 22185
approve the individual's petition for a certificate of 22186
qualification for employment, except that the court shall not 22187
require an individual to disclose information about any record 22188

sealed under section 2953.32 of the Revised Code. 22189

(2) Upon receiving a petition for a certificate of 22190
qualification for employment filed by an individual under 22191
division (B) (2) of this section or being forwarded a petition 22192
for such a certificate under division (B) (5) (a) of this section, 22193
except as otherwise provided in this division, the court shall 22194
decide whether to issue the certificate within sixty days after 22195
the court receives or is forwarded the completed petition and 22196
all information requested for the court to make that decision. 22197
Upon request of the individual who filed the petition, the court 22198
may extend the sixty-day period specified in this division. 22199

(3) Except as provided in division (C) (5) of this section 22200
and subject to division (C) (7) of this section, a court that 22201
receives an individual's petition for a certificate of 22202
qualification for employment under division (B) (2) of this 22203
section or that is forwarded a petition for such a certificate 22204
under division (B) (5) (a) of this section may issue a certificate 22205
of qualification for employment, at the court's discretion, if 22206
the court finds that the individual has established all of the 22207
following by a preponderance of the evidence: 22208

(a) Granting the petition will materially assist the 22209
individual in obtaining employment or occupational licensing. 22210

(b) The individual has a substantial need for the relief 22211
requested in order to live a law-abiding life. 22212

(c) Granting the petition would not pose an unreasonable 22213
risk to the safety of the public or any individual. 22214

(4) The submission of an incomplete petition by an 22215
individual shall not be grounds for the designee or court to 22216
deny the petition. 22217

(5) Subject to division (C) (6) of this section, an individual is rebuttably presumed to be eligible for a certificate of qualification for employment if the court that receives the individual's petition under division (B) (2) of this section or that is forwarded a petition under division (B) (5) (a) of this section finds all of the following:

(a) The application was filed after the expiration of the applicable waiting period prescribed in division (B) (4) of this section;

(b) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at least three years have elapsed since the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least three years have elapsed since the date of the individual's final release from all other sanctions imposed for that offense;

(c) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at least one year has elapsed since the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least one year has elapsed since the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision.

(6) An application that meets all of the requirements for 22248
the presumption under division (C) (5) of this section shall be 22249
denied only if the court that receives the petition finds that 22250
the evidence reviewed under division (C) (1) of this section 22251
rebutts the presumption of eligibility for issuance by 22252
establishing, by clear and convincing evidence, that the 22253
applicant has not been rehabilitated. 22254

(7) A certificate of qualification for employment shall 22255
not create relief from any of the following collateral 22256
sanctions: 22257

(a) Requirements imposed by Chapter 2950. of the Revised 22258
Code and rules adopted under sections 2950.13 and 2950.132 of 22259
the Revised Code; 22260

(b) A driver's license, commercial driver's license, or 22261
probationary license suspension, cancellation, or revocation 22262
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 22263
the Revised Code if the relief sought is available pursuant to 22264
section 4510.021 or division (B) of section 4510.13 of the 22265
Revised Code; 22266

(c) Restrictions on employment as a prosecutor or law 22267
enforcement officer; 22268

(d) The denial, ineligibility, or automatic suspension of 22269
a license that is imposed upon an individual applying for or 22270
holding a license as a health care professional under Title 22271
XLVII of the Revised Code if the individual is convicted of, 22272
pleads guilty to, is subject to a judicial finding of 22273
eligibility for intervention in lieu of conviction in this state 22274
under section 2951.041 of the Revised Code, or is subject to 22275
treatment or intervention in lieu of conviction for a violation 22276

of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 22277
2907.03, 2907.05, 2909.02, 2911.01, ~~2911.11~~, 2911.03, 2919.123, 22278
or 2919.124 of the Revised Code; 22279

(e) The immediate suspension of a license, certificate, or 22280
evidence of registration that is imposed upon an individual 22281
holding a license as a health care professional under Title 22282
XLVII of the Revised Code pursuant to division (C) of section 22283
3719.121 of the Revised Code; 22284

(f) The denial or ineligibility for employment in a pain 22285
clinic under division (B) (4) of section 4729.552 of the Revised 22286
Code; 22287

(g) The mandatory suspension of a license that is imposed 22288
on an individual applying for or holding a license as a health 22289
care professional under Title XLVII of the Revised Code pursuant 22290
to section 3123.43 of the Revised Code. 22291

(8) If a court that receives an individual's petition for 22292
a certificate of qualification for employment under division (B) 22293
(2) of this section or that is forwarded a petition for such a 22294
certificate under division (B) (5) (a) of this section denies the 22295
petition, the court shall provide written notice to the 22296
individual of the court's denial. The court may place conditions 22297
on the individual regarding the individual's filing of any 22298
subsequent petition for a certificate of qualification for 22299
employment. The written notice must notify the individual of any 22300
conditions placed on the individual's filing of a subsequent 22301
petition for a certificate of qualification for employment. 22302

If a court of common pleas that receives an individual's 22303
petition for a certificate of qualification for employment under 22304
division (B) (2) of this section or that is forwarded a petition 22305

for such a certificate under division (B) (5) (a) of this section 22306
denies the petition, the individual may appeal the decision to 22307
the court of appeals only if the individual alleges that the 22308
denial was an abuse of discretion on the part of the court of 22309
common pleas. 22310

(D) (1) A certificate of qualification for employment 22311
issued to an individual lifts the automatic bar of a collateral 22312
sanction, and a decision-maker shall consider on a case-by-case 22313
basis whether to grant or deny the issuance or restoration of an 22314
occupational license or an employment opportunity, 22315
notwithstanding the individual's possession of the certificate, 22316
without, however, reconsidering or rejecting any finding made by 22317
a designee or court under division (C) (3) of this section. 22318

(2) The certificate constitutes a rebuttable presumption 22319
that the person's criminal convictions are insufficient evidence 22320
that the person is unfit for the license, employment 22321
opportunity, or certification in question. Notwithstanding the 22322
presumption established under this division, the agency may deny 22323
the license or certification for the person if it determines 22324
that the person is unfit for issuance of the license. 22325

(3) If an employer that has hired a person who has been 22326
issued a certificate of qualification for employment applies to 22327
a licensing agency for a license or certification and the person 22328
has a conviction or guilty plea that otherwise would bar the 22329
person's employment with the employer or licensure for the 22330
employer because of a mandatory civil impact, the agency shall 22331
give the person individualized consideration, notwithstanding 22332
the mandatory civil impact, the mandatory civil impact shall be 22333
considered for all purposes to be a discretionary civil impact, 22334
and the certificate constitutes a rebuttable presumption that 22335

the person's criminal convictions are insufficient evidence that 22336
the person is unfit for the employment, or that the employer is 22337
unfit for the license or certification, in question. 22338

(E) A certificate of qualification for employment does not 22339
grant the individual to whom the certificate was issued relief 22340
from the mandatory civil impacts identified in division (A) (1) 22341
of section 2961.01 or division (B) of section 2961.02 of the 22342
Revised Code. 22343

(F) A petition for a certificate of qualification for 22344
employment filed by an individual under division (B) (1) or (2) 22345
of this section shall include all of the following: 22346

(1) The individual's name, date of birth, and social 22347
security number; 22348

(2) All aliases of the individual and all social security 22349
numbers associated with those aliases; 22350

(3) The individual's residence address, including the 22351
city, county, and state of residence and zip code; 22352

(4) The length of time that the individual has resided in 22353
the individual's current state of residence, expressed in years 22354
and months of residence; 22355

(5) A general statement as to why the individual has filed 22356
the petition and how the certificate of qualification for 22357
employment would assist the individual; 22358

(6) A summary of the individual's criminal history, except 22359
for information contained in any record that has been sealed or 22360
expunged under section 2953.32 of the Revised Code, with respect 22361
to each offense that is a disqualification from employment or 22362
licensing in an occupation or profession, including the years of 22363

each conviction or plea of guilty for each of those offenses;	22364
(7) A summary of the individual's employment history,	22365
specifying the name of, and dates of employment with, each	22366
employer;	22367
(8) Verifiable references and endorsements;	22368
(9) The name of one or more immediate family members of	22369
the individual, or other persons with whom the individual has a	22370
close relationship, who support the individual's reentry plan;	22371
(10) A summary of the reason the individual believes the	22372
certificate of qualification for employment should be granted;	22373
(11) Any other information required by rule by the	22374
department of rehabilitation and correction.	22375
(G) (1) In a judicial or administrative proceeding alleging	22376
negligence or other fault, a certificate of qualification for	22377
employment issued to an individual under this section may be	22378
introduced as evidence of a person's due care in hiring,	22379
retaining, licensing, leasing to, admitting to a school or	22380
program, or otherwise transacting business or engaging in	22381
activity with the individual to whom the certificate of	22382
qualification for employment was issued if the person knew of	22383
the certificate at the time of the alleged negligence or other	22384
fault.	22385
(2) In any proceeding on a claim against an employer for	22386
negligent hiring, a certificate of qualification for employment	22387
issued to an individual under this section shall provide	22388
immunity for the employer as to the claim if the employer knew	22389
of the certificate at the time of the alleged negligence.	22390
(3) If an employer hires an individual who has been issued	22391

a certificate of qualification for employment under this 22392
section, if the individual, after being hired, subsequently 22393
demonstrates dangerousness or is convicted of or pleads guilty 22394
to a felony, and if the employer retains the individual as an 22395
employee after the demonstration of dangerousness or the 22396
conviction or guilty plea, the employer may be held liable in a 22397
civil action that is based on or relates to the retention of the 22398
individual as an employee only if it is proved by a 22399
preponderance of the evidence that the person having hiring and 22400
firing responsibility for the employer had actual knowledge that 22401
the employee was dangerous or had been convicted of or pleaded 22402
guilty to the felony and was willful in retaining the individual 22403
as an employee after the demonstration of dangerousness or the 22404
conviction or guilty plea of which the person has actual 22405
knowledge. 22406

(H) A certificate of qualification for employment issued 22407
under this section shall be revoked if the individual to whom 22408
the certificate of qualification for employment was issued is 22409
convicted of or pleads guilty to a felony offense committed 22410
subsequent to the issuance of the certificate of qualification 22411
for employment. The department of rehabilitation and correction 22412
shall periodically review the certificates listed in the 22413
database described in division (K) of this section to identify 22414
those that are subject to revocation under this division. Upon 22415
identifying a certificate of qualification for employment that 22416
is subject to revocation, the department shall note in the 22417
database that the certificate has been revoked, the reason for 22418
revocation, and the effective date of revocation, which shall be 22419
the date of the conviction or plea of guilty subsequent to the 22420
issuance of the certificate. 22421

(I) A designee's forwarding, or failure to forward, a 22422

petition for a certificate of qualification for employment to a 22423
court or a court's issuance, or failure to issue, a petition for 22424
a certificate of qualification for employment to an individual 22425
under division (B) of this section does not give rise to a claim 22426
for damages against the department of rehabilitation and 22427
correction or court. 22428

(J) The division of parole and community services shall 22429
adopt rules in accordance with Chapter 119. of the Revised Code 22430
for the implementation and administration of this section and 22431
shall prescribe the form for the petition to be used under 22432
division (B) (1) or (2) of this section. The form for the 22433
petition shall include places for all of the information 22434
specified in division (F) of this section. 22435

(K) The department of rehabilitation and correction shall 22436
maintain a database that identifies granted certificates and 22437
revoked certificates and tracks the number of certificates 22438
granted and revoked, the industries, occupations, and 22439
professions with respect to which the certificates have been 22440
most applicable, and the types of employers that have accepted 22441
the certificates. The department shall annually create a report 22442
that summarizes the information maintained in the database and 22443
shall make the report available to the public on its internet 22444
web site. 22445

Sec. 2953.31. As used in sections 2953.31 to ~~2953.36~~ 22446
2953.521 of the Revised Code: 22447

~~(A) (1) "Eligible offender" means either of the following:~~ 22448

~~(a) Anyone who has been convicted of one or more offenses~~ 22449
~~in this state or any other jurisdiction, if all of the offenses~~ 22450
~~in this state are felonies of the fourth or fifth degree or~~ 22451

~~misdemeanors and none of those offenses are an offense of
violence or a felony sex offense and all of the offenses in
another jurisdiction, if committed in this state, would be
felonies of the fourth or fifth degree or misdemeanors and none
of those offenses would be an offense of violence or a felony
sex offense;~~

~~(b) Anyone who has been convicted of an offense in this
state or any other jurisdiction, to whom division (A) (1) (a) of
this section does not apply, and who has not more than two
felony convictions, has not more than four misdemeanor
convictions, or, if the person has exactly two felony
convictions, has not more than those two felony convictions and
two misdemeanor convictions in this state or any other
jurisdiction. The conviction that is requested to be sealed
shall be a conviction that is eligible for sealing as provided
in section 2953.36 of the Revised Code. When two or more
convictions result from or are connected with the same act or
result from offenses committed at the same time, they shall be
counted as one conviction. When two or three convictions result
from the same indictment, information, or complaint, from the
same plea of guilty, or from the same official proceeding, and
result from related criminal acts that were committed within a
three-month period but do not result from the same act or from
offenses committed at the same time, they shall be counted as
one conviction, provided that a court may decide as provided in
division (C) (1) (a) of section 2953.32 of the Revised Code that
it is not in the public interest for the two or three
convictions to be counted as one conviction.~~

~~(2) For purposes of, and except as otherwise provided in,
division (A) (1) (b) of this section, a conviction for a minor
misdemeanor, for a violation of any section in Chapter 4507.,~~

~~4510., 4511., 4513., or 4549. of the Revised Code, or for a~~ 22483
~~violation of a municipal ordinance that is substantially similar~~ 22484
~~to any section in those chapters is not a conviction. However, a~~ 22485
~~conviction for a violation of section 4511.19, 4511.251,~~ 22486
~~4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections~~ 22487
~~4549.41 to 4549.46 of the Revised Code, for a violation of~~ 22488
~~section 4510.11 or 4510.14 of the Revised Code that is based~~ 22489
~~upon the offender's operation of a vehicle during a suspension~~ 22490
~~imposed under section 4511.191 or 4511.196 of the Revised Code,~~ 22491
~~for a violation of a substantially equivalent municipal~~ 22492
~~ordinance, for a felony violation of Title XLV of the Revised~~ 22493
~~Code, or for a violation of a substantially equivalent former~~ 22494
~~law of this state or former municipal ordinance shall be~~ 22495
~~considered a conviction.~~ 22496

~~(B)~~ (A) "Prosecutor" means the county prosecuting 22497
attorney, city director of law, village solicitor, or similar 22498
chief legal officer, who has the authority to prosecute a 22499
criminal case in the court in which the case is filed. 22500

~~(C)~~ (B) "Bail forfeiture" means the forfeiture of bail by 22501
a defendant who is arrested for the commission of a misdemeanor, 22502
other than a defendant in a traffic case as defined in Traffic 22503
Rule 2, if the forfeiture is pursuant to an agreement with the 22504
court and prosecutor in the case. 22505

~~(D)~~ (C) "Official records" ~~has the same meaning as in~~ 22506
~~division (D) of section 2953.51 of the Revised Code, except that~~ 22507
~~it also includes~~ means all records that are possessed by any 22508
public office or agency that relate to a criminal case, 22509
including, but not limited to: the notation to the case in the 22510
criminal docket; all subpoenas issued in the case; all papers 22511
and documents filed by the defendant or the prosecutor in the 22512

case; all records of all testimony and evidence presented in all 22513
proceedings in the case; all court files, papers, documents, 22514
folders, entries, affidavits, or writs that pertain to the case; 22515
all computer, microfilm, microfiche, or microdot records, 22516
indices, or references to the case; all index references to the 22517
case; all fingerprints and photographs; all DNA specimens, DNA 22518
records, and DNA profiles; all records and investigative reports 22519
pertaining to the case that are possessed by any law enforcement 22520
officer or agency, except that any records or reports that are 22521
the specific investigatory work product of a law enforcement 22522
officer or agency are not and shall not be considered to be 22523
official records when they are in the possession of that officer 22524
or agency; all investigative records and reports other than 22525
those possessed by a law enforcement officer or agency 22526
pertaining to the case; and all records that are possessed by 22527
any public office or agency that relate to an application for, 22528
or the issuance or denial of, a certificate of qualification for 22529
employment under section 2953.25 of the Revised Code. 22530

~~(E)~~ "Official records" does not include any of the 22531
following: 22532

(1) Records or reports maintained pursuant to section 22533
2151.421 of the Revised Code by a public children services 22534
agency or the department of job and family services; 22535

(2) Any report of an investigation maintained by the 22536
inspector general pursuant to section 121.42 of the Revised 22537
Code, to the extent that the report contains information that 22538
pertains to an individual who was convicted of or pleaded guilty 22539
to an offense discovered in or related to the investigation and 22540
whose conviction or guilty plea was not overturned on appeal; 22541

(3) Records, reports, or audits maintained by the auditor 22542

of state pursuant to Chapter 117. of the Revised Code. 22543

(D) "Official proceeding" has the same meaning as in 22544
section 2921.01 of the Revised Code. 22545

~~(F)~~(E) "Community control sanction" has the same meaning 22546
as in section 2929.01 of the Revised Code. 22547

~~(G)~~(F) "Post-release control" and "post-release control 22548
sanction" have the same meanings as in section 2967.01 of the 22549
Revised Code. 22550

~~(H)~~(G) "DNA database," "DNA record," and "law enforcement 22551
agency" have the same meanings as in section 109.573 of the 22552
Revised Code. 22553

~~(I)~~(H) "Fingerprints filed for record" means any 22554
fingerprints obtained by the superintendent of the bureau of 22555
criminal identification and investigation pursuant to sections 22556
109.57 and 109.571 of the Revised Code. 22557

(I) "Investigatory work product" means any records or 22558
reports of a law enforcement officer or agency that are excepted 22559
from the definition of "official records" and that pertain to a 22560
conviction or bail forfeiture, the records of which have been 22561
ordered sealed or expunged pursuant to division (D) (2) of 22562
section 2953.32 of the Revised Code, or that pertain to a 22563
conviction or delinquent child adjudication, the records of 22564
which have been ordered expunged pursuant to division (E) of 22565
section 2151.358, division (C) (2) of section 2953.35, or 22566
division (F) of section 2953.36 of the Revised Code. 22567

(J) "Law enforcement or justice system matter" means an 22568
arrest, complaint, indictment, trial, hearing, adjudication, 22569
conviction, or correctional supervision. 22570

(K) "Expunge" means to destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable. 22571
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(L) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense. 22574
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(M) "Victim of human trafficking" means a person who is or was a victim of a violation of section 2905.32 of the Revised Code, regardless of whether anyone has been convicted of a violation of that section or of any other section for victimizing the person. 22576
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(N) "No bill" means a report by the foreperson or deputy foreperson of a grand jury that an indictment is not found by the grand jury against a person who has been held to answer before the grand jury for the commission of an offense. 22581
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(O) "Court" means the court in which a case is pending at the time a finding of not guilty in the case or a dismissal of the complaint, indictment, or information in the case is entered on the minutes or journal of the court, or the court to which the foreperson or deputy foreperson of a grand jury reports, pursuant to section 2939.23 of the Revised Code, that the grand jury has returned a no bill. 22585
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Sec. 2953.32. ~~(A)(1)~~ (A) Sections 2953.32 to 2953.34 of the Revised Code do not apply to any of the following: 22592
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(1) Convictions under Chapter 4506., 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters; 22594
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(2) Convictions of a felony offense of violence that is not a sexually oriented offense; 22598
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(3) Convictions of a sexually oriented offense and the offender is subject to the requirements of Chapter 2950. of the Revised Code or Chapter 2950. of the Revised Code as it existed prior to January 1, 2008; 22600
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(4) Convictions of an offense in circumstances in which the victim of the offense was less than thirteen years of age, except for convictions under section 2919.21 of the Revised Code; 22604
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(5) Convictions of a felony of the first or second degree. 22608

(B) (1) Except as provided in section 2953.61 of the Revised Code or as otherwise provided in division (A) (1) (d) (B) (1) (c) of this section, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing or expungement of the record of the case that pertains to the conviction, except for convictions listed under in division (A) of this section—2953.36 of the Revised Code. Application may be made at one of the following times: 22609
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(a) At the expiration of three years after the offender's final discharge if convicted of a felony one or more felonies of the third degree, so long as none of the offenses is a violation of section 2921.43 of the Revised Code; 22618
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(b) At the expiration of one year after the offender's final discharge if convicted of a felony one or more felonies of the fourth or fifth degree or a misdemeanor one or more misdemeanors, so long as none of the offenses is a violation of section 2921.43 of the Revised Code— or an offense of violence; 22622
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(c) At the expiration of seven years after the offender's final discharge if the record includes a conviction one or more 22627
22628

convictions of soliciting improper compensation in violation of 22629
section 2921.43 of the Revised Code. ~~;~~ 22630

(d) If the offender was subject to the requirements of 22631
Chapter 2950. of the Revised Code or Chapter 2950. of the 22632
Revised Code as it existed prior to January 1, 2008, at the 22633
expiration of five years after the requirements have ended under 22634
section 2950.07 of the Revised Code or section 2950.07 of the 22635
Revised Code as it existed prior to January 1, 2008, or are 22636
terminated under section 2950.15 of the Revised Code; 22637

(e) At the expiration of six months after the offender's 22638
final discharge if convicted of a minor misdemeanor. 22639

(2) Any person who has been arrested for any misdemeanor 22640
offense and who has effected a bail forfeiture for the offense 22641
charged may apply to the court in which the misdemeanor criminal 22642
case was pending when bail was forfeited for the sealing or 22643
expungement of the record of the case that pertains to the 22644
charge. Except as provided in section 2953.61 of the Revised 22645
Code, the application may be filed at any time after ~~the~~ 22646
~~expiration of one year from~~ the date on which the bail 22647
forfeiture was entered upon the minutes of the court or the 22648
journal, whichever entry occurs first. 22649

~~(B)~~ (C) Upon the filing of an application under this 22650
section, the court shall set a date for a hearing and shall 22651
notify the prosecutor for the case of the hearing on the 22652
application. The court shall hold the hearing not less than 22653
forty-five days and not more than ninety days from the date of 22654
the filing of the application. The prosecutor may object to the 22655
granting of the application by filing ~~an~~ a written objection 22656
with the court not later than thirty days prior to the date set 22657
for the hearing. The prosecutor shall specify in the objection 22658

the reasons for believing a denial of the application is 22659
justified. The prosecutor shall provide notice of the 22660
application and that date and time of the hearing to the victim 22661
of the offense in the case pursuant to the Ohio Constitution. 22662
The court shall direct its regular probation officer, a state 22663
probation officer, or the department of probation of the county 22664
in which the applicant resides to make inquiries and written 22665
reports as the court requires concerning the applicant. The 22666
probation officer or county department of probation that the 22667
court directs to make inquiries and written reports as the court 22668
requires concerning the applicant shall determine whether or not 22669
the applicant was fingerprinted at the time of arrest or under 22670
section 109.60 of the Revised Code. If the applicant was so 22671
fingerprinted, the probation officer or county department of 22672
probation shall include with the written report a record of the 22673
applicant's fingerprints. If the applicant was convicted of or 22674
pleaded guilty to a violation of division (A) (2) or (B) of 22675
section 2919.21 of the Revised Code, the probation officer or 22676
county department of probation that the court directed to make 22677
inquiries concerning the applicant shall contact the child 22678
support enforcement agency enforcing the applicant's obligations 22679
under the child support order to inquire about the offender's 22680
compliance with the child support order. 22681

~~(C) (1) - (D) (1)~~ The court shall do each of the following: 22682

(a) Determine whether the applicant is ~~an eligible~~ 22683
~~offender pursuing sealing a conviction of an offense that is~~ 22684
~~prohibited under division (A) of this section~~ or whether the 22685
forfeiture of bail was agreed to by the applicant and the 22686
prosecutor in the case. ~~If the applicant applies as an eligible~~ 22687
~~offender pursuant to division (A) (1) of this section and has two~~ 22688
~~or three convictions that result from the same indictment,~~ 22689

~~information, or complaint, from the same plea of guilty, or from~~ 22690
~~the same official proceeding, and result from related criminal~~ 22691
~~acts that were committed within a three-month period but do not~~ 22692
~~result from the same act or from offenses committed at the same~~ 22693
~~time, in making its determination under this division, the court~~ 22694
~~initially shall determine whether it is not in the public~~ 22695
~~interest for the two or three convictions to be counted as one~~ 22696
~~conviction. If the court determines that it is not in the public~~ 22697
~~interest for the two or three convictions to be counted as one~~ 22698
~~conviction, the court shall determine that the applicant is not~~ 22699
~~an eligible offender; if the court does not make that~~ 22700
~~determination, the court shall determine that the offender is an~~ 22701
~~eligible offender.;~~ 22702

(b) Determine whether criminal proceedings are pending 22703
against the applicant; 22704

~~(c) If the applicant is an eligible offender who applies~~ 22705
~~pursuant to division (A)(1) of this section, determine~~ Determine 22706
whether the applicant has been rehabilitated to the satisfaction 22707
of the court; 22708

(d) If the prosecutor has filed an objection in accordance 22709
with division ~~(B)~~ (C) of this section, consider the reasons 22710
against granting the application specified by the prosecutor in 22711
the objection; 22712

(e) If the victim objected, pursuant to the Ohio 22713
Constitution, consider the reasons against granting the 22714
application specified by the victim in the objection; 22715

(f) Weigh the interests of the applicant in having the 22716
records pertaining to the applicant's conviction or bail 22717
forfeiture sealed or expunged against the legitimate needs, if 22718

any, of the government to maintain those records; 22719

~~(f)~~ (g) If the applicant ~~is~~ was an eligible offender of 22720
the type described in division (A) (3) of section 2953.36 of the 22721
Revised Code as it existed prior to the effective date of this 22722
amendment, determine whether the offender has been rehabilitated 22723
to a satisfactory degree. In making the determination, the court 22724
may consider all of the following: 22725

(i) The age of the offender; 22726

(ii) The facts and circumstances of the offense; 22727

(iii) The cessation or continuation of criminal behavior; 22728

(iv) The education and employment of the offender; 22729

(v) Any other circumstances that may relate to the 22730
offender's rehabilitation. 22731

(2) If the court determines, after complying with division 22732
~~(C) (1) (D) (1)~~ of this section, ~~that the applicant is an eligible~~ 22733
~~offender or the subject of a bail forfeiture,~~ that no criminal 22734
proceeding is pending against the applicant, that the interests 22735
of the applicant in having the records pertaining to the 22736
applicant's conviction or bail forfeiture sealed or expunged are 22737
not outweighed by any legitimate governmental needs to maintain 22738
those records, and that the rehabilitation of ~~an~~ the applicant 22739
~~who is an eligible offender applying pursuant to division (A) (1)~~ 22740
~~of this section~~ has been attained to the satisfaction of the 22741
court, the court, except as provided in division ~~(C) (4), (G),~~ 22742
~~(H), or (I)~~ (D) (4) of this section or division (D), (F), or (G) 22743
of section 2953.34 of the Revised Code, shall order all official 22744
records of the case that pertain to the conviction or bail 22745
forfeiture sealed or expunged and, except as provided in 22746
division ~~(F)~~ (C) of ~~this~~ this section 2953.34 of the Revised Code, 22747

all index references to the case that pertain to the conviction 22748
or bail forfeiture deleted and, in the case of bail forfeitures, 22749
shall dismiss the charges in the case. The proceedings in the 22750
case that pertain to the conviction or bail forfeiture shall be 22751
considered not to have occurred and the conviction or bail 22752
forfeiture of the person who is the subject of the proceedings 22753
shall be sealed or expunged, except that upon conviction of a 22754
subsequent offense, ~~the a~~ sealed record of prior conviction or 22755
bail forfeiture may be considered by the court in determining 22756
the sentence or other appropriate disposition, including the 22757
relief provided for in sections 2953.31 ~~to 2953.33~~, 2953.32, and 22758
2953.34 of the Revised Code. 22759

(3) An applicant may request the sealing or expungement of 22760
the records of more than one case in a single application under 22761
this section. Upon the filing of an application under this 22762
section, the applicant, unless indigent, shall pay a fee of 22763
fifty dollars, regardless of the number of records the 22764
application requests to have sealed or expunged. The court shall 22765
pay thirty dollars of the fee into the state treasury, with 22766
fifteen dollars of that amount credited to the attorney general 22767
reimbursement fund created by section 109.11 of the Revised 22768
Code. It shall pay twenty dollars of the fee into the county 22769
general revenue fund if the sealed or expunged conviction or 22770
bail forfeiture was pursuant to a state statute, or into the 22771
general revenue fund of the municipal corporation involved if 22772
the sealed or expunged conviction or bail forfeiture was 22773
pursuant to a municipal ordinance. 22774

(4) If the court orders the official records pertaining to 22775
the case sealed or expunged, the court shall do one of the 22776
following: 22777

(a) If the applicant was fingerprinted at the time of 22778
arrest or under section 109.60 of the Revised Code and the 22779
record of the applicant's fingerprints was provided to the court 22780
under division ~~(B)~~ (C) of this section, forward a copy of the 22781
sealing or expungement order and the record of the applicant's 22782
fingerprints to the bureau of criminal identification and 22783
investigation. 22784

(b) If the applicant was not fingerprinted at the time of 22785
arrest or under section 109.60 of the Revised Code, or the 22786
record of the applicant's fingerprints was not provided to the 22787
court under division ~~(B)~~ (C) of this section, but fingerprinting 22788
was required for the offense, order the applicant to appear 22789
before a sheriff to have the applicant's fingerprints taken 22790
according to the fingerprint system of identification on the 22791
forms furnished by the superintendent of the bureau of criminal 22792
identification and investigation. The sheriff shall forward the 22793
applicant's fingerprints to the court. The court shall forward 22794
the applicant's fingerprints and a copy of the sealing or 22795
expungement order to the bureau of criminal identification and 22796
investigation. 22797

Failure of the court to order fingerprints at the time of 22798
sealing or expungement does not constitute a reversible error. 22799

~~(D) Inspection of the sealed records included in the order 22800
may be made only by the following persons or for the following 22801
purposes:— 22802~~

~~(1) By a law enforcement officer or prosecutor, or the 22803
assistants of either, to determine whether the nature and 22804
character of the offense with which a person is to be charged 22805
would be affected by virtue of the person's previously having 22806
been convicted of a crime;— 22807~~

~~(2) By the parole or probation officer of the person who is the subject of the records, for the exclusive use of the officer in supervising the person while on parole or under a community control sanction or a post-release control sanction, and in making inquiries and written reports as requested by the court or adult parole authority;~~ 22808
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~~(3) Upon application by the person who is the subject of the records, by the persons named in the application;~~ 22814
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~~(4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;~~ 22816
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~~(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;~~ 22819
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~~(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department;~~ 22823
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~~(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;~~ 22828
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~~(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;~~ 22832
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~~(9) By the bureau of criminal identification and~~ 22836

~~investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;~~

~~(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B) (1) of that section;~~

~~(11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code;~~

~~(12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code;~~

~~(13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points against a person under section 4510.036 of the Revised Code or for taking action with regard to points assessed.~~

~~When the nature and character of the offense with which a person is to be charged would be affected by the information, it may be used for the purpose of charging the person with an offense.~~

~~(E) In any criminal proceeding, proof of any otherwise~~

~~admissible prior conviction may be introduced and proved,~~ 22866
~~notwithstanding the fact that for any such prior conviction an~~ 22867
~~order of sealing previously was issued pursuant to sections~~ 22868
~~2953.31 to 2953.36 of the Revised Code.~~ 22869

~~(F) The person or governmental agency, office, or~~ 22870
~~department that maintains sealed records pertaining to~~ 22871
~~convictions or bail forfeitures that have been sealed pursuant~~ 22872
~~to this section may maintain a manual or computerized index to~~ 22873
~~the sealed records. The index shall contain only the name of,~~ 22874
~~and alphanumeric identifiers that relate to, the persons who are~~ 22875
~~the subject of the sealed records, the word "sealed," and the~~ 22876
~~name of the person, agency, office, or department that has~~ 22877
~~custody of the sealed records, and shall not contain the name of~~ 22878
~~the crime committed. The index shall be made available by the~~ 22879
~~person who has custody of the sealed records only for the~~ 22880
~~purposes set forth in divisions (C), (D), and (E) of this~~ 22881
~~section.~~ 22882

~~(G) Notwithstanding any provision of this section or~~ 22883
~~section 2953.33 of the Revised Code that requires otherwise, a~~ 22884
~~board of education of a city, local, exempted village, or joint~~ 22885
~~vocational school district that maintains records of an~~ 22886
~~individual who has been permanently excluded under sections~~ 22887
~~3301.121 and 3313.662 of the Revised Code is permitted to~~ 22888
~~maintain records regarding a conviction that was used as the~~ 22889
~~basis for the individual's permanent exclusion, regardless of a~~ 22890
~~court order to seal the record. An order issued under this~~ 22891
~~section to seal the record of a conviction does not revoke the~~ 22892
~~adjudication order of the superintendent of public instruction~~ 22893
~~to permanently exclude the individual who is the subject of the~~ 22894
~~sealing order. An order issued under this section to seal the~~ 22895
~~record of a conviction of an individual may be presented to a~~ 22896

~~district superintendent as evidence to support the contention~~ 22897
~~that the superintendent should recommend that the permanent~~ 22898
~~exclusion of the individual who is the subject of the sealing~~ 22899
~~order be revoked. Except as otherwise authorized by this~~ 22900
~~division and sections 3301.121 and 3313.662 of the Revised Code,~~ 22901
~~any school employee in possession of or having access to the~~ 22902
~~sealed conviction records of an individual that were the basis~~ 22903
~~of a permanent exclusion of the individual is subject to section~~ 22904
~~2953.35 of the Revised Code.~~ 22905

~~(H) Notwithstanding any provision of this section or~~ 22906
~~section 2953.33 of the Revised Code that requires otherwise, if~~ 22907
~~the auditor of state or a prosecutor maintains records, reports,~~ 22908
~~or audits of an individual who has been forever disqualified~~ 22909
~~from holding public office, employment, or position of trust in~~ 22910
~~this state under sections 2921.41 and 2921.43 of the Revised~~ 22911
~~Code, or has otherwise been convicted of an offense based upon~~ 22912
~~the records, reports, or audits of the auditor of state, the~~ 22913
~~auditor of state or prosecutor is permitted to maintain those~~ 22914
~~records to the extent they were used as the basis for the~~ 22915
~~individual's disqualification or conviction, and shall not be~~ 22916
~~compelled by court order to seal those records.~~ 22917

~~(I) For purposes of sections 2953.31 to 2953.36 of the~~ 22918
~~Revised Code, DNA records collected in the DNA database and~~ 22919
~~fingerprints filed for record by the superintendent of the~~ 22920
~~bureau of criminal identification and investigation shall not be~~ 22921
~~sealed unless the superintendent receives a certified copy of a~~ 22922
~~final court order establishing that the offender's conviction~~ 22923
~~has been overturned. For purposes of this section, a court order~~ 22924
~~is not "final" if time remains for an appeal or application for~~ 22925
~~discretionary review with respect to the order.~~ 22926

~~(J) The sealing of a record under this section does not~~ 22927
~~affect the assessment of points under section 4510.036 of the~~ 22928
~~Revised Code and does not erase points assessed against a person~~ 22929
~~as a result of the sealed record. A record that is expunged~~ 22930
~~under this section shall be destroyed, deleted, and erased, as~~ 22931
~~appropriate for the record's physical or electronic form or~~ 22932
~~characteristic, so that the record is permanently irretrievable.~~ 22933

Sec. ~~2953.52~~ 2953.33. (A) (1) Any person, who is found not 22934
guilty of an offense by a jury or a court or who is the 22935
defendant named in a dismissed complaint, indictment, or 22936
information, may apply to the court for an order to seal the 22937
person's official records in the case. Except as provided in 22938
section 2953.61 of the Revised Code, the application may be 22939
filed at any time after the finding of not guilty or the 22940
dismissal of the complaint, indictment, or information is 22941
entered upon the minutes of the court or the journal, whichever 22942
entry occurs first. 22943

(2) Any person, against whom a no bill is entered by a 22944
grand jury, may apply to the court for an order to seal his 22945
official records in the case. Except as provided in section 22946
2953.61 of the Revised Code, the application may be filed at any 22947
time after the expiration of two years after the date on which 22948
the foreperson or deputy foreperson of the grand jury reports to 22949
the court that the grand jury has reported a no bill. 22950

(3) Any person who is granted by the governor under 22951
division (B) of section 2967.02 of the Revised Code an absolute 22952
and entire pardon, a partial pardon, or a pardon upon conditions 22953
precedent or subsequent may apply to the court for an order to 22954
seal the person's official records in the case in which the 22955
person was convicted of the offense for which any of those types 22956

of pardons are granted. The application may be filed at any time 22957
after an absolute and entire pardon or a partial pardon is 22958
granted or at any time after all of the conditions precedent or 22959
subsequent to the pardon are met. 22960

(B) (1) Upon the filing of an application pursuant to 22961
division (A) of this section, the court shall set a date for a 22962
hearing and shall notify the prosecutor in the case of the 22963
hearing on the application. The court shall hold the hearing not 22964
less than forty-five days and not more than ninety days from the 22965
date of the filing of the application. The prosecutor may object 22966
to the granting of the application by filing ~~an~~ a written 22967
objection with the court not later than thirty days prior to the 22968
date set for the hearing. The prosecutor shall specify in the 22969
objection the reasons the prosecutor believes justify a denial 22970
of the application. 22971

(2) The court shall do each of the following, except as 22972
provided in division (B) (3) of this section: 22973

(a) (i) Determine whether the person was found not guilty 22974
in the case, or the complaint, indictment, or information in the 22975
case was dismissed, or a no bill was returned in the case and a 22976
period of two years or a longer period as required by section 22977
2953.61 of the Revised Code has expired from the date of the 22978
report to the court of that no bill by the foreperson or deputy 22979
foreperson of the grand jury; 22980

(ii) If the complaint, indictment, or information in the 22981
case was dismissed, determine whether it was dismissed with 22982
prejudice or without prejudice and, if it was dismissed without 22983
prejudice, determine whether the relevant statute of limitations 22984
has expired; 22985

(b) Determine whether criminal proceedings are pending 22986
against the person; 22987

(c) If the prosecutor has filed an objection in accordance 22988
with division (B)(1) of this section, consider the reasons 22989
against granting the application specified by the prosecutor in 22990
the objection; 22991

(d) If the person was granted a pardon upon conditions 22992
precedent or subsequent for the offense for which the person was 22993
convicted, determine whether all of those conditions have been 22994
met; 22995

(e) Weigh the interests of the person in having the 22996
official records pertaining to the case sealed against the 22997
legitimate needs, if any, of the government to maintain those 22998
records. 22999

(3) If the court determines after complying with division 23000
(B)(2)(a) of this section that the person was found not guilty 23001
in the case, that the complaint, indictment, or information in 23002
the case was dismissed with prejudice, ~~or~~ that the complaint, 23003
indictment, or information in the case was dismissed without 23004
prejudice and that the relevant statute of limitations has 23005
expired, or the individual was granted by the governor an 23006
absolute and entire pardon, a partial pardon, or a pardon upon 23007
conditions precedent or subsequent that have been met, the court 23008
shall issue an order to the superintendent of the bureau of 23009
criminal identification and investigation directing that the 23010
superintendent seal or cause to be sealed the official records 23011
in the case consisting of DNA specimens that are in the 23012
possession of the bureau and all DNA records and DNA profiles. 23013
The determinations and considerations described in divisions (B) 23014
(2)(b), (c), and (d) of this section do not apply with respect 23015

to a determination of the court described in this division. 23016

(4) The determinations described in this division are 23017
separate from the determination described in division (B) (3) of 23018
this section. If the court determines, after complying with 23019
division (B) (2) of this section, that the person was found not 23020
guilty in the case, that the complaint, indictment, or 23021
information in the case was dismissed, the individual was 23022
granted by the governor an absolute and entire pardon, a partial 23023
pardon, or a pardon upon conditions precedent or subsequent that 23024
have been met, or that a no bill was returned in the case and 23025
that the appropriate period of time has expired from the date of 23026
the report to the court of the no bill by the foreperson or 23027
deputy foreperson of the grand jury; that no criminal 23028
proceedings are pending against the person; and the interests of 23029
the person in having the records pertaining to the case sealed 23030
are not outweighed by any legitimate governmental needs to 23031
maintain such records, or if division (E) (2) (b) of section 23032
4301.69 of the Revised Code applies, in addition to the order 23033
required under division (B) (3) of this section, the court shall 23034
issue an order directing that all official records pertaining to 23035
the case be sealed and that, except as provided in section 23036
~~2953.53-2953.34~~ of the Revised Code, the proceedings in the case 23037
be deemed not to have occurred. 23038

(5) Any DNA specimens, DNA records, and DNA profiles 23039
ordered to be sealed under this section shall not be sealed if 23040
the person with respect to whom the order applies is otherwise 23041
eligible to have DNA records or a DNA profile in the national 23042
DNA index system. 23043

Sec. 2953.34. (A) Inspection of the sealed records 23044
included in a sealing order may be made only by the following 23045

persons or for the following purposes: 23046

(1) By a law enforcement officer or prosecutor, or the 23047
assistants of either, to determine whether the nature and 23048
character of the offense with which a person is to be charged 23049
would be affected by virtue of the person's previously having 23050
been convicted of a crime; 23051

(2) By the parole or probation officer of the person who 23052
is the subject of the records, for the exclusive use of the 23053
officer in supervising the person while on parole or under a 23054
community control sanction or a post-release control sanction, 23055
and in making inquiries and written reports as requested by the 23056
court or adult parole authority; 23057

(3) Upon application by the person who is the subject of 23058
the records, by the persons named in the application; 23059

(4) By a law enforcement officer who was involved in the 23060
case, for use in the officer's defense of a civil action arising 23061
out of the officer's involvement in that case; 23062

(5) By a prosecuting attorney or the prosecuting 23063
attorney's assistants, to determine a defendant's eligibility to 23064
enter a pre-trial diversion program established pursuant to 23065
section 2935.36 of the Revised Code; 23066

(6) By any law enforcement agency or any authorized 23067
employee of a law enforcement agency or by the department of 23068
rehabilitation and correction or department of youth services as 23069
part of a background investigation of a person who applies for 23070
employment with the agency or with the department; 23071

(7) By any law enforcement agency or any authorized 23072
employee of a law enforcement agency, for the purposes set forth 23073
in, and in the manner provided in, division (I) of section 23074

<u>2953.34 of the Revised Code;</u>	23075
<u>(8) By the bureau of criminal identification and</u>	23076
<u>investigation or any authorized employee of the bureau for the</u>	23077
<u>purpose of providing information to a board or person pursuant</u>	23078
<u>to division (F) or (G) of section 109.57 of the Revised Code;</u>	23079
<u>(9) By the bureau of criminal identification and</u>	23080
<u>investigation or any authorized employee of the bureau for the</u>	23081
<u>purpose of performing a criminal history records check on a</u>	23082
<u>person to whom a certificate as prescribed in section 109.77 of</u>	23083
<u>the Revised Code is to be awarded;</u>	23084
<u>(10) By the bureau of criminal identification and</u>	23085
<u>investigation or any authorized employee of the bureau for the</u>	23086
<u>purpose of conducting a criminal records check of an individual</u>	23087
<u>pursuant to division (B) of section 109.572 of the Revised Code</u>	23088
<u>that was requested pursuant to any of the sections identified in</u>	23089
<u>division (B)(1) of that section;</u>	23090
<u>(11) By the bureau of criminal identification and</u>	23091
<u>investigation, an authorized employee of the bureau, a sheriff,</u>	23092
<u>or an authorized employee of a sheriff in connection with a</u>	23093
<u>criminal records check described in section 311.41 of the</u>	23094
<u>Revised Code;</u>	23095
<u>(12) By the attorney general or an authorized employee of</u>	23096
<u>the attorney general or a court for purposes of determining a</u>	23097
<u>person's classification pursuant to Chapter 2950. of the Revised</u>	23098
<u>Code;</u>	23099
<u>(13) By a court, the registrar of motor vehicles, a</u>	23100
<u>prosecuting attorney or the prosecuting attorney's assistants,</u>	23101
<u>or a law enforcement officer for the purpose of assessing points</u>	23102
<u>against a person under section 4510.036 of the Revised Code or</u>	23103

for taking action with regard to points assessed. 23104

When the nature and character of the offense with which a 23105
person is to be charged would be affected by the information, it 23106
may be used for the purpose of charging the person with an 23107
offense. 23108

(B) In any criminal proceeding, proof of any otherwise 23109
admissible prior conviction may be introduced and proved, 23110
notwithstanding the fact that for any such prior conviction an 23111
order of sealing or expungement previously was issued pursuant 23112
to sections 2953.31 to 2953.34 of the Revised Code. 23113

(C) The person or governmental agency, office, or 23114
department that maintains sealed records pertaining to 23115
convictions or bail forfeitures that have been sealed pursuant 23116
to section 2953.32 of the Revised Code may maintain a manual or 23117
computerized index to the sealed records. The index shall 23118
contain only the name of, and alphanumeric identifiers that 23119
relate to, the persons who are the subject of the sealed 23120
records, the word "sealed," and the name of the person, agency, 23121
office, or department that has custody of the sealed records, 23122
and shall not contain the name of the crime committed. The index 23123
shall be made available by the person who has custody of the 23124
sealed records only for the purposes set forth in divisions (A), 23125
(B), and (D) of this section. 23126

(D) Notwithstanding any provision of this section or 23127
section 2953.32 of the Revised Code that requires otherwise, a 23128
board of education of a city, local, exempted village, or joint 23129
vocational school district that maintains records of an 23130
individual who has been permanently excluded under sections 23131
3301.121 and 3313.662 of the Revised Code is permitted to 23132
maintain records regarding a conviction that was used as the 23133

basis for the individual's permanent exclusion, regardless of a 23134
court order to seal or expunge the record. An order issued under 23135
this section to seal or expunge the record of a conviction does 23136
not revoke the adjudication order of the superintendent of 23137
public instruction to permanently exclude the individual who is 23138
the subject of the sealing or expungement order. An order issued 23139
under this section to seal or expunge the record of a conviction 23140
of an individual may be presented to a district superintendent 23141
as evidence to support the contention that the superintendent 23142
should recommend that the permanent exclusion of the individual 23143
who is the subject of the sealing or expungement order be 23144
revoked. Except as otherwise authorized by this division and 23145
sections 3301.121 and 3313.662 of the Revised Code, any school 23146
employee in possession of or having access to the sealed or 23147
expunged conviction records of an individual that were the basis 23148
of a permanent exclusion of the individual is subject to 23149
division (J) of this section. 23150

(E) Notwithstanding any provision of this section or 23151
section 2953.32 of the Revised Code that requires otherwise, if 23152
the auditor of state or a prosecutor maintains records, reports, 23153
or audits of an individual who has been forever disqualified 23154
from holding public office, employment, or a position of trust 23155
in this state under sections 2921.41 and 2921.43 of the Revised 23156
Code, or has otherwise been convicted of an offense based upon 23157
the records, reports, or audits of the auditor of state, the 23158
auditor of state or prosecutor is permitted to maintain those 23159
records to the extent they were used as the basis for the 23160
individual's disqualification or conviction, and shall not be 23161
compelled by court order to seal or expunge those records. 23162

(F) For purposes of sections 2953.31 and 2953.34 of the 23163
Revised Code, DNA records collected in the DNA database and 23164

fingerprints filed for record by the superintendent of the 23165
bureau of criminal identification and investigation shall not be 23166
sealed or expunged unless the superintendent receives a 23167
certified copy of a final court order establishing that the 23168
offender's conviction has been overturned. For purposes of this 23169
section, a court order is not "final" if time remains for an 23170
appeal or application for discretionary review with respect to 23171
the order. 23172

(G) The sealing of a record under this section does not 23173
affect the assessment of points under section 4510.036 of the 23174
Revised Code and does not erase points assessed against a person 23175
as a result of the sealed record. 23176

(H) (1) The court shall send notice of any order to seal 23177
official records issued pursuant to division (B) (3) of section 23178
2953.33 of the Revised Code to the bureau of criminal 23179
identification and investigation and shall send notice of any 23180
order issued pursuant to division (B) (4) of that section to any 23181
public office or agency that the court knows or has reason to 23182
believe may have any record of the case, whether or not it is an 23183
official record, that is the subject of the order. 23184

(2) A person whose official records have been sealed 23185
pursuant to an order issued pursuant to section 2953.33 of the 23186
Revised Code may present a copy of that order and a written 23187
request to comply with it, to a public office or agency that has 23188
a record of the case that is the subject of the order. 23189

(3) An order to seal official records issued pursuant to 23190
section 2953.33 of the Revised Code applies to every public 23191
office or agency that has a record of the case that is the 23192
subject of the order, regardless of whether it receives notice 23193
of the hearing on the application for the order to seal the 23194

official records or receives a copy of the order to seal the 23195
official records pursuant to division (H) (1) or (2) of this 23196
section. 23197

(4) Upon receiving a copy of an order to seal official 23198
records pursuant to division (H) (1) or (2) of this section or 23199
upon otherwise becoming aware of an applicable order to seal 23200
official records issued pursuant to section 2953.33 of the 23201
Revised Code, a public office or agency shall comply with the 23202
order and, if applicable, with division (K) of this section, 23203
except that it may maintain a record of the case that is the 23204
subject of the order if the record is maintained for the purpose 23205
of compiling statistical data only and does not contain any 23206
reference to the person who is the subject of the case and the 23207
order. 23208

(5) A public office or agency also may maintain an index 23209
of sealed official records, in a form similar to that for sealed 23210
records of conviction as set forth in division (C) of this 23211
section, access to which may not be afforded to any person other 23212
than the person who has custody of the sealed official records. 23213
The sealed official records to which such an index pertains 23214
shall not be available to any person, except that the official 23215
records of a case that have been sealed may be made available to 23216
the following persons for the following purposes: 23217

(a) To the person who is the subject of the records upon 23218
written application, and to any other person named in the 23219
application, for any purpose; 23220

(b) To a law enforcement officer who was involved in the 23221
case, for use in the officer's defense of a civil action arising 23222
out of the officer's involvement in that case; 23223

(c) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code; 23224
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(d) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program under division (E) (2) (b) of section 4301.69 of the Revised Code. 23228
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(I) (1) Upon the issuance of an order by a court pursuant to division (D) (2) of section 2953.32 of the Revised Code directing that all official records of a case pertaining to a conviction or bail forfeiture be sealed or expunged or an order by a court pursuant to division (E) of section 2151.358, division (C) (2) of section 2953.35, or division (E) of section 2953.36 of the Revised Code directing that all official records of a case pertaining to a conviction or delinquent child adjudication be expunged: 23232
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(a) Every law enforcement officer who possesses investigatory work product immediately shall deliver that work product to the law enforcement officer's employing law enforcement agency. 23241
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(b) Except as provided in divisions (I) (1) (c) and (d) of this section, every law enforcement agency that possesses investigatory work product shall close that work product to all persons who are not directly employed by the law enforcement agency and shall treat that work product, in relation to all persons other than those who are directly employed by the law enforcement agency, as if it did not exist and never had existed. 23245
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(c) A law enforcement agency that possesses investigatory work product may permit another law enforcement agency to use that work product in the investigation of another offense if the facts incident to the offense being investigated by the other law enforcement agency and the facts incident to an offense that is the subject of the case are reasonably similar. The agency that permits the use of investigatory work product may provide the other agency with the name of the person who is the subject of the case if it believes that the name of the person is necessary to the conduct of the investigation by the other agency. 23253
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(d) The auditor of state may provide to or discuss with other parties investigatory work product maintained pursuant to Chapter 117. of the Revised Code by the auditor of state. 23264
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(2) (a) Except as provided in divisions (I) (1) (c) and (d) of this section, no law enforcement officer or other person employed by a law enforcement agency shall knowingly release, disseminate, or otherwise make the investigatory work product or any information contained in that work product available to, or discuss any information contained in it with, any person not employed by the employing law enforcement agency. 23267
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(b) No law enforcement agency, or person employed by a law enforcement agency, that receives investigatory work product pursuant to divisions (I) (1) (c) and (d) of this section shall use that work product for any purpose other than the investigation of the offense for which it was obtained from the other law enforcement agency, or disclose the name of the person who is the subject of the work product except when necessary for the conduct of the investigation of the offense, or the prosecution of the person for committing the offense, for which 23274
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it was obtained from the other law enforcement agency. 23283

(3) Whoever violates division (I) (2) (a) or (b) of this 23284
section is guilty of divulging confidential investigatory work 23285
product, a misdemeanor of the fourth degree. 23286

(J) (1) Except as authorized by divisions (A) to (C) of 23287
this section or by Chapter 2950. of the Revised Code and subject 23288
to division (J) (2) of this section, any officer or employee of 23289
the state, or a political subdivision of the state, who releases 23290
or otherwise disseminates or makes available for any purpose 23291
involving employment, bonding, or licensing in connection with 23292
any business, trade, or profession to any person, or to any 23293
department, agency, or other instrumentality of the state, or 23294
any political subdivision of the state, any information or other 23295
data concerning any law enforcement or justice system matter the 23296
records with respect to which the officer or employee had 23297
knowledge of were sealed by an existing order issued pursuant to 23298
section 2953.32 of the Revised Code, division (E) of section 23299
2151.358, section 2953.35, or section 2953.36 of the Revised 23300
Code, or were expunged by an order issued pursuant to section 23301
2953.42 of the Revised Code as it existed prior to June 29, 23302
1988, is guilty of divulging confidential information, a 23303
misdemeanor of the fourth degree. 23304

(2) Division (J) (1) of this section does not apply to an 23305
officer or employee of the state, or a political subdivision of 23306
the state, who releases or otherwise disseminates or makes 23307
available for any purpose specified in that division any 23308
information or other data concerning a law enforcement or 23309
justice system matter the records of which the officer had 23310
knowledge were sealed or expunged by an order of a type 23311
described in that division, if all of the following apply: 23312

(a) The officer or employee released, disseminated, or made available the information or data from the sealed or expunged records together with information or data concerning another law enforcement or justice system matter. 23313
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(b) The records of the other law enforcement or justice system matter were not sealed or expunged by any order of a type described in division (J) (1) of this section. 23317
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(c) The law enforcement or justice system matter covered by the information or data from the sealed or expunged records and the other law enforcement or justice system matter covered by the information or data from the records that were not sealed or expunged resulted from or were connected to the same act. 23320
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(d) The officer or employee made a good faith effort to not release, disseminate, or make available any information or other data concerning any law enforcement or justice system matter from the sealed or expunged records, and the officer or employee did not release, disseminate, or make available the information or other data from the sealed or expunged records with malicious purpose, in bad faith, or in a wanton or reckless manner. 23325
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(3) Any person who, in violation of this section, uses, disseminates, or otherwise makes available any index prepared pursuant to division (C) of this section is guilty of a misdemeanor of the fourth degree. 23333
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(K) (1) Except as otherwise provided in Chapter 2950. of the Revised Code, upon the issuance of an order by a court under division (B) of section 2953.33 of the Revised Code directing that all official records pertaining to a case be sealed and that the proceedings in the case be deemed not to have occurred: 23337
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(a) Every law enforcement officer possessing records or reports pertaining to the case that are the officer's specific investigatory work product and that are excepted from the definition of official records shall immediately deliver the records and reports to the officer's employing law enforcement agency. Except as provided in division (K)(1)(c) or (d) of this section, no such officer shall knowingly release, disseminate, or otherwise make the records and reports or any information contained in them available to, or discuss any information contained in them with, any person not employed by the officer's employing law enforcement agency.

(b) Every law enforcement agency that possesses records or reports pertaining to the case that are its specific investigatory work product and that are excepted from the definition of official records, or that are the specific investigatory work product of a law enforcement officer it employs and that were delivered to it under division (K)(1)(a) of this section shall, except as provided in division (K)(1)(c) or (d) of this section, close the records and reports to all persons who are not directly employed by the law enforcement agency and shall, except as provided in division (K)(1)(c) or (d) of this section, treat the records and reports, in relation to all persons other than those who are directly employed by the law enforcement agency, as if they did not exist and had never existed. Except as provided in division (K)(1)(c) or (d) of this section, no person who is employed by the law enforcement agency shall knowingly release, disseminate, or otherwise make the records and reports in the possession of the employing law enforcement agency or any information contained in them available to, or discuss any information contained in them with, any person not employed by the employing law enforcement agency.

(c) A law enforcement agency that possesses records or reports pertaining to the case that are its specific investigatory work product and that are excepted from the definition of official records, or that are the specific investigatory work product of a law enforcement officer it employs and that were delivered to it under division (K)(1)(a) of this section may permit another law enforcement agency to use the records or reports in the investigation of another offense, if the facts incident to the offense being investigated by the other law enforcement agency and the facts incident to an offense that is the subject of the case are reasonably similar. The agency that provides the records and reports may provide the other agency with the name of the person who is the subject of the case, if it believes that the name of the person is necessary to the conduct of the investigation by the other agency.

No law enforcement agency, or person employed by a law enforcement agency, that receives from another law enforcement agency records or reports pertaining to a case the records of which have been ordered sealed pursuant to division (B) of section 2953.33 of the Revised Code shall use the records and reports for any purpose other than the investigation of the offense for which they were obtained from the other law enforcement agency, or disclose the name of the person who is the subject of the records or reports except when necessary for the conduct of the investigation of the offense, or the prosecution of the person for committing the offense, for which they were obtained from the other law enforcement agency.

(d) The auditor of state may provide to or discuss with other parties records, reports, or audits maintained by the auditor of state pursuant to Chapter 117. of the Revised Code

pertaining to the case that are the auditor of state's specific 23404
investigatory work product and that are excepted from the 23405
definition of "official records" contained in division (C) of 23406
section 2953.31 of the Revised Code, or that are the specific 23407
investigatory work product of a law enforcement officer the 23408
auditor of state employs and that were delivered to the auditor 23409
of state under division (K) (1) (a) of this section. 23410

(2) Whoever violates division (K) (1) of this section is 23411
guilty of divulging confidential information, a misdemeanor of 23412
the fourth degree. 23413

(L) (1) In any application for employment, license, or any 23414
other right or privilege, any appearance as a witness, or any 23415
other inquiry, a person may not be questioned with respect to 23416
any record that has been sealed pursuant to section 2953.33 of 23417
the Revised Code. If an inquiry is made in violation of this 23418
division, the person whose official record was sealed may 23419
respond as if the arrest underlying the case to which the sealed 23420
official records pertain and all other proceedings in that case 23421
did not occur, and the person whose official record was sealed 23422
shall not be subject to any adverse action because of the 23423
arrest, the proceedings, or the person's response. 23424

(2) An officer or employee of the state or any of its 23425
political subdivisions who knowingly releases, disseminates, or 23426
makes available for any purpose involving employment, bonding, 23427
licensing, or education to any person or to any department, 23428
agency, or other instrumentality of the state, or of any of its 23429
political subdivisions, any information or other data concerning 23430
any arrest, complaint, indictment, information, trial, 23431
adjudication, or correctional supervision, the records of which 23432
have been sealed pursuant to section 2953.33 of the Revised 23433

Code, is guilty of divulging confidential information, a 23434
misdemeanor of the fourth degree. 23435

(M) It is not a violation of division (I), (J), (K), or 23436
(L) of this section for the bureau of criminal identification 23437
and investigation or any authorized employee of the bureau 23438
participating in the investigation of criminal activity to 23439
release, disseminate, or otherwise make available to, or discuss 23440
with, a person directly employed by a law enforcement agency DNA 23441
records collected in the DNA database or fingerprints filed for 23442
record by the superintendent of the bureau of criminal 23443
identification and investigation. 23444

(N) (1) An order issued under section 2953.35 of the 23445
Revised Code to expunge the record of a person's conviction or, 23446
except as provided in division (D) of this section, an order 23447
issued under that section to seal the record of a person's 23448
conviction restores the person who is the subject of the order 23449
to all rights and privileges not otherwise restored by 23450
termination of the sentence or community control sanction or by 23451
final release on parole or post-release control. 23452

(2) (a) In any application for employment, license, or 23453
other right or privilege, any appearance as a witness, or any 23454
other inquiry, except as provided in division (B) of this 23455
section and in section 3319.292 of the Revised Code and subject 23456
to division (N) (2) (c) of this section, a person may be 23457
questioned only with respect to convictions not sealed, bail 23458
forfeitures not expunged under section 2953.42 of the Revised 23459
Code as it existed prior to June 29, 1988, and bail forfeitures 23460
not sealed, unless the question bears a direct and substantial 23461
relationship to the position for which the person is being 23462
considered. 23463

(b) In any application for a certificate of qualification for employment under section 2953.25 of the Revised Code, a person may be questioned only with respect to convictions not sealed and bail forfeitures not sealed. 23464
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(c) A person may not be questioned in any application, appearance, or inquiry of a type described in division (N) (2) (a) of this section with respect to any conviction expunged under section 2953.35 of the Revised Code. 23468
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(O) Nothing in ~~sections 2953.31 to 2953.33~~ section 2953.32 or 2953.34 of the Revised Code precludes an eligible-offender from taking an appeal or seeking any relief from the eligible-offender's conviction or from relying on it in lieu of any subsequent prosecution for the same offense. 23472
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Sec. ~~2953.37~~ 2953.35. (A) ~~As used in this section:~~ 23477

~~(1) "Expunge" means to destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.~~ 23478
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~~(2) "Official records" has the same meaning as in section 2953.51 of the Revised Code.~~ 23481
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~~(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.~~ 23483
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~~(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.~~ 23485
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~~(B)~~ Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and who is authorized by division (H) (2) (a) of that section to file an 23487
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application under this section for the expungement of the 23492
conviction record may apply to the sentencing court for the 23493
expungement of the record of conviction. The person may file the 23494
application at any time on or after September 30, 2011. The 23495
application shall do all of the following: 23496

(1) Identify the applicant, the offense for which the 23497
expungement is sought, the date of the conviction of or plea of 23498
guilty to that offense, and the court in which the conviction 23499
occurred or the plea of guilty was entered; 23500

(2) Include evidence that the offense was a violation of 23501
division (B), (C), or (E) of section 2923.16 of the Revised Code 23502
as the division existed prior to September 30, 2011, and that 23503
the applicant is authorized by division (H) (2) (a) of that 23504
section to file an application under this section; 23505

(3) Include a request for expungement of the record of 23506
conviction of that offense under this section. 23507

~~(C)~~ (B) Upon the filing of an application under division 23508
~~(B)~~ (A) of this section and the payment of the fee described in 23509
division ~~(D)~~ ~~(3)~~ (C) (3) of this section if applicable, the court 23510
shall set a date for a hearing and shall notify the prosecutor 23511
for the case of the hearing on the application. The prosecutor 23512
may object to the granting of the application by filing an 23513
objection with the court prior to the date set for the hearing. 23514
The prosecutor shall specify in the objection the reasons for 23515
believing a denial of the application is justified. The court 23516
shall direct its regular probation officer, a state probation 23517
officer, or the department of probation of the county in which 23518
the applicant resides to make inquiries and written reports as 23519
the court requires concerning the applicant. The court shall 23520
hold the hearing scheduled under this division. 23521

~~(D)~~ ~~(1)~~ (C) (1) At the hearing held under division ~~(C)~~ (B) 23522
of this section, the court shall do each of the following: 23523

(a) Determine whether the applicant has been convicted of 23524
or pleaded guilty to a violation of division (E) of section 23525
2923.16 of the Revised Code as the division existed prior to 23526
September 30, 2011, and whether the conduct that was the basis 23527
of the violation no longer would be a violation of that division 23528
on or after September 30, 2011; 23529

(b) Determine whether the applicant has been convicted of 23530
or pleaded guilty to a violation of division (B) or (C) of 23531
section 2923.16 of the Revised Code as the division existed 23532
prior to September 30, 2011, and whether the conduct that was 23533
the basis of the violation no longer would be a violation of 23534
that division on or after September 30, 2011, due to the 23535
application of division (F) (5) of that section as it exists on 23536
and after September 30, 2011; 23537

(c) If the prosecutor has filed an objection in accordance 23538
with division ~~(C)~~ (B) of this section, consider the reasons 23539
against granting the application specified by the prosecutor in 23540
the objection; 23541

(d) Weigh the interests of the applicant in having the 23542
records pertaining to the applicant's conviction or guilty plea 23543
expunged against the legitimate needs, if any, of the government 23544
to maintain those records. 23545

(2) (a) The court may order the expungement of all official 23546
records pertaining to the case and the deletion of all index 23547
references to the case and, if it does order the expungement, 23548
shall send notice of the order to each public office or agency 23549
that the court has reason to believe may have an official record 23550

pertaining to the case if the court, after complying with 23551
division ~~(D) (1)~~ (C) (1) of this section, determines both of the 23552
following: 23553

(i) That the applicant has been convicted of or pleaded 23554
guilty to a violation of division (E) of section 2923.16 of the 23555
Revised Code as it existed prior to September 30, 2011, and the 23556
conduct that was the basis of the violation no longer would be a 23557
violation of that division on or after September 30, 2011, or 23558
that the applicant has been convicted of or pleaded guilty to a 23559
violation of division (B) or (C) of section 2923.16 of the 23560
Revised Code as the division existed prior to September 30, 23561
2011, and the conduct that was the basis of the violation no 23562
longer would be a violation of that division on or after 23563
September 30, 2011, due to the application of division (F) (5) of 23564
that section as it exists on and after September 30, 2011; 23565

(ii) That the interests of the applicant in having the 23566
records pertaining to the applicant's conviction or guilty plea 23567
expunged are not outweighed by any legitimate needs of the 23568
government to maintain those records. 23569

(b) The proceedings in the case that is the subject of an 23570
order issued under division ~~(D) (2) (a)~~ (C) (2) (a) of this section 23571
shall be considered not to have occurred and the conviction or 23572
guilty plea of the person who is the subject of the proceedings 23573
shall be expunged. The record of the conviction shall not be 23574
used for any purpose, including, but not limited to, a criminal 23575
records check under section 109.572 of the Revised Code or a 23576
determination under section 2923.125 or 2923.1213 of the Revised 23577
Code of eligibility for a concealed handgun license. The 23578
applicant may, and the court shall, reply that no record exists 23579
with respect to the applicant upon any inquiry into the matter. 23580

(3) Upon the filing of an application under this section, 23581
the applicant, unless indigent, shall pay a fee of fifty 23582
dollars. The court shall pay thirty dollars of the fee into the 23583
state treasury and shall pay twenty dollars of the fee into the 23584
county general revenue fund. 23585

Sec. ~~2953.38~~ 2953.36. (A) ~~As used in this section:~~ 23586

~~(1) "Expunge" means to destroy, delete, or erase a record~~ 23587
~~as appropriate for the record's physical or electronic form or~~ 23588
~~characteristic so that the record is permanently irretrievable.~~ 23589

~~(2) "Prosecutor" has the same meaning as in section~~ 23590
~~2953.31 of the Revised Code.~~ 23591

~~(3) "Record of conviction" means any record related to a~~ 23592
~~conviction of or plea of guilty to an offense.~~ 23593

~~(4) "Victim of human trafficking" means a person who is or~~ 23594
~~was a victim of a violation of section 2905.32 of the Revised~~ 23595
~~Code, regardless of whether anyone has been convicted of a~~ 23596
~~violation of that section or of any other section for~~ 23597
~~victimizing the person.~~ 23598

~~(B)~~ Any person who is or was convicted of a violation of 23599
section 2907.24, 2907.241, or 2907.25 of the Revised Code may 23600
apply to the sentencing court for the expungement of the record 23601
of conviction of any offense, other than a record of conviction 23602
of a violation of section 2903.01, 2903.02, 2907.011, or 2907.02 23603
of the Revised Code, the person's participation in which was a 23604
result of the person having been a victim of human trafficking. 23605
The person may file the application at any time. The application 23606
may request an order to expunge the record of conviction for 23607
more than one offense, but if it does, the court shall consider 23608
the request for each offense separately as if a separate 23609

application had been made for each offense and all references in 23610
divisions ~~(B)~~(A) to ~~(H)~~(G) of this section to "the offense" or 23611
"that offense" mean each of those offenses that are the subject 23612
of the application. The application shall do all of the 23613
following: 23614

(1) Identify the applicant, the offense for which the 23615
expungement is sought, the date of the conviction of that 23616
offense, and the court in which the conviction occurred; 23617

(2) Describe the evidence and provide copies of any 23618
documentation showing that the person is entitled to relief 23619
under this section; 23620

(3) Include a request for expungement of the record of 23621
conviction of that offense under this section. 23622

~~(C)~~(B) The court may deny an application made under 23623
division ~~(B)~~(A) of this section if it finds that the 23624
application fails to assert grounds on which relief may be 23625
granted. 23626

~~(D)~~(C) If the court does not deny an application under 23627
division ~~(C)~~(B) of this section, it shall set a date for a 23628
hearing and shall notify the prosecutor for the case from which 23629
the record of conviction resulted of the hearing on the 23630
application. The prosecutor may object to the granting of the 23631
application by filing an objection with the court prior to the 23632
date set for the hearing. The prosecutor shall specify in the 23633
objection the reasons for believing a denial of the application 23634
is justified. The court may direct its regular probation 23635
officer, a state probation officer, or the department of 23636
probation of the county in which the applicant resides to make 23637
inquiries and written reports as the court requires concerning 23638

the applicant. 23639

~~(E) (1)~~ (D) (1) At the hearing held under division ~~(D)~~ (C) 23640
of this section, the court shall do both of the following: 23641

(a) If the prosecutor has filed an objection, consider the 23642
reasons against granting the application specified by the 23643
prosecutor in the objection; 23644

(b) Determine whether the applicant has demonstrated by a 23645
preponderance of the evidence that the applicant's participation 23646
in the offense that is the subject of the application was a 23647
result of the applicant having been a victim of human 23648
trafficking. 23649

(2) If the court at the hearing held under division ~~(D)~~ 23650
(C) of this section determines that the applicant's 23651
participation in the offense that is the subject of the 23652
application was a result of the applicant having been a victim 23653
of human trafficking and if that subject offense is a felony of 23654
the first or second degree, the court at the hearing also shall 23655
consider all of the following factors and, upon consideration of 23656
the factors, shall determine whether the interests of the 23657
applicant in having the record of the conviction of that offense 23658
expunged are outweighed by any legitimate needs of the 23659
government to maintain that record of conviction: 23660

(a) The degree of duress under which the applicant acted 23661
in committing the subject offense, including, but not limited 23662
to, the history of the use of force or threatened use of force 23663
against the applicant or another person, whether the applicant's 23664
judgment or control was impaired by the administration to the 23665
applicant of any intoxicant, drug, or controlled substance, and 23666
the threat of withholding from the applicant food, water, or any 23667

drug; 23668

(b) The seriousness of the subject offense; 23669

(c) The relative degree of physical harm done to any 23670
person in the commission of the subject offense; 23671

(d) The length of time that has expired since the 23672
commission of the subject offense; 23673

(e) Whether the prosecutor represents to the court that 23674
criminal proceedings are likely to still be initiated against 23675
the applicant for a felony offense for which the period of 23676
limitations has not expired; 23677

(f) Whether the applicant at the time of the hearing is 23678
subject to supervision as a result of the subject offense. 23679

~~(F)~~(E) If after a hearing held under division ~~(D)~~(C) of 23680
this section the court finds that the applicant has demonstrated 23681
by a preponderance of the evidence that the applicant's 23682
participation in the offense that is the subject of the 23683
application was the result of the applicant having been a victim 23684
of human trafficking, and, if the offense that is the subject of 23685
the application is a felony of the first or second degree, after 23686
consideration of the factors required under division ~~(E)(2)~~(D) 23687
(2) of this section, it finds that the interests of the 23688
applicant in having the record of the conviction of that offense 23689
expunged are not outweighed by any legitimate needs of the 23690
government to maintain that record of conviction, the court 23691
shall grant the application and order that the record of 23692
conviction be expunged. 23693

~~(G)(1)~~(F)(1) The court shall send notice of the order of 23694
expungement issued under division ~~(F)~~(E) of this section to 23695
each public office or agency that the court has reason to 23696

believe may have an official record pertaining to the case if 23697
the court, after complying with division ~~(E)~~(D) of this 23698
section, determines both of the following: 23699

(a) That the applicant has been convicted of a violation 23700
of section 2907.24, 2907.241, or 2907.25 of the Revised Code; 23701

(b) That the interests of the applicant in having the 23702
records pertaining to the applicant's conviction expunged are 23703
not outweighed by any legitimate needs of the government to 23704
maintain those records. 23705

(2) The proceedings in the case that is the subject of an 23706
order of expungement issued under division ~~(F)~~(E) of this 23707
section shall be considered not to have occurred and the 23708
conviction of the person who is the subject of the proceedings 23709
shall be expunged. The record of the conviction shall not be 23710
used for any purpose, including, but not limited to, a criminal 23711
records check under section 109.572 of the Revised Code. The 23712
applicant may, and the court shall, reply that no record exists 23713
with respect to the applicant upon any inquiry into the matter. 23714

~~(H)~~(G) Upon the filing of an application under this 23715
section, the applicant, unless indigent, shall pay a fee of 23716
fifty dollars. The court shall pay thirty dollars of the fee 23717
into the state treasury and shall pay twenty dollars of the fee 23718
into the county general revenue fund. 23719

Sec. ~~2953.56~~ 2953.37. Violations of sections 2953.31 to 23720
2953.61 of the Revised Code shall not provide the basis to 23721
exclude or suppress any of the following evidence that is 23722
otherwise admissible in a criminal proceeding, delinquent child 23723
proceeding, or other legal proceeding: 23724

(A) DNA records collected in the DNA database; 23725

(B) Fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation; 23726
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(C) Other evidence that was obtained or discovered as the direct or indirect result of divulging or otherwise using the records described in divisions (A) and (B) of this section. 23728
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Sec. 2953.521. (A) ~~As used in this section, "expunge" has the same meaning as in section 2953.38 of the Revised Code.~~ 23731
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~~(B)~~ Any person who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, or information may apply to the court for an order to expunge the person's official records in the case if the complaint, indictment, information, or finding of not guilty that is the subject of the application was the result of the applicant having been a victim of human trafficking. The application may be filed at any time after the finding of not guilty or the dismissal of the complaint, indictment, or information is entered upon the minutes of the court or the journal, whichever entry occurs first. The application may request an order to expunge official records for more than one offense, but if it does, the court shall consider the request for each offense separately as if a separate application had been made for each offense and all references in divisions ~~(B)~~ (A) to ~~(H)~~ (G) of this section to "the offense" or "that offense" mean each of those offenses that are the subject of the application. 23733
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~~(C)~~ (B) The court may deny an application made under division ~~(B)~~ (A) of this section if it finds that the application fails to assert grounds on which relief may be granted. 23751
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~~(D)~~ (C) If the court does not deny an application under 23755
division ~~(C)~~ (B) of this section, the court shall set a date for 23756
a hearing and shall notify the prosecutor for the case of the 23757
hearing on the application. The prosecutor may object to the 23758
granting of the application by filing an objection with the 23759
court prior to the date set for the hearing. The prosecutor 23760
shall specify in the objection the reasons for believing a 23761
denial of the application is justified. 23762

~~(E)~~ (D) At the hearing held under division ~~(D)~~ (C) of this 23763
section, the court shall do all of the following: 23764

(1) If the prosecutor has filed an objection, consider the 23765
reasons against granting the application specified by the 23766
prosecutor in the objection; 23767

(2) Determine whether the applicant has demonstrated by a 23768
preponderance of the evidence that the complaint, indictment, 23769
information, or finding of not guilty that is the subject of the 23770
application was the result of the applicant having been a victim 23771
of human trafficking; 23772

(3) If the application pertains to a dismissed complaint, 23773
indictment, or information, determine whether the dismissal was 23774
with prejudice or without prejudice and, if the dismissal was 23775
without prejudice, whether the period of limitations applicable 23776
to the offense that was the subject of that complaint, 23777
indictment, or information has expired; 23778

(4) Determine whether any criminal proceedings are pending 23779
against the applicant. 23780

~~(F) (1)~~ (E) (1) Subject to division ~~(F) (2)~~ (E) (2) of this 23781
section, if the court finds that the applicant has demonstrated 23782
by a preponderance of the evidence that the complaint, 23783

indictment, information, or finding of not guilty that is the 23784
subject of the application was the result of the applicant 23785
having been a victim of human trafficking, the court shall grant 23786
the application and order that the official records be expunged. 23787

(2) The court shall not grant the application and order 23788
that the official records be expunged unless the court 23789
determines that the interests of the applicant in having the 23790
official records pertaining to the complaint, indictment, or 23791
information or finding of not guilty that is the subject of the 23792
application expunged are not outweighed by any legitimate needs 23793
of the government to maintain those records. 23794

~~(G)~~ (F) If an expungement is ordered under division ~~(F)~~ 23795
(E) of this section, the court shall send notice of the order of 23796
expungement to each public office or agency that the court has 23797
reason to believe may have an official record pertaining to the 23798
case. 23799

~~(H)~~ (G) The proceedings in the case that is the subject of 23800
an order issued under division ~~(F)~~ (E) of this section shall be 23801
considered not to have occurred and the official records shall 23802
be expunged. The official records shall not be used for any 23803
purpose, including a criminal records check under section 23804
109.572 of the Revised Code. The applicant may, and the court 23805
shall, reply that no record exists with respect to the applicant 23806
upon any inquiry into the matter. 23807

Sec. 2953.57. (A) A court that enters a judgment that 23808
vacates and sets aside the conviction of a person because of DNA 23809
testing that was performed under sections 2953.71 to 2953.81 of 23810
the Revised Code or under section 2953.82 of the Revised Code 23811
shall issue ninety days after the court vacates and sets aside 23812
the conviction an order directing that all official records 23813

pertaining to the case involving the vacated conviction be 23814
sealed and that the proceedings in the case shall be deemed not 23815
to have occurred. 23816

(B) As used in sections 2953.57 to 2953.60 of the Revised 23817
Code, "official records" has the same meaning as in section 23818
~~2953.51~~ 2953.31 of the Revised Code. 23819

Sec. 2953.58. (A) The court shall send notice of an order 23820
to seal official records issued pursuant to section 2953.57 of 23821
the Revised Code to any public office or agency that the court 23822
knows or has reason to believe may have any record of the case, 23823
whether or not it is an official record, that is the subject of 23824
the order. The notice shall be sent by certified mail, return 23825
receipt requested. 23826

(B) A person whose official records have been sealed 23827
pursuant to an order issued pursuant to section 2953.57 of the 23828
Revised Code may present a copy of that order and a written 23829
request to comply with it, to a public office or agency that has 23830
a record of the case that is the subject of the order. 23831

(C) An order to seal official records issued pursuant to 23832
section 2953.57 of the Revised Code applies to every public 23833
office or agency that has a record of the case that is the 23834
subject of the order, regardless of whether it receives a copy 23835
of the order to seal the official records pursuant to division 23836
(A) or (B) of this section. 23837

(D) Upon receiving a copy of an order to seal official 23838
records pursuant to division (A) or (B) of this section or upon 23839
otherwise becoming aware of an applicable order to seal official 23840
records issued pursuant to section 2953.57 of the Revised Code, 23841
a public office or agency shall comply with the order and, if 23842

applicable, with the provisions of section 2953.59 of the Revised Code, except that it may maintain a record of the case that is the subject of the order if the record is maintained for the purpose of compiling statistical data only and does not contain any reference to the person who is the subject of the case and the order.

A public office or agency also may maintain an index of sealed official records, in a form similar to that for sealed records of conviction as set forth in division ~~(F)~~ (C) of section ~~2953.32~~ 2953.34 of the Revised Code, access to which may not be afforded to any person other than the person who has custody of the sealed official records. The sealed official records to which such an index pertains shall not be available to any person, except that the official records of a case that have been sealed may be made available to the following persons for the following purposes:

(1) To the person who is the subject of the records upon written application, and to any other person named in the application, for any purpose;

(2) To a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case.

Sec. 2953.59. (A) Except as otherwise provided in Chapter 2950. of the Revised Code, upon the issuance of an order by a court under section 2953.57 of the Revised Code directing that all official records pertaining to a case be sealed and that the proceedings in the case be deemed not to have occurred:

(1) Every law enforcement officer possessing records or reports pertaining to the case that are the officer's specific

investigatory work product and that are excepted from the 23872
definition of "official records" contained in section ~~2953.51~~ 23873
2953.31 of the Revised Code shall immediately deliver the 23874
records and reports to the officer's employing law enforcement 23875
agency. Except as provided in division (A)(3) of this section, 23876
no such officer shall knowingly release, disseminate, or 23877
otherwise make the records and reports or any information 23878
contained in them available to, or discuss any information 23879
contained in them with, any person not employed by the officer's 23880
employing law enforcement agency. 23881

(2) Every law enforcement agency that possesses records or 23882
reports pertaining to the case that are its specific 23883
investigatory work product and that are excepted from the 23884
definition of "official records" contained in section ~~2953.51~~ 23885
2953.31 of the Revised Code, or that are the specific 23886
investigatory work product of a law enforcement officer it 23887
employs and that were delivered to it under division (A)(1) of 23888
this section shall, except as provided in division (A)(3) of 23889
this section, close the records and reports to all persons who 23890
are not directly employed by the law enforcement agency and 23891
shall, except as provided in division (A)(3) of this section, 23892
treat the records and reports, in relation to all persons other 23893
than those who are directly employed by the law enforcement 23894
agency, as if they did not exist and had never existed. Except 23895
as provided in division (A)(3) of this section, no person who is 23896
employed by the law enforcement agency shall knowingly release, 23897
disseminate, or otherwise make the records and reports in the 23898
possession of the employing law enforcement agency or any 23899
information contained in them available to, or discuss any 23900
information contained in them with, any person not employed by 23901
the employing law enforcement agency. 23902

(3) A law enforcement agency that possesses records or reports pertaining to the case that are its specific investigatory work product and that are excepted from the definition of "official records" contained in division ~~(D)~~ (C) of section ~~2953.51~~ 2953.31 of the Revised Code, or that are the specific investigatory work product of a law enforcement officer it employs and that were delivered to it under division (A) (1) of this section may permit another law enforcement agency to use the records or reports in the investigation of another offense, if the facts incident to the offense being investigated by the other law enforcement agency and the facts incident to an offense that is the subject of the case are reasonably similar and if all references to the name or identifying information of the person whose records were sealed are redacted from the records or reports. The agency that provides the records and reports may not provide the other agency with the name of the person who is the subject of the case the records of which were sealed.

(B) Whoever violates division (A) (1), (2), or (3) of this section is guilty of divulging confidential information, a misdemeanor of the fourth degree.

Sec. 2953.61. (A) Except as provided in division (B) (1) of this section, a person charged with two or more offenses as a result of or in connection with the same act may not apply to the court pursuant to section ~~2953.32~~ 2953.32, ~~or 2953.52~~, 2953.33, or 2953.521 of the Revised Code for the sealing or expungement of the person's record in relation to any of the charges when at least one of the charges has a final disposition that is different from the final disposition of the other charges until such time as the person would be able to apply to the court and have all of the records pertaining to all of those charges

sealed or expunged pursuant to section 2953.32 ~~or 2953.52,~~ 23934
2953.33, or 2953.521 of the Revised Code. 23935

(B) (1) When a person is charged with two or more offenses 23936
as a result of or in connection with the same act and the final 23937
disposition of one, and only one, of the charges is a conviction 23938
under any section of Chapter 4507., 4510., 4511., or 4549., 23939
other than section 4511.19 or 4511.194 of the Revised Code, or 23940
under a municipal ordinance that is substantially similar to any 23941
section other than section 4511.19 or 4511.194 of the Revised 23942
Code contained in any of those chapters, and if the records 23943
pertaining to all the other charges would be eligible for 23944
sealing or expungement under section ~~2953.52~~ 2953.33 or 2953.521 23945
of the Revised Code in the absence of that conviction, the court 23946
may order that the records pertaining to all the charges be 23947
sealed or expunged. In such a case, the court shall not order 23948
that only a portion of the records be sealed or expunged. 23949

(2) Division (B) (1) of this section does not apply if the 23950
person convicted of the offenses currently holds a commercial 23951
driver's license or commercial driver's license temporary 23952
instruction permit. 23953

Sec. 2967.04. (A) A pardon or commutation may be granted 23954
upon such conditions precedent or subsequent as the governor may 23955
impose, which conditions shall be stated in the warrant. Such 23956
pardon or commutation shall not take effect until the conditions 23957
so imposed are accepted by the convict or prisoner so pardoned 23958
or having a sentence commuted, and the convict's or prisoner's 23959
acceptance is indorsed upon the warrant, signed by the prisoner 23960
or convict, and attested by one witness. Such witness shall go 23961
before the clerk of the court of common pleas in whose office 23962
the sentence is recorded and prove the signature of the convict. 23963

The clerk shall thereupon record the warrant, indorsement, and proof in the journal of the court, which record, or a duly certified transcript thereof, shall be evidence of such pardon or commutation, the conditions thereof, and the acceptance of the conditions.

(B) An unconditional pardon relieves the person to whom it is granted of all disabilities arising out of the conviction or convictions from which it is granted. For purposes of this section, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.

(C) In the case of an unconditional pardon, the governor may include as a condition of the pardon that records related to the conviction be sealed or expunged as if the records are related to an offense that is eligible to be sealed or expunged. The governor may issue a writ for the records related to the pardoned conviction or convictions to be sealed or expunged. However, such a writ shall not seal or expunge the records required to be kept under division (E) of section 107.10 of the Revised Code and shall not have any impact on the governor's office or on reports required to be made under law. Other than the records required to be kept under division (E) of section 107.10 of the Revised Code, no records of the governor's office related to a pardon that have been sealed or expunged under this division are subject to public inspection unless directed by the governor. Inspection of the records or disclosure of information contained in the records may be made pursuant to division ~~(D)~~ (A) of section ~~2953.32-2953.34~~ of the Revised Code or as the governor may direct. A disclosure of records sealed or expunged under a writ issued by the governor is not a criminal offense.

Sec. 2967.132. (A) As used in this section:	23994
(1) "Aggravated homicide offense" means any of the following that involved the purposeful killing of three or more persons, when the offender is the principal offender in each offense:	23995 23996 23997 23998
(a) Aggravated murder;	23999
(b) Any other offense or combination of offenses that involved the purposeful killing of three or more persons.	24000 24001
(2) "Homicide offense" means a violation of section 2903.02, 2903.03, 2903.04, or 2903.041 of the Revised Code or a violation of section 2903.01 of the Revised Code that is not an aggravated homicide offense.	24002 24003 24004 24005
(B) This section applies to any prisoner serving a prison sentence for one or more offenses committed when the prisoner was under eighteen years of age. Regardless of whether the prisoner's stated prison term includes mandatory time, this section shall apply automatically and cannot be limited by the sentencing court.	24006 24007 24008 24009 24010 24011
(C) Notwithstanding any provision of the Revised Code to the contrary, and regardless of when the offense or offenses were committed and when the sentence was imposed, a prisoner who is serving a prison sentence for an offense other than an aggravated homicide offense and who was under eighteen years of age at the time of the offense, or who is serving consecutive prison sentences for multiple offenses none of which is an aggravated homicide offense and who was under eighteen years of age at the time of the offenses, is eligible for parole as follows:	24012 24013 24014 24015 24016 24017 24018 24019 24020 24021
(1) Except as provided in division (C) (2) or (3) of this	24022

section, the prisoner is eligible for parole after serving 24023
eighteen years in prison. 24024

(2) Except as provided in division (C) (3) or (4) of this 24025
section, if the prisoner is serving a sentence for one or more 24026
homicide offenses, none of which are an aggravated homicide 24027
offense, the prisoner is eligible for parole after serving 24028
twenty-five years in prison. 24029

(3) Except as provided in division (C) (4) of this section, 24030
if the prisoner is serving a sentence for two or more homicide 24031
offenses, none of which are an aggravated homicide offense, and 24032
the offender was the principal offender in two or more of those 24033
offenses, the prisoner is eligible for parole after serving 24034
thirty years in prison. 24035

(4) If the prisoner is serving a sentence for one or more 24036
offenses and the sentence permits parole earlier than the parole 24037
eligibility date specified in division (C) (1), (2), or (3) of 24038
this section, the prisoner is eligible for parole after serving 24039
the period of time in prison that is specified in the sentence. 24040

(D) If the prisoner is serving a sentence for an 24041
aggravated homicide offense, or for a violation of section 24042
2909.24 of the Revised Code when the most serious underlying 24043
specified offense the defendant committed in the violation was 24044
aggravated murder or murder, the prisoner is not eligible for 24045
parole review other than in accordance with the sentence imposed 24046
for the offense. 24047

(E) (1) Once a prisoner is eligible for parole pursuant to 24048
division (C) or (D) of this section, the parole board, within a 24049
reasonable time after the prisoner becomes eligible, shall 24050
conduct a hearing to consider the prisoner's release on parole 24051

under parole supervision. The board shall conduct the hearing in 24052
accordance with Chapters 2930., 2967., and 5149. of the Revised 24053
Code and in accordance with the board's policies and procedures. 24054
Those policies and procedures must permit the prisoner's 24055
privately retained counsel or the state public defender to 24056
appear at the prisoner's hearing to make a statement in support 24057
of the prisoner's release. 24058

(2) The parole board shall ensure that the review process 24059
provides the prisoner a meaningful opportunity to obtain 24060
release. In addition to any other factors the board is required 24061
or authorized to consider by rule or statute, the board shall 24062
consider the following factors as mitigating factors: 24063

(a) The chronological age of the prisoner at the time of 24064
the offense and that age's hallmark features, including 24065
intellectual capacity, immaturity, impetuosity, and a failure to 24066
appreciate risks and consequences; 24067

(b) The family and home environment of the prisoner at the 24068
time of the offense, the prisoner's inability to control the 24069
prisoner's surroundings, a history of trauma regarding the 24070
prisoner, and the prisoner's school and special education 24071
history; 24072

(c) The circumstances of the offense, including the extent 24073
of the prisoner's participation in the conduct and the way 24074
familial and peer pressures may have impacted the prisoner's 24075
conduct; 24076

(d) Whether the prisoner might have been charged and 24077
convicted of a lesser offense if not for the incompetencies 24078
associated with youth such as the prisoner's inability to deal 24079
with police officers and prosecutors during the prisoner's 24080

interrogation or possible plea agreement, or the prisoner's 24081
inability to assist the prisoner's own attorney; 24082

(e) Examples of the prisoner's rehabilitation, including 24083
any subsequent growth or increase in maturity during 24084
imprisonment. 24085

(F) In accordance with section 2967.131 of the Revised 24086
Code, the parole board shall impose appropriate terms and 24087
conditions of release upon each prisoner granted a parole under 24088
this section. 24089

(G) If the parole board denies release on parole pursuant 24090
to this section, the board shall conduct a subsequent release 24091
review not later than five years after release was denied. 24092

(H) In addition to any notice required by rule or statute, 24093
the parole board shall notify the state public defender, the 24094
victim, and the appropriate prosecuting attorney of a prisoner's 24095
eligibility for review under this section at least sixty days 24096
before the board begins any review or proceedings involving that 24097
prisoner under this section. 24098

~~(I)~~ (1) This section shall apply to determine the parole 24099
eligibility of all prisoners described in this section who 24100
committed an offense prior to, on, or after ~~the effective date~~ 24101
~~of this section~~ April 12, 2021, regardless of when the prisoner 24102
committed or was sentenced for the offense and, for purposes of 24103
this section, a prisoner is "serving" a prison sentence for an 24104
offense if on or after ~~the effective date of this section~~ April 24105
12, 2021, the prisoner is serving a prison sentence for that 24106
offense, regardless of when the sentence was imposed or the 24107
offense was committed. 24108

(2) The provisions of this section do not apply to an 24109

offender who is paroled on an offense committed when the 24110
offender was under eighteen years of age who subsequently 24111
returns to prison for a violation of parole committed as an 24112
adult or for a new felony conviction committed as an adult. 24113

Sec. 2967.193. (A) (1) Except as provided in division (C) 24114
of this section and subject to the maximum aggregate total 24115
specified in division (A) (3) of this section, a person confined 24116
in a state correctional institution or placed in the substance 24117
use disorder treatment program may provisionally earn one day or 24118
five days of credit, based on the category set forth in division 24119
(D) (1), (2), (3), (4), or (5) of this section in which the 24120
person is included, toward satisfaction of the person's stated 24121
prison term, as described in division (F) of this section, for 24122
each completed month during which the person, if confined in a 24123
state correctional institution, productively participates in an 24124
education program, vocational training, employment in prison 24125
industries, treatment for substance abuse, or any other 24126
constructive program developed by the department with specific 24127
standards for performance by prisoners or during which the 24128
person, if placed in the substance use disorder treatment 24129
program, productively participates in the program. Except as 24130
provided in division (C) of this section and subject to the 24131
maximum aggregate total specified in division (A) (3) of this 24132
section, a person so confined in a state correctional 24133
institution who successfully completes two programs or 24134
activities of that type may, in addition, provisionally earn up 24135
to five days of credit toward satisfaction of the person's 24136
stated prison term, as described in division (F) of this 24137
section, for the successful completion of the second program or 24138
activity. The person shall not be awarded any provisional days 24139
of credit for the successful completion of the first program or 24140

activity or for the successful completion of any program or 24141
activity that is completed after the second program or activity. 24142
At the end of each calendar month in which a person productively 24143
participates in a program or activity listed in this division or 24144
successfully completes a program or activity listed in this 24145
division, the department of rehabilitation and correction shall 24146
determine and record the total number of days credit that the 24147
person provisionally earned in that calendar month. If the 24148
person in a state correctional institution violates prison rules 24149
or the person in the substance use disorder treatment program 24150
violates program or department rules, the department may deny 24151
the person a credit that otherwise could have been provisionally 24152
awarded to the person or may withdraw one or more credits 24153
previously provisionally earned by the person. Days of credit 24154
provisionally earned by a person shall be finalized and awarded 24155
by the department subject to administrative review by the 24156
department of the person's conduct. 24157

(2) Unless a person is serving a mandatory prison term or 24158
a prison term for an offense of violence or a sexually oriented 24159
offense, and notwithstanding the maximum aggregate total 24160
specified in division (A) (3) of this section, a person who 24161
successfully completes any of the following shall earn ninety 24162
days of credit toward satisfaction of the person's stated prison 24163
term or a ten per cent reduction of the person's stated prison 24164
term, whichever is less: 24165

(a) An Ohio high school diploma or Ohio certificate of 24166
high school equivalence certified by the Ohio central school 24167
system; 24168

(b) A therapeutic drug community program; 24169

(c) All three phases of the department of rehabilitation 24170

and correction's intensive outpatient drug treatment program;	24171
(d) A career technical vocational school program;	24172
(e) A college certification program;	24173
(f) The criteria for a certificate of achievement and	24174
employability as specified in division (A)(1) of section 2961.22	24175
of the Revised Code.	24176
(3) Except for persons described in division (A)(2) of	24177
this section, the aggregate days of credit provisionally earned	24178
by a person for program or activity participation and program	24179
and activity completion under this section and the aggregate	24180
days of credit finally credited to a person under this section	24181
shall not exceed eight <u>fifteen</u> per cent of the total number of	24182
days in the person's stated prison term.	24183
(B) The department of rehabilitation and correction shall	24184
adopt rules that specify the programs or activities for which	24185
credit may be earned under this section, the criteria for	24186
determining productive participation in, or completion of, the	24187
programs or activities and the criteria for awarding credit,	24188
including criteria for awarding additional credit for successful	24189
program or activity completion, and the criteria for denying or	24190
withdrawing previously provisionally earned credit as a result	24191
of a violation of prison rules, or program or department rules,	24192
whichever is applicable.	24193
(C) No person confined in a state correctional institution	24194
or placed in a substance use disorder treatment program to whom	24195
any of the following applies shall be awarded any days of credit	24196
under division (A) of this section:	24197
(1) The person is serving a prison term that section	24198
2929.13 or section 2929.14 of the Revised Code specifies cannot	24199

be reduced pursuant to this section or this chapter or is 24200
serving a sentence for which section 2967.13 or division (B) of 24201
section 2929.143 of the Revised Code specifies that the person 24202
is not entitled to any earned credit under this section. 24203

(2) The person is sentenced to death or is serving a 24204
prison term or a term of life imprisonment for aggravated 24205
murder, murder, or a conspiracy or attempt to commit, or 24206
complicity in committing, aggravated murder or murder. 24207

(3) The person is serving a sentence of life imprisonment 24208
without parole imposed pursuant to section 2929.03 or 2929.06 of 24209
the Revised Code, a prison term or a term of life imprisonment 24210
without parole imposed pursuant to section 2971.03 of the 24211
Revised Code, or a sentence for a sexually oriented offense that 24212
was committed on or after September 30, 2011. 24213

(D) This division does not apply to a determination of 24214
whether a person confined in a state correctional institution or 24215
placed in a substance use disorder treatment program may earn 24216
any days of credit under division (A) of this section for 24217
successful completion of a second program or activity. The 24218
determination of whether a person confined in a state 24219
correctional institution may earn one day of credit or five days 24220
of credit under division (A) of this section for each completed 24221
month during which the person productively participates in a 24222
program or activity specified under that division shall be made 24223
in accordance with the following: 24224

(1) The offender may earn one day of credit under division 24225
(A) of this section, except as provided in division (C) of this 24226
section, if the most serious offense for which the offender is 24227
confined is any of the following that is a felony of the first 24228
or second degree: 24229

(a) A violation of division (A) of section 2903.04 or of 24230
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 24231
2909.02, 2909.09, ~~2909.10, 2909.101,~~ 2909.26, 2909.27, 2909.29, 24232
2911.01, 2911.02, ~~2911.11, 2911.12,~~ 2911.03, 2911.04, 2919.13, 24233
2919.15, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 24234
2923.162, 2923.32, or 2925.24, divisions (A) (3) or (B) (1) to (3) 24235
of section 2909.09, or ~~2927.24~~ division (B) of section 2909.22 24236
of the Revised Code; 24237

(b) A conspiracy or attempt to commit, or complicity in 24238
committing, any other offense for which the maximum penalty is 24239
imprisonment for life or any offense listed in division (D) (1) 24240
(a) of this section. 24241

(2) The offender may earn one day of credit under division 24242
(A) of this section, except as provided in division (C) of this 24243
section, if the offender is serving a stated prison term that 24244
includes a prison term imposed for a sexually oriented offense 24245
that the offender committed prior to September 30, 2011. 24246

(3) The offender may earn one day of credit under division 24247
(A) of this section, except as provided in division (C) of this 24248
section, if the offender is serving a stated prison term that 24249
includes a prison term imposed for a felony other than carrying 24250
a concealed weapon an essential element of which is any conduct 24251
or failure to act expressly involving any deadly weapon or 24252
dangerous ordnance. 24253

(4) Except as provided in division (C) of this section, if 24254
the most serious offense for which the offender is confined is a 24255
felony of the first or second degree and divisions (D) (1), (2), 24256
and (3) of this section do not apply to the offender, the 24257
offender may earn one day of credit under division (A) of this 24258
section if the offender committed that offense prior to 24259

September 30, 2011, and the offender may earn five days of 24260
credit under division (A) of this section if the offender 24261
committed that offense on or after September 30, 2011. 24262

(5) Except as provided in division (C) of this section, if 24263
the most serious offense for which the offender is confined is a 24264
felony of the third, fourth, or fifth degree or an unclassified 24265
felony and neither division (D) (2) nor (3) of this section 24266
applies to the offender, the offender may earn one day of credit 24267
under division (A) of this section if the offender committed 24268
that offense prior to September 30, 2011, and the offender may 24269
earn five days of credit under division (A) of this section if 24270
the offender committed that offense on or after September 30, 24271
2011. 24272

(E) The department annually shall seek and consider the 24273
written feedback of the Ohio prosecuting attorneys association, 24274
the Ohio judicial conference, the Ohio public defender, the Ohio 24275
association of criminal defense lawyers, and other organizations 24276
and associations that have an interest in the operation of the 24277
corrections system and the earned credits program under this 24278
section as part of its evaluation of the program and in 24279
determining whether to modify the program. 24280

(F) Days of credit awarded under this section shall be 24281
applied toward satisfaction of a person's stated prison term as 24282
follows: 24283

(1) Toward the definite prison term of a prisoner serving 24284
a definite prison term as a stated prison term; 24285

(2) Toward the minimum and maximum terms of a prisoner 24286
serving an indefinite prison term imposed under division (A) (1) 24287
(a) or (2) (a) of section 2929.14 of the Revised Code for a 24288

felony of the first or second degree committed on or after ~~the~~ 24289
~~effective date of this amendment~~ March 22, 2019. 24290

(G) As used in this section: 24291

(1) "Sexually oriented offense" has the same meaning as in 24292
section 2950.01 of the Revised Code. 24293

(2) "Substance use disorder treatment program" means the 24294
substance use disorder treatment program established by the 24295
department of rehabilitation and correction under section 24296
5120.035 of the Revised Code. 24297

Sec. 2967.26. (A) (1) The department of rehabilitation and 24298
correction, by rule, may establish a transitional control 24299
program for the purpose of closely monitoring a prisoner's 24300
adjustment to community supervision during the final one hundred 24301
eighty days of the prisoner's confinement. If the department 24302
establishes a transitional control program under this division, 24303
the division of parole and community services of the department 24304
of rehabilitation and correction may transfer eligible prisoners 24305
to transitional control status under the program during the 24306
final one hundred eighty days of their confinement and under the 24307
terms and conditions established by the department, shall 24308
provide for the confinement as provided in this division of each 24309
eligible prisoner so transferred, and shall supervise each 24310
eligible prisoner so transferred in one or more community 24311
control sanctions. Each eligible prisoner who is transferred to 24312
transitional control status under the program shall be confined 24313
in a suitable facility that is licensed pursuant to division (C) 24314
of section 2967.14 of the Revised Code, or shall be confined in 24315
a residence the department has approved for this purpose and be 24316
monitored pursuant to an electronic monitoring device, as 24317
defined in section 2929.01 of the Revised Code. If the 24318

department establishes a transitional control program under this 24319
division, the rules establishing the program shall include 24320
criteria that define which prisoners are eligible for the 24321
program, criteria that must be satisfied to be approved as a 24322
residence that may be used for confinement under the program of 24323
a prisoner that is transferred to it and procedures for the 24324
department to approve residences that satisfy those criteria, 24325
and provisions of the type described in division (C) of this 24326
section. At a minimum, the criteria that define which prisoners 24327
are eligible for the program shall provide all of the following: 24328

(a) That a prisoner is eligible for the program if the 24329
prisoner is serving a prison term or term of imprisonment for an 24330
offense committed prior to March 17, 1998, and if, at the time 24331
at which eligibility is being determined, the prisoner would 24332
have been eligible for a furlough under this section as it 24333
existed immediately prior to March 17, 1998, or would have been 24334
eligible for conditional release under former section 2967.23 of 24335
the Revised Code as that section existed immediately prior to 24336
March 17, 1998; 24337

(b) That no prisoner who is serving a mandatory prison 24338
term is eligible for the program until after expiration of the 24339
mandatory term; 24340

(c) That no prisoner who is serving a prison term or term 24341
of life imprisonment without parole imposed pursuant to section 24342
2971.03 of the Revised Code is eligible for the program. 24343

~~(2) At least sixty days prior to transferring to 24344
transitional control under this section a prisoner who is 24345
serving a definite term of imprisonment or definite prison term 24346
of two years or less for an offense committed on or after July 24347
1, 1996, or who is serving a minimum term of two years or less 24348~~

~~under a non life felony indefinite prison term, the division of 24349
parole and community services of the department of 24350
rehabilitation and correction shall give notice of the pendency 24351
of the transfer to transitional control to the court of common 24352
pleas of the county in which the indictment against the prisoner 24353
was found and of the fact that the court may disapprove the 24354
transfer of the prisoner to transitional control and shall 24355
include the institutional summary report prepared by the head of 24356
the state correctional institution in which the prisoner is 24357
confined. The head of the state correctional institution in 24358
which the prisoner is confined, upon the request of the division 24359
of parole and community services, shall provide to the division 24360
for inclusion in the notice sent to the court under this 24361
division an institutional summary report on the prisoner's 24362
conduct in the institution and in any institution from which the 24363
prisoner may have been transferred. The institutional summary 24364
report shall cover the prisoner's participation in school, 24365
vocational training, work, treatment, and other rehabilitative 24366
activities and any disciplinary action taken against the 24367
prisoner. If the court disapproves of the transfer of the 24368
prisoner to transitional control, the court shall notify the 24369
division of the disapproval within thirty days after receipt of 24370
the notice. If the court timely disapproves the transfer of the 24371
prisoner to transitional control, the division shall not proceed 24372
with the transfer. If the court does not timely disapprove the 24373
transfer of the prisoner to transitional control, the division 24374
may transfer the prisoner to transitional control. 24375~~

~~(3)(a) (2)(a) If the victim of an offense for which a 24376
prisoner was sentenced to a prison term or term of imprisonment 24377
has requested notification under section 2930.16 of the Revised 24378
Code and has provided the department of rehabilitation and 24379~~

correction with the victim's name and address or if division ~~(A)~~
~~(3) (b)~~ (A) (2) (b) of this section applies, the division of parole
and community services, at least sixty days prior to
transferring the prisoner to transitional control pursuant to
this section, shall notify the victim of the pendency of the
transfer and of the victim's right to submit a statement to the
division regarding the impact of the transfer of the prisoner to
transitional control. If the victim subsequently submits a
statement of that nature to the division, the division shall
consider the statement in deciding whether to transfer the
prisoner to transitional control.

(b) If a prisoner is incarcerated for the commission of
aggravated murder, murder, or an offense of violence that is a
felony of the first, second, or third degree or under a sentence
of life imprisonment, except as otherwise provided in this
division, the notice described in division ~~(A) (3) (a)~~ (A) (2) (a)
of this section shall be given regardless of whether the victim
has requested the notification. The notice described in division
~~(A) (3) (a)~~ (A) (2) (a) of this section shall not be given under
this division to a victim if the victim has requested pursuant
to division (B) (2) of section 2930.03 of the Revised Code that
the victim not be provided the notice. If notice is to be
provided to a victim under this division, the authority may give
the notice by any reasonable means, including regular mail,
telephone, and electronic mail, in accordance with division (D)
(1) of section 2930.16 of the Revised Code. If the notice is
based on an offense committed prior to March 22, 2013, the
notice also shall include the opt-out information described in
division (D) (1) of section 2930.16 of the Revised Code. The
authority, in accordance with division (D) (2) of section 2930.16
of the Revised Code, shall keep a record of all attempts to

provide the notice, and of all notices provided, under this 24411
division. 24412

Division ~~(A) (3) (b)~~ (A) (2) (b) of this section, and the 24413
notice-related provisions of divisions (E) (2) and (K) of section 24414
2929.20, division (D) (1) of section 2930.16, division (H) of 24415
section 2967.12, division (E) (1) (b) of section 2967.19 as it 24416
existed prior to the effective date of this amendment, division 24417
(D) (1) of section 2967.28, and division (A) (2) of section 24418
5149.101 of the Revised Code enacted in the act in which 24419
division ~~(A) (3) (b)~~ (A) (2) (b) of this section was enacted, shall 24420
be known as "Roberta's Law." 24421

~~(4)~~ (3) The department of rehabilitation and correction, 24422
at least sixty days prior to transferring a prisoner to 24423
transitional control pursuant to this section, shall post on the 24424
database it maintains pursuant to section 5120.66 of the Revised 24425
Code the prisoner's name and all of the information specified in 24426
division (A) (1) (c) (iv) of that section. In addition to and 24427
independent of the right of a victim to submit a statement as 24428
described in division ~~(A) (3)~~ (A) (2) of this section or to 24429
otherwise make a statement and in addition to and independent of 24430
any other right or duty of a person to present information or 24431
make a statement, any person may send to the division of parole 24432
and community services at any time prior to the division's 24433
transfer of the prisoner to transitional control a written 24434
statement regarding the transfer of the prisoner to transitional 24435
control. In addition to the information, reports, and statements 24436
it considers under ~~divisions~~ division (A) (2) ~~and (3)~~ of this 24437
section or that it otherwise considers, the division shall 24438
consider each statement submitted in accordance with this 24439
division in deciding whether to transfer the prisoner to 24440
transitional control. 24441

(B) Each prisoner transferred to transitional control 24442
under this section shall be confined in the manner described in 24443
division (A) of this section during any period of time that the 24444
prisoner is not actually working at the prisoner's approved 24445
employment, engaged in a vocational training or another 24446
educational program, engaged in another program designated by 24447
the director, or engaged in other activities approved by the 24448
department. 24449

(C) The department of rehabilitation and correction shall 24450
adopt rules for transferring eligible prisoners to transitional 24451
control, supervising and confining prisoners so transferred, 24452
administering the transitional control program in accordance 24453
with this section, and using the moneys deposited into the 24454
transitional control fund established under division (E) of this 24455
section. 24456

(D) The department of rehabilitation and correction may 24457
adopt rules for the issuance of passes for the limited purposes 24458
described in this division to prisoners who are transferred to 24459
transitional control under this section. If the department 24460
adopts rules of that nature, the rules shall govern the granting 24461
of the passes and shall provide for the supervision of prisoners 24462
who are temporarily released pursuant to one of those passes. 24463
Upon the adoption of rules under this division, the department 24464
may issue passes to prisoners who are transferred to 24465
transitional control status under this section in accordance 24466
with the rules and the provisions of this division. All passes 24467
issued under this division shall be for a maximum of forty-eight 24468
hours and may be issued only for the following purposes: 24469

(1) To visit a relative in imminent danger of death; 24470

(2) To have a private viewing of the body of a deceased 24471

relative; 24472

(3) To visit with family; 24473

(4) To otherwise aid in the rehabilitation of the 24474
prisoner. 24475

(E) The division of parole and community services may 24476
require a prisoner who is transferred to transitional control to 24477
pay to the division the reasonable expenses incurred by the 24478
division in supervising or confining the prisoner while under 24479
transitional control. Inability to pay those reasonable expenses 24480
shall not be grounds for refusing to transfer an otherwise 24481
eligible prisoner to transitional control. Amounts received by 24482
the division of parole and community services under this 24483
division shall be deposited into the transitional control fund, 24484
which is hereby created in the state treasury and which hereby 24485
replaces and succeeds the furlough services fund that formerly 24486
existed in the state treasury. All moneys that remain in the 24487
furlough services fund on March 17, 1998, shall be transferred 24488
on that date to the transitional control fund. The transitional 24489
control fund shall be used solely to pay costs related to the 24490
operation of the transitional control program established under 24491
this section. The director of rehabilitation and correction 24492
shall adopt rules in accordance with section 111.15 of the 24493
Revised Code for the use of the fund. 24494

(F) A prisoner who violates any rule established by the 24495
department of rehabilitation and correction under division (A), 24496
(C), or (D) of this section may be transferred to a state 24497
correctional institution pursuant to rules adopted under 24498
division (A), (C), or (D) of this section, but the prisoner 24499
shall receive credit towards completing the prisoner's sentence 24500
for the time spent under transitional control. 24501

If a prisoner is transferred to transitional control under this section, upon successful completion of the period of transitional control, the prisoner may be released on parole or under post-release control pursuant to section 2967.13 or 2967.28 of the Revised Code and rules adopted by the department of rehabilitation and correction. If the prisoner is released under post-release control, the duration of the post-release control, the type of post-release control sanctions that may be imposed, the enforcement of the sanctions, and the treatment of prisoners who violate any sanction applicable to the prisoner are governed by section 2967.28 of the Revised Code.

Sec. 2967.271. (A) As used in this section:

(1) "Offender's minimum prison term" means the minimum prison term imposed on an offender under a non-life felony indefinite prison term, diminished as provided in section 2967.191 or 2967.193 of the Revised Code or in any other provision of the Revised Code, other than division (F) of this section, that provides for diminution or reduction of an offender's sentence.

(2) "Offender's presumptive earned early release date" means the date that is determined under the procedures described in division (F) of this section by the reduction, if any, of an offender's minimum prison term by the sentencing court and the crediting of that reduction toward the satisfaction of the minimum term.

(3) "Rehabilitative programs and activities" means education programs, vocational training, employment in prison industries, treatment for substance abuse, or other constructive programs developed by the department of rehabilitation and correction with specific standards for performance by prisoners.

(4) "Security level" means the security level in which an offender is classified under the inmate classification level system of the department of rehabilitation and correction that then is in effect.

(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(B) When an offender is sentenced to a non-life felony indefinite prison term, there shall be a presumption that the person shall be released from service of the sentence on the expiration of the offender's minimum prison term or on the offender's presumptive earned early release date, whichever is earlier.

(C) The presumption established under division (B) of this section is a rebuttable presumption that the department of rehabilitation and correction may rebut as provided in this division. Unless the department rebuts the presumption, the offender shall be released from service of the sentence on the expiration of the offender's minimum prison term or on the offender's presumptive earned early release date, whichever is earlier. The department may rebut the presumption only if the department determines, at a hearing, that one or more of the following applies:

(1) Regardless of the security level in which the offender is classified at the time of the hearing, both of the following apply:

(a) During the offender's incarceration, the offender committed institutional rule infractions that involved compromising the security of a state correctional institution, compromising the safety of the staff of a state correctional

institution or its inmates, or physical harm or the threat of 24561
physical harm to the staff of a state correctional institution 24562
or its inmates, or committed a violation of law that was not 24563
prosecuted, and the infractions or violations demonstrate that 24564
the offender has not been rehabilitated. 24565

(b) The offender's behavior while incarcerated, including, 24566
but not limited to the infractions and violations specified in 24567
division (C) (1) (a) of this section, demonstrate that the 24568
offender continues to pose a threat to society. 24569

(2) Regardless of the security level in which the offender 24570
is classified at the time of the hearing, the offender has been 24571
placed by the department in extended restrictive housing at any 24572
time within the year preceding the date of the hearing. 24573

(3) At the time of the hearing, the offender is classified 24574
by the department as a security level three, four, or five, or 24575
at a higher security level. 24576

(D) (1) If the department of rehabilitation and correction, 24577
pursuant to division (C) of this section, rebuts the presumption 24578
established under division (B) of this section, the department 24579
may maintain the offender's incarceration in a state 24580
correctional institution under the sentence after the expiration 24581
of the offender's minimum prison term or, for offenders who have 24582
a presumptive earned early release date, after the offender's 24583
presumptive earned early release date. The department may 24584
maintain the offender's incarceration under this division for an 24585
additional period of incarceration determined by the department. 24586
The additional period of incarceration shall be a reasonable 24587
period determined by the department, shall be specified by the 24588
department, and shall not exceed the offender's maximum prison 24589
term. 24590

(2) If the department maintains an offender's 24591
incarceration for an additional period under division (D)(1) of 24592
this section, there shall be a presumption that the offender 24593
shall be released on the expiration of the offender's minimum 24594
prison term plus the additional period of incarceration 24595
specified by the department as provided under that division or, 24596
for offenders who have a presumptive earned early release date, 24597
on the expiration of the additional period of incarceration to 24598
be served after the offender's presumptive earned early release 24599
date that is specified by the department as provided under that 24600
division. The presumption is a rebuttable presumption that the 24601
department may rebut, but only if it conducts a hearing and 24602
makes the determinations specified in division (C) of this 24603
section, and if the department rebuts the presumption, it may 24604
maintain the offender's incarceration in a state correctional 24605
institution for an additional period determined as specified in 24606
division (D)(1) of this section. Unless the department rebuts 24607
the presumption at the hearing, the offender shall be released 24608
from service of the sentence on the expiration of the offender's 24609
minimum prison term plus the additional period of incarceration 24610
specified by the department or, for offenders who have a 24611
presumptive earned early release date, on the expiration of the 24612
additional period of incarceration to be served after the 24613
offender's presumptive earned early release date as specified by 24614
the department. 24615

The provisions of this division regarding the 24616
establishment of a rebuttable presumption, the department's 24617
rebuttal of the presumption, and the department's maintenance of 24618
an offender's incarceration for an additional period of 24619
incarceration apply, and may be utilized more than one time, 24620
during the remainder of the offender's incarceration. If the 24621

offender has not been released under division (C) of this 24622
section or this division prior to the expiration of the 24623
offender's maximum prison term imposed as part of the offender's 24624
non-life felony indefinite prison term, the offender shall be 24625
released upon the expiration of that maximum term. 24626

(E) The department shall provide notices of hearings to be 24627
conducted under division (C) or (D) of this section in the same 24628
manner, and to the same persons, as specified in section 2967.12 24629
and Chapter 2930. of the Revised Code with respect to hearings 24630
to be conducted regarding the possible release on parole of an 24631
inmate. 24632

(F) (1) The director of the department of rehabilitation 24633
and correction may notify the sentencing court in writing that 24634
the director is recommending that the court grant a reduction in 24635
the minimum prison term imposed on a specified offender who is 24636
serving a non-life felony indefinite prison term and who is 24637
eligible under division (F) (8) of this section for such a 24638
reduction, due to the offender's exceptional conduct while 24639
incarcerated or the offender's adjustment to incarceration. If 24640
the director wishes to recommend such a reduction for an 24641
offender, the director shall send the notice to the court not 24642
earlier than ninety days prior to the date on which the director 24643
wishes to credit the reduction toward the satisfaction of the 24644
offender's minimum prison term. If the director recommends such 24645
a reduction for an offender, there shall be a presumption that 24646
the court shall grant the recommended reduction to the offender. 24647
The presumption established under this division is a rebuttable 24648
presumption that may be rebutted as provided in division (F) (4) 24649
of this section. 24650

The director shall include with the notice sent to a court 24651

under this division an institutional summary report that covers 24652
the offender's participation while confined in a state 24653
correctional institution in rehabilitative programs and 24654
activities and any disciplinary action taken against the 24655
offender while so confined, all relevant information that will 24656
enable the court to determine whether any factor specified in 24657
divisions (F) (4) (a) to (e) of this section applies with respect 24658
to the offender, if available, and any other documentation 24659
requested by the court, if available. 24660

The notice the director sends to a court under this 24661
division shall do all of the following: 24662

(a) Identify the offender; 24663

(b) Specify the length of the recommended reduction, which 24664
shall be for five to fifteen per cent of the offender's minimum 24665
term determined in accordance with rules adopted by the 24666
department under division (F) (7) of this section; 24667

(c) Specify the reason or reasons that qualify the 24668
offender for the recommended reduction; 24669

(d) Inform the court of the rebuttable presumption and 24670
that the court must either approve or, if the court finds that 24671
the presumption has been rebutted, disapprove of the recommended 24672
reduction, and that if it approves of the recommended reduction, 24673
it must grant the reduction; 24674

(e) Inform the court that it must notify the department of 24675
its decision as to approval or disapproval not later than sixty 24676
days after receipt of the notice from the director. 24677

(2) When the director, under division (F) (1) of this 24678
section, submits a notice to a sentencing court that the 24679
director is recommending that the court grant a reduction in the 24680

minimum prison term imposed on an offender serving a non-life 24681
felony indefinite prison term, the department promptly shall 24682
provide to the prosecuting attorney of the county in which the 24683
offender was indicted a copy of the written notice, a copy of 24684
the institutional summary report described in that division, and 24685
any other information provided to the court. 24686

(3) Upon receipt of a notice submitted by the director 24687
under division (F) (1) of this section, the court shall schedule 24688
a hearing to consider whether to grant the reduction in the 24689
minimum prison term imposed on the specified offender that was 24690
recommended by the director or to find that the presumption has 24691
been rebutted and disapprove the recommended reduction. Upon 24692
scheduling the hearing, the court promptly shall give notice of 24693
the hearing to the prosecuting attorney of the county in which 24694
the offender was indicted and to the department. The notice 24695
shall inform the prosecuting attorney that the prosecuting 24696
attorney may submit to the court, prior to the date of the 24697
hearing, written information relevant to the recommendation and 24698
may present at the hearing written information and oral 24699
information relevant to the recommendation. 24700

Upon receipt of the notice from the court, the prosecuting 24701
attorney shall notify the victim of the offender or the victim's 24702
representative of the recommendation by the director, the date, 24703
time, and place of the hearing, the fact that the victim may 24704
submit to the court, prior to the date of the hearing, written 24705
information relevant to the recommendation, and the address and 24706
procedure for submitting the information. 24707

(4) At the hearing scheduled under division (F) (3) of this 24708
section, the court shall afford the prosecuting attorney an 24709
opportunity to present written information and oral information 24710

relevant to the director's recommendation. In making its 24711
determination as to whether to grant or disapprove the reduction 24712
in the minimum prison term imposed on the specified offender 24713
that was recommended by the director, the court shall consider 24714
any report and other documentation submitted by the director, 24715
any information submitted by a victim, any information submitted 24716
or presented at the hearing by the prosecuting attorney, and all 24717
of the factors set forth in divisions (B) to (D) of section 24718
2929.12 of the Revised Code that are relevant to the offender's 24719
offense and to the offender. 24720

Unless the court, after considering at the hearing the 24721
specified reports, documentation, information, and relevant 24722
factors, finds that the presumption that the recommended 24723
reduction shall be granted has been rebutted and disapproves the 24724
recommended reduction, the court shall grant the recommended 24725
reduction. The court may disapprove the recommended reduction 24726
only if, after considering at the hearing the specified reports, 24727
documentation, information, and relevant factors, it finds that 24728
the presumption that the reduction shall be granted has been 24729
rebutted. The court may find that the presumption has been 24730
rebutted and disapprove the recommended reduction only if it 24731
determines at the hearing that one or more of the following 24732
applies: 24733

(a) Regardless of the security level in which the offender 24734
is classified at the time of the hearing, during the offender's 24735
incarceration, the offender committed institutional rule 24736
infractions that involved compromising the security of a state 24737
correctional institution, compromising the safety of the staff 24738
of a state correctional institution or its inmates, or physical 24739
harm or the threat of physical harm to the staff of a state 24740
correctional institution or its inmates, or committed a 24741

violation of law that was not prosecuted, and the infractions or 24742
violations demonstrate that the offender has not been 24743
rehabilitated. 24744

(b) The offender's behavior while incarcerated, including, 24745
but not limited to, the infractions and violations specified in 24746
division (F) (4) (a) of this section, demonstrates that the 24747
offender continues to pose a threat to society. 24748

(c) At the time of the hearing, the offender is classified 24749
by the department as a security level three, four, or five, or 24750
at a higher security level. 24751

(d) During the offender's incarceration, the offender did 24752
not productively participate in a majority of the rehabilitative 24753
programs and activities recommended by the department for the 24754
offender, or the offender participated in a majority of such 24755
recommended programs or activities but did not successfully 24756
complete a reasonable number of the programs or activities in 24757
which the offender participated. 24758

(e) After release, the offender will not be residing in a 24759
halfway house, reentry center, or community residential center 24760
licensed under division (C) of section 2967.14 of the Revised 24761
Code and, after release, does not have any other place to reside 24762
at a fixed residence address. 24763

(5) If the court pursuant to division (F) (4) of this 24764
section finds that the presumption that the recommended 24765
reduction in the offender's minimum prison term has been 24766
rebutted and disapproves the recommended reduction, the court 24767
shall notify the department of the disapproval not later than 24768
sixty days after receipt of the notice from the director. The 24769
court shall specify in the notification the reason or reasons 24770

for which it found that the presumption was rebutted and 24771
disapproved the recommended reduction. The court shall not 24772
reduce the offender's minimum prison term, and the department 24773
shall not credit the amount of the disapproved reduction toward 24774
satisfaction of the offender's minimum prison term. 24775

If the court pursuant to division (F)(4) of this section 24776
grants the recommended reduction of the offender's minimum 24777
prison term, the court shall notify the department of the grant 24778
of the reduction not later than sixty days after receipt of the 24779
notice from the director, the court shall reduce the offender's 24780
minimum prison term in accordance with the recommendation 24781
submitted by the director, and the department shall credit the 24782
amount of the reduction toward satisfaction of the offender's 24783
minimum prison term. 24784

Upon deciding whether to disapprove or grant the 24785
recommended reduction of the offender's minimum prison term, the 24786
court shall notify the prosecuting attorney of the decision and 24787
the prosecuting attorney shall notify the victim or victim's 24788
representative of the court's decision. 24789

(6) If the court under division (F)(5) of this section 24790
grants the reduction in the minimum prison term imposed on an 24791
offender that was recommended by the director and reduces the 24792
offender's minimum prison term, the date determined by the 24793
department's crediting of the reduction toward satisfaction of 24794
the offender's minimum prison term is the offender's presumptive 24795
earned early release date. 24796

(7) The department of rehabilitation and correction by 24797
rule shall specify both of the following for offenders serving a 24798
non-life felony indefinite prison term: 24799

(a) The type of exceptional conduct while incarcerated and 24800
the type of adjustment to incarceration that will qualify an 24801
offender serving such a prison term for a reduction under 24802
divisions (F) (1) to (6) of this section of the minimum prison 24803
term imposed on the offender under the non-life felony 24804
indefinite prison term. 24805

(b) The per cent of reduction that it may recommend for, 24806
and that may be granted to, an offender serving such a prison 24807
term under divisions (F) (1) to (6) of this section, based on the 24808
offense level of the offense for which the prison term was 24809
imposed, with the department specifying the offense levels used 24810
for purposes of this division and assigning a specific 24811
percentage reduction within the range of five to fifteen per 24812
cent for each such offense level. 24813

(8) Divisions (F) (1) to (6) of this section do not apply 24814
with respect to an offender serving a non-life felony indefinite 24815
prison term for a sexually oriented offense, and no offender 24816
serving such a prison term for a sexually oriented offense is 24817
eligible to be recommended for or granted, or may be recommended 24818
for or granted, a reduction under those divisions in the 24819
offender's minimum prison term imposed under that non-life 24820
felony indefinite prison term. 24821

(G) If an offender is sentenced to a non-life felony 24822
indefinite prison term, any reference in a section of the 24823
Revised Code to a definite prison term shall be construed as 24824
referring to the offender's minimum term under that sentence 24825
plus any additional period of time of incarceration specified by 24826
the department under division (D) (1) or (2) of this section, 24827
except to the extent otherwise specified in the section or to 24828
the extent that that construction clearly would be 24829

inappropriate. 24830

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 24831
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 24832
another section of the Revised Code, other than divisions (B) 24833
and (C) of section 2929.14 of the Revised Code, that authorizes 24834
or requires a specified prison term or a mandatory prison term 24835
for a person who is convicted of or pleads guilty to a felony or 24836
that specifies the manner and place of service of a prison term 24837
or term of imprisonment, the court shall impose a sentence upon 24838
a person who is convicted of or pleads guilty to a violent sex 24839
offense and who also is convicted of or pleads guilty to a 24840
sexually violent predator specification that was included in the 24841
indictment, count in the indictment, or information charging 24842
that offense, and upon a person who is convicted of or pleads 24843
guilty to a designated homicide, assault, or kidnapping offense 24844
and also is convicted of or pleads guilty to both a sexual 24845
motivation specification and a sexually violent predator 24846
specification that were included in the indictment, count in the 24847
indictment, or information charging that offense, as follows: 24848

(1) Except as provided in division (A) (5) of this section, 24849
if the offense for which the sentence is being imposed is 24850
aggravated murder and if the court does not impose upon the 24851
offender a sentence of death, it shall impose upon the offender 24852
a term of life imprisonment without parole. If the court 24853
sentences the offender to death and the sentence of death is 24854
vacated, overturned, or otherwise set aside, the court shall 24855
impose upon the offender a term of life imprisonment without 24856
parole. 24857

(2) Except as provided in division (A) (5) of this section, 24858
if the offense for which the sentence is being imposed is 24859

murder; if the offense is aggravated rape; or if the offense is 24860
rape committed in violation of division (A) (1) (b) of section 24861
2907.02 of the Revised Code when the offender purposely 24862
compelled the victim to submit by force or threat of force, when 24863
the victim was less than ten years of age, when the offender 24864
previously has been convicted of or pleaded guilty to either 24865
rape committed in violation of that division or a violation of 24866
an existing or former law of this state, another state, or the 24867
United States that is substantially similar to division (A) (1) 24868
(b) of section 2907.02 of the Revised Code, or when the offender 24869
during or immediately after the commission of the rape caused 24870
serious physical harm to the victim; or if the offense is an 24871
offense other than aggravated murder or murder for which a term 24872
of life imprisonment may be imposed, it shall impose upon the 24873
offender a term of life imprisonment without parole. 24874

(3) (a) Except as otherwise provided in division (A) (3) (b), 24875
(c), (d), or (e) or (A) (4) of this section, if the offense for 24876
which the sentence is being imposed is an offense other than 24877
aggravated murder, murder, aggravated rape, or rape and other 24878
than an offense for which a term of life imprisonment may be 24879
imposed, it shall impose an indefinite prison term consisting of 24880
a minimum term fixed by the court as described in this division, 24881
but not less than two years, and a maximum term of life 24882
imprisonment. Except as otherwise specified in this division, 24883
the minimum term shall be fixed by the court from among the 24884
range of terms available as a definite term for the offense. If 24885
the offense is a felony of the first or second degree committed 24886
on or after March 22, 2019, the minimum term shall be fixed by 24887
the court from among the range of terms available as a minimum 24888
term for the offense under division (A) (1) (a) or (2) (a) of that 24889
section. 24890

(b) Except as otherwise provided in division (A) (4) of this section, if the offense for which the sentence is being imposed is kidnapping that is a felony of the first degree, it shall impose an indefinite prison term as follows:

(i) If the kidnapping is committed on or after January 1, 2008, and the victim of the offense is less than thirteen years of age, except as otherwise provided in this division, it shall impose an indefinite prison term consisting of a minimum term of fifteen years and a maximum term of life imprisonment. If the kidnapping is committed on or after January 1, 2008, the victim of the offense is less than thirteen years of age, and the offender released the victim in a safe place unharmed, it shall impose an indefinite prison term consisting of a minimum term of ten years and a maximum term of life imprisonment.

(ii) If the kidnapping is committed prior to January 1, 2008, or division (A) (3) (b) (i) of this section does not apply, it shall impose an indefinite term consisting of a minimum term fixed by the court that is not less than ten years and a maximum term of life imprisonment.

(c) Except as otherwise provided in division (A) (4) of this section, if the offense for which the sentence is being imposed is kidnapping that is a felony of the second degree, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than eight years, and a maximum term of life imprisonment.

(d) Except as otherwise provided in division (A) (4) of this section, if the offense for which the sentence is being imposed is rape for which a term of life imprisonment is not imposed under division (A) (2) of this section or division (B) of section 2907.02 of the Revised Code, it shall impose an

indefinite prison term as follows: 24921

(i) If the rape is committed on or after January 2, 2007, 24922
in violation of division (A) (1) (b) of section 2907.02 of the 24923
Revised Code, it shall impose an indefinite prison term 24924
consisting of a minimum term of twenty-five years and a maximum 24925
term of life imprisonment. 24926

(ii) If the rape is committed prior to January 2, 2007, or 24927
the rape is committed on or after January 2, 2007, other than in 24928
violation of division (A) (1) (b) of section 2907.02 of the 24929
Revised Code, it shall impose an indefinite prison term 24930
consisting of a minimum term fixed by the court that is not less 24931
than ten years, and a maximum term of life imprisonment. 24932

(e) Except as otherwise provided in division (A) (4) of 24933
this section, if the offense for which sentence is being imposed 24934
is attempted rape, it shall impose an indefinite prison term as 24935
follows: 24936

(i) Except as otherwise provided in division (A) (3) (e) 24937
(ii), (iii), or (iv) of this section, it shall impose an 24938
indefinite prison term pursuant to division (A) (3) (a) of this 24939
section. 24940

(ii) If the attempted rape for which sentence is being 24941
imposed was committed on or after January 2, 2007, and if the 24942
offender also is convicted of or pleads guilty to a 24943
specification of the type described in section 2941.1418 of the 24944
Revised Code, it shall impose an indefinite prison term 24945
consisting of a minimum term of five years and a maximum term of 24946
twenty-five years. 24947

(iii) If the attempted rape for which sentence is being 24948
imposed was committed on or after January 2, 2007, and if the 24949

offender also is convicted of or pleads guilty to a 24950
specification of the type described in section 2941.1419 of the 24951
Revised Code, it shall impose an indefinite prison term 24952
consisting of a minimum term of ten years and a maximum of life 24953
imprisonment. 24954

(iv) If the attempted rape for which sentence is being 24955
imposed was committed on or after January 2, 2007, and if the 24956
offender also is convicted of or pleads guilty to a 24957
specification of the type described in section 2941.1420 of the 24958
Revised Code, it shall impose an indefinite prison term 24959
consisting of a minimum term of fifteen years and a maximum of 24960
life imprisonment. 24961

(4) Except as provided in division (A) (5) of this section, 24962
for any offense for which the sentence is being imposed, if the 24963
offender previously has been convicted of or pleaded guilty to a 24964
violent sex offense and also to a sexually violent predator 24965
specification that was included in the indictment, count in the 24966
indictment, or information charging that offense, or previously 24967
has been convicted of or pleaded guilty to a designated 24968
homicide, assault, or kidnapping offense and also to both a 24969
sexual motivation specification and a sexually violent predator 24970
specification that were included in the indictment, count in the 24971
indictment, or information charging that offense, it shall 24972
impose upon the offender a term of life imprisonment without 24973
parole. 24974

(5) Notwithstanding divisions (A) (1), (2), and (4) of this 24975
section, the court shall not impose a sentence of life 24976
imprisonment without parole upon any person for an offense that 24977
was committed when the person was under eighteen years of age. 24978
In any case described in division (A) (1), (2), or (4) of this 24979

section, if the offense was committed when the person was under 24980
eighteen years of age, the court shall impose an indefinite 24981
prison term consisting of a minimum term of thirty years and a 24982
maximum term of life imprisonment. 24983

(B) (1) Notwithstanding section 2929.13, division (A) or 24984
(D) of section 2929.14, or another section of the Revised Code 24985
other than division (B) of section 2907.02 or divisions (B) and 24986
(C) of section 2929.14 of the Revised Code that authorizes or 24987
requires a specified prison term or a mandatory prison term for 24988
a person who is convicted of or pleads guilty to a felony or 24989
that specifies the manner and place of service of a prison term 24990
or term of imprisonment, if a person is convicted of or pleads 24991
guilty to a violation of division (A) (1) (b) of section 2907.02 24992
of the Revised Code committed on or after January 2, 2007, if 24993
division (A) of this section does not apply regarding the 24994
person, and if the court does not impose a sentence of life 24995
without parole when authorized pursuant to division (B) of 24996
section 2907.02 of the Revised Code, the court shall impose upon 24997
the person an indefinite prison term consisting of one of the 24998
following: 24999

(a) Except as otherwise required in division (B) (1) (b) or 25000
(c) of this section, a minimum term of ten years and a maximum 25001
term of life imprisonment. 25002

(b) If the victim was less than ten years of age, a 25003
minimum term of fifteen years and a maximum of life 25004
imprisonment. 25005

(c) If the offender purposely compels the victim to submit 25006
by force or threat of force, or if the offender previously has 25007
been convicted of or pleaded guilty to violating division (A) (1) 25008
(b) of section 2907.02 of the Revised Code or to violating an 25009

existing or former law of this state, another state, or the 25010
United States that is substantially similar to division (A) (1) 25011
(b) of that section, or if the offender during or immediately 25012
after the commission of the offense caused serious physical harm 25013
to the victim, a minimum term of twenty-five years and a maximum 25014
of life imprisonment. 25015

(2) Notwithstanding section 2929.13, division (A) or (D) 25016
of section 2929.14, or another section of the Revised Code other 25017
than divisions (B) and (C) of section 2929.14 of the Revised 25018
Code that authorizes or requires a specified prison term or a 25019
mandatory prison term for a person who is convicted of or pleads 25020
guilty to a felony or that specifies the manner and place of 25021
service of a prison term or term of imprisonment and except as 25022
otherwise provided in division (B) of section 2907.02 of the 25023
Revised Code, if a person is convicted of or pleads guilty to 25024
attempted rape committed on or after January 2, 2007, and if 25025
division (A) of this section does not apply regarding the 25026
person, the court shall impose upon the person an indefinite 25027
prison term consisting of one of the following: 25028

(a) If the person also is convicted of or pleads guilty to 25029
a specification of the type described in section 2941.1418 of 25030
the Revised Code, the court shall impose upon the person an 25031
indefinite prison term consisting of a minimum term of five 25032
years and a maximum term of twenty-five years. 25033

(b) If the person also is convicted of or pleads guilty to 25034
a specification of the type described in section 2941.1419 of 25035
the Revised Code, the court shall impose upon the person an 25036
indefinite prison term consisting of a minimum term of ten years 25037
and a maximum term of life imprisonment. 25038

(c) If the person also is convicted of or pleads guilty to 25039

a specification of the type described in section 2941.1420 of 25040
the Revised Code, the court shall impose upon the person an 25041
indefinite prison term consisting of a minimum term of fifteen 25042
years and a maximum term of life imprisonment. 25043

(3) Notwithstanding section 2929.13, division (A) or (D) 25044
of section 2929.14, or another section of the Revised Code other 25045
than divisions (B) and (C) of section 2929.14 of the Revised 25046
Code that authorizes or requires a specified prison term or a 25047
mandatory prison term for a person who is convicted of or pleads 25048
guilty to a felony or that specifies the manner and place of 25049
service of a prison term or term of imprisonment, if a person is 25050
convicted of or pleads guilty to an offense described in 25051
division (B) (3) (a), (b), (c), or (d) of this section committed 25052
on or after January 1, 2008, if the person also is convicted of 25053
or pleads guilty to a sexual motivation specification that was 25054
included in the indictment, count in the indictment, or 25055
information charging that offense, and if division (A) of this 25056
section does not apply regarding the person, the court shall 25057
impose upon the person an indefinite prison term consisting of 25058
one of the following: 25059

(a) An indefinite prison term consisting of a minimum of 25060
ten years and a maximum term of life imprisonment if the offense 25061
for which the sentence is being imposed is kidnapping, the 25062
victim of the offense is less than thirteen years of age, and 25063
the offender released the victim in a safe place unharmed; 25064

(b) An indefinite prison term consisting of a minimum of 25065
fifteen years and a maximum term of life imprisonment if the 25066
offense for which the sentence is being imposed is kidnapping 25067
when the victim of the offense is less than thirteen years of 25068
age and division (B) (3) (a) of this section does not apply; 25069

(c) An indefinite term consisting of a minimum of thirty 25070
years and a maximum term of life imprisonment if the offense for 25071
which the sentence is being imposed is aggravated murder, when 25072
the victim of the offense is less than thirteen years of age, a 25073
sentence of death or life imprisonment without parole is not 25074
imposed for the offense, and division (A) (2) (b) (ii) of section 25075
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 25076
(2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or 25077
division (A) or (B) of section 2929.06 of the Revised Code 25078
requires that the sentence for the offense be imposed pursuant 25079
to this division; 25080

(d) An indefinite prison term consisting of a minimum of 25081
thirty years and a maximum term of life imprisonment if the 25082
offense for which the sentence is being imposed is murder when 25083
the victim of the offense is less than thirteen years of age. 25084

(C) (1) If the offender is sentenced to a prison term 25085
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 25086
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 25087
parole board shall have control over the offender's service of 25088
the term during the entire term unless the parole board 25089
terminates its control in accordance with section 2971.04 of the 25090
Revised Code. 25091

(2) Except as provided in division (C) (3) or (G) of this 25092
section, an offender sentenced to a prison term or term of life 25093
imprisonment without parole pursuant to division (A) of this 25094
section shall serve the entire prison term or term of life 25095
imprisonment in a state correctional institution. The offender 25096
is not eligible for judicial release under section 2929.20 of 25097
the Revised Code. 25098

(3) For a prison term imposed pursuant to division (A) (3), 25099

(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 25100
(b), (c), or (d) of this section, subject to the application of 25101
division (G) of this section, the court, in accordance with 25102
section 2971.05 of the Revised Code, may terminate the prison 25103
term or modify the requirement that the offender serve the 25104
entire term in a state correctional institution if all of the 25105
following apply: 25106

(a) The offender has served at least the minimum term 25107
imposed as part of that prison term. 25108

(b) The parole board, pursuant to section 2971.04 of the 25109
Revised Code, has terminated its control over the offender's 25110
service of that prison term. 25111

(c) The court has held a hearing and found, by clear and 25112
convincing evidence, one of the following: 25113

(i) In the case of termination of the prison term, that 25114
the offender is unlikely to commit a sexually violent offense in 25115
the future; 25116

(ii) In the case of modification of the requirement, that 25117
the offender does not represent a substantial risk of physical 25118
harm to others. 25119

(4) Except as provided in division (G) of this section, an 25120
offender who has been sentenced to a term of life imprisonment 25121
without parole pursuant to division (A) (1), (2), or (4) of this 25122
section shall not be released from the term of life imprisonment 25123
or be permitted to serve a portion of it in a place other than a 25124
state correctional institution. 25125

(D) If a court sentences an offender to a prison term or 25126
term of life imprisonment without parole pursuant to division 25127
(A) of this section and the court also imposes on the offender 25128

one or more additional prison terms pursuant to division (B) of 25129
section 2929.14 of the Revised Code, all of the additional 25130
prison terms shall be served consecutively with, and prior to, 25131
the prison term or term of life imprisonment without parole 25132
imposed upon the offender pursuant to division (A) of this 25133
section. 25134

(E) If the offender is convicted of or pleads guilty to 25135
two or more offenses for which a prison term or term of life 25136
imprisonment without parole is required to be imposed pursuant 25137
to division (A) of this section, divisions (A) to (D) of this 25138
section shall be applied for each offense. All minimum terms 25139
imposed upon the offender pursuant to division (A) (3) or (B) of 25140
this section for those offenses shall be aggregated and served 25141
consecutively, as if they were a single minimum term imposed 25142
under that division. 25143

(F) (1) If an offender is convicted of or pleads guilty to 25144
a violent sex offense and also is convicted of or pleads guilty 25145
to a sexually violent predator specification that was included 25146
in the indictment, count in the indictment, or information 25147
charging that offense, or is convicted of or pleads guilty to a 25148
designated homicide, assault, or kidnapping offense and also is 25149
convicted of or pleads guilty to both a sexual motivation 25150
specification and a sexually violent predator specification that 25151
were included in the indictment, count in the indictment, or 25152
information charging that offense, the conviction of or plea of 25153
guilty to the offense and the sexually violent predator 25154
specification automatically classifies the offender as a tier 25155
III sex offender/child-victim offender for purposes of Chapter 25156
2950. of the Revised Code. 25157

(2) If an offender is convicted of or pleads guilty to 25158

committing on or after January 2, 2007, a violation of division 25159
(A) (1) (b) of section 2907.02 of the Revised Code and either the 25160
offender is sentenced under section 2971.03 of the Revised Code 25161
or a sentence of life without parole is imposed under division 25162
(B) of section 2907.02 of the Revised Code, the conviction of or 25163
plea of guilty to the offense automatically classifies the 25164
offender as a tier III sex offender/child-victim offender for 25165
purposes of Chapter 2950. of the Revised Code. 25166

(3) If a person is convicted of or pleads guilty to 25167
committing on or after January 2, 2007, attempted rape and also 25168
is convicted of or pleads guilty to a specification of the type 25169
described in section 2941.1418, 2941.1419, or 2941.1420 of the 25170
Revised Code, the conviction of or plea of guilty to the offense 25171
and the specification automatically classify the offender as a 25172
tier III sex offender/child-victim offender for purposes of 25173
Chapter 2950. of the Revised Code. 25174

(4) If a person is convicted of or pleads guilty to one of 25175
the offenses described in division (B) (3) (a), (b), (c), or (d) 25176
of this section and a sexual motivation specification related to 25177
the offense and the victim of the offense is less than thirteen 25178
years of age, the conviction of or plea of guilty to the offense 25179
automatically classifies the offender as a tier III sex 25180
offender/child-victim offender for purposes of Chapter 2950. of 25181
the Revised Code. 25182

(G) Notwithstanding divisions (A) to (E) of this section, 25183
if an offender receives or received a sentence of life 25184
imprisonment without parole, a definite sentence, or a sentence 25185
to an indefinite prison term under this chapter for an offense 25186
committed when the offender was under eighteen years of age, the 25187
offender is eligible for parole and the offender's parole 25188

eligibility shall be determined under section 2967.132 of the Revised Code. 25189
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Sec. 3107.01. As used in sections 3107.01 to 3107.19 of the Revised Code: 25191
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(A) "Agency" means any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption. 25193
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(B) "Attorney" means a person who has been admitted to the bar by order of the Ohio supreme court. 25196
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(C) "Child" means a son or daughter, whether by birth or by adoption. 25198
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(D) "Court" means the probate courts of this state, and when the context requires, means the court of any other state empowered to grant petitions for adoption. 25200
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(E) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code. 25203
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(F) "Identifying information" means any of the following with regard to a person: first name, last name, maiden name, alias, social security number, address, telephone number, place of employment, number used to identify the person for the purpose of the statewide education management information system established pursuant to section 3301.0714 of the Revised Code, and any other number federal or state law requires or permits to be used to identify the person. 25205
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(G) "Minor" means a person under the age of eighteen years. 25213
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(H) "Putative father" means a man, including one under age eighteen, who may be a child's father and to whom all of the 25215
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following apply:	25217
(1) He is not married to the child's mother at the time of the child's conception or birth;	25218 25219
(2) He has not adopted the child;	25220
(3) He has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code, a court proceeding in another state, an administrative agency proceeding pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an administrative agency proceeding in another state;	25221 25222 25223 25224 25225 25226 25227
(4) He has not acknowledged paternity of the child pursuant to sections 3111.21 to 3111.35 of the Revised Code.	25228 25229
<u>(I) "Rape" means a violation of section 2907.011 or 2907.02 of the Revised Code or similar law of another state.</u>	25230 25231
Sec. 3113.31. (A) As used in this section:	25232
(1) "Domestic violence" means any of the following:	25233
(a) The occurrence of one or more of the following acts against a family or household member:	25234 25235
(i) Attempting to cause or recklessly causing bodily injury;	25236 25237
(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 <u>division (B) of section 2911.06</u> of the Revised Code;	25238 25239 25240 25241
(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in	25242 25243

section 2151.031 of the Revised Code;	25244
(iv) Committing a sexually oriented offense.	25245
(b) The occurrence of one or more of the acts identified	25246
in divisions (A)(1)(a)(i) to (iv) of this section against a	25247
person with whom the respondent is or was in a dating	25248
relationship.	25249
(2) "Court" means the domestic relations division of the	25250
court of common pleas in counties that have a domestic relations	25251
division and the court of common pleas in counties that do not	25252
have a domestic relations division, or the juvenile division of	25253
the court of common pleas of the county in which the person to	25254
be protected by a protection order issued or a consent agreement	25255
approved under this section resides if the respondent is less	25256
than eighteen years of age.	25257
(3) "Family or household member" means any of the	25258
following:	25259
(a) Any of the following who is residing with or has	25260
resided with the respondent:	25261
(i) A spouse, a person living as a spouse, or a former	25262
spouse of the respondent;	25263
(ii) A parent, a foster parent, or a child of the	25264
respondent, or another person related by consanguinity or	25265
affinity to the respondent;	25266
(iii) A parent or a child of a spouse, person living as a	25267
spouse, or former spouse of the respondent, or another person	25268
related by consanguinity or affinity to a spouse, person living	25269
as a spouse, or former spouse of the respondent.	25270
(b) The natural parent of any child of whom the respondent	25271

is the other natural parent or is the putative other natural parent. 25272
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(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question. 25274
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(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 25280
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(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 25283
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(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 25285
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(8) "Dating relationship" means a relationship between individuals who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context. 25287
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(9) "Person with whom the respondent is or was in a dating relationship" means an adult who, at the time of the conduct in question, is in a dating relationship with the respondent who also is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with the respondent who also is an adult. 25292
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(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the 25298
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residence or household to avoid further domestic violence. 25301

(C) A person may seek relief under this section on the 25302
person's own behalf, or any parent or adult household member may 25303
seek relief under this section on behalf of any other family or 25304
household member, by filing a petition with the court. The 25305
petition shall contain or state: 25306

(1) An allegation that the respondent engaged in domestic 25307
violence against a family or household member of the respondent 25308
or against a person with whom the respondent is or was in a 25309
dating relationship, including a description of the nature and 25310
extent of the domestic violence; 25311

(2) The relationship of the respondent to the petitioner, 25312
and to the victim if other than the petitioner; 25313

(3) If the petition is for protection of a person with 25314
whom the respondent is or was in a dating relationship, the 25315
facts upon which the court may conclude that a dating 25316
relationship existed between the person to be protected and the 25317
respondent; 25318

(4) A request for relief under this section. 25319

(D) (1) If a person who files a petition pursuant to this 25320
section requests an ex parte order, the court shall hold an ex 25321
parte hearing on the same day that the petition is filed. The 25322
court, for good cause shown at the ex parte hearing, may enter 25323
any temporary orders, with or without bond, including, but not 25324
limited to, an order described in division (E) (1) (a), (b), or 25325
(c) of this section, that the court finds necessary to protect 25326
the family or household member or the person with whom the 25327
respondent is or was in a dating relationship from domestic 25328
violence. Immediate and present danger of domestic violence to 25329

the family or household member or to the person with whom the 25330
respondent is or was in a dating relationship constitutes good 25331
cause for purposes of this section. Immediate and present danger 25332
includes, but is not limited to, situations in which the 25333
respondent has threatened the family or household member or 25334
person with whom the respondent is or was in a dating 25335
relationship with bodily harm, in which the respondent has 25336
threatened the family or household member or person with whom 25337
the respondent is or was in a dating relationship with a 25338
sexually oriented offense, or in which the respondent previously 25339
has been convicted of, pleaded guilty to, or been adjudicated a 25340
delinquent child for an offense that constitutes domestic 25341
violence against the family or household member or person with 25342
whom the respondent is or was in a dating relationship. 25343

(2) (a) If the court, after an ex parte hearing, issues an 25344
order described in division (E) (1) (b) or (c) of this section, 25345
the court shall schedule a full hearing for a date that is 25346
within seven court days after the ex parte hearing. If any other 25347
type of protection order that is authorized under division (E) 25348
of this section is issued by the court after an ex parte 25349
hearing, the court shall schedule a full hearing for a date that 25350
is within ten court days after the ex parte hearing. The court 25351
shall give the respondent notice of, and an opportunity to be 25352
heard at, the full hearing. The court shall hold the full 25353
hearing on the date scheduled under this division unless the 25354
court grants a continuance of the hearing in accordance with 25355
this division. Under any of the following circumstances or for 25356
any of the following reasons, the court may grant a continuance 25357
of the full hearing to a reasonable time determined by the 25358
court: 25359

(i) Prior to the date scheduled for the full hearing under 25360

this division, the respondent has not been served with the 25361
petition filed pursuant to this section and notice of the full 25362
hearing. 25363

(ii) The parties consent to the continuance. 25364

(iii) The continuance is needed to allow a ~~party~~ 25365
respondent to obtain counsel. 25366

~~(iv) The continuance is needed for other good cause.~~ 25367

(b) An ex parte order issued under this section does not 25368
expire because of a failure to serve notice of the full hearing 25369
upon the respondent before the date set for the full hearing 25370
under division (D) (2) (a) of this section or because the court 25371
grants a continuance under that division. 25372

(3) If a person who files a petition pursuant to this 25373
section does not request an ex parte order, or if a person 25374
requests an ex parte order but the court does not issue an ex 25375
parte order after an ex parte hearing, the court shall proceed 25376
as in a normal civil action and grant a full hearing on the 25377
matter. 25378

(E) (1) After an ex parte or full hearing, the court may 25379
grant any protection order, with or without bond, or approve any 25380
consent agreement to bring about a cessation of domestic 25381
violence against the family or household members or persons with 25382
whom the respondent is or was in a dating relationship. The 25383
order or agreement may: 25384

(a) Direct the respondent to refrain from abusing or from 25385
committing sexually oriented offenses against the family or 25386
household members or persons with whom the respondent is or was 25387
in a dating relationship; 25388

(b) With respect to a petition involving family or household members, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

(c) With respect to a petition involving family or household members, when the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;

(d) With respect to a petition involving family or household members, temporarily allocate parental rights and responsibilities for the care of, or establish temporary parenting time rights with regard to, minor children, if no other court has determined, or is determining, the allocation of parental rights and responsibilities for the minor children or parenting time rights;

(e) With respect to a petition involving family or household members, require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent

has a duty to support the petitioner or family or household member;	25419 25420
(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling;	25421 25422 25423
(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member;	25424 25425 25426 25427
(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or, with respect to a petition involving family or household members, other family or household members and the apportionment of household and family personal property;	25428 25429 25430 25431 25432 25433
(i) Require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner;	25434 25435 25436
(j) Authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent;	25437 25438
(k) Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code.	25439 25440
(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or, with respect to a petition involving family or household members, one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against	25441 25442 25443 25444 25445 25446 25447

the respondent returning to the residence or household in the 25448
order, it also shall include in the order provisions of the type 25449
described in division (E) (7) of this section. This division does 25450
not preclude the court from including in a protection order or 25451
consent agreement, in circumstances other than those described 25452
in this division, a requirement that the respondent be evicted 25453
from or vacate the residence or household or refrain from 25454
entering the residence, school, business, or place of employment 25455
of the petitioner or, with respect to a petition involving 25456
family or household members, a family or household member, and, 25457
if the court includes any requirement of that type in an order 25458
or agreement, the court also shall include in the order 25459
provisions of the type described in division (E) (7) of this 25460
section. 25461

(3) (a) Any protection order issued or consent agreement 25462
approved under this section shall be valid until a date certain, 25463
but not later than five years from the date of its issuance or 25464
approval, or not later than the date a respondent who is less 25465
than eighteen years of age attains nineteen years of age, unless 25466
modified or terminated as provided in division (E) (8) of this 25467
section. 25468

(b) With respect to an order involving family or household 25469
members, subject to the limitation on the duration of an order 25470
or agreement set forth in division (E) (3) (a) of this section, 25471
any order under division (E) (1) (d) of this section shall 25472
terminate on the date that a court in an action for divorce, 25473
dissolution of marriage, or legal separation brought by the 25474
petitioner or respondent issues an order allocating parental 25475
rights and responsibilities for the care of children or on the 25476
date that a juvenile court in an action brought by the 25477
petitioner or respondent issues an order awarding legal custody 25478

of minor children. Subject to the limitation on the duration of 25479
an order or agreement set forth in division (E) (3) (a) of this 25480
section, any order under division (E) (1) (e) of this section 25481
shall terminate on the date that a court in an action for 25482
divorce, dissolution of marriage, or legal separation brought by 25483
the petitioner or respondent issues a support order or on the 25484
date that a juvenile court in an action brought by the 25485
petitioner or respondent issues a support order. 25486

(c) Any protection order issued or consent agreement 25487
approved pursuant to this section may be renewed in the same 25488
manner as the original order or agreement was issued or 25489
approved. 25490

(4) A court may not issue a protection order that requires 25491
a petitioner to do or to refrain from doing an act that the 25492
court may require a respondent to do or to refrain from doing 25493
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 25494
this section unless all of the following apply: 25495

(a) The respondent files a separate petition for a 25496
protection order in accordance with this section. 25497

(b) The petitioner is served notice of the respondent's 25498
petition at least forty-eight hours before the court holds a 25499
hearing with respect to the respondent's petition, or the 25500
petitioner waives the right to receive this notice. 25501

(c) If the petitioner has requested an ex parte order 25502
pursuant to division (D) of this section, the court does not 25503
delay any hearing required by that division beyond the time 25504
specified in that division in order to consolidate the hearing 25505
with a hearing on the petition filed by the respondent. 25506

(d) After a full hearing at which the respondent presents 25507

evidence in support of the request for a protection order and 25508
the petitioner is afforded an opportunity to defend against that 25509
evidence, the court determines that the petitioner has committed 25510
an act of domestic violence or has violated a temporary 25511
protection order issued pursuant to section 2919.26 of the 25512
Revised Code, that both the petitioner and the respondent acted 25513
primarily as aggressors, and that neither the petitioner nor the 25514
respondent acted primarily in self-defense. 25515

(5) No protection order issued or consent agreement 25516
approved under this section shall in any manner affect title to 25517
any real property. 25518

(6) (a) With respect to an order involving family or 25519
household members, if a petitioner, or the child of a 25520
petitioner, who obtains a protection order or consent agreement 25521
pursuant to division (E) (1) of this section or a temporary 25522
protection order pursuant to section 2919.26 of the Revised Code 25523
and is the subject of a parenting time order issued pursuant to 25524
section 3109.051 or 3109.12 of the Revised Code or a visitation 25525
or companionship order issued pursuant to section 3109.051, 25526
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 25527
this section granting parenting time rights to the respondent, 25528
the court may require the public children services agency of the 25529
county in which the court is located to provide supervision of 25530
the respondent's exercise of parenting time or visitation or 25531
companionship rights with respect to the child for a period not 25532
to exceed nine months, if the court makes the following findings 25533
of fact: 25534

(i) The child is in danger from the respondent; 25535

(ii) No other person or agency is available to provide the 25536
supervision. 25537

(b) A court that requires an agency to provide supervision pursuant to division (E) (6) (a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.

(7) (a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.

(b) Division (E) (7) (a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court.

(8) (a) The court may modify or terminate as provided in division (E) (8) of this section a protection order or consent agreement that was issued after a full hearing under this section. The court that issued the protection order or approved

the consent agreement shall hear a motion for modification or 25568
termination of the protection order or consent agreement 25569
pursuant to division (E)(8) of this section. 25570

(b) Either the petitioner or the respondent of the 25571
original protection order or consent agreement may bring a 25572
motion for modification or termination of a protection order or 25573
consent agreement that was issued or approved after a full 25574
hearing. The court shall require notice of the motion to be made 25575
as provided by the Rules of Civil Procedure. If the petitioner 25576
for the original protection order or consent agreement has 25577
requested that the petitioner's address be kept confidential, 25578
the court shall not disclose the address to the respondent of 25579
the original protection order or consent agreement or any other 25580
person, except as otherwise required by law. The moving party 25581
has the burden of proof to show, by a preponderance of the 25582
evidence, that modification or termination of the protection 25583
order or consent agreement is appropriate because either the 25584
protection order or consent agreement is no longer needed or 25585
because the terms of the original protection order or consent 25586
agreement are no longer appropriate. 25587

(c) In considering whether to modify or terminate a 25588
protection order or consent agreement issued or approved under 25589
this section, the court shall consider all relevant factors, 25590
including, but not limited to, the following: 25591

(i) Whether the petitioner consents to modification or 25592
termination of the protection order or consent agreement; 25593

(ii) Whether the petitioner fears the respondent; 25594

(iii) The current nature of the relationship between the 25595
petitioner and the respondent; 25596

(iv) The circumstances of the petitioner and respondent,	25597
including the relative proximity of the petitioner's and	25598
respondent's workplaces and residences and whether the	25599
petitioner and respondent have minor children together;	25600
(v) Whether the respondent has complied with the terms and	25601
conditions of the original protection order or consent	25602
agreement;	25603
(vi) Whether the respondent has a continuing involvement	25604
with illegal drugs or alcohol;	25605
(vii) Whether the respondent has been convicted of,	25606
pleaded guilty to, or been adjudicated a delinquent child for an	25607
offense of violence since the issuance of the protection order	25608
or approval of the consent agreement;	25609
(viii) Whether any other protection orders, consent	25610
agreements, restraining orders, or no contact orders have been	25611
issued against the respondent pursuant to this section, section	25612
2919.26 of the Revised Code, any other provision of state law,	25613
or the law of any other state;	25614
(ix) Whether the respondent has participated in any	25615
domestic violence treatment, intervention program, or other	25616
counseling addressing domestic violence and whether the	25617
respondent has completed the treatment, program, or counseling;	25618
(x) The time that has elapsed since the protection order	25619
was issued or since the consent agreement was approved;	25620
(xi) The age and health of the respondent;	25621
(xii) When the last incident of abuse, threat of harm, or	25622
commission of a sexually oriented offense occurred or other	25623
relevant information concerning the safety and protection of the	25624

petitioner or other protected parties. 25625

(d) If a protection order or consent agreement is modified 25626
or terminated as provided in division (E)(8) of this section, 25627
the court shall issue copies of the modified or terminated order 25628
or agreement as provided in division (F) of this section. A 25629
petitioner may also provide notice of the modification or 25630
termination to the judicial and law enforcement officials in any 25631
county other than the county in which the order or agreement is 25632
modified or terminated as provided in division (N) of this 25633
section. 25634

(e) If the respondent moves for modification or 25635
termination of a protection order or consent agreement pursuant 25636
to this section and the court denies the motion, the court may 25637
assess costs against the respondent for the filing of the 25638
motion. 25639

(9) Any protection order issued or any consent agreement 25640
approved pursuant to this section shall include a provision that 25641
the court will automatically seal all of the records of the 25642
proceeding in which the order is issued or agreement approved on 25643
the date the respondent attains the age of nineteen years unless 25644
the petitioner provides the court with evidence that the 25645
respondent has not complied with all of the terms of the 25646
protection order or consent agreement. The protection order or 25647
consent agreement shall specify the date when the respondent 25648
attains the age of nineteen years. 25649

(F) (1) A copy of any protection order, or consent 25650
agreement, that is issued, approved, modified, or terminated 25651
under this section shall be issued by the court to the 25652
petitioner, to the respondent, and to all law enforcement 25653
agencies that have jurisdiction to enforce the order or 25654

agreement. The court shall direct that a copy of an order be 25655
delivered to the respondent on the same day that the order is 25656
entered. 25657

(2) Upon the issuance of a protection order or the 25658
approval of a consent agreement under this section, the court 25659
shall provide the parties to the order or agreement with the 25660
following notice orally or by form: 25661

"NOTICE 25662

As a result of this order or consent agreement, it may be 25663
unlawful for you to possess or purchase a firearm, including a 25664
rifle, pistol, or revolver, or ammunition pursuant to federal 25665
law under 18 U.S.C. 922(g) (8) for the duration of this order or 25666
consent agreement. If you have any questions whether this law 25667
makes it illegal for you to possess or purchase a firearm or 25668
ammunition, you should consult an attorney." 25669

(3) All law enforcement agencies shall establish and 25670
maintain an index for the protection orders and the approved 25671
consent agreements delivered to the agencies pursuant to 25672
division (F) (1) of this section. With respect to each order and 25673
consent agreement delivered, each agency shall note on the index 25674
the date and time that it received the order or consent 25675
agreement. 25676

(4) Regardless of whether the petitioner has registered 25677
the order or agreement in the county in which the officer's 25678
agency has jurisdiction pursuant to division (N) of this 25679
section, any officer of a law enforcement agency shall enforce a 25680
protection order issued or consent agreement approved by any 25681
court in this state in accordance with the provisions of the 25682
order or agreement, including removing the respondent from the 25683

premises, if appropriate. 25684

(G) (1) Any proceeding under this section shall be 25685
conducted in accordance with the Rules of Civil Procedure, 25686
except that an order under this section may be obtained with or 25687
without bond. An order issued under this section, other than an 25688
ex parte order, that grants a protection order or approves a 25689
consent agreement, that refuses to grant a protection order or 25690
approve a consent agreement that modifies or terminates a 25691
protection order or consent agreement, or that refuses to modify 25692
or terminate a protection order or consent agreement, is a 25693
final, appealable order. The remedies and procedures provided in 25694
this section are in addition to, and not in lieu of, any other 25695
available civil or criminal remedies. 25696

(2) If as provided in division (G) (1) of this section an 25697
order issued under this section, other than an ex parte order, 25698
refuses to grant a protection order, the court, on its own 25699
motion, shall order that the ex parte order issued under this 25700
section and all of the records pertaining to that ex parte order 25701
be sealed after either of the following occurs: 25702

(a) No party has exercised the right to appeal pursuant to 25703
Rule 4 of the Rules of Appellate Procedure. 25704

(b) All appellate rights have been exhausted. 25705

(H) The filing of proceedings under this section does not 25706
excuse a person from filing any report or giving any notice 25707
required by section 2151.421 of the Revised Code or by any other 25708
law. When a petition under this section alleges domestic 25709
violence against minor children, the court shall report the 25710
fact, or cause reports to be made, to a county, township, or 25711
municipal peace officer under section 2151.421 of the Revised 25712

Code. 25713

(I) Any law enforcement agency that investigates a 25714
domestic dispute shall provide information to the family or 25715
household members involved, or the persons in the dating 25716
relationship who are involved, whichever is applicable regarding 25717
the relief available under this section and, for family or 25718
household members, section 2919.26 of the Revised Code. 25719

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 25720
section and regardless of whether a protection order is issued 25721
or a consent agreement is approved by a court of another county 25722
or a court of another state, no court or unit of state or local 25723
government shall charge the petitioner any fee, cost, deposit, 25724
or money in connection with the filing of a petition pursuant to 25725
this section or in connection with the filing, issuance, 25726
registration, modification, enforcement, dismissal, withdrawal, 25727
or service of a protection order, consent agreement, or witness 25728
subpoena or for obtaining a certified copy of a protection order 25729
or consent agreement. 25730

(2) Regardless of whether a protection order is issued or 25731
a consent agreement is approved pursuant to this section, the 25732
court may assess costs against the respondent in connection with 25733
the filing, issuance, registration, modification, enforcement, 25734
dismissal, withdrawal, or service of a protection order, consent 25735
agreement, or witness subpoena or for obtaining a certified copy 25736
of a protection order or consent agreement. 25737

(K) (1) The court shall comply with Chapters 3119., 3121., 25738
3123., and 3125. of the Revised Code when it makes or modifies 25739
an order for child support under this section. 25740

(2) If any person required to pay child support under an 25741

order made under this section on or after April 15, 1985, or 25742
modified under this section on or after December 31, 1986, is 25743
found in contempt of court for failure to make support payments 25744
under the order, the court that makes the finding, in addition 25745
to any other penalty or remedy imposed, shall assess all court 25746
costs arising out of the contempt proceeding against the person 25747
and require the person to pay any reasonable attorney's fees of 25748
any adverse party, as determined by the court, that arose in 25749
relation to the act of contempt. 25750

(L) (1) A person who violates a protection order issued or 25751
a consent agreement approved under this section is subject to 25752
the following sanctions: 25753

(a) Criminal prosecution or a delinquent child proceeding 25754
for a violation of section 2919.27 of the Revised Code, if the 25755
violation of the protection order or consent agreement 25756
constitutes a violation of that section; 25757

(b) Punishment for contempt of court. 25758

(2) The punishment of a person for contempt of court for 25759
violation of a protection order issued or a consent agreement 25760
approved under this section does not bar criminal prosecution of 25761
the person or a delinquent child proceeding concerning the 25762
person for a violation of section 2919.27 of the Revised Code. 25763
However, a person punished for contempt of court is entitled to 25764
credit for the punishment imposed upon conviction of or 25765
adjudication as a delinquent child for a violation of that 25766
section, and a person convicted of or adjudicated a delinquent 25767
child for a violation of that section shall not subsequently be 25768
punished for contempt of court arising out of the same activity. 25769

(M) In all stages of a proceeding under this section, a 25770

petitioner may be accompanied by a victim advocate. 25771

(N) (1) A petitioner who obtains a protection order or 25772
consent agreement under this section or a temporary protection 25773
order under section 2919.26 of the Revised Code may provide 25774
notice of the issuance or approval of the order or agreement to 25775
the judicial and law enforcement officials in any county other 25776
than the county in which the order is issued or the agreement is 25777
approved by registering that order or agreement in the other 25778
county pursuant to division (N) (2) of this section and filing a 25779
copy of the registered order or registered agreement with a law 25780
enforcement agency in the other county in accordance with that 25781
division. A person who obtains a protection order issued by a 25782
court of another state may provide notice of the issuance of the 25783
order to the judicial and law enforcement officials in any 25784
county of this state by registering the order in that county 25785
pursuant to section 2919.272 of the Revised Code and filing a 25786
copy of the registered order with a law enforcement agency in 25787
that county. 25788

(2) A petitioner may register a temporary protection 25789
order, protection order, or consent agreement in a county other 25790
than the county in which the court that issued the order or 25791
approved the agreement is located in the following manner: 25792

(a) The petitioner shall obtain a certified copy of the 25793
order or agreement from the clerk of the court that issued the 25794
order or approved the agreement and present that certified copy 25795
to the clerk of the court of common pleas or the clerk of a 25796
municipal court or county court in the county in which the order 25797
or agreement is to be registered. 25798

(b) Upon accepting the certified copy of the order or 25799
agreement for registration, the clerk of the court of common 25800

pleas, municipal court, or county court shall place an 25801
endorsement of registration on the order or agreement and give 25802
the petitioner a copy of the order or agreement that bears that 25803
proof of registration. 25804

(3) The clerk of each court of common pleas, the clerk of 25805
each municipal court, and the clerk of each county court shall 25806
maintain a registry of certified copies of temporary protection 25807
orders, protection orders, or consent agreements that have been 25808
issued or approved by courts in other counties and that have 25809
been registered with the clerk. 25810

(O) Nothing in this section prohibits the domestic 25811
relations division of a court of common pleas in counties that 25812
have a domestic relations division or a court of common pleas in 25813
counties that do not have a domestic relations division from 25814
designating a minor child as a protected party on a protection 25815
order or consent agreement. 25816

Sec. 3770.021. Except as otherwise provided in this 25817
section, no person shall be employed by or continue employment 25818
with the state lottery commission who has been convicted in any 25819
jurisdiction of a felony, or of a misdemeanor of the first, 25820
second, or third degree, involving gambling, fraud or 25821
misrepresentation, theft, or any crime of moral turpitude, as 25822
long as the record of the conviction has not been sealed or 25823
expunged pursuant to Chapter 2953. of the Revised Code or 25824
pursuant to a statute of another jurisdiction that governs the 25825
sealing or expungement of criminal records. The director of the 25826
commission may adopt internal management rules designating 25827
vehicular offenses, conviction of which will disqualify persons 25828
from employment with the commission; specifying time periods 25829
after which persons who have been convicted of the offenses 25830

described in this section may be employed by the commission; and 25831
establishing requirements for an applicant or employee to seek a 25832
court order to have the records sealed or expunged in accordance 25833
with law relating to the sealing or expungement of criminal 25834
records. 25835

Sec. ~~2917.40~~ 3791.22. (A) As used in this section: 25836

(1) "Live entertainment performance" means any live 25837
speech; any live musical performance, including a concert; any 25838
live dramatic performance; any live variety show; and any other 25839
live performance with respect to which the primary intent of the 25840
audience can be construed to be viewing the performers. A "live 25841
entertainment performance" does not include any form of 25842
entertainment with respect to which the person purchasing a 25843
ticket routinely participates in amusements as well as views 25844
performers. 25845

(2) "Restricted entertainment area" means any wholly or 25846
partially enclosed area, whether indoors or outdoors, that has 25847
limited access through established entrances, or established 25848
turnstiles or similar devices. 25849

(3) "Concert" means a musical performance of which the 25850
primary component is a presentation by persons singing or 25851
playing musical instruments, that is intended by its sponsors 25852
mainly, but not necessarily exclusively, for the listening 25853
enjoyment of the audience, and that is held in a facility. A 25854
"concert" does not include any performance in which music is a 25855
part of the presentation and the primary component of which is 25856
acting, dancing, a motion picture, a demonstration of skills or 25857
talent other than singing or playing an instrument, an athletic 25858
event, an exhibition, or a speech. 25859

(4) "Facility" means any structure that has a roof or partial roof and that has walls that wholly surround the area on all sides, including, but not limited to, a stadium, hall, arena, armory, auditorium, ballroom, exhibition hall, convention center, or music hall.

(5) "Person" includes, in addition to an individual or entity specified in division (C) of section 1.59 of the Revised Code, any governmental entity.

(B) (1) No person who owns, operates, or promotes live entertainment performances shall knowingly sell, offer to sell, ~~or offer~~ in return for a donation, or gift any ticket that is not numbered and that does not correspond to a specific physical seat for admission to either of the following:

(a) A live entertainment performance that is not exempted under division (D) of this section, that is held in a restricted entertainment area, and for which more than eight thousand tickets are offered to the public;

(b) A concert that is not exempted under division (D) of this section and for which more than three thousand tickets are offered to the public.

(2) No person shall advertise any live entertainment performance as described in division (B) (1) (a) of this section or any concert as described in division (B) (1) (b) of this section, unless the advertisement contains the words "Reserved Seats Only."

(C) Unless exempted by division (D) (1) of this section, no person who owns or operates any restricted entertainment area shall fail to open, maintain, and properly staff at least the number of entrances designated under division (E) of this

section for a minimum of ninety minutes prior to the scheduled 25889
start of any live entertainment performance that is held in the 25890
restricted entertainment area and for which more than three 25891
thousand tickets are sold, offered for sale, or offered in 25892
return for a donation. 25893

(D) (1) A live entertainment performance, other than a 25894
concert, is exempted from the provisions of divisions (B) and 25895
(C) of this section if both of the following apply: 25896

(a) The restricted entertainment area in which the 25897
performance is held has at least eight entrances or, if both 25898
entrances and separate admission turnstiles or similar devices 25899
are used, has at least eight turnstiles or similar devices; 25900

(b) The eight entrances or, if applicable, the eight 25901
turnstiles or similar devices are opened, maintained, and 25902
properly staffed at least one hour prior to the scheduled start 25903
of the performance. 25904

(2) (a) The chief of the police department of a township 25905
police district or joint police district in the case of a 25906
facility located within the district, the officer responsible 25907
for public safety within a municipal corporation in the case of 25908
a facility located within the municipal corporation, or the 25909
county sheriff in the case of a facility located outside the 25910
boundaries of a township or joint police district or municipal 25911
corporation may, upon application of the sponsor of a concert 25912
covered by division (B) of this section, exempt the concert from 25913
the provisions of that division if the official finds that the 25914
health, safety, and welfare of the participants and spectators 25915
would not be substantially affected by failure to comply with 25916
the provisions of that division. 25917

In determining whether to grant an exemption, the official shall consider the following factors:

(i) The size and design of the facility in which the concert is scheduled;

(ii) The size, age, and anticipated conduct of the crowd expected to attend the concert;

(iii) The ability of the sponsor to manage and control the expected crowd.

If the sponsor of any concert desires to obtain an exemption under this division, the sponsor shall apply to the appropriate official on a form prescribed by that official. The official shall issue an order that grants or denies the exemption within five days after receipt of the application. The sponsor may appeal any order that denies an exemption to the court of common pleas of the county in which the facility is located.

(b) If an official grants an exemption under division (D) (2) (a) of this section, the official shall designate an on-duty law enforcement officer to be present at the concert. The designated officer has authority to issue orders to all security personnel at the concert to protect the health, safety, and welfare of the participants and spectators.

(3) Notwithstanding division (D) (2) of this section, in the case of a concert held in a facility located on the campus of an educational institution covered by section 3345.04 of the Revised Code, a state university law enforcement officer appointed pursuant to sections 3345.04 and 3345.21 of the Revised Code shall do both of the following:

(a) Exercise the authority to grant exemptions provided by

division (D) (2) (a) of this section in lieu of an official 25947
designated in that division; 25948

(b) If the officer grants an exemption under division (D) 25949
(3) (a) of this section, designate an on-duty state university 25950
law enforcement officer to be present at the concert. The 25951
designated officer has authority to issue orders to all security 25952
personnel at the concert to protect the health, safety, and 25953
welfare of the participants and spectators. 25954

(E) (1) Unless a live entertainment performance is exempted 25955
by division (D) (1) of this section, the chief of the police 25956
department of a township police district or joint police 25957
district in the case of a restricted entertainment area located 25958
within the district, the officer responsible for public safety 25959
within a municipal corporation in the case of a restricted 25960
entertainment area located within the municipal corporation, or 25961
the county sheriff in the case of a restricted entertainment 25962
area located outside the boundaries of a township or joint 25963
police district or municipal corporation shall designate, for 25964
purposes of division (C) of this section, the minimum number of 25965
entrances required to be opened, maintained, and staffed at each 25966
live entertainment performance so as to permit crowd control and 25967
reduce congestion at the entrances. The designation shall be 25968
based on such factors as the size and nature of the crowd 25969
expected to attend the live entertainment performance, the 25970
length of time prior to the live entertainment performance that 25971
crowds are expected to congregate at the entrances, and the 25972
amount of security provided at the restricted entertainment 25973
area. 25974

(2) Notwithstanding division (E) (1) of this section, a 25975
state university law enforcement officer appointed pursuant to 25976

sections 3345.04 and 3345.21 of the Revised Code shall designate 25977
the number of entrances required to be opened, maintained, and 25978
staffed in the case of a live entertainment performance that is 25979
held at a restricted entertainment area located on the campus of 25980
an educational institution covered by section 3345.04 of the 25981
Revised Code. 25982

(F) No person shall enter into any contract for a live 25983
entertainment performance, that does not permit or require 25984
compliance with this section. 25985

(G) (1) This section does not apply to a live entertainment 25986
performance held in a restricted entertainment area if one 25987
admission ticket entitles the holder to view or participate in 25988
three or more different games, rides, activities, or live 25989
entertainment performances occurring simultaneously at different 25990
sites within the restricted entertainment area and if the 25991
initial admittance entrance to the restricted entertainment 25992
area, for which the ticket is required, is separate from the 25993
entrance to any specific live entertainment performance and an 25994
additional ticket is not required for admission to the 25995
particular live entertainment performance. 25996

(2) This section does not apply to a symphony orchestra 25997
performance, a ballet performance, horse races, dances, or 25998
fairs. 25999

(H) This section does not prohibit the legislative 26000
authority of any municipal corporation from imposing additional 26001
requirements, not in conflict with this section, for the 26002
promotion or holding of live entertainment performances. 26003

~~(I) Whoever violates division (B), (C), or (F) of this 26004
section is guilty of a misdemeanor of the first degree. If any 26005~~

~~individual suffers physical harm to the individual's person as a
result of a violation of this section, the sentencing court
shall consider this factor in favor of imposing a term of
imprisonment upon the offender.~~

Sec. 3791.99. (A) Whoever violates division (D) of section
3791.21 of the Revised Code is guilty of a minor misdemeanor,
and each day the violation continues constitutes a separate
offense.

(B) Whoever violates this chapter or any rule adopted or
order issued pursuant to it that relates to the construction,
alteration, or repair of any building, and the violation is not
detrimental to the health, safety, or welfare of any person,
shall be fined not more than one hundred dollars.

(C) Whoever violates this chapter or any rule adopted or
order issued pursuant to it that relates to the construction,
alteration, or repair of any building, and the violation is
detrimental to the health, safety, or welfare of any person, is
guilty of a minor misdemeanor.

(D) Whoever violates division (B), (C), or (F) of section
3791.22 of the Revised Code is guilty of a misdemeanor of the
first degree.

Sec. 4301.61. (A) As used in this section and section
4301.611 of the Revised Code:

(1) "Card holder" means any person who presents a driver's
or commercial driver's license or an identification card to a
permit holder, or an agent or employee of a permit holder, for
either of the purposes listed in division (A) (4) (a) or (b) of
this section.

(2) "Identification card" means an identification card

issued under sections 4507.50 to 4507.52 of the Revised Code or 26035
an equivalent identification card issued by another state. 26036

(3) "Permit holder" means the holder of a permit issued 26037
under Chapter 4303. of the Revised Code. 26038

(4) "Transaction scan" means the process by which a permit 26039
holder or an agent or employee of a permit holder checks, by 26040
means of a transaction scan device, the validity of a driver's 26041
or commercial driver's license or an identification card that is 26042
presented as a condition for doing either of the following: 26043

(a) Purchasing any beer, intoxicating liquor, or low- 26044
alcohol beverage; 26045

(b) Gaining admission to a premises that has been issued a 26046
liquor permit authorizing the sale of beer or intoxicating 26047
liquor for consumption on the premises where sold, and where 26048
admission is restricted to persons twenty-one years of age or 26049
older. 26050

(5) "Transaction scan device" means any commercial device 26051
or combination of devices used at a point of sale that is 26052
capable of deciphering in an electronically readable format the 26053
information encoded on the magnetic strip or bar code of a 26054
driver's or commercial driver's license or an identification 26055
card. 26056

(B) (1) A permit holder or an agent or employee of a permit 26057
holder may perform a transaction scan by means of a transaction 26058
scan device to check the validity of a driver's or commercial 26059
driver's license or identification card presented by a card 26060
holder for either of the purposes listed in division (A) (4) (a) 26061
or (b) of this section. 26062

(2) If the information deciphered by the transaction scan 26063

performed under division (B) (1) of this section fails to match 26064
the information printed on the driver's or commercial driver's 26065
license or identification card presented by the card holder, or 26066
if the transaction scan indicates that the information so 26067
printed is false or fraudulent, neither the permit holder nor 26068
any agent or employee of the permit holder shall sell any beer, 26069
intoxicating liquor, or low-alcohol beverage to the card holder. 26070

(3) Division (B) (1) of this section does not preclude a 26071
permit holder or an agent or employee of a permit holder from 26072
using a transaction scan device to check the validity of a 26073
document other than a driver's or commercial driver's license or 26074
an identification card, if the document includes a bar code or 26075
magnetic strip that may be scanned by the device, as a condition 26076
of a sale of beer, intoxicating liquor, or a low-alcohol 26077
beverage or of granting admission to a premises described in 26078
division (A) (4) of this section. 26079

(C) The registrar of motor vehicles, with the approval of 26080
the liquor control commission, shall adopt, and may amend or 26081
rescind, rules in accordance with Chapter 119. of the Revised 26082
Code that do both of the following: 26083

(1) Govern the recording and maintenance of information 26084
described in divisions (D) (1) (a) and (b) of this section, 26085
divisions ~~(D) (1) (a)~~ (C) (1) (a) and (b) of section 2927.021 of the 26086
Revised Code, and divisions (D) (1) (a) and (b) of section 2925.57 26087
of the Revised Code; 26088

(2) Ensure quality control in the use of transaction scan 26089
devices under this section and sections 2927.021, ~~2927.022,~~ 26090
2925.57, 2925.58, and 4301.611 of the Revised Code. 26091

(D) (1) No permit holder or agent or employee of a permit 26092

holder shall electronically or mechanically record or maintain 26093
any information derived from a transaction scan, except the 26094
following: 26095

(a) The name and date of birth of the person listed on the 26096
driver's or commercial driver's license or identification card 26097
presented by a card holder; 26098

(b) The expiration date and identification number of the 26099
driver's or commercial driver's license or identification card 26100
presented by a card holder. 26101

(2) No permit holder or agent or employee of a permit 26102
holder shall use the information that is derived from a 26103
transaction scan or that is permitted to be recorded and 26104
maintained by division (D) (1) of this section, except for 26105
purposes of section 4301.611 of the Revised Code. 26106

(3) No permit holder or agent or employee of a permit 26107
holder shall use a transaction scan device for a purpose other 26108
than a purpose listed in division (A) (4) (a) or (b) of this 26109
section. 26110

(4) No permit holder or agent or employee of a permit 26111
holder shall sell or otherwise disseminate the information 26112
derived from a transaction scan to any third party, including, 26113
but not limited to, selling or otherwise disseminating that 26114
information for any marketing, advertising, or promotional 26115
activities, but a permit holder or agent or employee of a permit 26116
holder may release that information pursuant to a court order or 26117
as specifically authorized by section 4301.611 or another 26118
section of the Revised Code. 26119

(E) Nothing in this section or section 4301.611 of the 26120
Revised Code relieves a permit holder or an agent or employee of 26121

a permit holder of any responsibility to comply with any other 26122
applicable state or federal laws or rules governing the sale of 26123
beer, intoxicating liquor, or low-alcohol beverages. 26124

(F) Whoever violates division (B) (2) or (D) of this 26125
section is guilty of an illegal liquor transaction scan, and the 26126
court may impose upon the offender a civil penalty of up to one 26127
thousand dollars for each violation. The clerk of the court 26128
shall pay each collected civil penalty to the county treasurer 26129
for deposit into the county treasury. 26130

Sec. 4301.69. (A) Except as otherwise provided in this 26131
chapter, no person shall sell beer or intoxicating liquor to an 26132
underage person, shall buy beer or intoxicating liquor for an 26133
underage person, or shall furnish it to an underage person, 26134
unless given by a physician in the regular line of the 26135
physician's practice or given for established religious purposes 26136
or unless the underage person is supervised by a parent, spouse 26137
who is not an underage person, or legal guardian. 26138

In proceedings before the liquor control commission, no 26139
permit holder, or no employee or agent of a permit holder, 26140
charged with a violation of this division shall be charged, for 26141
the same offense, with a violation of division (A) (1) of section 26142
4301.22 of the Revised Code. 26143

(B) No person who is the owner or occupant of any public 26144
or private place shall knowingly allow any underage person to 26145
remain in or on the place while possessing or consuming beer or 26146
intoxicating liquor, unless the intoxicating liquor or beer is 26147
given to the person possessing or consuming it by that person's 26148
parent, spouse who is not an underage person, or legal guardian 26149
and the parent, spouse who is not an underage person, or legal 26150
guardian is present at the time of the person's possession or 26151

consumption of the beer or intoxicating liquor. 26152

An owner of a public or private place is not liable for 26153
acts or omissions in violation of this division that are 26154
committed by a lessee of that place, unless the owner authorizes 26155
or acquiesces in the lessee's acts or omissions. 26156

(C) No person shall engage or use accommodations at a 26157
hotel, inn, cabin, campground, or restaurant when the person 26158
knows or has reason to know either of the following: 26159

(1) That beer or intoxicating liquor will be consumed by 26160
an underage person on the premises of the accommodations that 26161
the person engages or uses, unless the person engaging or using 26162
the accommodations is the spouse of the underage person and is 26163
not an underage person, or is the parent or legal guardian of 26164
all of the underage persons, who consume beer or intoxicating 26165
liquor on the premises and that person is on the premises at all 26166
times when beer or intoxicating liquor is being consumed by an 26167
underage person; 26168

(2) That a drug of abuse will be consumed on the premises 26169
of the accommodations by any person, except a person who 26170
obtained the drug of abuse pursuant to a prescription issued by 26171
a licensed health professional authorized to prescribe drugs and 26172
has the drug of abuse in the original container in which it was 26173
dispensed to the person. 26174

(D) (1) No person is required to permit the engagement of 26175
accommodations at any hotel, inn, cabin, or campground by an 26176
underage person or for an underage person, if the person 26177
engaging the accommodations knows or has reason to know that the 26178
underage person is intoxicated, or that the underage person 26179
possesses any beer or intoxicating liquor and is not supervised 26180

by a parent, spouse who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin, or campground by presenting identification that falsely indicates that the underage person is twenty-one years of age or older for the purpose of violating this section.

(E) (1) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in division (E) (1) of this section against an underage person knowingly possessing, consuming, or being under the influence of any beer or intoxicating liquor shall not apply if the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(2) (a) If a person is charged with violating division (E) (1) of this section in a complaint filed under section 2151.27 of the Revised Code, the court may order the child into a diversion program specified by the court and hold the complaint in abeyance pending successful completion of the diversion program. A child is ineligible to enter into a diversion program under division (E) (2) (a) of this section if the child previously has been diverted pursuant to division (E) (2) (a) of this section. If the child completes the diversion program to the

satisfaction of the court, the court shall dismiss the complaint 26211
and order the child's record in the case sealed under sections 26212
2151.356 to 2151.358 of the Revised Code. If the child fails to 26213
satisfactorily complete the diversion program, the court shall 26214
proceed with the complaint. 26215

(b) If a person is charged in a criminal complaint with 26216
violating division (E) (1) of this section, section 2935.36 of 26217
the Revised Code shall apply to the offense, except that a 26218
person is ineligible for diversion under that section if the 26219
person previously has been diverted pursuant to division (E) (2) 26220
(a) or (b) of this section. If the person completes the 26221
diversion program to the satisfaction of the court, the court 26222
shall dismiss the complaint and order the record in the case 26223
sealed under section ~~2953.52~~2953.33 of the Revised Code. If the 26224
person fails to satisfactorily complete the diversion program, 26225
the court shall proceed with the complaint. 26226

(F) No parent, spouse who is not an underage person, or 26227
legal guardian of a minor shall knowingly permit the minor to 26228
violate this section or section 4301.63, 4301.633, or 4301.634 26229
of the Revised Code. 26230

(G) The operator of any hotel, inn, cabin, or campground 26231
shall make the provisions of this section available in writing 26232
to any person engaging or using accommodations at the hotel, 26233
inn, cabin, or campground. 26234

(H) As used in this section: 26235

(1) "Drug of abuse" has the same meaning as in section 26236
3719.011 of the Revised Code. 26237

(2) "Hotel" has the same meaning as in section 3731.01 of 26238
the Revised Code. 26239

(3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 26240
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(4) "Minor" means a person under the age of eighteen years. 26243
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(5) "Underage person" means a person under the age of twenty-one years. 26245
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Sec. 4506.01. As used in this chapter: 26247

(A) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath, or urine. When expressed as a percentage, it means grams of alcohol per the following: 26248
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(1) One hundred milliliters of whole blood, blood serum, or blood plasma; 26251
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(2) Two hundred ten liters of breath; 26253

(3) One hundred milliliters of urine. 26254

(B) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle. 26255
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(C) "Commercial driver's license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701. 26258
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(D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications: 26262
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(1) Any combination of vehicles with a gross vehicle 26266

weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of twenty-six thousand one pounds or more;

(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;

(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal motor carrier safety administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

(E) "Controlled substance" means all of the following:

(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;

(2) Any substance included in schedules I through V of 21

C.F.R. part 1308, as amended;	26295
(3) Any drug of abuse.	26296
(F) "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.	26297 26298 26299 26300 26301 26302 26303 26304 26305
(G) "Disqualification" means any of the following:	26306
(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;	26307 26308
(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;	26309 26310 26311 26312
(3) A determination by the federal motor carrier safety administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.	26313 26314 26315
(H) "Domiciled" means having a true, fixed, principal, and permanent residence to which an individual intends to return.	26316 26317
(I) "Downgrade" means any of the following, as applicable:	26318
(1) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's self-certified status as described in division (A) (1) of section 4506.10 of the Revised Code;	26319 26320 26321 26322

(2) A change to a lesser class of vehicle;	26323
(3) Removal of commercial driver's license privileges from the individual's driver's license.	26324 26325
(J) "Drive" means to drive, operate, or be in physical control of a motor vehicle.	26326 26327
(K) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.	26328 26329 26330
(L) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive.	26331 26332
(M) "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, <u>harmful intoxicant as defined in section 2925.01 of the Revised Code</u> , or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.	26333 26334 26335 26336 26337 26338
(N) "Electronic device" includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text.	26339 26340 26341
(O) "Eligible unit of local government" means a village, township, or county that has a population of not more than three thousand persons according to the most recent federal census.	26342 26343 26344
(P) "Employer" means any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.	26345 26346 26347 26348
(Q) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the	26349 26350

person to operate a specified type of commercial motor vehicle. 26351

(R) "Farm truck" means a truck controlled and operated by 26352
a farmer for use in the transportation to or from a farm, for a 26353
distance of not more than one hundred fifty miles, of products 26354
of the farm, including livestock and its products, poultry and 26355
its products, floricultural and horticultural products, and in 26356
the transportation to the farm, from a distance of not more than 26357
one hundred fifty miles, of supplies for the farm, including 26358
tile, fence, and every other thing or commodity used in 26359
agricultural, floricultural, horticultural, livestock, and 26360
poultry production, and livestock, poultry, and other animals 26361
and things used for breeding, feeding, or other purposes 26362
connected with the operation of the farm, when the truck is 26363
operated in accordance with this division and is not used in the 26364
operations of a motor carrier, as defined in section 4923.01 of 26365
the Revised Code. 26366

(S) "Fatality" means the death of a person as the result 26367
of a motor vehicle accident occurring not more than three 26368
hundred sixty-five days prior to the date of death. 26369

(T) "Felony" means any offense under federal or state law 26370
that is punishable by death or specifically classified as a 26371
felony under the law of this state, regardless of the penalty 26372
that may be imposed. 26373

(U) "Foreign jurisdiction" means any jurisdiction other 26374
than a state. 26375

(V) "Gross vehicle weight rating" means the value 26376
specified by the manufacturer as the maximum loaded weight of a 26377
single or a combination vehicle. The gross vehicle weight rating 26378
of a combination vehicle is the gross vehicle weight rating of 26379

the power unit plus the gross vehicle weight rating of each 26380
towed unit. 26381

(W) "Hazardous materials" means any material that has been 26382
designated as hazardous under 49 U.S.C. 5103 and is required to 26383
be placarded under subpart F of 49 C.F.R. part 172 or any 26384
quantity of a material listed as a select agent or toxin in 42 26385
C.F.R. part 73, as amended. 26386

(X) "Imminent hazard" means the existence of a condition 26387
that presents a substantial likelihood that death, serious 26388
illness, severe personal injury, or a substantial endangerment 26389
to health, property, or the environment may occur before the 26390
reasonably foreseeable completion date of a formal proceeding 26391
begun to lessen the risk of that death, illness, injury, or 26392
endangerment. 26393

(Y) "Medical variance" means one of the following received 26394
by a driver from the federal motor carrier safety administration 26395
that allows the driver to be issued a medical certificate: 26396

(1) An exemption letter permitting operation of a 26397
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 26398
C.F.R. 391.64; 26399

(2) A skill performance evaluation certificate permitting 26400
operation of a commercial motor vehicle pursuant to 49 C.F.R. 26401
391.49. 26402

(Z) "Mobile telephone" means a mobile communication device 26403
that falls under or uses any commercial mobile radio service as 26404
defined in 47 C.F.R. 20, except that mobile telephone does not 26405
include two-way or citizens band radio services. 26406

(AA) "Motor vehicle" means a vehicle, machine, tractor, 26407
trailer, or semitrailer propelled or drawn by mechanical power 26408

used on highways, except that such term does not include a 26409
vehicle, machine, tractor, trailer, or semitrailer operated 26410
exclusively on a rail. 26411

(BB) "Out-of-service order" means a declaration by an 26412
authorized enforcement officer of a federal, state, local, 26413
Canadian, or Mexican jurisdiction declaring that a driver, 26414
commercial motor vehicle, or commercial motor carrier operation 26415
is out of service as defined in 49 C.F.R. 390.5. 26416

(CC) "Peace officer" has the same meaning as in section 26417
2935.01 of the Revised Code. 26418

(DD) "Portable tank" means a liquid or gaseous packaging 26419
designed primarily to be loaded onto or temporarily attached to 26420
a vehicle and equipped with skids, mountings, or accessories to 26421
facilitate handling of the tank by mechanical means. 26422

(EE) "Public safety vehicle" has the same meaning as in 26423
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 26424

(FF) "Recreational vehicle" includes every vehicle that is 26425
defined as a recreational vehicle in section 4501.01 of the 26426
Revised Code and is used exclusively for purposes other than 26427
engaging in business for profit. 26428

(GG) "Residence" means any person's residence determined 26429
in accordance with standards prescribed in rules adopted by the 26430
registrar. 26431

(HH) "School bus" has the same meaning as in section 26432
4511.01 of the Revised Code. 26433

(II) "Serious traffic violation" means any of the 26434
following: 26435

(1) A conviction arising from a single charge of operating 26436

a commercial motor vehicle in violation of any provision of	26437
section 4506.03 of the Revised Code;	26438
(2) (a) Except as provided in division (II) (2) (b) of this	26439
section, a violation while operating a commercial motor vehicle	26440
of a law of this state, or any municipal ordinance or county or	26441
township resolution, or any other substantially similar law of	26442
another state or political subdivision of another state	26443
prohibiting either of the following:	26444
(i) Texting while driving;	26445
(ii) Using a handheld mobile telephone.	26446
(b) It is not a serious traffic violation if the person	26447
was texting or using a handheld mobile telephone to contact law	26448
enforcement or other emergency services.	26449
(3) A conviction arising from the operation of any motor	26450
vehicle that involves any of the following:	26451
(a) A single charge of any speed in excess of the posted	26452
speed limit by fifteen miles per hour or more;	26453
(b) Violation of section 4511.20 or 4511.201 of the	26454
Revised Code or any similar ordinance or resolution, or of any	26455
similar law of another state or political subdivision of another	26456
state;	26457
(c) Violation of a law of this state or an ordinance or	26458
resolution relating to traffic control, other than a parking	26459
violation, or of any similar law of another state or political	26460
subdivision of another state, that results in a fatal accident;	26461
(d) Violation of section 4506.03 of the Revised Code or a	26462
substantially similar municipal ordinance or county or township	26463
resolution, or of any similar law of another state or political	26464

subdivision of another state, that involves the operation of a 26465
commercial motor vehicle without a valid commercial driver's 26466
license with the proper class or endorsement for the specific 26467
vehicle group being operated or for the passengers or type of 26468
cargo being transported; 26469

(e) Violation of section 4506.03 of the Revised Code or a 26470
substantially similar municipal ordinance or county or township 26471
resolution, or of any similar law of another state or political 26472
subdivision of another state, that involves the operation of a 26473
commercial motor vehicle without a valid commercial driver's 26474
license being in the person's possession; 26475

(f) Violation of section 4511.33 or 4511.34 of the Revised 26476
Code, or any municipal ordinance or county or township 26477
resolution substantially similar to either of those sections, or 26478
any substantially similar law of another state or political 26479
subdivision of another state; 26480

(g) Violation of any other law of this state, any law of 26481
another state, or any ordinance or resolution of a political 26482
subdivision of this state or another state that meets both of 26483
the following requirements: 26484

(i) It relates to traffic control, other than a parking 26485
violation; 26486

(ii) It is determined to be a serious traffic violation by 26487
the United States secretary of transportation and is designated 26488
by the director as such by rule. 26489

(JJ) "State" means a state of the United States and 26490
includes the District of Columbia. 26491

(KK) "Tank vehicle" means any commercial motor vehicle 26492
that is designed to transport any liquid or gaseous materials 26493

within a tank or tanks that are either permanently or 26494
temporarily attached to the vehicle or its chassis and have an 26495
individual rated capacity of more than one hundred nineteen 26496
gallons and an aggregate rated capacity of one thousand gallons 26497
or more. "Tank vehicle" does not include a commercial motor 26498
vehicle transporting an empty storage container tank that is not 26499
designed for transportation, has a rated capacity of one 26500
thousand gallons or more, and is temporarily attached to a 26501
flatbed trailer. 26502

(LL) "Tester" means a person or entity acting pursuant to 26503
a valid agreement entered into pursuant to division (B) of 26504
section 4506.09 of the Revised Code. 26505

(MM) "Texting" means manually entering alphanumeric text 26506
into, or reading text from, an electronic device. Texting 26507
includes short message service, e-mail, instant messaging, a 26508
command or request to access a world wide web page, pressing 26509
more than a single button to initiate or terminate a voice 26510
communication using a mobile telephone, or engaging in any other 26511
form of electronic text retrieval or entry, for present or 26512
future communication. Texting does not include the following: 26513

(1) Using voice commands to initiate, receive, or 26514
terminate a voice communication using a mobile telephone; 26515

(2) Inputting, selecting, or reading information on a 26516
global positioning system or navigation system; 26517

(3) Pressing a single button to initiate or terminate a 26518
voice communication using a mobile telephone; or 26519

(4) Using, for a purpose that is not otherwise prohibited 26520
by law, a device capable of performing multiple functions, such 26521
as a fleet management system, a dispatching device, a mobile 26522

telephone, a citizens band radio, or a music player. 26523

(NN) "Texting while driving" means texting while operating 26524
a commercial motor vehicle, with the motor running, including 26525
while temporarily stationary because of traffic, a traffic 26526
control device, or other momentary delays. Texting while driving 26527
does not include operating a commercial motor vehicle with or 26528
without the motor running when the driver has moved the vehicle 26529
to the side of, or off, a highway and is stopped in a location 26530
where the vehicle can safely remain stationary. 26531

(OO) "United States" means the fifty states and the 26532
District of Columbia. 26533

(PP) "Upgrade" means a change in the class of vehicles, 26534
endorsements, or self-certified status as described in division 26535
(A) (1) of section 4506.10 of the Revised Code, that expands the 26536
ability of a current commercial driver's license holder to 26537
operate commercial motor vehicles under this chapter; 26538

(QQ) "Use of a handheld mobile telephone" means: 26539

(1) Using at least one hand to hold a mobile telephone to 26540
conduct a voice communication; 26541

(2) Dialing or answering a mobile telephone by pressing 26542
more than a single button; or 26543

(3) Reaching for a mobile telephone in a manner that 26544
requires a driver to maneuver so that the driver is no longer in 26545
a seated driving position, or restrained by a seat belt that is 26546
installed in accordance with 49 C.F.R. 393.93 and adjusted in 26547
accordance with the vehicle manufacturer's instructions. 26548

(RR) "Vehicle" has the same meaning as in section 4511.01 26549
of the Revised Code. 26550

Sec. 4510.04. It is an affirmative defense to any 26551
prosecution brought under section 4510.037, 4510.11, 4510.111, 26552
4510.14, 4510.16, or 4510.21 of the Revised Code or under any 26553
substantially equivalent municipal ordinance that the alleged 26554
offender drove under suspension, without a valid permit or 26555
driver's or commercial driver's license, or in violation of a 26556
restriction because of a substantial emergency, and because no 26557
other person was reasonably available to drive in response to 26558
the emergency. 26559

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 26560
streetcar, or trackless trolley within this state, if, at the 26561
time of the operation, any of the following apply: 26562

(a) The person is under the influence of alcohol, a drug 26563
of abuse, or a combination of them. 26564

(b) The person has a concentration of eight-hundredths of 26565
one per cent or more but less than seventeen-hundredths of one 26566
per cent by weight per unit volume of alcohol in the person's 26567
whole blood. 26568

(c) The person has a concentration of ninety-six- 26569
thousandths of one per cent or more but less than two hundred 26570
four-thousandths of one per cent by weight per unit volume of 26571
alcohol in the person's blood serum or plasma. 26572

(d) The person has a concentration of eight-hundredths of 26573
one gram or more but less than seventeen-hundredths of one gram 26574
by weight of alcohol per two hundred ten liters of the person's 26575
breath. 26576

(e) The person has a concentration of eleven-hundredths of 26577
one gram or more but less than two hundred thirty-eight- 26578
thousandths of one gram by weight of alcohol per one hundred 26579

milliliters of the person's urine. 26580

(f) The person has a concentration of seventeen-hundredths 26581
of one per cent or more by weight per unit volume of alcohol in 26582
the person's whole blood. 26583

(g) The person has a concentration of two hundred four- 26584
thousandths of one per cent or more by weight per unit volume of 26585
alcohol in the person's blood serum or plasma. 26586

(h) The person has a concentration of seventeen-hundredths 26587
of one gram or more by weight of alcohol per two hundred ten 26588
liters of the person's breath. 26589

(i) The person has a concentration of two hundred thirty- 26590
eight-thousandths of one gram or more by weight of alcohol per 26591
one hundred milliliters of the person's urine. 26592

(j) Except as provided in division (K) of this section, 26593
the person has a concentration of any of the following 26594
controlled substances or metabolites of a controlled substance 26595
in the person's whole blood, blood serum or plasma, or urine 26596
that equals or exceeds any of the following: 26597

(i) The person has a concentration of amphetamine in the 26598
person's urine of at least five hundred nanograms of amphetamine 26599
per milliliter of the person's urine or has a concentration of 26600
amphetamine in the person's whole blood or blood serum or plasma 26601
of at least one hundred nanograms of amphetamine per milliliter 26602
of the person's whole blood or blood serum or plasma. 26603

(ii) The person has a concentration of cocaine in the 26604
person's urine of at least one hundred fifty nanograms of 26605
cocaine per milliliter of the person's urine or has a 26606
concentration of cocaine in the person's whole blood or blood 26607
serum or plasma of at least fifty nanograms of cocaine per 26608

milliliter of the person's whole blood or blood serum or plasma. 26609

(iii) The person has a concentration of cocaine metabolite 26610
in the person's urine of at least one hundred fifty nanograms of 26611
cocaine metabolite per milliliter of the person's urine or has a 26612
concentration of cocaine metabolite in the person's whole blood 26613
or blood serum or plasma of at least fifty nanograms of cocaine 26614
metabolite per milliliter of the person's whole blood or blood 26615
serum or plasma. 26616

(iv) The person has a concentration of heroin in the 26617
person's urine of at least two thousand nanograms of heroin per 26618
milliliter of the person's urine or has a concentration of 26619
heroin in the person's whole blood or blood serum or plasma of 26620
at least fifty nanograms of heroin per milliliter of the 26621
person's whole blood or blood serum or plasma. 26622

(v) The person has a concentration of heroin metabolite 26623
(6-monoacetyl morphine) in the person's urine of at least ten 26624
nanograms of heroin metabolite (6-monoacetyl morphine) per 26625
milliliter of the person's urine or has a concentration of 26626
heroin metabolite (6-monoacetyl morphine) in the person's whole 26627
blood or blood serum or plasma of at least ten nanograms of 26628
heroin metabolite (6-monoacetyl morphine) per milliliter of the 26629
person's whole blood or blood serum or plasma. 26630

(vi) The person has a concentration of L.S.D. in the 26631
person's urine of at least twenty-five nanograms of L.S.D. per 26632
milliliter of the person's urine or a concentration of L.S.D. in 26633
the person's whole blood or blood serum or plasma of at least 26634
ten nanograms of L.S.D. per milliliter of the person's whole 26635
blood or blood serum or plasma. 26636

(vii) The person has a concentration of marihuana in the 26637

person's urine of at least ten nanograms of marihuana per 26638
milliliter of the person's urine or has a concentration of 26639
marihuana in the person's whole blood or blood serum or plasma 26640
of at least two nanograms of marihuana per milliliter of the 26641
person's whole blood or blood serum or plasma. 26642

(viii) Either of the following applies: 26643

(I) The person is under the influence of alcohol, a drug 26644
of abuse, or a combination of them, and the person has a 26645
concentration of marihuana metabolite in the person's urine of 26646
at least fifteen nanograms of marihuana metabolite per 26647
milliliter of the person's urine or has a concentration of 26648
marihuana metabolite in the person's whole blood or blood serum 26649
or plasma of at least five nanograms of marihuana metabolite per 26650
milliliter of the person's whole blood or blood serum or plasma. 26651

(II) The person has a concentration of marihuana 26652
metabolite in the person's urine of at least thirty-five 26653
nanograms of marihuana metabolite per milliliter of the person's 26654
urine or has a concentration of marihuana metabolite in the 26655
person's whole blood or blood serum or plasma of at least fifty 26656
nanograms of marihuana metabolite per milliliter of the person's 26657
whole blood or blood serum or plasma. 26658

(ix) The person has a concentration of methamphetamine in 26659
the person's urine of at least five hundred nanograms of 26660
methamphetamine per milliliter of the person's urine or has a 26661
concentration of methamphetamine in the person's whole blood or 26662
blood serum or plasma of at least one hundred nanograms of 26663
methamphetamine per milliliter of the person's whole blood or 26664
blood serum or plasma. 26665

(x) The person has a concentration of phencyclidine in the 26666

person's urine of at least twenty-five nanograms of 26667
phencyclidine per milliliter of the person's urine or has a 26668
concentration of phencyclidine in the person's whole blood or 26669
blood serum or plasma of at least ten nanograms of phencyclidine 26670
per milliliter of the person's whole blood or blood serum or 26671
plasma. 26672

(xi) The state board of pharmacy has adopted a rule 26673
pursuant to section 4729.041 of the Revised Code that specifies 26674
the amount of salvia divinorum and the amount of salvinorin A 26675
that constitute concentrations of salvia divinorum and 26676
salvinorin A in a person's urine, in a person's whole blood, or 26677
in a person's blood serum or plasma at or above which the person 26678
is impaired for purposes of operating any vehicle, streetcar, or 26679
trackless trolley within this state, the rule is in effect, and 26680
the person has a concentration of salvia divinorum or salvinorin 26681
A of at least that amount so specified by rule in the person's 26682
urine, in the person's whole blood, or in the person's blood 26683
serum or plasma. 26684

(2) No person who, within twenty years of the conduct 26685
described in division (A)(2)(a) of this section, previously has 26686
been convicted of or pleaded guilty to a violation of this 26687
division, a violation of division (A)(1) or (B) of this section, 26688
or any other equivalent offense shall do both of the following: 26689

(a) Operate any vehicle, streetcar, or trackless trolley 26690
within this state while under the influence of alcohol, a drug 26691
of abuse, or a combination of them; 26692

(b) Subsequent to being arrested for operating the 26693
vehicle, streetcar, or trackless trolley as described in 26694
division (A)(2)(a) of this section, being asked by a law 26695
enforcement officer to submit to a chemical test or tests under 26696

section 4511.191 of the Revised Code, and being advised by the 26697
officer in accordance with section 4511.192 of the Revised Code 26698
of the consequences of the person's refusal or submission to the 26699
test or tests, refuse to submit to the test or tests. 26700

(B) No person under twenty-one years of age shall operate 26701
any vehicle, streetcar, or trackless trolley within this state, 26702
if, at the time of the operation, any of the following apply: 26703

(1) The person has a concentration of at least two- 26704
hundredths of one per cent but less than eight-hundredths of one 26705
per cent by weight per unit volume of alcohol in the person's 26706
whole blood. 26707

(2) The person has a concentration of at least three- 26708
hundredths of one per cent but less than ninety-six-thousandths 26709
of one per cent by weight per unit volume of alcohol in the 26710
person's blood serum or plasma. 26711

(3) The person has a concentration of at least two- 26712
hundredths of one gram but less than eight-hundredths of one 26713
gram by weight of alcohol per two hundred ten liters of the 26714
person's breath. 26715

(4) The person has a concentration of at least twenty- 26716
eight one-thousandths of one gram but less than eleven- 26717
hundredths of one gram by weight of alcohol per one hundred 26718
milliliters of the person's urine. 26719

(C) In any proceeding arising out of one incident, a 26720
person may be charged with a violation of division (A) (1) (a) or 26721
(A) (2) and a violation of division (B) (1), (2), or (3) of this 26722
section, but the person may not be convicted of more than one 26723
violation of these divisions. 26724

(D) (1) (a) In any criminal prosecution or juvenile court 26725

proceeding for a violation of division (A) (1) (a) of this section 26726
or for an equivalent offense that is vehicle-related, the result 26727
of any test of any blood or urine withdrawn and analyzed at any 26728
health care provider, as defined in section 2317.02 of the 26729
Revised Code, may be admitted with expert testimony to be 26730
considered with any other relevant and competent evidence in 26731
determining the guilt or innocence of the defendant. 26732

(b) In any criminal prosecution or juvenile court 26733
proceeding for a violation of division (A) or (B) of this 26734
section or for an equivalent offense that is vehicle-related, 26735
the court may admit evidence on the concentration of alcohol, 26736
drugs of abuse, controlled substances, metabolites of a 26737
controlled substance, or a combination of them in the 26738
defendant's whole blood, blood serum or plasma, breath, urine, 26739
or other bodily substance at the time of the alleged violation 26740
as shown by chemical analysis of the substance withdrawn within 26741
three hours of the time of the alleged violation. The three-hour 26742
time limit specified in this division regarding the admission of 26743
evidence does not extend or affect the two-hour time limit 26744
specified in division (A) of section 4511.192 of the Revised 26745
Code as the maximum period of time during which a person may 26746
consent to a chemical test or tests as described in that 26747
section. The court may admit evidence on the concentration of 26748
alcohol, drugs of abuse, or a combination of them as described 26749
in this division when a person submits to a blood, breath, 26750
urine, or other bodily substance test at the request of a law 26751
enforcement officer under section 4511.191 of the Revised Code 26752
or a blood or urine sample is obtained pursuant to a search 26753
warrant. Only a physician, a registered nurse, an emergency 26754
medical technician-intermediate, an emergency medical 26755
technician-paramedic, or a qualified technician, chemist, or 26756

phlebotomist shall withdraw a blood sample for the purpose of 26757
determining the alcohol, drug, controlled substance, metabolite 26758
of a controlled substance, or combination content of the whole 26759
blood, blood serum, or blood plasma. This limitation does not 26760
apply to the taking of breath or urine specimens. A person 26761
authorized to withdraw blood under this division may refuse to 26762
withdraw blood under this division, if in that person's opinion, 26763
the physical welfare of the person would be endangered by the 26764
withdrawing of blood. 26765

The bodily substance withdrawn under division (D) (1) (b) of 26766
this section shall be analyzed in accordance with methods 26767
approved by the director of health by an individual possessing a 26768
valid permit issued by the director pursuant to section 3701.143 26769
of the Revised Code. 26770

(c) As used in division (D) (1) (b) of this section, 26771
"emergency medical technician-intermediate" and "emergency 26772
medical technician-paramedic" have the same meanings as in 26773
section 4765.01 of the Revised Code. 26774

(2) In a criminal prosecution or juvenile court proceeding 26775
for a violation of division (A) of this section or for an 26776
equivalent offense that is vehicle-related, if there was at the 26777
time the bodily substance was withdrawn a concentration of less 26778
than the applicable concentration of alcohol specified in 26779
divisions (A) (1) (b), (c), (d), and (e) of this section or less 26780
than the applicable concentration of a listed controlled 26781
substance or a listed metabolite of a controlled substance 26782
specified for a violation of division (A) (1) (j) of this section, 26783
that fact may be considered with other competent evidence in 26784
determining the guilt or innocence of the defendant. This 26785
division does not limit or affect a criminal prosecution or 26786

juvenile court proceeding for a violation of division (B) of 26787
this section or for an equivalent offense that is substantially 26788
equivalent to that division. 26789

(3) Upon the request of the person who was tested, the 26790
results of the chemical test shall be made available to the 26791
person or the person's attorney, immediately upon the completion 26792
of the chemical test analysis. 26793

If the chemical test was obtained pursuant to division (D) 26794
(1)(b) of this section, the person tested may have a physician, 26795
a registered nurse, or a qualified technician, chemist, or 26796
phlebotomist of the person's own choosing administer a chemical 26797
test or tests, at the person's expense, in addition to any 26798
administered at the request of a law enforcement officer. If the 26799
person was under arrest as described in division (A)(5) of 26800
section 4511.191 of the Revised Code, the arresting officer 26801
shall advise the person at the time of the arrest that the 26802
person may have an independent chemical test taken at the 26803
person's own expense. If the person was under arrest other than 26804
described in division (A)(5) of section 4511.191 of the Revised 26805
Code, the form to be read to the person to be tested, as 26806
required under section 4511.192 of the Revised Code, shall state 26807
that the person may have an independent test performed at the 26808
person's expense. The failure or inability to obtain an 26809
additional chemical test by a person shall not preclude the 26810
admission of evidence relating to the chemical test or tests 26811
taken at the request of a law enforcement officer. 26812

(4)(a) As used in divisions (D)(4)(b) and (c) of this 26813
section, "national highway traffic safety administration" means 26814
the national highway traffic safety administration established 26815
as an administration of the United States department of 26816

transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 26817

(b) In any criminal prosecution or juvenile court 26818
proceeding for a violation of division (A) or (B) of this 26819
section, of a municipal ordinance relating to operating a 26820
vehicle while under the influence of alcohol, a drug of abuse, 26821
or alcohol and a drug of abuse, or of a municipal ordinance 26822
relating to operating a vehicle with a prohibited concentration 26823
of alcohol, a controlled substance, or a metabolite of a 26824
controlled substance in the whole blood, blood serum or plasma, 26825
breath, or urine, if a law enforcement officer has administered 26826
a field sobriety test to the operator of the vehicle involved in 26827
the violation and if it is shown by clear and convincing 26828
evidence that the officer administered the test in substantial 26829
compliance with the testing standards for any reliable, 26830
credible, and generally accepted field sobriety tests that were 26831
in effect at the time the tests were administered, including, 26832
but not limited to, any testing standards then in effect that 26833
were set by the national highway traffic safety administration, 26834
all of the following apply: 26835

(i) The officer may testify concerning the results of the 26836
field sobriety test so administered. 26837

(ii) The prosecution may introduce the results of the 26838
field sobriety test so administered as evidence in any 26839
proceedings in the criminal prosecution or juvenile court 26840
proceeding. 26841

(iii) If testimony is presented or evidence is introduced 26842
under division (D) (4) (b) (i) or (ii) of this section and if the 26843
testimony or evidence is admissible under the Rules of Evidence, 26844
the court shall admit the testimony or evidence and the trier of 26845
fact shall give it whatever weight the trier of fact considers 26846

to be appropriate. 26847

(c) Division (D) (4) (b) of this section does not limit or 26848
preclude a court, in its determination of whether the arrest of 26849
a person was supported by probable cause or its determination of 26850
any other matter in a criminal prosecution or juvenile court 26851
proceeding of a type described in that division, from 26852
considering evidence or testimony that is not otherwise 26853
disallowed by division (D) (4) (b) of this section. 26854

(E) (1) Subject to division (E) (3) of this section, in any 26855
criminal prosecution or juvenile court proceeding for a 26856
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 26857
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 26858
an equivalent offense that is substantially equivalent to any of 26859
those divisions, a laboratory report from any laboratory 26860
personnel issued a permit by the department of health 26861
authorizing an analysis as described in this division that 26862
contains an analysis of the whole blood, blood serum or plasma, 26863
breath, urine, or other bodily substance tested and that 26864
contains all of the information specified in this division shall 26865
be admitted as prima-facie evidence of the information and 26866
statements that the report contains. The laboratory report shall 26867
contain all of the following: 26868

(a) The signature, under oath, of any person who performed 26869
the analysis; 26870

(b) Any findings as to the identity and quantity of 26871
alcohol, a drug of abuse, a controlled substance, a metabolite 26872
of a controlled substance, or a combination of them that was 26873
found; 26874

(c) A copy of a notarized statement by the laboratory 26875

director or a designee of the director that contains the name of 26876
each certified analyst or test performer involved with the 26877
report, the analyst's or test performer's employment 26878
relationship with the laboratory that issued the report, and a 26879
notation that performing an analysis of the type involved is 26880
part of the analyst's or test performer's regular duties; 26881

(d) An outline of the analyst's or test performer's 26882
education, training, and experience in performing the type of 26883
analysis involved and a certification that the laboratory 26884
satisfies appropriate quality control standards in general and, 26885
in this particular analysis, under rules of the department of 26886
health. 26887

(2) Notwithstanding any other provision of law regarding 26888
the admission of evidence, a report of the type described in 26889
division (E) (1) of this section is not admissible against the 26890
defendant to whom it pertains in any proceeding, other than a 26891
preliminary hearing or a grand jury proceeding, unless the 26892
prosecutor has served a copy of the report on the defendant's 26893
attorney or, if the defendant has no attorney, on the defendant. 26894

(3) A report of the type described in division (E) (1) of 26895
this section shall not be prima-facie evidence of the contents, 26896
identity, or amount of any substance if, within seven days after 26897
the defendant to whom the report pertains or the defendant's 26898
attorney receives a copy of the report, the defendant or the 26899
defendant's attorney demands the testimony of the person who 26900
signed the report. The judge in the case may extend the seven- 26901
day time limit in the interest of justice. 26902

(F) Except as otherwise provided in this division, any 26903
physician, registered nurse, emergency medical technician- 26904
intermediate, emergency medical technician-paramedic, or 26905

qualified technician, chemist, or phlebotomist who withdraws 26906
blood from a person pursuant to this section or section 4511.191 26907
or 4511.192 of the Revised Code, and any hospital, first-aid 26908
station, or clinic at which blood is withdrawn from a person 26909
pursuant to this section or section 4511.191 or 4511.192 of the 26910
Revised Code, is immune from criminal liability and civil 26911
liability based upon a claim of assault and battery or any other 26912
claim that is not a claim of malpractice, for any act performed 26913
in withdrawing blood from the person. The immunity provided in 26914
this division also extends to an emergency medical service 26915
organization that employs an emergency medical technician- 26916
intermediate or emergency medical technician-paramedic who 26917
withdraws blood under this section. The immunity provided in 26918
this division is not available to a person who withdraws blood 26919
if the person engages in willful or wanton misconduct. 26920

As used in this division, "emergency medical technician- 26921
intermediate" and "emergency medical technician-paramedic" have 26922
the same meanings as in section 4765.01 of the Revised Code. 26923

(G) (1) Whoever violates any provision of divisions (A) (1) 26924
(a) to (i) or (A) (2) of this section is guilty of operating a 26925
vehicle under the influence of alcohol, a drug of abuse, or a 26926
combination of them. Whoever violates division (A) (1) (j) of this 26927
section is guilty of operating a vehicle while under the 26928
influence of a listed controlled substance or a listed 26929
metabolite of a controlled substance. The court shall sentence 26930
the offender for either offense under Chapter 2929. of the 26931
Revised Code, except as otherwise authorized or required by 26932
divisions (G) (1) (a) to (e) of this section: 26933

(a) Except as otherwise provided in division (G) (1) (b), 26934
(c), (d), or (e) of this section, the offender is guilty of a 26935

misdemeanor of the first degree, and the court shall sentence 26936
the offender to all of the following: 26937

(i) If the sentence is being imposed for a violation of 26938
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 26939
a mandatory jail term of three consecutive days. As used in this 26940
division, three consecutive days means seventy-two consecutive 26941
hours. The court may sentence an offender to both an 26942
intervention program and a jail term. The court may impose a 26943
jail term in addition to the three-day mandatory jail term or 26944
intervention program. However, in no case shall the cumulative 26945
jail term imposed for the offense exceed six months. 26946

The court may suspend the execution of the three-day jail 26947
term under this division if the court, in lieu of that suspended 26948
term, places the offender under a community control sanction 26949
pursuant to section 2929.25 of the Revised Code and requires the 26950
offender to attend, for three consecutive days, a drivers' 26951
intervention program certified under section 5119.38 of the 26952
Revised Code. The court also may suspend the execution of any 26953
part of the three-day jail term under this division if it places 26954
the offender under a community control sanction pursuant to 26955
section 2929.25 of the Revised Code for part of the three days, 26956
requires the offender to attend for the suspended part of the 26957
term a drivers' intervention program so certified, and sentences 26958
the offender to a jail term equal to the remainder of the three 26959
consecutive days that the offender does not spend attending the 26960
program. The court may require the offender, as a condition of 26961
community control and in addition to the required attendance at 26962
a drivers' intervention program, to attend and satisfactorily 26963
complete any treatment or education programs that comply with 26964
the minimum standards adopted pursuant to Chapter 5119. of the 26965
Revised Code by the director of mental health and addiction 26966

services that the operators of the drivers' intervention program 26967
determine that the offender should attend and to report 26968
periodically to the court on the offender's progress in the 26969
programs. The court also may impose on the offender any other 26970
conditions of community control that it considers necessary. 26971

If the court grants unlimited driving privileges to a 26972
first-time offender under section 4510.022 of the Revised Code, 26973
all penalties imposed upon the offender by the court under 26974
division (G) (1) (a) (i) of this section for the offense apply, 26975
except that the court shall suspend any mandatory or additional 26976
jail term imposed by the court under division (G) (1) (a) (i) of 26977
this section upon granting unlimited driving privileges in 26978
accordance with section 4510.022 of the Revised Code. 26979

(ii) If the sentence is being imposed for a violation of 26980
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 26981
section, except as otherwise provided in this division, a 26982
mandatory jail term of at least three consecutive days and a 26983
requirement that the offender attend, for three consecutive 26984
days, a drivers' intervention program that is certified pursuant 26985
to section 5119.38 of the Revised Code. As used in this 26986
division, three consecutive days means seventy-two consecutive 26987
hours. If the court determines that the offender is not 26988
conducive to treatment in a drivers' intervention program, if 26989
the offender refuses to attend a drivers' intervention program, 26990
or if the jail at which the offender is to serve the jail term 26991
imposed can provide a driver's intervention program, the court 26992
shall sentence the offender to a mandatory jail term of at least 26993
six consecutive days. 26994

If the court grants unlimited driving privileges to a 26995
first-time offender under section 4510.022 of the Revised Code, 26996

all penalties imposed upon the offender by the court under 26997
division (G) (1) (a) (ii) of this section for the offense apply, 26998
except that the court shall suspend any mandatory or additional 26999
jail term imposed by the court under division (G) (1) (a) (ii) of 27000
this section upon granting unlimited driving privileges in 27001
accordance with section 4510.022 of the Revised Code. 27002

The court may require the offender, under a community 27003
control sanction imposed under section 2929.25 of the Revised 27004
Code, to attend and satisfactorily complete any treatment or 27005
education programs that comply with the minimum standards 27006
adopted pursuant to Chapter 5119. of the Revised Code by the 27007
director of mental health and addiction services, in addition to 27008
the required attendance at drivers' intervention program, that 27009
the operators of the drivers' intervention program determine 27010
that the offender should attend and to report periodically to 27011
the court on the offender's progress in the programs. The court 27012
also may impose any other conditions of community control on the 27013
offender that it considers necessary. 27014

(iii) In all cases, a fine of not less than three hundred 27015
seventy-five and not more than one thousand seventy-five 27016
dollars; 27017

(iv) In all cases, a suspension of the offender's driver's 27018
or commercial driver's license or permit or nonresident 27019
operating privilege for a definite period of one to three years. 27020
The court may grant limited driving privileges relative to the 27021
suspension under sections 4510.021 and 4510.13 of the Revised 27022
Code. The court may grant unlimited driving privileges with an 27023
ignition interlock device relative to the suspension and may 27024
reduce the period of suspension as authorized under section 27025
4510.022 of the Revised Code. 27026

(b) Except as otherwise provided in division (G) (1) (e) of 27027
this section, an offender who, within ten years of the offense, 27028
previously has been convicted of or pleaded guilty to one 27029
violation of division (A) or (B) of this section or one other 27030
equivalent offense is guilty of a misdemeanor of the first 27031
degree. The court shall sentence the offender to all of the 27032
following: 27033

(i) If the sentence is being imposed for a violation of 27034
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 27035
a mandatory jail term of ten consecutive days. The court shall 27036
impose the ten-day mandatory jail term under this division 27037
unless, subject to division (G) (3) of this section, it instead 27038
imposes a sentence under that division consisting of both a jail 27039
term and a term of house arrest with electronic monitoring, with 27040
continuous alcohol monitoring, or with both electronic 27041
monitoring and continuous alcohol monitoring. The court may 27042
impose a jail term in addition to the ten-day mandatory jail 27043
term. The cumulative jail term imposed for the offense shall not 27044
exceed six months. 27045

In addition to the jail term or the term of house arrest 27046
with electronic monitoring or continuous alcohol monitoring or 27047
both types of monitoring and jail term, the court shall require 27048
the offender to be assessed by a community addiction services 27049
provider that is authorized by section 5119.21 of the Revised 27050
Code, subject to division (I) of this section, and shall order 27051
the offender to follow the treatment recommendations of the 27052
services provider. The purpose of the assessment is to determine 27053
the degree of the offender's alcohol usage and to determine 27054
whether or not treatment is warranted. Upon the request of the 27055
court, the services provider shall submit the results of the 27056
assessment to the court, including all treatment recommendations 27057

and clinical diagnoses related to alcohol use. 27058

(ii) If the sentence is being imposed for a violation of 27059
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 27060
section, except as otherwise provided in this division, a 27061
mandatory jail term of twenty consecutive days. The court shall 27062
impose the twenty-day mandatory jail term under this division 27063
unless, subject to division (G)(3) of this section, it instead 27064
imposes a sentence under that division consisting of both a jail 27065
term and a term of house arrest with electronic monitoring, with 27066
continuous alcohol monitoring, or with both electronic 27067
monitoring and continuous alcohol monitoring. The court may 27068
impose a jail term in addition to the twenty-day mandatory jail 27069
term. The cumulative jail term imposed for the offense shall not 27070
exceed six months. 27071

In addition to the jail term or the term of house arrest 27072
with electronic monitoring or continuous alcohol monitoring or 27073
both types of monitoring and jail term, the court shall require 27074
the offender to be assessed by a community addiction service 27075
provider that is authorized by section 5119.21 of the Revised 27076
Code, subject to division (I) of this section, and shall order 27077
the offender to follow the treatment recommendations of the 27078
services provider. The purpose of the assessment is to determine 27079
the degree of the offender's alcohol usage and to determine 27080
whether or not treatment is warranted. Upon the request of the 27081
court, the services provider shall submit the results of the 27082
assessment to the court, including all treatment recommendations 27083
and clinical diagnoses related to alcohol use. 27084

(iii) In all cases, notwithstanding the fines set forth in 27085
Chapter 2929. of the Revised Code, a fine of not less than five 27086
hundred twenty-five and not more than one thousand six hundred 27087

twenty-five dollars; 27088

(iv) In all cases, a suspension of the offender's driver's 27089
license, commercial driver's license, temporary instruction 27090
permit, probationary license, or nonresident operating privilege 27091
for a definite period of one to seven years. The court may grant 27092
limited driving privileges relative to the suspension under 27093
sections 4510.021 and 4510.13 of the Revised Code. 27094

(v) In all cases, if the vehicle is registered in the 27095
offender's name, immobilization of the vehicle involved in the 27096
offense for ninety days in accordance with section 4503.233 of 27097
the Revised Code and impoundment of the license plates of that 27098
vehicle for ninety days. 27099

(c) Except as otherwise provided in division (G) (1) (e) of 27100
this section, an offender who, within ten years of the offense, 27101
previously has been convicted of or pleaded guilty to two 27102
violations of division (A) or (B) of this section or other 27103
equivalent offenses is guilty of a misdemeanor. The court shall 27104
sentence the offender to all of the following: 27105

(i) If the sentence is being imposed for a violation of 27106
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 27107
a mandatory jail term of thirty consecutive days. The court 27108
shall impose the thirty-day mandatory jail term under this 27109
division unless, subject to division (G) (3) of this section, it 27110
instead imposes a sentence under that division consisting of 27111
both a jail term and a term of house arrest with electronic 27112
monitoring, with continuous alcohol monitoring, or with both 27113
electronic monitoring and continuous alcohol monitoring. The 27114
court may impose a jail term in addition to the thirty-day 27115
mandatory jail term. Notwithstanding the jail terms set forth in 27116
sections 2929.21 to 2929.28 of the Revised Code, the additional 27117

jail term shall not exceed one year, and the cumulative jail 27118
term imposed for the offense shall not exceed one year. 27119

(ii) If the sentence is being imposed for a violation of 27120
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 27121
section, a mandatory jail term of sixty consecutive days. The 27122
court shall impose the sixty-day mandatory jail term under this 27123
division unless, subject to division (G)(3) of this section, it 27124
instead imposes a sentence under that division consisting of 27125
both a jail term and a term of house arrest with electronic 27126
monitoring, with continuous alcohol monitoring, or with both 27127
electronic monitoring and continuous alcohol monitoring. The 27128
court may impose a jail term in addition to the sixty-day 27129
mandatory jail term. Notwithstanding the jail terms set forth in 27130
sections 2929.21 to 2929.28 of the Revised Code, the additional 27131
jail term shall not exceed one year, and the cumulative jail 27132
term imposed for the offense shall not exceed one year. 27133

(iii) In all cases, notwithstanding the fines set forth in 27134
Chapter 2929. of the Revised Code, a fine of not less than eight 27135
hundred fifty and not more than two thousand seven hundred fifty 27136
dollars; 27137

(iv) In all cases, a suspension of the offender's driver's 27138
license, commercial driver's license, temporary instruction 27139
permit, probationary license, or nonresident operating privilege 27140
for a definite period of two to twelve years. The court may 27141
grant limited driving privileges relative to the suspension 27142
under sections 4510.021 and 4510.13 of the Revised Code. 27143

(v) In all cases, if the vehicle is registered in the 27144
offender's name, criminal forfeiture of the vehicle involved in 27145
the offense in accordance with section 4503.234 of the Revised 27146
Code. Division (G)(6) of this section applies regarding any 27147

vehicle that is subject to an order of criminal forfeiture under 27148
this division. 27149

(vi) In all cases, the court shall order the offender to 27150
participate with a community addiction services provider 27151
authorized by section 5119.21 of the Revised Code, subject to 27152
division (I) of this section, and shall order the offender to 27153
follow the treatment recommendations of the services provider. 27154
The operator of the services provider shall determine and assess 27155
the degree of the offender's alcohol dependency and shall make 27156
recommendations for treatment. Upon the request of the court, 27157
the services provider shall submit the results of the assessment 27158
to the court, including all treatment recommendations and 27159
clinical diagnoses related to alcohol use. 27160

(d) Except as otherwise provided in division (G) (1) (e) of 27161
this section, an offender who, within ten years of the offense, 27162
previously has been convicted of or pleaded guilty to three or 27163
four violations of division (A) or (B) of this section or other 27164
equivalent offenses ~~or,~~ an offender who, within twenty years of 27165
the offense, previously has been convicted of or pleaded guilty 27166
to five or more violations of that nature, or an offender who 27167
previously has been convicted of or pleaded guilty to a 27168
specification of the type described in section 2941.1413 of the 27169
Revised Code is guilty of a felony of the fourth degree. The 27170
court shall sentence the offender to all of the following: 27171

(i) If the sentence is being imposed for a violation of 27172
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 27173
a mandatory prison term of one, two, three, four, or five years 27174
as required by and in accordance with division (G) (2) of section 27175
2929.13 of the Revised Code if the offender also is convicted of 27176
or also pleads guilty to a specification of the type described 27177

in section 2941.1413 of the Revised Code or, in the discretion 27178
of the court, either a mandatory term of local incarceration of 27179
sixty consecutive days in accordance with division (G) (1) of 27180
section 2929.13 of the Revised Code or a mandatory prison term 27181
of sixty consecutive days in accordance with division (G) (2) of 27182
that section if the offender is not convicted of and does not 27183
plead guilty to a specification of that type. If the court 27184
imposes a mandatory term of local incarceration, it may impose a 27185
jail term in addition to the sixty-day mandatory term, the 27186
cumulative total of the mandatory term and the jail term for the 27187
offense shall not exceed one year, and, except as provided in 27188
division (A) (1) of section 2929.13 of the Revised Code, no 27189
prison term is authorized for the offense. If the court imposes 27190
a mandatory prison term, notwithstanding division (A) (4) of 27191
section 2929.14 of the Revised Code, it also may sentence the 27192
offender to a definite prison term that shall be not less than 27193
six months and not more than thirty months and the prison terms 27194
shall be imposed as described in division (G) (2) of section 27195
2929.13 of the Revised Code. If the court imposes a mandatory 27196
prison term or mandatory prison term and additional prison term, 27197
in addition to the term or terms so imposed, the court also may 27198
sentence the offender to a community control sanction for the 27199
offense, but the offender shall serve all of the prison terms so 27200
imposed prior to serving the community control sanction. 27201

(ii) If the sentence is being imposed for a violation of 27202
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 27203
section, a mandatory prison term of one, two, three, four, or 27204
five years as required by and in accordance with division (G) (2) 27205
of section 2929.13 of the Revised Code if the offender also is 27206
convicted of or also pleads guilty to a specification of the 27207
type described in section 2941.1413 of the Revised Code or, in 27208

the discretion of the court, either a mandatory term of local 27209
incarceration of one hundred twenty consecutive days in 27210
accordance with division (G) (1) of section 2929.13 of the 27211
Revised Code or a mandatory prison term of one hundred twenty 27212
consecutive days in accordance with division (G) (2) of that 27213
section if the offender is not convicted of and does not plead 27214
guilty to a specification of that type. If the court imposes a 27215
mandatory term of local incarceration, it may impose a jail term 27216
in addition to the one hundred twenty-day mandatory term, the 27217
cumulative total of the mandatory term and the jail term for the 27218
offense shall not exceed one year, and, except as provided in 27219
division (A) (1) of section 2929.13 of the Revised Code, no 27220
prison term is authorized for the offense. If the court imposes 27221
a mandatory prison term, notwithstanding division (A) (4) of 27222
section 2929.14 of the Revised Code, it also may sentence the 27223
offender to a definite prison term that shall be not less than 27224
six months and not more than thirty months and the prison terms 27225
shall be imposed as described in division (G) (2) of section 27226
2929.13 of the Revised Code. If the court imposes a mandatory 27227
prison term or mandatory prison term and additional prison term, 27228
in addition to the term or terms so imposed, the court also may 27229
sentence the offender to a community control sanction for the 27230
offense, but the offender shall serve all of the prison terms so 27231
imposed prior to serving the community control sanction. 27232

(iii) In all cases, notwithstanding section 2929.18 of the 27233
Revised Code, a fine of not less than one thousand three hundred 27234
fifty nor more than ten thousand five hundred dollars; 27235

(iv) In all cases, a class two license suspension of the 27236
offender's driver's license, commercial driver's license, 27237
temporary instruction permit, probationary license, or 27238
nonresident operating privilege from the range specified in 27239

division (A) (2) of section 4510.02 of the Revised Code. The 27240
court may grant limited driving privileges relative to the 27241
suspension under sections 4510.021 and 4510.13 of the Revised 27242
Code. 27243

(v) In all cases, if the vehicle is registered in the 27244
offender's name, criminal forfeiture of the vehicle involved in 27245
the offense in accordance with section 4503.234 of the Revised 27246
Code. Division (G) (6) of this section applies regarding any 27247
vehicle that is subject to an order of criminal forfeiture under 27248
this division. 27249

(vi) In all cases, the court shall order the offender to 27250
participate with a community addiction services provider 27251
authorized by section 5119.21 of the Revised Code, subject to 27252
division (I) of this section, and shall order the offender to 27253
follow the treatment recommendations of the services provider. 27254
The operator of the services provider shall determine and assess 27255
the degree of the offender's alcohol dependency and shall make 27256
recommendations for treatment. Upon the request of the court, 27257
the services provider shall submit the results of the assessment 27258
to the court, including all treatment recommendations and 27259
clinical diagnoses related to alcohol use. 27260

(vii) In all cases, if the court sentences the offender to 27261
a mandatory term of local incarceration, in addition to the 27262
mandatory term, the court, pursuant to section 2929.17 of the 27263
Revised Code, may impose a term of house arrest with electronic 27264
monitoring. The term shall not commence until after the offender 27265
has served the mandatory term of local incarceration. 27266

(e) An offender who previously has been convicted of or 27267
pleaded guilty to a violation of division (A) of this section 27268
that was a felony, regardless of when the violation and the 27269

conviction or guilty plea occurred, is guilty of a felony of the 27270
third degree. The court shall sentence the offender to all of 27271
the following: 27272

(i) If the offender is being sentenced for a violation of 27273
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 27274
a mandatory prison term of one, two, three, four, or five years 27275
as required by and in accordance with division (G)(2) of section 27276
2929.13 of the Revised Code if the offender also is convicted of 27277
or also pleads guilty to a specification of the type described 27278
in section 2941.1413 of the Revised Code or a mandatory prison 27279
term of sixty consecutive days in accordance with division (G) 27280
(2) of section 2929.13 of the Revised Code if the offender is 27281
not convicted of and does not plead guilty to a specification of 27282
that type. The court may impose a prison term in addition to the 27283
mandatory prison term. The cumulative total of a sixty-day 27284
mandatory prison term and the additional prison term for the 27285
offense shall not exceed five years. In addition to the 27286
mandatory prison term or mandatory prison term and additional 27287
prison term the court imposes, the court also may sentence the 27288
offender to a community control sanction for the offense, but 27289
the offender shall serve all of the prison terms so imposed 27290
prior to serving the community control sanction. 27291

(ii) If the sentence is being imposed for a violation of 27292
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 27293
section, a mandatory prison term of one, two, three, four, or 27294
five years as required by and in accordance with division (G)(2) 27295
of section 2929.13 of the Revised Code if the offender also is 27296
convicted of or also pleads guilty to a specification of the 27297
type described in section 2941.1413 of the Revised Code or a 27298
mandatory prison term of one hundred twenty consecutive days in 27299
accordance with division (G)(2) of section 2929.13 of the 27300

Revised Code if the offender is not convicted of and does not 27301
plead guilty to a specification of that type. The court may 27302
impose a prison term in addition to the mandatory prison term. 27303
The cumulative total of a one hundred twenty-day mandatory 27304
prison term and the additional prison term for the offense shall 27305
not exceed five years. In addition to the mandatory prison term 27306
or mandatory prison term and additional prison term the court 27307
imposes, the court also may sentence the offender to a community 27308
control sanction for the offense, but the offender shall serve 27309
all of the prison terms so imposed prior to serving the 27310
community control sanction. 27311

(iii) In all cases, notwithstanding section 2929.18 of the 27312
Revised Code, a fine of not less than one thousand three hundred 27313
fifty nor more than ten thousand five hundred dollars; 27314

(iv) In all cases, a class two license suspension of the 27315
offender's driver's license, commercial driver's license, 27316
temporary instruction permit, probationary license, or 27317
nonresident operating privilege from the range specified in 27318
division (A)(2) of section 4510.02 of the Revised Code. The 27319
court may grant limited driving privileges relative to the 27320
suspension under sections 4510.021 and 4510.13 of the Revised 27321
Code. 27322

(v) In all cases, if the vehicle is registered in the 27323
offender's name, criminal forfeiture of the vehicle involved in 27324
the offense in accordance with section 4503.234 of the Revised 27325
Code. Division (G)(6) of this section applies regarding any 27326
vehicle that is subject to an order of criminal forfeiture under 27327
this division. 27328

(vi) In all cases, the court shall order the offender to 27329
participate with a community addiction services provider 27330

authorized by section 5119.21 of the Revised Code, subject to 27331
division (I) of this section, and shall order the offender to 27332
follow the treatment recommendations of the services provider. 27333
The operator of the services provider shall determine and assess 27334
the degree of the offender's alcohol dependency and shall make 27335
recommendations for treatment. Upon the request of the court, 27336
the services provider shall submit the results of the assessment 27337
to the court, including all treatment recommendations and 27338
clinical diagnoses related to alcohol use. 27339

(2) An offender who is convicted of or pleads guilty to a 27340
violation of division (A) of this section and who subsequently 27341
seeks reinstatement of the driver's or occupational driver's 27342
license or permit or nonresident operating privilege suspended 27343
under this section as a result of the conviction or guilty plea 27344
shall pay a reinstatement fee as provided in division (F) (2) of 27345
section 4511.191 of the Revised Code. 27346

(3) If an offender is sentenced to a jail term under 27347
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 27348
section and if, within sixty days of sentencing of the offender, 27349
the court issues a written finding on the record that, due to 27350
the unavailability of space at the jail where the offender is 27351
required to serve the term, the offender will not be able to 27352
begin serving that term within the sixty-day period following 27353
the date of sentencing, the court may impose an alternative 27354
sentence under this division that includes a term of house 27355
arrest with electronic monitoring, with continuous alcohol 27356
monitoring, or with both electronic monitoring and continuous 27357
alcohol monitoring. 27358

As an alternative to a mandatory jail term of ten 27359
consecutive days required by division (G) (1) (b) (i) of this 27360

section, the court, under this division, may sentence the 27361
offender to five consecutive days in jail and not less than 27362
eighteen consecutive days of house arrest with electronic 27363
monitoring, with continuous alcohol monitoring, or with both 27364
electronic monitoring and continuous alcohol monitoring. The 27365
cumulative total of the five consecutive days in jail and the 27366
period of house arrest with electronic monitoring, continuous 27367
alcohol monitoring, or both types of monitoring shall not exceed 27368
six months. The five consecutive days in jail do not have to be 27369
served prior to or consecutively to the period of house arrest. 27370

As an alternative to the mandatory jail term of twenty 27371
consecutive days required by division (G)(1)(b)(ii) of this 27372
section, the court, under this division, may sentence the 27373
offender to ten consecutive days in jail and not less than 27374
thirty-six consecutive days of house arrest with electronic 27375
monitoring, with continuous alcohol monitoring, or with both 27376
electronic monitoring and continuous alcohol monitoring. The 27377
cumulative total of the ten consecutive days in jail and the 27378
period of house arrest with electronic monitoring, continuous 27379
alcohol monitoring, or both types of monitoring shall not exceed 27380
six months. The ten consecutive days in jail do not have to be 27381
served prior to or consecutively to the period of house arrest. 27382

As an alternative to a mandatory jail term of thirty 27383
consecutive days required by division (G)(1)(c)(i) of this 27384
section, the court, under this division, may sentence the 27385
offender to fifteen consecutive days in jail and not less than 27386
fifty-five consecutive days of house arrest with electronic 27387
monitoring, with continuous alcohol monitoring, or with both 27388
electronic monitoring and continuous alcohol monitoring. The 27389
cumulative total of the fifteen consecutive days in jail and the 27390
period of house arrest with electronic monitoring, continuous 27391

alcohol monitoring, or both types of monitoring shall not exceed 27392
one year. The fifteen consecutive days in jail do not have to be 27393
served prior to or consecutively to the period of house arrest. 27394

As an alternative to the mandatory jail term of sixty 27395
consecutive days required by division (G) (1) (c) (ii) of this 27396
section, the court, under this division, may sentence the 27397
offender to thirty consecutive days in jail and not less than 27398
one hundred ten consecutive days of house arrest with electronic 27399
monitoring, with continuous alcohol monitoring, or with both 27400
electronic monitoring and continuous alcohol monitoring. The 27401
cumulative total of the thirty consecutive days in jail and the 27402
period of house arrest with electronic monitoring, continuous 27403
alcohol monitoring, or both types of monitoring shall not exceed 27404
one year. The thirty consecutive days in jail do not have to be 27405
served prior to or consecutively to the period of house arrest. 27406

(4) If an offender's driver's or occupational driver's 27407
license or permit or nonresident operating privilege is 27408
suspended under division (G) of this section and if section 27409
4510.13 of the Revised Code permits the court to grant limited 27410
driving privileges, the court may grant the limited driving 27411
privileges in accordance with that section. If division (A) (7) 27412
of that section requires that the court impose as a condition of 27413
the privileges that the offender must display on the vehicle 27414
that is driven subject to the privileges restricted license 27415
plates that are issued under section 4503.231 of the Revised 27416
Code, except as provided in division (B) of that section, the 27417
court shall impose that condition as one of the conditions of 27418
the limited driving privileges granted to the offender, except 27419
as provided in division (B) of section 4503.231 of the Revised 27420
Code. 27421

(5) Fines imposed under this section for a violation of 27422
division (A) of this section shall be distributed as follows: 27423

(a) Twenty-five dollars of the fine imposed under division 27424
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 27425
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 27426
fine imposed under division (G) (1) (c) (iii), and two hundred ten 27427
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 27428
(iii) of this section shall be paid to an enforcement and 27429
education fund established by the legislative authority of the 27430
law enforcement agency in this state that primarily was 27431
responsible for the arrest of the offender, as determined by the 27432
court that imposes the fine. The agency shall use this share to 27433
pay only those costs it incurs in enforcing this section or a 27434
municipal OVI ordinance and in informing the public of the laws 27435
governing the operation of a vehicle while under the influence 27436
of alcohol, the dangers of the operation of a vehicle under the 27437
influence of alcohol, and other information relating to the 27438
operation of a vehicle under the influence of alcohol and the 27439
consumption of alcoholic beverages. 27440

(b) Fifty dollars of the fine imposed under division (G) 27441
(1) (a) (iii) of this section shall be paid to the political 27442
subdivision that pays the cost of housing the offender during 27443
the offender's term of incarceration. If the offender is being 27444
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 27445
(e), or (j) of this section and was confined as a result of the 27446
offense prior to being sentenced for the offense but is not 27447
sentenced to a term of incarceration, the fifty dollars shall be 27448
paid to the political subdivision that paid the cost of housing 27449
the offender during that period of confinement. The political 27450
subdivision shall use the share under this division to pay or 27451
reimburse incarceration or treatment costs it incurs in housing 27452

or providing drug and alcohol treatment to persons who violate 27453
this section or a municipal OVI ordinance, costs of any 27454
immobilizing or disabling device used on the offender's vehicle, 27455
and costs of electronic house arrest equipment needed for 27456
persons who violate this section. 27457

(c) Twenty-five dollars of the fine imposed under division 27458
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 27459
division (G) (1) (b) (iii) of this section shall be deposited into 27460
the county or municipal indigent drivers' alcohol treatment fund 27461
under the control of that court, as created by the county or 27462
municipal corporation under division (F) of section 4511.191 of 27463
the Revised Code. 27464

(d) One hundred fifteen dollars of the fine imposed under 27465
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 27466
the fine imposed under division (G) (1) (c) (iii), and four hundred 27467
forty dollars of the fine imposed under division (G) (1) (d) (iii) 27468
or (e) (iii) of this section shall be paid to the political 27469
subdivision that pays the cost of housing the offender during 27470
the offender's term of incarceration. The political subdivision 27471
shall use this share to pay or reimburse incarceration or 27472
treatment costs it incurs in housing or providing drug and 27473
alcohol treatment to persons who violate this section or a 27474
municipal OVI ordinance, costs for any immobilizing or disabling 27475
device used on the offender's vehicle, and costs of electronic 27476
house arrest equipment needed for persons who violate this 27477
section. 27478

(e) Fifty dollars of the fine imposed under divisions (G) 27479
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 27480
(G) (1) (e) (iii) of this section shall be deposited into the 27481
special projects fund of the court in which the offender was 27482

convicted and that is established under division (E) (1) of 27483
section 2303.201, division (B) (1) of section 1901.26, or 27484
division (B) (1) of section 1907.24 of the Revised Code, to be 27485
used exclusively to cover the cost of immobilizing or disabling 27486
devices, including certified ignition interlock devices, and 27487
remote alcohol monitoring devices for indigent offenders who are 27488
required by a judge to use either of these devices. If the court 27489
in which the offender was convicted does not have a special 27490
projects fund that is established under division (E) (1) of 27491
section 2303.201, division (B) (1) of section 1901.26, or 27492
division (B) (1) of section 1907.24 of the Revised Code, the 27493
fifty dollars shall be deposited into the indigent drivers 27494
interlock and alcohol monitoring fund under division (I) of 27495
section 4511.191 of the Revised Code. 27496

(f) Seventy-five dollars of the fine imposed under 27497
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 27498
fine imposed under division (G) (1) (b) (iii), two hundred fifty 27499
dollars of the fine imposed under division (G) (1) (c) (iii), and 27500
five hundred dollars of the fine imposed under division (G) (1) 27501
(d) (iii) or (e) (iii) of this section shall be transmitted to the 27502
treasurer of state for deposit into the indigent defense support 27503
fund established under section 120.08 of the Revised Code. 27504

(g) The balance of the fine imposed under division (G) (1) 27505
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 27506
section shall be disbursed as otherwise provided by law. 27507

(6) If title to a motor vehicle that is subject to an 27508
order of criminal forfeiture under division (G) (1) (c), (d), or 27509
(e) of this section is assigned or transferred and division (B) 27510
(2) or (3) of section 4503.234 of the Revised Code applies, in 27511
addition to or independent of any other penalty established by 27512

law, the court may fine the offender the value of the vehicle as 27513
determined by publications of the national automobile dealers 27514
association. The proceeds of any fine so imposed shall be 27515
distributed in accordance with division (C) (2) of that section. 27516

(7) In all cases in which an offender is sentenced under 27517
division (G) of this section, the offender shall provide the 27518
court with proof of financial responsibility as defined in 27519
section 4509.01 of the Revised Code. If the offender fails to 27520
provide that proof of financial responsibility, the court, in 27521
addition to any other penalties provided by law, may order 27522
restitution pursuant to section 2929.18 or 2929.28 of the 27523
Revised Code in an amount not exceeding five thousand dollars 27524
for any economic loss arising from an accident or collision that 27525
was the direct and proximate result of the offender's operation 27526
of the vehicle before, during, or after committing the offense 27527
for which the offender is sentenced under division (G) of this 27528
section. 27529

(8) A court may order an offender to reimburse a law 27530
enforcement agency for any costs incurred by the agency with 27531
respect to a chemical test or tests administered to the offender 27532
if all of the following apply: 27533

(a) The offender is convicted of or pleads guilty to a 27534
violation of division (A) of this section. 27535

(b) The test or tests were of the offender's whole blood, 27536
blood serum or plasma, or urine. 27537

(c) The test or tests indicated that the offender had a 27538
prohibited concentration of a controlled substance or a 27539
metabolite of a controlled substance in the offender's whole 27540
blood, blood serum or plasma, or urine at the time of the 27541

offense. 27542

(9) As used in division (G) of this section, "electronic 27543
monitoring," "mandatory prison term," and "mandatory term of 27544
local incarceration" have the same meanings as in section 27545
2929.01 of the Revised Code. 27546

(H) Whoever violates division (B) of this section is 27547
guilty of operating a vehicle after underage alcohol consumption 27548
and shall be punished as follows: 27549

(1) Except as otherwise provided in division (H) (2) of 27550
this section, the offender is guilty of a misdemeanor of the 27551
fourth degree. In addition to any other sanction imposed for the 27552
offense, the court shall impose a class six suspension of the 27553
offender's driver's license, commercial driver's license, 27554
temporary instruction permit, probationary license, or 27555
nonresident operating privilege from the range specified in 27556
division (A) (6) of section 4510.02 of the Revised Code. The 27557
court may grant limited driving privileges relative to the 27558
suspension under sections 4510.021 and 4510.13 of the Revised 27559
Code. The court may grant unlimited driving privileges with an 27560
ignition interlock device relative to the suspension and may 27561
reduce the period of suspension as authorized under section 27562
4510.022 of the Revised Code. If the court grants unlimited 27563
driving privileges under section 4510.022 of the Revised Code, 27564
the court shall suspend any jail term imposed under division (H) 27565
(1) of this section as required under that section. 27566

(2) If, within one year of the offense, the offender 27567
previously has been convicted of or pleaded guilty to one or 27568
more violations of division (A) or (B) of this section or other 27569
equivalent offenses, the offender is guilty of a misdemeanor of 27570
the third degree. In addition to any other sanction imposed for 27571

the offense, the court shall impose a class four suspension of 27572
the offender's driver's license, commercial driver's license, 27573
temporary instruction permit, probationary license, or 27574
nonresident operating privilege from the range specified in 27575
division (A) (4) of section 4510.02 of the Revised Code. The 27576
court may grant limited driving privileges relative to the 27577
suspension under sections 4510.021 and 4510.13 of the Revised 27578
Code. 27579

(3) If the offender also is convicted of or also pleads 27580
guilty to a specification of the type described in section 27581
2941.1416 of the Revised Code and if the court imposes a jail 27582
term for the violation of division (B) of this section, the 27583
court shall impose upon the offender an additional definite jail 27584
term pursuant to division (E) of section 2929.24 of the Revised 27585
Code. 27586

(4) The offender shall provide the court with proof of 27587
financial responsibility as defined in section 4509.01 of the 27588
Revised Code. If the offender fails to provide that proof of 27589
financial responsibility, then, in addition to any other 27590
penalties provided by law, the court may order restitution 27591
pursuant to section 2929.28 of the Revised Code in an amount not 27592
exceeding five thousand dollars for any economic loss arising 27593
from an accident or collision that was the direct and proximate 27594
result of the offender's operation of the vehicle before, 27595
during, or after committing the violation of division (B) of 27596
this section. 27597

(I) (1) No court shall sentence an offender to an alcohol 27598
treatment program under this section unless the treatment 27599
program complies with the minimum standards for alcohol 27600
treatment programs adopted under Chapter 5119. of the Revised 27601

Code by the director of mental health and addiction services. 27602

(2) An offender who stays in a drivers' intervention 27603
program or in an alcohol treatment program under an order issued 27604
under this section shall pay the cost of the stay in the 27605
program. However, if the court determines that an offender who 27606
stays in an alcohol treatment program under an order issued 27607
under this section is unable to pay the cost of the stay in the 27608
program, the court may order that the cost be paid from the 27609
court's indigent drivers' alcohol treatment fund. 27610

(J) If a person whose driver's or commercial driver's 27611
license or permit or nonresident operating privilege is 27612
suspended under this section files an appeal regarding any 27613
aspect of the person's trial or sentence, the appeal itself does 27614
not stay the operation of the suspension. 27615

(K) Division (A) (1) (j) of this section does not apply to a 27616
person who operates a vehicle, streetcar, or trackless trolley 27617
while the person has a concentration of a listed controlled 27618
substance or a listed metabolite of a controlled substance in 27619
the person's whole blood, blood serum or plasma, or urine that 27620
equals or exceeds the amount specified in that division, if both 27621
of the following apply: 27622

(1) The person obtained the controlled substance pursuant 27623
to a prescription issued by a licensed health professional 27624
authorized to prescribe drugs. 27625

(2) The person injected, ingested, or inhaled the 27626
controlled substance in accordance with the health 27627
professional's directions. 27628

(L) The prohibited concentrations of a controlled 27629
substance or a metabolite of a controlled substance listed in 27630

division (A) (1) (j) of this section also apply in a prosecution 27631
of a violation of division (D) of section 2923.16 of the Revised 27632
Code in the same manner as if the offender is being prosecuted 27633
for a prohibited concentration of alcohol. 27634

(M) All terms defined in section 4510.01 of the Revised 27635
Code apply to this section. If the meaning of a term defined in 27636
section 4510.01 of the Revised Code conflicts with the meaning 27637
of the same term as defined in section 4501.01 or 4511.01 of the 27638
Revised Code, the term as defined in section 4510.01 of the 27639
Revised Code applies to this section. 27640

(N) (1) The Ohio Traffic Rules in effect on January 1, 27641
2004, as adopted by the supreme court under authority of section 27642
2937.46 of the Revised Code, do not apply to felony violations 27643
of this section. Subject to division (N) (2) of this section, the 27644
Rules of Criminal Procedure apply to felony violations of this 27645
section. 27646

(2) If, on or after January 1, 2004, the supreme court 27647
modifies the Ohio Traffic Rules to provide procedures to govern 27648
felony violations of this section, the modified rules shall 27649
apply to felony violations of this section. 27650

Sec. 4511.21. (A) No person shall operate a motor vehicle, 27651
trackless trolley, or streetcar at a speed greater or less than 27652
is reasonable or proper, having due regard to the traffic, 27653
surface, and width of the street or highway and any other 27654
conditions, and no person shall drive any motor vehicle, 27655
trackless trolley, or streetcar in and upon any street or 27656
highway at a greater speed than will permit the person to bring 27657
it to a stop within the assured clear distance ahead. 27658

(B) It is prima-facie lawful, in the absence of a lower 27659

limit declared or established pursuant to this section by the 27660
director of transportation or local authorities, for the 27661
operator of a motor vehicle, trackless trolley, or streetcar to 27662
operate the same at a speed not exceeding the following: 27663

(1) (a) Twenty miles per hour in school zones during school 27664
recess and while children are going to or leaving school during 27665
the opening or closing hours, and when twenty miles per hour 27666
school speed limit signs are erected; except that, on 27667
controlled-access highways and expressways, if the right-of-way 27668
line fence has been erected without pedestrian opening, the 27669
speed shall be governed by division (B) (4) of this section and 27670
on freeways, if the right-of-way line fence has been erected 27671
without pedestrian opening, the speed shall be governed by 27672
divisions (B) (10) and (11) of this section. The end of every 27673
school zone may be marked by a sign indicating the end of the 27674
zone. Nothing in this section or in the manual and 27675
specifications for a uniform system of traffic control devices 27676
shall be construed to require school zones to be indicated by 27677
signs equipped with flashing or other lights, or giving other 27678
special notice of the hours in which the school zone speed limit 27679
is in effect. 27680

(b) As used in this section and in section 4511.212 of the 27681
Revised Code, "school" means all of the following: 27682

(i) Any school chartered under section 3301.16 of the 27683
Revised Code; 27684

(ii) Any nonchartered school that during the preceding 27685
year filed with the department of education in compliance with 27686
rule 3301-35-08 of the Ohio Administrative Code, a copy of the 27687
school's report for the parents of the school's pupils 27688
certifying that the school meets Ohio minimum standards for 27689

nonchartered, nontax-supported schools and presents evidence of 27690
this filing to the jurisdiction from which it is requesting the 27691
establishment of a school zone; 27692

(iii) Any special elementary school that in writing 27693
requests the county engineer of the county in which the special 27694
elementary school is located to create a school zone at the 27695
location of that school. Upon receipt of such a written request, 27696
the county engineer shall create a school zone at that location 27697
by erecting the appropriate signs. 27698

(iv) Any preschool education program operated by an 27699
educational service center that is located on a street or 27700
highway with a speed limit of forty-five miles per hour or more, 27701
when the educational service center in writing requests that the 27702
county engineer of the county in which the program is located 27703
create a school zone at the location of that program. Upon 27704
receipt of such a written request, the county engineer shall 27705
create a school zone at that location by erecting the 27706
appropriate signs. 27707

(c) As used in this section, "school zone" means that 27708
portion of a street or highway passing a school fronting upon 27709
the street or highway that is encompassed by projecting the 27710
school property lines to the fronting street or highway, and 27711
also includes that portion of a state highway. Upon request from 27712
local authorities for streets and highways under their 27713
jurisdiction and that portion of a state highway under the 27714
jurisdiction of the director of transportation or a request from 27715
a county engineer in the case of a school zone for a special 27716
elementary school, the director may extend the traditional 27717
school zone boundaries. The distances in divisions (B) (1) (c) (i), 27718
(ii), and (iii) of this section shall not exceed three hundred 27719

feet per approach per direction and are bounded by whichever of 27720
the following distances or combinations thereof the director 27721
approves as most appropriate: 27722

(i) The distance encompassed by projecting the school 27723
building lines normal to the fronting highway and extending a 27724
distance of three hundred feet on each approach direction; 27725

(ii) The distance encompassed by projecting the school 27726
property lines intersecting the fronting highway and extending a 27727
distance of three hundred feet on each approach direction; 27728

(iii) The distance encompassed by the special marking of 27729
the pavement for a principal school pupil crosswalk plus a 27730
distance of three hundred feet on each approach direction of the 27731
highway. 27732

Nothing in this section shall be construed to invalidate 27733
the director's initial action on August 9, 1976, establishing 27734
all school zones at the traditional school zone boundaries 27735
defined by projecting school property lines, except when those 27736
boundaries are extended as provided in divisions (B) (1) (a) and 27737
(c) of this section. 27738

(d) As used in this division, "crosswalk" has the meaning 27739
given that term in division (LL) (2) of section 4511.01 of the 27740
Revised Code. 27741

The director may, upon request by resolution of the 27742
legislative authority of a municipal corporation, the board of 27743
trustees of a township, or a county board of developmental 27744
disabilities created pursuant to Chapter 5126. of the Revised 27745
Code, and upon submission by the municipal corporation, 27746
township, or county board of such engineering, traffic, and 27747
other information as the director considers necessary, designate 27748

a school zone on any portion of a state route lying within the 27749
municipal corporation, lying within the unincorporated territory 27750
of the township, or lying adjacent to the property of a school 27751
that is operated by such county board, that includes a crosswalk 27752
customarily used by children going to or leaving a school during 27753
recess and opening and closing hours, whenever the distance, as 27754
measured in a straight line, from the school property line 27755
nearest the crosswalk to the nearest point of the crosswalk is 27756
no more than one thousand three hundred twenty feet. Such a 27757
school zone shall include the distance encompassed by the 27758
crosswalk and extending three hundred feet on each approach 27759
direction of the state route. 27760

(e) As used in this section, "special elementary school" 27761
means a school that meets all of the following criteria: 27762

(i) It is not chartered and does not receive tax revenue 27763
from any source. 27764

(ii) It does not educate children beyond the eighth grade. 27765

(iii) It is located outside the limits of a municipal 27766
corporation. 27767

(iv) A majority of the total number of students enrolled 27768
at the school are not related by blood. 27769

(v) The principal or other person in charge of the special 27770
elementary school annually sends a report to the superintendent 27771
of the school district in which the special elementary school is 27772
located indicating the total number of students enrolled at the 27773
school, but otherwise the principal or other person in charge 27774
does not report any other information or data to the 27775
superintendent. 27776

(2) Twenty-five miles per hour in all other portions of a 27777

municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;	27778
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(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B)(4) and (6) of this section;	27781
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(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations, except as provided in divisions (B)(12), (13), (14), (15), and (16) of this section;	27785
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(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in divisions (B)(9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B)(12), (13), (14), and (16) of this section;	27788
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(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;	27794
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(7) Fifteen miles per hour on all alleys within the municipal corporation;	27797
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(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	27799
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(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties;	27801
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(10) Sixty miles per hour on two-lane state routes outside	27805

municipal corporations as established by the director under 27806
division (H) (2) of this section; 27807

(11) Fifty-five miles per hour on freeways with paved 27808
shoulders inside municipal corporations, other than freeways as 27809
provided in divisions (B) (14) and (16) of this section; 27810

(12) Sixty miles per hour on rural expressways with 27811
traffic control signals and on all portions of rural divided 27812
highways, except as provided in divisions (B) (13) and (14) of 27813
this section; 27814

(13) Sixty-five miles per hour on all rural expressways 27815
without traffic control signals; 27816

(14) Seventy miles per hour on all rural freeways; 27817

(15) Fifty-five miles per hour on all portions of freeways 27818
or expressways in congested areas as determined by the director 27819
and that are located within a municipal corporation or within an 27820
interstate freeway outerbelt, except as provided in division (B) 27821
(16) of this section; 27822

(16) Sixty-five miles per hour on all portions of freeways 27823
or expressways without traffic control signals in urbanized 27824
areas. 27825

(C) It is prima-facie unlawful for any person to exceed 27826
any of the speed limitations in divisions (B) (1) (a), (2), (3), 27827
(4), (6), (7), (8), and (9) of this section, or any declared or 27828
established pursuant to this section by the director or local 27829
authorities and it is unlawful for any person to exceed any of 27830
the speed limitations in division (D) of this section. No person 27831
shall be convicted of more than one violation of this section 27832
for the same conduct, although violations of more than one 27833
provision of this section may be charged in the alternative in a 27834

single affidavit. 27835

(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows: 27836
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(1) At a speed exceeding fifty-five miles per hour, except upon a two-lane state route as provided in division (B) (10) of this section and upon a highway, expressway, or freeway as provided in divisions (B) (12), (13), (14), and (16) of this section; 27838
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(2) At a speed exceeding sixty miles per hour upon a two-lane state route as provided in division (B) (10) of this section and upon a highway as provided in division (B) (12) of this section; 27843
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(3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in division (B) (13) or upon a freeway as provided in division (B) (16) of this section, except upon a freeway as provided in division (B) (14) of this section; 27847
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(4) At a speed exceeding seventy miles per hour upon a freeway as provided in division (B) (14) of this section; 27851
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(5) At a speed exceeding the posted speed limit upon a highway, expressway, or freeway for which the director has determined and declared a speed limit pursuant to division (I) (2) or (L) (2) of this section. 27853
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(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or established pursuant to, this section declares is prima-facie lawful at the time and place of 27857
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such alleged violation, except that in affidavits where a person 27864
is alleged to have driven at a greater speed than will permit 27865
the person to bring the vehicle to a stop within the assured 27866
clear distance ahead the affidavit and warrant need not specify 27867
the speed at which the defendant is alleged to have driven. 27868

(F) When a speed in excess of both a prima-facie 27869
limitation and a limitation in division (D) of this section is 27870
alleged, the defendant shall be charged in a single affidavit, 27871
alleging a single act, with a violation indicated of both 27872
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this 27873
section, or of a limit declared or established pursuant to this 27874
section by the director or local authorities, and of the 27875
limitation in division (D) of this section. If the court finds a 27876
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 27877
or (9) of, or a limit declared or established pursuant to, this 27878
section has occurred, it shall enter a judgment of conviction 27879
under such division and dismiss the charge under division (D) of 27880
this section. If it finds no violation of division (B) (1) (a), 27881
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 27882
established pursuant to, this section, it shall then consider 27883
whether the evidence supports a conviction under division (D) of 27884
this section. 27885

(G) Points shall be assessed for violation of a limitation 27886
under division (D) of this section in accordance with section 27887
4510.036 of the Revised Code. 27888

(H) (1) Whenever the director determines upon the basis of 27889
criteria established by an engineering study, as defined by the 27890
director, that any speed limit set forth in divisions (B) (1) (a) 27891
to (D) of this section is greater or less than is reasonable or 27892
safe under the conditions found to exist at any portion of a 27893

street or highway under the jurisdiction of the director, the 27894
director shall determine and declare a reasonable and safe 27895
prima-facie speed limit, which shall be effective when 27896
appropriate signs giving notice of it are erected at the 27897
location. 27898

(2) Whenever the director determines upon the basis of 27899
criteria established by an engineering study, as defined by the 27900
director, that the speed limit of fifty-five miles per hour on a 27901
two-lane state route outside a municipal corporation is less 27902
than is reasonable or safe under the conditions found to exist 27903
at that portion of the state route, the director may determine 27904
and declare a speed limit of sixty miles per hour for that 27905
portion of the state route, which shall be effective when 27906
appropriate signs giving notice of it are erected at the 27907
location. 27908

(3) (a) For purposes of the safe and orderly movement of 27909
traffic upon any portion of a street or highway under the 27910
jurisdiction of the director, the director may establish a 27911
variable speed limit that is different than the speed limit 27912
established by or under this section on all or portions of 27913
interstate six hundred seventy, interstate two hundred seventy- 27914
five, and interstate ninety commencing at the intersection of 27915
that interstate with interstate seventy-one and continuing to 27916
the border of the state of Ohio with the state of Pennsylvania. 27917
The director shall establish criteria for determining the 27918
appropriate use of variable speed limits and shall establish 27919
variable speed limits in accordance with the criteria. The 27920
director may establish variable speed limits based upon the time 27921
of day, weather conditions, traffic incidents, or other factors 27922
that affect the safe speed on a street or highway. The director 27923
shall not establish a variable speed limit that is based on a 27924

particular type or class of vehicle. A variable speed limit 27925
established by the director under this section is effective when 27926
appropriate signs giving notice of the speed limit are displayed 27927
at the location. 27928

(b) Except for variable speed limits established under 27929
division (H) (3) (a) of this section, the director shall establish 27930
a variable speed limit under the authority granted to the 27931
director by this section on not more than two additional 27932
highways and only pursuant to criteria established in rules 27933
adopted in accordance with Chapter 119. of the Revised Code. The 27934
rules shall be based on the criteria described in division (H) 27935
(3) (a) of this section. The rules also shall establish the 27936
parameters of any engineering study necessary for determining 27937
when variable speed limits are appropriate. 27938

(4) Nothing in this section shall be construed to limit 27939
the authority of the director to establish speed limits within a 27940
construction zone as authorized under section 4511.98 of the 27941
Revised Code. 27942

(I) (1) Except as provided in divisions (I) (2), (J), (K), 27943
and (N) of this section, whenever local authorities determine 27944
upon the basis of criteria established by an engineering study, 27945
as defined by the director, that the speed permitted by 27946
divisions (B) (1) (a) to (D) of this section, on any part of a 27947
highway under their jurisdiction, is greater than is reasonable 27948
and safe under the conditions found to exist at such location, 27949
the local authorities may by resolution request the director to 27950
determine and declare a reasonable and safe prima-facie speed 27951
limit. Upon receipt of such request the director may determine 27952
and declare a reasonable and safe prima-facie speed limit at 27953
such location, and if the director does so, then such declared 27954

speed limit shall become effective only when appropriate signs 27955
giving notice thereof are erected at such location by the local 27956
authorities. The director may withdraw the declaration of a 27957
prima-facie speed limit whenever in the director's opinion the 27958
altered prima-facie speed limit becomes unreasonable. Upon such 27959
withdrawal, the declared prima-facie speed limit shall become 27960
ineffective and the signs relating thereto shall be immediately 27961
removed by the local authorities. 27962

(2) A local authority may determine on the basis of 27963
criteria established by an engineering study, as defined by the 27964
director, that the speed limit of sixty-five or seventy miles 27965
per hour on a portion of a freeway under its jurisdiction is 27966
greater than is reasonable or safe under the conditions found to 27967
exist at that portion of the freeway. If the local authority 27968
makes such a determination, the local authority by resolution 27969
may request the director to determine and declare a reasonable 27970
and safe speed limit of not less than fifty-five miles per hour 27971
for that portion of the freeway. If the director takes such 27972
action, the declared speed limit becomes effective only when 27973
appropriate signs giving notice of it are erected at such 27974
location by the local authority. 27975

(J) Local authorities in their respective jurisdictions 27976
may authorize by ordinance higher prima-facie speeds than those 27977
stated in this section upon through highways, or upon highways 27978
or portions thereof where there are no intersections, or between 27979
widely spaced intersections, provided signs are erected giving 27980
notice of the authorized speed, but local authorities shall not 27981
modify or alter the basic rule set forth in division (A) of this 27982
section or in any event authorize by ordinance a speed in excess 27983
of the maximum speed permitted by division (D) of this section 27984
for the specified type of highway. 27985

Alteration of prima-facie limits on state routes by local authorities shall not be effective until the alteration has been approved by the director. The director may withdraw approval of any altered prima-facie speed limits whenever in the director's opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of this section, "unimproved highway" means a highway consisting of any of the following:

- (a) Unimproved earth;
- (b) Unimproved graded and drained earth;
- (c) Gravel.

(2) Except as otherwise provided in divisions (K) (4) and (5) of this section, whenever a board of township trustees determines upon the basis of criteria established by an engineering study, as defined by the director, that the speed permitted by division (B) (5) of this section on any part of an unimproved highway under its jurisdiction and in the unincorporated territory of the township is greater than is reasonable or safe under the conditions found to exist at the location, the board may by resolution declare a reasonable and safe prima-facie speed limit of fifty-five but not less than twenty-five miles per hour. An altered speed limit adopted by a board of township trustees under this division becomes effective when appropriate traffic control devices, as prescribed in section 4511.11 of the Revised Code, giving notice thereof are erected at the location, which shall be no sooner than sixty

days after adoption of the resolution. 28015

(3) (a) Whenever, in the opinion of a board of township trustees, any altered prima-facie speed limit established by the board under this division becomes unreasonable, the board may adopt a resolution withdrawing the altered prima-facie speed limit. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed. 28016
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(b) Whenever a highway ceases to be an unimproved highway and the board has adopted an altered prima-facie speed limit pursuant to division (K) (2) of this section, the board shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed. 28023
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(4) (a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K) (2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of criteria established by an engineering study, as defined by the director, that the speed permitted by division (B) (5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both 28031
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boards so agree, each shall follow the procedure specified in 28045
division (K) (2) of this section for altering the prima-facie 28046
speed limit on the highway. Except as otherwise provided in 28047
division (K) (4) (b) of this section, no speed limit altered 28048
pursuant to division (K) (4) (a) of this section may be withdrawn 28049
unless the boards of township trustees of both townships 28050
determine that the altered prima-facie speed limit previously 28051
adopted becomes unreasonable and each board adopts a resolution 28052
withdrawing the altered prima-facie speed limit pursuant to the 28053
procedure specified in division (K) (3) (a) of this section. 28054

(b) Whenever a highway described in division (K) (4) (a) of 28055
this section ceases to be an unimproved highway and two boards 28056
of township trustees have adopted an altered prima-facie speed 28057
limit pursuant to division (K) (4) (a) of this section, both 28058
boards shall, by resolution, withdraw the altered prima-facie 28059
speed limit as soon as the highway ceases to be unimproved. Upon 28060
the adoption of the resolution, the altered prima-facie speed 28061
limit becomes ineffective and the traffic control devices 28062
relating thereto shall be immediately removed. 28063

(5) As used in division (K) (5) of this section: 28064

(a) "Commercial subdivision" means any platted territory 28065
outside the limits of a municipal corporation and fronting a 28066
highway where, for a distance of three hundred feet or more, the 28067
frontage is improved with buildings in use for commercial 28068
purposes, or where the entire length of the highway is less than 28069
three hundred feet long and the frontage is improved with 28070
buildings in use for commercial purposes. 28071

(b) "Residential subdivision" means any platted territory 28072
outside the limits of a municipal corporation and fronting a 28073
highway, where, for a distance of three hundred feet or more, 28074

the frontage is improved with residences or residences and 28075
buildings in use for business, or where the entire length of the 28076
highway is less than three hundred feet long and the frontage is 28077
improved with residences or residences and buildings in use for 28078
business. 28079

Whenever a board of township trustees finds upon the basis 28080
of criteria established by an engineering study, as defined by 28081
the director, that the prima-facie speed permitted by division 28082
(B) (5) of this section on any part of a highway under its 28083
jurisdiction that is located in a commercial or residential 28084
subdivision, except on highways or portions thereof at the 28085
entrances to which vehicular traffic from the majority of 28086
intersecting highways is required to yield the right-of-way to 28087
vehicles on such highways in obedience to stop or yield signs or 28088
traffic control signals, is greater than is reasonable and safe 28089
under the conditions found to exist at the location, the board 28090
may by resolution declare a reasonable and safe prima-facie 28091
speed limit of less than fifty-five but not less than twenty- 28092
five miles per hour at the location. An altered speed limit 28093
adopted by a board of township trustees under this division 28094
shall become effective when appropriate signs giving notice 28095
thereof are erected at the location by the township. Whenever, 28096
in the opinion of a board of township trustees, any altered 28097
prima-facie speed limit established by it under this division 28098
becomes unreasonable, it may adopt a resolution withdrawing the 28099
altered prima-facie speed, and upon such withdrawal, the altered 28100
prima-facie speed shall become ineffective, and the signs 28101
relating thereto shall be immediately removed by the township. 28102

(L) (1) The director of transportation, based upon an 28103
engineering study, as defined by the director, of a highway, 28104
expressway, or freeway described in division (B) (12), (13), 28105

(14), (15), or (16) of this section, in consultation with the 28106
director of public safety and, if applicable, the local 28107
authority having jurisdiction over the studied highway, 28108
expressway, or freeway, may determine and declare that the speed 28109
limit established on such highway, expressway, or freeway under 28110
division (B) (12), (13), (14), (15), or (16) of this section 28111
either is reasonable and safe or is more or less than that which 28112
is reasonable and safe. 28113

(2) If the established speed limit for a highway, 28114
expressway, or freeway studied pursuant to division (L) (1) of 28115
this section is determined to be more or less than that which is 28116
reasonable and safe, the director of transportation, in 28117
consultation with the director of public safety and, if 28118
applicable, the local authority having jurisdiction over the 28119
studied highway, expressway, or freeway, shall determine and 28120
declare a reasonable and safe speed limit for that highway, 28121
expressway, or freeway. 28122

(M) (1) (a) If the boundary of two local authorities rests 28123
on the centerline of a highway and both authorities have 28124
jurisdiction over the highway, the speed limit for the part of 28125
the highway within their joint jurisdiction shall be either one 28126
of the following as agreed to by both authorities: 28127

(i) Either prima-facie speed limit permitted by division 28128
(B) of this section; 28129

(ii) An altered speed limit determined and posted in 28130
accordance with this section. 28131

(b) If the local authorities are unable to reach an 28132
agreement, the speed limit shall remain as established and 28133
posted under this section. 28134

(2) Neither local authority may declare an altered prima-
facie speed limit pursuant to this section on the part of the
highway under their joint jurisdiction unless both of the local
authorities determine, upon the basis of criteria established by
an engineering study, as defined by the director, that the speed
permitted by this section is greater than is reasonable or safe
under the conditions found to exist at the location and both
authorities agree upon a uniform reasonable and safe prima-facie
speed limit of less than fifty-five but not less than twenty-
five miles per hour for that location. If both authorities so
agree, each shall follow the procedure specified in this section
for altering the prima-facie speed limit on the highway, and the
speed limit for the part of the highway within their joint
jurisdiction shall be uniformly altered. No altered speed limit
may be withdrawn unless both local authorities determine that
the altered prima-facie speed limit previously adopted becomes
unreasonable and each adopts a resolution withdrawing the
altered prima-facie speed limit pursuant to the procedure
specified in this section.

(N) The legislative authority of a municipal corporation
or township in which a boarding school is located, by resolution
or ordinance, may establish a boarding school zone. The
legislative authority may alter the speed limit on any street or
highway within the boarding school zone and shall specify the
hours during which the altered speed limit is in effect. For
purposes of determining the boundaries of the boarding school
zone, the altered speed limit within the boarding school zone,
and the hours the altered speed limit is in effect, the
legislative authority shall consult with the administration of
the boarding school and with the county engineer or other
appropriate engineer, as applicable. A boarding school zone

speed limit becomes effective only when appropriate signs giving notice thereof are erected at the appropriate locations.	28166 28167
(O) As used in this section:	28168
(1) "Interstate system" has the same meaning as in 23 U.S.C. 101.	28169 28170
(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.	28171 28172 28173
(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.	28174 28175 28176 28177
(4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director.	28178 28179 28180 28181
(5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.	28182 28183 28184 28185
(6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.	28186 28187
(7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.	28188 28189 28190 28191
(P) (1) A violation of any provision of this section is one of the following:	28192 28193

(a) Except as otherwise provided in divisions (P) (1) (b), 28194
(1) (c), (2), and (3) of this section, a minor misdemeanor; 28195

(b) If, within one year of the offense, the offender 28196
previously has been convicted of or pleaded guilty to two 28197
violations of any provision of this section or of any provision 28198
of a municipal ordinance that is substantially similar to any 28199
provision of this section, a misdemeanor of the fourth degree; 28200

(c) If, within one year of the offense, the offender 28201
previously has been convicted of or pleaded guilty to three or 28202
more violations of any provision of this section or of any 28203
provision of a municipal ordinance that is substantially similar 28204
to any provision of this section, a misdemeanor of the third 28205
degree. 28206

(2) ~~If the offender has not previously been convicted of~~ 28207
~~or pleaded guilty to a violation of any provision of this~~ 28208
~~section or of any provision of a municipal ordinance that is~~ 28209
~~substantially similar to this section and operated a motor~~ 28210
vehicle faster than thirty-five miles an hour in a business 28211
district of a municipal corporation, faster than fifty miles an 28212
hour in other portions of a municipal corporation, or faster 28213
than thirty-five miles an hour in a school zone during recess or 28214
while children are going to or leaving school during the 28215
school's opening or closing hours, a misdemeanor of the fourth 28216
degree. Division (P) (2) of this section does not apply if 28217
penalties may be imposed under division (P) (1) (b) or (c) of this 28218
section. 28219

(3) Notwithstanding division (P) (1) of this section, if 28220
the offender operated a motor vehicle in a construction zone 28221
where a sign was then posted in accordance with section 4511.98 28222
of the Revised Code, the court, in addition to all other 28223

penalties provided by law, shall impose upon the offender a fine 28224
of two times the usual amount imposed for the violation. No 28225
court shall impose a fine of two times the usual amount imposed 28226
for the violation upon an offender if the offender alleges, in 28227
an affidavit filed with the court prior to the offender's 28228
sentencing, that the offender is indigent and is unable to pay 28229
the fine imposed pursuant to this division and if the court 28230
determines that the offender is an indigent person and unable to 28231
pay the fine. 28232

(4) If the offender commits the offense while distracted 28233
and the distracting activity is a contributing factor to the 28234
commission of the offense, the offender is subject to the 28235
additional fine established under section 4511.991 of the 28236
Revised Code. 28237

Sec. 4723.28. (A) The board of nursing, by a vote of a 28238
quorum, may impose one or more of the following sanctions if it 28239
finds that a person committed fraud in passing an examination 28240
required to obtain a license or dialysis technician certificate 28241
issued by the board or to have committed fraud, 28242
misrepresentation, or deception in applying for or securing any 28243
nursing license or dialysis technician certificate issued by the 28244
board: deny, revoke, suspend, or place restrictions on any 28245
nursing license or dialysis technician certificate issued by the 28246
board; reprimand or otherwise discipline a holder of a nursing 28247
license or dialysis technician certificate; or impose a fine of 28248
not more than five hundred dollars per violation. 28249

(B) Except as provided in section 4723.092 of the Revised 28250
Code, the board of nursing, by a vote of a quorum, may impose 28251
one or more of the following sanctions: deny, revoke, suspend, 28252
or place restrictions on any nursing license or dialysis 28253

technician certificate issued by the board; reprimand or 28254
otherwise discipline a holder of a nursing license or dialysis 28255
technician certificate; or impose a fine of not more than five 28256
hundred dollars per violation. The sanctions may be imposed for 28257
any of the following: 28258

(1) Denial, revocation, suspension, or restriction of 28259
authority to engage in a licensed profession or practice a 28260
health care occupation, including nursing or practice as a 28261
dialysis technician, for any reason other than a failure to 28262
renew, in Ohio or another state or jurisdiction; 28263

(2) Engaging in the practice of nursing or engaging in 28264
practice as a dialysis technician, having failed to renew a 28265
nursing license or dialysis technician certificate issued under 28266
this chapter, or while a nursing license or dialysis technician 28267
certificate is under suspension; 28268

(3) Conviction of, a plea of guilty to, a judicial finding 28269
of guilt of, a judicial finding of guilt resulting from a plea 28270
of no contest to, or a judicial finding of eligibility for a 28271
pretrial diversion or similar program or for intervention in 28272
lieu of conviction for, a misdemeanor committed in the course of 28273
practice; 28274

(4) Conviction of, a plea of guilty to, a judicial finding 28275
of guilt of, a judicial finding of guilt resulting from a plea 28276
of no contest to, or a judicial finding of eligibility for a 28277
pretrial diversion or similar program or for intervention in 28278
lieu of conviction for, any felony or of any crime involving 28279
gross immorality or moral turpitude; 28280

(5) Selling, giving away, or administering drugs or 28281
therapeutic devices for other than legal and legitimate 28282

therapeutic purposes; or conviction of, a plea of guilty to, a 28283
judicial finding of guilt of, a judicial finding of guilt 28284
resulting from a plea of no contest to, or a judicial finding of 28285
eligibility for a pretrial diversion or similar program or for 28286
intervention in lieu of conviction for, violating any municipal, 28287
state, county, or federal drug law; 28288

(6) Conviction of, a plea of guilty to, a judicial finding 28289
of guilt of, a judicial finding of guilt resulting from a plea 28290
of no contest to, or a judicial finding of eligibility for a 28291
pretrial diversion or similar program or for intervention in 28292
lieu of conviction for, an act in another jurisdiction that 28293
would constitute a felony or a crime of moral turpitude in Ohio; 28294

(7) Conviction of, a plea of guilty to, a judicial finding 28295
of guilt of, a judicial finding of guilt resulting from a plea 28296
of no contest to, or a judicial finding of eligibility for a 28297
pretrial diversion or similar program or for intervention in 28298
lieu of conviction for, an act in the course of practice in 28299
another jurisdiction that would constitute a misdemeanor in 28300
Ohio; 28301

(8) Self-administering or otherwise taking into the body 28302
any dangerous drug, as defined in section 4729.01 of the Revised 28303
Code, in any way that is not in accordance with a legal, valid 28304
prescription issued for that individual, or self-administering 28305
or otherwise taking into the body any drug that is a schedule I 28306
controlled substance; 28307

(9) Habitual or excessive use of controlled substances, 28308
other habit-forming drugs, or alcohol or other chemical 28309
substances to an extent that impairs the individual's ability to 28310
provide safe nursing care or safe dialysis care; 28311

- (10) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of the use of drugs, alcohol, or other chemical substances; 28312
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- (11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability; 28316
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- (12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance; 28319
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- (13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice; 28321
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- (14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency. 28323
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- (15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter; 28329
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- (16) Violation of this chapter or any rules adopted under it; 28332
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- (17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate; 28334
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- (18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code; 28336
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- (19) Failure to practice in accordance with acceptable and 28339

prevailing standards of safe nursing care or safe dialysis care;	28340
(20) In the case of a registered nurse, engaging in	28341
activities that exceed the practice of nursing as a registered	28342
nurse;	28343
(21) In the case of a licensed practical nurse, engaging	28344
in activities that exceed the practice of nursing as a licensed	28345
practical nurse;	28346
(22) In the case of a dialysis technician, engaging in	28347
activities that exceed those permitted under section 4723.72 of	28348
the Revised Code;	28349
(23) Aiding and abetting a person in that person's	28350
practice of nursing without a license or practice as a dialysis	28351
technician without a certificate issued under this chapter;	28352
(24) In the case of an advanced practice registered nurse,	28353
except as provided in division (M) of this section, either of	28354
the following:	28355
(a) Waiving the payment of all or any part of a deductible	28356
or copayment that a patient, pursuant to a health insurance or	28357
health care policy, contract, or plan that covers such nursing	28358
services, would otherwise be required to pay if the waiver is	28359
used as an enticement to a patient or group of patients to	28360
receive health care services from that provider;	28361
(b) Advertising that the nurse will waive the payment of	28362
all or any part of a deductible or copayment that a patient,	28363
pursuant to a health insurance or health care policy, contract,	28364
or plan that covers such nursing services, would otherwise be	28365
required to pay.	28366
(25) Failure to comply with the terms and conditions of	28367

participation in the substance use disorder monitoring program established under section 4723.35 of the Revised Code;	28368 28369
(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;	28370 28371 28372
(27) In the case of an advanced practice registered nurse:	28373
(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;	28374 28375 28376
(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	28377 28378
(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;	28379 28380 28381 28382 28383
(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;	28384 28385 28386 28387 28388
(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	28389 28390
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	28391 28392 28393
(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of	28394 28395

the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	28396
	28397
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	28398
	28399
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	28400
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(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;	28403
	28404
(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	28405
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(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	28409
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(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;	28413
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(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.	28419
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(C) Disciplinary actions taken by the board under 28424
divisions (A) and (B) of this section shall be taken pursuant to 28425
an adjudication conducted under Chapter 119. of the Revised 28426
Code, except that in lieu of a hearing, the board may enter into 28427
a consent agreement with an individual to resolve an allegation 28428
of a violation of this chapter or any rule adopted under it. A 28429
consent agreement, when ratified by a vote of a quorum, shall 28430
constitute the findings and order of the board with respect to 28431
the matter addressed in the agreement. If the board refuses to 28432
ratify a consent agreement, the admissions and findings 28433
contained in the agreement shall be of no effect. 28434

(D) The hearings of the board shall be conducted in 28435
accordance with Chapter 119. of the Revised Code, the board may 28436
appoint a hearing examiner, as provided in section 119.09 of the 28437
Revised Code, to conduct any hearing the board is authorized to 28438
hold under Chapter 119. of the Revised Code. 28439

In any instance in which the board is required under 28440
Chapter 119. of the Revised Code to give notice of an 28441
opportunity for a hearing and the applicant, licensee, or 28442
certificate holder does not make a timely request for a hearing 28443
in accordance with section 119.07 of the Revised Code, the board 28444
is not required to hold a hearing, but may adopt, by a vote of a 28445
quorum, a final order that contains the board's findings. In the 28446
final order, the board may order any of the sanctions listed in 28447
division (A) or (B) of this section. 28448

(E) If a criminal action is brought against a registered 28449
nurse, licensed practical nurse, or dialysis technician for an 28450
act or crime described in divisions (B) (3) to (7) of this 28451
section and the action is dismissed by the trial court other 28452
than on the merits, the board shall conduct an adjudication to 28453

determine whether the registered nurse, licensed practical 28454
nurse, or dialysis technician committed the act on which the 28455
action was based. If the board determines on the basis of the 28456
adjudication that the registered nurse, licensed practical 28457
nurse, or dialysis technician committed the act, or if the 28458
registered nurse, licensed practical nurse, or dialysis 28459
technician fails to participate in the adjudication, the board 28460
may take action as though the registered nurse, licensed 28461
practical nurse, or dialysis technician had been convicted of 28462
the act. 28463

If the board takes action on the basis of a conviction, 28464
plea, or a judicial finding as described in divisions (B) (3) to 28465
(7) of this section that is overturned on appeal, the registered 28466
nurse, licensed practical nurse, or dialysis technician may, on 28467
exhaustion of the appeal process, petition the board for 28468
reconsideration of its action. On receipt of the petition and 28469
supporting court documents, the board shall temporarily rescind 28470
its action. If the board determines that the decision on appeal 28471
was a decision on the merits, it shall permanently rescind its 28472
action. If the board determines that the decision on appeal was 28473
not a decision on the merits, it shall conduct an adjudication 28474
to determine whether the registered nurse, licensed practical 28475
nurse, or dialysis technician committed the act on which the 28476
original conviction, plea, or judicial finding was based. If the 28477
board determines on the basis of the adjudication that the 28478
registered nurse, licensed practical nurse, or dialysis 28479
technician committed such act, or if the registered nurse, 28480
licensed practical nurse, or dialysis technician does not 28481
request an adjudication, the board shall reinstate its action; 28482
otherwise, the board shall permanently rescind its action. 28483

Notwithstanding the provision of division ~~(C) (2)~~ (D) (2) of 28484

section 2953.32 of the Revised Code specifying that if records 28485
pertaining to a criminal case are sealed or expunged under that 28486
section the proceedings in the case shall be deemed not to have 28487
occurred, sealing or expungement of the following records on 28488
which the board has based an action under this section shall 28489
have no effect on the board's action or any sanction imposed by 28490
the board under this section: records of any conviction, guilty 28491
plea, judicial finding of guilt resulting from a plea of no 28492
contest, or a judicial finding of eligibility for a pretrial 28493
diversion program or intervention in lieu of conviction. 28494

The board shall not be required to seal, destroy, redact, 28495
or otherwise modify its records to reflect the court's sealing 28496
or expungement of conviction records. 28497

(F) The board may investigate an individual's criminal 28498
background in performing its duties under this section. As part 28499
of such investigation, the board may order the individual to 28500
submit, at the individual's expense, a request to the bureau of 28501
criminal identification and investigation for a criminal records 28502
check and check of federal bureau of investigation records in 28503
accordance with the procedure described in section 4723.091 of 28504
the Revised Code. 28505

(G) During the course of an investigation conducted under 28506
this section, the board may compel any registered nurse, 28507
licensed practical nurse, or dialysis technician or applicant 28508
under this chapter to submit to a mental or physical 28509
examination, or both, as required by the board and at the 28510
expense of the individual, if the board finds reason to believe 28511
that the individual under investigation may have a physical or 28512
mental impairment that may affect the individual's ability to 28513
provide safe nursing care. Failure of any individual to submit 28514

to a mental or physical examination when directed constitutes an 28515
admission of the allegations, unless the failure is due to 28516
circumstances beyond the individual's control, and a default and 28517
final order may be entered without the taking of testimony or 28518
presentation of evidence. 28519

If the board finds that an individual is impaired, the 28520
board shall require the individual to submit to care, 28521
counseling, or treatment approved or designated by the board, as 28522
a condition for initial, continued, reinstated, or renewed 28523
authority to practice. The individual shall be afforded an 28524
opportunity to demonstrate to the board that the individual can 28525
begin or resume the individual's occupation in compliance with 28526
acceptable and prevailing standards of care under the provisions 28527
of the individual's authority to practice. 28528

For purposes of this division, any registered nurse, 28529
licensed practical nurse, or dialysis technician or applicant 28530
under this chapter shall be deemed to have given consent to 28531
submit to a mental or physical examination when directed to do 28532
so in writing by the board, and to have waived all objections to 28533
the admissibility of testimony or examination reports that 28534
constitute a privileged communication. 28535

(H) The board shall investigate evidence that appears to 28536
show that any person has violated any provision of this chapter 28537
or any rule of the board. Any person may report to the board any 28538
information the person may have that appears to show a violation 28539
of any provision of this chapter or rule of the board. In the 28540
absence of bad faith, any person who reports such information or 28541
who testifies before the board in any adjudication conducted 28542
under Chapter 119. of the Revised Code shall not be liable for 28543
civil damages as a result of the report or testimony. 28544

(I) All of the following apply under this chapter with 28545
respect to the confidentiality of information: 28546

(1) Information received by the board pursuant to a 28547
complaint or an investigation is confidential and not subject to 28548
discovery in any civil action, except that the board may 28549
disclose information to law enforcement officers and government 28550
entities for purposes of an investigation of either a licensed 28551
health care professional, including a registered nurse, licensed 28552
practical nurse, or dialysis technician, or a person who may 28553
have engaged in the unauthorized practice of nursing or dialysis 28554
care. No law enforcement officer or government entity with 28555
knowledge of any information disclosed by the board pursuant to 28556
this division shall divulge the information to any other person 28557
or government entity except for the purpose of a government 28558
investigation, a prosecution, or an adjudication by a court or 28559
government entity. 28560

(2) If an investigation requires a review of patient 28561
records, the investigation and proceeding shall be conducted in 28562
such a manner as to protect patient confidentiality. 28563

(3) All adjudications and investigations of the board 28564
shall be considered civil actions for the purposes of section 28565
2305.252 of the Revised Code. 28566

(4) Any board activity that involves continued monitoring 28567
of an individual as part of or following any disciplinary action 28568
taken under this section shall be conducted in a manner that 28569
maintains the individual's confidentiality. Information received 28570
or maintained by the board with respect to the board's 28571
monitoring activities is not subject to discovery in any civil 28572
action and is confidential, except that the board may disclose 28573
information to law enforcement officers and government entities 28574

for purposes of an investigation of a licensee or certificate holder. 28575
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(J) Any action taken by the board under this section 28577
resulting in a suspension from practice shall be accompanied by 28578
a written statement of the conditions under which the person may 28579
be reinstated to practice. 28580

(K) When the board refuses to grant a license or 28581
certificate to an applicant, revokes a license or certificate, 28582
or refuses to reinstate a license or certificate, the board may 28583
specify that its action is permanent. An individual subject to 28584
permanent action taken by the board is forever ineligible to 28585
hold a license or certificate of the type that was refused or 28586
revoked and the board shall not accept from the individual an 28587
application for reinstatement of the license or certificate or 28588
for a new license or certificate. 28589

(L) No unilateral surrender of a nursing license or 28590
dialysis technician certificate issued under this chapter shall 28591
be effective unless accepted by majority vote of the board. No 28592
application for a nursing license or dialysis technician 28593
certificate issued under this chapter may be withdrawn without a 28594
majority vote of the board. The board's jurisdiction to take 28595
disciplinary action under this section is not removed or limited 28596
when an individual has a license or certificate classified as 28597
inactive or fails to renew a license or certificate. 28598

(M) Sanctions shall not be imposed under division (B) (24) 28599
of this section against any licensee who waives deductibles and 28600
copayments as follows: 28601

(1) In compliance with the health benefit plan that 28602
expressly allows such a practice. Waiver of the deductibles or 28603

copayments shall be made only with the full knowledge and 28604
consent of the plan purchaser, payer, and third-party 28605
administrator. Documentation of the consent shall be made 28606
available to the board upon request. 28607

(2) For professional services rendered to any other person 28608
licensed pursuant to this chapter to the extent allowed by this 28609
chapter and the rules of the board. 28610

Sec. 4729.16. (A) (1) The state board of pharmacy, after 28611
notice and hearing in accordance with Chapter 119. of the 28612
Revised Code, may impose any one or more of the following 28613
sanctions on a pharmacist or pharmacy intern if the board finds 28614
the individual engaged in any of the conduct set forth in 28615
division (A) (2) of this section: 28616

(a) Revoke, suspend, restrict, limit, or refuse to grant 28617
or renew a license; 28618

(b) Reprimand or place the license holder on probation; 28619

(c) Impose a monetary penalty or forfeiture not to exceed 28620
in severity any fine designated under the Revised Code for a 28621
similar offense, or in the case of a violation of a section of 28622
the Revised Code that does not bear a penalty, a monetary 28623
penalty or forfeiture of not more than five hundred dollars. 28624

(2) Except as provided in division (I) of this section, 28625
the board may impose the sanctions listed in division (A) (1) of 28626
this section if the board finds a pharmacist or pharmacy intern: 28627

(a) Has been convicted of a felony, or a crime of moral 28628
turpitude, as defined in section 4776.10 of the Revised Code; 28629

(b) Engaged in dishonesty or unprofessional conduct in the 28630
practice of pharmacy; 28631

- (c) Is addicted to or abusing alcohol or drugs or is 28632
impaired physically or mentally to such a degree as to render 28633
the pharmacist or pharmacy intern unfit to practice pharmacy; 28634
- (d) Has been convicted of a misdemeanor related to, or 28635
committed in, the practice of pharmacy; 28636
- (e) Violated, conspired to violate, attempted to violate, 28637
or aided and abetted the violation of any of the provisions of 28638
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 28639
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 28640
by the board under those provisions; 28641
- (f) Permitted someone other than a pharmacist or pharmacy 28642
intern to practice pharmacy; 28643
- (g) Knowingly lent the pharmacist's or pharmacy intern's 28644
name to an illegal practitioner of pharmacy or had a 28645
professional connection with an illegal practitioner of 28646
pharmacy; 28647
- (h) Divided or agreed to divide remuneration made in the 28648
practice of pharmacy with any other individual, including, but 28649
not limited to, any licensed health professional authorized to 28650
prescribe drugs or any owner, manager, or employee of a health 28651
care facility, residential care facility, or nursing home; 28652
- (i) Violated the terms of a consult agreement entered into 28653
pursuant to section 4729.39 of the Revised Code; 28654
- (j) Committed fraud, misrepresentation, or deception in 28655
applying for or securing a license issued by the board under 28656
this chapter or under Chapter 3715. or 3719. of the Revised 28657
Code; 28658
- (k) Failed to comply with an order of the board or a 28659

settlement agreement; 28660

(1) Engaged in any other conduct for which the board may 28661
impose discipline as set forth in rules adopted under section 28662
4729.26 of the Revised Code. 28663

(B) Any individual whose license is revoked, suspended, or 28664
refused, shall return the license to the offices of the state 28665
board of pharmacy within ten days after receipt of notice of 28666
such action. 28667

(C) As used in this section: 28668

"Unprofessional conduct in the practice of pharmacy" 28669
includes any of the following: 28670

(1) Advertising or displaying signs that promote dangerous 28671
drugs to the public in a manner that is false or misleading; 28672

(2) Except as provided in section 4729.281, 4729.44, or 28673
4729.47 of the Revised Code, the dispensing or sale of any drug 28674
for which a prescription is required, without having received a 28675
prescription for the drug; 28676

(3) Knowingly dispensing medication pursuant to false or 28677
forged prescriptions; 28678

(4) Knowingly failing to maintain complete and accurate 28679
records of all dangerous drugs received or dispensed in 28680
compliance with federal laws and regulations and state laws and 28681
rules; 28682

(5) Obtaining any remuneration by fraud, 28683
misrepresentation, or deception; 28684

(6) Failing to conform to prevailing standards of care of 28685
similar pharmacists or pharmacy interns under the same or 28686

similar circumstances, whether or not actual injury to a patient 28687
is established; 28688

(7) Engaging in any other conduct that the board specifies 28689
as unprofessional conduct in the practice of pharmacy in rules 28690
adopted under section 4729.26 of the Revised Code. 28691

(D) The board may suspend a license under division (B) of 28692
section 3719.121 of the Revised Code by utilizing a telephone 28693
conference call to review the allegations and take a vote. 28694

(E) For purposes of this division, an individual 28695
authorized to practice as a pharmacist or pharmacy intern 28696
accepts the privilege of practicing in this state subject to 28697
supervision by the board. By filing an application for or 28698
holding a license to practice as a pharmacist or pharmacy 28699
intern, an individual gives consent to submit to a mental or 28700
physical examination when ordered to do so by the board in 28701
writing and waives all objections to the admissibility of 28702
testimony or examination reports that constitute privileged 28703
communications. 28704

If the board has reasonable cause to believe that an 28705
individual who is a pharmacist or pharmacy intern is physically 28706
or mentally impaired, the board may require the individual to 28707
submit to a physical or mental examination, or both. The expense 28708
of the examination is the responsibility of the individual 28709
required to be examined. 28710

Failure of an individual who is a pharmacist or pharmacy 28711
intern to submit to a physical or mental examination ordered by 28712
the board, unless the failure is due to circumstances beyond the 28713
individual's control, constitutes an admission of the 28714
allegations and a suspension order shall be entered without the 28715

taking of testimony or presentation of evidence. Any subsequent 28716
adjudication hearing under Chapter 119. of the Revised Code 28717
concerning failure to submit to an examination is limited to 28718
consideration of whether the failure was beyond the individual's 28719
control. 28720

If, based on the results of an examination ordered under 28721
this division, the board determines that the individual's 28722
ability to practice is impaired, the board shall suspend the 28723
individual's license or deny the individual's application and 28724
shall require the individual, as a condition for an initial, 28725
continued, reinstated, or renewed license to practice, to submit 28726
to a physical or mental examination and treatment. 28727

An order of suspension issued under this division shall 28728
not be subject to suspension by a court during pendency of any 28729
appeal filed under section 119.12 of the Revised Code. 28730

(F) If the board is required under Chapter 119. of the 28731
Revised Code to give notice of an opportunity for a hearing and 28732
the applicant or licensee does not make a timely request for a 28733
hearing in accordance with section 119.07 of the Revised Code, 28734
the board is not required to hold a hearing, but may adopt a 28735
final order that contains the board's findings. In the final 28736
order, the board may impose any of the sanctions listed in 28737
division (A) of this section. 28738

(G) Notwithstanding the provision of division ~~(C) (2)~~ (D) 28739
(2) of section 2953.32 of the Revised Code specifying that if 28740
records pertaining to a criminal case are sealed or expunged 28741
under that section the proceedings in the case must be deemed 28742
not to have occurred, sealing or expungement of the following 28743
records on which the board has based an action under this 28744
section shall have no effect on the board's action or any 28745

sanction imposed by the board under this section: records of any 28746
conviction, guilty plea, judicial finding of guilt resulting 28747
from a plea of no contest, or a judicial finding of eligibility 28748
for a pretrial diversion program or intervention in lieu of 28749
conviction. The board shall not be required to seal, destroy, 28750
redact, or otherwise modify its records to reflect the court's 28751
sealing or expungement of conviction records. 28752

(H) No pharmacist or pharmacy intern shall knowingly 28753
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 28754
(e) to (l) of this section. 28755

(I) The board shall not refuse to issue a license to an 28756
applicant for a conviction of an offense unless the refusal is 28757
in accordance with section 9.79 of the Revised Code. 28758

Sec. 4729.56. (A) (1) The state board of pharmacy, in 28759
accordance with Chapter 119. of the Revised Code, may impose any 28760
one or more of the following sanctions on a person licensed 28761
under division (B) (1) (a) of section 4729.52 of the Revised Code 28762
for any of the causes set forth in division (A) (2) of this 28763
section: 28764

(a) Suspend, revoke, restrict, limit, or refuse to grant 28765
or renew a license; 28766

(b) Reprimand or place the license holder on probation; 28767

(c) Impose a monetary penalty or forfeiture not to exceed 28768
in severity any fine designated under the Revised Code for a 28769
similar offense or two thousand five hundred dollars if the acts 28770
committed are not classified as an offense by the Revised Code; 28771

(2) The board may impose the sanctions set forth in 28772
division (A) (1) of this section for any of the following: 28773

(a) Making any false material statements in an application for licensure under section 4729.52 of the Revised Code;	28774 28775
(b) Violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the Revised Code; or any rule of the board;	28776 28777 28778
(c) A conviction of a felony;	28779
(d) Failing to satisfy the qualifications for licensure under section 4729.53 of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the registration is granted or renewed;	28780 28781 28782 28783
(e) Falsely or fraudulently promoting to the public a drug that is a controlled substance included in schedule I, II, III, IV, or V, except that nothing in this division prohibits a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs from furnishing information concerning a controlled substance to a health care provider or licensed terminal distributor;	28784 28785 28786 28787 28788 28789 28790 28791
(f) Violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 3715. of the Revised Code;	28792 28793 28794
(g) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4729.26 of the Revised Code.	28795 28796 28797
(B) Upon the suspension or revocation of any license identified in division (B) (1) (a) of section 4729.52 of the Revised Code, the licensee shall immediately surrender the license to the board.	28798 28799 28800 28801

(C) If the board suspends, revokes, or refuses to renew 28802
any license identified in division (B) (1) (a) of section 4729.52 28803
of the Revised Code and determines that there is clear and 28804
convincing evidence of a danger of immediate and serious harm to 28805
any person, the board may place under seal all dangerous drugs 28806
owned by or in the possession, custody, or control of the 28807
affected licensee. Except as provided in this division, the 28808
board shall not dispose of the dangerous drugs sealed under this 28809
division until the licensee exhausts all of the licensee's 28810
appeal rights under Chapter 119. of the Revised Code. The court 28811
involved in such an appeal may order the board, during the 28812
pendency of the appeal, to sell sealed dangerous drugs that are 28813
perishable. The board shall deposit the proceeds of the sale 28814
with the court. 28815

(D) If the board is required under Chapter 119. of the 28816
Revised Code to give notice of an opportunity for a hearing and 28817
the license holder does not make a timely request for a hearing 28818
in accordance with section 119.07 of the Revised Code, the board 28819
is not required to hold a hearing, but may adopt a final order 28820
that contains the board's findings. In the final order, the 28821
board may impose any of the sanctions listed in division (A) of 28822
this section. 28823

(E) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 28824
2953.32 of the Revised Code specifying that if records 28825
pertaining to a criminal case are sealed or expunged under that 28826
section the proceedings in the case must be deemed not to have 28827
occurred, sealing or expungement of the following records on 28828
which the board has based an action under this section shall 28829
have no effect on the board's action or any sanction imposed by 28830
the board under this section: records of any conviction, guilty 28831
plea, judicial finding of guilt resulting from a plea of no 28832

contest, or a judicial finding of eligibility for a pretrial 28833
diversion program or intervention in lieu of conviction. The 28834
board is not required to seal, destroy, redact, or otherwise 28835
modify its records to reflect the court's sealing or expungement 28836
of conviction records. 28837

Sec. 4729.57. (A) The state board of pharmacy may after 28838
notice and a hearing in accordance with Chapter 119. of the 28839
Revised Code, impose any one or more of the following sanctions 28840
on a terminal distributor of dangerous drugs for any of the 28841
causes set forth in division (B) of this section: 28842

(1) Suspend, revoke, restrict, limit, or refuse to grant 28843
or renew any license; 28844

(2) Reprimand or place the license holder on probation; 28845

(3) Impose a monetary penalty or forfeiture not to exceed 28846
in severity any fine designated under the Revised Code for a 28847
similar offense or one thousand dollars if the acts committed 28848
have not been classified as an offense by the Revised Code. 28849

(B) The board may impose the sanctions listed in division 28850
(A) of this section for any of the following: 28851

(1) Making any false material statements in an application 28852
for a license as a terminal distributor of dangerous drugs; 28853

(2) Violating any rule of the board; 28854

(3) Violating any provision of this chapter; 28855

(4) Except as provided in section 4729.89 of the Revised 28856
Code, violating any provision of the "Federal Food, Drug, and 28857
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 28858
3715. of the Revised Code; 28859

- (5) Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code; 28860
28861
- (6) Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this division prohibits a terminal distributor of dangerous drugs from furnishing information concerning a dangerous drug to a health care provider or another licensed terminal distributor; 28862
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- (7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code; 28867
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- (8) Except as provided in division (C) of this section: 28870
- (a) Waiving the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the services provided by a terminal distributor of dangerous drugs, would otherwise be required to pay for the services if the waiver is used as an enticement to a patient or group of patients to receive pharmacy services from that terminal distributor; 28871
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- (b) Advertising that the terminal distributor will waive the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the pharmaceutical services, would otherwise be required to pay for the services. 28879
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- (9) Conviction of a felony; 28884
- (10) Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code. 28885
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(C) Sanctions shall not be imposed under division (B) (8) 28888
of this section against any terminal distributor of dangerous 28889
drugs that waives deductibles and copayments as follows: 28890

(1) In compliance with a health benefit plan that 28891
expressly allows such a practice. Waiver of the deductibles or 28892
copayments shall be made only with the full knowledge and 28893
consent of the plan purchaser, payer, and third-party 28894
administrator. Documentation of the consent shall be made 28895
available to the board on request. 28896

(2) For professional services rendered to any other person 28897
licensed pursuant to this chapter to the extent allowed by this 28898
chapter and the rules of the board. 28899

(D) (1) Upon the suspension or revocation of a license 28900
issued to a terminal distributor of dangerous drugs or the 28901
refusal by the board to renew such a license, the distributor 28902
shall immediately surrender the license to the board. 28903

(2) (a) The board may place under seal all dangerous drugs 28904
that are owned by or in the possession, custody, or control of a 28905
terminal distributor at the time the license is suspended or 28906
revoked or at the time the board refuses to renew the license. 28907
Except as provided in division (D) (2) (b) of this section, 28908
dangerous drugs so sealed shall not be disposed of until appeal 28909
rights under Chapter 119. of the Revised Code have expired or an 28910
appeal filed pursuant to that chapter has been determined. 28911

(b) The court involved in an appeal filed pursuant to 28912
Chapter 119. of the Revised Code may order the board, during the 28913
pendency of the appeal, to sell sealed dangerous drugs that are 28914
perishable. The proceeds of such a sale shall be deposited with 28915
that court. 28916

(E) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(F) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed or expunged under that section the proceedings in the case must be deemed not to have occurred, sealing or expungement of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

Sec. 4729.96. (A) (1) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose one or more of the following sanctions on a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician if the board finds the individual engaged in any of the conduct set forth in division (A) (2) of this section:

(a) Revoke, suspend, restrict, limit, or refuse to grant

or renew a registration;	28947
(b) Reprimand or place the holder of the registration on probation;	28948 28949
(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars.	28950 28951 28952 28953 28954
(2) Except as provided in division (G) of this section, the board may impose the sanctions listed in division (A)(1) of this section if the board finds a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician:	28955 28956 28957 28958 28959
(a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code;	28960 28961
(b) Engaged in dishonesty or unprofessional conduct, as prescribed in rules adopted by the board under section 4729.94 of the Revised Code;	28962 28963 28964
(c) Is addicted to or abusing alcohol or drugs or impaired physically or mentally to such a degree as to render the individual unable to perform the individual's duties;	28965 28966 28967
(d) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;	28968 28969 28970 28971 28972
(e) Committed fraud, misrepresentation, or deception in applying for or securing a registration issued by the board	28973 28974

under this chapter; 28975

(f) Failed to comply with an order of the board or a 28976
settlement agreement; 28977

(g) Engaged in any other conduct for which the board may 28978
impose discipline as set forth in rules adopted by the board 28979
under section 4729.94 of the Revised Code. 28980

(B) The board may suspend a registration under division 28981
(B) of section 3719.121 of the Revised Code by utilizing a 28982
telephone conference call to review the allegations and take a 28983
vote. 28984

(C) For purposes of this division, an individual 28985
authorized to practice as a pharmacy technician trainee, 28986
registered pharmacy technician, or certified pharmacy technician 28987
accepts the privilege of practicing in this state subject to 28988
supervision by the board. By filing an application for or 28989
holding a registration under this chapter, the individual gives 28990
consent to submit to a mental or physical examination when 28991
ordered to do so by the board in writing and waives all 28992
objections to the admissibility of testimony or examination 28993
reports that constitute privileged communications. 28994

If the board has reasonable cause to believe that an 28995
individual who is a pharmacy technician trainee, registered 28996
pharmacy technician, or certified pharmacy technician is 28997
physically or mentally impaired, the board may require the 28998
individual to submit to a physical or mental examination, or 28999
both. The expense of the examination is the responsibility of 29000
the individual required to be examined. 29001

Failure of an individual who is a pharmacy technician 29002
trainee, registered pharmacy technician, or certified pharmacy 29003

technician to submit to a physical or mental examination ordered 29004
by the board, unless the failure is due to circumstances beyond 29005
the individual's control, constitutes an admission of the 29006
allegations and a suspension order shall be entered without the 29007
taking of testimony or presentation of evidence. Any subsequent 29008
adjudication hearing under Chapter 119. of the Revised Code 29009
concerning failure to submit to an examination is limited to 29010
consideration of whether the failure was beyond the individual's 29011
control. 29012

If, based on the results of an examination ordered under 29013
this division, the board determines that the individual's 29014
ability to practice is impaired, the board shall suspend the 29015
individual's registration or deny the individual's application 29016
and shall require the individual, as a condition for an initial, 29017
continued, reinstated, or renewed registration to practice, to 29018
submit to a physical or mental examination and treatment. 29019

An order of suspension issued under this division shall 29020
not be subject to suspension by a court during pendency of any 29021
appeal filed under section 119.12 of the Revised Code. 29022

(D) If the board is required under Chapter 119. of the 29023
Revised Code to give notice of an opportunity for a hearing and 29024
the applicant or registrant does not make a timely request for a 29025
hearing in accordance with section 119.07 of the Revised Code, 29026
the board is not required to hold a hearing, but may adopt a 29027
final order that contains the board's findings. In the final 29028
order, the board may impose any of the sanctions listed in 29029
division (A) of this section. 29030

(E) Notwithstanding the provision of division ~~(C)(2)~~ (D) 29031
(2) of section 2953.32 of the Revised Code specifying that if 29032
records pertaining to a criminal case are sealed or expunged 29033

under that section the proceedings in the case must be deemed 29034
not to have occurred, sealing or expungement of the following 29035
records on which the board has based an action under this 29036
section shall have no effect on the board's action or any 29037
sanction imposed by the board under this section: records of any 29038
conviction, guilty plea, judicial finding of guilt resulting 29039
from a plea of no contest, or a judicial finding of eligibility 29040
for a pretrial diversion program or intervention in lieu of 29041
conviction. The board shall not be required to seal, destroy, 29042
redact, or otherwise modify its records to reflect the court's 29043
sealing or expungement of conviction records. 29044

(F) No pharmacy technician trainee, registered pharmacy 29045
technician, or certified pharmacy technician shall knowingly 29046
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 29047
(d) to (g) of this section. 29048

(G) The board shall not refuse to issue a registration to 29049
an applicant because of a conviction of an offense unless the 29050
refusal is in accordance with section 9.79 of the Revised Code. 29051

Sec. 4730.25. (A) The state medical board, by an 29052
affirmative vote of not fewer than six members, may revoke or 29053
may refuse to grant a license to practice as a physician 29054
assistant to a person found by the board to have committed 29055
fraud, misrepresentation, or deception in applying for or 29056
securing the license. 29057

(B) Except as provided in division (N) of this section, 29058
the board, by an affirmative vote of not fewer than six members, 29059
shall, to the extent permitted by law, limit, revoke, or suspend 29060
an individual's license to practice as a physician assistant or 29061
prescriber number, refuse to issue a license to an applicant, 29062
refuse to renew a license, refuse to reinstate a license, or 29063

reprimand or place on probation the holder of a license for any	29064
of the following reasons:	29065
(1) Failure to practice in accordance with the supervising	29066
physician's supervision agreement with the physician assistant,	29067
including, if applicable, the policies of the health care	29068
facility in which the supervising physician and physician	29069
assistant are practicing;	29070
(2) Failure to comply with the requirements of this	29071
chapter, Chapter 4731. of the Revised Code, or any rules adopted	29072
by the board;	29073
(3) Violating or attempting to violate, directly or	29074
indirectly, or assisting in or abetting the violation of, or	29075
conspiring to violate, any provision of this chapter, Chapter	29076
4731. of the Revised Code, or the rules adopted by the board;	29077
(4) Inability to practice according to acceptable and	29078
prevailing standards of care by reason of mental illness or	29079
physical illness, including physical deterioration that	29080
adversely affects cognitive, motor, or perceptive skills;	29081
(5) Impairment of ability to practice according to	29082
acceptable and prevailing standards of care because of habitual	29083
or excessive use or abuse of drugs, alcohol, or other substances	29084
that impair ability to practice;	29085
(6) Administering drugs for purposes other than those	29086
authorized under this chapter;	29087
(7) Willfully betraying a professional confidence;	29088
(8) Making a false, fraudulent, deceptive, or misleading	29089
statement in soliciting or advertising for employment as a	29090
physician assistant; in connection with any solicitation or	29091

advertisement for patients; in relation to the practice of 29092
medicine as it pertains to physician assistants; or in securing 29093
or attempting to secure a license to practice as a physician 29094
assistant. 29095

As used in this division, "false, fraudulent, deceptive, 29096
or misleading statement" means a statement that includes a 29097
misrepresentation of fact, is likely to mislead or deceive 29098
because of a failure to disclose material facts, is intended or 29099
is likely to create false or unjustified expectations of 29100
favorable results, or includes representations or implications 29101
that in reasonable probability will cause an ordinarily prudent 29102
person to misunderstand or be deceived. 29103

(9) Representing, with the purpose of obtaining 29104
compensation or other advantage personally or for any other 29105
person, that an incurable disease or injury, or other incurable 29106
condition, can be permanently cured; 29107

(10) The obtaining of, or attempting to obtain, money or 29108
anything of value by fraudulent misrepresentations in the course 29109
of practice; 29110

(11) A plea of guilty to, a judicial finding of guilt of, 29111
or a judicial finding of eligibility for intervention in lieu of 29112
conviction for, a felony; 29113

(12) Commission of an act that constitutes a felony in 29114
this state, regardless of the jurisdiction in which the act was 29115
committed; 29116

(13) A plea of guilty to, a judicial finding of guilt of, 29117
or a judicial finding of eligibility for intervention in lieu of 29118
conviction for, a misdemeanor committed in the course of 29119
practice; 29120

- (14) A plea of guilty to, a judicial finding of guilt of, 29121
or a judicial finding of eligibility for intervention in lieu of 29122
conviction for, a misdemeanor involving moral turpitude; 29123
- (15) Commission of an act in the course of practice that 29124
constitutes a misdemeanor in this state, regardless of the 29125
jurisdiction in which the act was committed; 29126
- (16) Commission of an act involving moral turpitude that 29127
constitutes a misdemeanor in this state, regardless of the 29128
jurisdiction in which the act was committed; 29129
- (17) A plea of guilty to, a judicial finding of guilt of, 29130
or a judicial finding of eligibility for intervention in lieu of 29131
conviction for violating any state or federal law regulating the 29132
possession, distribution, or use of any drug, including 29133
trafficking in drugs; 29134
- (18) Any of the following actions taken by the state 29135
agency responsible for regulating the practice of physician 29136
assistants in another state, for any reason other than the 29137
nonpayment of fees: the limitation, revocation, or suspension of 29138
an individual's license to practice; acceptance of an 29139
individual's license surrender; denial of a license; refusal to 29140
renew or reinstate a license; imposition of probation; or 29141
issuance of an order of censure or other reprimand; 29142
- (19) A departure from, or failure to conform to, minimal 29143
standards of care of similar physician assistants under the same 29144
or similar circumstances, regardless of whether actual injury to 29145
a patient is established; 29146
- (20) Violation of the conditions placed by the board on a 29147
license to practice as a physician assistant; 29148
- (21) Failure to use universal blood and body fluid 29149

precautions established by rules adopted under section 4731.051 of the Revised Code;	29150 29151
(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	29152 29153 29154 29155 29156 29157 29158 29159 29160 29161
(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;	29162 29163
(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	29164 29165
(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	29166 29167 29168
(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	29169 29170 29171 29172
(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;	29173 29174 29175
(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the	29176 29177 29178

termination or suspension of a certificate of registration to 29179
prescribe drugs by the drug enforcement administration of the 29180
United States department of justice; 29181

(29) Failure to comply with terms of a consult agreement 29182
entered into with a pharmacist pursuant to section 4729.39 of 29183
the Revised Code. 29184

(C) Disciplinary actions taken by the board under 29185
divisions (A) and (B) of this section shall be taken pursuant to 29186
an adjudication under Chapter 119. of the Revised Code, except 29187
that in lieu of an adjudication, the board may enter into a 29188
consent agreement with a physician assistant or applicant to 29189
resolve an allegation of a violation of this chapter or any rule 29190
adopted under it. A consent agreement, when ratified by an 29191
affirmative vote of not fewer than six members of the board, 29192
shall constitute the findings and order of the board with 29193
respect to the matter addressed in the agreement. If the board 29194
refuses to ratify a consent agreement, the admissions and 29195
findings contained in the consent agreement shall be of no force 29196
or effect. 29197

(D) For purposes of divisions (B) (12), (15), and (16) of 29198
this section, the commission of the act may be established by a 29199
finding by the board, pursuant to an adjudication under Chapter 29200
119. of the Revised Code, that the applicant or license holder 29201
committed the act in question. The board shall have no 29202
jurisdiction under these divisions in cases where the trial 29203
court renders a final judgment in the license holder's favor and 29204
that judgment is based upon an adjudication on the merits. The 29205
board shall have jurisdiction under these divisions in cases 29206
where the trial court issues an order of dismissal upon 29207
technical or procedural grounds. 29208

(E) The sealing or expungement of conviction records by 29209
any court shall have no effect upon a prior board order entered 29210
under the provisions of this section or upon the board's 29211
jurisdiction to take action under the provisions of this section 29212
if, based upon a plea of guilty, a judicial finding of guilt, or 29213
a judicial finding of eligibility for intervention in lieu of 29214
conviction, the board issued a notice of opportunity for a 29215
hearing prior to the court's order to seal or expunge the 29216
records. The board shall not be required to seal, destroy, 29217
redact, or otherwise modify its records to reflect the court's 29218
sealing or expungement of conviction records. 29219

(F) For purposes of this division, any individual who 29220
holds a license issued under this chapter, or applies for a 29221
license issued under this chapter, shall be deemed to have given 29222
consent to submit to a mental or physical examination when 29223
directed to do so in writing by the board and to have waived all 29224
objections to the admissibility of testimony or examination 29225
reports that constitute a privileged communication. 29226

(1) In enforcing division (B)(4) of this section, the 29227
board, upon a showing of a possible violation, may compel any 29228
individual who holds a license issued under this chapter or who 29229
has applied for a license pursuant to this chapter to submit to 29230
a mental examination, physical examination, including an HIV 29231
test, or both a mental and physical examination. The expense of 29232
the examination is the responsibility of the individual 29233
compelled to be examined. Failure to submit to a mental or 29234
physical examination or consent to an HIV test ordered by the 29235
board constitutes an admission of the allegations against the 29236
individual unless the failure is due to circumstances beyond the 29237
individual's control, and a default and final order may be 29238
entered without the taking of testimony or presentation of 29239

evidence. If the board finds a physician assistant unable to 29240
practice because of the reasons set forth in division (B) (4) of 29241
this section, the board shall require the physician assistant to 29242
submit to care, counseling, or treatment by physicians approved 29243
or designated by the board, as a condition for an initial, 29244
continued, reinstated, or renewed license. An individual 29245
affected under this division shall be afforded an opportunity to 29246
demonstrate to the board the ability to resume practicing in 29247
compliance with acceptable and prevailing standards of care. 29248

(2) For purposes of division (B) (5) of this section, if 29249
the board has reason to believe that any individual who holds a 29250
license issued under this chapter or any applicant for a license 29251
suffers such impairment, the board may compel the individual to 29252
submit to a mental or physical examination, or both. The expense 29253
of the examination is the responsibility of the individual 29254
compelled to be examined. Any mental or physical examination 29255
required under this division shall be undertaken by a treatment 29256
provider or physician qualified to conduct such examination and 29257
chosen by the board. 29258

Failure to submit to a mental or physical examination 29259
ordered by the board constitutes an admission of the allegations 29260
against the individual unless the failure is due to 29261
circumstances beyond the individual's control, and a default and 29262
final order may be entered without the taking of testimony or 29263
presentation of evidence. If the board determines that the 29264
individual's ability to practice is impaired, the board shall 29265
suspend the individual's license or deny the individual's 29266
application and shall require the individual, as a condition for 29267
initial, continued, reinstated, or renewed licensure, to submit 29268
to treatment. 29269

Before being eligible to apply for reinstatement of a 29270
license suspended under this division, the physician assistant 29271
shall demonstrate to the board the ability to resume practice or 29272
prescribing in compliance with acceptable and prevailing 29273
standards of care. The demonstration shall include the 29274
following: 29275

(a) Certification from a treatment provider approved under 29276
section 4731.25 of the Revised Code that the individual has 29277
successfully completed any required inpatient treatment; 29278

(b) Evidence of continuing full compliance with an 29279
aftercare contract or consent agreement; 29280

(c) Two written reports indicating that the individual's 29281
ability to practice has been assessed and that the individual 29282
has been found capable of practicing according to acceptable and 29283
prevailing standards of care. The reports shall be made by 29284
individuals or providers approved by the board for making such 29285
assessments and shall describe the basis for their 29286
determination. 29287

The board may reinstate a license suspended under this 29288
division after such demonstration and after the individual has 29289
entered into a written consent agreement. 29290

When the impaired physician assistant resumes practice or 29291
prescribing, the board shall require continued monitoring of the 29292
physician assistant. The monitoring shall include compliance 29293
with the written consent agreement entered into before 29294
reinstatement or with conditions imposed by board order after a 29295
hearing, and, upon termination of the consent agreement, 29296
submission to the board for at least two years of annual written 29297
progress reports made under penalty of falsification stating 29298

whether the physician assistant has maintained sobriety. 29299

(G) If the secretary and supervising member determine that 29300
there is clear and convincing evidence that a physician 29301
assistant has violated division (B) of this section and that the 29302
individual's continued practice or prescribing presents a danger 29303
of immediate and serious harm to the public, they may recommend 29304
that the board suspend the individual's license without a prior 29305
hearing. Written allegations shall be prepared for consideration 29306
by the board. 29307

The board, upon review of those allegations and by an 29308
affirmative vote of not fewer than six of its members, excluding 29309
the secretary and supervising member, may suspend a license 29310
without a prior hearing. A telephone conference call may be 29311
utilized for reviewing the allegations and taking the vote on 29312
the summary suspension. 29313

The board shall issue a written order of suspension by 29314
certified mail or in person in accordance with section 119.07 of 29315
the Revised Code. The order shall not be subject to suspension 29316
by the court during pendency of any appeal filed under section 29317
119.12 of the Revised Code. If the physician assistant requests 29318
an adjudicatory hearing by the board, the date set for the 29319
hearing shall be within fifteen days, but not earlier than seven 29320
days, after the physician assistant requests the hearing, unless 29321
otherwise agreed to by both the board and the license holder. 29322

A summary suspension imposed under this division shall 29323
remain in effect, unless reversed on appeal, until a final 29324
adjudicative order issued by the board pursuant to this section 29325
and Chapter 119. of the Revised Code becomes effective. The 29326
board shall issue its final adjudicative order within sixty days 29327
after completion of its hearing. Failure to issue the order 29328

within sixty days shall result in dissolution of the summary 29329
suspension order, but shall not invalidate any subsequent, final 29330
adjudicative order. 29331

(H) If the board takes action under division (B) (11), 29332
(13), or (14) of this section, and the judicial finding of 29333
guilt, guilty plea, or judicial finding of eligibility for 29334
intervention in lieu of conviction is overturned on appeal, upon 29335
exhaustion of the criminal appeal, a petition for 29336
reconsideration of the order may be filed with the board along 29337
with appropriate court documents. Upon receipt of a petition and 29338
supporting court documents, the board shall reinstate the 29339
individual's license. The board may then hold an adjudication 29340
under Chapter 119. of the Revised Code to determine whether the 29341
individual committed the act in question. Notice of opportunity 29342
for hearing shall be given in accordance with Chapter 119. of 29343
the Revised Code. If the board finds, pursuant to an 29344
adjudication held under this division, that the individual 29345
committed the act, or if no hearing is requested, it may order 29346
any of the sanctions identified under division (B) of this 29347
section. 29348

(I) The license to practice issued to a physician 29349
assistant and the physician assistant's practice in this state 29350
are automatically suspended as of the date the physician 29351
assistant pleads guilty to, is found by a judge or jury to be 29352
guilty of, or is subject to a judicial finding of eligibility 29353
for intervention in lieu of conviction in this state or 29354
treatment or intervention in lieu of conviction in another state 29355
for any of the following criminal offenses in this state or a 29356
substantially equivalent criminal offense in another 29357
jurisdiction: aggravated murder, murder, voluntary manslaughter, 29358
felonious assault, kidnapping, rape, sexual battery, gross 29359

sexual imposition, aggravated arson, aggravated robbery, or 29360
aggravated burglary. Continued practice after the suspension 29361
shall be considered practicing without a license. 29362

The board shall notify the individual subject to the 29363
suspension by certified mail or in person in accordance with 29364
section 119.07 of the Revised Code. If an individual whose 29365
license is suspended under this division fails to make a timely 29366
request for an adjudication under Chapter 119. of the Revised 29367
Code, the board shall enter a final order permanently revoking 29368
the individual's license to practice. 29369

(J) In any instance in which the board is required by 29370
Chapter 119. of the Revised Code to give notice of opportunity 29371
for hearing and the individual subject to the notice does not 29372
timely request a hearing in accordance with section 119.07 of 29373
the Revised Code, the board is not required to hold a hearing, 29374
but may adopt, by an affirmative vote of not fewer than six of 29375
its members, a final order that contains the board's findings. 29376
In that final order, the board may order any of the sanctions 29377
identified under division (A) or (B) of this section. 29378

(K) Any action taken by the board under division (B) of 29379
this section resulting in a suspension shall be accompanied by a 29380
written statement of the conditions under which the physician 29381
assistant's license may be reinstated. The board shall adopt 29382
rules in accordance with Chapter 119. of the Revised Code 29383
governing conditions to be imposed for reinstatement. 29384
Reinstatement of a license suspended pursuant to division (B) of 29385
this section requires an affirmative vote of not fewer than six 29386
members of the board. 29387

(L) When the board refuses to grant or issue to an 29388
applicant a license to practice as a physician assistant, 29389

revokes an individual's license, refuses to renew an 29390
individual's license, or refuses to reinstate an individual's 29391
license, the board may specify that its action is permanent. An 29392
individual subject to a permanent action taken by the board is 29393
forever thereafter ineligible to hold the license and the board 29394
shall not accept an application for reinstatement of the license 29395
or for issuance of a new license. 29396

(M) Notwithstanding any other provision of the Revised 29397
Code, all of the following apply: 29398

(1) The surrender of a license issued under this chapter 29399
is not effective unless or until accepted by the board. 29400
Reinstatement of a license surrendered to the board requires an 29401
affirmative vote of not fewer than six members of the board. 29402

(2) An application made under this chapter for a license 29403
may not be withdrawn without approval of the board. 29404

(3) Failure by an individual to renew a license in 29405
accordance with section 4730.14 of the Revised Code shall not 29406
remove or limit the board's jurisdiction to take disciplinary 29407
action under this section against the individual. 29408

(N) The board shall not refuse to issue a license to an 29409
applicant because of a conviction, plea of guilty, judicial 29410
finding of guilt, judicial finding of eligibility for 29411
intervention in lieu of conviction, or the commission of an act 29412
that constitutes a criminal offense, unless the refusal is in 29413
accordance with section 9.79 of the Revised Code. 29414

Sec. 4731.22. (A) The state medical board, by an 29415
affirmative vote of not fewer than six of its members, may 29416
limit, revoke, or suspend a license or certificate to practice 29417
or certificate to recommend, refuse to grant a license or 29418

certificate, refuse to renew a license or certificate, refuse to 29419
reinstate a license or certificate, or reprimand or place on 29420
probation the holder of a license or certificate if the 29421
individual applying for or holding the license or certificate is 29422
found by the board to have committed fraud during the 29423
administration of the examination for a license or certificate 29424
to practice or to have committed fraud, misrepresentation, or 29425
deception in applying for, renewing, or securing any license or 29426
certificate to practice or certificate to recommend issued by 29427
the board. 29428

(B) Except as provided in division (P) of this section, 29429
the board, by an affirmative vote of not fewer than six members, 29430
shall, to the extent permitted by law, limit, revoke, or suspend 29431
a license or certificate to practice or certificate to 29432
recommend, refuse to issue a license or certificate, refuse to 29433
renew a license or certificate, refuse to reinstate a license or 29434
certificate, or reprimand or place on probation the holder of a 29435
license or certificate for one or more of the following reasons: 29436

(1) Permitting one's name or one's license or certificate 29437
to practice to be used by a person, group, or corporation when 29438
the individual concerned is not actually directing the treatment 29439
given; 29440

(2) Failure to maintain minimal standards applicable to 29441
the selection or administration of drugs, or failure to employ 29442
acceptable scientific methods in the selection of drugs or other 29443
modalities for treatment of disease; 29444

(3) Except as provided in section 4731.97 of the Revised 29445
Code, selling, giving away, personally furnishing, prescribing, 29446
or administering drugs for other than legal and legitimate 29447
therapeutic purposes or a plea of guilty to, a judicial finding 29448

of guilt of, or a judicial finding of eligibility for 29449
intervention in lieu of conviction of, a violation of any 29450
federal or state law regulating the possession, distribution, or 29451
use of any drug; 29452

(4) Willfully betraying a professional confidence. 29453

For purposes of this division, "willfully betraying a 29454
professional confidence" does not include providing any 29455
information, documents, or reports under sections 307.621 to 29456
307.629 of the Revised Code to a child fatality review board; 29457
does not include providing any information, documents, or 29458
reports under sections 307.631 to 307.6410 of the Revised Code 29459
to a drug overdose fatality review committee, a suicide fatality 29460
review committee, or hybrid drug overdose fatality and suicide 29461
fatality review committee; does not include providing any 29462
information, documents, or reports to the director of health 29463
pursuant to guidelines established under section 3701.70 of the 29464
Revised Code; does not include written notice to a mental health 29465
professional under section 4731.62 of the Revised Code; and does 29466
not include the making of a report of an employee's use of a 29467
drug of abuse, or a report of a condition of an employee other 29468
than one involving the use of a drug of abuse, to the employer 29469
of the employee as described in division (B) of section 2305.33 29470
of the Revised Code. Nothing in this division affects the 29471
immunity from civil liability conferred by section 2305.33 or 29472
4731.62 of the Revised Code upon a physician who makes a report 29473
in accordance with section 2305.33 or notifies a mental health 29474
professional in accordance with section 4731.62 of the Revised 29475
Code. As used in this division, "employee," "employer," and 29476
"physician" have the same meanings as in section 2305.33 of the 29477
Revised Code. 29478

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

- (10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 29508
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 29511
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- (12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 29515
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 29518
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- (14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 29521
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- (15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice; 29524
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- (16) Failure to pay license renewal fees specified in this chapter; 29526
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- (17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business; 29528
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- (18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the 29533
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American podiatric medical association, or any other national 29536
professional organizations that the board specifies by rule. The 29537
state medical board shall obtain and keep on file current copies 29538
of the codes of ethics of the various national professional 29539
organizations. The individual whose license or certificate is 29540
being suspended or revoked shall not be found to have violated 29541
any provision of a code of ethics of an organization not 29542
appropriate to the individual's profession. 29543

For purposes of this division, a "provision of a code of 29544
ethics of a national professional organization" does not include 29545
any provision that would preclude the making of a report by a 29546
physician of an employee's use of a drug of abuse, or of a 29547
condition of an employee other than one involving the use of a 29548
drug of abuse, to the employer of the employee as described in 29549
division (B) of section 2305.33 of the Revised Code. Nothing in 29550
this division affects the immunity from civil liability 29551
conferred by that section upon a physician who makes either type 29552
of report in accordance with division (B) of that section. As 29553
used in this division, "employee," "employer," and "physician" 29554
have the same meanings as in section 2305.33 of the Revised 29555
Code. 29556

(19) Inability to practice according to acceptable and 29557
prevailing standards of care by reason of mental illness or 29558
physical illness, including, but not limited to, physical 29559
deterioration that adversely affects cognitive, motor, or 29560
perceptive skills. 29561

In enforcing this division, the board, upon a showing of a 29562
possible violation, may compel any individual authorized to 29563
practice by this chapter or who has submitted an application 29564
pursuant to this chapter to submit to a mental examination, 29565

physical examination, including an HIV test, or both a mental 29566
and a physical examination. The expense of the examination is 29567
the responsibility of the individual compelled to be examined. 29568
Failure to submit to a mental or physical examination or consent 29569
to an HIV test ordered by the board constitutes an admission of 29570
the allegations against the individual unless the failure is due 29571
to circumstances beyond the individual's control, and a default 29572
and final order may be entered without the taking of testimony 29573
or presentation of evidence. If the board finds an individual 29574
unable to practice because of the reasons set forth in this 29575
division, the board shall require the individual to submit to 29576
care, counseling, or treatment by physicians approved or 29577
designated by the board, as a condition for initial, continued, 29578
reinstated, or renewed authority to practice. An individual 29579
affected under this division shall be afforded an opportunity to 29580
demonstrate to the board the ability to resume practice in 29581
compliance with acceptable and prevailing standards under the 29582
provisions of the individual's license or certificate. For the 29583
purpose of this division, any individual who applies for or 29584
receives a license or certificate to practice under this chapter 29585
accepts the privilege of practicing in this state and, by so 29586
doing, shall be deemed to have given consent to submit to a 29587
mental or physical examination when directed to do so in writing 29588
by the board, and to have waived all objections to the 29589
admissibility of testimony or examination reports that 29590
constitute a privileged communication. 29591

(20) Except as provided in division (F) (1) (b) of section 29592
4731.282 of the Revised Code or when civil penalties are imposed 29593
under section 4731.225 of the Revised Code, and subject to 29594
section 4731.226 of the Revised Code, violating or attempting to 29595
violate, directly or indirectly, or assisting in or abetting the 29596

violation of, or conspiring to violate, any provisions of this 29597
chapter or any rule promulgated by the board. 29598

This division does not apply to a violation or attempted 29599
violation of, assisting in or abetting the violation of, or a 29600
conspiracy to violate, any provision of this chapter or any rule 29601
adopted by the board that would preclude the making of a report 29602
by a physician of an employee's use of a drug of abuse, or of a 29603
condition of an employee other than one involving the use of a 29604
drug of abuse, to the employer of the employee as described in 29605
division (B) of section 2305.33 of the Revised Code. Nothing in 29606
this division affects the immunity from civil liability 29607
conferred by that section upon a physician who makes either type 29608
of report in accordance with division (B) of that section. As 29609
used in this division, "employee," "employer," and "physician" 29610
have the same meanings as in section 2305.33 of the Revised 29611
Code. 29612

(21) The violation of section 3701.79 of the Revised Code 29613
or of any abortion rule adopted by the director of health 29614
pursuant to section 3701.341 of the Revised Code; 29615

(22) Any of the following actions taken by an agency 29616
responsible for authorizing, certifying, or regulating an 29617
individual to practice a health care occupation or provide 29618
health care services in this state or another jurisdiction, for 29619
any reason other than the nonpayment of fees: the limitation, 29620
revocation, or suspension of an individual's license to 29621
practice; acceptance of an individual's license surrender; 29622
denial of a license; refusal to renew or reinstate a license; 29623
imposition of probation; or issuance of an order of censure or 29624
other reprimand; 29625

(23) The violation of section 2919.12 of the Revised Code 29626

or the performance or inducement of an abortion upon a pregnant woman with actual knowledge that the conditions specified in division (B) of section 2317.56 of the Revised Code have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied, unless an affirmative defense as specified in division (H)(2) of that section would apply in a civil action authorized by division (H)(1) of that section;

(24) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;

(25) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency;

(26) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.

For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for licensure or certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure or certification to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license or certificate suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or certificate. The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has

successfully completed any required inpatient treatment; 29687

(b) Evidence of continuing full compliance with an 29688
aftercare contract or consent agreement; 29689

(c) Two written reports indicating that the individual's 29690
ability to practice has been assessed and that the individual 29691
has been found capable of practicing according to acceptable and 29692
prevailing standards of care. The reports shall be made by 29693
individuals or providers approved by the board for making the 29694
assessments and shall describe the basis for their 29695
determination. 29696

The board may reinstate a license or certificate suspended 29697
under this division after that demonstration and after the 29698
individual has entered into a written consent agreement. 29699

When the impaired practitioner resumes practice, the board 29700
shall require continued monitoring of the individual. The 29701
monitoring shall include, but not be limited to, compliance with 29702
the written consent agreement entered into before reinstatement 29703
or with conditions imposed by board order after a hearing, and, 29704
upon termination of the consent agreement, submission to the 29705
board for at least two years of annual written progress reports 29706
made under penalty of perjury stating whether the individual has 29707
maintained sobriety. 29708

(27) A second or subsequent violation of section 4731.66 29709
or 4731.69 of the Revised Code; 29710

(28) Except as provided in division (N) of this section: 29711

(a) Waiving the payment of all or any part of a deductible 29712
or copayment that a patient, pursuant to a health insurance or 29713
health care policy, contract, or plan that covers the 29714
individual's services, otherwise would be required to pay if the 29715

waiver is used as an enticement to a patient or group of patients to receive health care services from that individual; 29716
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(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay. 29718
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(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 29723
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(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record; 29726
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(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter; 29731
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(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement; 29735
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(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 29742
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(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	29745 29746 29747 29748 29749 29750 29751 29752 29753 29754 29755
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	29756 29757 29758
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	29759 29760 29761
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	29762 29763
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	29764 29765
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	29766 29767 29768
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	29769 29770 29771 29772
(41) Failure to comply with the standards and procedures	29773

established in rules under section 4731.054 of the Revised Code	29774
for the operation of or the provision of care at a pain	29775
management clinic;	29776
(42) Failure to comply with the standards and procedures	29777
established in rules under section 4731.054 of the Revised Code	29778
for providing supervision, direction, and control of individuals	29779
at a pain management clinic;	29780
(43) Failure to comply with the requirements of section	29781
4729.79 or 4731.055 of the Revised Code, unless the state board	29782
of pharmacy no longer maintains a drug database pursuant to	29783
section 4729.75 of the Revised Code;	29784
(44) Failure to comply with the requirements of section	29785
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	29786
to submit to the department of health in accordance with a court	29787
order a complete report as described in section 2919.171 or	29788
2919.202 of the Revised Code;	29789
(45) Practicing at a facility that is subject to licensure	29790
as a category III terminal distributor of dangerous drugs with a	29791
pain management clinic classification unless the person	29792
operating the facility has obtained and maintains the license	29793
with the classification;	29794
(46) Owning a facility that is subject to licensure as a	29795
category III terminal distributor of dangerous drugs with a pain	29796
management clinic classification unless the facility is licensed	29797
with the classification;	29798
(47) Failure to comply with any of the requirements	29799
regarding making or maintaining medical records or documents	29800
described in division (A) of section 2919.192, division (C) of	29801
section 2919.193, division (B) of section 2919.195, or division	29802

(A) of section 2919.196 of the Revised Code;	29803
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	29804 29805 29806 29807
(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	29808 29809 29810 29811
(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;	29812 29813 29814 29815 29816
(51) Owning a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless that place is licensed with the classification;	29817 29818 29819 29820 29821
(52) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;	29822 29823
(53) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;	29824 29825 29826
(54) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive.	29827 29828 29829 29830

(C) Disciplinary actions taken by the board under 29831
divisions (A) and (B) of this section shall be taken pursuant to 29832
an adjudication under Chapter 119. of the Revised Code, except 29833
that in lieu of an adjudication, the board may enter into a 29834
consent agreement with an individual to resolve an allegation of 29835
a violation of this chapter or any rule adopted under it. A 29836
consent agreement, when ratified by an affirmative vote of not 29837
fewer than six members of the board, shall constitute the 29838
findings and order of the board with respect to the matter 29839
addressed in the agreement. If the board refuses to ratify a 29840
consent agreement, the admissions and findings contained in the 29841
consent agreement shall be of no force or effect. 29842

A telephone conference call may be utilized for 29843
ratification of a consent agreement that revokes or suspends an 29844
individual's license or certificate to practice or certificate 29845
to recommend. The telephone conference call shall be considered 29846
a special meeting under division (F) of section 121.22 of the 29847
Revised Code. 29848

If the board takes disciplinary action against an 29849
individual under division (B) of this section for a second or 29850
subsequent plea of guilty to, or judicial finding of guilt of, a 29851
violation of section 2919.123 or 2919.124 of the Revised Code, 29852
the disciplinary action shall consist of a suspension of the 29853
individual's license or certificate to practice for a period of 29854
at least one year or, if determined appropriate by the board, a 29855
more serious sanction involving the individual's license or 29856
certificate to practice. Any consent agreement entered into 29857
under this division with an individual that pertains to a second 29858
or subsequent plea of guilty to, or judicial finding of guilt 29859
of, a violation of that section shall provide for a suspension 29860
of the individual's license or certificate to practice for a 29861

period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice.

(D) For purposes of divisions (B) (10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, expunge, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) (1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who

testifies before the board in any adjudication conducted under 29892
Chapter 119. of the Revised Code shall not be liable in damages 29893
in a civil action as a result of the report or testimony. Each 29894
complaint or allegation of a violation received by the board 29895
shall be assigned a case number and shall be recorded by the 29896
board. 29897

(2) Investigations of alleged violations of this chapter 29898
or any rule adopted under it shall be supervised by the 29899
supervising member elected by the board in accordance with 29900
section 4731.02 of the Revised Code and by the secretary as 29901
provided in section 4731.39 of the Revised Code. The president 29902
may designate another member of the board to supervise the 29903
investigation in place of the supervising member. No member of 29904
the board who supervises the investigation of a case shall 29905
participate in further adjudication of the case. 29906

(3) In investigating a possible violation of this chapter 29907
or any rule adopted under this chapter, or in conducting an 29908
inspection under division (E) of section 4731.054 of the Revised 29909
Code, the board may question witnesses, conduct interviews, 29910
administer oaths, order the taking of depositions, inspect and 29911
copy any books, accounts, papers, records, or documents, issue 29912
subpoenas, and compel the attendance of witnesses and production 29913
of books, accounts, papers, records, documents, and testimony, 29914
except that a subpoena for patient record information shall not 29915
be issued without consultation with the attorney general's 29916
office and approval of the secretary and supervising member of 29917
the board. 29918

(a) Before issuance of a subpoena for patient record 29919
information, the secretary and supervising member shall 29920
determine whether there is probable cause to believe that the 29921

complaint filed alleges a violation of this chapter or any rule 29922
adopted under it and that the records sought are relevant to the 29923
alleged violation and material to the investigation. The 29924
subpoena may apply only to records that cover a reasonable 29925
period of time surrounding the alleged violation. 29926

(b) On failure to comply with any subpoena issued by the 29927
board and after reasonable notice to the person being 29928
subpoenaed, the board may move for an order compelling the 29929
production of persons or records pursuant to the Rules of Civil 29930
Procedure. 29931

(c) A subpoena issued by the board may be served by a 29932
sheriff, the sheriff's deputy, or a board employee or agent 29933
designated by the board. Service of a subpoena issued by the 29934
board may be made by delivering a copy of the subpoena to the 29935
person named therein, reading it to the person, or leaving it at 29936
the person's usual place of residence, usual place of business, 29937
or address on file with the board. When serving a subpoena to an 29938
applicant for or the holder of a license or certificate issued 29939
under this chapter, service of the subpoena may be made by 29940
certified mail, return receipt requested, and the subpoena shall 29941
be deemed served on the date delivery is made or the date the 29942
person refuses to accept delivery. If the person being served 29943
refuses to accept the subpoena or is not located, service may be 29944
made to an attorney who notifies the board that the attorney is 29945
representing the person. 29946

(d) A sheriff's deputy who serves a subpoena shall receive 29947
the same fees as a sheriff. Each witness who appears before the 29948
board in obedience to a subpoena shall receive the fees and 29949
mileage provided for under section 119.094 of the Revised Code. 29950

(4) All hearings, investigations, and inspections of the 29951

board shall be considered civil actions for the purposes of 29952
section 2305.252 of the Revised Code. 29953

(5) A report required to be submitted to the board under 29954
this chapter, a complaint, or information received by the board 29955
pursuant to an investigation or pursuant to an inspection under 29956
division (E) of section 4731.054 of the Revised Code is 29957
confidential and not subject to discovery in any civil action. 29958

The board shall conduct all investigations or inspections 29959
and proceedings in a manner that protects the confidentiality of 29960
patients and persons who file complaints with the board. The 29961
board shall not make public the names or any other identifying 29962
information about patients or complainants unless proper consent 29963
is given or, in the case of a patient, a waiver of the patient 29964
privilege exists under division (B) of section 2317.02 of the 29965
Revised Code, except that consent or a waiver of that nature is 29966
not required if the board possesses reliable and substantial 29967
evidence that no bona fide physician-patient relationship 29968
exists. 29969

The board may share any information it receives pursuant 29970
to an investigation or inspection, including patient records and 29971
patient record information, with law enforcement agencies, other 29972
licensing boards, and other governmental agencies that are 29973
prosecuting, adjudicating, or investigating alleged violations 29974
of statutes or administrative rules. An agency or board that 29975
receives the information shall comply with the same requirements 29976
regarding confidentiality as those with which the state medical 29977
board must comply, notwithstanding any conflicting provision of 29978
the Revised Code or procedure of the agency or board that 29979
applies when it is dealing with other information in its 29980
possession. In a judicial proceeding, the information may be 29981

admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate

to recommend without a prior hearing: 30011

(1) That there is clear and convincing evidence that an 30012
individual has violated division (B) of this section; 30013

(2) That the individual's continued practice presents a 30014
danger of immediate and serious harm to the public. 30015

Written allegations shall be prepared for consideration by 30016
the board. The board, upon review of those allegations and by an 30017
affirmative vote of not fewer than six of its members, excluding 30018
the secretary and supervising member, may suspend a license or 30019
certificate without a prior hearing. A telephone conference call 30020
may be utilized for reviewing the allegations and taking the 30021
vote on the summary suspension. 30022

The board shall issue a written order of suspension by 30023
certified mail or in person in accordance with section 119.07 of 30024
the Revised Code. The order shall not be subject to suspension 30025
by the court during pendency of any appeal filed under section 30026
119.12 of the Revised Code. If the individual subject to the 30027
summary suspension requests an adjudicatory hearing by the 30028
board, the date set for the hearing shall be within fifteen 30029
days, but not earlier than seven days, after the individual 30030
requests the hearing, unless otherwise agreed to by both the 30031
board and the individual. 30032

Any summary suspension imposed under this division shall 30033
remain in effect, unless reversed on appeal, until a final 30034
adjudicative order issued by the board pursuant to this section 30035
and Chapter 119. of the Revised Code becomes effective. The 30036
board shall issue its final adjudicative order within seventy- 30037
five days after completion of its hearing. A failure to issue 30038
the order within seventy-five days shall result in dissolution 30039

of the summary suspension order but shall not invalidate any 30040
subsequent, final adjudicative order. 30041

(H) If the board takes action under division (B) (9), (11), 30042
or (13) of this section and the judicial finding of guilt, 30043
guilty plea, or judicial finding of eligibility for intervention 30044
in lieu of conviction is overturned on appeal, upon exhaustion 30045
of the criminal appeal, a petition for reconsideration of the 30046
order may be filed with the board along with appropriate court 30047
documents. Upon receipt of a petition of that nature and 30048
supporting court documents, the board shall reinstate the 30049
individual's license or certificate to practice. The board may 30050
then hold an adjudication under Chapter 119. of the Revised Code 30051
to determine whether the individual committed the act in 30052
question. Notice of an opportunity for a hearing shall be given 30053
in accordance with Chapter 119. of the Revised Code. If the 30054
board finds, pursuant to an adjudication held under this 30055
division, that the individual committed the act or if no hearing 30056
is requested, the board may order any of the sanctions 30057
identified under division (B) of this section. 30058

(I) The license or certificate to practice issued to an 30059
individual under this chapter and the individual's practice in 30060
this state are automatically suspended as of the date of the 30061
individual's second or subsequent plea of guilty to, or judicial 30062
finding of guilt of, a violation of section 2919.123 or 2919.124 30063
of the Revised Code. In addition, the license or certificate to 30064
practice or certificate to recommend issued to an individual 30065
under this chapter and the individual's practice in this state 30066
are automatically suspended as of the date the individual pleads 30067
guilty to, is found by a judge or jury to be guilty of, or is 30068
subject to a judicial finding of eligibility for intervention in 30069
lieu of conviction in this state or treatment or intervention in 30070

lieu of conviction in another jurisdiction for any of the 30071
following criminal offenses in this state or a substantially 30072
equivalent criminal offense in another jurisdiction: aggravated 30073
murder, murder, voluntary manslaughter, felonious assault, 30074
kidnapping, rape, sexual battery, gross sexual imposition, 30075
aggravated arson, aggravated robbery, or aggravated burglary. 30076
Continued practice after suspension shall be considered 30077
practicing without a license or certificate. 30078

The board shall notify the individual subject to the 30079
suspension by certified mail or in person in accordance with 30080
section 119.07 of the Revised Code. If an individual whose 30081
license or certificate is automatically suspended under this 30082
division fails to make a timely request for an adjudication 30083
under Chapter 119. of the Revised Code, the board shall do 30084
whichever of the following is applicable: 30085

(1) If the automatic suspension under this division is for 30086
a second or subsequent plea of guilty to, or judicial finding of 30087
guilt of, a violation of section 2919.123 or 2919.124 of the 30088
Revised Code, the board shall enter an order suspending the 30089
individual's license or certificate to practice for a period of 30090
at least one year or, if determined appropriate by the board, 30091
imposing a more serious sanction involving the individual's 30092
license or certificate to practice. 30093

(2) In all circumstances in which division (I)(1) of this 30094
section does not apply, enter a final order permanently revoking 30095
the individual's license or certificate to practice. 30096

(J) If the board is required by Chapter 119. of the 30097
Revised Code to give notice of an opportunity for a hearing and 30098
if the individual subject to the notice does not timely request 30099
a hearing in accordance with section 119.07 of the Revised Code, 30100

the board is not required to hold a hearing, but may adopt, by 30101
an affirmative vote of not fewer than six of its members, a 30102
final order that contains the board's findings. In that final 30103
order, the board may order any of the sanctions identified under 30104
division (A) or (B) of this section. 30105

(K) Any action taken by the board under division (B) of 30106
this section resulting in a suspension from practice shall be 30107
accompanied by a written statement of the conditions under which 30108
the individual's license or certificate to practice may be 30109
reinstated. The board shall adopt rules governing conditions to 30110
be imposed for reinstatement. Reinstatement of a license or 30111
certificate suspended pursuant to division (B) of this section 30112
requires an affirmative vote of not fewer than six members of 30113
the board. 30114

(L) When the board refuses to grant or issue a license or 30115
certificate to practice to an applicant, revokes an individual's 30116
license or certificate to practice, refuses to renew an 30117
individual's license or certificate to practice, or refuses to 30118
reinstatement an individual's license or certificate to practice, 30119
the board may specify that its action is permanent. An 30120
individual subject to a permanent action taken by the board is 30121
forever thereafter ineligible to hold a license or certificate 30122
to practice and the board shall not accept an application for 30123
reinstatement of the license or certificate or for issuance of a 30124
new license or certificate. 30125

(M) Notwithstanding any other provision of the Revised 30126
Code, all of the following apply: 30127

(1) The surrender of a license or certificate issued under 30128
this chapter shall not be effective unless or until accepted by 30129
the board. A telephone conference call may be utilized for 30130

acceptance of the surrender of an individual's license or 30131
certificate to practice. The telephone conference call shall be 30132
considered a special meeting under division (F) of section 30133
121.22 of the Revised Code. Reinstatement of a license or 30134
certificate surrendered to the board requires an affirmative 30135
vote of not fewer than six members of the board. 30136

(2) An application for a license or certificate made under 30137
the provisions of this chapter may not be withdrawn without 30138
approval of the board. 30139

(3) Failure by an individual to renew a license or 30140
certificate to practice in accordance with this chapter or a 30141
certificate to recommend in accordance with rules adopted under 30142
section 4731.301 of the Revised Code shall not remove or limit 30143
the board's jurisdiction to take any disciplinary action under 30144
this section against the individual. 30145

(4) At the request of the board, a license or certificate 30146
holder shall immediately surrender to the board a license or 30147
certificate that the board has suspended, revoked, or 30148
permanently revoked. 30149

(N) Sanctions shall not be imposed under division (B) (28) 30150
of this section against any person who waives deductibles and 30151
copayments as follows: 30152

(1) In compliance with the health benefit plan that 30153
expressly allows such a practice. Waiver of the deductibles or 30154
copayments shall be made only with the full knowledge and 30155
consent of the plan purchaser, payer, and third-party 30156
administrator. Documentation of the consent shall be made 30157
available to the board upon request. 30158

(2) For professional services rendered to any other person 30159

authorized to practice pursuant to this chapter, to the extent 30160
allowed by this chapter and rules adopted by the board. 30161

(O) Under the board's investigative duties described in 30162
this section and subject to division (F) of this section, the 30163
board shall develop and implement a quality intervention program 30164
designed to improve through remedial education the clinical and 30165
communication skills of individuals authorized under this 30166
chapter to practice medicine and surgery, osteopathic medicine 30167
and surgery, and podiatric medicine and surgery. In developing 30168
and implementing the quality intervention program, the board may 30169
do all of the following: 30170

(1) Offer in appropriate cases as determined by the board 30171
an educational and assessment program pursuant to an 30172
investigation the board conducts under this section; 30173

(2) Select providers of educational and assessment 30174
services, including a quality intervention program panel of case 30175
reviewers; 30176

(3) Make referrals to educational and assessment service 30177
providers and approve individual educational programs 30178
recommended by those providers. The board shall monitor the 30179
progress of each individual undertaking a recommended individual 30180
educational program. 30181

(4) Determine what constitutes successful completion of an 30182
individual educational program and require further monitoring of 30183
the individual who completed the program or other action that 30184
the board determines to be appropriate; 30185

(5) Adopt rules in accordance with Chapter 119. of the 30186
Revised Code to further implement the quality intervention 30187
program. 30188

An individual who participates in an individual 30189
educational program pursuant to this division shall pay the 30190
financial obligations arising from that educational program. 30191

(P) The board shall not refuse to issue a license to an 30192
applicant because of a conviction, plea of guilty, judicial 30193
finding of guilt, judicial finding of eligibility for 30194
intervention in lieu of conviction, or the commission of an act 30195
that constitutes a criminal offense, unless the refusal is in 30196
accordance with section 9.79 of the Revised Code. 30197

Sec. 4734.31. (A) The state chiropractic board may take 30198
any of the actions specified in division (B) of this section 30199
against an individual who has applied for or holds a license to 30200
practice chiropractic in this state if any of the reasons 30201
specified in division (C) of this section for taking action 30202
against an individual are applicable. Except as provided in 30203
division (D) of this section, actions taken against an 30204
individual shall be taken in accordance with Chapter 119. of the 30205
Revised Code. The board may specify that any action it takes is 30206
a permanent action. The board's authority to take action against 30207
an individual is not removed or limited by the individual's 30208
failure to renew a license. 30209

(B) In its imposition of sanctions against an individual, 30210
the board may do any of the following: 30211

(1) Except as provided in division (I) of this section, 30212
refuse to issue, renew, restore, or reinstate a license to 30213
practice chiropractic or a certificate to practice acupuncture; 30214

(2) Reprimand or censure a license holder; 30215

(3) Place limits, restrictions, or probationary conditions 30216
on a license holder's practice; 30217

- (4) Impose a civil fine of not more than five thousand dollars according to a schedule of fines specified in rules that the board shall adopt in accordance with Chapter 119. of the Revised Code. 30218
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- (5) Suspend a license to practice chiropractic or a certificate to practice acupuncture for a limited or indefinite period; 30222
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- (6) Revoke a license to practice chiropractic or a certificate to practice acupuncture. 30225
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- (C) The board may take the actions specified in division (B) of this section for any of the following reasons: 30227
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- (1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony in any jurisdiction, in which case a certified copy of the court record shall be conclusive evidence of the conviction; 30229
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- (2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 30234
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- (3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude, as determined by the board, in which case a certified copy of the court record shall be conclusive evidence of the matter; 30237
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- (4) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 30242
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- (5) A plea of guilty to, a judicial finding of guilt of, 30245

or a judicial finding of eligibility for intervention in lieu of 30246
conviction for, a misdemeanor committed in the course of 30247
practice, in which case a certified copy of the court record 30248
shall be conclusive evidence of the matter; 30249

(6) Commission of an act in the course of practice that 30250
constitutes a misdemeanor in this state, regardless of the 30251
jurisdiction in which the act was committed; 30252

(7) A violation or attempted violation of this chapter or 30253
the rules adopted under it governing the practice of 30254
chiropractic, animal chiropractic, or acupuncture by a 30255
chiropractor licensed under this chapter; 30256

(8) Failure to cooperate in an investigation conducted by 30257
the board, including failure to comply with a subpoena or order 30258
issued by the board or failure to answer truthfully a question 30259
presented by the board at a deposition or in written 30260
interrogatories, except that failure to cooperate with an 30261
investigation shall not constitute grounds for discipline under 30262
this section if the board or a court of competent jurisdiction 30263
has issued an order that either quashes a subpoena or permits 30264
the individual to withhold the testimony or evidence in issue; 30265

(9) Engaging in an ongoing professional relationship with 30266
a person or entity that violates any provision of this chapter 30267
or the rules adopted under it, unless the chiropractor makes a 30268
good faith effort to have the person or entity comply with the 30269
provisions; 30270

(10) Retaliating against a chiropractor for the 30271
chiropractor's reporting to the board or any other agency with 30272
jurisdiction any violation of the law or for cooperating with 30273
the board of another agency in the investigation of any 30274

violation of the law;	30275
(11) Aiding, abetting, assisting, counseling, or	30276
conspiring with any person in that person's violation of any	30277
provision of this chapter or the rules adopted under it,	30278
including the practice of chiropractic without a license, the	30279
practice of animal chiropractic in violation of section 4734.151	30280
of the Revised Code, the practice of acupuncture without a	30281
certificate, or aiding, abetting, assisting, counseling, or	30282
conspiring with any person in that person's unlicensed practice	30283
of any other health care profession that has licensing	30284
requirements;	30285
(12) With respect to a report or record that is made,	30286
filed, or signed in connection with the practice of	30287
chiropractic, animal chiropractic, or acupuncture, knowingly	30288
making or filing a report or record that is false, intentionally	30289
or negligently failing to file a report or record required by	30290
federal, state, or local law or willfully impeding or	30291
obstructing the required filing, or inducing another person to	30292
engage in any such acts;	30293
(13) Making a false, fraudulent, or deceitful statement to	30294
the board or any agent of the board during any investigation or	30295
other official proceeding conducted by the board under this	30296
chapter or in any filing that must be submitted to the board;	30297
(14) Attempting to secure a license to practice	30298
chiropractic, authorization to practice animal chiropractic, or	30299
a certificate to practice acupuncture, or to corrupt the outcome	30300
of an official board proceeding, through bribery or any other	30301
improper means;	30302
(15) Willfully obstructing or hindering the board or any	30303

agent of the board in the discharge of the board's duties; 30304

(16) Habitually using drugs or intoxicants to the extent 30305
that the person is rendered unfit for the practice of 30306
chiropractic, animal chiropractic, or acupuncture; 30307

(17) Inability to practice chiropractic, animal 30308
chiropractic, or acupuncture according to acceptable and 30309
prevailing standards of care by reason of chemical dependency, 30310
mental illness, or physical illness, including conditions in 30311
which physical deterioration has adversely affected the person's 30312
cognitive, motor, or perceptive skills and conditions in which a 30313
chiropractor's continued practice may pose a danger to the 30314
chiropractor or the public; 30315

(18) Any act constituting gross immorality relative to the 30316
person's practice of chiropractic, animal chiropractic, or 30317
acupuncture, including acts involving sexual abuse, sexual 30318
misconduct, or sexual exploitation; 30319

(19) Exploiting a patient for personal or financial gain; 30320

(20) Failing to maintain proper, accurate, and legible 30321
records in the English language documenting each patient's care, 30322
including, as appropriate, records of the following: dates of 30323
treatment, services rendered, examinations, tests, x-ray 30324
reports, referrals, and the diagnosis or clinical impression and 30325
clinical treatment plan provided to the patient; 30326

(21) Except as otherwise required by the board or by law, 30327
disclosing patient information gained during the chiropractor's 30328
professional relationship with a patient without obtaining the 30329
patient's authorization for the disclosure; 30330

(22) Commission of willful or gross malpractice, or 30331
willful or gross neglect, in the practice of chiropractic, 30332

animal chiropractic, or acupuncture;	30333
(23) Failing to perform or negligently performing an act	30334
recognized by the board as a general duty or the exercise of due	30335
care in the practice of chiropractic, animal chiropractic, or	30336
acupuncture, regardless of whether injury results to a patient	30337
from the failure to perform or negligent performance of the act;	30338
(24) Engaging in any conduct or practice that impairs or	30339
may impair the ability to practice chiropractic, animal	30340
chiropractic, or acupuncture safely and skillfully;	30341
(25) Practicing, or claiming to be capable of practicing,	30342
beyond the scope of the practice of chiropractic, animal	30343
chiropractic, or acupuncture as established under this chapter	30344
and the rules adopted under this chapter;	30345
(26) Accepting and performing professional	30346
responsibilities as a chiropractor, animal chiropractic	30347
practitioner, or chiropractor with a certificate to practice	30348
acupuncture when not qualified to perform those	30349
responsibilities, if the person knew or had reason to know that	30350
the person was not qualified to perform them;	30351
(27) Delegating any of the professional responsibilities	30352
of a chiropractor, animal chiropractic practitioner, or	30353
chiropractor with a certificate to practice acupuncture to an	30354
employee or other individual when the delegating chiropractor	30355
knows or had reason to know that the employee or other	30356
individual is not qualified by training, experience, or	30357
professional licensure to perform the responsibilities;	30358
(28) Delegating any of the professional responsibilities	30359
of a chiropractor, animal chiropractic practitioner, or	30360
chiropractor with a certificate to practice acupuncture to an	30361

employee or other individual in a negligent manner or failing to	30362
provide proper supervision of the employee or other individual	30363
to whom the responsibilities are delegated;	30364
(29) Failing to refer a patient to another health care	30365
practitioner for consultation or treatment when the chiropractor	30366
knows or has reason to know that the referral is in the best	30367
interest of the patient;	30368
(30) Obtaining or attempting to obtain any fee or other	30369
advantage by fraud or misrepresentation;	30370
(31) Making misleading, deceptive, false, or fraudulent	30371
representations in the practice of chiropractic, animal	30372
chiropractic, or acupuncture;	30373
(32) Being guilty of false, fraudulent, deceptive, or	30374
misleading advertising or other solicitations for patients or	30375
knowingly having professional connection with any person that	30376
advertises or solicits for patients in such a manner;	30377
(33) Violation of a provision of any code of ethics	30378
established or adopted by the board under section 4734.16 of the	30379
Revised Code;	30380
(34) Failing to meet the examination requirements for	30381
receipt of a license specified under section 4734.20 of the	30382
Revised Code;	30383
(35) Actions taken for any reason, other than nonpayment	30384
of fees, by the chiropractic or acupuncture licensing authority	30385
of another state or country;	30386
(36) Failing to maintain clean and sanitary conditions at	30387
the clinic, office, or other place in which chiropractic	30388
services, animal chiropractic services, or acupuncture services	30389

are provided; 30390

(37) Except as provided in division (G) of this section: 30391

(a) Waiving the payment of all or any part of a deductible 30392
or copayment that a patient, pursuant to a health insurance or 30393
health care policy, contract, or plan that covers the 30394
chiropractor's services, otherwise would be required to pay if 30395
the waiver is used as an enticement to a patient or group of 30396
patients to receive health care services from that chiropractor; 30397

(b) Advertising that the chiropractor will waive the 30398
payment of all or any part of a deductible or copayment that a 30399
patient, pursuant to a health insurance or health care policy, 30400
contract, or plan that covers the chiropractor's services, 30401
otherwise would be required to pay. 30402

(38) Failure to supervise an acupuncturist in accordance 30403
with the provisions of section 4762.11 of the Revised Code that 30404
are applicable to a supervising chiropractor. 30405

(D) The adjudication requirements of Chapter 119. of the 30406
Revised Code apply to the board when taking actions against an 30407
individual under this section, except as follows: 30408

(1) An applicant is not entitled to an adjudication for 30409
failing to meet the conditions specified under section 4734.20 30410
of the Revised Code for receipt of a license that involve the 30411
board's examination on jurisprudence or the examinations of the 30412
national board of chiropractic examiners. 30413

(2) A person is not entitled to an adjudication if the 30414
person fails to make a timely request for a hearing, in 30415
accordance with Chapter 119. of the Revised Code. 30416

(3) In lieu of an adjudication, the board may accept the 30417

surrender of a license to practice chiropractic or certificate 30418
to practice acupuncture from a chiropractor. 30419

(4) In lieu of an adjudication, the board may enter into a 30420
consent agreement with an individual to resolve an allegation of 30421
a violation of this chapter or any rule adopted under it. A 30422
consent agreement, when ratified by the board, shall constitute 30423
the findings and order of the board with respect to the matter 30424
addressed in the agreement. If the board refuses to ratify a 30425
consent agreement, the admissions and findings contained in the 30426
consent agreement shall be of no force or effect. 30427

(E) (1) This section does not require the board to hire, 30428
contract with, or retain the services of an expert witness when 30429
the board takes action against a chiropractor concerning 30430
compliance with acceptable and prevailing standards of care in 30431
the practice of chiropractic or acupuncture. As part of an 30432
action taken concerning compliance with acceptable and 30433
prevailing standards of care, the board may rely on the 30434
knowledge of its members for purposes of making a determination 30435
of compliance, notwithstanding any expert testimony presented by 30436
the chiropractor that contradicts the knowledge and opinions of 30437
the members of the board. 30438

(2) If the board conducts a review or investigation or 30439
takes action against a chiropractor concerning an allegation of 30440
harm to an animal from the practice of animal chiropractic, the 30441
board shall retain as an expert witness a licensed veterinarian 30442
who holds a current, valid certification from a credentialing 30443
organization specified in division (A) (3) of section 4734.151 of 30444
the Revised Code. 30445

(F) The sealing or expungement of conviction records by a 30446
court shall have no effect on a prior board order entered under 30447

this section or on the board's jurisdiction to take action under 30448
this section if, based on a plea of guilty, a judicial finding 30449
of guilt, or a judicial finding of eligibility for intervention 30450
in lieu of conviction, the board issued a notice of opportunity 30451
for a hearing prior to the court's order to seal or expunge the 30452
records. The board shall not be required to seal, destroy, 30453
redact, or otherwise modify its records to reflect the court's 30454
sealing or expungement of conviction records. 30455

(G) Actions shall not be taken pursuant to division (C) 30456
(37) of this section against any chiropractor who waives 30457
deductibles and copayments as follows: 30458

(1) In compliance with the health benefit plan that 30459
expressly allows a practice of that nature. Waiver of the 30460
deductibles or copayments shall be made only with the full 30461
knowledge and consent of the plan purchaser, payer, and third- 30462
party administrator. Documentation of the consent shall be made 30463
available to the board upon request. 30464

(2) For professional services rendered to any other person 30465
licensed pursuant to this chapter, to the extent allowed by this 30466
chapter and the rules of the board. 30467

(H) As used in this section, "animal chiropractic" and 30468
"animal chiropractic practitioner" have the same meanings as in 30469
section 4734.151 of the Revised Code. 30470

(I) The board shall not refuse to issue a license to an 30471
applicant because of a conviction, plea of guilty, judicial 30472
finding of guilt, judicial finding of eligibility for 30473
intervention in lieu of conviction, or the commission of an act 30474
that constitutes a criminal offense, unless the refusal is in 30475
accordance with section 9.79 of the Revised Code. 30476

Sec. 4752.09. (A) The state board of pharmacy may, in 30477
accordance with Chapter 119. of the Revised Code, impose any one 30478
or more of the following sanctions on an applicant for a license 30479
or certificate of registration issued under this chapter or a 30480
license or certificate holder for any of the causes set forth in 30481
division (B) of this section: 30482

(1) Suspend, revoke, restrict, limit, or refuse to grant 30483
or renew a license or certificate of registration; 30484

(2) Reprimand or place the license or certificate holder 30485
on probation; 30486

(3) Impose a monetary penalty or forfeiture not to exceed 30487
in severity any fine designated under the Revised Code for a 30488
similar offense or not more than five thousand dollars if the 30489
acts committed are not classified as an offense by the Revised 30490
Code. 30491

(B) The board may impose the sanctions listed in division 30492
(A) of this section for any of the following: 30493

(1) Violation of any provision of this chapter or an order 30494
or rule of the board, as those provisions, orders, or rules are 30495
applicable to persons licensed under this chapter; 30496

(2) A plea of guilty to or a judicial finding of guilt of 30497
a felony or a misdemeanor that involves dishonesty or is 30498
directly related to the provision of home medical equipment 30499
services; 30500

(3) Making a material misstatement in furnishing 30501
information to the board; 30502

(4) Professional incompetence; 30503

(5) Being guilty of negligence or gross misconduct in 30504

providing home medical equipment services;	30505
(6) Aiding, assisting, or willfully permitting another person to violate any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;	30506 30507 30508 30509
(7) Failing to provide information in response to a written request by the board;	30510 30511
(8) Engaging in conduct likely to deceive, defraud, or harm the public;	30512 30513
(9) Denial, revocation, suspension, or restriction of a license to provide home medical equipment services, for any reason other than failure to renew, in another state or jurisdiction;	30514 30515 30516 30517
(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered;	30518 30519 30520
(11) Knowingly making or filing false records, reports, or billings in the course of providing home medical equipment services, including false records, reports, or billings prepared for or submitted to state and federal agencies or departments;	30521 30522 30523 30524
(12) Failing to comply with federal rules issued pursuant to the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers;	30525 30526 30527 30528 30529
(13) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4752.17 of the Revised Code.	30530 30531 30532

(C) Notwithstanding any provision of divisions (A) and (B) 30533
of this section to the contrary, the board shall not refuse to 30534
issue a license or certificate of registration to an applicant 30535
because of a plea of guilty to or a judicial finding of guilt of 30536
an offense unless the refusal is in accordance with section 9.79 30537
of the Revised Code. 30538

(D) The state board of pharmacy immediately may suspend a 30539
license without a hearing if it determines that there is 30540
evidence that the license holder is subject to actions under 30541
this section and that there is clear and convincing evidence 30542
that continued operation by the license holder presents an 30543
immediate and serious harm to the public. The board shall follow 30544
the procedure for suspension without a prior hearing in section 30545
119.07 of the Revised Code. The board may vote on the suspension 30546
by way of a telephone conference call. 30547

A suspension under this division shall remain in effect, 30548
unless reversed by the board, until a final adjudication order 30549
issued by the board pursuant to this section and Chapter 119. of 30550
the Revised Code becomes effective. The board shall issue its 30551
final adjudication order not later than ninety days after 30552
completion of the hearing. The board's failure to issue the 30553
order by that day shall cause the summary suspension to end, but 30554
shall not affect the validity of any subsequent final 30555
adjudication order. 30556

(E) If the board is required under Chapter 119. of the 30557
Revised Code to give notice of an opportunity for a hearing and 30558
the applicant or license or certificate holder does not make a 30559
timely request for a hearing in accordance with section 119.07 30560
of the Revised Code, the board is not required to hold a 30561
hearing, but may adopt a final order that contains the board's 30562

findings. In the final order, the board may impose any of the 30563
sanctions listed in division (A) of this section. 30564

(F) Notwithstanding the provision of division ~~(C) (2)~~ (D) 30565
(2) of section 2953.32 of the Revised Code specifying that if 30566
records pertaining to a criminal case are sealed or expunged 30567
under that section the proceedings in the case must be deemed 30568
not to have occurred, sealing or expungement of the following 30569
records on which the board has based an action under this 30570
section shall have no effect on the board's action or any 30571
sanction imposed by the board under this section: records of any 30572
conviction, guilty plea, judicial finding of guilt resulting 30573
from a plea of no contest, or a judicial finding of eligibility 30574
for a pretrial diversion program or intervention in lieu of 30575
conviction. The board shall not be required to seal, destroy, 30576
redact, or otherwise modify its records to reflect the court's 30577
sealing or expungement of conviction records. 30578

Sec. 4759.07. (A) The state medical board, by an 30579
affirmative vote of not fewer than six members, shall, except as 30580
provided in division (B) of this section, and to the extent 30581
permitted by law, limit, revoke, or suspend an individual's 30582
license or limited permit, refuse to issue a license or limited 30583
permit to an individual, refuse to renew a license or limited 30584
permit, refuse to reinstate a license or limited permit, or 30585
reprimand or place on probation the holder of a license or 30586
limited permit for one or more of the following reasons: 30587

(1) Except when civil penalties are imposed under section 30588
4759.071 of the Revised Code, violating or attempting to 30589
violate, directly or indirectly, or assisting in or abetting the 30590
violation of, or conspiring to violate, any provision of this 30591
chapter or the rules adopted by the board; 30592

(2) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of dietetics; or in securing or attempting to secure any license or permit issued by the board under this chapter. 30593
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As used in division (A) (2) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 30598
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(3) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board; 30606
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(4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 30610
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(5) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 30613
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(6) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 30616
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(7) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the 30620
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jurisdiction in which the act was committed;	30622
(8) A plea of guilty to, a judicial finding of guilt of,	30623
or a judicial finding of eligibility for intervention in lieu of	30624
conviction for, a misdemeanor involving moral turpitude;	30625
(9) Commission of an act involving moral turpitude that	30626
constitutes a misdemeanor in this state, regardless of the	30627
jurisdiction in which the act was committed;	30628
(10) A record of engaging in incompetent or negligent	30629
conduct in the practice of dietetics;	30630
(11) A departure from, or failure to conform to, minimal	30631
standards of care of similar practitioners under the same or	30632
similar circumstances, whether or not actual injury to a patient	30633
is established;	30634
(12) The obtaining of, or attempting to obtain, money or	30635
anything of value by fraudulent misrepresentations in the course	30636
of practice;	30637
(13) Violation of the conditions of limitation placed by	30638
the board on a license or permit;	30639
(14) Inability to practice according to acceptable and	30640
prevailing standards of care by reason of mental illness or	30641
physical illness, including, physical deterioration that	30642
adversely affects cognitive, motor, or perceptive skills;	30643
(15) Any of the following actions taken by an agency	30644
responsible for authorizing, certifying, or regulating an	30645
individual to practice a health care occupation or provide	30646
health care services in this state or another jurisdiction, for	30647
any reason other than the nonpayment of fees: the limitation,	30648
revocation, or suspension of an individual's license; acceptance	30649

of an individual's license surrender; denial of a license; 30650
refusal to renew or reinstate a license; imposition of 30651
probation; or issuance of an order of censure or other 30652
reprimand; 30653

(16) The revocation, suspension, restriction, reduction, 30654
or termination of practice privileges by the United States 30655
department of defense or department of veterans affairs; 30656

(17) Termination or suspension from participation in the 30657
medicare or medicaid programs by the department of health and 30658
human services or other responsible agency for any act or acts 30659
that also would constitute a violation of division (A) (11), 30660
(12), or (14) of this section; 30661

(18) Impairment of ability to practice according to 30662
acceptable and prevailing standards of care because of habitual 30663
or excessive use or abuse of drugs, alcohol, or other substances 30664
that impair ability to practice; 30665

(19) Failure to cooperate in an investigation conducted by 30666
the board under division (B) of section 4759.05 of the Revised 30667
Code, including failure to comply with a subpoena or order 30668
issued by the board or failure to answer truthfully a question 30669
presented by the board in an investigative interview, an 30670
investigative office conference, at a deposition, or in written 30671
interrogatories, except that failure to cooperate with an 30672
investigation shall not constitute grounds for discipline under 30673
this section if a court of competent jurisdiction has issued an 30674
order that either quashes a subpoena or permits the individual 30675
to withhold the testimony or evidence in issue; 30676

(20) Representing with the purpose of obtaining 30677
compensation or other advantage as personal gain or for any 30678

other person, that an incurable disease or injury, or other 30679
incurable condition, can be permanently cured. 30680

(B) The board shall not refuse to issue a license or 30681
limited permit to an applicant because of a plea of guilty to, a 30682
judicial finding of guilt of, or a judicial finding of 30683
eligibility for intervention in lieu of conviction for an 30684
offense unless the refusal is in accordance with section 9.79 of 30685
the Revised Code. 30686

(C) Any action taken by the board under division (A) of 30687
this section resulting in a suspension from practice shall be 30688
accompanied by a written statement of the conditions under which 30689
the individual's license or permit may be reinstated. The board 30690
shall adopt rules governing conditions to be imposed for 30691
reinstatement. Reinstatement of a license or permit suspended 30692
pursuant to division (A) of this section requires an affirmative 30693
vote of not fewer than six members of the board. 30694

(D) When the board refuses to grant or issue a license or 30695
permit to an applicant, revokes an individual's license or 30696
permit, refuses to renew an individual's license or permit, or 30697
refuses to reinstate an individual's license or permit, the 30698
board may specify that its action is permanent. An individual 30699
subject to a permanent action taken by the board is forever 30700
thereafter ineligible to hold a license or permit and the board 30701
shall not accept an application for reinstatement of the license 30702
or permit or for issuance of a new license or permit. 30703

(E) Disciplinary actions taken by the board under division 30704
(A) of this section shall be taken pursuant to an adjudication 30705
under Chapter 119. of the Revised Code, except that in lieu of 30706
an adjudication, the board may enter into a consent agreement 30707
with an individual to resolve an allegation of a violation of 30708

this chapter or any rule adopted under it. A consent agreement, 30709
when ratified by an affirmative vote of not fewer than six 30710
members of the board, shall constitute the findings and order of 30711
the board with respect to the matter addressed in the agreement. 30712
If the board refuses to ratify a consent agreement, the 30713
admissions and findings contained in the consent agreement shall 30714
be of no force or effect. 30715

A telephone conference call may be utilized for 30716
ratification of a consent agreement that revokes or suspends an 30717
individual's license or permit. The telephone conference call 30718
shall be considered a special meeting under division (F) of 30719
section 121.22 of the Revised Code. 30720

(F) In enforcing division (A)(14) of this section, the 30721
board, upon a showing of a possible violation, may compel any 30722
individual authorized to practice by this chapter or who has 30723
submitted an application pursuant to this chapter to submit to a 30724
mental examination, physical examination, including an HIV test, 30725
or both a mental and a physical examination. The expense of the 30726
examination is the responsibility of the individual compelled to 30727
be examined. Failure to submit to a mental or physical 30728
examination or consent to an HIV test ordered by the board 30729
constitutes an admission of the allegations against the 30730
individual unless the failure is due to circumstances beyond the 30731
individual's control, and a default and final order may be 30732
entered without the taking of testimony or presentation of 30733
evidence. If the board finds an individual unable to practice 30734
because of the reasons set forth in division (A)(14) of this 30735
section, the board shall require the individual to submit to 30736
care, counseling, or treatment by physicians approved or 30737
designated by the board, as a condition for initial, continued, 30738
reinstated, or renewed authority to practice. An individual 30739

affected under this division shall be afforded an opportunity to 30740
demonstrate to the board the ability to resume practice in 30741
compliance with acceptable and prevailing standards under the 30742
provisions of the individual's license or permit. For the 30743
purpose of division (A)(14) of this section, any individual who 30744
applies for or receives a license or permit under this chapter 30745
accepts the privilege of practicing in this state and, by so 30746
doing, shall be deemed to have given consent to submit to a 30747
mental or physical examination when directed to do so in writing 30748
by the board, and to have waived all objections to the 30749
admissibility of testimony or examination reports that 30750
constitute a privileged communication. 30751

(G) For the purposes of division (A)(18) of this section, 30752
any individual authorized to practice by this chapter accepts 30753
the privilege of practicing in this state subject to supervision 30754
by the board. By filing an application for or holding a license 30755
or permit under this chapter, an individual shall be deemed to 30756
have given consent to submit to a mental or physical examination 30757
when ordered to do so by the board in writing, and to have 30758
waived all objections to the admissibility of testimony or 30759
examination reports that constitute privileged communications. 30760

If it has reason to believe that any individual authorized 30761
to practice by this chapter or any applicant for a license or 30762
permit suffers such impairment, the board may compel the 30763
individual to submit to a mental or physical examination, or 30764
both. The expense of the examination is the responsibility of 30765
the individual compelled to be examined. Any mental or physical 30766
examination required under this division shall be undertaken by 30767
a treatment provider or physician who is qualified to conduct 30768
the examination and who is chosen by the board. 30769

Failure to submit to a mental or physical examination 30770
ordered by the board constitutes an admission of the allegations 30771
against the individual unless the failure is due to 30772
circumstances beyond the individual's control, and a default and 30773
final order may be entered without the taking of testimony or 30774
presentation of evidence. If the board determines that the 30775
individual's ability to practice is impaired, the board shall 30776
suspend the individual's license or permit or deny the 30777
individual's application and shall require the individual, as a 30778
condition for an initial, continued, reinstated, or renewed 30779
license or permit, to submit to treatment. 30780

Before being eligible to apply for reinstatement of a 30781
license or permit suspended under this division, the impaired 30782
practitioner shall demonstrate to the board the ability to 30783
resume practice in compliance with acceptable and prevailing 30784
standards of care under the provisions of the practitioner's 30785
license or permit. The demonstration shall include, but shall 30786
not be limited to, the following: 30787

(1) Certification from a treatment provider approved under 30788
section 4731.25 of the Revised Code that the individual has 30789
successfully completed any required inpatient treatment; 30790

(2) Evidence of continuing full compliance with an 30791
aftercare contract or consent agreement; 30792

(3) Two written reports indicating that the individual's 30793
ability to practice has been assessed and that the individual 30794
has been found capable of practicing according to acceptable and 30795
prevailing standards of care. The reports shall be made by 30796
individuals or providers approved by the board for making the 30797
assessments and shall describe the basis for their 30798
determination. 30799

The board may reinstate a license or permit suspended 30800
under this division after that demonstration and after the 30801
individual has entered into a written consent agreement. 30802

When the impaired practitioner resumes practice, the board 30803
shall require continued monitoring of the individual. The 30804
monitoring shall include, but not be limited to, compliance with 30805
the written consent agreement entered into before reinstatement 30806
or with conditions imposed by board order after a hearing, and, 30807
upon termination of the consent agreement, submission to the 30808
board for at least two years of annual written progress reports 30809
made under penalty of perjury stating whether the individual has 30810
maintained sobriety. 30811

(H) If the secretary and supervising member determine both 30812
of the following, they may recommend that the board suspend an 30813
individual's license or permit without a prior hearing: 30814

(1) That there is clear and convincing evidence that an 30815
individual has violated division (A) of this section; 30816

(2) That the individual's continued practice presents a 30817
danger of immediate and serious harm to the public. 30818

Written allegations shall be prepared for consideration by 30819
the board. The board, upon review of those allegations and by an 30820
affirmative vote of not fewer than six of its members, excluding 30821
the secretary and supervising member, may suspend a license or 30822
permit without a prior hearing. A telephone conference call may 30823
be utilized for reviewing the allegations and taking the vote on 30824
the summary suspension. 30825

The board shall issue a written order of suspension by 30826
certified mail or in person in accordance with section 119.07 of 30827
the Revised Code. The order shall not be subject to suspension 30828

by the court during pendency of any appeal filed under section 30829
119.12 of the Revised Code. If the individual subject to the 30830
summary suspension requests an adjudicatory hearing by the 30831
board, the date set for the hearing shall be within fifteen 30832
days, but not earlier than seven days, after the individual 30833
requests the hearing, unless otherwise agreed to by both the 30834
board and the individual. 30835

Any summary suspension imposed under this division shall 30836
remain in effect, unless reversed on appeal, until a final 30837
adjudicative order issued by the board pursuant to this section 30838
and Chapter 119. of the Revised Code becomes effective. The 30839
board shall issue its final adjudicative order within seventy- 30840
five days after completion of its hearing. A failure to issue 30841
the order within seventy-five days shall result in dissolution 30842
of the summary suspension order but shall not invalidate any 30843
subsequent, final adjudicative order. 30844

(I) If the board is required by Chapter 119. of the 30845
Revised Code to give notice of an opportunity for a hearing and 30846
if the individual subject to the notice does not timely request 30847
a hearing in accordance with section 119.07 of the Revised Code, 30848
the board is not required to hold a hearing, but may adopt, by 30849
an affirmative vote of not fewer than six of its members, a 30850
final order that contains the board's findings. In the final 30851
order, the board may order any of the sanctions identified under 30852
division (A) of this section. 30853

(J) For purposes of divisions (A) (5), (7), and (9) of this 30854
section, the commission of the act may be established by a 30855
finding by the board, pursuant to an adjudication under Chapter 30856
119. of the Revised Code, that the individual committed the act. 30857
The board does not have jurisdiction under those divisions if 30858

the trial court renders a final judgment in the individual's 30859
favor and that judgment is based upon an adjudication on the 30860
merits. The board has jurisdiction under those divisions if the 30861
trial court issues an order of dismissal upon technical or 30862
procedural grounds. 30863

(K) The sealing or expungement of conviction records by 30864
any court shall have no effect upon a prior board order entered 30865
under this section or upon the board's jurisdiction to take 30866
action under this section if, based upon a plea of guilty, a 30867
judicial finding of guilt, or a judicial finding of eligibility 30868
for intervention in lieu of conviction, the board issued a 30869
notice of opportunity for a hearing prior to the court's order 30870
to seal or expunge the records. The board shall not be required 30871
to seal, destroy, redact, or otherwise modify its records to 30872
reflect the court's sealing or expungement of conviction 30873
records. 30874

(L) If the board takes action under division (A) (4), (6), 30875
or (8) of this section, and the judicial finding of guilt, 30876
guilty plea, or judicial finding of eligibility for intervention 30877
in lieu of conviction is overturned on appeal, upon exhaustion 30878
of the criminal appeal, a petition for reconsideration of the 30879
order may be filed with the board along with appropriate court 30880
documents. Upon receipt of a petition for reconsideration and 30881
supporting court documents, the board shall reinstate the 30882
individual's license or permit. The board may then hold an 30883
adjudication under Chapter 119. of the Revised Code to determine 30884
whether the individual committed the act in question. Notice of 30885
an opportunity for a hearing shall be given in accordance with 30886
Chapter 119. of the Revised Code. If the board finds, pursuant 30887
to an adjudication held under this division, that the individual 30888
committed the act or if no hearing is requested, the board may 30889

order any of the sanctions identified under division (A) of this section. 30890
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(M) The license or permit issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or permit. 30892
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The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license or permit is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license or permit. 30906
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(N) Notwithstanding any other provision of the Revised Code, all of the following apply: 30913
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(1) The surrender of a license or permit issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a 30915
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special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or permit in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

Sec. 4760.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as an anesthesiologist assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as an anesthesiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

- (1) Permitting the holder's name or license to be used by another person; 30949
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- (2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 30951
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- (3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 30954
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- (4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 30958
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- (5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 30962
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- (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 30966
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- (7) Willfully betraying a professional confidence; 30970
- (8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant. 30971
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- As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive 30974
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because of a failure to disclose material facts, is intended or 30977
is likely to create false or unjustified expectations of 30978
favorable results, or includes representations or implications 30979
that in reasonable probability will cause an ordinarily prudent 30980
person to misunderstand or be deceived. 30981

(9) The obtaining of, or attempting to obtain, money or a 30982
thing of value by fraudulent misrepresentations in the course of 30983
practice; 30984

(10) A plea of guilty to, a judicial finding of guilt of, 30985
or a judicial finding of eligibility for intervention in lieu of 30986
conviction for, a felony; 30987

(11) Commission of an act that constitutes a felony in 30988
this state, regardless of the jurisdiction in which the act was 30989
committed; 30990

(12) A plea of guilty to, a judicial finding of guilt of, 30991
or a judicial finding of eligibility for intervention in lieu of 30992
conviction for, a misdemeanor committed in the course of 30993
practice; 30994

(13) A plea of guilty to, a judicial finding of guilt of, 30995
or a judicial finding of eligibility for intervention in lieu of 30996
conviction for, a misdemeanor involving moral turpitude; 30997

(14) Commission of an act in the course of practice that 30998
constitutes a misdemeanor in this state, regardless of the 30999
jurisdiction in which the act was committed; 31000

(15) Commission of an act involving moral turpitude that 31001
constitutes a misdemeanor in this state, regardless of the 31002
jurisdiction in which the act was committed; 31003

(16) A plea of guilty to, a judicial finding of guilt of, 31004

or a judicial finding of eligibility for intervention in lieu of 31005
conviction for violating any state or federal law regulating the 31006
possession, distribution, or use of any drug, including 31007
trafficking in drugs; 31008

(17) Any of the following actions taken by the state 31009
agency responsible for regulating the practice of 31010
anesthesiologist assistants in another jurisdiction, for any 31011
reason other than the nonpayment of fees: the limitation, 31012
revocation, or suspension of an individual's license to 31013
practice; acceptance of an individual's license surrender; 31014
denial of a license; refusal to renew or reinstate a license; 31015
imposition of probation; or issuance of an order of censure or 31016
other reprimand; 31017

(18) Violation of the conditions placed by the board on a 31018
license to practice; 31019

(19) Failure to use universal blood and body fluid 31020
precautions established by rules adopted under section 4731.051 31021
of the Revised Code; 31022

(20) Failure to cooperate in an investigation conducted by 31023
the board under section 4760.14 of the Revised Code, including 31024
failure to comply with a subpoena or order issued by the board 31025
or failure to answer truthfully a question presented by the 31026
board at a deposition or in written interrogatories, except that 31027
failure to cooperate with an investigation shall not constitute 31028
grounds for discipline under this section if a court of 31029
competent jurisdiction has issued an order that either quashes a 31030
subpoena or permits the individual to withhold the testimony or 31031
evidence in issue; 31032

(21) Failure to comply with any code of ethics established 31033

by the national commission for the certification of 31034
anesthesiologist assistants; 31035

(22) Failure to notify the state medical board of the 31036
revocation or failure to maintain certification from the 31037
national commission for certification of anesthesiologist 31038
assistants. 31039

(C) The board shall not refuse to issue a certificate to 31040
an applicant because of a plea of guilty to, a judicial finding 31041
of guilt of, or a judicial finding of eligibility for 31042
intervention in lieu of conviction for an offense unless the 31043
refusal is in accordance with section 9.79 of the Revised Code. 31044

(D) Disciplinary actions taken by the board under 31045
divisions (A) and (B) of this section shall be taken pursuant to 31046
an adjudication under Chapter 119. of the Revised Code, except 31047
that in lieu of an adjudication, the board may enter into a 31048
consent agreement with an anesthesiologist assistant or 31049
applicant to resolve an allegation of a violation of this 31050
chapter or any rule adopted under it. A consent agreement, when 31051
ratified by an affirmative vote of not fewer than six members of 31052
the board, shall constitute the findings and order of the board 31053
with respect to the matter addressed in the agreement. If the 31054
board refuses to ratify a consent agreement, the admissions and 31055
findings contained in the consent agreement shall be of no force 31056
or effect. 31057

(E) For purposes of divisions (B) (11), (14), and (15) of 31058
this section, the commission of the act may be established by a 31059
finding by the board, pursuant to an adjudication under Chapter 31060
119. of the Revised Code, that the applicant or license holder 31061
committed the act in question. The board shall have no 31062
jurisdiction under these divisions in cases where the trial 31063

court renders a final judgment in the license holder's favor and 31064
that judgment is based upon an adjudication on the merits. The 31065
board shall have jurisdiction under these divisions in cases 31066
where the trial court issues an order of dismissal on technical 31067
or procedural grounds. 31068

(F) The sealing or expungement of conviction records by 31069
any court shall have no effect on a prior board order entered 31070
under the provisions of this section or on the board's 31071
jurisdiction to take action under the provisions of this section 31072
if, based upon a plea of guilty, a judicial finding of guilt, or 31073
a judicial finding of eligibility for intervention in lieu of 31074
conviction, the board issued a notice of opportunity for a 31075
hearing prior to the court's order to seal or expunge the 31076
records. The board shall not be required to seal, destroy, 31077
redact, or otherwise modify its records to reflect the court's 31078
sealing or expungement of conviction records. 31079

(G) For purposes of this division, any individual who 31080
holds a license to practice issued under this chapter, or 31081
applies for a license to practice, shall be deemed to have given 31082
consent to submit to a mental or physical examination when 31083
directed to do so in writing by the board and to have waived all 31084
objections to the admissibility of testimony or examination 31085
reports that constitute a privileged communication. 31086

(1) In enforcing division (B)(5) of this section, the 31087
board, on a showing of a possible violation, may compel any 31088
individual who holds a license to practice issued under this 31089
chapter or who has applied for a license to practice pursuant to 31090
this chapter to submit to a mental or physical examination, or 31091
both. A physical examination may include an HIV test. The 31092
expense of the examination is the responsibility of the 31093

individual compelled to be examined. Failure to submit to a 31094
mental or physical examination or consent to an HIV test ordered 31095
by the board constitutes an admission of the allegations against 31096
the individual unless the failure is due to circumstances beyond 31097
the individual's control, and a default and final order may be 31098
entered without the taking of testimony or presentation of 31099
evidence. If the board finds an anesthesiologist assistant 31100
unable to practice because of the reasons set forth in division 31101
(B) (5) of this section, the board shall require the 31102
anesthesiologist assistant to submit to care, counseling, or 31103
treatment by physicians approved or designated by the board, as 31104
a condition for an initial, continued, reinstated, or renewed 31105
license to practice. An individual affected by this division 31106
shall be afforded an opportunity to demonstrate to the board the 31107
ability to resume practicing in compliance with acceptable and 31108
prevailing standards of care. 31109

(2) For purposes of division (B) (6) of this section, if 31110
the board has reason to believe that any individual who holds a 31111
license to practice issued under this chapter or any applicant 31112
for a license to practice suffers such impairment, the board may 31113
compel the individual to submit to a mental or physical 31114
examination, or both. The expense of the examination is the 31115
responsibility of the individual compelled to be examined. Any 31116
mental or physical examination required under this division 31117
shall be undertaken by a treatment provider or physician 31118
qualified to conduct such examination and chosen by the board. 31119

Failure to submit to a mental or physical examination 31120
ordered by the board constitutes an admission of the allegations 31121
against the individual unless the failure is due to 31122
circumstances beyond the individual's control, and a default and 31123
final order may be entered without the taking of testimony or 31124

presentation of evidence. If the board determines that the 31125
individual's ability to practice is impaired, the board shall 31126
suspend the individual's license or deny the individual's 31127
application and shall require the individual, as a condition for 31128
an initial, continued, reinstated, or renewed license to 31129
practice, to submit to treatment. 31130

Before being eligible to apply for reinstatement of a 31131
license suspended under this division, the anesthesiologist 31132
assistant shall demonstrate to the board the ability to resume 31133
practice in compliance with acceptable and prevailing standards 31134
of care. The demonstration shall include the following: 31135

(a) Certification from a treatment provider approved under 31136
section 4731.25 of the Revised Code that the individual has 31137
successfully completed any required inpatient treatment; 31138

(b) Evidence of continuing full compliance with an 31139
aftercare contract or consent agreement; 31140

(c) Two written reports indicating that the individual's 31141
ability to practice has been assessed and that the individual 31142
has been found capable of practicing according to acceptable and 31143
prevailing standards of care. The reports shall be made by 31144
individuals or providers approved by the board for making such 31145
assessments and shall describe the basis for their 31146
determination. 31147

The board may reinstate a license suspended under this 31148
division after such demonstration and after the individual has 31149
entered into a written consent agreement. 31150

When the impaired anesthesiologist assistant resumes 31151
practice, the board shall require continued monitoring of the 31152
anesthesiologist assistant. The monitoring shall include 31153

monitoring of compliance with the written consent agreement 31154
entered into before reinstatement or with conditions imposed by 31155
board order after a hearing, and, on termination of the consent 31156
agreement, submission to the board for at least two years of 31157
annual written progress reports made under penalty of 31158
falsification stating whether the anesthesiologist assistant has 31159
maintained sobriety. 31160

(H) If the secretary and supervising member determine that 31161
there is clear and convincing evidence that an anesthesiologist 31162
assistant has violated division (B) of this section and that the 31163
individual's continued practice presents a danger of immediate 31164
and serious harm to the public, they may recommend that the 31165
board suspend the individual's license without a prior hearing. 31166
Written allegations shall be prepared for consideration by the 31167
board. 31168

The board, on review of the allegations and by an 31169
affirmative vote of not fewer than six of its members, excluding 31170
the secretary and supervising member, may suspend a license 31171
without a prior hearing. A telephone conference call may be 31172
utilized for reviewing the allegations and taking the vote on 31173
the summary suspension. 31174

The board shall issue a written order of suspension by 31175
certified mail or in person in accordance with section 119.07 of 31176
the Revised Code. The order shall not be subject to suspension 31177
by the court during pendency of any appeal filed under section 31178
119.12 of the Revised Code. If the anesthesiologist assistant 31179
requests an adjudicatory hearing by the board, the date set for 31180
the hearing shall be within fifteen days, but not earlier than 31181
seven days, after the anesthesiologist assistant requests the 31182
hearing, unless otherwise agreed to by both the board and the 31183

license holder. 31184

A summary suspension imposed under this division shall 31185
remain in effect, unless reversed on appeal, until a final 31186
adjudicative order issued by the board pursuant to this section 31187
and Chapter 119. of the Revised Code becomes effective. The 31188
board shall issue its final adjudicative order within sixty days 31189
after completion of its hearing. Failure to issue the order 31190
within sixty days shall result in dissolution of the summary 31191
suspension order, but shall not invalidate any subsequent, final 31192
adjudicative order. 31193

(I) If the board takes action under division (B) (11), 31194
(13), or (14) of this section, and the judicial finding of 31195
guilt, guilty plea, or judicial finding of eligibility for 31196
intervention in lieu of conviction is overturned on appeal, on 31197
exhaustion of the criminal appeal, a petition for 31198
reconsideration of the order may be filed with the board along 31199
with appropriate court documents. On receipt of a petition and 31200
supporting court documents, the board shall reinstate the 31201
license to practice. The board may then hold an adjudication 31202
under Chapter 119. of the Revised Code to determine whether the 31203
individual committed the act in question. Notice of opportunity 31204
for hearing shall be given in accordance with Chapter 119. of 31205
the Revised Code. If the board finds, pursuant to an 31206
adjudication held under this division, that the individual 31207
committed the act, or if no hearing is requested, it may order 31208
any of the sanctions specified in division (B) of this section. 31209

(J) The license to practice of an anesthesiologist 31210
assistant and the assistant's practice in this state are 31211
automatically suspended as of the date the anesthesiologist 31212
assistant pleads guilty to, is found by a judge or jury to be 31213

guilty of, or is subject to a judicial finding of eligibility 31214
for intervention in lieu of conviction in this state or 31215
treatment of intervention in lieu of conviction in another 31216
jurisdiction for any of the following criminal offenses in this 31217
state or a substantially equivalent criminal offense in another 31218
jurisdiction: aggravated murder, murder, voluntary manslaughter, 31219
felonious assault, kidnapping, rape, sexual battery, gross 31220
sexual imposition, aggravated arson, aggravated robbery, or 31221
aggravated burglary. Continued practice after the suspension 31222
shall be considered practicing without a license. 31223

The board shall notify the individual subject to the 31224
suspension by certified mail or in person in accordance with 31225
section 119.07 of the Revised Code. If an individual whose 31226
license is suspended under this division fails to make a timely 31227
request for an adjudication under Chapter 119. of the Revised 31228
Code, the board shall enter a final order permanently revoking 31229
the individual's license to practice. 31230

(K) In any instance in which the board is required by 31231
Chapter 119. of the Revised Code to give notice of opportunity 31232
for hearing and the individual subject to the notice does not 31233
timely request a hearing in accordance with section 119.07 of 31234
the Revised Code, the board is not required to hold a hearing, 31235
but may adopt, by an affirmative vote of not fewer than six of 31236
its members, a final order that contains the board's findings. 31237
In the final order, the board may order any of the sanctions 31238
identified under division (A) or (B) of this section. 31239

(L) Any action taken by the board under division (B) of 31240
this section resulting in a suspension shall be accompanied by a 31241
written statement of the conditions under which the 31242
anesthesiologist assistant's license may be reinstated. The 31243

board shall adopt rules in accordance with Chapter 119. of the 31244
Revised Code governing conditions to be imposed for 31245
reinstatement. Reinstatement of a license suspended pursuant to 31246
division (B) of this section requires an affirmative vote of not 31247
fewer than six members of the board. 31248

(M) When the board refuses to grant or issue a license to 31249
practice as an anesthesiologist assistant to an applicant, 31250
revokes an individual's license, refuses to renew an 31251
individual's license, or refuses to reinstate an individual's 31252
license, the board may specify that its action is permanent. An 31253
individual subject to a permanent action taken by the board is 31254
forever thereafter ineligible to hold a license to practice as 31255
an anesthesiologist assistant and the board shall not accept an 31256
application for reinstatement of the license or for issuance of 31257
a new license. 31258

(N) Notwithstanding any other provision of the Revised 31259
Code, all of the following apply: 31260

(1) The surrender of a license to practice issued under 31261
this chapter is not effective unless or until accepted by the 31262
board. Reinstatement of a license surrendered to the board 31263
requires an affirmative vote of not fewer than six members of 31264
the board. 31265

(2) An application made under this chapter for a license 31266
to practice may not be withdrawn without approval of the board. 31267

(3) Failure by an individual to renew a license to 31268
practice in accordance with section 4760.06 of the Revised Code 31269
shall not remove or limit the board's jurisdiction to take 31270
disciplinary action under this section against the individual. 31271

Sec. 4761.09. (A) The state medical board, by an 31272

affirmative vote of not fewer than six members, shall, except as 31273
provided in division (B) of this section, and to the extent 31274
permitted by law, limit, revoke, or suspend an individual's 31275
license or limited permit, refuse to issue a license or limited 31276
permit to an individual, refuse to renew a license or limited 31277
permit, refuse to reinstate a license or limited permit, or 31278
reprimand or place on probation the holder of a license or 31279
limited permit for one or more of the following reasons: 31280

(1) A plea of guilty to, a judicial finding of guilt of, 31281
or a judicial finding of eligibility for intervention in lieu of 31282
conviction for, a felony; 31283

(2) Commission of an act that constitutes a felony in this 31284
state, regardless of the jurisdiction in which the act was 31285
committed; 31286

(3) A plea of guilty to, a judicial finding of guilt of, 31287
or a judicial finding of eligibility for intervention in lieu of 31288
conviction for, a misdemeanor committed in the course of 31289
practice; 31290

(4) Commission of an act in the course of practice that 31291
constitutes a misdemeanor in this state, regardless of the 31292
jurisdiction in which the act was committed; 31293

(5) A plea of guilty to, a judicial finding of guilt of, 31294
or a judicial finding of eligibility for intervention in lieu of 31295
conviction for, a misdemeanor involving moral turpitude; 31296

(6) Commission of an act involving moral turpitude that 31297
constitutes a misdemeanor in this state, regardless of the 31298
jurisdiction in which the act was committed; 31299

(7) Except when civil penalties are imposed under section 31300
4761.091 of the Revised Code, violating or attempting to 31301

violate, directly or indirectly, or assisting in or abetting the 31302
violation of, or conspiring to violate, any provision of this 31303
chapter or the rules adopted by the board; 31304

(8) Making a false, fraudulent, deceptive, or misleading 31305
statement in the solicitation of or advertising for patients; in 31306
relation to the practice of respiratory care; or in securing or 31307
attempting to secure any license or permit issued by the board 31308
under this chapter. 31309

As used in division (A) (8) of this section, "false, 31310
fraudulent, deceptive, or misleading statement" means a 31311
statement that includes a misrepresentation of fact, is likely 31312
to mislead or deceive because of a failure to disclose material 31313
facts, is intended or is likely to create false or unjustified 31314
expectations of favorable results, or includes representations 31315
or implications that in reasonable probability will cause an 31316
ordinarily prudent person to misunderstand or be deceived. 31317

(9) Committing fraud during the administration of the 31318
examination for a license to practice or committing fraud, 31319
misrepresentation, or deception in applying for, renewing, or 31320
securing any license or permit issued by the board; 31321

(10) A departure from, or failure to conform to, minimal 31322
standards of care of similar practitioners under the same or 31323
similar circumstances, whether or not actual injury to a patient 31324
is established; 31325

(11) Violating the standards of ethical conduct adopted by 31326
the board, in the practice of respiratory care; 31327

(12) The obtaining of, or attempting to obtain, money or 31328
anything of value by fraudulent misrepresentations in the course 31329
of practice; 31330

- (13) Violation of the conditions of limitation placed by the board upon a license or permit; 31331
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- (14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 31333
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- (15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 31337
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- (16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs; 31347
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- (17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A) (10), (12), or (14) of this section; 31350
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- (18) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 31355
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- (19) Failure to cooperate in an investigation conducted by 31359

the board under division (E) of section 4761.03 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(20) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;

(21) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;

(22) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;

(23) Assisting suicide as defined in section 3795.01 of the Revised Code;

(24) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured.

Disciplinary actions taken by the board under division (A) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an

adjudication, the board may enter into a consent agreement with 31389
an individual to resolve an allegation of a violation of this 31390
chapter or any rule adopted under it. A consent agreement, when 31391
ratified by an affirmative vote of not fewer than six members of 31392
the board, shall constitute the findings and order of the board 31393
with respect to the matter addressed in the agreement. If the 31394
board refuses to ratify a consent agreement, the admissions and 31395
findings contained in the consent agreement shall be of no 31396
effect. 31397

A telephone conference call may be utilized for 31398
ratification of a consent agreement that revokes or suspends an 31399
individual's license or permit. The telephone conference call 31400
shall be considered a special meeting under division (F) of 31401
section 121.22 of the Revised Code. 31402

(B) The board shall not refuse to issue a license or 31403
limited permit to an applicant because of a plea of guilty to, a 31404
judicial finding of guilt of, or a judicial finding of 31405
eligibility for intervention in lieu of conviction for an 31406
offense unless the refusal is in accordance with section 9.79 of 31407
the Revised Code. 31408

(C) Any action taken by the board under division (A) of 31409
this section resulting in a suspension from practice shall be 31410
accompanied by a written statement of the conditions under which 31411
the individual's license or permit may be reinstated. The board 31412
shall adopt rules governing conditions to be imposed for 31413
reinstatement. Reinstatement of a license or permit suspended 31414
pursuant to division (A) of this section requires an affirmative 31415
vote of not fewer than six members of the board. 31416

(D) When the board refuses to grant or issue a license or 31417
permit to an applicant, revokes an individual's license or 31418

permit, refuses to renew an individual's license or permit, or 31419
refuses to reinstate an individual's license or permit, the 31420
board may specify that its action is permanent. An individual 31421
subject to a permanent action taken by the board is forever 31422
thereafter ineligible to hold a license or permit and the board 31423
shall not accept an application for reinstatement of the license 31424
or permit or for issuance of a new license or permit. 31425

(E) If the board is required by Chapter 119. of the 31426
Revised Code to give notice of an opportunity for a hearing and 31427
if the individual subject to the notice does not timely request 31428
a hearing in accordance with section 119.07 of the Revised Code, 31429
the board is not required to hold a hearing, but may adopt, by 31430
an affirmative vote of not fewer than six of its members, a 31431
final order that contains the board's findings. In the final 31432
order, the board may order any of the sanctions identified under 31433
division (A) of this section. 31434

(F) In enforcing division (A) (14) of this section, the 31435
board, upon a showing of a possible violation, may compel any 31436
individual authorized to practice by this chapter or who has 31437
submitted an application pursuant to this chapter to submit to a 31438
mental examination, physical examination, including an HIV test, 31439
or both a mental and a physical examination. The expense of the 31440
examination is the responsibility of the individual compelled to 31441
be examined. Failure to submit to a mental or physical 31442
examination or consent to an HIV test ordered by the board 31443
constitutes an admission of the allegations against the 31444
individual unless the failure is due to circumstances beyond the 31445
individual's control, and a default and final order may be 31446
entered without the taking of testimony or presentation of 31447
evidence. If the board finds an individual unable to practice 31448
because of the reasons set forth in division (A) (14) of this 31449

section, the board shall require the individual to submit to 31450
care, counseling, or treatment by physicians approved or 31451
designated by the board, as a condition for initial, continued, 31452
reinstated, or renewed authority to practice. An individual 31453
affected under this division shall be afforded an opportunity to 31454
demonstrate to the board the ability to resume practice in 31455
compliance with acceptable and prevailing standards under the 31456
provisions of the individual's license or permit. For the 31457
purpose of division (A) (14) of this section, any individual who 31458
applies for or receives a license or permit to practice under 31459
this chapter accepts the privilege of practicing in this state 31460
and, by so doing, shall be deemed to have given consent to 31461
submit to a mental or physical examination when directed to do 31462
so in writing by the board, and to have waived all objections to 31463
the admissibility of testimony or examination reports that 31464
constitute a privileged communication. 31465

(G) For the purposes of division (A) (18) of this section, 31466
any individual authorized to practice by this chapter accepts 31467
the privilege of practicing in this state subject to supervision 31468
by the board. By filing an application for or holding a license 31469
or permit under this chapter, an individual shall be deemed to 31470
have given consent to submit to a mental or physical examination 31471
when ordered to do so by the board in writing, and to have 31472
waived all objections to the admissibility of testimony or 31473
examination reports that constitute privileged communications. 31474

If it has reason to believe that any individual authorized 31475
to practice by this chapter or any applicant for a license or 31476
permit suffers such impairment, the board may compel the 31477
individual to submit to a mental or physical examination, or 31478
both. The expense of the examination is the responsibility of 31479
the individual compelled to be examined. Any mental or physical 31480

examination required under this division shall be undertaken by 31481
a treatment provider or physician who is qualified to conduct 31482
the examination and who is chosen by the board. 31483

Failure to submit to a mental or physical examination 31484
ordered by the board constitutes an admission of the allegations 31485
against the individual unless the failure is due to 31486
circumstances beyond the individual's control, and a default and 31487
final order may be entered without the taking of testimony or 31488
presentation of evidence. If the board determines that the 31489
individual's ability to practice is impaired, the board shall 31490
suspend the individual's license or permit or deny the 31491
individual's application and shall require the individual, as a 31492
condition for an initial, continued, reinstated, or renewed 31493
license or permit, to submit to treatment. 31494

Before being eligible to apply for reinstatement of a 31495
license or permit suspended under this division, the impaired 31496
practitioner shall demonstrate to the board the ability to 31497
resume practice in compliance with acceptable and prevailing 31498
standards of care under the provisions of the practitioner's 31499
license or permit. The demonstration shall include, but shall 31500
not be limited to, the following: 31501

(1) Certification from a treatment provider approved under 31502
section 4731.25 of the Revised Code that the individual has 31503
successfully completed any required inpatient treatment; 31504

(2) Evidence of continuing full compliance with an 31505
aftercare contract or consent agreement; 31506

(3) Two written reports indicating that the individual's 31507
ability to practice has been assessed and that the individual 31508
has been found capable of practicing according to acceptable and 31509

prevailing standards of care. The reports shall be made by 31510
individuals or providers approved by the board for making the 31511
assessments and shall describe the basis for their 31512
determination. 31513

The board may reinstate a license or permit suspended 31514
under this division after that demonstration and after the 31515
individual has entered into a written consent agreement. 31516

When the impaired practitioner resumes practice, the board 31517
shall require continued monitoring of the individual. The 31518
monitoring shall include, but not be limited to, compliance with 31519
the written consent agreement entered into before reinstatement 31520
or with conditions imposed by board order after a hearing, and, 31521
upon termination of the consent agreement, submission to the 31522
board for at least two years of annual written progress reports 31523
made under penalty of perjury stating whether the individual has 31524
maintained sobriety. 31525

(H) If the secretary and supervising member determine both 31526
of the following, they may recommend that the board suspend an 31527
individual's license or permit without a prior hearing: 31528

(1) That there is clear and convincing evidence that an 31529
individual has violated division (A) of this section; 31530

(2) That the individual's continued practice presents a 31531
danger of immediate and serious harm to the public. 31532

Written allegations shall be prepared for consideration by 31533
the board. The board, upon review of those allegations and by an 31534
affirmative vote of not fewer than six of its members, excluding 31535
the secretary and supervising member, may suspend a license or 31536
permit without a prior hearing. A telephone conference call may 31537
be utilized for reviewing the allegations and taking the vote on 31538

the summary suspension. 31539

The board shall issue a written order of suspension by 31540
certified mail or in person in accordance with section 119.07 of 31541
the Revised Code. The order shall not be subject to suspension 31542
by the court during pendency of any appeal filed under section 31543
119.12 of the Revised Code. If the individual subject to the 31544
summary suspension requests an adjudicatory hearing by the 31545
board, the date set for the hearing shall be within fifteen 31546
days, but not earlier than seven days, after the individual 31547
requests the hearing, unless otherwise agreed to by both the 31548
board and the individual. 31549

Any summary suspension imposed under this division shall 31550
remain in effect, unless reversed on appeal, until a final 31551
adjudicative order issued by the board pursuant to this section 31552
and Chapter 119. of the Revised Code becomes effective. The 31553
board shall issue its final adjudicative order within seventy- 31554
five days after completion of its hearing. A failure to issue 31555
the order within seventy-five days shall result in dissolution 31556
of the summary suspension order but shall not invalidate any 31557
subsequent, final adjudicative order. 31558

(I) For purposes of divisions (A) (2), (4), and (6) of this 31559
section, the commission of the act may be established by a 31560
finding by the board, pursuant to an adjudication under Chapter 31561
119. of the Revised Code, that the individual committed the act. 31562
The board does not have jurisdiction under those divisions if 31563
the trial court renders a final judgment in the individual's 31564
favor and that judgment is based upon an adjudication on the 31565
merits. The board has jurisdiction under those divisions if the 31566
trial court issues an order of dismissal upon technical or 31567
procedural grounds. 31568

(J) The sealing or expungement of conviction records by 31569
any court shall have no effect upon a prior board order entered 31570
under this section or upon the board's jurisdiction to take 31571
action under this section if, based upon a plea of guilty, a 31572
judicial finding of guilt, or a judicial finding of eligibility 31573
for intervention in lieu of conviction, the board issued a 31574
notice of opportunity for a hearing prior to the court's order 31575
to seal or expunge the records. The board shall not be required 31576
to seal, destroy, redact, or otherwise modify its records to 31577
reflect the court's sealing or expungement of conviction 31578
records. 31579

(K) If the board takes action under division (A) (1), (3), 31580
or (5) of this section, and the judicial finding of guilt, 31581
guilty plea, or judicial finding of eligibility for intervention 31582
in lieu of conviction is overturned on appeal, upon exhaustion 31583
of the criminal appeal, a petition for reconsideration of the 31584
order may be filed with the board along with appropriate court 31585
documents. Upon receipt of a petition for reconsideration and 31586
supporting court documents, the board shall reinstate the 31587
individual's license or permit. The board may then hold an 31588
adjudication under Chapter 119. of the Revised Code to determine 31589
whether the individual committed the act in question. Notice of 31590
an opportunity for a hearing shall be given in accordance with 31591
Chapter 119. of the Revised Code. If the board finds, pursuant 31592
to an adjudication held under this division, that the individual 31593
committed the act or if no hearing is requested, the board may 31594
order any of the sanctions identified under division (A) of this 31595
section. 31596

(L) The license or permit issued to an individual under 31597
this chapter and the individual's practice in this state are 31598
automatically suspended as of the date the individual pleads 31599

guilty to, is found by a judge or jury to be guilty of, or is 31600
subject to a judicial finding of eligibility for intervention in 31601
lieu of conviction in this state or treatment or intervention in 31602
lieu of conviction in another jurisdiction for any of the 31603
following criminal offenses in this state or a substantially 31604
equivalent criminal offense in another jurisdiction: aggravated 31605
murder, murder, voluntary manslaughter, felonious assault, 31606
kidnapping, rape, sexual battery, gross sexual imposition, 31607
aggravated arson, aggravated robbery, or aggravated burglary. 31608
Continued practice after suspension shall be considered 31609
practicing without a license or permit. 31610

The board shall notify the individual subject to the 31611
suspension by certified mail or in person in accordance with 31612
section 119.07 of the Revised Code. If an individual whose 31613
license or permit is automatically suspended under this division 31614
fails to make a timely request for an adjudication under Chapter 31615
119. of the Revised Code, the board shall enter a final order 31616
permanently revoking the individual's license or permit. 31617

(M) Notwithstanding any other provision of the Revised 31618
Code, all of the following apply: 31619

(1) The surrender of a license or permit issued under this 31620
chapter shall not be effective unless or until accepted by the 31621
board. A telephone conference call may be utilized for 31622
acceptance of the surrender of an individual's license or 31623
permit. The telephone conference call shall be considered a 31624
special meeting under division (F) of section 121.22 of the 31625
Revised Code. Reinstatement of a license or permit surrendered 31626
to the board requires an affirmative vote of not fewer than six 31627
members of the board. 31628

(2) An application for a license or permit made under the 31629

provisions of this chapter may not be withdrawn without approval 31630
of the board. 31631

(3) Failure by an individual to renew a license or permit 31632
in accordance with this chapter shall not remove or limit the 31633
board's jurisdiction to take any disciplinary action under this 31634
section against the individual. 31635

(4) At the request of the board, a license or permit 31636
holder shall immediately surrender to the board a license or 31637
permit that the board has suspended, revoked, or permanently 31638
revoked. 31639

Sec. 4762.13. (A) The state medical board, by an 31640
affirmative vote of not fewer than six members, may revoke or 31641
may refuse to grant a license to practice as an oriental 31642
medicine practitioner or license to practice as an acupuncturist 31643
to a person found by the board to have committed fraud, 31644
misrepresentation, or deception in applying for or securing the 31645
license. 31646

(B) The board, by an affirmative vote of not fewer than 31647
six members, shall, except as provided in division (C) of this 31648
section, and to the extent permitted by law, limit, revoke, or 31649
suspend an individual's license to practice, refuse to issue a 31650
license to an applicant, refuse to renew a license, refuse to 31651
reinstate a license, or reprimand or place on probation the 31652
holder of a license for any of the following reasons: 31653

(1) Permitting the holder's name or license to be used by 31654
another person; 31655

(2) Failure to comply with the requirements of this 31656
chapter, Chapter 4731. of the Revised Code, or any rules adopted 31657
by the board; 31658

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	31659 31660 31661 31662
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	31663 31664 31665 31666
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	31667 31668 31669 31670
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	31671 31672 31673 31674
(7) Willfully betraying a professional confidence;	31675
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist.	31676 31677 31678 31679 31680
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent	31681 31682 31683 31684 31685 31686 31687

person to misunderstand or be deceived. 31688

(9) Representing, with the purpose of obtaining 31689
compensation or other advantage personally or for any other 31690
person, that an incurable disease or injury, or other incurable 31691
condition, can be permanently cured; 31692

(10) The obtaining of, or attempting to obtain, money or a 31693
thing of value by fraudulent misrepresentations in the course of 31694
practice; 31695

(11) A plea of guilty to, a judicial finding of guilt of, 31696
or a judicial finding of eligibility for intervention in lieu of 31697
conviction for, a felony; 31698

(12) Commission of an act that constitutes a felony in 31699
this state, regardless of the jurisdiction in which the act was 31700
committed; 31701

(13) A plea of guilty to, a judicial finding of guilt of, 31702
or a judicial finding of eligibility for intervention in lieu of 31703
conviction for, a misdemeanor committed in the course of 31704
practice; 31705

(14) A plea of guilty to, a judicial finding of guilt of, 31706
or a judicial finding of eligibility for intervention in lieu of 31707
conviction for, a misdemeanor involving moral turpitude; 31708

(15) Commission of an act in the course of practice that 31709
constitutes a misdemeanor in this state, regardless of the 31710
jurisdiction in which the act was committed; 31711

(16) Commission of an act involving moral turpitude that 31712
constitutes a misdemeanor in this state, regardless of the 31713
jurisdiction in which the act was committed; 31714

(17) A plea of guilty to, a judicial finding of guilt of, 31715

or a judicial finding of eligibility for intervention in lieu of 31716
conviction for violating any state or federal law regulating the 31717
possession, distribution, or use of any drug, including 31718
trafficking in drugs; 31719

(18) Any of the following actions taken by the state 31720
agency responsible for regulating the practice of oriental 31721
medicine or acupuncture in another jurisdiction, for any reason 31722
other than the nonpayment of fees: the limitation, revocation, 31723
or suspension of an individual's license to practice; acceptance 31724
of an individual's license surrender; denial of a license; 31725
refusal to renew or reinstate a license; imposition of 31726
probation; or issuance of an order of censure or other 31727
reprimand; 31728

(19) Violation of the conditions placed by the board on a 31729
license to practice as an oriental medicine practitioner or 31730
license to practice as an acupuncturist; 31731

(20) Failure to use universal blood and body fluid 31732
precautions established by rules adopted under section 4731.051 31733
of the Revised Code; 31734

(21) Failure to cooperate in an investigation conducted by 31735
the board under section 4762.14 of the Revised Code, including 31736
failure to comply with a subpoena or order issued by the board 31737
or failure to answer truthfully a question presented by the 31738
board at a deposition or in written interrogatories, except that 31739
failure to cooperate with an investigation shall not constitute 31740
grounds for discipline under this section if a court of 31741
competent jurisdiction has issued an order that either quashes a 31742
subpoena or permits the individual to withhold the testimony or 31743
evidence in issue; 31744

(22) Failure to comply with the standards of the national certification commission for acupuncture and oriental medicine regarding professional ethics, commitment to patients, commitment to the profession, and commitment to the public;

(23) Failure to have adequate professional liability insurance coverage in accordance with section 4762.22 of the Revised Code;

(24) Failure to maintain a current and active designation as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture, as applicable, from the national certification commission for acupuncture and oriental medicine, including revocation by the commission of the individual's designation, failure by the individual to meet the commission's requirements for redesignation, or failure to notify the board that the appropriate designation has not been maintained.

(C) The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an oriental medicine practitioner or acupuncturist or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the

findings and order of the board with respect to the matter 31775
addressed in the agreement. If the board refuses to ratify a 31776
consent agreement, the admissions and findings contained in the 31777
consent agreement shall be of no force or effect. 31778

(E) For purposes of divisions (B) (12), (15), and (16) of 31779
this section, the commission of the act may be established by a 31780
finding by the board, pursuant to an adjudication under Chapter 31781
119. of the Revised Code, that the applicant or license holder 31782
committed the act in question. The board shall have no 31783
jurisdiction under these divisions in cases where the trial 31784
court renders a final judgment in the license holder's favor and 31785
that judgment is based upon an adjudication on the merits. The 31786
board shall have jurisdiction under these divisions in cases 31787
where the trial court issues an order of dismissal upon 31788
technical or procedural grounds. 31789

(F) The sealing or expungement of conviction records by 31790
any court shall have no effect upon a prior board order entered 31791
under the provisions of this section or upon the board's 31792
jurisdiction to take action under the provisions of this section 31793
if, based upon a plea of guilty, a judicial finding of guilt, or 31794
a judicial finding of eligibility for intervention in lieu of 31795
conviction, the board issued a notice of opportunity for a 31796
hearing or entered into a consent agreement prior to the court's 31797
order to seal or expunge the records. The board shall not be 31798
required to seal, destroy, redact, or otherwise modify its 31799
records to reflect the court's sealing or expungement of 31800
conviction records. 31801

(G) For purposes of this division, any individual who 31802
holds a license to practice issued under this chapter, or 31803
applies for a license to practice, shall be deemed to have given 31804

consent to submit to a mental or physical examination when 31805
directed to do so in writing by the board and to have waived all 31806
objections to the admissibility of testimony or examination 31807
reports that constitute a privileged communication. 31808

(1) In enforcing division (B)(5) of this section, the 31809
board, upon a showing of a possible violation, may compel any 31810
individual who holds a license to practice issued under this 31811
chapter or who has applied for a license pursuant to this 31812
chapter to submit to a mental examination, physical examination, 31813
including an HIV test, or both a mental and physical 31814
examination. The expense of the examination is the 31815
responsibility of the individual compelled to be examined. 31816
Failure to submit to a mental or physical examination or consent 31817
to an HIV test ordered by the board constitutes an admission of 31818
the allegations against the individual unless the failure is due 31819
to circumstances beyond the individual's control, and a default 31820
and final order may be entered without the taking of testimony 31821
or presentation of evidence. If the board finds an oriental 31822
medicine practitioner or acupuncturist unable to practice 31823
because of the reasons set forth in division (B)(5) of this 31824
section, the board shall require the individual to submit to 31825
care, counseling, or treatment by physicians approved or 31826
designated by the board, as a condition for an initial, 31827
continued, reinstated, or renewed license to practice. An 31828
individual affected by this division shall be afforded an 31829
opportunity to demonstrate to the board the ability to resume 31830
practicing in compliance with acceptable and prevailing 31831
standards of care. 31832

(2) For purposes of division (B)(6) of this section, if 31833
the board has reason to believe that any individual who holds a 31834
license to practice issued under this chapter or any applicant 31835

for a license suffers such impairment, the board may compel the 31836
individual to submit to a mental or physical examination, or 31837
both. The expense of the examination is the responsibility of 31838
the individual compelled to be examined. Any mental or physical 31839
examination required under this division shall be undertaken by 31840
a treatment provider or physician qualified to conduct such 31841
examination and chosen by the board. 31842

Failure to submit to a mental or physical examination 31843
ordered by the board constitutes an admission of the allegations 31844
against the individual unless the failure is due to 31845
circumstances beyond the individual's control, and a default and 31846
final order may be entered without the taking of testimony or 31847
presentation of evidence. If the board determines that the 31848
individual's ability to practice is impaired, the board shall 31849
suspend the individual's license or deny the individual's 31850
application and shall require the individual, as a condition for 31851
an initial, continued, reinstated, or renewed license, to submit 31852
to treatment. 31853

Before being eligible to apply for reinstatement of a 31854
license suspended under this division, the oriental medicine 31855
practitioner or acupuncturist shall demonstrate to the board the 31856
ability to resume practice in compliance with acceptable and 31857
prevailing standards of care. The demonstration shall include 31858
the following: 31859

(a) Certification from a treatment provider approved under 31860
section 4731.25 of the Revised Code that the individual has 31861
successfully completed any required inpatient treatment; 31862

(b) Evidence of continuing full compliance with an 31863
aftercare contract or consent agreement; 31864

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired individual resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the individual has maintained sobriety.

(H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license to practice without a prior hearing:

(1) That there is clear and convincing evidence that an oriental medicine practitioner or acupuncturist has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of the allegations and by an

affirmative vote of not fewer than six of its members, excluding 31894
the secretary and supervising member, may suspend a license 31895
without a prior hearing. A telephone conference call may be 31896
utilized for reviewing the allegations and taking the vote on 31897
the summary suspension. 31898

The board shall issue a written order of suspension by 31899
certified mail or in person in accordance with section 119.07 of 31900
the Revised Code. The order shall not be subject to suspension 31901
by the court during pendency of any appeal filed under section 31902
119.12 of the Revised Code. If the oriental medicine 31903
practitioner or acupuncturist requests an adjudicatory hearing 31904
by the board, the date set for the hearing shall be within 31905
fifteen days, but not earlier than seven days, after the hearing 31906
is requested, unless otherwise agreed to by both the board and 31907
the license holder. 31908

A summary suspension imposed under this division shall 31909
remain in effect, unless reversed on appeal, until a final 31910
adjudicative order issued by the board pursuant to this section 31911
and Chapter 119. of the Revised Code becomes effective. The 31912
board shall issue its final adjudicative order within sixty days 31913
after completion of its hearing. Failure to issue the order 31914
within sixty days shall result in dissolution of the summary 31915
suspension order, but shall not invalidate any subsequent, final 31916
adjudicative order. 31917

(I) If the board takes action under division (B) (11), 31918
(13), or (14) of this section, and the judicial finding of 31919
guilt, guilty plea, or judicial finding of eligibility for 31920
intervention in lieu of conviction is overturned on appeal, upon 31921
exhaustion of the criminal appeal, a petition for 31922
reconsideration of the order may be filed with the board along 31923

with appropriate court documents. Upon receipt of a petition and 31924
supporting court documents, the board shall reinstate the 31925
license. The board may then hold an adjudication under Chapter 31926
119. of the Revised Code to determine whether the individual 31927
committed the act in question. Notice of opportunity for hearing 31928
shall be given in accordance with Chapter 119. of the Revised 31929
Code. If the board finds, pursuant to an adjudication held under 31930
this division, that the individual committed the act, or if no 31931
hearing is requested, it may order any of the sanctions 31932
specified in division (B) of this section. 31933

(J) The license to practice of an oriental medicine 31934
practitioner or acupuncturist and the practitioner's or 31935
acupuncturist's practice in this state are automatically 31936
suspended as of the date the practitioner or acupuncturist 31937
pleads guilty to, is found by a judge or jury to be guilty of, 31938
or is subject to a judicial finding of eligibility for 31939
intervention in lieu of conviction in this state or treatment or 31940
intervention in lieu of conviction in another jurisdiction for 31941
any of the following criminal offenses in this state or a 31942
substantially equivalent criminal offense in another 31943
jurisdiction: aggravated murder, murder, voluntary manslaughter, 31944
felonious assault, kidnapping, rape, sexual battery, gross 31945
sexual imposition, aggravated arson, aggravated robbery, or 31946
aggravated burglary. Continued practice after the suspension 31947
shall be considered practicing without a license. 31948

The board shall notify the individual subject to the 31949
suspension by certified mail or in person in accordance with 31950
section 119.07 of the Revised Code. If an individual whose 31951
license is suspended under this division fails to make a timely 31952
request for an adjudication under Chapter 119. of the Revised 31953
Code, the board shall enter a final order permanently revoking 31954

the individual's license. 31955

(K) In any instance in which the board is required by 31956
Chapter 119. of the Revised Code to give notice of opportunity 31957
for hearing and the individual subject to the notice does not 31958
timely request a hearing in accordance with section 119.07 of 31959
the Revised Code, the board is not required to hold a hearing, 31960
but may adopt, by an affirmative vote of not fewer than six of 31961
its members, a final order that contains the board's findings. 31962
In the final order, the board may order any of the sanctions 31963
identified under division (A) or (B) of this section. 31964

(L) Any action taken by the board under division (B) of 31965
this section resulting in a suspension shall be accompanied by a 31966
written statement of the conditions under which the license may 31967
be reinstated. The board shall adopt rules in accordance with 31968
Chapter 119. of the Revised Code governing conditions to be 31969
imposed for reinstatement. Reinstatement of a license suspended 31970
pursuant to division (B) of this section requires an affirmative 31971
vote of not fewer than six members of the board. 31972

(M) When the board refuses to grant or issue a license to 31973
an applicant, revokes an individual's license, refuses to renew 31974
an individual's license, or refuses to reinstate an individual's 31975
license, the board may specify that its action is permanent. An 31976
individual subject to a permanent action taken by the board is 31977
forever thereafter ineligible to hold a license to practice as 31978
an oriental medicine practitioner or license to practice as an 31979
acupuncturist and the board shall not accept an application for 31980
reinstatement of the license or for issuance of a new license. 31981

(N) Notwithstanding any other provision of the Revised 31982
Code, all of the following apply: 31983

(1) The surrender of a license to practice as an oriental
31984
medicine practitioner or license to practice as an acupuncturist
31985
issued under this chapter is not effective unless or until
31986
accepted by the board. Reinstatement of a license surrendered to
31987
the board requires an affirmative vote of not fewer than six
31988
members of the board.
31989

(2) An application made under this chapter for a license
31990
may not be withdrawn without approval of the board.
31991

(3) Failure by an individual to renew a license in
31992
accordance with section 4762.06 of the Revised Code shall not
31993
remove or limit the board's jurisdiction to take disciplinary
31994
action under this section against the individual.
31995

Sec. 4774.13. (A) The state medical board, by an
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affirmative vote of not fewer than six members, may revoke or
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may refuse to grant a license to practice as a radiologist
31998
assistant to an individual found by the board to have committed
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fraud, misrepresentation, or deception in applying for or
32000
securing the license.
32001

(B) The board, by an affirmative vote of not fewer than
32002
six members, shall, except as provided in division (C) of this
32003
section, and to the extent permitted by law, limit, revoke, or
32004
suspend an individual's license to practice as a radiologist
32005
assistant, refuse to issue a license to an applicant, refuse to
32006
renew a license, refuse to reinstate a license, or reprimand or
32007
place on probation the holder of a license for any of the
32008
following reasons:
32009

(1) Permitting the holder's name or license to be used by
32010
another person;
32011

(2) Failure to comply with the requirements of this
32012

chapter, Chapter 4731. of the Revised Code, or any rules adopted	32013
by the board;	32014
(3) Violating or attempting to violate, directly or	32015
indirectly, or assisting in or abetting the violation of, or	32016
conspiring to violate, any provision of this chapter, Chapter	32017
4731. of the Revised Code, or the rules adopted by the board;	32018
(4) A departure from, or failure to conform to, minimal	32019
standards of care of similar practitioners under the same or	32020
similar circumstances whether or not actual injury to the	32021
patient is established;	32022
(5) Inability to practice according to acceptable and	32023
prevailing standards of care by reason of mental illness or	32024
physical illness, including physical deterioration that	32025
adversely affects cognitive, motor, or perceptive skills;	32026
(6) Impairment of ability to practice according to	32027
acceptable and prevailing standards of care because of habitual	32028
or excessive use or abuse of drugs, alcohol, or other substances	32029
that impair ability to practice;	32030
(7) Willfully betraying a professional confidence;	32031
(8) Making a false, fraudulent, deceptive, or misleading	32032
statement in securing or attempting to secure a license to	32033
practice as a radiologist assistant.	32034
As used in this division, "false, fraudulent, deceptive,	32035
or misleading statement" means a statement that includes a	32036
misrepresentation of fact, is likely to mislead or deceive	32037
because of a failure to disclose material facts, is intended or	32038
is likely to create false or unjustified expectations of	32039
favorable results, or includes representations or implications	32040
that in reasonable probability will cause an ordinarily prudent	32041

person to misunderstand or be deceived. 32042

(9) The obtaining of, or attempting to obtain, money or a 32043
thing of value by fraudulent misrepresentations in the course of 32044
practice; 32045

(10) A plea of guilty to, a judicial finding of guilt of, 32046
or a judicial finding of eligibility for intervention in lieu of 32047
conviction for, a felony; 32048

(11) Commission of an act that constitutes a felony in 32049
this state, regardless of the jurisdiction in which the act was 32050
committed; 32051

(12) A plea of guilty to, a judicial finding of guilt of, 32052
or a judicial finding of eligibility for intervention in lieu of 32053
conviction for, a misdemeanor committed in the course of 32054
practice; 32055

(13) A plea of guilty to, a judicial finding of guilt of, 32056
or a judicial finding of eligibility for intervention in lieu of 32057
conviction for, a misdemeanor involving moral turpitude; 32058

(14) Commission of an act in the course of practice that 32059
constitutes a misdemeanor in this state, regardless of the 32060
jurisdiction in which the act was committed; 32061

(15) Commission of an act involving moral turpitude that 32062
constitutes a misdemeanor in this state, regardless of the 32063
jurisdiction in which the act was committed; 32064

(16) A plea of guilty to, a judicial finding of guilt of, 32065
or a judicial finding of eligibility for intervention in lieu of 32066
conviction for violating any state or federal law regulating the 32067
possession, distribution, or use of any drug, including 32068
trafficking in drugs; 32069

- (17) Any of the following actions taken by the state 32070
agency responsible for regulating the practice of radiologist 32071
assistants in another jurisdiction, for any reason other than 32072
the nonpayment of fees: the limitation, revocation, or 32073
suspension of an individual's license to practice; acceptance of 32074
an individual's license surrender; denial of a license; refusal 32075
to renew or reinstate a license; imposition of probation; or 32076
issuance of an order of censure or other reprimand; 32077
- (18) Violation of the conditions placed by the board on a 32078
license to practice as a radiologist assistant; 32079
- (19) Failure to use universal blood and body fluid 32080
precautions established by rules adopted under section 4731.051 32081
of the Revised Code; 32082
- (20) Failure to cooperate in an investigation conducted by 32083
the board under section 4774.14 of the Revised Code, including 32084
failure to comply with a subpoena or order issued by the board 32085
or failure to answer truthfully a question presented by the 32086
board at a deposition or in written interrogatories, except that 32087
failure to cooperate with an investigation shall not constitute 32088
grounds for discipline under this section if a court of 32089
competent jurisdiction has issued an order that either quashes a 32090
subpoena or permits the individual to withhold the testimony or 32091
evidence in issue; 32092
- (21) Failure to maintain a license as a radiographer under 32093
Chapter 4773. of the Revised Code; 32094
- (22) Failure to maintain certification as a registered 32095
radiologist assistant from the American registry of radiologic 32096
technologists, including revocation by the registry of the 32097
assistant's certification or failure by the assistant to meet 32098

the registry's requirements for annual registration, or failure 32099
to notify the board that the certification as a registered 32100
radiologist assistant has not been maintained; 32101

(23) Failure to comply with any of the rules of ethics 32102
included in the standards of ethics established by the American 32103
registry of radiologic technologists, as those rules apply to an 32104
individual who holds the registry's certification as a 32105
registered radiologist assistant. 32106

(C) The board shall not refuse to issue a license to an 32107
applicant because of a plea of guilty to, a judicial finding of 32108
guilt of, or a judicial finding of eligibility for intervention 32109
in lieu of conviction for an offense unless the refusal is in 32110
accordance with section 9.79 of the Revised Code. 32111

(D) Disciplinary actions taken by the board under 32112
divisions (A) and (B) of this section shall be taken pursuant to 32113
an adjudication under Chapter 119. of the Revised Code, except 32114
that in lieu of an adjudication, the board may enter into a 32115
consent agreement with a radiologist assistant or applicant to 32116
resolve an allegation of a violation of this chapter or any rule 32117
adopted under it. A consent agreement, when ratified by an 32118
affirmative vote of not fewer than six members of the board, 32119
shall constitute the findings and order of the board with 32120
respect to the matter addressed in the agreement. If the board 32121
refuses to ratify a consent agreement, the admissions and 32122
findings contained in the consent agreement shall be of no force 32123
or effect. 32124

(E) For purposes of divisions (B) (11), (14), and (15) of 32125
this section, the commission of the act may be established by a 32126
finding by the board, pursuant to an adjudication under Chapter 32127
119. of the Revised Code, that the applicant or license holder 32128

committed the act in question. The board shall have no 32129
jurisdiction under these divisions in cases where the trial 32130
court renders a final judgment in the license holder's favor and 32131
that judgment is based upon an adjudication on the merits. The 32132
board shall have jurisdiction under these divisions in cases 32133
where the trial court issues an order of dismissal on technical 32134
or procedural grounds. 32135

(F) The sealing or expungement of conviction records by 32136
any court shall have no effect on a prior board order entered 32137
under the provisions of this section or on the board's 32138
jurisdiction to take action under the provisions of this section 32139
if, based upon a plea of guilty, a judicial finding of guilt, or 32140
a judicial finding of eligibility for intervention in lieu of 32141
conviction, the board issued a notice of opportunity for a 32142
hearing prior to the court's order to seal or expunge the 32143
records. The board shall not be required to seal, destroy, 32144
redact, or otherwise modify its records to reflect the court's 32145
sealing or expungement of conviction records. 32146

(G) For purposes of this division, any individual who 32147
holds a license to practice as a radiologist assistant issued 32148
under this chapter, or applies for a license, shall be deemed to 32149
have given consent to submit to a mental or physical examination 32150
when directed to do so in writing by the board and to have 32151
waived all objections to the admissibility of testimony or 32152
examination reports that constitute a privileged communication. 32153

(1) In enforcing division (B)(5) of this section, the 32154
board, on a showing of a possible violation, may compel any 32155
individual who holds a license to practice as a radiologist 32156
assistant issued under this chapter or who has applied for a 32157
license to submit to a mental or physical examination, or both. 32158

A physical examination may include an HIV test. The expense of 32159
the examination is the responsibility of the individual 32160
compelled to be examined. Failure to submit to a mental or 32161
physical examination or consent to an HIV test ordered by the 32162
board constitutes an admission of the allegations against the 32163
individual unless the failure is due to circumstances beyond the 32164
individual's control, and a default and final order may be 32165
entered without the taking of testimony or presentation of 32166
evidence. If the board finds a radiologist assistant unable to 32167
practice because of the reasons set forth in division (B) (5) of 32168
this section, the board shall require the radiologist assistant 32169
to submit to care, counseling, or treatment by physicians 32170
approved or designated by the board, as a condition for an 32171
initial, continued, reinstated, or renewed license. An 32172
individual affected by this division shall be afforded an 32173
opportunity to demonstrate to the board the ability to resume 32174
practicing in compliance with acceptable and prevailing 32175
standards of care. 32176

(2) For purposes of division (B) (6) of this section, if 32177
the board has reason to believe that any individual who holds a 32178
license to practice as a radiologist assistant issued under this 32179
chapter or any applicant for a license suffers such impairment, 32180
the board may compel the individual to submit to a mental or 32181
physical examination, or both. The expense of the examination is 32182
the responsibility of the individual compelled to be examined. 32183
Any mental or physical examination required under this division 32184
shall be undertaken by a treatment provider or physician 32185
qualified to conduct such examination and chosen by the board. 32186

Failure to submit to a mental or physical examination 32187
ordered by the board constitutes an admission of the allegations 32188
against the individual unless the failure is due to 32189

circumstances beyond the individual's control, and a default and 32190
final order may be entered without the taking of testimony or 32191
presentation of evidence. If the board determines that the 32192
individual's ability to practice is impaired, the board shall 32193
suspend the individual's license or deny the individual's 32194
application and shall require the individual, as a condition for 32195
an initial, continued, reinstated, or renewed license to 32196
practice, to submit to treatment. 32197

Before being eligible to apply for reinstatement of a 32198
license suspended under this division, the radiologist assistant 32199
shall demonstrate to the board the ability to resume practice in 32200
compliance with acceptable and prevailing standards of care. The 32201
demonstration shall include the following: 32202

(a) Certification from a treatment provider approved under 32203
section 4731.25 of the Revised Code that the individual has 32204
successfully completed any required inpatient treatment; 32205

(b) Evidence of continuing full compliance with an 32206
aftercare contract or consent agreement; 32207

(c) Two written reports indicating that the individual's 32208
ability to practice has been assessed and that the individual 32209
has been found capable of practicing according to acceptable and 32210
prevailing standards of care. The reports shall be made by 32211
individuals or providers approved by the board for making such 32212
assessments and shall describe the basis for their 32213
determination. 32214

The board may reinstate a license suspended under this 32215
division after such demonstration and after the individual has 32216
entered into a written consent agreement. 32217

When the impaired radiologist assistant resumes practice, 32218

the board shall require continued monitoring of the radiologist 32219
assistant. The monitoring shall include monitoring of compliance 32220
with the written consent agreement entered into before 32221
reinstatement or with conditions imposed by board order after a 32222
hearing, and, on termination of the consent agreement, 32223
submission to the board for at least two years of annual written 32224
progress reports made under penalty of falsification stating 32225
whether the radiologist assistant has maintained sobriety. 32226

(H) If the secretary and supervising member determine that 32227
there is clear and convincing evidence that a radiologist 32228
assistant has violated division (B) of this section and that the 32229
individual's continued practice presents a danger of immediate 32230
and serious harm to the public, they may recommend that the 32231
board suspend the individual's license to practice without a 32232
prior hearing. Written allegations shall be prepared for 32233
consideration by the board. 32234

The board, on review of the allegations and by an 32235
affirmative vote of not fewer than six of its members, excluding 32236
the secretary and supervising member, may suspend a license 32237
without a prior hearing. A telephone conference call may be 32238
utilized for reviewing the allegations and taking the vote on 32239
the summary suspension. 32240

The board shall issue a written order of suspension by 32241
certified mail or in person in accordance with section 119.07 of 32242
the Revised Code. The order shall not be subject to suspension 32243
by the court during pendency of any appeal filed under section 32244
119.12 of the Revised Code. If the radiologist assistant 32245
requests an adjudicatory hearing by the board, the date set for 32246
the hearing shall be within fifteen days, but not earlier than 32247
seven days, after the radiologist assistant requests the 32248

hearing, unless otherwise agreed to by both the board and the 32249
license holder. 32250

A summary suspension imposed under this division shall 32251
remain in effect, unless reversed on appeal, until a final 32252
adjudicative order issued by the board pursuant to this section 32253
and Chapter 119. of the Revised Code becomes effective. The 32254
board shall issue its final adjudicative order within sixty days 32255
after completion of its hearing. Failure to issue the order 32256
within sixty days shall result in dissolution of the summary 32257
suspension order, but shall not invalidate any subsequent, final 32258
adjudicative order. 32259

(I) If the board takes action under division (B) (10), 32260
(12), or (13) of this section, and the judicial finding of 32261
guilt, guilty plea, or judicial finding of eligibility for 32262
intervention in lieu of conviction is overturned on appeal, on 32263
exhaustion of the criminal appeal, a petition for 32264
reconsideration of the order may be filed with the board along 32265
with appropriate court documents. On receipt of a petition and 32266
supporting court documents, the board shall reinstate the 32267
license to practice as a radiologist assistant. The board may 32268
then hold an adjudication under Chapter 119. of the Revised Code 32269
to determine whether the individual committed the act in 32270
question. Notice of opportunity for hearing shall be given in 32271
accordance with Chapter 119. of the Revised Code. If the board 32272
finds, pursuant to an adjudication held under this division, 32273
that the individual committed the act, or if no hearing is 32274
requested, it may order any of the sanctions specified in 32275
division (B) of this section. 32276

(J) The license to practice of a radiologist assistant and 32277
the assistant's practice in this state are automatically 32278

suspended as of the date the radiologist assistant pleads guilty 32279
to, is found by a judge or jury to be guilty of, or is subject 32280
to a judicial finding of eligibility for intervention in lieu of 32281
conviction in this state or treatment of intervention in lieu of 32282
conviction in another jurisdiction for any of the following 32283
criminal offenses in this state or a substantially equivalent 32284
criminal offense in another jurisdiction: aggravated murder, 32285
murder, voluntary manslaughter, felonious assault, kidnapping, 32286
rape, sexual battery, gross sexual imposition, aggravated arson, 32287
aggravated robbery, or aggravated burglary. Continued practice 32288
after the suspension shall be considered practicing without a 32289
license. 32290

The board shall notify the individual subject to the 32291
suspension by certified mail or in person in accordance with 32292
section 119.07 of the Revised Code. If an individual whose 32293
license is suspended under this division fails to make a timely 32294
request for an adjudication under Chapter 119. of the Revised 32295
Code, the board shall enter a final order permanently revoking 32296
the individual's license. 32297

(K) In any instance in which the board is required by 32298
Chapter 119. of the Revised Code to give notice of opportunity 32299
for hearing and the individual subject to the notice does not 32300
timely request a hearing in accordance with section 119.07 of 32301
the Revised Code, the board is not required to hold a hearing, 32302
but may adopt, by an affirmative vote of not fewer than six of 32303
its members, a final order that contains the board's findings. 32304
In the final order, the board may order any of the sanctions 32305
identified under division (A) or (B) of this section. 32306

(L) Any action taken by the board under division (B) of 32307
this section resulting in a suspension shall be accompanied by a 32308

written statement of the conditions under which the radiologist 32309
assistant's license may be reinstated. The board shall adopt 32310
rules in accordance with Chapter 119. of the Revised Code 32311
governing conditions to be imposed for reinstatement. 32312
Reinstatement of a license suspended pursuant to division (B) of 32313
this section requires an affirmative vote of not fewer than six 32314
members of the board. 32315

(M) When the board refuses to grant or issue a license to 32316
practice as a radiologist assistant to an applicant, revokes an 32317
individual's license, refuses to renew an individual's license, 32318
or refuses to reinstate an individual's license, the board may 32319
specify that its action is permanent. An individual subject to a 32320
permanent action taken by the board is forever thereafter 32321
ineligible to hold a license to practice as a radiologist 32322
assistant and the board shall not accept an application for 32323
reinstatement of the license or for issuance of a new license. 32324

(N) Notwithstanding any other provision of the Revised 32325
Code, all of the following apply: 32326

(1) The surrender of a license to practice as a 32327
radiologist assistant issued under this chapter is not effective 32328
unless or until accepted by the board. Reinstatement of a 32329
license surrendered to the board requires an affirmative vote of 32330
not fewer than six members of the board. 32331

(2) An application made under this chapter for a license 32332
to practice may not be withdrawn without approval of the board. 32333

(3) Failure by an individual to renew a license to 32334
practice in accordance with section 4774.06 of the Revised Code 32335
shall not remove or limit the board's jurisdiction to take 32336
disciplinary action under this section against the individual. 32337

Sec. 4778.14. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a genetic counselor to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a genetic counselor, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or

physical illness, including physical deterioration that	32367
adversely affects cognitive, motor, or perceptive skills;	32368
(6) Impairment of ability to practice according to	32369
acceptable and prevailing standards of care because of habitual	32370
or excessive use or abuse of drugs, alcohol, or other substances	32371
that impair ability to practice;	32372
(7) Willfully betraying a professional confidence;	32373
(8) Making a false, fraudulent, deceptive, or misleading	32374
statement in securing or attempting to secure a license to	32375
practice as a genetic counselor.	32376
As used in this division, "false, fraudulent, deceptive,	32377
or misleading statement" means a statement that includes a	32378
misrepresentation of fact, is likely to mislead or deceive	32379
because of a failure to disclose material facts, is intended or	32380
is likely to create false or unjustified expectations of	32381
favorable results, or includes representations or implications	32382
that in reasonable probability will cause an ordinarily prudent	32383
person to misunderstand or be deceived.	32384
(9) The obtaining of, or attempting to obtain, money or a	32385
thing of value by fraudulent misrepresentations in the course of	32386
practice;	32387
(10) A plea of guilty to, a judicial finding of guilt of,	32388
or a judicial finding of eligibility for intervention in lieu of	32389
conviction for, a felony;	32390
(11) Commission of an act that constitutes a felony in	32391
this state, regardless of the jurisdiction in which the act was	32392
committed;	32393
(12) A plea of guilty to, a judicial finding of guilt of,	32394

or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(17) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(18) Violation of the conditions placed by the board on a license to practice as a genetic counselor;

(19) Failure to cooperate in an investigation conducted by the board under section 4778.18 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(20) Failure to maintain the individual's status as a certified genetic counselor;

(21) Failure to comply with the code of ethics established by the national society of genetic counselors.

(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a genetic counselor or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and

findings contained in the consent agreement shall be of no force 32454
or effect. 32455

A telephone conference call may be utilized for 32456
ratification of a consent agreement that revokes or suspends an 32457
individual's license. The telephone conference call shall be 32458
considered a special meeting under division (F) of section 32459
121.22 of the Revised Code. 32460

(E) For purposes of divisions (B) (11), (14), and (15) of 32461
this section, the commission of the act may be established by a 32462
finding by the board, pursuant to an adjudication under Chapter 32463
119. of the Revised Code, that the applicant or license holder 32464
committed the act in question. The board shall have no 32465
jurisdiction under these divisions in cases where the trial 32466
court renders a final judgment in the license holder's favor and 32467
that judgment is based upon an adjudication on the merits. The 32468
board shall have jurisdiction under these divisions in cases 32469
where the trial court issues an order of dismissal on technical 32470
or procedural grounds. 32471

(F) The sealing or expungement of conviction records by 32472
any court shall have no effect on a prior board order entered 32473
under the provisions of this section or on the board's 32474
jurisdiction to take action under the provisions of this section 32475
if, based upon a plea of guilty, a judicial finding of guilt, or 32476
a judicial finding of eligibility for intervention in lieu of 32477
conviction, the board issued a notice of opportunity for a 32478
hearing or took other formal action under Chapter 119. of the 32479
Revised Code prior to the court's order to seal or expunge the 32480
records. The board shall not be required to seal, destroy, 32481
redact, or otherwise modify its records to reflect the court's 32482
sealing or expungement of conviction records. 32483

(G) For purposes of this division, any individual who holds a license to practice as a genetic counselor, or applies for a license, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B) (5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a license to practice as a genetic counselor or who has applied for a license to practice as a genetic counselor to submit to a mental or physical examination, or both. A physical examination may include an HIV test. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a genetic counselor unable to practice because of the reasons set forth in division (B) (5) of this section, the board shall require the genetic counselor to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B) (6) of this section, if

the board has reason to believe that any individual who holds a 32515
license to practice as a genetic counselor or any applicant for 32516
a license suffers such impairment, the board may compel the 32517
individual to submit to a mental or physical examination, or 32518
both. The expense of the examination is the responsibility of 32519
the individual compelled to be examined. Any mental or physical 32520
examination required under this division shall be undertaken by 32521
a treatment provider or physician qualified to conduct such 32522
examination and chosen by the board. 32523

Failure to submit to a mental or physical examination 32524
ordered by the board constitutes an admission of the allegations 32525
against the individual unless the failure is due to 32526
circumstances beyond the individual's control, and a default and 32527
final order may be entered without the taking of testimony or 32528
presentation of evidence. If the board determines that the 32529
individual's ability to practice is impaired, the board shall 32530
suspend the individual's license or deny the individual's 32531
application and shall require the individual, as a condition for 32532
an initial, continued, reinstated, or renewed license, to submit 32533
to treatment. 32534

Before being eligible to apply for reinstatement of a 32535
license suspended under this division, the genetic counselor 32536
shall demonstrate to the board the ability to resume practice in 32537
compliance with acceptable and prevailing standards of care. The 32538
demonstration shall include the following: 32539

(a) Certification from a treatment provider approved under 32540
section 4731.25 of the Revised Code that the individual has 32541
successfully completed any required inpatient treatment; 32542

(b) Evidence of continuing full compliance with an 32543
aftercare contract or consent agreement; 32544

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the genetic counselor has maintained sobriety.

(H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license to practice without a prior hearing:

(1) That there is clear and convincing evidence that a genetic counselor has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding

the secretary and supervising member, may suspend a license 32574
without a prior hearing. A telephone conference call may be 32575
utilized for reviewing the allegations and taking the vote on 32576
the summary suspension. 32577

The board shall issue a written order of suspension by 32578
certified mail or in person in accordance with section 119.07 of 32579
the Revised Code. The order shall not be subject to suspension 32580
by the court during pendency of any appeal filed under section 32581
119.12 of the Revised Code. If the genetic counselor requests an 32582
adjudicatory hearing by the board, the date set for the hearing 32583
shall be within fifteen days, but not earlier than seven days, 32584
after the genetic counselor requests the hearing, unless 32585
otherwise agreed to by both the board and the genetic counselor. 32586

A summary suspension imposed under this division shall 32587
remain in effect, unless reversed on appeal, until a final 32588
adjudicative order issued by the board pursuant to this section 32589
and Chapter 119. of the Revised Code becomes effective. The 32590
board shall issue its final adjudicative order within sixty days 32591
after completion of its hearing. Failure to issue the order 32592
within sixty days shall result in dissolution of the summary 32593
suspension order, but shall not invalidate any subsequent, final 32594
adjudicative order. 32595

(I) If the board takes action under division (B) (10), 32596
(12), or (13) of this section, and the judicial finding of 32597
guilt, guilty plea, or judicial finding of eligibility for 32598
intervention in lieu of conviction is overturned on appeal, on 32599
exhaustion of the criminal appeal, a petition for 32600
reconsideration of the order may be filed with the board along 32601
with appropriate court documents. On receipt of a petition and 32602
supporting court documents, the board shall reinstate the 32603

license to practice as a genetic counselor. The board may then 32604
hold an adjudication under Chapter 119. of the Revised Code to 32605
determine whether the individual committed the act in question. 32606
Notice of opportunity for hearing shall be given in accordance 32607
with Chapter 119. of the Revised Code. If the board finds, 32608
pursuant to an adjudication held under this division, that the 32609
individual committed the act, or if no hearing is requested, it 32610
may order any of the sanctions specified in division (B) of this 32611
section. 32612

(J) The license to practice as a genetic counselor and the 32613
counselor's practice in this state are automatically suspended 32614
as of the date the genetic counselor pleads guilty to, is found 32615
by a judge or jury to be guilty of, or is subject to a judicial 32616
finding of eligibility for intervention in lieu of conviction in 32617
this state or treatment of intervention in lieu of conviction in 32618
another jurisdiction for any of the following criminal offenses 32619
in this state or a substantially equivalent criminal offense in 32620
another jurisdiction: aggravated murder, murder, voluntary 32621
manslaughter, felonious assault, kidnapping, rape, sexual 32622
battery, gross sexual imposition, aggravated arson, aggravated 32623
robbery, or aggravated burglary. Continued practice after the 32624
suspension shall be considered practicing without a license. 32625

The board shall notify the individual subject to the 32626
suspension by certified mail or in person in accordance with 32627
section 119.07 of the Revised Code. If an individual whose 32628
license is suspended under this division fails to make a timely 32629
request for an adjudication under Chapter 119. of the Revised 32630
Code, the board shall enter a final order permanently revoking 32631
the individual's license to practice. 32632

(K) In any instance in which the board is required by 32633

Chapter 119. of the Revised Code to give notice of opportunity 32634
for hearing and the individual subject to the notice does not 32635
timely request a hearing in accordance with section 119.07 of 32636
the Revised Code, the board is not required to hold a hearing, 32637
but may adopt, by an affirmative vote of not fewer than six of 32638
its members, a final order that contains the board's findings. 32639
In the final order, the board may order any of the sanctions 32640
identified under division (A) or (B) of this section. 32641

(L) Any action taken by the board under division (B) of 32642
this section resulting in a suspension shall be accompanied by a 32643
written statement of the conditions under which the license of 32644
the genetic counselor may be reinstated. The board shall adopt 32645
rules in accordance with Chapter 119. of the Revised Code 32646
governing conditions to be imposed for reinstatement. 32647
Reinstatement of a license suspended pursuant to division (B) of 32648
this section requires an affirmative vote of not fewer than six 32649
members of the board. 32650

(M) When the board refuses to grant or issue a license to 32651
practice as a genetic counselor to an applicant, revokes an 32652
individual's license, refuses to renew an individual's license, 32653
or refuses to reinstate an individual's license, the board may 32654
specify that its action is permanent. An individual subject to a 32655
permanent action taken by the board is forever thereafter 32656
ineligible to hold a license to practice as a genetic counselor 32657
and the board shall not accept an application for reinstatement 32658
of the license or for issuance of a new license. 32659

(N) Notwithstanding any other provision of the Revised 32660
Code, all of the following apply: 32661

(1) The surrender of a license to practice as a genetic 32662
counselor is not effective unless or until accepted by the 32663

board. A telephone conference call may be utilized for 32664
acceptance of the surrender of an individual's license. The 32665
telephone conference call shall be considered a special meeting 32666
under division (F) of section 121.22 of the Revised Code. 32667
Reinstatement of a license surrendered to the board requires an 32668
affirmative vote of not fewer than six members of the board. 32669

(2) An application made under this chapter for a license 32670
to practice may not be withdrawn without approval of the board. 32671

(3) Failure by an individual to renew a license in 32672
accordance with section 4778.06 of the Revised Code shall not 32673
remove or limit the board's jurisdiction to take disciplinary 32674
action under this section against the individual. 32675

Sec. 5120.035. (A) As used in this section: 32676

(1) "Community treatment provider" means a program that 32677
provides substance use disorder assessment and treatment for 32678
persons and that satisfies all of the following: 32679

(a) It is located outside of a state correctional 32680
institution. 32681

(b) It shall provide the assessment and treatment for 32682
qualified prisoners referred and transferred to it under this 32683
section in a suitable facility that is licensed pursuant to 32684
division (C) of section 2967.14 of the Revised Code. 32685

(c) All qualified prisoners referred and transferred to it 32686
under this section shall reside initially in the suitable 32687
facility specified in division (A) (1) (b) of this section while 32688
undergoing the assessment and treatment. 32689

(2) "Electronic monitoring device" has the same meaning as 32690
in section 2929.01 of the Revised Code. 32691

(3) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code. 32692
32693

(4) "Qualified prisoner" means a person who satisfies all of the following: 32694
32695

(a) The person is confined in a state correctional institution under a prison term imposed for a felony of the third, fourth, or fifth degree that is not an offense of violence. 32696
32697
32698
32699

(b) The department of rehabilitation and correction determines, using a standardized assessment tool, that the person has a substance use disorder. 32700
32701
32702

(c) The person has not more than twelve months remaining to be served under the prison term described in division (A) (4) (a) of this section. 32703
32704
32705

(d) The person is not serving any prison term other than the term described in division (A) (4) (a) of this section. 32706
32707

(e) The person is eighteen years of age or older. 32708

(f) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification. 32709
32710

(g) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section. 32711
32712
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(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder 32716
32717
32718
32719

assessment and treatment through community treatment providers 32720
to help reduce substance use relapses and recidivism for 32721
qualified prisoners while preparing them for reentry into the 32722
community and improving public safety. 32723

(C) (1) The department shall determine which qualified 32724
prisoners in its custody should be placed in the substance use 32725
disorder treatment program established under division (B) of 32726
this section. The department has full discretion in making that 32727
determination. If the department determines that a qualified 32728
prisoner should be placed in the program, the department may 32729
refer the prisoner to a community treatment provider the 32730
department has approved under division (E) of this section for 32731
participation in the program and transfer the prisoner from the 32732
state correctional institution to the provider's approved and 32733
licensed facility. Except as otherwise provided in division (C) 32734
(3) of this section, no prisoner shall be placed under the 32735
program in any facility other than a facility of a community 32736
treatment provider that has been so approved. If the department 32737
places a prisoner in the program, the prisoner shall receive 32738
credit against the prisoner's prison term for all time served in 32739
the provider's approved and licensed facility and may earn days 32740
of credit under section 2967.193 of the Revised Code, but 32741
otherwise neither the placement nor the prisoner's participation 32742
in or completion of the program shall result in any reduction of 32743
the prisoner's prison term. 32744

(2) If the department places a prisoner in the substance 32745
use disorder treatment program, the prisoner does not 32746
satisfactorily participate in the program, and the prisoner has 32747
not served the prisoner's entire prison term, the department may 32748
remove the prisoner from the program and return the prisoner to 32749
a state correctional institution. 32750

(3) If the department places a prisoner in the substance use disorder treatment program and the prisoner is satisfactorily participating in the program, the department may permit the prisoner to reside at a residence approved by the department if the department determines, with input from the community treatment provider, that residing at the approved residence will help the prisoner prepare for reentry into the community and will help reduce substance use relapses and recidivism for the prisoner. If a prisoner is permitted under this division to reside at a residence approved by the department, the prisoner shall be monitored during the period of that residence by an electronic monitoring device.

(D) (1) When a prisoner has been placed in the substance use disorder treatment program established under division (B) of this section, before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the department shall conduct and prepare an evaluation of the prisoner, the prisoner's participation in the program, and the prisoner's needs regarding substance use disorder treatment upon release. Before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the parole board or the court acting pursuant to an agreement under section 2967.29 of the Revised Code shall consider the evaluation, in addition to all other information and materials considered, as follows:

(a) If the prisoner is a prisoner for whom post-release control is mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining which post-release control sanction or sanctions to impose upon the prisoner under that section.

(b) If the prisoner is a prisoner for whom post-release control is not mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining whether a post-release control sanction is necessary and, if so, which post-release control sanction or sanctions to impose upon the prisoner under that section.

(2) If the department determines that a prisoner it placed in the substance use disorder treatment program successfully completed the program and successfully completed a term of post-release control, if applicable, and if the prisoner submits an application under section 2953.32 of the Revised Code for sealing or expungement of the record of the conviction, the director may issue a letter to the court in support of the application.

(E) (1) The department shall accept applications from community treatment providers that satisfy the requirement specified in division (E) (2) of this section and that wish to participate in the substance use disorder treatment program established under division (B) of this section, and shall approve for participation in the program at least four and not more than eight of the providers that apply. To the extent feasible, the department shall approve one or more providers from each geographical quadrant of the state.

(2) Each community treatment provider that applies under division (E) (1) of this section to participate in the program shall have the provider's alcohol and drug addiction services that provide substance use disorder treatment certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. A community treatment provider is not required to have the provider's halfway house or residential

treatment certified by the department of mental health and 32811
addiction services. 32812

(F) The department of rehabilitation and correction shall 32813
adopt rules for the operation of the substance use disorder 32814
treatment program it establishes under division (B) of this 32815
section and shall operate the program in accordance with this 32816
section and those rules. The rules shall establish, at a 32817
minimum, all of the following: 32818

(1) Criteria that establish which qualified prisoners are 32819
eligible for the program; 32820

(2) Criteria that must be satisfied to transfer a 32821
qualified prisoner to a residence pursuant to division (C) (3) of 32822
this section; 32823

(3) Criteria for the removal of a prisoner from the 32824
program pursuant to division (C) (2) of this section; 32825

(4) Criteria for determining when an offender has 32826
successfully completed the program for purposes of division (D) 32827
(2) of this section; 32828

(5) Criteria for community treatment providers to provide 32829
assessment and treatment, including minimum standards for 32830
treatment. 32831

Sec. 5139.101. (A) The department of youth services, in 32832
coordination with any other agencies deemed necessary, may 32833
develop a program to assist a youth leaving the supervision, 32834
control, and custody of the department at twenty-one years of 32835
age. The program shall provide supportive services for specific 32836
educational or rehabilitative purposes, under conditions agreed 32837
upon by both the department and the youth and terminable by 32838
either. Services shall cease not later than when the youth 32839

reaches twenty-two years of age and shall not be construed as 32840
extending control of a child beyond discharge as described in 32841
section 5139.10 of the Revised Code. 32842

(B) The services provided by the program shall be offered 32843
to the youth prior to the youth's discharge date, but a youth 32844
may request and the department shall consider any such request 32845
for the services described up to ninety days after the youth's 32846
effective date of discharge, even if the youth has previously 32847
declined services. 32848

Sec. 5139.45. (A) As used in this section: 32849

(1) "Quality assurance committee" means a committee that 32850
is appointed in the central office of the department of youth 32851
services by the director of youth services, a committee 32852
appointed at an institution by the managing officer of the 32853
institution, or a duly authorized subcommittee of that nature 32854
and that is designated to carry out quality assurance program 32855
activities. 32856

(2) "Institution" means a state facility that is created 32857
by the general assembly and that is under the management and 32858
control of the department of youth services or a private entity 32859
with which the department has contracted for the institutional 32860
care and custody of felony delinquents. 32861

~~(2)~~ (3) "Quality assurance program" means a comprehensive 32862
program within the department of youth services to 32863
systematically review and improve the quality of programming, 32864
operations, education, comprehensive services, including but not 32865
limited to, medical and mental health services within the 32866
department and the department's institutions, the safety and 32867
security of persons receiving care and services within the 32868

department and the department's institutions, and the efficiency 32869
and effectiveness of the utilization of staff and resources in 32870
the delivery of services within the department and the 32871
department's institutions. 32872

~~(3)~~ (4) "Quality assurance program activities" means the 32873
activities of ~~the institution and the office of quality~~ 32874
~~assurance and improvement~~ a quality assurance committee, of 32875
persons who provide, collect, or compile information and reports 32876
required by ~~the office of quality assurance and improvement~~ a 32877
quality assurance committee, and of persons who receive, review, 32878
or implement the recommendations made by ~~the office of quality~~ 32879
~~assurance and improvement~~ a quality assurance committee. "Quality 32880
assurance program activities" include, but are not limited to, 32881
credentialing, infection control, utilization review including 32882
access to patient care, patient care assessments, medical and 32883
mental health records, medical and mental health resource 32884
management, mortality and morbidity review, ~~and~~ identification 32885
and prevention of medical or mental health incidents and risks, 32886
and other comprehensive service activities whether performed by 32887
~~the office of quality assurance and improvement~~ a quality 32888
assurance committee or by persons who are directed by ~~the office~~ 32889
~~of quality assurance and improvement~~ a quality assurance 32890
committee. 32891

~~(4)~~ (5) "Quality assurance record" means the proceedings, 32892
records, minutes, and reports that result from quality assurance 32893
program activities. "Quality assurance record" does not include 32894
aggregate statistical information that does not disclose the 32895
identity of persons receiving or providing services in 32896
institutions. 32897

(B) ~~The office of quality assurance and improvement is~~ 32898

~~hereby created as an office in the department of youth services.~~ 32899
~~The director of youth services shall appoint a managing officer~~ 32900
~~to carry out quality assurance program activities.~~ 32901
The director of 32901
the department of youth services shall appoint a central office 32902
quality assurance committee consisting of staff members from 32903
relevant divisions within the department. The managing officer 32904
of an institution may appoint an institutional quality assurance 32905
committee. 32906

(C) (1) Except as otherwise provided in division (F) of 32907
this section, quality assurance records are confidential and are 32908
not public records under section 149.43 of the Revised Code and 32909
shall be used only in the course of the proper functions of a 32910
quality assurance program. 32911

(2) Except as provided in division (F) of this section, no 32912
person who possesses or has access to quality assurance records 32913
and who knows that the records are quality assurance records 32914
shall willfully disclose the contents of the records to any 32915
person or entity. 32916

(D) (1) Except as otherwise provided in division (F) of 32917
this section, a quality assurance record is not subject to 32918
discovery and is not admissible as evidence in any judicial or 32919
administrative proceeding. 32920

(2) Except as provided in division (F) of this section, no 32921
~~employee of the office of quality assurance and improvement~~ 32922
member of a quality assurance committee or a person who is 32923
performing a function that is part of a quality assurance 32924
program shall be permitted or required to testify in a judicial 32925
or administrative proceeding with respect to a quality assurance 32926
record or with respect to any finding, recommendation, 32927
evaluation, opinion, or other action taken by the ~~office or~~ 32928

~~program or by the person within the scope of the quality assurance program~~ 32929
committee, member, or person. 32930

(3) Information, documents, or records otherwise available 32931
from original sources shall not be unavailable for discovery or 32932
inadmissible as evidence in a judicial or administrative 32933
proceeding under division (D) (1) of this section merely because 32934
they were presented to ~~the office of quality assurance and~~ 32935
~~improvement~~ a quality assurance committee. No person ~~who is an~~ 32936
~~employee of the office of quality assurance and improvement~~ 32937
testifying before a quality assurance committee or person who is 32938
a member of a quality assurance committee shall be prohibited 32939
from testifying as to matters within the person's knowledge, but 32940
the person shall not be asked about an opinion formed by the 32941
person as a result of the ~~person's quality assurance program~~ 32942
activities quality assurance committee proceedings. 32943

(E) (1) A person who, without malice and in the reasonable 32944
belief that the information is warranted by the facts known to 32945
the person, provides information to a person engaged in quality 32946
assurance program activities is not liable for damages in a 32947
civil action for injury, death, or loss to person or property as 32948
a result of providing the information. 32949

(2) ~~An employee of the office of quality assurance and~~ 32950
~~improvement~~ A member of a quality assurance committee, a person 32951
engaged in quality assurance program activities, or an employee 32952
of the department of youth services shall not be liable in 32953
damages in a civil action for injury, death, or loss to person 32954
or property for any acts, omissions, decisions, or other conduct 32955
within the scope of the functions of the quality assurance 32956
program. 32957

(3) Nothing in this section shall relieve any institution 32958

from liability arising from the treatment of a patient. 32959

(F) Quality assurance records may be disclosed, and 32960
testimony may be provided concerning quality assurance records, 32961
only to the following persons or entities or under the following 32962
circumstances: 32963

(1) Persons who are employed or retained by the department 32964
of youth services and who have the authority to evaluate or 32965
implement the recommendations of ~~an institution or the office of~~ 32966
~~quality assurance and improvement~~ a quality assurance committee; 32967

(2) Public or private agencies or organizations if needed 32968
to perform a licensing or accreditation function related to 32969
institutions or to perform monitoring of institutions as 32970
required by law; 32971

(3) A governmental board or agency, a professional health 32972
care society or organization, or a professional standards review 32973
organization, if the records or testimony are needed to perform 32974
licensing, credentialing, or monitoring of professional 32975
standards with respect to medical or mental health professionals 32976
employed or retained by the department; 32977

(4) A criminal or civil law enforcement agency or public 32978
health agency charged by law with the protection of public 32979
health or safety, if a qualified representative of the agency 32980
makes a written request stating that the records or testimony 32981
are necessary for a purpose authorized by law; 32982

(5) In a judicial or administrative proceeding commenced 32983
by an entity described in division (F) (3) or (4) of this section 32984
for a purpose described in that division but only with respect 32985
to the subject of the proceedings. 32986

(G) A disclosure of quality assurance records pursuant to 32987

division (F) of this section does not otherwise waive the 32988
confidential and privileged status of the disclosed quality 32989
assurance records. The names and other identifying information 32990
regarding individual patients or employees of ~~the office of~~ 32991
~~quality assurance and improvement~~ a quality assurance committee 32992
contained in a quality assurance record shall be redacted from 32993
the record prior to the disclosure of the record unless the 32994
identity of an individual is necessary for the purpose for which 32995
the disclosure is being made and does not constitute a clearly 32996
unwarranted invasion of personal privacy. 32997

Sec. 5149.38. (A) In each voluntary county, subject to 32998
division (B) of this section and not later than ~~September 1,~~ 32999
~~2022~~June 30, 2022, a county commissioner representing the board 33000
of county commissioners of the county, the administrative judge 33001
of the general division of the court of common pleas of the 33002
county, the sheriff of the county, and an official from any 33003
municipality operating a local correctional facility in the 33004
county to which courts of the county sentence offenders shall 33005
agree to, sign, and submit to the department of rehabilitation 33006
and correction for its approval a memorandum of understanding 33007
that does all of the following: 33008

(1) Sets forth the plans by which the county will use 33009
grant money provided to the county in state fiscal year 2023 and 33010
succeeding state fiscal years under the targeting community 33011
alternatives to prison (T-CAP) program; 33012

(2) Specifies the manner in which the county will address 33013
a per diem reimbursement of local correctional facilities for 33014
prisoners who serve a prison term in the facility pursuant to 33015
division (B) (3) (c) of section 2929.34 of the Revised Code. The 33016
per diem reimbursement rate shall be the rate determined in 33017

division (F) (1) of this section and shall be specified in the 33018
memorandum; 33019

(3) Specifies whether the memorandum of understanding will 33020
apply to prison terms for felonies of the fifth degree or prison 33021
terms for felonies of the fourth and fifth degree pursuant to 33022
division (B) (3) (c) of section 2929.34 of the Revised Code. 33023

(B) Two or more voluntary counties may join together to 33024
jointly establish a memorandum of understanding of the type 33025
described in division (A) of this section. Not later than 33026
~~September 1, 2022~~ June 30, 2022, a county commissioner from each 33027
of the affiliating voluntary counties representing the county's 33028
board of county commissioners, the administrative judge of the 33029
general division of the court of common pleas of each 33030
affiliating voluntary county, the sheriff of each affiliating 33031
voluntary county, and an official from any municipality 33032
operating a local correctional facility in the affiliating 33033
voluntary counties to which courts of the counties sentence 33034
offenders shall agree to, sign, and submit to the department of 33035
rehabilitation and correction for its approval the memorandum of 33036
understanding. The memorandum of understanding shall set forth 33037
the plans by which, and specify the manner in which, the 33038
affiliating counties will complete the tasks identified in 33039
divisions (A) (1) to (3) of this section. 33040

(C) The department of rehabilitation and correction shall 33041
adopt rules establishing standards for approval of memorandums 33042
of understanding submitted to it under division (A) or (B) of 33043
this section. The department shall review the memorandums of 33044
understanding submitted to it and may require the county or 33045
counties that submit a memorandum to modify the memorandum. The 33046
director of rehabilitation and correction shall approve 33047

memorandums of understanding submitted to it under division (A) 33048
or (B) of this section that the director determines satisfy the 33049
standards adopted by the department within thirty days after 33050
receiving each memorandum submitted. 33051

(D) Any person responsible for agreeing to, signing, and 33052
submitting a memorandum of understanding under division (A) or 33053
(B) of this section may delegate the person's authority to do so 33054
to an employee of the agency, entity, or office served by the 33055
person. 33056

(E) The persons signing a memorandum of understanding 33057
under division (A) or (B) of this section, or their successors 33058
in office, may revise the memorandum as they determine 33059
necessary. Any revision of the memorandum shall be signed by the 33060
parties specified in division (A) or (B) of this section and 33061
submitted to the department of rehabilitation and correction for 33062
its approval under division (C) of this section within thirty 33063
days after the beginning of the state fiscal year. 33064

(F) (1) In each county, commencing in calendar year 2023, 33065
on or before the first day of February of each calendar year the 33066
sheriff shall determine the per diem costs for the preceding 33067
calendar year for each of the local correctional facilities for 33068
the housing in the facility of prisoners who serve a term in it 33069
pursuant to division (B) (3) (c) of section 2929.34 of the Revised 33070
Code. The per diem cost so determined shall apply in the 33071
calendar year in which the determination is made. 33072

(2) For each county, the per diem cost determined under 33073
division (F) (1) of this section that applies with respect to a 33074
facility in a specified calendar year shall be the per diem rate 33075
of reimbursement in that calendar year, under the targeting 33076
community alternatives to prison (T-CAP) program, for prisoners 33077

who serve a term in the facility pursuant to division (B) (3) (c) 33078
of section 2929.34 of the Revised Code. 33079

(3) The per diem costs of housing determined under 33080
division (F) (1) of this section for a facility shall be the 33081
actual costs of housing the specified prisoners in the facility, 33082
on a per diem basis. 33083

(G) As used in this section: 33084

(1) "Local correctional facility" means a facility of a 33085
type described in division (C) or (D) of section 2929.34 of the 33086
Revised Code. 33087

(2) "Voluntary county" has the same meanings as in section 33088
2929.34 of the Revised Code. 33089

Section 2. That existing sections 1.58, 109.11, 109.57, 33090
109.572, 109.71, 109.73, 109.75, 109.79, 109.801, 149.43, 33091
307.93, 313.10, 341.42, 753.32, 2151.34, 2151.358, 2307.70, 33092
2746.02, 2901.01, 2901.05, 2901.08, 2903.06, 2903.08, 2903.214, 33093
2907.05, 2907.15, 2909.01, 2909.02, 2909.03, 2909.04, 2909.05, 33094
2909.08, 2909.081, 2909.09, 2909.11, 2909.14, 2909.15, 2909.22, 33095
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.30, 2909.31, 33096
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.21, 2911.31, 33097
2911.32, 2913.01, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 33098
2913.06, 2913.07, 2913.11, 2913.21, 2913.30, 2913.31, 2913.34, 33099
2913.40, 2913.401, 2913.42, 2913.43, 2913.45, 2913.46, 2913.47, 33100
2913.48, 2913.49, 2913.51, 2913.61, 2913.72, 2913.73, 2913.82, 33101
2917.01, 2917.02, 2917.03, 2917.031, 2917.04, 2917.05, 2917.11, 33102
2917.12, 2917.13, 2917.21, 2917.31, 2917.33, 2917.40, 2917.41, 33103
2917.47, 2919.22, 2921.01, 2921.02, 2921.03, 2921.05, 2921.11, 33104
2921.12, 2921.13, 2921.21, 2921.23, 2921.24, 2921.29, 2921.31, 33105
2921.32, 2921.321, 2921.33, 2921.331, 2921.34, 2921.35, 2921.36, 33106

2921.37, 2921.38, 2921.41, 2921.42, 2921.421, 2921.44, 2921.45, 33107
2921.51, 2921.52, 2923.01, 2923.02, 2923.03, 2923.125, 2923.128, 33108
2923.1213, 2923.13, 2923.14, 2923.16, 2925.04, 2925.11, 2925.12, 33109
2925.14, 2925.141, 2927.01, 2927.02, 2927.021, 2927.023, 33110
2927.03, 2927.12, 2927.15, 2927.17, 2927.21, 2927.22, 2927.24, 33111
2927.27, 2929.01, 2929.11, 2929.12, 2929.14, 2929.20, 2929.21, 33112
2929.22, 2929.34, 2929.71, 2933.51, 2939.21, 2941.1413, 2941.25, 33113
2945.42, 2945.71, 2945.73, 2950.01, 2951.041, 2953.08, 2953.25, 33114
2953.31, 2953.32, 2953.34, 2953.37, 2953.38, 2953.52, 2953.521, 33115
2953.56, 2953.57, 2953.58, 2953.59, 2953.61, 2967.04, 2967.132, 33116
2967.193, 2967.26, 2967.271, 2971.03, 3107.01, 3113.31, 33117
3770.021, 3791.99, 4301.61, 4301.69, 4506.01, 4510.04, 4511.19, 33118
4511.21, 4723.28, 4729.16, 4729.56, 4729.57, 4729.96, 4730.25, 33119
4731.22, 4734.31, 4752.09, 4759.07, 4760.13, 4761.09, 4762.13, 33120
4774.13, 4778.14, 5120.035, 5139.45, and 5149.38 of the Revised 33121
Code are hereby repealed. 33122

Section 3. That sections 2909.06, 2909.07, 2909.10, 33123
2909.101, 2909.13, 2909.21, 2909.25, 2909.29, 2911.10, 2911.211, 33124
2911.23, 2913.32, 2913.33, 2913.41, 2913.421, 2913.44, 2913.441, 33125
2913.71, 2917.32, 2917.46, 2921.04, 2921.14, 2921.15, 2921.22, 33126
2921.25, 2927.022, 2927.11, 2953.321, 2953.33, 2953.35, 2953.36, 33127
2953.51, 2953.53, 2953.54, 2953.55, and 2967.19 of the Revised 33128
Code are hereby repealed. 33129

Section 4. That sections 1.07, 9.06, 9.07, 101.721, 33130
109.42, 109.54, 109.88, 109.921, 111.48, 145.57, 148.10, 33131
149.433, 311.281, 341.011, 742.461, 753.19, 901.511, 955.261, 33132
955.28, 971.08, 1503.09, 1533.68, 1905.01, 2151.14, 2151.356, 33133
2151.414, 2151.419, 2151.421, 2152.02, 2152.021, 2152.16, 33134
2152.201, 2152.71, 2152.72, 2152.74, 2152.81, 2152.811, 33135
2305.111, 2305.112, 2307.611, 2307.62, 2307.65, 2307.67, 33136
2308.04, 2710.05, 2743.62, 2901.011, 2901.07, 2901.13, 2903.01, 33137

2903.11, 2903.211, 2903.212, 2903.213, 2903.43, 2905.32, 33138
2907.06, 2907.10, 2907.11, 2907.27, 2907.28, 2907.29, 2907.30, 33139
2919.123, 2919.25, 2919.251, 2919.26, 2919.27, 2923.04, 33140
2923.126, 2923.129, 2923.132, 2923.31, 2923.41, 2925.61, 33141
2929.04, 2929.13, 2929.18, 2930.01, 2930.03, 2930.06, 2930.16, 33142
2930.17, 2933.81, 2933.82, 2935.03, 2935.041, 2935.36, 2937.11, 33143
2941.1425, 2945.04, 2945.481, 2945.482, 2945.491, 2949.02, 33144
2950.99, 2953.09, 2967.12, 2967.13, 2967.16, 2967.28, 2971.01, 33145
3109.50, 3111.04, 3301.32, 3301.541, 3305.09, 3309.67, 3313.662, 33146
3319.31, 3319.39, 3333.38, 3712.09, 3715.06, 3721.121, 3737.22, 33147
3750.09, 3751.04, 3752.14, 3770.05, 3772.99, 3905.841, 3999.21, 33148
4301.25, 4303.292, 4507.08, 4508.06, 4510.13, 4510.54, 4511.204, 33149
4511.205, 4519.47, 4715.036, 4729.552, 4729.553, 4734.99, 33150
4925.04, 4931.06, 5103.0319, 5120.14, 5120.66, 5139.01, 33151
5149.101, 5153.111, 5160.292, 5162.15, 5502.52, 5502.522, 33152
5502.53, 5739.026, and 6111.53 of the Revised Code be amended to 33153
read as follows: 33154

Sec. 1.07. Except as provided in sections 2909.11 and 33155
2913.61 of the Revised Code with respect to property that is 33156
subject to the particular section, when an evidence of debt or a 33157
written instrument is the subject of a criminal act, the amount 33158
of money due on the evidence of debt or the written instrument 33159
or secured thereby, or the amount of money or the value of 33160
property affected thereby, shall be deemed the value of the 33161
evidence of debt or the written instrument. 33162

Sec. 9.06. (A) (1) The department of rehabilitation and 33163
correction may contract for the private operation and management 33164
pursuant to this section of the initial intensive program prison 33165
established pursuant to section 5120.033 of the Revised Code, if 33166
one or more intensive program prisons are established under that 33167
section, and may contract for the private operation and 33168

management of any other facility under this section. Counties 33169
and municipal corporations to the extent authorized in sections 33170
307.93, 341.35, 753.03, and 753.15 of the Revised Code may 33171
contract for the private operation and management of a facility 33172
under this section. A contract entered into under this section 33173
shall be for an initial term specified in the contract with an 33174
option to renew for additional periods of two years. 33175

(2) The department of rehabilitation and correction, by 33176
rule, shall adopt minimum criteria and specifications that a 33177
person or entity, other than a person or entity that satisfies 33178
the criteria set forth in division (A) (3) (a) of this section and 33179
subject to division (I) of this section, must satisfy in order 33180
to apply to operate and manage as a contractor pursuant to this 33181
section the initial intensive program prison established 33182
pursuant to section 5120.033 of the Revised Code, if one or more 33183
intensive program prisons are established under that section. 33184

(3) Subject to division (I) of this section, any person or 33185
entity that applies to operate and manage a facility as a 33186
contractor pursuant to this section shall satisfy one or more of 33187
the following criteria: 33188

(a) The person or entity, at the time of the application, 33189
operates and manages one or more facilities accredited by the 33190
American correctional association. 33191

(b) The person or entity satisfies all of the minimum 33192
criteria and specifications adopted by the department of 33193
rehabilitation and correction pursuant to division (A) (2) of 33194
this section, provided that this alternative shall be available 33195
only in relation to the initial intensive program prison 33196
established pursuant to section 5120.033 of the Revised Code, if 33197
one or more intensive program prisons are established under that 33198

section. 33199

(4) Subject to division (I) of this section, before a 33200
public entity may enter into a contract under this section, the 33201
contractor shall convincingly demonstrate to the public entity 33202
that it can operate the facility with the inmate capacity 33203
required by the public entity and provide the services required 33204
in this section and realize at least a five per cent savings 33205
over the projected cost to the public entity of providing these 33206
same services to operate the facility that is the subject of the 33207
contract. No out-of-state prisoners may be housed in any 33208
facility that is the subject of a contract entered into under 33209
this section, unless the contractor can convincingly demonstrate 33210
to the director of rehabilitation and correction that all out- 33211
of-state prisoners will be functionally segregated from inmates 33212
from this state at all times. 33213

(B) Subject to division (I) of this section, any contract 33214
entered into under this section shall include all of the 33215
following: 33216

(1) A requirement that, if the contractor applied pursuant 33217
to division (A) (3) (b) of this section, the contractor continue 33218
complying with the applicable criteria and specifications 33219
adopted by the department of rehabilitation and correction 33220
pursuant to division (A) (2) of this section; 33221

(2) A requirement that all of the following conditions be 33222
met: 33223

(a) The contractor begins the process of accrediting the 33224
facility with the American correctional association no later 33225
than sixty days after the facility receives its first inmate. 33226

(b) The contractor receives accreditation of the facility 33227

within twelve months after the date the contractor applies to 33228
the American correctional association for accreditation. 33229

(c) Once the accreditation is received, the contractor 33230
maintains it for the duration of the contract term. 33231

(d) If the contractor does not comply with divisions (B) 33232
(2) (a) to (c) of this section, the contractor is in violation of 33233
the contract, and the public entity may revoke the contract at 33234
its discretion. 33235

(3) A requirement that the contractor comply with all 33236
rules promulgated by the department of rehabilitation and 33237
correction that apply to the operation and management of 33238
correctional facilities, including the minimum standards for 33239
jails in Ohio and policies regarding the use of force and the 33240
use of deadly force, although the public entity may require more 33241
stringent standards, and comply with any applicable laws, rules, 33242
or regulations of the federal, state, and local governments, 33243
including, but not limited to, sanitation, food service, safety, 33244
and health regulations. The contractor shall be required to send 33245
copies of reports of inspections completed by the appropriate 33246
authorities regarding compliance with rules and regulations to 33247
the director of rehabilitation and correction or the director's 33248
designee and, if contracting with a local public entity, to the 33249
governing authority of that entity. 33250

(4) A requirement that the contractor report for 33251
investigation all crimes in connection with the facility to the 33252
public entity, to all local law enforcement agencies with 33253
jurisdiction over the place at which the facility is located, 33254
and, for a crime committed at a state correctional institution, 33255
to the state highway patrol; 33256

(5) A requirement that the contractor immediately report 33257
all escapes from the facility, and the apprehension of all 33258
escapees, by telephone and in writing to all local law 33259
enforcement agencies with jurisdiction over the place at which 33260
the facility is located, to the prosecuting attorney of the 33261
county in which the facility is located, to the state highway 33262
patrol, to a daily newspaper having general circulation in the 33263
county in which the facility is located, and, if the facility is 33264
a state correctional institution, to the department of 33265
rehabilitation and correction. The written notice may be by 33266
either facsimile transmission or mail. A failure to comply with 33267
this requirement regarding an escape is a violation of section 33268
~~2921.22~~ 2921.26 of the Revised Code. 33269

(6) A requirement that, if the facility is a state 33270
correctional institution, the contractor provide a written 33271
report within specified time limits to the director of 33272
rehabilitation and correction or the director's designee of all 33273
unusual incidents at the facility as defined in rules 33274
promulgated by the department of rehabilitation and correction 33275
or, if the facility is a local correctional institution, that 33276
the contractor provide a written report of all unusual incidents 33277
at the facility to the governing authority of the local public 33278
entity; 33279

(7) A requirement that the contractor maintain proper 33280
control of inmates' personal funds pursuant to rules promulgated 33281
by the department of rehabilitation and correction for state 33282
correctional institutions or pursuant to the minimum standards 33283
for jails along with any additional standards established by the 33284
local public entity for local correctional institutions and that 33285
records pertaining to these funds be made available to 33286
representatives of the public entity for review or audit; 33287

- (8) A requirement that the contractor prepare and distribute to the director of rehabilitation and correction or, if contracting with a local public entity, to the governing authority of the local entity annual budget income and expenditure statements and funding source financial reports;
- (9) A requirement that the public entity appoint and supervise a full-time contract monitor, that the contractor provide suitable office space for the contract monitor at the facility, and that the contractor allow the contract monitor unrestricted access to all parts of the facility and all records of the facility except the contractor's financial records;
- (10) A requirement that if the facility is a state correctional institution designated department of rehabilitation and correction staff members be allowed access to the facility in accordance with rules promulgated by the department;
- (11) A requirement that the contractor provide internal and perimeter security as agreed upon in the contract;
- (12) If the facility is a state correctional institution, a requirement that the contractor impose discipline on inmates housed in the facility only in accordance with rules promulgated by the department of rehabilitation and correction;
- (13) A requirement that the facility be staffed at all times with a staffing pattern approved by the public entity and adequate both to ensure supervision of inmates and maintenance of security within the facility and to provide for programs, transportation, security, and other operational needs. In determining security needs, the contractor shall be required to consider, among other things, the proximity of the facility to neighborhoods and schools.

(14) If the contract is with a local public entity, a 33317
requirement that the contractor provide services and programs, 33318
consistent with the minimum standards for jails promulgated by 33319
the department of rehabilitation and correction under section 33320
5120.10 of the Revised Code; 33321

(15) A clear statement that no immunity from liability 33322
granted to the state, and no immunity from liability granted to 33323
political subdivisions under Chapter 2744. of the Revised Code, 33324
shall extend to the contractor or any of the contractor's 33325
employees; 33326

(16) A statement that all documents and records relevant 33327
to the facility shall be maintained in the same manner required 33328
for, and subject to the same laws, rules, and regulations as 33329
apply to, the records of the public entity; 33330

(17) Authorization for the public entity to impose a fine 33331
on the contractor from a schedule of fines included in the 33332
contract for the contractor's failure to perform its contractual 33333
duties or to cancel the contract, as the public entity considers 33334
appropriate. If a fine is imposed, the public entity may reduce 33335
the payment owed to the contractor pursuant to any invoice in 33336
the amount of the imposed fine. 33337

(18) A statement that all services provided or goods 33338
produced at the facility shall be subject to the same 33339
regulations, and the same distribution limitations, as apply to 33340
goods and services produced at other correctional institutions; 33341

(19) If the facility is a state correctional institution, 33342
authorization for the department to establish one or more prison 33343
industries at the facility; 33344

(20) A requirement that, if the facility is an intensive 33345

program prison established pursuant to section 5120.033 of the Revised Code, the facility shall comply with all criteria for intensive program prisons of that type that are set forth in that section;

(21) If the facility is a state correctional institution, a requirement that the contractor provide clothing for all inmates housed in the facility that is conspicuous in its color, style, or color and style, that conspicuously identifies its wearer as an inmate, and that is readily distinguishable from clothing of a nature that normally is worn outside the facility by non-inmates, that the contractor require all inmates housed in the facility to wear the clothing so provided, and that the contractor not permit any inmate, while inside or on the premises of the facility or while being transported to or from the facility, to wear any clothing of a nature that does not conspicuously identify its wearer as an inmate and that normally is worn outside the facility by non-inmates.

(C) No contract entered into under this section may require, authorize, or imply a delegation of the authority or responsibility of the public entity to a contractor for any of the following:

(1) Developing or implementing procedures for calculating inmate release and parole eligibility dates and recommending the granting or denying of parole, although the contractor may submit written reports that have been prepared in the ordinary course of business;

(2) Developing or implementing procedures for calculating and awarding earned credits, approving the type of work inmates may perform and the wage or earned credits, if any, that may be awarded to inmates engaging in that work, and granting, denying,

or revoking earned credits;	33376
(3) For inmates serving a term imposed for a felony offense committed prior to July 1, 1996, or for a misdemeanor offense, developing or implementing procedures for calculating and awarding good time, approving the good time, if any, that may be awarded to inmates engaging in work, and granting, denying, or revoking good time;	33377 33378 33379 33380 33381 33382
(4) Classifying an inmate or placing an inmate in a more or a less restrictive custody than the custody ordered by the public entity;	33383 33384 33385
(5) Approving inmates for work release;	33386
(6) Contracting for local or long distance telephone services for inmates or receiving commissions from those services at a facility that is owned by or operated under a contract with the department.	33387 33388 33389 33390
(D) A contractor that has been approved to operate a facility under this section, and a person or entity that enters into a contract for specialized services, as described in division (I) of this section, relative to an intensive program prison established pursuant to section 5120.033 of the Revised Code to be operated by a contractor that has been approved to operate the prison under this section, shall provide an adequate policy of insurance specifically including, but not limited to, insurance for civil rights claims as determined by a risk management or actuarial firm with demonstrated experience in public liability for state governments. The insurance policy shall provide that the state, including all state agencies, and all political subdivisions of the state with jurisdiction over the facility or in which a facility is located are named as	33391 33392 33393 33394 33395 33396 33397 33398 33399 33400 33401 33402 33403 33404

insured, and that the state and its political subdivisions shall 33405
be sent any notice of cancellation. The contractor may not self- 33406
insure. 33407

A contractor that has been approved to operate a facility 33408
under this section, and a person or entity that enters into a 33409
contract for specialized services, as described in division (I) 33410
of this section, relative to an intensive program prison 33411
established pursuant to section 5120.033 of the Revised Code to 33412
be operated by a contractor that has been approved to operate 33413
the prison under this section, shall indemnify and hold harmless 33414
the state, its officers, agents, and employees, and any local 33415
government entity in the state having jurisdiction over the 33416
facility or ownership of the facility, shall reimburse the state 33417
for its costs in defending the state or any of its officers, 33418
agents, or employees, and shall reimburse any local government 33419
entity of that nature for its costs in defending the local 33420
government entity, from all of the following: 33421

(1) Any claims or losses for services rendered by the 33422
contractor, person, or entity performing or supplying services 33423
in connection with the performance of the contract; 33424

(2) Any failure of the contractor, person, or entity or 33425
its officers or employees to adhere to the laws, rules, 33426
regulations, or terms agreed to in the contract; 33427

(3) Any constitutional, federal, state, or civil rights 33428
claim brought against the state related to the facility operated 33429
and managed by the contractor; 33430

(4) Any claims, losses, demands, or causes of action 33431
arising out of the contractor's, person's, or entity's 33432
activities in this state; 33433

(5) Any attorney's fees or court costs arising from any habeas corpus actions or other inmate suits that may arise from any event that occurred at the facility or was a result of such an event, or arise over the conditions, management, or operation of the facility, which fees and costs shall include, but not be limited to, attorney's fees for the state's representation and for any court-appointed representation of any inmate, and the costs of any special judge who may be appointed to hear those actions or suits.

(E) Private correctional officers of a contractor operating and managing a facility pursuant to a contract entered into under this section may carry and use firearms in the course of their employment only after being certified as satisfactorily completing an approved training program as described in division (A) of section 109.78 of the Revised Code.

(F) Upon notification by the contractor of an escape from, or of a disturbance at, the facility that is the subject of a contract entered into under this section, the department of rehabilitation and correction and state and local law enforcement agencies shall use all reasonable means to recapture escapees or quell any disturbance. Any cost incurred by the state or its political subdivisions relating to the apprehension of an escapee or the quelling of a disturbance at the facility shall be chargeable to and borne by the contractor. The contractor shall also reimburse the state or its political subdivisions for all reasonable costs incurred relating to the temporary detention of the escapee following recapture.

(G) Any offense that would be a crime if committed at a state correctional institution or jail, workhouse, prison, or other correctional facility shall be a crime if committed by or

with regard to inmates at facilities operated pursuant to a 33464
contract entered into under this section. 33465

(H) A contractor operating and managing a facility 33466
pursuant to a contract entered into under this section shall pay 33467
any inmate workers at the facility at the rate approved by the 33468
public entity. Inmates working at the facility shall not be 33469
considered employees of the contractor. 33470

(I) In contracting for the private operation and 33471
management pursuant to division (A) of this section of any 33472
intensive program prison established pursuant to section 33473
5120.033 of the Revised Code, the department of rehabilitation 33474
and correction may enter into a contract with a contractor for 33475
the general operation and management of the prison and may enter 33476
into one or more separate contracts with other persons or 33477
entities for the provision of specialized services for persons 33478
confined in the prison, including, but not limited to, security 33479
or training services or medical, counseling, educational, or 33480
similar treatment programs. If, pursuant to this division, the 33481
department enters into a contract with a contractor for the 33482
general operation and management of the prison and also enters 33483
into one or more specialized service contracts with other 33484
persons or entities, all of the following apply: 33485

(1) The contract for the general operation and management 33486
shall comply with all requirements and criteria set forth in 33487
this section, and all provisions of this section apply in 33488
relation to the prison operated and managed pursuant to the 33489
contract. 33490

(2) Divisions (A) (2), (B), and (C) of this section do not 33491
apply in relation to any specialized services contract, except 33492
to the extent that the provisions of those divisions clearly are 33493

relevant to the specialized services to be provided under the 33494
specialized services contract. Division (D) of this section 33495
applies in relation to each specialized services contract. 33496

(J) If, on or after June 30, 2011, a contractor enters 33497
into a contract with the department of rehabilitation and 33498
correction under this section for the operation and management 33499
of any facility described in Section 753.10 of the act in which 33500
this amendment was adopted, if the contract provides for the 33501
sale of the facility to the contractor, if the facility is sold 33502
to the contractor subsequent to the execution of the contract, 33503
and if the contractor is privately operating and managing the 33504
facility, notwithstanding the contractor's private operation and 33505
management of the facility, all of the following apply: 33506

(1) Except as expressly provided to the contrary in this 33507
section, the facility being privately operated and managed by 33508
the contractor shall be considered for purposes of the Revised 33509
Code as being under the control of, or under the jurisdiction 33510
of, the department of rehabilitation and correction. 33511

(2) Any reference in this section to "state correctional 33512
institution," any reference in Chapter 2967. of the Revised Code 33513
to "state correctional institution," other than the definition 33514
of that term set forth in section 2967.01 of the Revised Code, 33515
or to "prison," and any reference in Chapter 2929., 5120., 33516
5145., 5147., or 5149. or any other provision of the Revised 33517
Code to "state correctional institution" or "prison" shall be 33518
considered to include a reference to the facility being 33519
privately operated and managed by the contractor, unless the 33520
context makes the inclusion of that facility clearly 33521
inapplicable. 33522

(3) Upon the sale and conveyance of the facility, the 33523

facility shall be returned to the tax list and duplicate 33524
maintained by the county auditor, and the facility shall be 33525
subject to all real property taxes and assessments. No exemption 33526
from real property taxation pursuant to Chapter 5709. of the 33527
Revised Code shall apply to the facility conveyed. The gross 33528
receipts and income of the contractor to whom the facility is 33529
conveyed that are derived from operating and managing the 33530
facility under this section shall be subject to gross receipts 33531
and income taxes levied by the state and its subdivisions, 33532
including the taxes levied pursuant to Chapters 718., 5747., 33533
5748., and 5751. of the Revised Code. Unless exempted under 33534
another section of the Revised Code, transactions involving a 33535
contractor as a consumer or purchaser are subject to any tax 33536
levied under Chapters 5739. and 5741. of the Revised Code. 33537

(4) After the sale and conveyance of the facility, all of 33538
the following apply: 33539

(a) Before the contractor may resell or otherwise transfer 33540
the facility and the real property on which it is situated, any 33541
surrounding land that also was transferred under the contract, 33542
or both the facility and real property on which it is situated 33543
plus the surrounding land that was transferred under the 33544
contract, the contractor first must offer the state the 33545
opportunity to repurchase the facility, real property, and 33546
surrounding land that is to be resold or transferred and must 33547
sell the facility, real property, and surrounding land to the 33548
state if the state so desires, pursuant to and in accordance 33549
with the repurchase clause included in the contract. 33550

(b) Upon the default by the contractor of any financial 33551
agreement for the purchase of the facility and the real property 33552
on which it is situated, any surrounding land that also was 33553

transferred under the contract, or both the facility and real 33554
property on which it is situated plus the surrounding land that 33555
was transferred under the contract, upon the default by the 33556
contractor of any other term in the contract, or upon the 33557
financial insolvency of the contractor or inability of the 33558
contractor to meet its contractual obligations, the state may 33559
repurchase the facility, real property, and surrounding land, if 33560
the state so desires, pursuant to and in accordance with the 33561
repurchase clause included in the contract. 33562

(c) If the contract entered into under this section for 33563
the operation and management of a state correctional institution 33564
is terminated, both of the following apply: 33565

(i) The operation and management responsibilities of the 33566
state correctional institution shall be transferred to another 33567
contractor under the same terms and conditions as applied to the 33568
original contractor or to the department of rehabilitation and 33569
correction. 33570

(ii) The department of rehabilitation and correction or 33571
the new contractor, whichever is applicable, may enter into an 33572
agreement with the terminated contractor to purchase the 33573
terminated contractor's equipment, supplies, furnishings, and 33574
consumables. 33575

(K) Any action asserting that section 9.06 of the Revised 33576
Code or Section 753.10 of the act in which this amendment was 33577
adopted violates any provision of the Ohio Constitution and any 33578
claim asserting that any action taken by the governor or the 33579
department of administrative services or the department of 33580
rehabilitation and correction pursuant to section 9.06 of the 33581
Revised Code or Section 753.10 of the act in which this 33582
amendment was adopted violates any provision of the Ohio 33583

Constitution or any provision of the Revised Code shall be 33584
brought in the court of common pleas of Franklin county. The 33585
court shall give any action filed pursuant to this division 33586
priority over all other civil cases pending on its docket and 33587
expeditiously make a determination on the claim. If an appeal is 33588
taken from any final order issued in a case brought pursuant to 33589
this division, the court of appeals shall give the case priority 33590
over all other civil cases pending on its docket and 33591
expeditiously make a determination on the appeal. 33592

(L) If, on or after the ~~effective date of this amendment~~ 33593
March 21, 2017, the department of rehabilitation and correction 33594
enters into a contract with an owner, operator, or manager of a 33595
facility described in division (M) (5) (c) of this section for the 33596
housing of inmates, all of the following apply: 33597

(1) Except as expressly provided to the contrary under 33598
this section, the facility that is privately owned, operated, or 33599
managed by the contractor shall be considered for purposes of 33600
the Revised Code to be under the control of, or under the 33601
jurisdiction of, the department of rehabilitation and 33602
correction. 33603

(2) Any reference in this section to "state correctional 33604
institution," any reference in Chapter 2967. of the Revised Code 33605
to "state correctional institution," other than the definition 33606
of that term set forth in section 2967.01 of the Revised Code, 33607
or to "prison," and any reference in Chapter 2929., 5120., 33608
5145., 5147., or 5149. or any other provision of the Revised 33609
Code to "state correctional institution" or "prison" shall be 33610
considered to include a reference to the facility being 33611
privately owned, operated, or managed by the contractor, unless 33612
the context makes the inclusion of that facility clearly 33613

inapplicable. 33614

(M) As used in this section: 33615

(1) "Public entity" means the department of rehabilitation 33616
and correction, or a county or municipal corporation or a 33617
combination of counties and municipal corporations, that has 33618
jurisdiction over a facility that is the subject of a contract 33619
entered into under this section. 33620

(2) "Local public entity" means a county or municipal 33621
corporation, or a combination of counties and municipal 33622
corporations, that has jurisdiction over a jail, workhouse, or 33623
other correctional facility used only for misdemeanants that is 33624
the subject of a contract entered into under this section. 33625

(3) "Governing authority of a local public entity" means, 33626
for a county, the board of county commissioners; for a municipal 33627
corporation, the legislative authority; for a combination of 33628
counties and municipal corporations, all the boards of county 33629
commissioners and municipal legislative authorities that joined 33630
to create the facility. 33631

(4) "Contractor" means a person or entity that enters into 33632
a contract under this section to operate and manage a jail, 33633
workhouse, or other correctional facility. 33634

(5) "Facility" means any of the following: 33635

(a) The specific county, multicounty, municipal, 33636
municipal-county, or multicounty-municipal jail, workhouse, 33637
prison, or other type of correctional institution or facility 33638
used only for misdemeanants that is the subject of a contract 33639
entered into under this section; 33640

(b) Any state correctional institution that is the subject 33641

of a contract entered into under this section, including any 33642
facility described in Section 753.10 of the act in which this 33643
amendment was adopted at any time prior to or after any sale to 33644
a contractor of the state's right, title, and interest in the 33645
facility, the land situated thereon, and specified surrounding 33646
land; 33647

(c) Any other correctional institution located in this 33648
state that is owned, operated, or managed by a person or entity 33649
that meets the criteria established in division (A) (3) (a) of 33650
this section. 33651

(6) "Person or entity" in the case of a contract for the 33652
private operation and management of a state correctional 33653
institution, includes an employee organization, as defined in 33654
section 4117.01 of the Revised Code, that represents employees 33655
at state correctional institutions. 33656

Sec. 9.07. (A) As used in this section: 33657

(1) "Deadly weapon" has the same meaning as in section 33658
2923.11 of the Revised Code. 33659

(2) "Governing authority of a local public entity" means 33660
whichever of the following is applicable: 33661

(a) For a county, the board of county commissioners of the 33662
county; 33663

(b) For a municipal corporation, the legislative authority 33664
of the municipal corporation; 33665

(c) For a combination of counties, a combination of 33666
municipal corporations, or a combination of one or more counties 33667
and one or more municipal corporations, all boards of county 33668
commissioners and legislative authorities of all of the counties 33669

and municipal corporations that combined to form a local public 33670
entity for purposes of this section. 33671

(3) "Local public entity" means a county, a municipal 33672
corporation, a combination of counties, a combination of 33673
municipal corporations, or a combination of one or more counties 33674
and one or more municipal corporations. 33675

(4) "Non-contracting political subdivision" means any 33676
political subdivision to which all of the following apply: 33677

(a) A correctional facility for the housing of out-of- 33678
state prisoners in this state is or will be located in the 33679
political subdivision. 33680

(b) The correctional facility described in division (A) (4) 33681
(a) of this section is being operated and managed, or will be 33682
operated and managed, by a local public entity or a private 33683
contractor pursuant to a contract entered into prior to March 33684
17, 1998, or a contract entered into on or after March 17, 1998, 33685
under this section. 33686

(c) The political subdivision is not a party to the 33687
contract described in division (A) (4) (b) of this section for the 33688
management and operation of the correctional facility. 33689

(5) "Out-of-state jurisdiction" means the United States, 33690
any state other than this state, and any political subdivision 33691
or other jurisdiction located in a state other than this state. 33692

(6) "Out-of-state prisoner" means a person who is 33693
convicted of a crime in another state or under the laws of the 33694
United States or who is found under the laws of another state or 33695
of the United States to be a delinquent child or the 33696
substantially equivalent designation. 33697

(7) "Private contractor" means either of the following: 33698

(a) A person who, on or after March 17, 1998, enters into 33699
a contract under this section with a local public entity to 33700
operate and manage a correctional facility in this state for 33701
out-of-state prisoners. 33702

(b) A person who, pursuant to a contract with a local 33703
public entity entered into prior to March 17, 1998, operates and 33704
manages on March 17, 1998, a correctional facility in this state 33705
for housing out-of-state prisoners. 33706

(B) Subject to division (I) of this section, the only 33707
entities other than this state that are authorized to operate a 33708
correctional facility to house out-of-state prisoners in this 33709
state are a local public entity that operates a correctional 33710
facility pursuant to this section or a private contractor that 33711
operates a correctional facility pursuant to this section under 33712
a contract with a local public entity. 33713

Subject to division (I) of this section, a private entity 33714
may operate a correctional facility in this state for the 33715
housing of out-of-state prisoners only if the private entity is 33716
a private contractor that enters into a contract that comports 33717
with division (D) of this section with a local public entity for 33718
the management and operation of the correctional facility. 33719

(C) (1) Except as provided in this division, on and after 33720
March 17, 1998, a local public entity shall not enter into a 33721
contract with an out-of-state jurisdiction to house out-of-state 33722
prisoners in a correctional facility in this state. On and after 33723
March 17, 1998, a local public entity may enter into a contract 33724
with an out-of-state jurisdiction to house out-of-state 33725
prisoners in a correctional facility in this state only if the 33726

local public entity and the out-of-state jurisdiction with which 33727
the local public entity intends to contract jointly submit to 33728
the department of rehabilitation and correction a statement that 33729
certifies the correctional facility's intended use, intended 33730
prisoner population, and custody level, and the department 33731
reviews and comments upon the plans for the design or renovation 33732
of the correctional facility regarding their suitability for the 33733
intended prisoner population specified in the submitted 33734
statement. 33735

(2) If a local public entity and an out-of-state 33736
jurisdiction enter into a contract to house out-of-state 33737
prisoners in a correctional facility in this state as authorized 33738
under division (C)(1) of this section, in addition to any other 33739
provisions it contains, the contract shall include whichever of 33740
the following provisions is applicable: 33741

(a) If a private contractor will operate the facility in 33742
question pursuant to a contract entered into in accordance with 33743
division (D) of this section, a requirement that, if the 33744
facility is closed or ceases to operate for any reason and if 33745
the conversion plan described in division (D)(16) of this 33746
section is not complied with, the out-of-state jurisdiction will 33747
be responsible for housing and transporting the prisoners who 33748
are in the facility at the time it is closed or ceases to 33749
operate and for the cost of so housing and transporting those 33750
prisoners; 33751

(b) If a private contractor will not operate the facility 33752
in question pursuant to a contract entered into in accordance 33753
with division (D) of this section, a conversion plan that will 33754
be followed if, for any reason, the facility is closed or ceases 33755
to operate. The conversion plan shall include, but is not 33756

limited to, provisions that specify whether the local public 33757
entity or the out-of-state jurisdiction will be responsible for 33758
housing and transporting the prisoners who are in the facility 33759
at the time it is closed or ceases to operate and for the cost 33760
of so housing and transporting those prisoners. 33761

(3) If a local public entity and an out-of-state 33762
jurisdiction intend to enter into a contract to house out-of- 33763
state prisoners in a correctional facility in this state as 33764
authorized under division (C)(1) of this section, or if a local 33765
public entity and a private contractor intend to enter into a 33766
contract pursuant to division (D) of this section for the 33767
private contractor's management and operation of a correctional 33768
facility in this state to house out-of-state prisoners, prior to 33769
entering into the contract the local public entity and the out- 33770
of-state jurisdiction, or the local public entity and the 33771
private contractor, whichever is applicable, shall conduct a 33772
public hearing in accordance with this division, and, prior to 33773
entering into the contract, the governing authority of the local 33774
public entity in which the facility is or will be located shall 33775
authorize the location and operation of the facility. The 33776
hearing shall be conducted at a location within the municipal 33777
corporation or township in which the facility is or will be 33778
located. At least one week prior to conducting the hearing, the 33779
local public entity and the out-of-state jurisdiction or private 33780
contractor with the duty to conduct the hearing shall cause 33781
notice of the date, time, and place of the hearing to be made by 33782
publication in the newspaper with the largest general 33783
circulation in the county in which the municipal corporation or 33784
township is located. The notice shall be of a sufficient size 33785
that it covers at least one-quarter of a page of the newspaper 33786
in which it is published. This division applies to a private 33787

contractor that, pursuant to the requirement set forth in 33788
division (I) of this section, is required to enter into a 33789
contract under division (D) of this section. 33790

(D) Subject to division (I) of this section, on and after 33791
March 17, 1998, if a local public entity enters into a contract 33792
with a private contractor for the management and operation of a 33793
correctional facility in this state to house out-of-state 33794
prisoners, the contract, at a minimum, shall include all of the 33795
following provisions: 33796

(1) A requirement that the private contractor seek and 33797
obtain accreditation from the American correctional association 33798
for the correctional facility within two years after accepting 33799
the first out-of-state prisoner at the correctional facility 33800
under the contract and that it maintain that accreditation for 33801
the term of the contract; 33802

(2) A requirement that the private contractor comply with 33803
all applicable laws, rules, or regulations of the government of 33804
this state, political subdivisions of this state, and the United 33805
States, including, but not limited to, all sanitation, food 33806
service, safety, and health regulations; 33807

(3) A requirement that the private contractor send copies 33808
of reports of inspections completed by appropriate authorities 33809
regarding compliance with laws, rules, and regulations of the 33810
type described in division (D) (2) of this section to the 33811
director of rehabilitation and correction or the director's 33812
designee and to the governing authority of the local public 33813
entity in which the correctional facility is located; 33814

(4) A requirement that the private contractor report to 33815
the local law enforcement agencies with jurisdiction over the 33816

place at which the correctional facility is located, for 33817
investigation, all criminal offenses or delinquent acts that are 33818
committed in or on the grounds of, or otherwise in connection 33819
with, the correctional facility and report to the department of 33820
rehabilitation and correction all disturbances at the facility; 33821

(5) A requirement that the private contractor immediately 33822
report all escapes from the facility, and the apprehension of 33823
all escapees, by telephone and in writing to the department of 33824
rehabilitation and correction, to all local law enforcement 33825
agencies with jurisdiction over the place at which the facility 33826
is located, to the state highway patrol, to the prosecuting 33827
attorney of the county in which the facility is located, and to 33828
a daily newspaper having general circulation in the county in 33829
which the facility is located. The written notice may be by 33830
either facsimile transmission or mail. A failure to comply with 33831
this requirement is a violation of section ~~2921.22~~2921.26 of 33832
the Revised Code. 33833

(6) A requirement that the private contractor provide a 33834
written report to the director of rehabilitation and correction 33835
or the director's designee and to the governing authority of the 33836
local public entity in which the correctional facility is 33837
located of all unusual incidents occurring at the correctional 33838
facility. The private contractor shall report the incidents in 33839
accordance with the incident reporting rules that, at the time 33840
of the incident, are applicable to state correctional facilities 33841
for similar incidents occurring at state correctional 33842
facilities. 33843

(7) A requirement that the private contractor provide 33844
internal and perimeter security to protect the public, staff 33845
members of the correctional facility, and prisoners in the 33846

correctional facility; 33847

(8) A requirement that the correctional facility be 33848
staffed at all times with a staffing pattern that is adequate to 33849
ensure supervision of inmates and maintenance of security within 33850
the correctional facility and to provide for appropriate 33851
programs, transportation, security, and other operational needs. 33852
In determining security needs for the correctional facility, the 33853
private contractor and the contract requirements shall fully 33854
take into account all relevant factors, including, but not 33855
limited to, the proximity of the facility to neighborhoods and 33856
schools. 33857

(9) A requirement that the private contractor provide an 33858
adequate policy of insurance that satisfies the requirements set 33859
forth in division (D) of section 9.06 of the Revised Code 33860
regarding contractors who operate and manage a facility under 33861
that section, and that the private contractor indemnify and hold 33862
harmless the state, its officers, agents, and employees, and any 33863
local public entity in the state with jurisdiction over the 33864
place at which the correctional facility is located or that owns 33865
the correctional facility, reimburse the state for its costs in 33866
defending the state or any of its officers, agents, or 33867
employees, and reimburse any local government entity of that 33868
nature for its costs in defending the local government entity, 33869
in the manner described in division (D) of that section 33870
regarding contractors who operate and manage a facility under 33871
that section; 33872

(10) A requirement that the private contractor adopt for 33873
prisoners housed in the correctional facility the security 33874
classification system and schedule adopted by the department of 33875
rehabilitation and correction under section 5145.03 of the 33876

Revised Code, classify in accordance with the system and 33877
schedule each prisoner housed in the facility, and house all 33878
prisoners in the facility in accordance with their 33879
classification under this division; 33880

(11) A requirement that the private contractor will not 33881
accept for housing, and will not house, in the correctional 33882
facility any out-of-state prisoner in relation to whom any of 33883
the following applies: 33884

(a) The private entity has not obtained from the out-of- 33885
state jurisdiction that imposed the sentence or sanction under 33886
which the prisoner will be confined in this state a copy of the 33887
institutional record of the prisoner while previously confined 33888
in that out-of-state jurisdiction or a statement that the 33889
prisoner previously has not been confined in that out-of-state 33890
jurisdiction and a copy of all medical records pertaining to 33891
that prisoner that are in the possession of the out-of-state 33892
jurisdiction. 33893

(b) The prisoner, while confined in any out-of-state 33894
jurisdiction, has a record of institutional violence involving 33895
the use of a deadly weapon or a pattern of committing acts of an 33896
assaultive nature against employees of, or visitors to, the 33897
place of confinement or has a record of escape or attempted 33898
escape from secure custody. 33899

(c) Under the security classification system and schedule 33900
adopted by the department of rehabilitation and correction under 33901
section 5145.03 of the Revised Code and adopted by the private 33902
contractor under division (B)(10) of this section, the out-of- 33903
state prisoner would be classified as being at a security level 33904
higher than medium security. 33905

(12) A requirement that the private contractor, prior to housing any out-of-state prisoner in the correctional facility under the contract, enter into a written agreement with the department of rehabilitation and correction that sets forth a plan and procedure that will be used to coordinate law enforcement activities of state law enforcement agencies and of local law enforcement agencies with jurisdiction over the place at which the facility is located in response to any riot, rebellion, escape, insurrection, or other emergency occurring inside or outside the facility;

(13) A requirement that the private contractor cooperate with the correctional institution inspection committee in the committee's performance of its duties under section 103.73 of the Revised Code and provide the committee, its subcommittees, and its staff members, in performing those duties, with access to the correctional facility as described in that section;

(14) A requirement that the private contractor permit any peace officer who serves a law enforcement agency with jurisdiction over the place at which the correctional facility is located to enter into the facility to investigate any criminal offense or delinquent act that allegedly has been committed in or on the grounds of, or otherwise in connection with, the facility;

(15) A requirement that the private contractor will not employ any person at the correctional facility until after the private contractor has submitted to the bureau of criminal identification and investigation, on a form prescribed by the superintendent of the bureau, a request that the bureau conduct a criminal records check of the person and a requirement that the private contractor will not employ any person at the

facility if the records check or other information possessed by 33936
the contractor indicates that the person previously has engaged 33937
in malfeasance; 33938

(16) A requirement that the private contractor will not 33939
accept for housing, and will not house, in the correctional 33940
facility any out-of-state prisoner unless the private contractor 33941
and the out-of-state jurisdiction that imposed the sentence for 33942
which the prisoner is to be confined agree that, if the out-of- 33943
state prisoner is confined in the facility in this state, 33944
commits a criminal offense while confined in the facility, is 33945
convicted of or pleads guilty to that offense, and is sentenced 33946
to a term of confinement for that offense but is not sentenced 33947
to death for that offense, the private contractor and the out- 33948
of-state jurisdiction will do all of the following: 33949

(a) Unless section 5120.50 of the Revised Code does not 33950
apply in relation to the offense the prisoner committed while 33951
confined in this state and the term of confinement imposed for 33952
that offense, the out-of-state jurisdiction will accept the 33953
prisoner pursuant to that section for service of that term of 33954
confinement and for any period of time remaining under the 33955
sentence for which the prisoner was confined in the facility in 33956
this state, the out-of-state jurisdiction will confine the 33957
prisoner pursuant to that section for that term and that 33958
remaining period of time, and the private contractor will 33959
transport the prisoner to the out-of-state jurisdiction for 33960
service of that term and that remaining period of time. 33961

(b) If section 5120.50 of the Revised Code does not apply 33962
in relation to the offense the prisoner committed while confined 33963
in this state and the term of confinement imposed for that 33964
offense, the prisoner shall be returned to the out-of-state 33965

jurisdiction or its private contractor for completion of the 33966
period of time remaining under the out-of-state sentence for 33967
which the prisoner was confined in the facility in this state 33968
before starting service of the term of confinement imposed for 33969
the offense committed while confined in this state, the out-of- 33970
state jurisdiction or its private contractor will confine the 33971
prisoner for that remaining period of time and will transport 33972
the prisoner outside of this state for service of that remaining 33973
period of time, and, if the prisoner is confined in this state 33974
in a facility operated by the department of rehabilitation and 33975
correction, the private contractor will be financially 33976
responsible for reimbursing the department at the per diem cost 33977
of confinement for the duration of that incarceration, with the 33978
amount of the reimbursement so paid to be deposited in the 33979
department's prisoner programs fund. 33980

(17) A requirement that the private contractor, prior to 33981
housing any out-of-state prisoner in the correctional facility 33982
under the contract, enter into an agreement with the local 33983
public entity that sets forth a conversion plan that will be 33984
followed if, for any reason, the facility is closed or ceases to 33985
operate. The conversion plan shall include, but is not limited 33986
to, provisions that specify whether the private contractor, the 33987
local public entity, or the out-of-state jurisdictions that 33988
imposed the sentences for which the out-of-state prisoners are 33989
confined in the facility will be responsible for housing and 33990
transporting the prisoners who are in the facility at the time 33991
it is closed or ceases to operate and for the cost of so housing 33992
and transporting those prisoners. 33993

(18) A schedule of fines that the local public entity 33994
shall impose upon the private contractor if the private 33995
contractor fails to perform its contractual duties, and a 33996

requirement that, if the private contractor fails to perform its contractual duties, the local public entity shall impose a fine on the private contractor from the schedule of fines and, in addition to the fine, may exercise any other rights it has under the contract. Division (F)(2) of this section applies regarding a fine described in this division.

(19) A requirement that the private contractor adopt and use in the correctional facility the drug testing and treatment program that the department of rehabilitation and correction uses for inmates in state correctional institutions;

(20) A requirement that the private contractor provide clothing for all out-of-state prisoners housed in the correctional facility that is conspicuous in its color, style, or color and style, that conspicuously identifies its wearer as a prisoner, and that is readily distinguishable from clothing of a nature that normally is worn outside the facility by non-prisoners, that the private contractor require all out-of-state prisoners housed in the facility to wear the clothing so provided, and that the private contractor not permit any out-of-state prisoner, while inside or on the premises of the facility or while being transported to or from the facility, to wear any clothing of a nature that does not conspicuously identify its wearer as a prisoner and that normally is worn outside the facility by non-prisoners;

(21) A requirement that, at the time the contract is made, the private contractor provide to all parties to the contract adequate proof that it has complied with the requirement described in division (D)(9) of this section, and a requirement that, at any time during the term of the contract, the private contractor upon request provide to any party to the contract

adequate proof that it continues to be in compliance with the 34027
requirement described in division (D) (9) of this section. 34028

(E) A private correctional officer or other designated 34029
employee of a private contractor that operates a correctional 34030
facility that houses out-of-state prisoners in this state under 34031
a contract entered into prior to, on, or after March 17, 1998, 34032
may carry and use firearms in the course of the officer's or 34033
employee's employment only if the officer or employee is 34034
certified as having satisfactorily completed an approved 34035
training program designed to qualify persons for positions as 34036
special police officers, security guards, or persons otherwise 34037
privately employed in a police capacity, as described in 34038
division (A) of section 109.78 of the Revised Code. 34039

(F) (1) Upon notification by the private contractor of an 34040
escape from, or of a disturbance at, a correctional facility 34041
that is operated by a private contractor under a contract 34042
entered into prior to, on, or after March 17, 1998, and that 34043
houses out-of-state prisoners in this state, the department of 34044
rehabilitation and correction and state and local law 34045
enforcement agencies shall use all reasonable means to recapture 34046
persons who escaped from the facility or quell any disturbance 34047
at the facility, in accordance with the plan and procedure 34048
included in the written agreement entered into under division 34049
(D) (12) of this section in relation to contracts entered into on 34050
or after March 17, 1998, and in accordance with their normal 34051
procedures in relation to contracts entered into prior to March 34052
17, 1998. Any cost incurred by this state or a political 34053
subdivision of this state relating to the apprehension of a 34054
person who escaped from the facility, to the quelling of a 34055
disturbance at the facility, or to the investigation or 34056
prosecution as described in division (G) (2) of this section of 34057

any offense relating to the escape or disturbance shall be 34058
chargeable to and borne by the private contractor. The 34059
contractor also shall reimburse the state or its political 34060
subdivisions for all reasonable costs incurred relating to the 34061
temporary detention of a person who escaped from the facility, 34062
following the person's recapture. 34063

(2) If a private contractor that, on or after March 17, 34064
1998, enters into a contract under this section with a local 34065
public entity for the operation of a correctional facility that 34066
houses out-of-state prisoners fails to perform its contractual 34067
duties, the local public entity shall impose upon the private 34068
contractor a fine from the schedule of fines included in the 34069
contract and may exercise any other rights it has under the 34070
contract. A fine imposed under this division shall be paid to 34071
the local public entity that enters into the contract, and the 34072
local public entity shall deposit the money so paid into its 34073
treasury to the credit of the fund used to pay for community 34074
policing. If a fine is imposed under this division, the local 34075
public entity may reduce the payment owed to the private 34076
contractor pursuant to any invoice in the amount of the fine. 34077

(3) If a private contractor, on or after March 17, 1998, 34078
enters into a contract under this section with a local public 34079
entity for the operation of a correctional facility that houses 34080
out-of-state prisoners in this state, the private contractor 34081
shall comply with the insurance, indemnification, hold harmless, 34082
and cost reimbursement provisions described in division (D) (9) 34083
of this section. 34084

(G) (1) Any act or omission that would be a criminal 34085
offense or a delinquent act if committed at a state correctional 34086
institution or at a jail, workhouse, prison, or other 34087

correctional facility operated by this state or by any political 34088
subdivision or group of political subdivisions of this state 34089
shall be a criminal offense or delinquent act if committed by or 34090
with regard to any out-of-state prisoner who is housed at any 34091
correctional facility operated by a private contractor in this 34092
state pursuant to a contract entered into prior to, on, or after 34093
March 17, 1998. 34094

(2) If any political subdivision of this state experiences 34095
any cost in the investigation or prosecution of an offense 34096
committed by an out-of-state prisoner housed in a correctional 34097
facility operated by a private contractor in this state pursuant 34098
to a contract entered into prior to, on, or after March 17, 34099
1998, the private contractor shall reimburse the political 34100
subdivision for the costs so experienced. 34101

(3) (a) Except as otherwise provided in this division, the 34102
state, and any officer or employee, as defined in section 109.36 34103
of the Revised Code, of the state is not liable in damages in a 34104
civil action for any injury, death, or loss to person or 34105
property that allegedly arises from, or is related to, the 34106
establishment, management, or operation of a correctional 34107
facility to house out-of-state prisoners in this state pursuant 34108
to a contract between a local public entity and an out-of-state 34109
jurisdiction, a local public entity and a private contractor, or 34110
a private contractor and an out-of-state jurisdiction that was 34111
entered into prior to March 17, 1998, or that is entered into on 34112
or after March 17, 1998, in accordance with its provisions. The 34113
immunity provided in this division does not apply regarding an 34114
act or omission of an officer or employee, as defined in section 34115
109.36 of the Revised Code, of the state that is manifestly 34116
outside the scope of the officer's or employee's official 34117
responsibilities or regarding an act or omission of the state, 34118

or of an officer or employee, as so defined, of the state that 34119
is undertaken with malicious purpose, in bad faith, or in a 34120
wanton or reckless manner. 34121

(b) Except as otherwise provided in this division, a non- 34122
contracting political subdivision, and any employee, as defined 34123
in section 2744.01 of the Revised Code, of a non-contracting 34124
political subdivision is not liable in damages in a civil action 34125
for any injury, death, or loss to person or property that 34126
allegedly arises from, or is related to, the establishment, 34127
management, or operation of a correctional facility to house 34128
out-of-state prisoners in this state pursuant to a contract 34129
between a local public entity other than the non-contracting 34130
political subdivision and an out-of-state jurisdiction, a local 34131
public entity other than the non-contracting political 34132
subdivision and a private contractor, or a private contractor 34133
and an out-of-state jurisdiction that was entered into prior to 34134
March 17, 1998, or that is entered into on or after March 17, 34135
1998, in accordance with its provisions. The immunity provided 34136
in this division does not apply regarding an act or omission of 34137
an employee, as defined in section 2744.01 of the Revised Code, 34138
of a non-contracting political subdivision that is manifestly 34139
outside the scope of the employee's employment or official 34140
responsibilities or regarding an act or omission of a non- 34141
contracting political subdivision or an employee, as so defined, 34142
of a non-contracting political subdivision that is undertaken 34143
with malicious purpose, in bad faith, or in a wanton or reckless 34144
manner. 34145

(c) Divisions (G) (3) (a) and (b) of this section do not 34146
affect any immunity or defense that the state and its officers 34147
and employees or a non-contracting political subdivision and its 34148
employees may be entitled to under another section of the 34149

Revised Code or the common law of this state, including, but not limited to, section 9.86 or Chapter 2744. of the Revised Code. 34150
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(H) (1) Upon the completion of an out-of-state prisoner's term of detention at a correctional facility operated by a private contractor in this state pursuant to a contract entered into prior to, on, or after March 17, 1998, the operator of the correctional facility shall transport the prisoner to the out-of-state jurisdiction that imposed the sentence for which the prisoner was confined before it releases the prisoner from its custody. 34152
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(2) No private contractor that operates and manages a correctional facility housing out-of-state prisoners in this state pursuant to a contract entered into prior to, on, or after March 17, 1998, shall fail to comply with division (H) (1) of this section. 34160
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(3) Whoever violates division (H) (2) of this section is guilty of a misdemeanor of the first degree. 34165
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(I) Except as otherwise provided in this division, the provisions of divisions (A) to (H) of this section apply in relation to any correctional facility operated by a private contractor in this state to house out-of-state prisoners, regardless of whether the facility is operated pursuant to a contract entered into prior to, on, or after March 17, 1998. Division (C) (1) of this section shall not apply in relation to any correctional facility for housing out-of-state prisoners in this state that is operated by a private contractor under a contract entered into with a local public entity prior to March 17, 1998. If a private contractor operates a correctional facility in this state for the housing of out-of-state prisoners under a contract entered into with a local public entity prior 34167
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to March 17, 1998, no later than thirty days after the effective 34180
date of this amendment, the private contractor shall enter into 34181
a contract with the local public entity that comports to the 34182
requirements and criteria of division (D) of this section. 34183

Sec. 101.721. (A) No person shall be permitted to register 34184
as a legislative agent under division (A) or (B) of section 34185
101.72 of the Revised Code if the person is convicted of or 34186
pleads guilty to committing on or after ~~the effective date of~~ 34187
~~this section~~ May 13, 2008, any of the following offenses that is 34188
a felony: 34189

(1) A violation of section 2921.02, 2921.03, 2921.05, 34190
2921.41, 2921.42, or 2923.32 of the Revised Code; 34191

(2) A violation of section 2913.42, ~~2921.04~~, 2921.11, 34192
2921.12, 2921.31, or 2921.32 of the Revised Code if the person 34193
committed the violation while the person was serving in a public 34194
office and the conduct constituting the violation was related to 34195
the duties of the person's public office or to the person's 34196
actions as a public official holding that public office; 34197

(3) A violation of an existing or former municipal 34198
ordinance or law of this or any other state or the United States 34199
that is substantially equivalent to any violation listed in 34200
division (A) (1) of this section; 34201

(4) A violation of an existing or former municipal 34202
ordinance or law of this or any other state or the United States 34203
that is substantially equivalent to any violation listed in 34204
division (A) (2) of this section if the person committed the 34205
violation while the person was serving in a public office and 34206
the conduct constituting the violation was related to the duties 34207
of the person's public office or to the person's actions as a 34208

public official holding that public office; 34209

(5) A conspiracy to commit, attempt to commit, or 34210
complicity in committing any violation listed in division (A) (1) 34211
or described in division (A) (3) of this section; 34212

(6) A conspiracy to commit, attempt to commit, or 34213
complicity in committing any violation listed in division (A) (2) 34214
or described in division (A) (4) of this section if the person 34215
committed the violation while the person was serving in a public 34216
office and the conduct constituting the violation that was the 34217
subject of the conspiracy, that would have constituted the 34218
offense attempted, or constituting the violation in which the 34219
person was complicit was or would have been related to the 34220
duties of the person's public office or to the person's actions 34221
as a public official holding that public office. 34222

(B) If a legislative agent has registered with the joint 34223
legislative ethics committee under division (A) or (B) of 34224
section 101.72 of the Revised Code and, on or after ~~the~~ 34225
~~effective date of this section~~ May 13, 2008, and during the 34226
period during which the registration is valid, the legislative 34227
agent is convicted of or pleads guilty to any felony offense 34228
listed or described in division (A) (1), (2), (3), (4), (5), or 34229
(6) of this section in the circumstances specified in the 34230
particular division, the joint legislative ethics committee 34231
immediately upon becoming aware of the conviction or guilty plea 34232
shall terminate the registration of the person as a legislative 34233
agent, and, after the termination, the ban imposed under 34234
division (A) of this section applies to the person. 34235

(C) The ban imposed under division (A) of this section is 34236
a lifetime ban, and the offender is forever disqualified from 34237
registering as a legislative agent under section 101.72 of the 34238

Revised Code. 34239

(D) For purposes of divisions (A) and (B) of this section, 34240
a violation of section 2923.32 of the Revised Code or any other 34241
violation or offense that includes as an element a course of 34242
conduct or the occurrence of multiple acts is "committed on or 34243
after ~~the effective date of this section~~ May 13, 2008," if the 34244
course of conduct continues, one or more of the multiple acts 34245
occurs, or the subject person's accountability for the course of 34246
conduct or for one or more of the multiple acts continues, on or 34247
after ~~the effective date of this section~~ May 13, 2008. 34248

(E) As used in this section, "public office" means any 34249
elected federal, state, or local government office in this 34250
state. 34251

Sec. 109.42. (A) The attorney general shall prepare and 34252
have printed a pamphlet that contains a compilation of all 34253
statutes relative to victim's rights in which the attorney 34254
general lists and explains the statutes in the form of a 34255
victim's bill of rights. The attorney general shall distribute 34256
the pamphlet to all sheriffs, marshals, municipal corporation 34257
and township police departments, constables, and other law 34258
enforcement agencies, to all prosecuting attorneys, city 34259
directors of law, village solicitors, and other similar chief 34260
legal officers of municipal corporations, and to organizations 34261
that represent or provide services for victims of crime. The 34262
victim's bill of rights set forth in the pamphlet shall contain 34263
a description of all of the rights of victims that are provided 34264
for in Chapter 2930. or in any other section of the Revised Code 34265
and shall include, but not be limited to, all of the following: 34266

(1) The right of a victim or a victim's representative to 34267
attend a proceeding before a grand jury, in a juvenile case, or 34268

in a criminal case pursuant to a subpoena without being 34269
discharged from the victim's or representative's employment, 34270
having the victim's or representative's employment terminated, 34271
having the victim's or representative's pay decreased or 34272
withheld, or otherwise being punished, penalized, or threatened 34273
as a result of time lost from regular employment because of the 34274
victim's or representative's attendance at the proceeding 34275
pursuant to the subpoena, as set forth in section 2151.211, 34276
2930.18, 2939.121, or 2945.451 of the Revised Code; 34277

(2) The potential availability pursuant to section 34278
2151.359 or 2152.61 of the Revised Code of a forfeited 34279
recognizance to pay damages caused by a child when the 34280
delinquency of the child or child's violation of probation or 34281
community control is found to be proximately caused by the 34282
failure of the child's parent or guardian to subject the child 34283
to reasonable parental authority or to faithfully discharge the 34284
conditions of probation or community control; 34285

(3) The availability of awards of reparations pursuant to 34286
sections 2743.51 to 2743.72 of the Revised Code for injuries 34287
caused by criminal offenses; 34288

(4) The right of the victim in certain criminal or 34289
juvenile cases or a victim's representative to receive, pursuant 34290
to section 2930.06 of the Revised Code, notice of the date, 34291
time, and place of the trial or delinquency proceeding in the 34292
case or, if there will not be a trial or delinquency proceeding, 34293
information from the prosecutor, as defined in section 2930.01 34294
of the Revised Code, regarding the disposition of the case; 34295

(5) The right of the victim in certain criminal or 34296
juvenile cases or a victim's representative to receive, pursuant 34297
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 34298

notice of the name of the person charged with the violation, the 34299
case or docket number assigned to the charge, and a telephone 34300
number or numbers that can be called to obtain information about 34301
the disposition of the case; 34302

(6) The right of the victim in certain criminal or 34303
juvenile cases or of the victim's representative pursuant to 34304
section 2930.13 or 2930.14 of the Revised Code, subject to any 34305
reasonable terms set by the court as authorized under section 34306
2930.14 of the Revised Code, to make a statement about the 34307
victimization and, if applicable, a statement relative to the 34308
sentencing or disposition of the offender; 34309

(7) The opportunity to obtain a court order, pursuant to 34310
section 2945.04 of the Revised Code, to prevent or stop the 34311
commission of the offense of intimidation of a crime victim or 34312
witness or an offense against the person or property of the 34313
complainant, or of the complainant's ward or child; 34314

(8) The right of the victim in certain criminal or 34315
juvenile cases or a victim's representative pursuant to sections 34316
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 34317
Code to receive notice of a pending motion for judicial release, ~~or~~ 34318
~~release pursuant to section 2967.19 of the Revised Code,~~ or 34319
other early release of the person who committed the offense 34320
against the victim, to make an oral or written statement at the 34321
court hearing on the motion, and to be notified of the court's 34322
decision on the motion; 34323

(9) The right of the victim in certain criminal or 34324
juvenile cases or a victim's representative pursuant to section 34325
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 34326
Code to receive notice of any pending commutation, pardon, 34327
parole, transitional control, discharge, other form of 34328

authorized release, post-release control, or supervised release 34329
for the person who committed the offense against the victim or 34330
any application for release of that person and to send a written 34331
statement relative to the victimization and the pending action 34332
to the adult parole authority or the release authority of the 34333
department of youth services; 34334

(10) The right of the victim to bring a civil action 34335
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 34336
obtain money from the offender's profit fund; 34337

(11) The right, pursuant to section 3109.09 of the Revised 34338
Code, to maintain a civil action to recover compensatory damages 34339
not exceeding ten thousand dollars and costs from the parent of 34340
a minor who willfully damages property through the commission of 34341
an act that would be a theft offense, as defined in section 34342
2913.01 of the Revised Code, if committed by an adult; 34343

(12) The right, pursuant to section 3109.10 of the Revised 34344
Code, to maintain a civil action to recover compensatory damages 34345
not exceeding ten thousand dollars and costs from the parent of 34346
a minor who willfully and maliciously assaults a person; 34347

(13) The possibility of receiving restitution from an 34348
offender or a delinquent child pursuant to section 2152.20, 34349
2929.18, or 2929.28 of the Revised Code; 34350

(14) The right of the victim in certain criminal or 34351
juvenile cases or a victim's representative, pursuant to section 34352
2930.16 of the Revised Code, to receive notice of the escape 34353
from confinement or custody of the person who committed the 34354
offense, to receive that notice from the custodial agency of the 34355
person at the victim's last address or telephone number provided 34356
to the custodial agency, and to receive notice that, if either 34357

the victim's address or telephone number changes, it is in the 34358
victim's interest to provide the new address or telephone number 34359
to the custodial agency; 34360

(15) The right of a victim of domestic violence, including 34361
domestic violence in a dating relationship as defined in section 34362
3113.31 of the Revised Code, to seek the issuance of a civil 34363
protection order pursuant to that section, the right of a victim 34364
of a violation of section 2903.14, ~~2909.06, 2909.07, 2911.12,~~ 34365
~~2911.211, 2911.04,~~ or 2919.22 or division (B) of section 2911.06 34366
of the Revised Code, a violation of division (A) (1), (A) (2), (A) 34367
(6), (B), or (C) of section 2909.05 or of division (C) of 34368
section 2909.08 of the Revised Code, a violation of a 34369
substantially similar municipal ordinance, or an offense of 34370
violence who is a family or household member of the offender at 34371
the time of the offense to seek the issuance of a temporary 34372
protection order pursuant to section 2919.26 of the Revised 34373
Code, and the right of both types of victims to be accompanied 34374
by a victim advocate during court proceedings; 34375

(16) The right of a victim of a sexually oriented offense 34376
or of a child-victim oriented offense that is committed by a 34377
person who is convicted of, pleads guilty to, or is adjudicated 34378
a delinquent child for committing the offense and who is in a 34379
category specified in division (B) of section 2950.10 of the 34380
Revised Code to receive, pursuant to that section, notice that 34381
the person has registered with a sheriff under section 2950.04, 34382
2950.041, or 2950.05 of the Revised Code and notice of the 34383
person's name, the person's residence that is registered, and 34384
the offender's school, institution of higher education, or place 34385
of employment address or addresses that are registered, the 34386
person's photograph, and a summary of the manner in which the 34387
victim must make a request to receive the notice. As used in 34388

this division, "sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 34389
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(17) The right of a victim of certain sexually violent offenses committed by an offender who also is convicted of or pleads guilty to a sexually violent predator specification and who is sentenced to a prison term pursuant to division (A) (3) of section 2971.03 of the Revised Code, of a victim of a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, by an offender who is sentenced for the violation pursuant to division (B) (1) (a), (b), or (c) of section 2971.03 of the Revised Code, of a victim of an attempted rape committed on or after January 2, 2007, by an offender who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is sentenced for the violation pursuant to division (B) (2) (a), (b), or (c) of section 2971.03 of the Revised Code, and of a victim of an offense that is described in division (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code and is committed by an offender who is sentenced pursuant to one of those divisions to receive, pursuant to section 2930.16 of the Revised Code, notice of a hearing to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term. As used in this division, "sexually violent offense" and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code. 34392
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(B) (1) (a) Subject to division (B) (1) (c) of this section, a 34419

prosecuting attorney, assistant prosecuting attorney, city 34420
director of law, assistant city director of law, village 34421
solicitor, assistant village solicitor, or similar chief legal 34422
officer of a municipal corporation or an assistant of any of 34423
those officers who prosecutes an offense committed in this 34424
state, upon first contact with the victim of the offense, the 34425
victim's family, or the victim's dependents, shall give the 34426
victim, the victim's family, or the victim's dependents a copy 34427
of the pamphlet prepared pursuant to division (A) of this 34428
section and explain, upon request, the information in the 34429
pamphlet to the victim, the victim's family, or the victim's 34430
dependents. 34431

(b) Subject to division (B)(1)(c) of this section, a law 34432
enforcement agency that investigates an offense or delinquent 34433
act committed in this state shall give the victim of the offense 34434
or delinquent act, the victim's family, or the victim's 34435
dependents a copy of the pamphlet prepared pursuant to division 34436
(A) of this section at one of the following times: 34437

(i) Upon first contact with the victim, the victim's 34438
family, or the victim's dependents; 34439

(ii) If the offense or delinquent act is an offense of 34440
violence, if the circumstances of the offense or delinquent act 34441
and the condition of the victim, the victim's family, or the 34442
victim's dependents indicate that the victim, the victim's 34443
family, or the victim's dependents will not be able to 34444
understand the significance of the pamphlet upon first contact 34445
with the agency, and if the agency anticipates that it will have 34446
an additional contact with the victim, the victim's family, or 34447
the victim's dependents, upon the agency's second contact with 34448
the victim, the victim's family, or the victim's dependents. 34449

If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the pamphlet upon first contact with them and does not have a second contact with the victim, the victim's family, or the victim's dependents, the agency shall mail a copy of the pamphlet to the victim, the victim's family, or the victim's dependents at their last known address. 34450
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(c) In complying on and after December 9, 1994, with the duties imposed by division (B) (1) (a) or (b) of this section, an official or a law enforcement agency shall use copies of the pamphlet that are in the official's or agency's possession on December 9, 1994, until the official or agency has distributed all of those copies. After the official or agency has distributed all of those copies, the official or agency shall use only copies of the pamphlet that contain at least the information described in divisions (A) (1) to (17) of this section. 34457
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(2) The failure of a law enforcement agency or of a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant to any of those officers to give, as required by division (B) (1) of this section, the victim of an offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section does not give the victim, the victim's family, the victim's dependents, or a victim's representative any rights under section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the Revised Code or under any other provision of the Revised Code and does not affect any 34467
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right under those sections. 34481

(3) A law enforcement agency, a prosecuting attorney or 34482
assistant prosecuting attorney, or a city director of law, 34483
assistant city director of law, village solicitor, assistant 34484
village solicitor, or similar chief legal officer of a municipal 34485
corporation that distributes a copy of the pamphlet prepared 34486
pursuant to division (A) of this section shall not be required 34487
to distribute a copy of an information card or other printed 34488
material provided by the clerk of the court of claims pursuant 34489
to section 2743.71 of the Revised Code. 34490

(C) The cost of printing and distributing the pamphlet 34491
prepared pursuant to division (A) of this section shall be paid 34492
out of the reparations fund, created pursuant to section 34493
2743.191 of the Revised Code, in accordance with division (D) of 34494
that section. 34495

(D) As used in this section: 34496

(1) "Victim's representative" has the same meaning as in 34497
section 2930.01 of the Revised Code; 34498

(2) "Victim advocate" has the same meaning as in section 34499
2919.26 of the Revised Code. 34500

Sec. 109.54. (A) The bureau of criminal identification and 34501
investigation may investigate any criminal activity in this 34502
state that is of statewide or intercounty concern when requested 34503
by local authorities and may aid federal authorities, when 34504
requested, in their investigation of any criminal activity in 34505
this state. The bureau may investigate any criminal activity in 34506
this state related to the conduct of elections when requested by 34507
the secretary of state. The bureau may investigate any criminal 34508
activity in this state involving drug abuse or illegal drug 34509

distribution prohibited under Chapter 3719. or 4729. of the 34510
Revised Code or any violation of section 2915.02 of the Revised 34511
Code. The superintendent and any agent of the bureau may 34512
participate, as the director of an organized crime task force 34513
established under section 177.02 of the Revised Code or as a 34514
member of the investigatory staff of a task force established 34515
under that section, in an investigation of organized criminal 34516
activity anywhere within this state under sections 177.01 to 34517
177.03 of the Revised Code. 34518

(B) The bureau may provide any trained investigative 34519
personnel and specialized equipment that are requested by any 34520
sheriff or chief of police, by the authorized designee of any 34521
sheriff or chief of police, or by any other authorized law 34522
enforcement officer to aid and assist the officer in the 34523
investigation and solution of any crime or the control of any 34524
criminal activity occurring within the officer's jurisdiction. 34525
This assistance shall be furnished by the bureau without 34526
disturbing or impairing any of the existing law enforcement 34527
authority or the prerogatives of local law enforcement 34528
authorities or officers. Investigators provided pursuant to this 34529
section, or engaged in an investigation pursuant to section 34530
109.83 of the Revised Code, may go armed in the same manner as 34531
sheriffs and regularly appointed police officers under section 34532
2923.12 of the Revised Code. 34533

(C) (1) The bureau shall obtain recording equipment that 34534
can be used to record depositions of the type described in 34535
division (A) of section 2152.81 and division (A) of section 34536
2945.481 of the Revised Code, or testimony of the type described 34537
in division (D) of section 2152.81 and division (D) of section 34538
2945.481 or in division (C) of section 2937.11 of the Revised 34539
Code, shall obtain closed circuit equipment that can be used to 34540

televised testimony of the type described in division (C) or (D) 34541
of section 2152.81 and division (C) of section 2945.481 or in 34542
division (B) of section 2937.11 of the Revised Code, and shall 34543
provide the equipment, upon request, to any court for use in 34544
recording any deposition or testimony of one of those types or 34545
in televising the testimony in accordance with the applicable 34546
division. 34547

(2) The bureau shall obtain the names, addresses, and 34548
telephone numbers of persons who are experienced in questioning 34549
children in relation to an investigation of a violation of 34550
section 2905.03, 2905.05, 2907.011, 2907.02, 2907.03, 2907.04, 34551
2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 2907.24, 34552
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 2919.22 of 34553
the Revised Code or an offense of violence and shall maintain a 34554
list of those names, addresses, and telephone numbers. The list 34555
shall include a classification of the names, addresses, and 34556
telephone numbers by appellate district. Upon request, the 34557
bureau shall provide any county sheriff, chief of police, 34558
prosecuting attorney, village solicitor, city director of law, 34559
or similar chief legal officer with the name, address, and 34560
telephone number of any person contained in the list. 34561

Sec. 109.88. (A) If the attorney general has reasonable 34562
cause to believe that a person or enterprise has engaged in, is 34563
engaging in, or is preparing to engage in a violation of any 34564
provision of section 2913.04 ~~or~~, 2913.05, or 2913.08 of the 34565
Revised Code, the attorney general may investigate the alleged 34566
violation. 34567

(B) For purposes of an investigation under division (A) of 34568
this section, the attorney general may issue subpoenas and 34569
subpoenas duces tecum. The attorney general may compel the 34570

attendance of witnesses and the production of records and papers 34571
of all kinds and descriptions that are relevant to the 34572
investigation, including, but not limited to, any books, 34573
accounts, documents, and memoranda pertaining to the subject of 34574
the investigation. Upon the failure of any person to comply with 34575
any subpoena or subpoena duces tecum issued by the attorney 34576
general under this section, the attorney general may apply to 34577
the court of common pleas in Franklin county or in any county in 34578
which an element of the crime occurred for a contempt order as 34579
in the case of disobedience of the requirements of a subpoena 34580
issued from the court of common pleas or a refusal to testify on 34581
a subpoena. A subpoena or subpoena duces tecum issued by the 34582
attorney general under this section to a provider of electronic 34583
communication services or remote computing services shall be 34584
subject to the limitations set forth in the "Electronic 34585
Communications Privacy Act of 1986," 18 U.S.C. 2703. 34586

(C) Any information gathered by the attorney general 34587
during the course of the investigation that is in the possession 34588
of the attorney general, a prosecuting attorney, a law 34589
enforcement agency, or a special prosecutor is a confidential 34590
law enforcement investigatory record for purposes of section 34591
149.43 of the Revised Code. No provision contained in this 34592
section affects or limits any right of discovery granted to any 34593
person under the Revised Code, the Rules of Criminal Procedure, 34594
or the Rules of Juvenile Procedure. 34595

(D) In order to initiate a criminal proceeding under this 34596
section, the attorney general shall first present in writing any 34597
evidence of a violation of section 2913.04 ~~or~~, 2913.05, or 34598
2913.08 of the Revised Code to the prosecuting attorney of a 34599
county in which the action may be brought. If within forty-five 34600
days the prosecuting attorney has not presented the case to a 34601

grand jury, the attorney general may prosecute the case with all 34602
of the rights, privileges, and powers conferred by law on a 34603
prosecuting attorney, including the power to appear before a 34604
grand jury, to interrogate witnesses before a grand jury, and to 34605
handle a case that comes out of a grand jury to its procedural 34606
conclusion, including an indictment, plea, trial, sentencing, 34607
diversion, and appeal. These powers of the attorney general 34608
shall be in addition to any other applicable powers of the 34609
attorney general. 34610

Sec. 109.921. (A) As used in this section: 34611

(1) "Rape crisis program" means any of the following: 34612

(a) The nonprofit state sexual assault coalition 34613
designated by the center for injury prevention and control of 34614
the federal centers for disease control and prevention; 34615

(b) A victim witness assistance program operated by a 34616
prosecuting attorney; 34617

(c) A program operated by a government-based or nonprofit 34618
entity that provides a full continuum of services to victims of 34619
sexual assault, including hotlines, victim advocacy, and support 34620
services from the onset of the need for services through the 34621
completion of healing, that does not provide medical services, 34622
and that may refer victims to physicians for medical care but 34623
does not engage in or refer for services for which the use of 34624
genetic services funds is prohibited by section 3701.511 of the 34625
Revised Code. 34626

(2) "Sexual assault" means any of the following: 34627

(a) A violation of section 2907.011, 2907.02, 2907.03, 34628
2907.04, 2907.05, or former section 2907.12 of the Revised Code; 34629

(b) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is or was substantially equivalent to any section listed in division (A) (2) (a) of this section.

(B) There is hereby created in the state treasury the rape crisis program trust fund, consisting of money paid into the fund pursuant to sections 307.515 and 311.172 of the Revised Code and any money appropriated to the fund by the general assembly or donated to the fund. The attorney general shall administer the fund. The attorney general may use not more than five per cent of the money deposited or appropriated into the fund to pay costs associated with administering this section and shall use at least ninety-five per cent of the money deposited or appropriated into the fund for the purpose of providing funding to rape crisis programs under this section.

(C) (1) The attorney general shall adopt rules under Chapter 119. of the Revised Code that establish procedures for rape crisis programs to apply to the attorney general for funding out of the rape crisis program trust fund and procedures for the attorney general to distribute money out of the fund to rape crisis programs.

(2) The attorney general may decide upon an application for funding out of the rape crisis program trust fund without a hearing. A decision of the attorney general to grant or deny funding is final and not appealable under Chapter 119. or any other provision of the Revised Code.

(D) A rape crisis program that receives funding out of the rape crisis program trust fund shall use the money received only for the following purposes:

(1) If the program is the nonprofit state sexual assault coalition, to provide training and technical assistance to service providers; 34659
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(2) If the program is a victim witness assistance program, to provide victims of sexual assault with hotlines, victim advocacy, or support services; 34662
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(3) If the program is a government-based or nonprofit entity that provides a full continuum of services to victims of sexual assault, to provide those services and education to prevent sexual assault. 34665
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Sec. 111.48. There is in the state treasury the address confidentiality program fund. The fund shall consist of money paid into the fund pursuant to division ~~(B) (11)~~ (B) (10) of section 2929.18 and division (D) of section 2929.28 of the Revised Code and any money appropriated to the fund by the general assembly or donated to the fund. The secretary of state shall use the money in the fund for the purpose of administering the address confidentiality program described in sections 111.41 to 111.47 of the Revised Code. 34669
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Sec. 145.57. (A) Notwithstanding any other provision of this chapter, any payment that is to be made under a pension, annuity, allowance, or other type of benefit, other than a survivorship benefit, that has been granted to a person under this chapter, any payment of accumulated contributions standing to a person's credit under this chapter, and any payment of any other amounts to be paid to a person under this chapter upon the person's withdrawal of contributions pursuant to this chapter shall be subject to any withholding order issued pursuant to section 2907.15 of the Revised Code or division (C) (2) (b) of section 2921.41 of the Revised Code, and the public employees 34678
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retirement board shall comply with that withholding order in 34689
making the payment. 34690

(B) Notwithstanding any other provision of this chapter, 34691
if the board receives notice pursuant to section 2907.15 of the 34692
Revised Code or division (D) of section 2921.41 of the Revised 34693
Code that a person who has accumulated contributions standing to 34694
the person's credit pursuant to this chapter is charged with a 34695
violation of section 2907.011, 2907.02, 2907.03, 2907.04, 34696
2907.05, or 2921.41 of the Revised Code, no payment of those 34697
accumulated contributions, of any other amounts to be paid to a 34698
contributor under this chapter upon the person's withdrawal of 34699
contributions pursuant to this chapter, or of any amount to be 34700
paid to a contributor as a lump sum or single payment under 34701
section 145.38 of the Revised Code, shall be made prior to 34702
whichever of the following is applicable: 34703

(1) If the person is convicted of or pleads guilty to the 34704
charge and no motion for a withholding order for purposes of 34705
restitution has been filed under section 2907.15 of the Revised 34706
Code or division (C) (2) (b) (i) of section 2921.41 of the Revised 34707
Code, thirty days after the day on which final disposition of 34708
the charge is made; 34709

(2) If the person is convicted of or pleads guilty to the 34710
charge and a motion for a withholding order for purposes of 34711
restitution has been filed under section 2907.15 of the Revised 34712
Code or division (C) (2) (b) (i) of section 2921.41 of the Revised 34713
Code, the day on which the court decides the motion; 34714

(3) If the charge is dismissed or the person is found not 34715
guilty or not guilty by reason of insanity of the charge, the 34716
day on which final disposition of the charge is made. 34717

Sec. 148.10. (A) Notwithstanding any other provision of 34718
this chapter, any payment, other than a survivorship benefit, 34719
that is to be made to a person by a deferred compensation 34720
program pursuant to those sections or a deferred compensation 34721
program offered by a government unit, as defined in section 34722
148.06 of the Revised Code, or by a municipal corporation is 34723
subject to any withholding order issued pursuant to section 34724
2907.15 or division (C) (2) (b) of section 2921.41 of the Revised 34725
Code. The Ohio public employees deferred compensation board, the 34726
governing board, as defined in section 148.06 of the Revised 34727
Code, that is associated with a government unit, and the 34728
governing board, administrator, depository, or trustee of a 34729
deferred compensation program of a municipal corporation shall 34730
comply with that withholding order in making payment. 34731

(B) Notwithstanding any other provision of this chapter, 34732
if a deferred compensation program receives a notice pursuant to 34733
section 2907.15 or division (D) of section 2921.41 of the 34734
Revised Code that a person who has a participant account has 34735
been charged with a violation of section 2907.011, 2907.02, 34736
2907.03, 2907.04, 2907.05, or 2921.41 of the Revised Code, no 34737
payment from that account shall be made prior to whichever of 34738
the following is applicable: 34739

(1) If the person is convicted of or pleads guilty to the 34740
violation and a motion for a withholding order for purposes of 34741
restitution has not been filed under section 2907.15 or division 34742
(C) (2) (b) (i) of section 2921.41 of the Revised Code, thirty days 34743
after the day on which the person is sentenced for the 34744
violation; 34745

(2) If the person is convicted of or pleads guilty to the 34746
violation and a motion for a withholding order for purposes of 34747

restitution has been filed under section 2907.15 or division (C) 34748
(2) (b) (i) of section 2921.41 of the Revised Code, the day on 34749
which the court decides the motion; 34750

(3) If the charge is dismissed or the person is found not 34751
guilty or not guilty by reason of insanity of the violation, the 34752
day on which the dismissal of the charge or the verdict is 34753
entered in the journal of the court. 34754

Sec. 149.433. (A) As used in this section: 34755

"Act of terrorism" has the same meaning as in section 34756
~~2909.21~~2909.01 of the Revised Code. 34757

"Express statement" means a written statement 34758
substantially similar to the following: "This information is 34759
voluntarily submitted to a public office in expectation of 34760
protection from disclosure as provided by section 149.433 of the 34761
Revised Code." 34762

"Infrastructure record" means any record that discloses 34763
the configuration of critical systems including, but not limited 34764
to, communication, computer, electrical, mechanical, 34765
ventilation, water, and plumbing systems, security codes, or the 34766
infrastructure or structural configuration of a building. 34767

"Infrastructure record" includes a risk assessment of 34768
infrastructure performed by a state or local law enforcement 34769
agency at the request of a property owner or manager. 34770

"Infrastructure record" does not mean a simple floor plan 34771
that discloses only the spatial relationship of components of 34772
the building. 34773

"Security record" means any of the following: 34774

(1) Any record that contains information directly used for 34775

protecting or maintaining the security of a public office 34776
against attack, interference, or sabotage; 34777

(2) Any record assembled, prepared, or maintained by a 34778
public office or public body to prevent, mitigate, or respond to 34779
acts of terrorism, including any of the following: 34780

(a) Those portions of records containing specific and 34781
unique vulnerability assessments or specific and unique response 34782
plans either of which is intended to prevent or mitigate acts of 34783
terrorism, and communication codes or deployment plans of law 34784
enforcement or emergency response personnel; 34785

(b) Specific intelligence information and specific 34786
investigative records shared by federal and international law 34787
enforcement agencies with state and local law enforcement and 34788
public safety agencies; 34789

(c) National security records classified under federal 34790
executive order and not subject to public disclosure under 34791
federal law that are shared by federal agencies, and other 34792
records related to national security briefings to assist state 34793
and local government with domestic preparedness for acts of 34794
terrorism. 34795

(3) An emergency management plan adopted pursuant to 34796
section 5502.262 of the Revised Code. 34797

(B) (1) A record kept by a public office that is a security 34798
record is not a public record under section 149.43 of the 34799
Revised Code and is not subject to mandatory release or 34800
disclosure under that section. 34801

(2) A record kept by a public office that is an 34802
infrastructure record of a public office, public school, or a 34803
chartered nonpublic school is not a public record under section 34804

149.43 of the Revised Code and is not subject to mandatory 34805
release or disclosure under that section. 34806

(3) A record kept by a public office that is an 34807
infrastructure record of a private entity may be exempted from 34808
release or disclosure under division (C) of this section. 34809

(C) A record prepared by, submitted to, or kept by a 34810
public office that is an infrastructure record of a private 34811
entity, which is submitted to the public office for use by the 34812
public office, when accompanied by an express statement, is 34813
exempt from release or disclosure under section 149.43 of the 34814
Revised Code for a period of twenty-five years after its 34815
creation if it is retained by the public office for that length 34816
of time. 34817

(D) Notwithstanding any other section of the Revised Code, 34818
disclosure by a public office, public employee, chartered 34819
nonpublic school, or chartered nonpublic school employee of a 34820
security record or infrastructure record that is necessary for 34821
construction, renovation, or remodeling work on any public 34822
building or project or chartered nonpublic school does not 34823
constitute public disclosure for purposes of waiving division 34824
(B) of this section and does not result in that record becoming 34825
a public record for purposes of section 149.43 of the Revised 34826
Code. 34827

Sec. 311.281. (A) No person, except a county sheriff or 34828
the deputies of a county sheriff, shall wear the badge, the 34829
standard uniform, or any distinctive part of the standard 34830
uniform prescribed for county sheriffs and their deputies by the 34831
county sheriffs' standard car-marking and uniform commission. 34832

~~(B) No person, except a county sheriff or the deputies of-~~ 34833

~~a county sheriff, shall mark a motor vehicle in a manner similar to that prescribed for county sheriffs and their deputies by the county sheriffs' standard car marking and uniform commission.~~ 34834
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~~(C) Whoever violates division (A) of this section is guilty of a violation of section 2921.51 of the Revised Code. Whoever violates division (B) of this section is guilty of a violation of section 2913.441 of the Revised Code.~~ 34837
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Sec. 341.011. (A) If a person who was convicted of or pleaded guilty to an offense or was indicted or otherwise charged with the commission of an offense escapes from a county jail or workhouse or otherwise escapes from the custody of a sheriff, the sheriff immediately after the escape shall report the escape, by telephone and in writing, to all local law enforcement agencies with jurisdiction over the place where the person escaped from custody, to the state highway patrol, to the department of rehabilitation and correction if the escaped person is a prisoner under the custody of the department who is in the jail or workhouse, to the prosecuting attorney of the county, and to a newspaper of general circulation in the county. The written notice may be by either facsimile transmission or mail. A failure to comply with this requirement is a violation of section ~~2921.22~~2921.26 of the Revised Code. 34841
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(B) Upon the apprehension of the escaped person, the sheriff shall give notice of the apprehension of the escaped person by telephone and in writing to the persons notified under division (A) of this section. 34856
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Sec. 742.461. (A) Notwithstanding any other provision of this chapter, any payment that is to be made under a pension or other type of benefit, other than a survivorship benefit, that has been granted to a person under this chapter, any payment of 34860
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accumulated contributions standing to a person's credit under 34864
this chapter, and any payment of any other amounts to be paid to 34865
a person under this chapter upon the person's withdrawal of 34866
contributions pursuant to this chapter shall be subject to any 34867
withholding order issued pursuant to section 2907.15 of the 34868
Revised Code or division (C) (2) (b) of section 2921.41 of the 34869
Revised Code, and the board of trustees of the Ohio police and 34870
fire pension fund shall comply with that withholding order in 34871
making the payment. 34872

(B) Notwithstanding any other provision of this chapter, 34873
if the board receives notice pursuant to section 2907.15 of the 34874
Revised Code or division (D) of section 2921.41 of the Revised 34875
Code that a person who has accumulated contributions standing to 34876
the person's credit pursuant to this chapter is charged with a 34877
violation of section 2907.011, 2907.02, 2907.03, 2907.04, 34878
2907.05, or 2921.41 of the Revised Code, no payment of those 34879
accumulated contributions or of any other amounts to be paid 34880
under this chapter upon the person's withdrawal of contributions 34881
pursuant to this chapter shall be made prior to whichever of the 34882
following is applicable: 34883

(1) If the person is convicted of or pleads guilty to the 34884
charge and no motion for a withholding order for purposes of 34885
restitution has been filed under section 2907.15 of the Revised 34886
Code or division (C) (2) (b) (i) of section 2921.41 of the Revised 34887
Code, thirty days after the day on which final disposition of 34888
the charge is made; 34889

(2) If the person is convicted of or pleads guilty to the 34890
charge and a motion for a withholding order for purposes of 34891
restitution has been filed under section 2907.15 of the Revised 34892
Code or division (C) (2) (b) (i) of section 2921.41 of the Revised 34893

Code, the day on which the court decides the motion; 34894

(3) If the charge is dismissed or the person is found not 34895
guilty or not guilty by reason of insanity of the charge, the 34896
day on which final disposition of the charge is made. 34897

Sec. 753.19. (A) If a person who was convicted of or 34898
pleaded guilty to an offense or was indicted or otherwise 34899
charged with the commission of an offense escapes from a jail or 34900
workhouse of a municipal corporation or otherwise escapes from 34901
the custody of a municipal corporation, the chief of police or 34902
other chief law enforcement officer of that municipal 34903
corporation immediately after the escape shall report the 34904
escape, by telephone and in writing, to all local law 34905
enforcement agencies with jurisdiction over the place where the 34906
person escaped from custody, to the state highway patrol, to the 34907
department of rehabilitation and correction if the escaped 34908
person is a prisoner under the custody of the department who is 34909
in the jail or workhouse, to the prosecuting attorney of the 34910
county, and to a newspaper of general circulation in the 34911
municipal corporation in a newspaper of general circulation in 34912
each county in which part of the municipal corporation is 34913
located. The written notice may be by either facsimile 34914
transmission or mail. A failure to comply with this requirement 34915
is a violation of section ~~2921.22~~2921.26 of the Revised Code. 34916

(B) Upon the apprehension of the escaped person, the chief 34917
law enforcement officer shall give notice of the apprehension of 34918
the escaped person by telephone and in writing to the persons 34919
notified under division (A) of this section. 34920

Sec. 901.511. (A) As used in this section: 34921

(1) "Agricultural product" means any of the following 34922

items that is produced for testing or research in the context of 34923
a product development program in conjunction or coordination 34924
with a private research facility, a university, or any federal, 34925
state, or local governmental agency or that is produced for 34926
personal, commercial, pharmaceutical, or educational purposes: 34927
field crop or field crop product; timber or timber product; 34928
forestry product; livestock or livestock product; meat or meat 34929
product; milk or dairy product; poultry or poultry product; 34930
equine animal; wool; fruit or vegetable crop; aquacultural 34931
product; algacultural product; horticultural crop, including 34932
plant materials grown in a greenhouse, nursery stock grown 34933
inside or outside of a container, ornamental grass, turf grass, 34934
ornamental trees, ornamental shrubs, or flowers; sod; mushrooms; 34935
viticultural product; apicultural product; tobacco; pasture; 34936
wild animal or domestic deer, as "wild animal" and "domestic 34937
deer" are defined in section 1531.01 of the Revised Code; 34938
monitored captive deer, captive deer with status, or captive 34939
deer with certified chronic wasting disease status as defined in 34940
section 943.01 of the Revised Code; or any combination of those 34941
items. 34942

(2) "Algacultural product" means algal paste, algal 34943
powder, or dried algae that is comprised primarily of algal 34944
biomass. 34945

(3) "Equipment" means any implement, machinery, real or 34946
personal property, building, or structure that is used in the 34947
production, growing, harvesting, or housing of any agricultural 34948
product. "Equipment" also includes any laboratory, research, 34949
product, samples, supplies, or fixed equipment that is used to 34950
test, develop, or analyze the process of producing, growing, or 34951
maintaining any agricultural product. 34952

(4) "Material support or resources" means currency, 34953
payment instruments, other financial securities, financial 34954
services, lodging, training, safehouses, false documentation or 34955
identification, communications equipment, facilities, weapons, 34956
lethal substances, explosives, personnel, transportation, and 34957
other physical assets, except medicine or religious materials. 34958

(5) "Payment instrument" means a check, draft, money 34959
order, traveler's check, cashier's check, teller's check, or 34960
other instrument or order for the transmission or payment of 34961
money regardless of whether the item in question is negotiable. 34962

(6) "Specified offense" means either of the following: 34963

(a) A violation of section 2909.02, 2909.03, 2909.05, 34964
~~2909.06, 2909.07, 2911.13, 2911.21, 2911.05,~~ 2913.02, 2913.04, 34965
2913.08, or 2913.42, division (C)(1) of section 2909.08, or 34966
division (A) or (D) of section 2911.06 of the Revised Code; 34967

(b) An attempt to commit, complicity in committing, or a 34968
conspiracy to commit an offense listed in division (A)(5)(a) of 34969
this section. 34970

(B) No person shall commit a specified offense involving 34971
any agricultural product or equipment with the intent to do any 34972
of the following: 34973

(1) Intimidate or coerce a civilian population; 34974

(2) Influence the policy of any government by intimidation 34975
or coercion; 34976

(3) Affect the conduct of any government; 34977

(4) Interrupt or interfere with agricultural production, 34978
agricultural research, or equipment for purposes of disrupting 34979
or influencing, through intimidation or other means, consumer 34980

confidence or agricultural production methods. 34981

Division (B) of this section does not apply to the 34982
practice of veterinary medicine by a person who has been issued 34983
a valid license, temporary permit, or registration certificate 34984
to practice veterinary medicine under Chapter 4741. of the 34985
Revised Code. As used in this division, "practice of veterinary 34986
medicine" has the same meaning as in section 4741.01 of the 34987
Revised Code. 34988

(C) No person shall raise, solicit, collect, donate, or 34989
provide any material support or resources with the purpose that 34990
the material support or resources will be used in whole or in 34991
part to plan, prepare, carry out, or aid in either a violation 34992
of division (B) of this section or in the concealment of, or an 34993
escape from, a violation of that division. 34994

(D) (1) In addition to the penalties established in section 34995
901.99 of the Revised Code for a violation of this section, the 34996
court may require any person who violates this section to pay 34997
the victim of the offense an amount up to triple the value of 34998
the agricultural product or equipment that was the subject of 34999
the violation. 35000

(2) In ordering restitution under division (D) (1) of this 35001
section, the court shall consider as part of the value of the 35002
agricultural product or equipment the market value of the 35003
agricultural product or equipment prior to the violation and the 35004
production, research, testing, replacement, and development 35005
costs directly related to the agricultural product or equipment 35006
that was the subject of the violation. 35007

(E) The enactment of this section is not intended to 35008
require the prosecution exclusively under this section of an 35009

act, series of acts, or course of behavior that could be 35010
prosecuted either under this section or under another section of 35011
the Revised Code. One or more acts, series of acts, or courses 35012
of behavior that may be prosecuted either under this section or 35013
under another section of the Revised Code may be prosecuted 35014
under this section, the other section, or both sections. 35015

Sec. 955.261. (A) (1) No person shall remove a dog that has 35016
bitten any person from the county in which the bite occurred 35017
until a quarantine period as specified in division (B) of this 35018
section has been completed. No person shall transfer a dog that 35019
has bitten any person until a quarantine period as specified in 35020
division (B) of this section has been completed, except that a 35021
person may transfer the dog to the county dog warden or to any 35022
other animal control authority. 35023

(2) (a) Subject to division (A) (2) (b) of this section, no 35024
person shall kill a dog that has bitten any person until a 35025
quarantine period as specified in division (B) of this section 35026
has been completed. 35027

(b) Division (A) (2) (a) of this section does not apply to 35028
the killing of a dog in order to prevent further injury or death 35029
or if the dog is diseased or seriously injured. 35030

(3) No person who has killed a dog that has bitten any 35031
person in order to prevent further injury or death or if the dog 35032
is diseased or seriously injured shall fail to do both of the 35033
following: 35034

(a) Immediately after the killing of the dog, notify the 35035
board of health for the district in which the bite occurred of 35036
the facts relative to the bite and the killing; 35037

(b) Hold the body of the dog until that board of health 35038

claims it to perform tests for rabies. 35039

(B) The quarantine period for a dog that has bitten any 35040
person shall be ten days or another period that the board of 35041
health for the district in which the bite occurred determines is 35042
necessary to observe the dog for rabies. 35043

(C) (1) To enable persons to comply with the quarantine 35044
requirements specified in divisions (A) and (B) of this section, 35045
boards of health shall make provision for the quarantine of 35046
individual dogs under the circumstances described in those 35047
divisions. 35048

(2) Upon the receipt of a notification pursuant to 35049
division (A) (3) of this section that a dog that has bitten any 35050
person has been killed, the board of health for the district in 35051
which the bite occurred shall claim the body of the dog from its 35052
killer and then perform tests on the body for rabies. 35053

(D) This section does not apply to a police dog that has 35054
bitten a person while the police dog is under the care of a 35055
licensed veterinarian or has bitten a person while the police 35056
dog is being used for law enforcement, corrections, prison or 35057
jail security, or investigative purposes. If, after biting a 35058
person, a police dog exhibits any abnormal behavior, the law 35059
enforcement agency and the law enforcement officer the police 35060
dog assists, within a reasonable time after the person is 35061
bitten, shall make the police dog available for the board of 35062
health for the district in which the bite occurred to perform 35063
tests for rabies. 35064

(E) As used in this section, "police dog" has the same 35065
meaning as in section ~~2921.321~~955.11 of the Revised Code. 35066

Sec. 955.28. (A) Subject to divisions (A) (2) and (3) of 35067

section 955.261 of the Revised Code, a dog that is chasing or 35068
approaching in a menacing fashion or apparent attitude of 35069
attack, that attempts to bite or otherwise endanger, or that 35070
kills or injures a person or a dog that chases, threatens, 35071
harasses, injures, or kills livestock, poultry, other domestic 35072
animal, or other animal, that is the property of another person, 35073
except a cat or another dog, can be killed at the time of that 35074
chasing, threatening, harassment, approaching, attempt, killing, 35075
or injury. If, in attempting to kill such a dog, a person wounds 35076
it, the person is not liable to prosecution under the penal 35077
laws that punish cruelty to animals. Nothing in this section 35078
precludes a law enforcement officer from killing a dog that 35079
attacks a police ~~dog~~ animal as defined in division (F) of 35080
section ~~2921.321~~ 2921.01 of the Revised Code. 35081

(B) The owner, keeper, or harbinger of a dog is liable in 35082
damages for any injury, death, or loss to person or property 35083
that is caused by the dog, unless the injury, death, or loss was 35084
caused to the person or property of an individual who, at the 35085
time, was committing or attempting to commit criminal trespass 35086
or another criminal offense other than a minor misdemeanor on 35087
the property of the owner, keeper, or harbinger, or was 35088
committing or attempting to commit a criminal offense other than 35089
a minor misdemeanor against any person, or was teasing, 35090
tormenting, or abusing the dog on the owner's, keeper's, or 35091
harbinger's property. Additionally, the owner, keeper, or 35092
harbinger of a dog is liable in damages for any injury, death, or 35093
loss to person or property that is caused by the dog if the 35094
injury, death, or loss was caused to the person or property of 35095
an individual who, at the time of the injury, death, or loss, 35096
was on the property of the owner, keeper, or harbinger solely for 35097
the purpose of engaging in door-to-door sales or other 35098

solicitations regardless of whether the individual was in 35099
compliance with any requirement to obtain a permit or license to 35100
engage in door-to-door sales or other solicitations established 35101
by the political subdivision in which the property of the owner, 35102
keeper, or harborer is located, provided that the person was not 35103
committing a criminal offense other than a minor misdemeanor or 35104
was not teasing, tormenting, or abusing the dog. 35105

Sec. 971.08. (A) If an owner chooses to build a partition 35106
fence and the owner of adjoining property does not share in the 35107
construction of the fence, the owner building the fence, or a 35108
contractor hired by the owner, may enter on the adjoining 35109
property for no more than ten feet for the length of the fence 35110
to build and maintain in good repair the fence. The owner or 35111
contractor building the fence is not guilty of a violation of 35112
division (A) or (D) of section 2911.21-2911.06 of the Revised 35113
Code or an ordinance of a municipal corporation that is 35114
substantially equivalent to either division, provided that the 35115
owner or contractor does not enter onto the property beyond the 35116
ten feet specified in this division. However, that owner or 35117
contractor is liable for all damages caused by the entry onto 35118
the adjoining property, including damages to crops. 35119

(B) No person shall obstruct or interfere with anyone who 35120
is lawfully engaged in the construction or maintenance of a 35121
partition fence. 35122

Sec. 1503.09. The chief of the division of forestry may 35123
appoint forest-fire wardens and forest-fire investigators, whose 35124
jurisdiction shall extend over fire protection areas established 35125
under section 1503.08 of the Revised Code. Forest-fire 35126
investigators shall conduct investigations and gather evidence 35127
for purposes of the enforcement of this chapter ~~and~~, sections 35128

2909.02, 2909.03, ~~2909.06~~, and 3767.32 of the Revised Code, and 35129
division (B) of section 2909.05 and division (C) of section 35130
2909.08 of the Revised Code with respect to forest fires in fire 35131
protection areas. Any forest-fire warden or forest-fire 35132
investigator shall hold office until the warden's or 35133
investigator's successor is appointed, but any such warden or 35134
investigator may at any time be summarily removed by the chief. 35135

The chief may designate a forest-fire warden as a forest- 35136
fire investigator. The chief shall establish a policy for the 35137
required training of forest-fire investigators, which shall 35138
include successful completion of basic wildland fire suppression 35139
training and training as a peace officer. Division (D) of 35140
section 1501.24 and section 1501.25 of the Revised Code apply to 35141
a forest-fire investigator in the same manner as those 35142
provisions of law apply to a natural resources officer. Forest- 35143
fire investigators shall have jurisdiction, with permission from 35144
the chief, to enter public and private lands. 35145

Sec. 1533.68. If a person is convicted of a violation of 35146
any law relative to the taking, possession, protection, 35147
preservation, or propagation of wild animals, or a violation of 35148
division ~~(C)~~(B) of section 2909.08 of the Revised Code while 35149
hunting, or is convicted of a violation of any rule of the 35150
division of wildlife, the court or magistrate before whom the 35151
conviction is had, as an additional part of the penalty in each 35152
case, may suspend or revoke each license or permit issued to the 35153
person in accordance with any section of the Revised Code 35154
pertaining to the hunting, fishing, trapping, breeding, and sale 35155
of wild animals or the sale of their hides, skins, or pelts. No 35156
fee paid for such a license or permit shall be returned to the 35157
person. 35158

No person having a license or permit suspended or revoked 35159
as provided in this section, in the event of a hunting or 35160
trapping violation, shall engage in hunting or trapping, in the 35161
event of a violation of division ~~(C)~~(B) of section 2909.08 of 35162
the Revised Code while hunting, shall engage in hunting, or in 35163
the event of a fishing violation, shall engage in fishing, or 35164
purchase, apply for, or receive any such license or permit for 35165
the following periods of time, as applicable: 35166

(A) Three years after the date of conviction if the person 35167
is convicted of taking or possessing a deer in violation of 35168
section 1531.02 of the Revised Code; 35169

(B) Not more than three years after the date of conviction 35170
if the person is convicted of taking or possessing any other 35171
wild animal in violation of section 1531.02 of the Revised Code, 35172
is convicted of a misdemeanor violation of division ~~(C)~~(B) of 35173
section 2909.08 of the Revised Code while hunting, or is 35174
convicted of a second or subsequent violation of section 1533.17 35175
of the Revised Code within a period of three consecutive years 35176
after the date of conviction of the immediately preceding 35177
violation of that section; 35178

(C) Not more than five years after the date of conviction 35179
if the person is convicted of violating section 1533.171 or of 35180
taking or possessing an eagle or osprey in violation of section 35181
1533.07 of the Revised Code or is convicted of a felony 35182
violation of division ~~(C)~~(B) of section 2909.08 of the Revised 35183
Code while hunting; 35184

(D) Not more than five years after the date of conviction 35185
if the person is convicted of violating any section of this 35186
chapter or Chapter 1531. of the Revised Code not specified in 35187
division (A), (B), or (C) of this section. 35188

All licenses and permits suspended or revoked as provided 35189
in this section shall be taken up by the magistrate and sent to 35190
the department of natural resources where they shall be filed 35191
with a record of the arrest until the person who held the 35192
suspended or revoked license or permit is lawfully entitled to 35193
obtain another license or permit. 35194

Sec. 1905.01. (A) In Georgetown in Brown county, in Mount 35195
Gilead in Morrow county, in any municipal corporation located 35196
entirely on an island in Lake Erie, and in all other municipal 35197
corporations having a population of more than two hundred, other 35198
than Batavia in Clermont county, not being the site of a 35199
municipal court nor a place where a judge of the Auglaize 35200
county, Crawford county, Jackson county, Miami county, 35201
Montgomery county, Portage county, or Wayne county municipal 35202
court sits as required pursuant to section 1901.021 of the 35203
Revised Code or by designation of the judges pursuant to section 35204
1901.021 of the Revised Code, the mayor of the municipal 35205
corporation has jurisdiction, except as provided in divisions 35206
(B), (C), and (E) of this section and subject to the limitation 35207
contained in section 1905.03 and the limitation contained in 35208
section 1905.031 of the Revised Code, to hear and determine any 35209
prosecution for the violation of an ordinance of the municipal 35210
corporation, to hear and determine any case involving a 35211
violation of a vehicle parking or standing ordinance of the 35212
municipal corporation unless the violation is required to be 35213
handled by a parking violations bureau or joint parking 35214
violations bureau pursuant to Chapter 4521. of the Revised Code, 35215
and to hear and determine all criminal causes involving any 35216
moving traffic violation occurring on a state highway located 35217
within the boundaries of the municipal corporation, subject to 35218
the limitations of sections 2937.08 and 2938.04 of the Revised 35219

Code. 35220

(B) (1) In Georgetown in Brown county, in Mount Gilead in 35221
Morrow county, in any municipal corporation located entirely on 35222
an island in Lake Erie, and in all other municipal corporations 35223
having a population of more than two hundred, other than Batavia 35224
in Clermont county, not being the site of a municipal court nor 35225
a place where a judge of a court listed in division (A) of this 35226
section sits as required pursuant to section 1901.021 of the 35227
Revised Code or by designation of the judges pursuant to section 35228
1901.021 of the Revised Code, the mayor of the municipal 35229
corporation has jurisdiction, subject to the limitation 35230
contained in section 1905.03 of the Revised Code, to hear and 35231
determine prosecutions involving a violation of an ordinance of 35232
the municipal corporation relating to operating a vehicle while 35233
under the influence of alcohol, a drug of abuse, or a 35234
combination of them or relating to operating a vehicle with a 35235
prohibited concentration of alcohol, a controlled substance, or 35236
a metabolite of a controlled substance in the whole blood, blood 35237
serum or plasma, breath, or urine, and to hear and determine 35238
criminal causes involving a violation of section 4511.19 of the 35239
Revised Code that occur on a state highway located within the 35240
boundaries of the municipal corporation, subject to the 35241
limitations of sections 2937.08 and 2938.04 of the Revised Code, 35242
only if the person charged with the violation, within ten years 35243
of the date of the violation charged, has not been convicted of 35244
or pleaded guilty to any of the following: 35245

(a) A violation of an ordinance of any municipal 35246
corporation relating to operating a vehicle while under the 35247
influence of alcohol, a drug of abuse, or a combination of them 35248
or relating to operating a vehicle with a prohibited 35249
concentration of alcohol, a controlled substance, or a 35250

metabolite of a controlled substance in the whole blood, blood	35251
serum or plasma, breath, or urine;	35252
(b) A violation of section 4511.19 of the Revised Code;	35253
(c) A violation of any ordinance of any municipal	35254
corporation or of any section of the Revised Code that regulates	35255
the operation of vehicles, streetcars, and trackless trolleys	35256
upon the highways or streets, to which all of the following	35257
apply:	35258
(i) The person, in the case in which the conviction was	35259
obtained or the plea of guilty was entered, had been charged	35260
with a violation of an ordinance of a type described in division	35261
(B) (1) (a) of this section, or with a violation of section	35262
4511.19 of the Revised Code;	35263
(ii) The charge of the violation described in division (B)	35264
(1) (c) (i) of this section was dismissed or reduced;	35265
(iii) The violation of which the person was convicted or	35266
to which the person pleaded guilty arose out of the same facts	35267
and circumstances and the same act as did the charge that was	35268
dismissed or reduced.	35269
(d) A violation of a statute of the United States or of	35270
any other state or a municipal ordinance of a municipal	35271
corporation located in any other state that is substantially	35272
similar to section 4511.19 of the Revised Code.	35273
(2) The mayor of a municipal corporation does not have	35274
jurisdiction to hear and determine any prosecution or criminal	35275
cause involving a violation described in division (B) (1) (a) or	35276
(b) of this section, regardless of where the violation occurred,	35277
if the person charged with the violation, within ten years of	35278
the violation charged, has been convicted of or pleaded guilty	35279

to any violation listed in division (B) (1) (a), (b), (c), or (d) 35280
of this section. 35281

If the mayor of a municipal corporation, in hearing a 35282
prosecution involving a violation of an ordinance of the 35283
municipal corporation the mayor serves relating to operating a 35284
vehicle while under the influence of alcohol, a drug of abuse, 35285
or a combination of them or relating to operating a vehicle with 35286
a prohibited concentration of alcohol, a controlled substance, 35287
or a metabolite of a controlled substance in the whole blood, 35288
blood serum or plasma, breath, or urine, or in hearing a 35289
criminal cause involving a violation of section 4511.19 of the 35290
Revised Code, determines that the person charged, within ten 35291
years of the violation charged, has been convicted of or pleaded 35292
guilty to any violation listed in division (B) (1) (a), (b), (c), 35293
or (d) of this section, the mayor immediately shall transfer the 35294
case to the county court or municipal court with jurisdiction 35295
over the violation charged, in accordance with section 1905.032 35296
of the Revised Code. 35297

(C) (1) In Georgetown in Brown county, in Mount Gilead in 35298
Morrow county, in any municipal corporation located entirely on 35299
an island in Lake Erie, and in all other municipal corporations 35300
having a population of more than two hundred, other than Batavia 35301
in Clermont county, not being the site of a municipal court and 35302
not being a place where a judge of a court listed in division 35303
(A) of this section sits as required pursuant to section 35304
1901.021 of the Revised Code or by designation of the judges 35305
pursuant to section 1901.021 of the Revised Code, the mayor of 35306
the municipal corporation, subject to sections 1901.031, 35307
2937.08, and 2938.04 of the Revised Code, has jurisdiction to 35308
hear and determine prosecutions involving a violation of a 35309
municipal ordinance that is substantially equivalent to division 35310

(A) of section 4510.14 or section 4510.16 of the Revised Code 35311
and to hear and determine criminal causes that involve a moving 35312
traffic violation, that involve a violation of division (A) of 35313
section 4510.14 or section 4510.16 of the Revised Code, and that 35314
occur on a state highway located within the boundaries of the 35315
municipal corporation only if all of the following apply 35316
regarding the violation and the person charged: 35317

(a) Regarding a violation of section 4510.16 of the 35318
Revised Code or a violation of a municipal ordinance that is 35319
substantially equivalent to that division, the person charged 35320
with the violation, within six years of the date of the 35321
violation charged, has not been convicted of or pleaded guilty 35322
to any of the following: 35323

(i) A violation of section 4510.16 of the Revised Code; 35324

(ii) A violation of a municipal ordinance that is 35325
substantially equivalent to section 4510.16 of the Revised Code; 35326

(iii) A violation of any municipal ordinance or section of 35327
the Revised Code that regulates the operation of vehicles, 35328
streetcars, and trackless trolleys upon the highways or streets, 35329
in a case in which, after a charge against the person of a 35330
violation of a type described in division (C) (1) (a) (i) or (ii) 35331
of this section was dismissed or reduced, the person is 35332
convicted of or pleads guilty to a violation that arose out of 35333
the same facts and circumstances and the same act as did the 35334
charge that was dismissed or reduced. 35335

(b) Regarding a violation of division (A) of section 35336
4510.14 of the Revised Code or a violation of a municipal 35337
ordinance that is substantially equivalent to that division, the 35338
person charged with the violation, within six years of the date 35339

of the violation charged, has not been convicted of or pleaded 35340
guilty to any of the following: 35341

(i) A violation of division (A) of section 4510.14 of the 35342
Revised Code; 35343

(ii) A violation of a municipal ordinance that is 35344
substantially equivalent to division (A) of section 4510.14 of 35345
the Revised Code; 35346

(iii) A violation of any municipal ordinance or section of 35347
the Revised Code that regulates the operation of vehicles, 35348
streetcars, and trackless trolleys upon the highways or streets 35349
in a case in which, after a charge against the person of a 35350
violation of a type described in division (C) (1) (b) (i) or (ii) 35351
of this section was dismissed or reduced, the person is 35352
convicted of or pleads guilty to a violation that arose out of 35353
the same facts and circumstances and the same act as did the 35354
charge that was dismissed or reduced. 35355

(2) The mayor of a municipal corporation does not have 35356
jurisdiction to hear and determine any prosecution or criminal 35357
cause involving a violation described in division (C) (1) (a) (i) 35358
or (ii) of this section if the person charged with the 35359
violation, within six years of the violation charged, has been 35360
convicted of or pleaded guilty to any violation listed in 35361
division (C) (1) (a) (i), (ii), or (iii) of this section and does 35362
not have jurisdiction to hear and determine any prosecution or 35363
criminal cause involving a violation described in division (C) 35364
(1) (b) (i) or (ii) of this section if the person charged with the 35365
violation, within six years of the violation charged, has been 35366
convicted of or pleaded guilty to any violation listed in 35367
division (C) (1) (b) (i), (ii), or (iii) of this section. 35368

(3) If the mayor of a municipal corporation, in hearing a prosecution involving a violation of an ordinance of the municipal corporation the mayor serves that is substantially equivalent to division (A) of section 4510.14 or section 4510.16 of the Revised Code or a violation of division (A) of section 4510.14 or section 4510.16 of the Revised Code, determines that, under division (C) (2) of this section, mayors do not have jurisdiction of the prosecution, the mayor immediately shall transfer the case to the county court or municipal court with jurisdiction over the violation in accordance with section 1905.032 of the Revised Code.

(D) If the mayor of a municipal corporation has jurisdiction pursuant to division (B) (1) of this section to hear and determine a prosecution or criminal cause involving a violation described in division (B) (1) (a) or (b) of this section, the authority of the mayor to hear or determine the prosecution or cause is subject to the limitation contained in division (C) of section 1905.03 of the Revised Code. If the mayor of a municipal corporation has jurisdiction pursuant to division (A) or (C) of this section to hear and determine a prosecution or criminal cause involving a violation other than a violation described in division (B) (1) (a) or (b) of this section, the authority of the mayor to hear or determine the prosecution or cause is subject to the limitation contained in division (C) of section 1905.031 of the Revised Code.

(E) (1) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving any of the following:

(a) A violation of section 2919.25 or 2919.27 of the Revised Code;

(b) A violation of section 2903.11, 2903.12, 2903.13, or 35399
2903.211~~7~~, or ~~2911.211~~division (B) of section 2911.06 of the 35400
Revised Code that involves a person who was a family or 35401
household member of the defendant at the time of the violation; 35402

(c) A violation of a municipal ordinance that is 35403
substantially equivalent to an offense described in division (E) 35404
(1) (a) or (b) of this section and that involves a person who was 35405
a family or household member of the defendant at the time of the 35406
violation. 35407

(2) The mayor of a municipal corporation does not have 35408
jurisdiction to hear and determine a motion filed pursuant to 35409
section 2919.26 of the Revised Code or filed pursuant to a 35410
municipal ordinance that is substantially equivalent to that 35411
section or to issue a protection order pursuant to that section 35412
or a substantially equivalent municipal ordinance. 35413

(3) As used in this section, "family or household member" 35414
has the same meaning as in section 2919.25 of the Revised Code. 35415

(F) In keeping a docket and files, the mayor, and a 35416
mayor's court magistrate appointed under section 1905.05 of the 35417
Revised Code, shall be governed by the laws pertaining to county 35418
courts. 35419

Sec. 2151.14. (A) The chief probation officer, under the 35420
direction of the juvenile judge, shall have charge of the work 35421
of the probation department. The department shall make any 35422
investigations that the judge directs, keep a written record of 35423
the investigations, and submit the record to the judge or deal 35424
with them as the judge directs. The department shall furnish to 35425
any person placed on community control a statement of the 35426
conditions of community control and shall instruct the person 35427

regarding them. The department shall keep informed concerning 35428
the conduct and condition of each person under its supervision 35429
and shall report on their conduct and condition to the judge as 35430
the judge directs. Each probation officer shall use all suitable 35431
methods to aid persons on community control and to bring about 35432
improvement in their conduct and condition. The department shall 35433
keep full records of its work, keep accurate and complete 35434
accounts of money collected from persons under its supervision, 35435
give receipts for the money, and make reports on the money as 35436
the judge directs. 35437

(B) Except as provided in this division or in division (C) 35438
or (D) of this section, the reports and records of the 35439
department shall be considered confidential information and 35440
shall not be made public. If an officer is preparing pursuant to 35441
section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 35442
32.2 a presentence investigation report pertaining to a person, 35443
the department shall make available to the officer, for use in 35444
preparing the report, any reports and records it possesses 35445
regarding any adjudications of that person as a delinquent child 35446
or regarding the dispositions made relative to those 35447
adjudications. A probation officer may serve the process of the 35448
court within or without the county, make arrests without warrant 35449
upon reasonable information or upon view of the violation of 35450
this chapter or Chapter 2152. of the Revised Code, detain the 35451
person arrested pending the issuance of a warrant, and perform 35452
any other duties, incident to the office, that the judge 35453
directs. All sheriffs, deputy sheriffs, constables, marshals, 35454
deputy marshals, chiefs of police, municipal corporation and 35455
township police officers, and other peace officers shall render 35456
assistance to probation officers in the performance of their 35457
duties when requested to do so by any probation officer. 35458

(C) When a complaint has been filed alleging that a child is delinquent by reason of having committed an act that would constitute a violation of section 2907.011, 2907.02, 2907.03, 2907.05, or 2907.06 of the Revised Code if committed by an adult and the arresting authority, a court, or a probation officer discovers that the child or a person whom the child caused to engage in sexual activity, as defined in section 2907.01 of the Revised Code, has a communicable disease, the arresting authority, court, or probation officer immediately shall notify the victim of the delinquent act of the nature of the disease.

(D) (1) In accordance with division (D) (2) of this section, subject to the limitation specified in division (D) (4) of this section, and in connection with a disposition pursuant to section 2151.354 of the Revised Code when a child has been found to be an unruly child, a disposition pursuant to sections 2152.19 and 2152.20 of the Revised Code when a child has been found to be a delinquent child, or a disposition pursuant to sections 2152.20 and 2152.21 of the Revised Code when a child has been found to be a juvenile traffic offender, the court may issue an order requiring boards of education, governing bodies of chartered nonpublic schools, public children services agencies, private child placing agencies, probation departments, law enforcement agencies, and prosecuting attorneys that have records related to the child in question to provide copies of one or more specified records, or specified information in one or more specified records, that the individual or entity has with respect to the child to any of the following individuals or entities that request the records in accordance with division (D) (3) (a) of this section:

(a) The child;

(b) The attorney or guardian ad litem of the child;	35489
(c) A parent, guardian, or custodian of the child;	35490
(d) A prosecuting attorney;	35491
(e) A board of education of a public school district;	35492
(f) A probation department of a juvenile court;	35493
(g) A public children services agency or private child placing agency that has custody of the child, is providing services to the child or the child's family, or is preparing a social history or performing any other function for the juvenile court;	35494 35495 35496 35497 35498
(h) The department of youth services when the department has custody of the child or is performing any services for the child that are required by the juvenile court or by statute;	35499 35500 35501
(i) The individual in control of a juvenile detention or rehabilitation facility to which the child has been committed;	35502 35503
(j) An employee of the juvenile court that found the child to be an unruly child, a delinquent child, or a juvenile traffic offender;	35504 35505 35506
(k) Any other entity that has custody of the child or is providing treatment, rehabilitation, or other services for the child pursuant to a court order, statutory requirement, or other arrangement.	35507 35508 35509 35510
(2) Any individual or entity listed in divisions (D) (1) (a) to (k) of this section may file a motion with the court that requests the court to issue an order as described in division (D) (1) of this section. If such a motion is filed, the court shall conduct a hearing on it. If at the hearing the movant	35511 35512 35513 35514 35515

demonstrates a need for one or more specified records, or for information in one or more specified records, related to the child in question and additionally demonstrates the relevance of the information sought to be obtained from those records, and if the court determines that the limitation specified in division (D) (4) of this section does not preclude the provision of a specified record or specified information to the movant, then the court may issue an order to a designated individual or entity to provide the movant with copies of one or more specified records or with specified information contained in one or more specified records.

(3) (a) Any individual or entity that is authorized by an order issued pursuant to division (D) (1) of this section to obtain copies of one or more specified records, or specified information, related to a particular child may file a written request for copies of the records or for the information with any individual or entity required by the order to provide copies of the records or the information. The request shall be in writing, describe the type of records or the information requested, explain the need for the records or the information, and be accompanied by a copy of the order.

(b) If an individual or entity that is required by an order issued pursuant to division (D) (1) of this section to provide one or more specified records, or specified information, related to a child receives a written request for the records or information in accordance with division (D) (3) (a) of this section, the individual or entity immediately shall comply with the request to the extent it is able to do so, unless the individual or entity determines that it is unable to comply with the request because it is prohibited by law from doing so, or unless the requesting individual or entity does not have

authority to obtain the requested records or information. If the individual or entity determines that it is unable to comply with the request, it shall file a motion with the court that issued the order requesting the court to determine the extent to which it is required to comply with the request for records or information. Upon the filing of the motion, the court immediately shall hold a hearing on the motion, determine the extent to which the movant is required to comply with the request for records or information, and issue findings of fact and conclusions of law in support of its determination. The determination of the court shall be final. If the court determines that the movant is required to comply with the request for records or information, it shall identify the specific records or information that must be supplied to the individual or entity that requested the records or information.

(c) If an individual or entity is required to provide copies of one or more specified records pursuant to division (D) of this section, the individual or entity may charge a fee for the copies that does not exceed the cost of supplying them.

(4) Division (D) of this section does not require, authorize, or permit the dissemination of any records or any information contained in any records if the dissemination of the records or information generally is prohibited by any provision of the Revised Code and a specific provision of the Revised Code does not specifically authorize or permit the dissemination of the records or information pursuant to division (D) of this section.

Sec. 2151.356. (A) The records of a case in which a person was adjudicated a delinquent child for committing a violation of section 2903.01, 2903.02, 2907.011, or 2907.02 of the Revised

Code shall not be sealed under this section. 35577

(B) (1) The juvenile court shall promptly order the 35578
immediate sealing of records pertaining to a juvenile in any of 35579
the following circumstances: 35580

(a) If the court receives a record from a public office or 35581
agency under division (B) (2) of this section; 35582

(b) If a person was brought before or referred to the 35583
court for allegedly committing a delinquent or unruly act and 35584
the case was resolved without the filing of a complaint against 35585
the person with respect to that act pursuant to section 2151.27 35586
of the Revised Code; 35587

(c) If a person was charged with violating division (E) (1) 35588
of section 4301.69 of the Revised Code and the person has 35589
successfully completed a diversion program under division (E) (2) 35590
(a) of section 4301.69 of the Revised Code with respect to that 35591
charge; 35592

(d) If a complaint was filed against a person alleging 35593
that the person was a delinquent child, an unruly child, or a 35594
juvenile traffic offender and the court dismisses the complaint 35595
after a trial on the merits of the case or finds the person not 35596
to be a delinquent child, an unruly child, or a juvenile traffic 35597
offender; 35598

(e) Notwithstanding division (C) of this section and 35599
subject to section 2151.358 of the Revised Code, if a person has 35600
been adjudicated an unruly child, that person has attained 35601
eighteen years of age, and the person is not under the 35602
jurisdiction of the court in relation to a complaint alleging 35603
the person to be a delinquent child. 35604

(2) The appropriate public office or agency shall 35605

immediately deliver all original records at that public office 35606
or agency pertaining to a juvenile to the court, if the person 35607
was arrested or taken into custody for allegedly committing a 35608
delinquent or unruly act, no complaint was filed against the 35609
person with respect to the commission of the act pursuant to 35610
section 2151.27 of the Revised Code, and the person was not 35611
brought before or referred to the court for the commission of 35612
the act. The records delivered to the court as required under 35613
this division shall not include fingerprints, DNA specimens, and 35614
DNA records described under division (A) (3) of section 2151.357 35615
of the Revised Code. 35616

(C) (1) The juvenile court shall consider the sealing of 35617
records pertaining to a juvenile upon the court's own motion or 35618
upon the application of a person if the person has been 35619
adjudicated a delinquent child for committing an act other than 35620
a violation of section 2903.01, 2903.02, or 2907.02 of the 35621
Revised Code, an unruly child, or a juvenile traffic offender 35622
and if, at the time of the motion or application, the person is 35623
not under the jurisdiction of the court in relation to a 35624
complaint alleging the person to be a delinquent child. The 35625
court shall not require a fee for the filing of the application. 35626
The motion or application may be made on or after the time 35627
specified in whichever of the following is applicable: 35628

(a) If the person is under eighteen years of age, at any 35629
time after six months after any of the following events occur: 35630

(i) The termination of any order made by the court in 35631
relation to the adjudication; 35632

(ii) The unconditional discharge of the person from the 35633
department of youth services with respect to a dispositional 35634
order made in relation to the adjudication or from an 35635

institution or facility to which the person was committed 35636
pursuant to a dispositional order made in relation to the 35637
adjudication; 35638

(iii) The court enters an order under section 2152.84 or 35639
2152.85 of the Revised Code that contains a determination that 35640
the child is no longer a juvenile offender registrant. 35641

(b) If the person is eighteen years of age or older, at 35642
any time after the later of the following: 35643

(i) The person's attainment of eighteen years of age; 35644

(ii) The occurrence of any event identified in divisions 35645
(C) (1) (a) (i) to (iii) of this section. 35646

(2) In making the determination whether to seal records 35647
pursuant to division (C) (1) of this section, all of the 35648
following apply: 35649

(a) The court may require a person filing an application 35650
under division (C) (1) of this section to submit any relevant 35651
documentation to support the application. 35652

(b) The court may cause an investigation to be made to 35653
determine if the person who is the subject of the proceedings 35654
has been rehabilitated to a satisfactory degree. 35655

(c) The court shall promptly notify the prosecuting 35656
attorney of any proceedings to seal records initiated pursuant 35657
to division (C) (1) of this section. 35658

(d) (i) The prosecuting attorney may file a response with 35659
the court within thirty days of receiving notice of the sealing 35660
proceedings. 35661

(ii) If the prosecuting attorney does not file a response 35662

with the court or if the prosecuting attorney files a response 35663
but indicates that the prosecuting attorney does not object to 35664
the sealing of the records, the court may order the records of 35665
the person that are under consideration to be sealed without 35666
conducting a hearing on the motion or application. If the court 35667
decides in its discretion to conduct a hearing on the motion or 35668
application, the court shall conduct the hearing within thirty 35669
days after making that decision and shall give notice, by 35670
regular mail, of the date, time, and location of the hearing to 35671
the prosecuting attorney and to the person who is the subject of 35672
the records under consideration. 35673

(iii) If the prosecuting attorney files a response with 35674
the court that indicates that the prosecuting attorney objects 35675
to the sealing of the records, the court shall conduct a hearing 35676
on the motion or application within thirty days after the court 35677
receives the response. The court shall give notice, by regular 35678
mail, of the date, time, and location of the hearing to the 35679
prosecuting attorney and to the person who is the subject of the 35680
records under consideration. 35681

(e) After conducting a hearing in accordance with division 35682
(C) (2) (d) of this section or after due consideration when a 35683
hearing is not conducted, except as provided in division (B) (1) 35684
(c) of this section, the court may order the records of the 35685
person that are the subject of the motion or application to be 35686
sealed if it finds that the person has been rehabilitated to a 35687
satisfactory degree. In determining whether the person has been 35688
rehabilitated to a satisfactory degree, the court may consider 35689
all of the following: 35690

(i) The age of the person; 35691

(ii) The nature of the case; 35692

(iii) The cessation or continuation of delinquent, unruly, or criminal behavior; 35693
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(iv) The education and employment history of the person; 35695

(v) The granting of a new tier classification or declassification from the juvenile offender registry pursuant to section 2152.85 of the Revised Code, except for public registry-qualified juvenile offender registrants; 35696
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(vi) Any other circumstances that may relate to the rehabilitation of the person who is the subject of the records under consideration. 35700
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(D) (1) (a) The juvenile court shall provide verbal notice to a person whose records are sealed under division (B) of this section, if that person is present in the court at the time the court issues a sealing order, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means. 35703
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(b) The juvenile court shall provide written notice to a person whose records are sealed under division (B) of this section by regular mail to the person's last known address, if that person is not present in the court at the time the court issues a sealing order and if the court does not seal the person's record upon the court's own motion, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means. 35710
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(2) Upon final disposition of a case in which a person has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, or 2907.02 of the 35719
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Revised Code, an unruly child, or a juvenile traffic offender, 35722
the juvenile court shall provide written notice to the person 35723
that does all of the following: 35724

(a) States that the person may apply to the court for an 35725
order to seal the record; 35726

(b) Explains what sealing a record means; 35727

(c) States that the person may apply to the court for an 35728
order to expunge the record under section 2151.358 of the 35729
Revised Code; 35730

(d) Explains what expunging a record means. 35731

(3) The department of youth services and any other 35732
institution or facility that unconditionally discharges a person 35733
who has been adjudicated a delinquent child, an unruly child, or 35734
a juvenile traffic offender shall immediately give notice of the 35735
discharge to the court that committed the person. The court 35736
shall note the date of discharge on a separate record of 35737
discharges of those natures. 35738

Sec. 2151.414. (A) (1) Upon the filing of a motion pursuant 35739
to section 2151.413 of the Revised Code for permanent custody of 35740
a child, the court shall schedule a hearing and give notice of 35741
the filing of the motion and of the hearing, in accordance with 35742
section 2151.29 of the Revised Code, to all parties to the 35743
action and to the child's guardian ad litem. The notice also 35744
shall contain a full explanation that the granting of permanent 35745
custody permanently divests the parents of their parental 35746
rights, a full explanation of their right to be represented by 35747
counsel and to have counsel appointed pursuant to Chapter 120. 35748
of the Revised Code if they are indigent, and the name and 35749
telephone number of the court employee designated by the court 35750

pursuant to section 2151.314 of the Revised Code to arrange for 35751
the prompt appointment of counsel for indigent persons. 35752

The court shall conduct a hearing in accordance with 35753
section 2151.35 of the Revised Code to determine if it is in the 35754
best interest of the child to permanently terminate parental 35755
rights and grant permanent custody to the agency that filed the 35756
motion. The adjudication that the child is an abused, neglected, 35757
or dependent child and any dispositional order that has been 35758
issued in the case under section 2151.353 of the Revised Code 35759
pursuant to the adjudication shall not be readjudicated at the 35760
hearing and shall not be affected by a denial of the motion for 35761
permanent custody. 35762

(2) The court shall hold the hearing scheduled pursuant to 35763
division (A)(1) of this section not later than one hundred 35764
twenty days after the agency files the motion for permanent 35765
custody, except that, for good cause shown, the court may 35766
continue the hearing for a reasonable period of time beyond the 35767
one-hundred-twenty-day deadline. The court shall issue an order 35768
that grants, denies, or otherwise disposes of the motion for 35769
permanent custody, and journalize the order, not later than two 35770
hundred days after the agency files the motion. 35771

If a motion is made under division (D)(2) of section 35772
2151.413 of the Revised Code and no dispositional hearing has 35773
been held in the case, the court may hear the motion in the 35774
dispositional hearing required by division (B) of section 35775
2151.35 of the Revised Code. If the court issues an order 35776
pursuant to section 2151.353 of the Revised Code granting 35777
permanent custody of the child to the agency, the court shall 35778
immediately dismiss the motion made under division (D)(2) of 35779
section 2151.413 of the Revised Code. 35780

The failure of the court to comply with the time periods set forth in division (A) (2) of this section does not affect the authority of the court to issue any order under this chapter and does not provide any basis for attacking the jurisdiction of the court or the validity of any order of the court.

(B) (1) Except as provided in division (B) (2) of this section, the court may grant permanent custody of a child to a movant if the court determines at the hearing held pursuant to division (A) of this section, by clear and convincing evidence, that it is in the best interest of the child to grant permanent custody of the child to the agency that filed the motion for permanent custody and that any of the following apply:

(a) The child is not abandoned or orphaned, has not been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or has not been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period if, as described in division (D) (1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state, and the child cannot be placed with either of the child's parents within a reasonable time or should not be placed with the child's parents.

(b) The child is abandoned.

(c) The child is orphaned, and there are no relatives of the child who are able to take permanent custody.

(d) The child has been in the temporary custody of one or more public children services agencies or private child placing

agencies for twelve or more months of a consecutive twenty-two-month period, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D) (1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state.

(e) The child or another child in the custody of the parent or parents from whose custody the child has been removed has been adjudicated an abused, neglected, or dependent child on three separate occasions by any court in this state or another state.

For the purposes of division (B) (1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from home.

(2) With respect to a motion made pursuant to division (D) (2) of section 2151.413 of the Revised Code, the court shall grant permanent custody of the child to the movant if the court determines in accordance with division (E) of this section that the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent and determines in accordance with division (D) of this section that permanent custody is in the child's best interest.

(C) In making the determinations required by this section or division (A) (4) of section 2151.353 of the Revised Code, a court shall not consider the effect the granting of permanent custody to the agency would have upon any parent of the child. A

written report of the guardian ad litem of the child shall be 35840
submitted to the court prior to or at the time of the hearing 35841
held pursuant to division (A) of this section or section 2151.35 35842
of the Revised Code but shall not be submitted under oath. 35843

If the court grants permanent custody of a child to a 35844
movant under this division, the court, upon the request of any 35845
party, shall file a written opinion setting forth its findings 35846
of fact and conclusions of law in relation to the proceeding. 35847
The court shall not deny an agency's motion for permanent 35848
custody solely because the agency failed to implement any 35849
particular aspect of the child's case plan. 35850

(D) (1) In determining the best interest of a child at a 35851
hearing held pursuant to division (A) of this section or for the 35852
purposes of division (A) (4) or (5) of section 2151.353 or 35853
division (C) of section 2151.415 of the Revised Code, the court 35854
shall consider all relevant factors, including, but not limited 35855
to, the following: 35856

(a) The interaction and interrelationship of the child 35857
with the child's parents, siblings, relatives, foster caregivers 35858
and out-of-home providers, and any other person who may 35859
significantly affect the child; 35860

(b) The wishes of the child, as expressed directly by the 35861
child or through the child's guardian ad litem, with due regard 35862
for the maturity of the child; 35863

(c) The custodial history of the child, including whether 35864
the child has been in the temporary custody of one or more 35865
public children services agencies or private child placing 35866
agencies for twelve or more months of a consecutive twenty-two- 35867
month period, or the child has been in the temporary custody of 35868

one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state;

(d) The child's need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody to the agency;

(e) Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child.

For the purposes of division (D)(1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from home.

(2) If all of the following apply, permanent custody is in the best interest of the child, and the court shall commit the child to the permanent custody of a public children services agency or private child placing agency:

(a) The court determines by clear and convincing evidence that one or more of the factors in division (E) of this section exist and the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent.

(b) The child has been in an agency's custody for two years or longer, and no longer qualifies for temporary custody pursuant to division (D) of section 2151.415 of the Revised Code.

(c) The child does not meet the requirements for a planned permanent living arrangement pursuant to division (A) (5) of section 2151.353 of the Revised Code.

(d) Prior to the dispositional hearing, no relative or other interested person has filed, or has been identified in, a motion for legal custody of the child.

(E) In determining at a hearing held pursuant to division (A) of this section or for the purposes of division (A) (4) of section 2151.353 of the Revised Code whether a child cannot be placed with either parent within a reasonable period of time or should not be placed with the parents, the court shall consider all relevant evidence. If the court determines, by clear and convincing evidence, at a hearing held pursuant to division (A) of this section or for the purposes of division (A) (4) of section 2151.353 of the Revised Code that one or more of the following exist as to each of the child's parents, the court shall enter a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent:

(1) Following the placement of the child outside the child's home and notwithstanding reasonable case planning and diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child to be placed outside the home, the parent has failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child's home. In determining whether the parents have substantially remedied those conditions, the court shall consider parental utilization of medical, psychiatric, psychological, and other social and rehabilitative services and material resources that were made

available to the parents for the purpose of changing parental 35928
conduct to allow them to resume and maintain parental duties. 35929

(2) Chronic mental illness, chronic emotional illness, 35930
intellectual disability, physical disability, or chemical 35931
dependency of the parent that is so severe that it makes the 35932
parent unable to provide an adequate permanent home for the 35933
child at the present time and, as anticipated, within one year 35934
after the court holds the hearing pursuant to division (A) of 35935
this section or for the purposes of division (A)(4) of section 35936
2151.353 of the Revised Code; 35937

(3) The parent committed any abuse as described in section 35938
2151.031 of the Revised Code against the child, caused the child 35939
to suffer any neglect as described in section 2151.03 of the 35940
Revised Code, or allowed the child to suffer any neglect as 35941
described in section 2151.03 of the Revised Code between the 35942
date that the original complaint alleging abuse or neglect was 35943
filed and the date of the filing of the motion for permanent 35944
custody; 35945

(4) The parent has demonstrated a lack of commitment 35946
toward the child by failing to regularly support, visit, or 35947
communicate with the child when able to do so, or by other 35948
actions showing an unwillingness to provide an adequate 35949
permanent home for the child; 35950

(5) The parent is incarcerated for an offense committed 35951
against the child or a sibling of the child; 35952

(6) The parent has been convicted of or pleaded guilty to 35953
an offense under division (A) or (C) of section 2919.22 or under 35954
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 35955
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.23, 35956

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 35957
2911.01, 2911.02, 2911.03, 2911.04, 2911.11, ~~2911.12, 2919.12,~~ 35958
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 35959
3716.11 of the Revised Code, and the child or a sibling of the 35960
child was a victim of the offense, or the parent has been 35961
convicted of or pleaded guilty to an offense under section 35962
2903.04 of the Revised Code, a sibling of the child was the 35963
victim of the offense, and the parent who committed the offense 35964
poses an ongoing danger to the child or a sibling of the child. 35965

(7) The parent has been convicted of or pleaded guilty to 35966
one of the following: 35967

(a) An offense under section 2903.01, 2903.02, or 2903.03 35968
of the Revised Code or under an existing or former law of this 35969
state, any other state, or the United States that is 35970
substantially equivalent to an offense described in those 35971
sections and the victim of the offense was a sibling of the 35972
child or the victim was another child who lived in the parent's 35973
household at the time of the offense; 35974

(b) An offense under section 2903.11, 2903.12, or 2903.13 35975
of the Revised Code or under an existing or former law of this 35976
state, any other state, or the United States that is 35977
substantially equivalent to an offense described in those 35978
sections and the victim of the offense is the child, a sibling 35979
of the child, or another child who lived in the parent's 35980
household at the time of the offense; 35981

(c) An offense under division (B) (2) of section 2919.22 of 35982
the Revised Code or under an existing or former law of this 35983
state, any other state, or the United States that is 35984
substantially equivalent to the offense described in that 35985
section and the child, a sibling of the child, or another child 35986

who lived in the parent's household at the time of the offense 35987
is the victim of the offense; 35988

(d) An offense under section 2907.011, 2907.02, 2907.03, 35989
2907.04, 2907.05, or 2907.06 of the Revised Code or under an 35990
existing or former law of this state, any other state, or the 35991
United States that is substantially equivalent to an offense 35992
described in those sections and the victim of the offense is the 35993
child, a sibling of the child, or another child who lived in the 35994
parent's household at the time of the offense; 35995

(e) An offense under section 2905.32, 2907.21, or 2907.22 35996
of the Revised Code or under an existing or former law of this 35997
state, any other state, or the United States that is 35998
substantially equivalent to the offense described in that 35999
section and the victim of the offense is the child, a sibling of 36000
the child, or another child who lived in the parent's household 36001
at the time of the offense; 36002

(f) A conspiracy or attempt to commit, or complicity in 36003
committing, an offense described in division (E) (7) (a), (d), or 36004
(e) of this section. 36005

(8) The parent has repeatedly withheld medical treatment 36006
or food from the child when the parent has the means to provide 36007
the treatment or food, and, in the case of withheld medical 36008
treatment, the parent withheld it for a purpose other than to 36009
treat the physical or mental illness or defect of the child by 36010
spiritual means through prayer alone in accordance with the 36011
tenets of a recognized religious body. 36012

(9) The parent has placed the child at substantial risk of 36013
harm two or more times due to alcohol or drug abuse and has 36014
rejected treatment two or more times or refused to participate 36015

in further treatment two or more times after a case plan issued 36016
pursuant to section 2151.412 of the Revised Code requiring 36017
treatment of the parent was journalized as part of a 36018
dispositional order issued with respect to the child or an order 36019
was issued by any other court requiring treatment of the parent. 36020

(10) The parent has abandoned the child. 36021

(11) The parent has had parental rights involuntarily 36022
terminated with respect to a sibling of the child pursuant to 36023
this section or section 2151.353 or 2151.415 of the Revised 36024
Code, or under an existing or former law of this state, any 36025
other state, or the United States that is substantially 36026
equivalent to those sections, and the parent has failed to 36027
provide clear and convincing evidence to prove that, 36028
notwithstanding the prior termination, the parent can provide a 36029
legally secure permanent placement and adequate care for the 36030
health, welfare, and safety of the child. 36031

(12) The parent is incarcerated at the time of the filing 36032
of the motion for permanent custody or the dispositional hearing 36033
of the child and will not be available to care for the child for 36034
at least eighteen months after the filing of the motion for 36035
permanent custody or the dispositional hearing. 36036

(13) The parent is repeatedly incarcerated, and the 36037
repeated incarceration prevents the parent from providing care 36038
for the child. 36039

(14) The parent for any reason is unwilling to provide 36040
food, clothing, shelter, and other basic necessities for the 36041
child or to prevent the child from suffering physical, 36042
emotional, or sexual abuse or physical, emotional, or mental 36043
neglect. 36044

(15) The parent has committed abuse as described in 36045
section 2151.031 of the Revised Code against the child or caused 36046
or allowed the child to suffer neglect as described in section 36047
2151.03 of the Revised Code, and the court determines that the 36048
seriousness, nature, or likelihood of recurrence of the abuse or 36049
neglect makes the child's placement with the child's parent a 36050
threat to the child's safety. 36051

(16) Any other factor the court considers relevant. 36052

(F) The parents of a child for whom the court has issued 36053
an order granting permanent custody pursuant to this section, 36054
upon the issuance of the order, cease to be parties to the 36055
action. This division is not intended to eliminate or restrict 36056
any right of the parents to appeal the granting of permanent 36057
custody of their child to a movant pursuant to this section. 36058

Sec. 2151.419. (A) (1) Except as provided in division (A) 36059
(2) of this section, at any hearing held pursuant to section 36060
2151.28, division (E) of section 2151.31, or section 2151.314, 36061
2151.33, or 2151.353 of the Revised Code at which the court 36062
removes a child from the child's home or continues the removal 36063
of a child from the child's home, the court shall determine 36064
whether the public children services agency or private child 36065
placing agency that filed the complaint in the case, removed the 36066
child from home, has custody of the child, or will be given 36067
custody of the child has made reasonable efforts to prevent the 36068
removal of the child from the child's home, to eliminate the 36069
continued removal of the child from the child's home, or to make 36070
it possible for the child to return safely home. The agency 36071
shall have the burden of proving that it has made those 36072
reasonable efforts. If the agency removed the child from home 36073
during an emergency in which the child could not safely remain 36074

at home and the agency did not have prior contact with the 36075
child, the court is not prohibited, solely because the agency 36076
did not make reasonable efforts during the emergency to prevent 36077
the removal of the child, from determining that the agency made 36078
those reasonable efforts. In determining whether reasonable 36079
efforts were made, the child's health and safety shall be 36080
paramount. 36081

(2) If any of the following apply, the court shall make a 36082
determination that the agency is not required to make reasonable 36083
efforts to prevent the removal of the child from the child's 36084
home, eliminate the continued removal of the child from the 36085
child's home, and return the child to the child's home: 36086

(a) The parent from whom the child was removed has been 36087
convicted of or pleaded guilty to one of the following: 36088

(i) An offense under section 2903.01, 2903.02, or 2903.03 36089
of the Revised Code or under an existing or former law of this 36090
state, any other state, or the United States that is 36091
substantially equivalent to an offense described in those 36092
sections and the victim of the offense was a sibling of the 36093
child or the victim was another child who lived in the parent's 36094
household at the time of the offense; 36095

(ii) An offense under section 2903.11, 2903.12, or 2903.13 36096
of the Revised Code or under an existing or former law of this 36097
state, any other state, or the United States that is 36098
substantially equivalent to an offense described in those 36099
sections and the victim of the offense is the child, a sibling 36100
of the child, or another child who lived in the parent's 36101
household at the time of the offense; 36102

(iii) An offense under division (B) (2) of section 2919.22 36103

of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to the offense described in that section and the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense is the victim of the offense;

(iv) An offense under section 2907.011, 2907.02, 2907.03, 2907.04, 2907.05, or 2907.06 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense;

(v) An offense under section 2905.32, 2907.21, or 2907.22 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to the offense described in those sections and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense;

(vi) A conspiracy or attempt to commit, or complicity in committing, an offense described in division (A) (2) (a) (i), (iv), or (v) of this section.

(b) The parent from whom the child was removed has repeatedly withheld medical treatment or food from the child when the parent has the means to provide the treatment or food. If the parent has withheld medical treatment in order to treat the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body, the court or agency shall

comply with the requirements of division (A) (1) of this section. 36134

(c) The parent from whom the child was removed has placed 36135
the child at substantial risk of harm two or more times due to 36136
alcohol or drug abuse and has rejected treatment two or more 36137
times or refused to participate in further treatment two or more 36138
times after a case plan issued pursuant to section 2151.412 of 36139
the Revised Code requiring treatment of the parent was 36140
journalized as part of a dispositional order issued with respect 36141
to the child or an order was issued by any other court requiring 36142
such treatment of the parent. 36143

(d) The parent from whom the child was removed has 36144
abandoned the child. 36145

(e) The parent from whom the child was removed has had 36146
parental rights involuntarily terminated with respect to a 36147
sibling of the child pursuant to section 2151.353, 2151.414, or 36148
2151.415 of the Revised Code or under an existing or former law 36149
of this state, any other state, or the United States that is 36150
substantially equivalent to those sections. 36151

(3) At any hearing in which the court determines whether 36152
to return a child to the child's home, the court may issue an 36153
order that returns the child in situations in which the 36154
conditions described in divisions (A) (2) (a) to (e) of this 36155
section are present. 36156

(B) (1) A court that is required to make a determination as 36157
described in division (A) (1) or (2) of this section shall issue 36158
written findings of fact setting forth the reasons supporting 36159
its determination. If the court makes a written determination 36160
under division (A) (1) of this section, it shall briefly describe 36161
in the findings of fact the relevant services provided by the 36162

agency to the family of the child and why those services did not 36163
prevent the removal of the child from the child's home or enable 36164
the child to return safely home. 36165

(2) If a court issues an order that returns the child to 36166
the child's home in situations in which division (A)(2)(a), (b), 36167
(c), (d), or (e) of this section applies, the court shall issue 36168
written findings of fact setting forth the reasons supporting 36169
its determination. 36170

(C) If the court makes a determination pursuant to 36171
division (A)(2) of this section, the court shall conduct a 36172
review hearing pursuant to section 2151.417 of the Revised Code 36173
to approve a permanency plan with respect to the child, unless 36174
the court issues an order returning the child home pursuant to 36175
division (A)(3) of this section. The hearing to approve the 36176
permanency plan may be held immediately following the court's 36177
determination pursuant to division (A)(2) of this section and 36178
shall be held no later than thirty days following that 36179
determination. 36180

Sec. 2151.421. (A)(1)(a) No person described in division 36181
(A)(1)(b) of this section who is acting in an official or 36182
professional capacity and knows, or has reasonable cause to 36183
suspect based on facts that would cause a reasonable person in a 36184
similar position to suspect, that a child under eighteen years 36185
of age, or a person under twenty-one years of age with a 36186
developmental disability or physical impairment, has suffered or 36187
faces a threat of suffering any physical or mental wound, 36188
injury, disability, or condition of a nature that reasonably 36189
indicates abuse or neglect of the child shall fail to 36190
immediately report that knowledge or reasonable cause to suspect 36191
to the entity or persons specified in this division. Except as 36192

otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A) (1) (a) of this section applies to any person who is an attorney; health care professional; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; peace officer; humane society agent; dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator

employed by the department of youth services; superintendent, 36224
board member, or employee of a county board of developmental 36225
disabilities; investigative agent contracted with by a county 36226
board of developmental disabilities; employee of the department 36227
of developmental disabilities; employee of a facility or home 36228
that provides respite care in accordance with section 5123.171 36229
of the Revised Code; employee of an entity that provides 36230
homemaker services; employee of a qualified organization as 36231
defined in section 2151.90 of the Revised Code; a host family as 36232
defined in section 2151.90 of the Revised Code; foster 36233
caregiver; a person performing the duties of an assessor 36234
pursuant to Chapter 3107. or 5103. of the Revised Code; third 36235
party employed by a public children services agency to assist in 36236
providing child or family related services; court appointed 36237
special advocate; or guardian ad litem. 36238

(c) If two or more health care professionals, after 36239
providing health care services to a child, determine or suspect 36240
that the child has been or is being abused or neglected, the 36241
health care professionals may designate one of the health care 36242
professionals to report the abuse or neglect. A single report 36243
made under this division shall meet the reporting requirements 36244
of division (A) (1) of this section. 36245

(2) Except as provided in division (A) (3) of this section, 36246
an attorney or a physician is not required to make a report 36247
pursuant to division (A) (1) of this section concerning any 36248
communication the attorney or physician receives from a client 36249
or patient in an attorney-client or physician-patient 36250
relationship, if, in accordance with division (A) or (B) of 36251
section 2317.02 of the Revised Code, the attorney or physician 36252
could not testify with respect to that communication in a civil 36253
or criminal proceeding. 36254

(3) The client or patient in an attorney-client or 36255
physician-patient relationship described in division (A) (2) of 36256
this section is deemed to have waived any testimonial privilege 36257
under division (A) or (B) of section 2317.02 of the Revised Code 36258
with respect to any communication the attorney or physician 36259
receives from the client or patient in that attorney-client or 36260
physician-patient relationship, and the attorney or physician 36261
shall make a report pursuant to division (A) (1) of this section 36262
with respect to that communication, if all of the following 36263
apply: 36264

(a) The client or patient, at the time of the 36265
communication, is a child under eighteen years of age or is a 36266
person under twenty-one years of age with a developmental 36267
disability or physical impairment. 36268

(b) The attorney or physician knows, or has reasonable 36269
cause to suspect based on facts that would cause a reasonable 36270
person in similar position to suspect that the client or patient 36271
has suffered or faces a threat of suffering any physical or 36272
mental wound, injury, disability, or condition of a nature that 36273
reasonably indicates abuse or neglect of the client or patient. 36274

(c) The abuse or neglect does not arise out of the 36275
client's or patient's attempt to have an abortion without the 36276
notification of her parents, guardian, or custodian in 36277
accordance with section 2151.85 of the Revised Code. 36278

(4) (a) No cleric and no person, other than a volunteer, 36279
designated by any church, religious society, or faith acting as 36280
a leader, official, or delegate on behalf of the church, 36281
religious society, or faith who is acting in an official or 36282
professional capacity, who knows, or has reasonable cause to 36283
believe based on facts that would cause a reasonable person in a 36284

similar position to believe, that a child under eighteen years 36285
of age, or a person under twenty-one years of age with a 36286
developmental disability or physical impairment, has suffered or 36287
faces a threat of suffering any physical or mental wound, 36288
injury, disability, or condition of a nature that reasonably 36289
indicates abuse or neglect of the child, and who knows, or has 36290
reasonable cause to believe based on facts that would cause a 36291
reasonable person in a similar position to believe, that another 36292
cleric or another person, other than a volunteer, designated by 36293
a church, religious society, or faith acting as a leader, 36294
official, or delegate on behalf of the church, religious 36295
society, or faith caused, or poses the threat of causing, the 36296
wound, injury, disability, or condition that reasonably 36297
indicates abuse or neglect shall fail to immediately report that 36298
knowledge or reasonable cause to believe to the entity or 36299
persons specified in this division. Except as provided in 36300
section 5120.173 of the Revised Code, the person making the 36301
report shall make it to the public children services agency or a 36302
peace officer in the county in which the child resides or in 36303
which the abuse or neglect is occurring or has occurred. In the 36304
circumstances described in section 5120.173 of the Revised Code, 36305
the person making the report shall make it to the entity 36306
specified in that section. 36307

(b) Except as provided in division (A) (4) (c) of this 36308
section, a cleric is not required to make a report pursuant to 36309
division (A) (4) (a) of this section concerning any communication 36310
the cleric receives from a penitent in a cleric-penitent 36311
relationship, if, in accordance with division (C) of section 36312
2317.02 of the Revised Code, the cleric could not testify with 36313
respect to that communication in a civil or criminal proceeding. 36314

(c) The penitent in a cleric-penitent relationship 36315

described in division (A) (4) (b) of this section is deemed to 36316
have waived any testimonial privilege under division (C) of 36317
section 2317.02 of the Revised Code with respect to any 36318
communication the cleric receives from the penitent in that 36319
cleric-penitent relationship, and the cleric shall make a report 36320
pursuant to division (A) (4) (a) of this section with respect to 36321
that communication, if all of the following apply: 36322

(i) The penitent, at the time of the communication, is a 36323
child under eighteen years of age or is a person under twenty- 36324
one years of age with a developmental disability or physical 36325
impairment. 36326

(ii) The cleric knows, or has reasonable cause to believe 36327
based on facts that would cause a reasonable person in a similar 36328
position to believe, as a result of the communication or any 36329
observations made during that communication, the penitent has 36330
suffered or faces a threat of suffering any physical or mental 36331
wound, injury, disability, or condition of a nature that 36332
reasonably indicates abuse or neglect of the penitent. 36333

(iii) The abuse or neglect does not arise out of the 36334
penitent's attempt to have an abortion performed upon a child 36335
under eighteen years of age or upon a person under twenty-one 36336
years of age with a developmental disability or physical 36337
impairment without the notification of her parents, guardian, or 36338
custodian in accordance with section 2151.85 of the Revised 36339
Code. 36340

(d) Divisions (A) (4) (a) and (c) of this section do not 36341
apply in a cleric-penitent relationship when the disclosure of 36342
any communication the cleric receives from the penitent is in 36343
violation of the sacred trust. 36344

(e) As used in divisions (A) (1) and (4) of this section, 36345
"cleric" and "sacred trust" have the same meanings as in section 36346
2317.02 of the Revised Code. 36347

(B) Anyone who knows, or has reasonable cause to suspect 36348
based on facts that would cause a reasonable person in similar 36349
circumstances to suspect, that a child under eighteen years of 36350
age, or a person under twenty-one years of age with a 36351
developmental disability or physical impairment, has suffered or 36352
faces a threat of suffering any physical or mental wound, 36353
injury, disability, or other condition of a nature that 36354
reasonably indicates abuse or neglect of the child may report or 36355
cause reports to be made of that knowledge or reasonable cause 36356
to suspect to the entity or persons specified in this division. 36357
Except as provided in section 5120.173 of the Revised Code, a 36358
person making a report or causing a report to be made under this 36359
division shall make it or cause it to be made to the public 36360
children services agency or to a peace officer. In the 36361
circumstances described in section 5120.173 of the Revised Code, 36362
a person making a report or causing a report to be made under 36363
this division shall make it or cause it to be made to the entity 36364
specified in that section. 36365

(C) Any report made pursuant to division (A) or (B) of 36366
this section shall be made forthwith either by telephone or in 36367
person and shall be followed by a written report, if requested 36368
by the receiving agency or officer. The written report shall 36369
contain: 36370

(1) The names and addresses of the child and the child's 36371
parents or the person or persons having custody of the child, if 36372
known; 36373

(2) The child's age and the nature and extent of the 36374

child's injuries, abuse, or neglect that is known or reasonably 36375
suspected or believed, as applicable, to have occurred or of the 36376
threat of injury, abuse, or neglect that is known or reasonably 36377
suspected or believed, as applicable, to exist, including any 36378
evidence of previous injuries, abuse, or neglect; 36379

(3) Any other information, including, but not limited to, 36380
results and reports of any medical examinations, tests, or 36381
procedures performed under division (D) of this section, that 36382
might be helpful in establishing the cause of the injury, abuse, 36383
or neglect that is known or reasonably suspected or believed, as 36384
applicable, to have occurred or of the threat of injury, abuse, 36385
or neglect that is known or reasonably suspected or believed, as 36386
applicable, to exist. 36387

(D) (1) Any person, who is required by division (A) of this 36388
section to report child abuse or child neglect that is known or 36389
reasonably suspected or believed to have occurred, may take or 36390
cause to be taken color photographs of areas of trauma visible 36391
on a child and, if medically necessary for the purpose of 36392
diagnosing or treating injuries that are suspected to have 36393
occurred as a result of child abuse or child neglect, perform or 36394
cause to be performed radiological examinations and any other 36395
medical examinations of, and tests or procedures on, the child. 36396

(2) The results and any available reports of examinations, 36397
tests, or procedures made under division (D) (1) of this section 36398
shall be included in a report made pursuant to division (A) of 36399
this section. Any additional reports of examinations, tests, or 36400
procedures that become available shall be provided to the public 36401
children services agency, upon request. 36402

(3) If a health care professional provides health care 36403
services in a hospital, children's advocacy center, or emergency 36404

medical facility to a child about whom a report has been made 36405
under division (A) of this section, the health care professional 36406
may take any steps that are reasonably necessary for the release 36407
or discharge of the child to an appropriate environment. Before 36408
the child's release or discharge, the health care professional 36409
may obtain information, or consider information obtained, from 36410
other entities or individuals that have knowledge about the 36411
child. Nothing in division (D) (3) of this section shall be 36412
construed to alter the responsibilities of any person under 36413
sections 2151.27 and 2151.31 of the Revised Code. 36414

(4) A health care professional may conduct medical 36415
examinations, tests, or procedures on the siblings of a child 36416
about whom a report has been made under division (A) of this 36417
section and on other children who reside in the same home as the 36418
child, if the professional determines that the examinations, 36419
tests, or procedures are medically necessary to diagnose or 36420
treat the siblings or other children in order to determine 36421
whether reports under division (A) of this section are warranted 36422
with respect to such siblings or other children. The results of 36423
the examinations, tests, or procedures on the siblings and other 36424
children may be included in a report made pursuant to division 36425
(A) of this section. 36426

(5) Medical examinations, tests, or procedures conducted 36427
under divisions (D) (1) and (4) of this section and decisions 36428
regarding the release or discharge of a child under division (D) 36429
(3) of this section do not constitute a law enforcement 36430
investigation or activity. 36431

(E) (1) When a peace officer receives a report made 36432
pursuant to division (A) or (B) of this section, upon receipt of 36433
the report, the peace officer who receives the report shall 36434

refer the report to the appropriate public children services 36435
agency, unless an arrest is made at the time of the report that 36436
results in the appropriate public children services agency being 36437
contacted concerning the possible abuse or neglect of a child or 36438
the possible threat of abuse or neglect of a child. 36439

(2) When a public children services agency receives a 36440
report pursuant to this division or division (A) or (B) of this 36441
section, upon receipt of the report, the public children 36442
services agency shall do both of the following: 36443

(a) Comply with section 2151.422 of the Revised Code; 36444

(b) If the county served by the agency is also served by a 36445
children's advocacy center and the report alleges sexual abuse 36446
of a child or another type of abuse of a child that is specified 36447
in the memorandum of understanding that creates the center as 36448
being within the center's jurisdiction, comply regarding the 36449
report with the protocol and procedures for referrals and 36450
investigations, with the coordinating activities, and with the 36451
authority or responsibility for performing or providing 36452
functions, activities, and services stipulated in the 36453
interagency agreement entered into under section 2151.428 of the 36454
Revised Code relative to that center. 36455

(F) No peace officer shall remove a child about whom a 36456
report is made pursuant to this section from the child's 36457
parents, stepparents, or guardian or any other persons having 36458
custody of the child without consultation with the public 36459
children services agency, unless, in the judgment of the 36460
officer, and, if the report was made by physician, the 36461
physician, immediate removal is considered essential to protect 36462
the child from further abuse or neglect. The agency that must be 36463
consulted shall be the agency conducting the investigation of 36464

the report as determined pursuant to section 2151.422 of the Revised Code. 36465
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(G) (1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (K) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I) (1) of this section and protects the rights of the person making the report under this section. 36467
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A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report 36489
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each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H) (1) (a) Except as provided in divisions (H) (1) (b) and (I) (3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H) (1) (a) (ii) of this section 36525
shall not apply when a health care provider has deviated from 36526
the standard of care applicable to the provider's profession. 36527

(c) Notwithstanding section 4731.22 of the Revised Code, 36528
the physician-patient privilege shall not be a ground for 36529
excluding evidence regarding a child's injuries, abuse, or 36530
neglect, or the cause of the injuries, abuse, or neglect in any 36531
judicial proceeding resulting from a report submitted pursuant 36532
to this section. 36533

(2) In any civil or criminal action or proceeding in which 36534
it is alleged and proved that participation in the making of a 36535
report under this section was not in good faith or participation 36536
in a judicial proceeding resulting from a report made under this 36537
section was not in good faith, the court shall award the 36538
prevailing party reasonable attorney's fees and costs and, if a 36539
civil action or proceeding is voluntarily dismissed, may award 36540
reasonable attorney's fees and costs to the party against whom 36541
the civil action or proceeding is brought. 36542

(I) (1) Except as provided in divisions (I) (4) and (O) of 36543
this section and sections 2151.423 and 2151.4210 of the Revised 36544
Code, a report made under this section is confidential. The 36545
information provided in a report made pursuant to this section 36546
and the name of the person who made the report shall not be 36547
released for use, and shall not be used, as evidence in any 36548
civil action or proceeding brought against the person who made 36549
the report. Nothing in this division shall preclude the use of 36550
reports of other incidents of known or suspected abuse or 36551
neglect in a civil action or proceeding brought pursuant to 36552
division (N) of this section against a person who is alleged to 36553
have violated division (A) (1) of this section, provided that any 36554

information in a report that would identify the child who is the 36555
subject of the report or the maker of the report, if the maker 36556
of the report is not the defendant or an agent or employee of 36557
the defendant, has been redacted. In a criminal proceeding, the 36558
report is admissible in evidence in accordance with the Rules of 36559
Evidence and is subject to discovery in accordance with the 36560
Rules of Criminal Procedure. 36561

(2) (a) Except as provided in division (I) (2) (b) of this 36562
section, no person shall permit or encourage the unauthorized 36563
dissemination of the contents of any report made under this 36564
section. 36565

(b) A health care professional that obtains the same 36566
information contained in a report made under this section from a 36567
source other than the report may disseminate the information, if 36568
its dissemination is otherwise permitted by law. 36569

(3) A person who knowingly makes or causes another person 36570
to make a false report under division (B) of this section that 36571
alleges that any person has committed an act or omission that 36572
resulted in a child being an abused child or a neglected child 36573
is guilty of a violation of section ~~2921.14~~ 2921.13 of the 36574
Revised Code. 36575

(4) If a report is made pursuant to division (A) or (B) of 36576
this section and the child who is the subject of the report dies 36577
for any reason at any time after the report is made, but before 36578
the child attains eighteen years of age, the public children 36579
services agency or peace officer to which the report was made or 36580
referred, on the request of the child fatality review board, the 36581
suicide fatality review committee, or the director of health 36582
pursuant to guidelines established under section 3701.70 of the 36583
Revised Code, shall submit a summary sheet of information 36584

providing a summary of the report to the review board or review committee of the county in which the deceased child resided at the time of death or to the director. On the request of the review board, review committee, or director, the agency or peace officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf

of the children about whom the report is made, in an effort to 36616
prevent further neglect or abuse, to enhance their welfare, and, 36617
whenever possible, to preserve the family unit intact. The 36618
agency required to provide the services shall be the agency 36619
conducting the investigation of the report pursuant to section 36620
2151.422 of the Revised Code. 36621

(K) (1) Each public children services agency shall prepare 36622
a memorandum of understanding that is signed by all of the 36623
following: 36624

(a) If there is only one juvenile judge in the county, the 36625
juvenile judge of the county or the juvenile judge's 36626
representative; 36627

(b) If there is more than one juvenile judge in the 36628
county, a juvenile judge or the juvenile judges' representative 36629
selected by the juvenile judges or, if they are unable to do so 36630
for any reason, the juvenile judge who is senior in point of 36631
service or the senior juvenile judge's representative; 36632

(c) The county peace officer; 36633

(d) All chief municipal peace officers within the county; 36634

(e) Other law enforcement officers handling child abuse 36635
and neglect cases in the county; 36636

(f) The prosecuting attorney of the county; 36637

(g) If the public children services agency is not the 36638
county department of job and family services, the county 36639
department of job and family services; 36640

(h) The county humane society; 36641

(i) If the public children services agency participated in 36642

the execution of a memorandum of understanding under section 36643
2151.426 of the Revised Code establishing a children's advocacy 36644
center, each participating member of the children's advocacy 36645
center established by the memorandum. 36646

(2) A memorandum of understanding shall set forth the 36647
normal operating procedure to be employed by all concerned 36648
officials in the execution of their respective responsibilities 36649
under this section and division (C) of section 2919.21, division 36650
(B) (1) of section 2919.22, division (B) of section 2919.23, and 36651
section 2919.24 of the Revised Code and shall have as two of its 36652
primary goals the elimination of all unnecessary interviews of 36653
children who are the subject of reports made pursuant to 36654
division (A) or (B) of this section and, when feasible, 36655
providing for only one interview of a child who is the subject 36656
of any report made pursuant to division (A) or (B) of this 36657
section. A failure to follow the procedure set forth in the 36658
memorandum by the concerned officials is not grounds for, and 36659
shall not result in, the dismissal of any charges or complaint 36660
arising from any reported case of abuse or neglect or the 36661
suppression of any evidence obtained as a result of any reported 36662
child abuse or child neglect and does not give, and shall not be 36663
construed as giving, any rights or any grounds for appeal or 36664
post-conviction relief to any person. 36665

(3) A memorandum of understanding shall include all of the 36666
following: 36667

(a) The roles and responsibilities for handling emergency 36668
and nonemergency cases of abuse and neglect; 36669

(b) Standards and procedures to be used in handling and 36670
coordinating investigations of reported cases of child abuse and 36671
reported cases of child neglect, methods to be used in 36672

interviewing the child who is the subject of the report and who 36673
allegedly was abused or neglected, and standards and procedures 36674
addressing the categories of persons who may interview the child 36675
who is the subject of the report and who allegedly was abused or 36676
neglected. 36677

(4) If a public children services agency participated in 36678
the execution of a memorandum of understanding under section 36679
2151.426 of the Revised Code establishing a children's advocacy 36680
center, the agency shall incorporate the contents of that 36681
memorandum in the memorandum prepared pursuant to this section. 36682

(5) The clerk of the court of common pleas in the county 36683
may sign the memorandum of understanding prepared under division 36684
(K) (1) of this section. If the clerk signs the memorandum of 36685
understanding, the clerk shall execute all relevant 36686
responsibilities as required of officials specified in the 36687
memorandum. 36688

(L) (1) Except as provided in division (L) (4) or (5) of 36689
this section, a person who is required to make a report pursuant 36690
to division (A) of this section may make a reasonable number of 36691
requests of the public children services agency that receives or 36692
is referred the report, or of the children's advocacy center 36693
that is referred the report if the report is referred to a 36694
children's advocacy center pursuant to an interagency agreement 36695
entered into under section 2151.428 of the Revised Code, to be 36696
provided with the following information: 36697

(a) Whether the agency or center has initiated an 36698
investigation of the report; 36699

(b) Whether the agency or center is continuing to 36700
investigate the report; 36701

(c) Whether the agency or center is otherwise involved 36702
with the child who is the subject of the report; 36703

(d) The general status of the health and safety of the 36704
child who is the subject of the report; 36705

(e) Whether the report has resulted in the filing of a 36706
complaint in juvenile court or of criminal charges in another 36707
court. 36708

(2) A person may request the information specified in 36709
division (L)(1) of this section only if, at the time the report 36710
is made, the person's name, address, and telephone number are 36711
provided to the person who receives the report. 36712

When a peace officer or employee of a public children 36713
services agency receives a report pursuant to division (A) or 36714
(B) of this section the recipient of the report shall inform the 36715
person of the right to request the information described in 36716
division (L)(1) of this section. The recipient of the report 36717
shall include in the initial child abuse or child neglect report 36718
that the person making the report was so informed and, if 36719
provided at the time of the making of the report, shall include 36720
the person's name, address, and telephone number in the report. 36721

Each request is subject to verification of the identity of 36722
the person making the report. If that person's identity is 36723
verified, the agency shall provide the person with the 36724
information described in division (L)(1) of this section a 36725
reasonable number of times, except that the agency shall not 36726
disclose any confidential information regarding the child who is 36727
the subject of the report other than the information described 36728
in those divisions. 36729

(3) A request made pursuant to division (L)(1) of this 36730

section is not a substitute for any report required to be made 36731
pursuant to division (A) of this section. 36732

(4) If an agency other than the agency that received or 36733
was referred the report is conducting the investigation of the 36734
report pursuant to section 2151.422 of the Revised Code, the 36735
agency conducting the investigation shall comply with the 36736
requirements of division (L) of this section. 36737

(5) A health care professional who made a report under 36738
division (A) of this section, or on whose behalf such a report 36739
was made as provided in division (A)(1)(c) of this section, may 36740
authorize a person to obtain the information described in 36741
division (L)(1) of this section if the person requesting the 36742
information is associated with or acting on behalf of the health 36743
care professional who provided health care services to the child 36744
about whom the report was made. 36745

(M) The director of job and family services shall adopt 36746
rules in accordance with Chapter 119. of the Revised Code to 36747
implement this section. The department of job and family 36748
services may enter into a plan of cooperation with any other 36749
governmental entity to aid in ensuring that children are 36750
protected from abuse and neglect. The department shall make 36751
recommendations to the attorney general that the department 36752
determines are necessary to protect children from child abuse 36753
and child neglect. 36754

(N) Whoever violates division (A) of this section is 36755
liable for compensatory and exemplary damages to the child who 36756
would have been the subject of the report that was not made. A 36757
person who brings a civil action or proceeding pursuant to this 36758
division against a person who is alleged to have violated 36759
division (A)(1) of this section may use in the action or 36760

proceeding reports of other incidents of known or suspected 36761
abuse or neglect, provided that any information in a report that 36762
would identify the child who is the subject of the report or the 36763
maker of the report, if the maker is not the defendant or an 36764
agent or employee of the defendant, has been redacted. 36765

(O) (1) As used in this division: 36766

(a) "Out-of-home care" includes a nonchartered nonpublic 36767
school if the alleged child abuse or child neglect, or alleged 36768
threat of child abuse or child neglect, described in a report 36769
received by a public children services agency allegedly occurred 36770
in or involved the nonchartered nonpublic school and the alleged 36771
perpetrator named in the report holds a certificate, permit, or 36772
license issued by the state board of education under section 36773
3301.071 or Chapter 3319. of the Revised Code. 36774

(b) "Administrator, director, or other chief 36775
administrative officer" means the superintendent of the school 36776
district if the out-of-home care entity subject to a report made 36777
pursuant to this section is a school operated by the district. 36778

(2) No later than the end of the day following the day on 36779
which a public children services agency receives a report of 36780
alleged child abuse or child neglect, or a report of an alleged 36781
threat of child abuse or child neglect, that allegedly occurred 36782
in or involved an out-of-home care entity, the agency shall 36783
provide written notice of the allegations contained in and the 36784
person named as the alleged perpetrator in the report to the 36785
administrator, director, or other chief administrative officer 36786
of the out-of-home care entity that is the subject of the report 36787
unless the administrator, director, or other chief 36788
administrative officer is named as an alleged perpetrator in the 36789
report. If the administrator, director, or other chief 36790

administrative officer of an out-of-home care entity is named as 36791
an alleged perpetrator in a report of alleged child abuse or 36792
child neglect, or a report of an alleged threat of child abuse 36793
or child neglect, that allegedly occurred in or involved the 36794
out-of-home care entity, the agency shall provide the written 36795
notice to the owner or governing board of the out-of-home care 36796
entity that is the subject of the report. The agency shall not 36797
provide witness statements or police or other investigative 36798
reports. 36799

(3) No later than three days after the day on which a 36800
public children services agency that conducted the investigation 36801
as determined pursuant to section 2151.422 of the Revised Code 36802
makes a disposition of an investigation involving a report of 36803
alleged child abuse or child neglect, or a report of an alleged 36804
threat of child abuse or child neglect, that allegedly occurred 36805
in or involved an out-of-home care entity, the agency shall send 36806
written notice of the disposition of the investigation to the 36807
administrator, director, or other chief administrative officer 36808
and the owner or governing board of the out-of-home care entity. 36809
The agency shall not provide witness statements or police or 36810
other investigative reports. 36811

(P) As used in this section: 36812

(1) "Children's advocacy center" and "sexual abuse of a 36813
child" have the same meanings as in section 2151.425 of the 36814
Revised Code. 36815

(2) "Health care professional" means an individual who 36816
provides health-related services including a physician, hospital 36817
intern or resident, dentist, podiatrist, registered nurse, 36818
licensed practical nurse, visiting nurse, licensed psychologist, 36819
speech pathologist, audiologist, person engaged in social work 36820

or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

Sec. 2152.02. As used in this chapter:

(A) "Act charged" means the act that is identified in a complaint, indictment, or information alleging that a child is a delinquent child.

(B) "Admitted to a department of youth services facility" includes admission to a facility operated, or contracted for, by the department and admission to a comparable facility outside this state by another state or the United States.

(C) (1) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (C) (2) to (8) of this section.

(2) Subject to division (C) (3) of this section, any person who violates a federal or state law or a municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's age at the time the

complaint with respect to that violation is filed or the hearing 36850
on the complaint is held. 36851

(3) Any person who, while under eighteen years of age, 36852
commits an act that would be a felony if committed by an adult 36853
and who is not taken into custody or apprehended for that act 36854
until after the person attains twenty-one years of age is not a 36855
child in relation to that act. 36856

(4) Except as otherwise provided in divisions (C) (5) and 36857
(7) of this section, any person whose case is transferred for 36858
criminal prosecution pursuant to section 2152.12 of the Revised 36859
Code shall be deemed after the transfer not to be a child in the 36860
transferred case. 36861

(5) Any person whose case is transferred for criminal 36862
prosecution pursuant to section 2152.12 of the Revised Code and 36863
who subsequently is convicted of or pleads guilty to a felony in 36864
that case, unless a serious youthful offender dispositional 36865
sentence is imposed on the child for that offense under division 36866
(B) (2) or (3) of section 2152.121 of the Revised Code and the 36867
adult portion of that sentence is not invoked pursuant to 36868
section 2152.14 of the Revised Code, and any person who is 36869
adjudicated a delinquent child for the commission of an act, who 36870
has a serious youthful offender dispositional sentence imposed 36871
for the act pursuant to section 2152.13 of the Revised Code, and 36872
whose adult portion of the dispositional sentence is invoked 36873
pursuant to section 2152.14 of the Revised Code, shall be deemed 36874
after the conviction, plea, or invocation not to be a child in 36875
any case in which a complaint is filed against the person. 36876

(6) The juvenile court has jurisdiction over a person who 36877
is adjudicated a delinquent child or juvenile traffic offender 36878
prior to attaining eighteen years of age until the person 36879

attains twenty-one years of age, and, for purposes of that 36880
jurisdiction related to that adjudication, except as otherwise 36881
provided in this division, a person who is so adjudicated a 36882
delinquent child or juvenile traffic offender shall be deemed a 36883
"child" until the person attains twenty-one years of age. If a 36884
person is so adjudicated a delinquent child or juvenile traffic 36885
offender and the court makes a disposition of the person under 36886
this chapter, at any time after the person attains twenty-one 36887
years of age, the places at which the person may be held under 36888
that disposition are not limited to places authorized under this 36889
chapter solely for confinement of children, and the person may 36890
be confined under that disposition, in accordance with division 36891
(F) (2) of section 2152.26 of the Revised Code, in places other 36892
than those authorized under this chapter solely for confinement 36893
of children. 36894

(7) The juvenile court has jurisdiction over any person 36895
whose case is transferred for criminal prosecution solely for 36896
the purpose of detaining the person as authorized in division 36897
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 36898
person is convicted of or pleads guilty to a felony in the adult 36899
court. 36900

(8) Any person who, while eighteen years of age, violates 36901
division (A) (1) or (2) of section 2919.27 of the Revised Code by 36902
violating a protection order issued or consent agreement 36903
approved under section 2151.34 or 3113.31 of the Revised Code 36904
shall be considered a child for the purposes of that violation 36905
of section 2919.27 of the Revised Code. 36906

(D) "Community corrections facility," "public safety 36907
beds," "release authority," and "supervised release" have the 36908
same meanings as in section 5139.01 of the Revised Code. 36909

(E) "Delinquent child" includes any of the following:	36910
(1) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult;	36911 36912 36913 36914
(2) Any child who violates any lawful order of the court made under this chapter, including a child who violates a court order regarding the child's prior adjudication as an unruly child for being an habitual truant;	36915 36916 36917 36918
(3) Any child who violates any lawful order of the court made under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code;	36919 36920 36921
(4) Any child who violates division (C) of section 2907.39, division (A) of section 2923.211, or division (C)(1) or (D) of section 2925.55 of the Revised Code.	36922 36923 36924
(F) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.	36925 36926 36927 36928
(G) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.	36929 36930 36931 36932
(H) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code.	36933 36934 36935
(I) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in	36936 36937

section 2925.01 of the Revised Code. 36938

(J) "Electronic monitoring" and "electronic monitoring device" have the same meanings as in section 2929.01 of the Revised Code. 36939
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(K) "Economic loss" means any economic detriment suffered by a victim of a delinquent act or juvenile traffic offense as a direct and proximate result of the delinquent act or juvenile traffic offense and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act or juvenile traffic offense. 36942
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"Economic loss" does not include non-economic loss or any punitive or exemplary damages. 36949
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(L) "Firearm" has the same meaning as in section 2923.11 of the Revised Code. 36951
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(M) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code. 36953
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(N) "Juvenile traffic offender" means any child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or any political subdivision of this state, other than a resolution, ordinance, or regulation of a political subdivision of this state the violation of which is required to be handled by a parking violations bureau or a joint parking violations bureau pursuant to Chapter 4521. of the Revised Code. 36955
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(O) A "legitimate excuse for absence from the public school the child is supposed to attend" has the same meaning as in section 2151.011 of the Revised Code. 36963
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(P) "Mandatory serious youthful offender" means a person 36966

who is eligible for a mandatory SYO and who is not transferred 36967
to adult court under a mandatory or discretionary transfer and 36968
also includes, for purposes of imposition of a mandatory serious 36969
youthful dispositional sentence under section 2152.13 of the 36970
Revised Code, a person upon whom a juvenile court is required to 36971
impose such a sentence under division (B) (3) of section 2152.121 36972
of the Revised Code. 36973

(Q) "Mandatory SYO" means a case in which the juvenile 36974
court is required to impose a mandatory serious youthful 36975
offender disposition under section 2152.13 of the Revised Code. 36976

(R) "Mandatory transfer" means that a case is required to 36977
be transferred for criminal prosecution under division (A) of 36978
section 2152.12 of the Revised Code. 36979

(S) "Mental illness" has the same meaning as in section 36980
5122.01 of the Revised Code. 36981

(T) "Monitored time" and "repeat violent offender" have 36982
the same meanings as in section 2929.01 of the Revised Code. 36983

(U) "Of compulsory school age" has the same meaning as in 36984
section 3321.01 of the Revised Code. 36985

(V) "Public record" has the same meaning as in section 36986
149.43 of the Revised Code. 36987

(W) "Serious youthful offender" means a person who is 36988
eligible for a mandatory SYO or discretionary SYO but who is not 36989
transferred to adult court under a mandatory or discretionary 36990
transfer and also includes, for purposes of imposition of a 36991
mandatory serious youthful dispositional sentence under section 36992
2152.13 of the Revised Code, a person upon whom a juvenile court 36993
is required to impose such a sentence under division (B) (3) of 36994
section 2152.121 of the Revised Code. 36995

(X) "Sexually oriented offense," "juvenile offender registrant," "child-victim oriented offense," "tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," "tier III sex offender/child-victim offender," and "public registry-qualified juvenile offender registrant" have the same meanings as in section 2950.01 of the Revised Code.

(Y) "Traditional juvenile" means a case that is not transferred to adult court under a mandatory or discretionary transfer, that is eligible for a disposition under sections 2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and that is not eligible for a disposition under section 2152.13 of the Revised Code.

(Z) "Transfer" means the transfer for criminal prosecution of a case involving the alleged commission by a child of an act that would be an offense if committed by an adult from the juvenile court to the appropriate court that has jurisdiction of the offense.

(AA) "Category one offense" means any of the following:

(1) A violation of section 2903.01 or 2903.02 of the Revised Code;

(2) A violation of section 2923.02 of the Revised Code involving an attempt to commit aggravated murder or murder.

(BB) "Category two offense" means any of the following:

(1) A violation of section 2903.03, 2905.01, 2907.011, 2907.02, 2909.02, 2911.01, or ~~2911.11~~ 2911.03 of the Revised Code;

(2) A violation of section 2903.04 of the Revised Code

that is a felony of the first degree; 37024

(3) A violation of section 2907.12 of the Revised Code as 37025
it existed prior to September 3, 1996. 37026

(CC) "Non-economic loss" means nonpecuniary harm suffered 37027
by a victim of a delinquent act or juvenile traffic offense as a 37028
result of or related to the delinquent act or juvenile traffic 37029
offense, including, but not limited to, pain and suffering; loss 37030
of society, consortium, companionship, care, assistance, 37031
attention, protection, advice, guidance, counsel, instruction, 37032
training, or education; mental anguish; and any other intangible 37033
loss. 37034

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 37035
section, any person having knowledge of a child who appears to 37036
be a juvenile traffic offender or to be a delinquent child may 37037
file a sworn complaint with respect to that child in the 37038
juvenile court of the county in which the child has a residence 37039
or legal settlement or in which the traffic offense or 37040
delinquent act allegedly occurred. The sworn complaint may be 37041
upon information and belief, and, in addition to the allegation 37042
that the child is a delinquent child or a juvenile traffic 37043
offender, the complaint shall allege the particular facts upon 37044
which the allegation that the child is a delinquent child or a 37045
juvenile traffic offender is based. 37046

If a child appears to be a delinquent child who is 37047
eligible for a serious youthful offender dispositional sentence 37048
under section 2152.11 of the Revised Code and if the prosecuting 37049
attorney desires to seek a serious youthful offender 37050
dispositional sentence under section 2152.13 of the Revised Code 37051
in regard to the child, the prosecuting attorney of the county 37052
in which the alleged delinquency occurs may initiate a case in 37053

the juvenile court of the county by presenting the case to a 37054
grand jury for indictment, by charging the child in a bill of 37055
information as a serious youthful offender pursuant to section 37056
2152.13 of the Revised Code, by requesting a serious youthful 37057
offender dispositional sentence in the original complaint 37058
alleging that the child is a delinquent child, or by filing with 37059
the juvenile court a written notice of intent to seek a serious 37060
youthful offender dispositional sentence. This paragraph does 37061
not apply regarding the imposition of a serious youthful 37062
offender dispositional sentence pursuant to section 2152.121 of 37063
the Revised Code. 37064

(2) Any person having knowledge of a child who appears to 37065
be a delinquent child for violating a court order regarding the 37066
child's adjudication as an unruly child for being an habitual 37067
truant, may file a sworn complaint with respect to that child, 37068
or with respect to that child and the parent, guardian, or other 37069
person having care of the child, in the juvenile court of the 37070
county in which the child has a residence or legal settlement or 37071
in which the child is supposed to attend public school. The 37072
sworn complaint may be upon information and belief and shall 37073
allege that the child is a delinquent child for violating a 37074
court order regarding the child's prior adjudication as an 37075
unruly child for being a habitual truant and, in addition, the 37076
particular facts upon which that allegation is based. If the 37077
complaint contains allegations regarding the child's parent, 37078
guardian, or other person having care of the child, the 37079
complaint additionally shall allege that the parent, guardian, 37080
or other person having care of the child has failed to cause the 37081
child's attendance at school in violation of section 3321.38 of 37082
the Revised Code and, in addition, the particular facts upon 37083
which that allegation is based. 37084

(B) Any person with standing under applicable law may file a complaint for the determination of any other matter over which the juvenile court is given jurisdiction by section 2151.23 of the Revised Code. The complaint shall be filed in the county in which the child who is the subject of the complaint is found or was last known to be found.

(C) Within ten days after the filing of a complaint or the issuance of an indictment, the court shall give written notice of the filing of the complaint or the issuance of an indictment and of the substance of the complaint or indictment to the superintendent of a city, local, exempted village, or joint vocational school district if the complaint or indictment alleges that a child committed an act that would be a criminal offense if committed by an adult, that the child was sixteen years of age or older at the time of the commission of the alleged act, and that the alleged act is any of the following:

(1) A violation of section 2923.122 of the Revised Code that relates to property owned or controlled by, or to an activity held under the auspices of, the board of education of that school district;

(2) A violation of section 2923.12 of the Revised Code, of a substantially similar municipal ordinance, or of section 2925.03 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district;

(3) A violation of section 2925.11 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district, other than a violation of that section that would be a minor drug possession offense if committed by an

adult; 37115

(4) A violation of section 2903.01, 2903.02, 2903.03, 37116
2903.04, 2903.11, 2903.12, 2907.011, 2907.02, or 2907.05 of the 37117
Revised Code, or a violation of former section 2907.12 of the 37118
Revised Code, that was committed on property owned or controlled 37119
by, or at an activity held under the auspices of, the board of 37120
education of that school district, if the victim at the time of 37121
the commission of the alleged act was an employee of the board 37122
of education of that school district; 37123

(5) Complicity in any violation described in division (C) 37124
(1), (2), (3), or (4) of this section that was alleged to have 37125
been committed in the manner described in division (C)(1), (2), 37126
(3), or (4) of this section, regardless of whether the act of 37127
complicity was committed on property owned or controlled by, or 37128
at an activity held under the auspices of, the board of 37129
education of that school district. 37130

(D) A public children services agency, acting pursuant to 37131
a complaint or an action on a complaint filed under this 37132
section, is not subject to the requirements of section 3127.23 37133
of the Revised Code. 37134

(E) For purposes of the record to be maintained by the 37135
clerk under division (B) of section 2152.71 of the Revised Code, 37136
when a complaint is filed that alleges that a child is a 37137
delinquent child, the court shall determine if the victim of the 37138
alleged delinquent act was sixty-five years of age or older or 37139
permanently and totally disabled at the time of the alleged 37140
commission of the act. 37141

(F) (1) At any time after the filing of a complaint 37142
alleging that a child is a delinquent child and before 37143

adjudication, the court shall promptly appoint for the child a guardian ad litem who is not the child's attorney if the court has reason to believe that either of the following might apply:

(a) The act charged would be a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code if the child were an adult.

(b) The child is a victim of a violation of section 2905.32 of the Revised Code, regardless of whether any person has been convicted of a violation of that section or of any other section for victimizing the child.

(2) The child, the child's attorney, the child's guardian ad litem, or the prosecuting attorney may petition the court to hold the complaint in abeyance if either of the following applies:

(a) Division (F) (1) (a) of this section applies.

(b) Division (F) (1) (b) of this section applies and the act charged in the complaint is related to the child's victimization.

(3) (a) Upon the filing of a petition made under division (F) (2) (a) of this section, the court may grant the petition without a hearing. If the court decides to hold a hearing on the petition, the court shall notify the prosecuting attorney of the date, time, and location of the hearing, and the prosecuting attorney has the right to participate in the hearing and may object to holding the complaint in abeyance. No statement made by a child at a hearing held under this division is admissible in any subsequent proceeding against the child.

(b) Upon the filing of a petition made under division (F) (2) (b) of this section, both of the following apply:

(i) The court may grant the petition without a hearing, 37173
provided the prosecuting attorney, after receiving notice of the 37174
petition, consents. 37175

(ii) If the prosecuting attorney does not consent to 37176
holding the complaint in abeyance, the court shall hold a 37177
hearing to determine whether to hold the complaint in abeyance. 37178
The prosecuting attorney shall be notified of the date, time, 37179
and location of the hearing, and has the right to participate in 37180
the hearing. No statement made by a child at a hearing held 37181
under this division is admissible in any subsequent proceeding 37182
against the child. 37183

(4) If the court decides to hold a hearing under division 37184
(F) (3) (a) of this section and the court after the hearing finds 37185
by a preponderance of the evidence that division (F) (1) (a) of 37186
this section applies, if after a hearing held under division (F) 37187
(3) (b) (ii) of this section the court finds by a preponderance of 37188
the evidence that division (F) (1) (b) of this section applies and 37189
the act charged in the complaint is related to the child's 37190
victimization, or if the court grants the petition without a 37191
hearing under division (F) (3) (a) or (b) (i) of this section, the 37192
court shall hold the complaint in abeyance, provided the child 37193
consents. The guardian ad litem shall make recommendations that 37194
are in the best interest of the child. A psychiatrist, 37195
psychologist, licensed professional clinical counselor, or other 37196
clinician selected by the court, who has assessed the child, may 37197
make recommendations that are in the best interest of the child. 37198
The prosecuting attorney or the child's attorney may make 37199
recommendations related to diversion actions. The court may make 37200
any orders regarding placement, services, supervision, diversion 37201
actions, and conditions of abeyance, including, but not limited 37202
to, engagement in trauma-based behavioral health services or 37203

education activities, that the court considers appropriate and 37204
in the best interest of the child. The court may hold the 37205
complaint in abeyance for up to ninety days while the child 37206
engages in diversion actions. If the child violates the 37207
conditions of abeyance or is not actively engaging in the 37208
diversion actions to the court's satisfaction within ninety 37209
days, the court may extend the period of abeyance for not more 37210
than three additional ninety-day periods. 37211

(5) If the court holds the complaint in abeyance and the 37212
child complies with the conditions of abeyance and actively 37213
engages in the diversion actions to the court's satisfaction, 37214
the court shall dismiss the complaint and order that the records 37215
pertaining to the case be expunged immediately. If the child 37216
fails to actively engage in the diversion actions to the court's 37217
satisfaction, the court shall proceed upon the complaint. 37218

Sec. 2152.16. (A) (1) If a child is adjudicated a 37219
delinquent child for committing an act that would be a felony if 37220
committed by an adult, the juvenile court may commit the child 37221
to the legal custody of the department of youth services for 37222
secure confinement as follows: 37223

(a) For an act that would be aggravated murder or murder 37224
if committed by an adult, until the offender attains twenty-one 37225
years of age; 37226

(b) For a violation of section 2923.02 of the Revised Code 37227
that involves an attempt to commit an act that would be 37228
aggravated murder or murder if committed by an adult, a minimum 37229
period of six to seven years as prescribed by the court and a 37230
maximum period not to exceed the child's attainment of twenty- 37231
one years of age; 37232

(c) For a violation of section 2903.03, 2905.01, 2909.02, 37233
or 2911.01 or division (A) of section 2903.04 of the Revised 37234
Code or for a violation of any provision of section 2907.011 or 37235
2907.02 of the Revised Code other than division (A) (1) (b) of 37236
that section when the sexual conduct or insertion involved was 37237
consensual and when the victim of the violation of division (A) 37238
(1) (b) of that section was older than the delinquent child, was 37239
the same age as the delinquent child, or was less than three 37240
years younger than the delinquent child, for an indefinite term 37241
consisting of a minimum period of one to three years, as 37242
prescribed by the court, and a maximum period not to exceed the 37243
child's attainment of twenty-one years of age; 37244

(d) If the child is adjudicated a delinquent child for 37245
committing an act that is not described in division (A) (1) (b) or 37246
(c) of this section and that would be a felony of the first or 37247
second degree if committed by an adult, for an indefinite term 37248
consisting of a minimum period of one year and a maximum period 37249
not to exceed the child's attainment of twenty-one years of age. 37250

(e) For committing an act that would be a felony of the 37251
third, fourth, or fifth degree if committed by an adult or for a 37252
violation of division (A) of section 2923.211 of the Revised 37253
Code, for an indefinite term consisting of a minimum period of 37254
six months and a maximum period not to exceed the child's 37255
attainment of twenty-one years of age. 37256

(2) In each case in which a court makes a disposition 37257
under this section, the court retains control over the 37258
commitment for the minimum period specified by the court in 37259
divisions (A) (1) (a) to (e) of this section. During the minimum 37260
period, the department of youth services shall not move the 37261
child to a nonsecure setting without the permission of the court 37262

that imposed the disposition. 37263

(B) (1) Subject to division (B) (2) of this section, if a 37264
delinquent child is committed to the department of youth 37265
services under this section, the department may release the 37266
child at any time after the minimum period specified by the 37267
court in division (A) (1) of this section ends. 37268

(2) A commitment under this section is subject to a 37269
supervised release or to a discharge of the child from the 37270
custody of the department for medical reasons pursuant to 37271
section 5139.54 of the Revised Code, but, during the minimum 37272
period specified by the court in division (A) (1) of this 37273
section, the department shall obtain court approval of a 37274
supervised release or discharge under that section. 37275

(C) If a child is adjudicated a delinquent child, at the 37276
dispositional hearing and prior to making any disposition 37277
pursuant to this section, the court shall determine whether the 37278
delinquent child previously has been adjudicated a delinquent 37279
child for a violation of a law or ordinance. If the delinquent 37280
child previously has been adjudicated a delinquent child for a 37281
violation of a law or ordinance, the court, for purposes of 37282
entering an order of disposition of the delinquent child under 37283
this section, shall consider the previous delinquent child 37284
adjudication as a conviction of a violation of the law or 37285
ordinance in determining the degree of the offense the current 37286
act would be had it been committed by an adult. This division 37287
also shall apply in relation to the imposition of any financial 37288
sanction under section 2152.19 of the Revised Code. 37289

Sec. 2152.201. (A) In addition to any other dispositions 37290
authorized or required by this chapter, the juvenile court 37291
making disposition of a child adjudicated a delinquent child for 37292

committing a violation of section 2909.22, 2909.23, or 2909.24 37293
of the Revised Code or a violation of section 2921.32 of the 37294
Revised Code when the offense or act committed by the person 37295
aided or to be aided as described in that section is an act of 37296
terrorism may order the child to pay to the state, municipal, or 37297
county law enforcement agencies that handled the investigation 37298
and prosecution all of the costs that the state, municipal 37299
corporation, or county reasonably incurred in the investigation 37300
and prosecution of the violation. The court shall hold a hearing 37301
to determine the amount of costs to be imposed under this 37302
section. The court may hold the hearing as part of the 37303
dispositional hearing for the child. 37304

(B) If a child is adjudicated a delinquent child for 37305
committing a violation of section 2909.23 or 2909.24 of the 37306
Revised Code and if any political subdivision incurred any 37307
response costs as a result of, or in making any response to, the 37308
threat of the specified offense involved in the violation of 37309
section 2909.23 of the Revised Code or the actual specified 37310
offense involved in the violation of section 2909.24 of the 37311
Revised Code, in addition to any other dispositions authorized 37312
or required by this chapter, the juvenile court making 37313
disposition of the child for the violation may order the child 37314
to reimburse the involved political subdivision for the response 37315
costs it so incurred. 37316

(C) As used in this section, "response costs" and "act of 37317
terrorism" have the same meanings as in section ~~2909.21~~2909.01 37318
of the Revised Code. 37319

Sec. 2152.71. (A) (1) The juvenile court shall maintain 37320
records of all official cases brought before it, including, but 37321
not limited to, an appearance docket, a journal, and, in cases 37322

pertaining to an alleged delinquent child, arrest and custody records, complaints, journal entries, and hearing summaries. The court shall maintain a separate docket for traffic cases and shall record all traffic cases on the separate docket instead of on the general appearance docket. The parents, guardian, or other custodian of any child affected, if they are living, or the nearest of kin of the child, if the parents are deceased, may inspect these records, either in person or by counsel, during the hours in which the court is open. Division (A) (1) of this section does not require the release or authorize the inspection of arrest or incident reports, law enforcement investigatory reports or records, or witness statements.

(2) The juvenile court shall send to the superintendent of the bureau of criminal identification and investigation, pursuant to section 109.57 of the Revised Code, a weekly report containing a summary of each case that has come before it and that involves the disposition of a child who is a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult.

(B) The clerk of the court shall maintain a statistical record that includes all of the following:

(1) The number of complaints that are filed with, or indictments or information made to, the court that allege that a child is a delinquent child, in relation to which the court determines under division (D) of section 2151.27 of the Revised Code that the victim of the alleged delinquent act was sixty-five years of age or older or permanently and totally disabled at the time of the alleged commission of the act;

(2) The number of complaints, indictments, or information described in division (B) (1) of this section that result in the

child being adjudicated a delinquent child; 37353

(3) The number of complaints, indictments, or information 37354
described in division (B) (2) of this section in which the act 37355
upon which the delinquent child adjudication is based caused 37356
property damage or would be a theft offense, as defined in 37357
division ~~(K)~~(A) (11) of section 2913.01 of the Revised Code, if 37358
committed by an adult; 37359

(4) The number of complaints, indictments, or information 37360
described in division (B) (3) of this section that result in the 37361
delinquent child being required as an order of disposition made 37362
under division (A) of section 2152.20 of the Revised Code to 37363
make restitution for all or part of the property damage caused 37364
by the child's delinquent act or for all or part of the value of 37365
the property that was the subject of the delinquent act that 37366
would be a theft offense if committed by an adult; 37367

(5) The number of complaints, indictments, or information 37368
described in division (B) (2) of this section in which the act 37369
upon which the delinquent child adjudication is based would have 37370
been an offense of violence if committed by an adult; 37371

(6) The number of complaints, indictments, or information 37372
described in division (B) (5) of this section that result in the 37373
delinquent child being committed as an order of disposition made 37374
under section 2152.16, divisions (A) and (B) of section 2152.17, 37375
or division (A) (2) of section 2152.19 of the Revised Code to any 37376
facility for delinquent children operated by the county, a 37377
district, or a private agency or organization or to the 37378
department of youth services; 37379

(7) The number of complaints, indictments, or information 37380
described in division (B) (1) of this section that result in the 37381

case being transferred for criminal prosecution to an 37382
appropriate court having jurisdiction of the offense under 37383
section 2152.12 of the Revised Code. 37384

(C) The clerk of the court shall compile an annual summary 37385
covering the preceding calendar year showing all of the 37386
information for that year contained in the statistical record 37387
maintained under division (B) of this section. The statistical 37388
record and the annual summary shall be public records open for 37389
inspection. Neither the statistical record nor the annual 37390
summary shall include the identity of any party to a case. 37391

(D) Not later than June of each year, the court shall 37392
prepare an annual report covering the preceding calendar year 37393
showing the number and kinds of cases that have come before it, 37394
the disposition of the cases, and any other data pertaining to 37395
the work of the court that the juvenile judge directs. The court 37396
shall file copies of the report with the board of county 37397
commissioners. With the approval of the board, the court may 37398
print or cause to be printed copies of the report for 37399
distribution to persons and agencies interested in the court or 37400
community program for dependent, neglected, abused, or 37401
delinquent children and juvenile traffic offenders. The court 37402
shall include the number of copies ordered printed and the 37403
estimated cost of each printed copy on each copy of the report 37404
printed for distribution. 37405

(E) If an officer is preparing pursuant to section 2947.06 37406
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 37407
presentence investigation report pertaining to a person, the 37408
court shall make available to the officer, for use in preparing 37409
the report, any records it possesses regarding any adjudications 37410
of that person as a delinquent child or regarding the 37411

dispositions made relative to those adjudications. The records 37412
to be made available pursuant to this division include, but are 37413
not limited to, any social history or report of a mental or 37414
physical examination regarding the person that was prepared 37415
pursuant to Juvenile Rule 32. 37416

Sec. 2152.72. (A) This section applies only to a child who 37417
is or previously has been adjudicated a delinquent child for an 37418
act to which any of the following applies: 37419

(1) The act is a violation of section 2903.01, 2903.02, 37420
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.011, 2907.02, 37421
2907.03, or 2907.05 of the Revised Code. 37422

(2) The act is a violation of section 2923.01 of the 37423
Revised Code and involved an attempt to commit aggravated murder 37424
or murder. 37425

(3) The act would be a felony if committed by an adult, 37426
and the court determined that the child, if an adult, would be 37427
guilty of a specification found in section 2941.141, 2941.144, 37428
or 2941.145 of the Revised Code or in another section of the 37429
Revised Code that relates to the possession or use of a firearm 37430
during the commission of the act for which the child was 37431
adjudicated a delinquent child. 37432

(4) The act would be an offense of violence that is a 37433
felony if committed by an adult, and the court determined that 37434
the child, if an adult, would be guilty of a specification found 37435
in section 2941.1411 of the Revised Code or in another section 37436
of the Revised Code that relates to the wearing or carrying of 37437
body armor during the commission of the act for which the child 37438
was adjudicated a delinquent child. 37439

(B) (1) Except as provided in division (E) of this section, 37440

a public children services agency, private child placing agency, 37441
private noncustodial agency, or court, the department of youth 37442
services, or another private or government entity shall not 37443
place a child in a certified foster home or for adoption until 37444
it provides the foster caregivers or prospective adoptive 37445
parents with all of the following: 37446

(a) A written report describing the child's social 37447
history; 37448

(b) A written report describing all the acts committed by 37449
the child the entity knows of that resulted in the child being 37450
adjudicated a delinquent child and the disposition made by the 37451
court, unless the records pertaining to the acts have been 37452
sealed pursuant to section 2151.356 of the Revised Code; 37453

(c) A written report describing any other violent act 37454
committed by the child of which the entity is aware; 37455

(d) The substantial and material conclusions and 37456
recommendations of any psychiatric or psychological examination 37457
conducted on the child or, if no psychological or psychiatric 37458
examination of the child is available, the substantial and 37459
material conclusions and recommendations of an examination to 37460
detect mental and emotional disorders conducted in compliance 37461
with the requirements of Chapter 4757. of the Revised Code by an 37462
independent social worker, social worker, licensed professional 37463
clinical counselor, licensed professional counselor, independent 37464
marriage and family therapist, or marriage and family therapist 37465
licensed under that chapter. The entity shall not provide any 37466
part of a psychological, psychiatric, or mental and emotional 37467
disorder examination to the foster caregivers or prospective 37468
adoptive parents other than the substantial and material 37469
conclusions. 37470

(2) Notwithstanding sections 2151.356 to 2151.358 of the Revised Code, if records of an adjudication that a child is a delinquent child have been sealed pursuant to those sections and an entity knows the records have been sealed, the entity shall provide the foster caregivers or prospective adoptive parents a written statement that the records of a prior adjudication have been sealed.

(C) (1) The entity that places the child in a certified foster home or for adoption shall conduct a psychological examination of the child unless either of the following applies:

(a) An entity is not required to conduct the examination if an examination was conducted no more than one year prior to the child's placement, and division (C) (1) (b) of this section does not apply.

(b) An entity is not required to conduct the examination if a foster caregiver seeks to adopt the foster caregiver's foster child, and an examination was conducted no more than two years prior to the date the foster caregiver seeks to adopt the child.

(2) No later than sixty days after placing the child, the entity shall provide the foster caregiver or prospective adoptive parents a written report detailing the substantial and material conclusions and recommendations of the examination conducted pursuant to this division.

(D) (1) Except as provided in divisions (D) (2) and (3) of this section, the expenses of conducting the examinations and preparing the reports and assessment required by division (B) or (C) of this section shall be paid by the entity that places the child in the certified foster home or for adoption.

(2) When a juvenile court grants temporary or permanent custody of a child pursuant to any section of the Revised Code, including section 2151.33, 2151.353, 2151.354, or 2152.19 of the Revised Code, to a public children services agency or private child placing agency, the court shall provide the agency the information described in division (B) of this section, pay the expenses of preparing that information, and, if a new examination is required to be conducted, pay the expenses of conducting the examination described in division (C) of this section. On receipt of the information described in division (B) of this section, the agency shall provide to the court written acknowledgment that the agency received the information. The court shall keep the acknowledgment and provide a copy to the agency. On the motion of the agency, the court may terminate the order granting temporary or permanent custody of the child to that agency, if the court does not provide the information described in division (B) of this section.

(3) If one of the following entities is placing a child in a certified foster home or for adoption with the assistance of or by contracting with a public children services agency, private child placing agency, or a private noncustodial agency, the entity shall provide the agency with the information described in division (B) of this section, pay the expenses of preparing that information, and, if a new examination is required to be conducted, pay the expenses of conducting the examination described in division (C) of this section:

(a) The department of youth services if the placement is pursuant to any section of the Revised Code including section 2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised Code;

(b) A juvenile court with temporary or permanent custody 37530
of a child pursuant to section 2151.354 or 2152.19 of the 37531
Revised Code; 37532

(c) A public children services agency or private child 37533
placing agency with temporary or permanent custody of the child. 37534

The agency receiving the information described in division 37535
(B) of this section shall provide the entity described in 37536
divisions (D) (3) (a) to (c) of this section that sent the 37537
information written acknowledgment that the agency received the 37538
information and provided it to the foster caregivers or 37539
prospective adoptive parents. The entity shall keep the 37540
acknowledgment and provide a copy to the agency. An entity that 37541
places a child in a certified foster home or for adoption with 37542
the assistance of or by contracting with an agency remains 37543
responsible to provide the information described in division (B) 37544
of this section to the foster caregivers or prospective adoptive 37545
parents unless the entity receives written acknowledgment that 37546
the agency provided the information. 37547

(E) If a child is placed in a certified foster home as a 37548
result of an emergency removal of the child from home pursuant 37549
to division (D) of section 2151.31 of the Revised Code, an 37550
emergency change in the child's case plan pursuant to division 37551
(F) (3) of section 2151.412 of the Revised Code, or an emergency 37552
placement by the department of youth services pursuant to this 37553
chapter or Chapter 5139. of the Revised Code, the entity that 37554
places the child in the certified foster home shall provide the 37555
information described in division (B) of this section no later 37556
than ninety-six hours after the child is placed in the certified 37557
foster home. 37558

(F) On receipt of the information described in divisions 37559

(B) and (C) of this section, the foster caregiver or prospective adoptive parents shall provide to the entity that places the child in the foster caregiver's or prospective adoptive parents' home a written acknowledgment that the foster caregiver or prospective adoptive parents received the information. The entity shall keep the acknowledgment and provide a copy to the foster caregiver or prospective adoptive parents.

(G) No person employed by an entity subject to this section and made responsible by that entity for the child's placement in a certified foster home or for adoption shall fail to provide the foster caregivers or prospective adoptive parents with the information required by divisions (B) and (C) of this section.

(H) It is not a violation of any duty of confidentiality provided for in the Revised Code or a code of professional responsibility for a person or government entity to provide the substantial and material conclusions and recommendations of a psychiatric or psychological examination, or an examination to detect mental and emotional disorders, in accordance with division (B) (1) (d) or (C) of this section.

(I) As used in this section:

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

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

Sec. 2152.74. (A) As used in this section, "DNA analysis" and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code.

(B) (1) A child who is adjudicated a delinquent child for

committing an act listed in division (D) of this section and who 37589
is committed to the custody of the department of youth services, 37590
placed in a detention facility or district detention facility 37591
pursuant to division (A) (3) of section 2152.19 of the Revised 37592
Code, or placed in a school, camp, institution, or other 37593
facility for delinquent children described in division (A) (2) of 37594
section 2152.19 of the Revised Code shall submit to a DNA 37595
specimen collection procedure administered by the director of 37596
youth services if committed to the department or by the chief 37597
administrative officer of the detention facility, district 37598
detention facility, school, camp, institution, or other facility 37599
for delinquent children to which the child was committed or in 37600
which the child was placed. If the court commits the child to 37601
the department of youth services, the director of youth services 37602
shall cause the DNA specimen to be collected from the child 37603
during the intake process at an institution operated by or under 37604
the control of the department. If the court commits the child to 37605
or places the child in a detention facility, district detention 37606
facility, school, camp, institution, or other facility for 37607
delinquent children, the chief administrative officer of the 37608
detention facility, district detention facility, school, camp, 37609
institution, or facility to which the child is committed or in 37610
which the child is placed shall cause the DNA specimen to be 37611
collected from the child during the intake process for the 37612
detention facility, district detention facility, school, camp, 37613
institution, or facility. The DNA specimen shall be collected 37614
from the child in accordance with division (C) of this section. 37615

(2) If a child is adjudicated a delinquent child for 37616
committing an act listed in division (D) of this section, is 37617
committed to or placed in the department of youth services, a 37618
detention facility or district detention facility, or a school, 37619

camp, institution, or other facility for delinquent children, 37620
and does not submit to a DNA specimen collection procedure 37621
pursuant to division (B) (1) of this section, prior to the 37622
child's release from the custody of the department of youth 37623
services, from the custody of the detention facility or district 37624
detention facility, or from the custody of the school, camp, 37625
institution, or facility, the child shall submit to, and the 37626
director of youth services or the chief administrator of the 37627
detention facility, district detention facility, school, camp, 37628
institution, or facility to which the child is committed or in 37629
which the child was placed shall administer, a DNA specimen 37630
collection procedure at the institution operated by or under the 37631
control of the department of youth services or at the detention 37632
facility, district detention facility, school, camp, 37633
institution, or facility to which the child is committed or in 37634
which the child was placed. The DNA specimen shall be collected 37635
in accordance with division (C) of this section. 37636

(3) If a child is adjudicated a delinquent child for 37637
committing an act listed in division (D) of this section, is not 37638
committed to or placed in the department of youth services, a 37639
detention facility or district detention facility, or a school, 37640
camp, institution, or other facility for delinquent children 37641
described in division (A) (2) or (3) of section 2152.19 of the 37642
Revised Code, and does not provide a DNA specimen pursuant to 37643
division (B) (1) or (2) of this section, the juvenile court shall 37644
order the child to report to the county probation department 37645
immediately after disposition to submit to a DNA specimen 37646
collection procedure administered by the chief administrative 37647
officer of the county probation department. The DNA specimen 37648
shall be collected from the child in accordance with division 37649
(C) of this section. 37650

(C) If the DNA specimen is collected by withdrawing blood 37651
from the child or a similarly invasive procedure, a physician, 37652
registered nurse, licensed practical nurse, duly licensed 37653
clinical laboratory technician, or other qualified medical 37654
practitioner shall collect in a medically approved manner the 37655
DNA specimen required to be collected pursuant to division (B) 37656
of this section. If the DNA specimen is collected by swabbing 37657
for buccal cells or a similarly noninvasive procedure, this 37658
section does not require that the DNA specimen be collected by a 37659
qualified medical practitioner of that nature. No later than 37660
fifteen days after the date of the collection of the DNA 37661
specimen, the director of youth services or the chief 37662
administrative officer of the detention facility, district 37663
detention facility, school, camp, institution, or other facility 37664
for delinquent children to which the child is committed or in 37665
which the child was placed shall cause the DNA specimen to be 37666
forwarded to the bureau of criminal identification and 37667
investigation in accordance with procedures established by the 37668
superintendent of the bureau under division (H) of section 37669
109.573 of the Revised Code. The bureau shall provide the 37670
specimen vials, mailing tubes, labels, postage, and instruction 37671
needed for the collection and forwarding of the DNA specimen to 37672
the bureau. 37673

(D) The director of youth services and the chief 37674
administrative officer of a detention facility, district 37675
detention facility, school, camp, institution, or other facility 37676
for delinquent children shall cause a DNA specimen to be 37677
collected in accordance with divisions (B) and (C) of this 37678
section from each child in its custody who is adjudicated a 37679
delinquent child for committing any of the following acts: 37680

(1) An act that would be a felony if committed by an 37681

adult; 37682

(2) A violation of any law that would be a misdemeanor if 37683
committed by an adult and that arose out of the same facts and 37684
circumstances and same act as did a charge against the child of 37685
a violation of section 2903.01, 2903.02, 2905.01, 2907.011, 37686
2907.02, 2907.03, 2907.05, or ~~2911.11~~2911.03 of the Revised 37687
Code that previously was dismissed or amended or as did a charge 37688
against the child of a violation of section 2907.12 of the 37689
Revised Code as it existed prior to September 3, 1996, that 37690
previously was dismissed or amended; 37691

(3) A violation of section 2919.23 of the Revised Code 37692
that would be a misdemeanor if committed by an adult and that 37693
would have been a violation of section 2905.04 of the Revised 37694
Code as it existed prior to July 1, 1996, had the violation been 37695
committed prior to that date; 37696

(4) A violation of section 2923.03 of the Revised Code 37697
involving complicity in committing a violation of section 37698
2907.04 of the Revised Code that would be a misdemeanor if 37699
committed by an adult. 37700

Sec. 2152.81. (A) (1) As used in this section, "victim" 37701
includes any of the following persons: 37702

(a) A person who was a victim of a violation identified in 37703
division (A) (2) of this section or an act that would be an 37704
offense of violence if committed by an adult; 37705

(b) A person against whom was directed any conduct that 37706
constitutes, or that is an element of, a violation identified in 37707
division (A) (2) of this section or an act that would be an 37708
offense of violence if committed by an adult. 37709

(2) In any proceeding in juvenile court involving a 37710

complaint, indictment, or information in which a child is 37711
charged with a violation of section 2905.03, 2905.05, 2907.011, 37712
2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 37713
2907.23, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 37714
2907.323, or 2919.22 of the Revised Code or an act that would be 37715
an offense of violence if committed by an adult and in which an 37716
alleged victim of the violation or act was a child who was less 37717
than thirteen years of age when the complaint or information was 37718
filed or the indictment was returned, the juvenile judge, upon 37719
motion of an attorney for the prosecution, shall order that the 37720
testimony of the child victim be taken by deposition. The 37721
prosecution also may request that the deposition be videotaped 37722
in accordance with division (A)(3) of this section. The judge 37723
shall notify the child victim whose deposition is to be taken, 37724
the prosecution, and the attorney for the child who is charged 37725
with the violation or act of the date, time, and place for 37726
taking the deposition. The notice shall identify the child 37727
victim who is to be examined and shall indicate whether a 37728
request that the deposition be videotaped has been made. The 37729
child who is charged with the violation or act shall have the 37730
right to attend the deposition and the right to be represented 37731
by counsel. Depositions shall be taken in the manner provided in 37732
civil cases, except that the judge in the proceeding shall 37733
preside at the taking of the deposition and shall rule at that 37734
time on any objections of the prosecution or the attorney for 37735
the child charged with the violation or act. The prosecution and 37736
the attorney for the child charged with the violation or act 37737
shall have the right, as at an adjudication hearing, to full 37738
examination and cross-examination of the child victim whose 37739
deposition is to be taken. If a deposition taken under this 37740
division is intended to be offered as evidence in the 37741
proceeding, it shall be filed in the juvenile court in which the 37742

action is pending and is admissible in the manner described in 37743
division (B) of this section. If a deposition of a child victim 37744
taken under this division is admitted as evidence at the 37745
proceeding under division (B) of this section, the child victim 37746
shall not be required to testify in person at the proceeding. 37747
However, at any time before the conclusion of the proceeding, 37748
the attorney for the child charged with the violation or act may 37749
file a motion with the judge requesting that another deposition 37750
of the child victim be taken because new evidence material to 37751
the defense of the child charged has been discovered that the 37752
attorney for the child charged could not with reasonable 37753
diligence have discovered prior to the taking of the admitted 37754
deposition. Any motion requesting another deposition shall be 37755
accompanied by supporting affidavits. Upon the filing of the 37756
motion and affidavits, the court may order that additional 37757
testimony of the child victim relative to the new evidence be 37758
taken by another deposition. If the court orders the taking of 37759
another deposition under this provision, the deposition shall be 37760
taken in accordance with this division; if the admitted 37761
deposition was a videotaped deposition taken in accordance with 37762
division (A) (3) of this section, the new deposition also shall 37763
be videotaped in accordance with that division, and, in other 37764
cases, the new deposition may be videotaped in accordance with 37765
that division. 37766

(3) If the prosecution requests that a deposition to be 37767
taken under division (A) (2) of this section be videotaped, the 37768
juvenile judge shall order that the deposition be videotaped in 37769
accordance with this division. If a juvenile judge issues an 37770
order to ~~video-tape~~ videotape the deposition, the judge shall 37771
exclude from the room in which the deposition is to be taken 37772
every person except the child victim giving the testimony, the 37773

judge, one or more interpreters if needed, the attorneys for the 37774
prosecution and the child who is charged with the violation or 37775
act, any person needed to operate the equipment to be used, one 37776
person chosen by the child victim giving the deposition, and any 37777
person whose presence the judge determines would contribute to 37778
the welfare and well-being of the child victim giving the 37779
deposition. The person chosen by the child victim shall not be a 37780
witness in the proceeding and, both before and during the 37781
deposition, shall not discuss the testimony of the child victim 37782
with any other witness in the proceeding. To the extent 37783
feasible, any person operating the recording equipment shall be 37784
restricted to a room adjacent to the room in which the 37785
deposition is being taken, or to a location in the room in which 37786
the deposition is being taken that is behind a screen or mirror 37787
so that the person operating the recording equipment can see and 37788
hear, but cannot be seen or heard by, the child victim giving 37789
the deposition during the deposition. The child who is charged 37790
with the violation or act shall be permitted to observe and hear 37791
the testimony of the child victim giving the deposition on a 37792
monitor, shall be provided with an electronic means of immediate 37793
communication with the attorney of the child who is charged with 37794
the violation or act during the testimony, and shall be 37795
restricted to a location from which the child who is charged 37796
with the violation or act cannot be seen or heard by the child 37797
victim giving the deposition, except on a monitor provided for 37798
that purpose. The child victim giving the deposition shall be 37799
provided with a monitor on which the child victim can observe, 37800
while giving testimony, the child who is charged with the 37801
violation or act. The judge, at the judge's discretion, may 37802
preside at the deposition by electronic means from outside the 37803
room in which the deposition is to be taken; if the judge 37804
presides by electronic means, the judge shall be provided with 37805

monitors on which the judge can see each person in the room in 37806
which the deposition is to be taken and with an electronic means 37807
of communication with each person in that room, and each person 37808
in the room shall be provided with a monitor on which that 37809
person can see the judge and with an electronic means of 37810
communication with the judge. A deposition that is videotaped 37811
under this division shall be taken and filed in the manner 37812
described in division (A) (2) of this section and is admissible 37813
in the manner described in this division and division (B) of 37814
this section, and, if a deposition that is videotaped under this 37815
division is admitted as evidence at the proceeding, the child 37816
victim shall not be required to testify in person at the 37817
proceeding. No deposition videotaped under this division shall 37818
be admitted as evidence at any proceeding unless division (B) of 37819
this section is satisfied relative to the deposition and all of 37820
the following apply relative to the recording: 37821

(a) The recording is both aural and visual and is recorded 37822
on film or videotape, or by other electronic means. 37823

(b) The recording is authenticated under the Rules of 37824
Evidence and the Rules of Criminal Procedure as a fair and 37825
accurate representation of what occurred, and the recording is 37826
not altered other than at the direction and under the 37827
supervision of the judge in the proceeding. 37828

(c) Each voice on the recording that is material to the 37829
testimony on the recording or the making of the recording, as 37830
determined by the judge, is identified. 37831

(d) Both the prosecution and the child who is charged with 37832
the violation or act are afforded an opportunity to view the 37833
recording before it is shown in the proceeding. 37834

(B) (1) At any proceeding in relation to which a deposition was taken under division (A) of this section, the deposition or a part of it is admissible in evidence upon motion of the prosecution if the testimony in the deposition or the part to be admitted is not excluded by the hearsay rule and if the deposition or the part to be admitted otherwise is admissible under the Rules of Evidence. For purposes of this division, testimony is not excluded by the hearsay rule if the testimony is not hearsay under Evidence Rule 801; if the testimony is within an exception to the hearsay rule set forth in Evidence Rule 803; if the child victim who gave the testimony is unavailable as a witness, as defined in Evidence Rule 804, and the testimony is admissible under that rule; or if both of the following apply:

(a) The child who is charged with the violation or act had an opportunity and similar motive at the time of the taking of the deposition to develop the testimony by direct, cross, or redirect examination.

(b) The judge determines that there is reasonable cause to believe that, if the child victim who gave the testimony in the deposition were to testify in person at the proceeding, the child victim would experience serious emotional trauma as a result of the child victim's participation at the proceeding.

(2) Objections to receiving in evidence a deposition or a part of it under division (B) of this section shall be made as provided in civil actions.

(3) The provisions of divisions (A) and (B) of this section are in addition to any other provisions of the Revised Code, the Rules of Juvenile Procedure, the Rules of Criminal Procedure, or the Rules of Evidence that pertain to the taking

or admission of depositions in a juvenile court proceeding and 37865
do not limit the admissibility under any of those other 37866
provisions of any deposition taken under division (A) of this 37867
section or otherwise taken. 37868

(C) In any proceeding in juvenile court involving a 37869
complaint, indictment, or information in which a child is 37870
charged with a violation listed in division (A)(2) of this 37871
section or an act that would be an offense of violence if 37872
committed by an adult and in which an alleged victim of the 37873
violation or offense was a child who was less than thirteen 37874
years of age when the complaint or information was filed or 37875
indictment was returned, the prosecution may file a motion with 37876
the juvenile judge requesting the judge to order the testimony 37877
of the child victim to be taken in a room other than the room in 37878
which the proceeding is being conducted and be televised, by 37879
closed circuit equipment, into the room in which the proceeding 37880
is being conducted to be viewed by the child who is charged with 37881
the violation or act and any other persons who are not permitted 37882
in the room in which the testimony is to be taken but who would 37883
have been present during the testimony of the child victim had 37884
it been given in the room in which the proceeding is being 37885
conducted. Except for good cause shown, the prosecution shall 37886
file a motion under this division at least seven days before the 37887
date of the proceeding. The juvenile judge may issue the order 37888
upon the motion of the prosecution filed under this division, if 37889
the judge determines that the child victim is unavailable to 37890
testify in the room in which the proceeding is being conducted 37891
in the physical presence of the child charged with the violation 37892
or act, due to one or more of the reasons set forth in division 37893
(E) of this section. If a juvenile judge issues an order of that 37894
nature, the judge shall exclude from the room in which the 37895

testimony is to be taken every person except a person described 37896
in division (A) (3) of this section. The judge, at the judge's 37897
discretion, may preside during the giving of the testimony by 37898
electronic means from outside the room in which it is being 37899
given, subject to the limitations set forth in division (A) (3) 37900
of this section. To the extent feasible, any person operating 37901
the televising equipment shall be hidden from the sight and 37902
hearing of the child victim giving the testimony, in a manner 37903
similar to that described in division (A) (3) of this section. 37904
The child who is charged with the violation or act shall be 37905
permitted to observe and hear the testimony of the child victim 37906
giving the testimony on a monitor, shall be provided with an 37907
electronic means of immediate communication with the attorney of 37908
the child who is charged with the violation or act during the 37909
testimony, and shall be restricted to a location from which the 37910
child who is charged with the violation or act cannot be seen or 37911
heard by the child victim giving the testimony, except on a 37912
monitor provided for that purpose. The child victim giving the 37913
testimony shall be provided with a monitor on which the child 37914
victim can observe, while giving testimony, the child who is 37915
charged with the violation or act. 37916

(D) In any proceeding in juvenile court involving a 37917
complaint, indictment, or information in which a child is 37918
charged with a violation listed in division (A) (2) of this 37919
section or an act that would be an offense of violence if 37920
committed by an adult and in which an alleged victim of the 37921
violation or offense was a child who was less than thirteen 37922
years of age when the complaint or information was filed or the 37923
indictment was returned, the prosecution may file a motion with 37924
the juvenile judge requesting the judge to order the testimony 37925
of the child victim to be taken outside of the room in which the 37926

proceeding is being conducted and be recorded for showing in the 37927
room in which the proceeding is being conducted before the 37928
judge, the child who is charged with the violation or act, and 37929
any other persons who would have been present during the 37930
testimony of the child victim had it been given in the room in 37931
which the proceeding is being conducted. Except for good cause 37932
shown, the prosecution shall file a motion under this division 37933
at least seven days before the date of the proceeding. The 37934
juvenile judge may issue the order upon the motion of the 37935
prosecution filed under this division, if the judge determines 37936
that the child victim is unavailable to testify in the room in 37937
which the proceeding is being conducted in the physical presence 37938
of the child charged with the violation or act, due to one or 37939
more of the reasons set forth in division (E) of this section. 37940
If a juvenile judge issues an order of that nature, the judge 37941
shall exclude from the room in which the testimony is to be 37942
taken every person except a person described in division (A) (3) 37943
of this section. To the extent feasible, any person operating 37944
the recording equipment shall be hidden from the sight and 37945
hearing of the child victim giving the testimony, in a manner 37946
similar to that described in division (A) (3) of this section. 37947
The child who is charged with the violation or act shall be 37948
permitted to observe and hear the testimony of the child victim 37949
giving the testimony on a monitor, shall be provided with an 37950
electronic means of immediate communication with the attorney of 37951
the child who is charged with the violation or act during the 37952
testimony, and shall be restricted to a location from which the 37953
child who is charged with the violation or act cannot be seen or 37954
heard by the child victim giving the testimony, except on a 37955
monitor provided for that purpose. The child victim giving the 37956
testimony shall be provided with a monitor on which the child 37957
victim can observe, while giving testimony, the child who is 37958

charged with the violation or act. No order for the taking of 37959
testimony by recording shall be issued under this division 37960
unless the provisions set forth in divisions (A) (3) (a), (b), 37961
(c), and (d) of this section apply to the recording of the 37962
testimony. 37963

(E) For purposes of divisions (C) and (D) of this section, 37964
a juvenile judge may order the testimony of a child victim to be 37965
taken outside of the room in which a proceeding is being 37966
conducted if the judge determines that the child victim is 37967
unavailable to testify in the room in the physical presence of 37968
the child charged with the violation or act due to one or more 37969
of the following circumstances: 37970

(1) The persistent refusal of the child victim to testify 37971
despite judicial requests to do so; 37972

(2) The inability of the child victim to communicate about 37973
the alleged violation or offense because of extreme fear, 37974
failure of memory, or another similar reason; 37975

(3) The substantial likelihood that the child victim will 37976
suffer serious emotional trauma from so testifying. 37977

(F) (1) If a juvenile judge issues an order pursuant to 37978
division (C) or (D) of this section that requires the testimony 37979
of a child victim in a juvenile court proceeding to be taken 37980
outside of the room in which the proceeding is being conducted, 37981
the order shall specifically identify the child victim to whose 37982
testimony it applies, the order applies only during the 37983
testimony of the specified child victim, and the child victim 37984
giving the testimony shall not be required to testify at the 37985
proceeding other than in accordance with the order. The 37986
authority of a judge to close the taking of a deposition under 37987

division (A) (3) of this section or a proceeding under division 37988
(C) or (D) of this section is in addition to the authority of a 37989
judge to close a hearing pursuant to section 2151.35 of the 37990
Revised Code. 37991

(2) A juvenile judge who makes any determination regarding 37992
the admissibility of a deposition under divisions (A) and (B) of 37993
this section, the videotaping of a deposition under division (A) 37994
(3) of this section, or the taking of testimony outside of the 37995
room in which a proceeding is being conducted under division (C) 37996
or (D) of this section, shall enter the determination and 37997
findings on the record in the proceeding. 37998

Sec. 2152.811. (A) As used in this section: 37999

(1) "Developmental disability" has the same meaning as in 38000
section 5123.01 of the Revised Code. 38001

(2) "Victim with a developmental disability" includes any 38002
of the following persons: 38003

(a) A person with a developmental disability who was a 38004
victim of a violation identified in division (B) (1) of this 38005
section or an act that would be an offense of violence if 38006
committed by an adult; 38007

(b) A person with a developmental disability against whom 38008
was directed any conduct that constitutes, or that is an element 38009
of, a violation identified in division (B) (1) of this section or 38010
an act that would be an offense of violence if committed by an 38011
adult. 38012

(B) (1) In any proceeding in juvenile court involving a 38013
complaint, indictment, or information in which a child is 38014
charged with a violation of section 2903.16, 2903.34, 2903.341, 38015
2907.011, 2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 38016

2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code or 38017
an act that would be an offense of violence if committed by an 38018
adult and in which an alleged victim of the violation or act was 38019
a person with a developmental disability, the juvenile judge, 38020
upon motion of the prosecution, shall order that the testimony 38021
of the victim with a developmental disability be taken by 38022
deposition. The prosecution also may request that the deposition 38023
be videotaped in accordance with division (B) (2) of this 38024
section. The judge shall notify the victim with a developmental 38025
disability whose deposition is to be taken, the prosecution, and 38026
the attorney for the child who is charged with the violation or 38027
act of the date, time, and place for taking the deposition. The 38028
notice shall identify the victim with a developmental disability 38029
who is to be examined and shall indicate whether a request that 38030
the deposition be videotaped has been made. The child who is 38031
charged with the violation or act shall have the right to attend 38032
the deposition and the right to be represented by counsel. 38033
Depositions shall be taken in the manner provided in civil 38034
cases, except that the judge in the proceeding shall preside at 38035
the taking of the deposition and shall rule at that time on any 38036
objections of the prosecution or the attorney for the child 38037
charged with the violation or act. The prosecution and the 38038
attorney for the child charged with the violation or act shall 38039
have the right, as at an adjudication hearing, to full 38040
examination and cross-examination of the victim with a 38041
developmental disability whose deposition is to be taken. 38042

If a deposition taken under this division is intended to 38043
be offered as evidence in the proceeding, it shall be filed in 38044
the juvenile court in which the action is pending and is 38045
admissible in the manner described in division (C) of this 38046
section. If a deposition of a victim with a developmental 38047

disability taken under this division is admitted as evidence at 38048
the proceeding under division (C) of this section, the victim 38049
with a developmental disability shall not be required to testify 38050
in person at the proceeding. 38051

At any time before the conclusion of the proceeding, the 38052
attorney for the child charged with the violation or act may 38053
file a motion with the judge requesting that another deposition 38054
of the victim with a developmental disability be taken because 38055
new evidence material to the defense of the child charged has 38056
been discovered that the attorney for the child charged could 38057
not with reasonable diligence have discovered prior to the 38058
taking of the admitted deposition. Any motion requesting another 38059
deposition shall be accompanied by supporting affidavits. Upon 38060
the filing of the motion and affidavits, the court may order 38061
that additional testimony of the victim with a developmental 38062
disability relative to the new evidence be taken by another 38063
deposition. If the court orders the taking of another deposition 38064
under this provision, the deposition shall be taken in 38065
accordance with this division. If the admitted deposition was a 38066
videotaped deposition taken in accordance with division (B) (2) 38067
of this section, the new deposition also shall be videotaped in 38068
accordance with that division. In other cases, the new 38069
deposition may be videotaped in accordance with that division. 38070

(2) If the prosecution requests that a deposition to be 38071
taken under division (B) (1) of this section be videotaped, the 38072
juvenile judge shall order that the deposition be videotaped in 38073
accordance with this division. If a juvenile judge issues an 38074
order to video tape the deposition, the judge shall exclude from 38075
the room in which the deposition is to be taken every person 38076
except the victim with a developmental disability giving the 38077
testimony, the judge, one or more interpreters if needed, the 38078

attorneys for the prosecution and the child who is charged with 38079
the violation or act, any person needed to operate the equipment 38080
to be used, one person chosen by the victim with a developmental 38081
disability giving the deposition, and any person whose presence 38082
the judge determines would contribute to the welfare and well- 38083
being of the victim with a developmental disability giving the 38084
deposition. The person chosen by the victim with a developmental 38085
disability shall not be a witness in the proceeding and, both 38086
before and during the deposition, shall not discuss the 38087
testimony of the victim with any other witness in the 38088
proceeding. To the extent feasible, any person operating the 38089
recording equipment shall be restricted to a room adjacent to 38090
the room in which the deposition is being taken, or to a 38091
location in the room in which the deposition is being taken that 38092
is behind a screen or mirror so that the person operating the 38093
recording equipment can see and hear, but cannot be seen or 38094
heard by, the victim with a developmental disability giving the 38095
deposition during the deposition. 38096

The child who is charged with the violation or act shall 38097
be permitted to observe and hear the testimony of the victim 38098
with a developmental disability giving the deposition on a 38099
monitor, shall be provided with an electronic means of immediate 38100
communication with the attorney of the child who is charged with 38101
the violation or act during the testimony, and shall be 38102
restricted to a location from which the child who is charged 38103
with the violation or act cannot be seen or heard by the victim 38104
with a developmental disability giving the deposition, except on 38105
a monitor provided for that purpose. The victim with a 38106
developmental disability giving the deposition shall be provided 38107
with a monitor on which the victim with a developmental 38108
disability can observe, while giving testimony, the child who is 38109

charged with the violation or act. The judge, at the judge's 38110
discretion, may preside at the deposition by electronic means 38111
from outside the room in which the deposition is to be taken; if 38112
the judge presides by electronic means, the judge shall be 38113
provided with monitors on which the judge can see each person in 38114
the room in which the deposition is to be taken and with an 38115
electronic means of communication with each person in that room, 38116
and each person in the room shall be provided with a monitor on 38117
which that person can see the judge and with an electronic means 38118
of communication with the judge. A deposition that is videotaped 38119
under this division shall be taken and filed in the manner 38120
described in division (B) (1) of this section and is admissible 38121
in the manner described in this division and division (C) of 38122
this section. If a deposition that is videotaped under this 38123
division is admitted as evidence at the proceeding, the victim 38124
with a developmental disability shall not be required to testify 38125
in person at the proceeding. No deposition videotaped under this 38126
division shall be admitted as evidence at any proceeding unless 38127
division (C) of this section is satisfied relative to the 38128
deposition and all of the following apply relative to the 38129
recording: 38130

(a) The recording is both aural and visual and is recorded 38131
on film or videotape, or by other electronic means. 38132

(b) The recording is authenticated under the Rules of 38133
Evidence and the Rules of Criminal Procedure as a fair and 38134
accurate representation of what occurred, and the recording is 38135
not altered other than at the direction and under the 38136
supervision of the judge in the proceeding. 38137

(c) Each voice on the recording that is material to the 38138
testimony on the recording or the making of the recording, as 38139

determined by the judge, is identified. 38140

(d) Both the prosecution and the child who is charged with 38141
the violation or act are afforded an opportunity to view the 38142
recording before it is shown in the proceeding. 38143

(C) (1) At any proceeding in relation to which a deposition 38144
was taken under division (B) of this section, the deposition or 38145
a part of it is admissible in evidence upon motion of the 38146
prosecution if the testimony in the deposition or the part to be 38147
admitted is not excluded by the hearsay rule and if the 38148
deposition or the part to be admitted otherwise is admissible 38149
under the Rules of Evidence. For purposes of this division, 38150
testimony is not excluded by the hearsay rule if the testimony 38151
is not hearsay under Evidence Rule 801; the testimony is within 38152
an exception to the hearsay rule set forth in Evidence Rule 803; 38153
the victim with a developmental disability who gave the 38154
testimony is unavailable as a witness, as defined in Evidence 38155
Rule 804, and the testimony is admissible under that rule; or 38156
both of the following apply: 38157

(a) The child who is charged with the violation or act had 38158
an opportunity and similar motive at the time of the taking of 38159
the deposition to develop the testimony by direct, cross, or 38160
redirect examination. 38161

(b) The judge determines that there is reasonable cause to 38162
believe that, if the victim with a developmental disability who 38163
gave the testimony in the deposition were to testify in person 38164
at the proceeding, the victim with a developmental disability 38165
would experience serious emotional trauma as a result of the 38166
participation of the victim with a developmental disability at 38167
the proceeding. 38168

(2) Objections to receiving in evidence a deposition or a part of it under division (C) of this section shall be made as provided in civil actions. 38169
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(3) The provisions of divisions (B) and (C) of this section are in addition to any other provisions of the Revised Code, the Rules of Juvenile Procedure, the Rules of Criminal Procedure, or the Rules of Evidence that pertain to the taking or admission of depositions in a juvenile court proceeding and do not limit the admissibility under any of those other provisions of any deposition taken under division (B) of this section or otherwise taken. 38172
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(D) In any proceeding in juvenile court involving a complaint, indictment, or information in which a child is charged with a violation listed in division (B)(1) of this section or an act that would be an offense of violence if committed by an adult and in which an alleged victim of the violation or offense was a person with a developmental disability, the prosecution may file a motion with the juvenile judge requesting the judge to order the testimony of the victim with a developmental disability to be taken in a room other than the room in which the proceeding is being conducted and be televised, by closed circuit equipment, into the room in which the proceeding is being conducted to be viewed by the child who is charged with the violation or act and any other persons who are not permitted in the room in which the testimony is to be taken but who would have been present during the testimony of the victim with a developmental disability had it been given in the room in which the proceeding is being conducted. Except for good cause shown, the prosecution shall file a motion under this division at least seven days before the date of the proceeding. The juvenile judge may issue the order upon the motion of the 38180
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prosecution filed under this division, if the judge determines 38200
that the victim with a developmental disability is unavailable 38201
to testify in the room in which the proceeding is being 38202
conducted in the physical presence of the child charged with the 38203
violation or act for one or more of the reasons set forth in 38204
division (F) of this section. If a juvenile judge issues an 38205
order of that nature, the judge shall exclude from the room in 38206
which the testimony is to be taken every person except a person 38207
described in division (B) (2) of this section. The judge, at the 38208
judge's discretion, may preside during the giving of the 38209
testimony by electronic means from outside the room in which it 38210
is being given, subject to the limitations set forth in division 38211
(B) (2) of this section. To the extent feasible, any person 38212
operating the televising equipment shall be hidden from the 38213
sight and hearing of the victim with a developmental disability 38214
giving the testimony, in a manner similar to that described in 38215
division (B) (2) of this section. The child who is charged with 38216
the violation or act shall be permitted to observe and hear the 38217
testimony of the victim with a developmental disability giving 38218
the testimony on a monitor, shall be provided with an electronic 38219
means of immediate communication with the attorney of the child 38220
who is charged with the violation or act during the testimony, 38221
and shall be restricted to a location from which the child who 38222
is charged with the violation or act cannot be seen or heard by 38223
the victim with a developmental disability giving the testimony, 38224
except on a monitor provided for that purpose. The victim with a 38225
developmental disability giving the testimony shall be provided 38226
with a monitor on which the victim with a developmental 38227
disability can observe, while giving testimony, the child who is 38228
charged with the violation or act. 38229

(E) In any proceeding in juvenile court involving a 38230

complaint, indictment, or information in which a child is 38231
charged with a violation listed in division (B)(1) of this 38232
section or an act that would be an offense of violence if 38233
committed by an adult and in which an alleged victim of the 38234
violation or offense was a person with a developmental 38235
disability, the prosecution may file a motion with the juvenile 38236
judge requesting the judge to order the testimony of the victim 38237
with a developmental disability to be taken outside of the room 38238
in which the proceeding is being conducted and be recorded for 38239
showing in the room in which the proceeding is being conducted 38240
before the judge, the child who is charged with the violation or 38241
act, and any other persons who would have been present during 38242
the testimony of the victim with a developmental disability had 38243
it been given in the room in which the proceeding is being 38244
conducted. Except for good cause shown, the prosecution shall 38245
file a motion under this division at least seven days before the 38246
date of the proceeding. The juvenile judge may issue the order 38247
upon the motion of the prosecution filed under this division, if 38248
the judge determines that the victim with a developmental 38249
disability is unavailable to testify in the room in which the 38250
proceeding is being conducted in the physical presence of the 38251
child charged with the violation or act, due to one or more of 38252
the reasons set forth in division (F) of this section. If a 38253
juvenile judge issues an order of that nature, the judge shall 38254
exclude from the room in which the testimony is to be taken 38255
every person except a person described in division (B)(2) of 38256
this section. To the extent feasible, any person operating the 38257
recording equipment shall be hidden from the sight and hearing 38258
of the victim with a developmental disability giving the 38259
testimony, in a manner similar to that described in division (B) 38260
(2) of this section. The child who is charged with the violation 38261
or act shall be permitted to observe and hear the testimony of 38262

the victim with a developmental disability giving the testimony 38263
on a monitor, shall be provided with an electronic means of 38264
immediate communication with the attorney of the child who is 38265
charged with the violation or act during the testimony, and 38266
shall be restricted to a location from which the child who is 38267
charged with the violation or act cannot be seen or heard by the 38268
victim with a developmental disability giving the testimony, 38269
except on a monitor provided for that purpose. The victim with a 38270
developmental disability giving the testimony shall be provided 38271
with a monitor on which the victim with a developmental 38272
disability can observe, while giving testimony, the child who is 38273
charged with the violation or act. No order for the taking of 38274
testimony by recording shall be issued under this division 38275
unless the provisions set forth in divisions (B) (2) (a), (b), 38276
(c), and (d) of this section apply to the recording of the 38277
testimony. 38278

(F) For purposes of divisions (D) and (E) of this section, 38279
a juvenile judge may order the testimony of a victim with a 38280
developmental disability to be taken outside of the room in 38281
which a proceeding is being conducted if the judge determines 38282
that the victim with a developmental disability is unavailable 38283
to testify in the room in the physical presence of the child 38284
charged with the violation or act due to one or more of the 38285
following circumstances: 38286

(1) The persistent refusal of the victim with a 38287
developmental disability to testify despite judicial requests to 38288
do so; 38289

(2) The inability of the victim with a developmental 38290
disability to communicate about the alleged violation or offense 38291
because of extreme fear, failure of memory, or another similar 38292

reason; 38293

(3) The substantial likelihood that the victim with a 38294
developmental disability will suffer serious emotional trauma 38295
from so testifying. 38296

(G) (1) If a juvenile judge issues an order pursuant to 38297
division (D) or (E) of this section that requires the testimony 38298
of a victim with a developmental disability in a juvenile court 38299
proceeding to be taken outside of the room in which the 38300
proceeding is being conducted, the order shall specifically 38301
identify the victim with a developmental disability to whose 38302
testimony it applies, the order applies only during the 38303
testimony of the specified victim with a developmental 38304
disability, and the victim with a developmental disability 38305
giving the testimony shall not be required to testify at the 38306
proceeding other than in accordance with the order. The 38307
authority of a judge to close the taking of a deposition under 38308
division (B) (2) of this section or a proceeding under division 38309
(D) or (E) of this section is in addition to the authority of a 38310
judge to close a hearing pursuant to section 2151.35 of the 38311
Revised Code. 38312

(2) A juvenile judge who makes any determination regarding 38313
the admissibility of a deposition under divisions (B) and (C) of 38314
this section, the videotaping of a deposition under division (B) 38315
(2) of this section, or the taking of testimony outside of the 38316
room in which a proceeding is being conducted under division (D) 38317
or (E) of this section shall enter the determination and 38318
findings on the record in the proceeding. 38319

Sec. 2305.111. (A) As used in this section: 38320

(1) "Childhood sexual abuse" means any conduct that 38321

constitutes any of the violations identified in division (A)(1) 38322
(a) or (b) of this section and would constitute a criminal 38323
offense under the specified section or division of the Revised 38324
Code, if the victim of the violation is at the time of the 38325
violation a child under eighteen years of age or a child with a 38326
developmental disability or physical impairment under twenty-one 38327
years of age. The court need not find that any person has been 38328
convicted of or pleaded guilty to the offense under the 38329
specified section or division of the Revised Code in order for 38330
the conduct that is the violation constituting the offense to be 38331
childhood sexual abuse for purposes of this division. This 38332
division applies to any of the following violations committed in 38333
the following specified circumstances: 38334

(a) A violation of section 2907.011 or 2907.02 or of 38335
division (A)(1), (5), (6), (7), (8), (9), (10), (11), or (12) of 38336
section 2907.03 of the Revised Code; 38337

(b) A violation of section 2907.05 or 2907.06 of the 38338
Revised Code if, at the time of the violation, any of the 38339
following apply: 38340

(i) The actor is the victim's natural parent, adoptive 38341
parent, or stepparent or the guardian, custodian, or person in 38342
loco parentis of the victim. 38343

(ii) The victim is in custody of law or a patient in a 38344
hospital or other institution, and the actor has supervisory or 38345
disciplinary authority over the victim. 38346

(iii) The actor is a teacher, administrator, coach, or 38347
other person in authority employed by or serving in a school for 38348
which the state board of education prescribes minimum standards 38349
pursuant to division (D) of section 3301.07 of the Revised Code, 38350

the victim is enrolled in or attends that school, and the actor 38351
is not enrolled in and does not attend that school. 38352

(iv) The actor is a teacher, administrator, coach, or 38353
other person in authority employed by or serving in an 38354
institution of higher education, and the victim is enrolled in 38355
or attends that institution. 38356

(v) The actor is the victim's athletic or other type of 38357
coach, is the victim's instructor, is the leader of a scouting 38358
troop of which the victim is a member, or is a person with 38359
temporary or occasional disciplinary control over the victim. 38360

(vi) The actor is a mental health professional, the victim 38361
is a mental health client or patient of the actor, and the actor 38362
induces the victim to submit by falsely representing to the 38363
victim that the sexual contact involved in the violation is 38364
necessary for mental health treatment purposes. 38365

(vii) The victim is confined in a detention facility, and 38366
the actor is an employee of that detention facility. 38367

(viii) The actor is a cleric, and the victim is a member 38368
of, or attends, the church or congregation served by the cleric. 38369

(2) "Cleric" has the same meaning as in section 2317.02 of 38370
the Revised Code. 38371

(3) "Mental health client or patient" has the same meaning 38372
as in section 2305.51 of the Revised Code. 38373

(4) "Mental health professional" has the same meaning as 38374
in section 2305.115 of the Revised Code. 38375

(5) "Sexual contact" has the same meaning as in section 38376
2907.01 of the Revised Code. 38377

(6) "Victim" means, except as provided in division (B) of this section, a victim of childhood sexual abuse. 38378
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(B) Except as provided in section 2305.115 of the Revised Code and subject to division (C) of this section, an action for assault or battery shall be brought within one year after the cause of the action accrues. For purposes of this section, a cause of action for assault or battery accrues upon the later of the following: 38380
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(1) The date on which the alleged assault or battery occurred; 38386
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(2) If the plaintiff did not know the identity of the person who allegedly committed the assault or battery on the date on which it allegedly occurred, the earlier of the following dates: 38388
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(a) The date on which the plaintiff learns the identity of that person; 38392
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(b) The date on which, by the exercise of reasonable diligence, the plaintiff should have learned the identity of that person. 38394
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(C) An action for assault or battery brought by a victim of childhood sexual abuse based on childhood sexual abuse, or an action brought by a victim of childhood sexual abuse asserting any claim resulting from childhood sexual abuse, shall be brought within twelve years after the cause of action accrues. For purposes of this section, a cause of action for assault or battery based on childhood sexual abuse, or a cause of action for a claim resulting from childhood sexual abuse, accrues upon the date on which the victim reaches the age of majority. If the defendant in an action brought by a victim of childhood sexual 38397
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abuse asserting a claim resulting from childhood sexual abuse 38407
that occurs on or after August 3, 2006, has fraudulently 38408
concealed from the plaintiff facts that form the basis of the 38409
claim, the running of the limitations period with regard to that 38410
claim is tolled until the time when the plaintiff discovers or 38411
in the exercise of due diligence should have discovered those 38412
facts. 38413

Sec. 2305.112. A civil action brought pursuant to division 38414
(A) of section 2307.60 of the Revised Code when the person 38415
filing the action is injured in person or property by a 38416
violation of division ~~(B)~~(A), ~~(D)~~(C), or ~~(E)~~(D) of section 38417
2913.49 of the Revised Code shall be commenced within five years 38418
from the date on which the identity of the offender was 38419
discovered or reasonably should have been discovered. 38420

Sec. 2307.611. A person who brings a civil action pursuant 38421
to division (A) of section 2307.60 of the Revised Code to 38422
recover damages from any person who caused injury to person or 38423
property by a violation of division ~~(B)~~(A), ~~(D)~~(C), or ~~(E)~~(D) of 38424
section 2913.49 of the Revised Code may recover damages up to 38425
five thousand dollars for each violation or three times the 38426
amount of actual damages, whichever is greater, and reasonable 38427
attorney's fees. 38428

Sec. 2307.62. (A) As used in this section: 38429

(1) "Cable service" and "cable system" have the same 38430
meanings as in division (B) of section 2913.04-2913.01 of the 38431
Revised Code. 38432

(2) "Trier of fact" means the jury or, in a nonjury trial, 38433
the court. 38434

(3) "Profits" derived from a violation of division (B) of 38435

section ~~2913.04~~2913.08 or division (A) or (B) of section 38436
2913.041 of the Revised Code are equal to whichever of the 38437
following applies: 38438

(a) The gross revenue derived from the violation by the 38439
persons who violated division ~~(B)~~(A) of section ~~2913.04~~2913.08 38440
or division (A) or (B) of section 2913.041 of the Revised Code, 38441
as established by a preponderance of the evidence by the owner 38442
or operator of the cable service, cable system, cable television 38443
system, or other similar closed circuit coaxial cable 38444
communications system who is aggrieved by the violation; 38445

(b) The gross revenue derived from the violation by the 38446
persons who violated division ~~(B)~~(A) of section ~~2913.04~~2913.08 38447
or division (A) or (B) of section 2913.041 of the Revised Code, 38448
as established by a preponderance of the evidence by the owner 38449
or operator of the cable service, cable system, cable television 38450
system, or other similar closed circuit coaxial cable 38451
communications system who is aggrieved by the violation, minus 38452
deductible expenses and other elements of profit that are not 38453
attributable to the violation of division ~~(B)~~(A) of section 38454
~~2913.04~~2913.08 or division (A) or (B) of section 2913.041 of 38455
the Revised Code, as established by a preponderance of the 38456
evidence by the persons who violated either or both of those 38457
divisions. 38458

(B) (1) An owner or operator of a cable service, cable 38459
system, cable television system, or other similar closed circuit 38460
coaxial cable communications system who is aggrieved by conduct 38461
that is prohibited by division ~~(B)~~(A) of section ~~2913.04~~2913.08 38462
or division (A) or (B) of section 2913.041 of the Revised Code 38463
may elect to commence a civil action for damages in accordance 38464
with division (A) of section 2307.60 or section 2307.61 of the 38465

Revised Code or to commence a civil action under this section in 38466
the appropriate municipal court, county court, or court of 38467
common pleas to recover damages and other specified moneys 38468
described in division (B) (1) (a), (b), or (c) of this section 38469
and, if applicable, damages described in division (B) (2) of this 38470
section from the persons who violated division ~~(B)~~ (A) of section 38471
~~2913.04-2913.08~~ or division (A) or (B) of section 2913.041 of 38472
the Revised Code. If the owner or operator elects to commence a 38473
civil action for damages and other specified moneys under this 38474
section, the owner or operator shall specify in its complaint 38475
which of the following categories of damages and other specified 38476
moneys the owner or operator seeks to recover from the persons 38477
who violated division ~~(B)~~ (A) of section ~~2913.04-2913.08~~ or 38478
division (A) or (B) of section 2913.041 of the Revised Code: 38479

(a) Full compensatory damages, punitive or exemplary 38480
damages if authorized by section 2315.21 of the Revised Code, 38481
and the reasonable attorney's fees, court costs, and other 38482
reasonable expenses incurred in maintaining the civil action 38483
under this section. 38484

(b) Damages equal to the actual loss suffered by the owner 38485
or operator as a proximate result of the conduct that violated 38486
division ~~(B)~~ (A) of section ~~2913.04-2913.08~~ or division (A) or 38487
(B) of section 2913.041 of the Revised Code and, in addition, 38488
damages equal to the profits derived by the persons who violated 38489
one or more of those divisions as a proximate result of the 38490
prohibited conduct. 38491

(c) Regarding a violation of division (A) or (B) of 38492
section 2913.041 of the Revised Code, liquidated damages in an 38493
amount of not less than two hundred fifty dollars and not more 38494
than ten thousand dollars, as determined by the trier of fact, 38495

for each separate violation of division (A) or (B) of section 38496
2913.041 of the Revised Code as described in division (D) of 38497
that section. Division (B) (1) (c) of this section does not apply 38498
regarding a violation of division ~~(B)~~(A) of section ~~2913.04~~ 38499
2913.08 of the Revised Code. 38500

(2) The trier of fact shall determine the amount of any 38501
compensatory damages to be awarded pursuant to division (B) (1) 38502
(a) of this section, and the court shall determine the amount of 38503
any punitive or exemplary damages authorized by section 2315.21 38504
of the Revised Code and the amount of reasonable attorney's 38505
fees, court costs, and other reasonable expenses to be awarded 38506
pursuant to division (B) (1) (a) of this section. The trier of 38507
fact shall determine the amount of damages to be awarded to the 38508
owner or operator under division (B) (1) (b) of this section. 38509

(3) In a civil action under this section, if an owner or 38510
operator of a cable service, cable system, cable television 38511
system, or other similar closed circuit coaxial cable 38512
communications system establishes by a preponderance of the 38513
evidence that the persons who violated division ~~(B)~~(A) of 38514
section ~~2913.04~~2913.08 or division (A) or (B) of section 38515
2913.041 of the Revised Code engaged in the prohibited conduct 38516
for the purpose of direct or indirect commercial advantage or 38517
private financial gain, the trier of fact may award to the owner 38518
or operator damages in an amount not to exceed fifty thousand 38519
dollars in addition to any amount recovered pursuant to division 38520
(B) (1) (a), (b), or (c) of this section, whichever of those 38521
divisions applies to the owner or operator. 38522

(C) A person may join a civil action under this section 38523
with a civil action under Chapter 2737. of the Revised Code to 38524
recover any property of the owner or operator of a cable 38525

service, cable system, cable television system, or other similar 38526
closed circuit coaxial cable communications system that was the 38527
subject of the violation of division ~~(B)~~(A) of section ~~2913.04~~ 38528
2913.08 or division (A) or (B) of section 2913.041 of the 38529
Revised Code. A person may commence a civil action under this 38530
section regardless of whether any person who allegedly violated 38531
one or more of those divisions has pleaded guilty to or has been 38532
convicted of a violation of one or more of those divisions or 38533
has been adjudicated a delinquent child for the commission of 38534
any act that constitutes a violation of one or more of those 38535
divisions. 38536

Sec. 2307.65. (A) The attorney general may bring a civil 38537
action in the Franklin county court of common pleas on behalf of 38538
the department of medicaid, and the prosecuting attorney of the 38539
county in which a violation of division ~~(B)~~(A) of section 38540
~~2913.401~~2913.41 of the Revised Code occurs may bring a civil 38541
action in the court of common pleas of that county on behalf of 38542
the county department of job and family services, against a 38543
person who violates division ~~(B)~~(A) of section ~~2913.401~~2913.41 38544
of the Revised Code for the recovery of the amount of benefits 38545
paid on behalf of a person that either department would not have 38546
paid but for the violation minus any amounts paid in restitution 38547
under division ~~(C)~~~~(2)~~(B)(2) of section ~~2913.401~~2913.41 of the 38548
Revised Code and for reasonable attorney's fees and all other 38549
fees and costs of litigation. 38550

(B) In a civil action brought under division (A) of this 38551
section, if the defendant failed to disclose a transfer of 38552
property in violation of division ~~(B)~~~~(3)~~(A)(3) of section 38553
~~2913.401~~2913.41 of the Revised Code, the court may also grant 38554
any of the following relief to the extent permitted by the 38555
"Social Security Act," section 1917, 42 U.S.C. 1396p: 38556

(1) Avoidance of the transfer of property that was not 38557
disclosed in violation of division ~~(B)~~~~(3)~~(A) (3) of section 38558
~~2913.401~~2913.41 of the Revised Code to the extent of the amount 38559
of benefits the department would not have paid but for the 38560
violation; 38561

(2) An order of attachment or garnishment against the 38562
property in accordance with Chapter 2715. or 2716. of the 38563
Revised Code; 38564

(3) An injunction against any further disposition by the 38565
transferor or transferee, or both, of the property the transfer 38566
of which was not disclosed in violation of division ~~(B)~~~~(3)~~(A) (3) 38567
of section ~~2913.401~~2913.41 of the Revised Code or against the 38568
disposition of other property by the transferor or transferee; 38569

(4) Appointment of a receiver to take charge of the 38570
property transferred or of other property of the transferee; 38571

(5) Any other relief that the court considers just and 38572
equitable. 38573

(C) To the extent permitted by the "Social Security Act," 38574
section 1917, 42 U.S.C. 1396p, the department of medicaid or the 38575
county department of job and family services may enforce a 38576
judgment obtained under this section by levying on property the 38577
transfer of which was not disclosed in violation of division ~~(B)~~ 38578
~~(3)~~(A) (3) of section ~~2913.401~~2913.41 of the Revised Code or on 38579
the proceeds of the transfer of that property in accordance with 38580
Chapter 2329. of the Revised Code. 38581

(D) The remedies provided in divisions (B) and (C) of this 38582
section do not apply if the transferee of the property the 38583
transfer of which was not disclosed in violation of division ~~(B)~~ 38584
~~(3)~~(A) (3) of section ~~2913.401~~2913.41 of the Revised Code 38585

acquired the property in good faith and for fair market value. 38586

(E) The remedies provided in this section are not 38587
exclusive and do not preclude the use of any other criminal or 38588
civil remedy for any act that is in violation of section 38589
~~2913.401~~2913.41 of the Revised Code. 38590

(F) Amounts of medicaid services paid and recovered in an 38591
action brought under this section shall be credited to the 38592
general revenue fund, and any applicable federal share shall be 38593
returned to the appropriate agency or department of the United 38594
States. 38595

Sec. 2307.67. (A) As used in this section: 38596

(1) "Compensation" means money, thing of value, or 38597
financial benefit. "Compensation" does not include bail, fines, 38598
or court costs. 38599

(2) "Critical infrastructure facility" has the same 38600
meaning as in section ~~2911.21~~2911.011 of the Revised Code. 38601

(3) "Organization" has the same meaning as in section 38602
2901.23 of the Revised Code. 38603

(B) An owner or operator of a critical infrastructure 38604
facility may elect to commence a civil action under division (A) 38605
of section 2307.60 or section 2307.61 of the Revised Code or 38606
under this section against any person who willfully causes 38607
damage to the critical infrastructure facility. The plaintiff 38608
may recover compensatory damages equal to the replacement value 38609
of the property that was damaged. The plaintiff also may recover 38610
reasonable attorney's fees, court costs, and other reasonable 38611
expenses incurred in maintaining the civil action under this 38612
section. 38613

(C) A person or organization may only be held vicariously liable for a judgment the plaintiff obtains against the person who damaged the critical infrastructure facility if the person or organization did either of the following:

(1) Directed, authorized, facilitated, or encouraged the person to cause damage to the critical infrastructure facility;

(2) Provided compensation to the person for damaging the critical infrastructure facility.

(D) In a civil action to recover damages under this section, the trier of fact may determine that the defendant willfully caused damage to the critical infrastructure facility, regardless of whether the defendant has been charged with any related criminal offense, has pleaded guilty to or been convicted of a criminal offense, or has been adjudicated a delinquent child in connection with the property damage.

(E) This section does not affect any criminal prosecution or any action to obtain a delinquent child adjudication in connection with the property damage.

Sec. 2308.04. (A) A person is guilty of criminal mischief in violation of division (A) (1), (A) (2), or (C) (6) of section ~~2909.07~~-2909.05 of the Revised Code if all of the following apply:

(1) The person knowingly and with purpose to diminish the value or enjoyment of the residential real property moves, defaces, damages, destroys, or otherwise improperly tampers with the person's own residential real property.

(2) The residential real property is subject to a mortgage.

(3) The person has been served with a summons and 38642
complaint in a pending residential mortgage loan foreclosure 38643
action relating to that residential real property. 38644

(B) As used in this section, "pending" includes the time 38645
between the filing of the foreclosure action and confirmation of 38646
sale. 38647

Sec. 2710.05. (A) There is no privilege under section 38648
2710.03 of the Revised Code for a mediation communication to 38649
which any of the following applies: 38650

(1) The mediation communication is contained in a written 38651
agreement evidenced by a record signed by all parties to the 38652
agreement. 38653

(2) The mediation communication is available to the public 38654
under section 149.43 of the Revised Code or made during a 38655
session of a mediation that is open, or is required by law to be 38656
open, to the public; 38657

(3) The mediation communication is an imminent threat or 38658
statement of a plan to inflict bodily injury or commit a crime 38659
of violence. 38660

(4) The mediation communication is intentionally used to 38661
plan, attempt to commit, or commit a crime or to conceal an 38662
ongoing crime or ongoing criminal activity. 38663

(5) The mediation communication is sought or offered to 38664
prove or disprove a claim or complaint of professional 38665
misconduct or malpractice filed against a mediator. 38666

(6) Except as otherwise provided in division (C) of this 38667
section, the mediation communication is sought or offered to 38668
prove or disprove a claim or complaint of professional 38669

misconduct or malpractice filed against a mediation party, 38670
nonparty participant, or representative of a party based on 38671
conduct occurring during a mediation. 38672

(7) Except as provided in sections 2317.02 and 3109.052 of 38673
the Revised Code, the mediation communication is sought or 38674
offered to prove or disprove abuse, neglect, abandonment, or 38675
exploitation in a proceeding in which a child or adult 38676
protective services agency is a party, unless the case is 38677
referred by a court to mediation and a public agency 38678
participates. 38679

(8) The mediation communication is required to be 38680
disclosed pursuant to section ~~2921.22~~2921.27 or 2921.28 of the 38681
Revised Code. 38682

(9) The mediation communication is sought in connection 38683
with or offered in any criminal proceeding involving a felony, a 38684
delinquent child proceeding based on what would be a felony if 38685
committed by an adult, or a proceeding initiated by the state or 38686
a child protection agency in which it is alleged that a child is 38687
an abused, neglected, or dependent child. 38688

(B) There is no privilege under section 2710.03 of the 38689
Revised Code if a court, administrative agency, or arbitrator 38690
finds, after a hearing in camera, that the party seeking 38691
discovery or the proponent of the evidence has shown that the 38692
evidence is not otherwise available, that the disclosure is 38693
necessary in the particular case to prevent a manifest 38694
injustice, and that the mediation communication is sought or 38695
offered in either of the following: 38696

(1) A court proceeding involving a misdemeanor; 38697

(2) Except as otherwise provided in division (C) of this 38698

section, a proceeding to prove a claim to rescind or reform or a defense to avoid liability on a contract arising out of the mediation.

(C) A mediator may not be compelled to provide evidence of a mediation communication referred to in division (A) (6) or (B) (2) of this section.

(D) If a mediation communication is not privileged under division (A) or (B) of this section, only the portion of the communication necessary for the application of the exception from nondisclosure may be admitted. Admission of evidence under division (A) or (B) of this section does not render the evidence, or any other mediation communication, discoverable or admissible for any other purpose.

Sec. 2743.62. (A) (1) Subject to division (A) (2) of this section, there is no privilege, except the privileges arising from the attorney-client relationship, as to communications or records that are relevant to the physical, mental, or emotional condition of the claimant or victim in a proceeding under sections 2743.51 to 2743.72 of the Revised Code in which that condition is an element.

(2) (a) Except as specified in division (A) (2) (b) of this section, any record or report that the court of claims or the attorney general has obtained prior to, or obtains on or after, June 30, 1998, under the provisions of sections 2743.51 to 2743.72 of the Revised Code and that is confidential or otherwise exempt from public disclosure under section 149.43 of the Revised Code while in the possession of the creator of the record or report shall remain confidential or exempt from public disclosure under section 149.43 of the Revised Code while in the possession of the court of claims or the attorney general.

(b) Notwithstanding division (A) (2) (a) of this section, a judge of the court of claims, a magistrate, a claimant, a claimant's attorney, or the attorney general may disclose or refer to records or reports described in that division in any hearing conducted under sections 2743.51 to 2743.72 of the Revised Code or in the judge's, magistrate's, claimant's, or attorney general's written pleadings, findings, recommendations, and decisions.

(B) If the mental, physical, or emotional condition of a victim or claimant is material to a claim for an award of reparations, the attorney general or the court of claims may order the victim or claimant to submit to a mental or physical examination and may order an autopsy of a deceased victim. The order may be made for good cause shown and upon notice to the person to be examined and to the claimant. The order shall specify the time, place, manner, conditions, and scope of the examination or autopsy and the person by whom it is to be made. In the case of a mental examination, the person specified may be a physician or psychologist. In the case of a physical examination, the person specified may be a physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife. In the case of an autopsy, the person specified must be a physician. The order shall require the person who performs the examination or autopsy to file with the attorney general a detailed written report of the examination or autopsy. The report shall set out the findings, including the results of all tests made, diagnoses, prognoses, and other conclusions and reports of earlier examinations of the same conditions.

(C) On request of the person examined, the attorney general shall furnish the person a copy of the report. If the

victim is deceased, the attorney general, on request, shall 38760
furnish the claimant a copy of the report. 38761

(D) The attorney general or the court of claims may 38762
require the claimant to supplement the application for an award 38763
of reparations with any reasonably available medical or 38764
psychological reports relating to the injury for which the award 38765
of reparations is claimed. 38766

(E) The attorney general or the court of claims, in a 38767
claim arising out of a violation of any provision of sections 38768
~~2907.02-2907.011~~ to 2907.07 of the Revised Code, shall not 38769
request the victim or the claimant to supply, or permit any 38770
person to supply, any evidence of specific instances of the 38771
victim's sexual activity, opinion evidence of the victim's 38772
sexual activity, or reputation evidence of the victim's sexual 38773
activity unless it involves evidence of the origin of semen, 38774
pregnancy, or disease or evidence of the victim's past sexual 38775
activity with the offender and only to the extent that the court 38776
of claims or the attorney general finds that the evidence is 38777
relevant to a fact at issue in the claim. 38778

Sec. 2901.011. The amendments to sections 109.42, 121.22, 38779
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 38780
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 38781
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 38782
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 38783
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 38784
2967.03, 2967.13, ~~2967.19~~, 2967.191, 2967.193, 2967.26, 2967.28, 38785
2971.03, 3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 and to 38786
former section 2967.19 and the enactment of sections 2901.011, 38787
2929.144, 2967.271, and 5120.038 of the Revised Code by S.B. 201 38788
of the 132nd general assembly constitute the Reagan Tokes Law. 38789

Sec. 2901.07. (A) As used in this section:	38790
(1) "DNA analysis" and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code.	38791 38792
(2) "Jail" and "community-based correctional facility" have the same meanings as in section 2929.01 of the Revised Code.	38793 38794 38795
(3) "Post-release control" has the same meaning as in section 2967.01 of the Revised Code.	38796 38797
(4) "Head of the arresting law enforcement agency" means whichever of the following is applicable regarding the arrest in question:	38798 38799 38800
(a) If the arrest was made by a sheriff or a deputy sheriff, the sheriff who made the arrest or who employs the deputy sheriff who made the arrest;	38801 38802 38803
(b) If the arrest was made by a law enforcement officer of a law enforcement agency of a municipal corporation, the chief of police, marshal, or other chief law enforcement officer of the agency that employs the officer who made the arrest;	38804 38805 38806 38807
(c) If the arrest was made by a constable or a law enforcement officer of a township police department or police district police force, the constable who made the arrest or the chief law enforcement officer of the department or agency that employs the officer who made the arrest;	38808 38809 38810 38811 38812
(d) If the arrest was made by the superintendent or a trooper of the state highway patrol, the superintendent of the state highway patrol;	38813 38814 38815
(e) If the arrest was made by a law enforcement officer not identified in division (A) (4) (a), (b), (c), or (d) of this	38816 38817

section, the chief law enforcement officer of the law 38818
enforcement agency that employs the officer who made the arrest. 38819

(5) "Detention facility" has the same meaning as in 38820
section 2921.01 of the Revised Code. 38821

(B) (1) (a) On and after July 1, 2011, a person who is 38822
eighteen years of age or older and who is arrested on or after 38823
July 1, 2011, for a felony offense shall submit to a DNA 38824
specimen collection procedure administered by the head of the 38825
arresting law enforcement agency. The head of the arresting law 38826
enforcement agency shall cause the DNA specimen to be collected 38827
from the person during the intake process at the jail, 38828
community-based correctional facility, detention facility, or 38829
law enforcement agency office or station to which the arrested 38830
person is taken after the arrest. The head of the arresting law 38831
enforcement agency shall cause the DNA specimen to be collected 38832
in accordance with division (C) of this section. 38833

(b) If a person who is charged with a felony on or after 38834
July 1, 2011, has not been arrested and first appears before a 38835
court or magistrate in response to a summons, or if the head of 38836
the arresting law enforcement agency has not administered a DNA 38837
specimen collection procedure upon the person arrested for a 38838
felony in accordance with division (B) (1) (a) of this section by 38839
the time of the arraignment or first appearance of the person, 38840
the court shall order the person to appear before the sheriff or 38841
chief of police of the county or municipal corporation within 38842
twenty-four hours to submit to a DNA specimen collection 38843
procedure administered by the sheriff or chief of police. The 38844
sheriff or chief of police shall cause the DNA specimen to be 38845
collected from the person in accordance with division (C) of 38846
this section. 38847

(c) Every court with jurisdiction over a case involving a person with respect to whom division (B) (1) (a) or (b) of this section requires the head of a law enforcement agency or a sheriff or chief of police to administer a DNA specimen collection procedure upon the person shall inquire at the time of the person's sentencing whether or not the person has submitted to a DNA specimen collection procedure pursuant to division (B) (1) (a) or (b) of this section for the original arrest or court appearance upon which the sentence is based. If the person has not submitted to a DNA specimen collection procedure for the original arrest or court appearance upon which the sentence is based, the court shall order the person to appear before the sheriff or chief of police of the county or municipal corporation within twenty-four hours to submit to a DNA specimen collection procedure administered by the sheriff or chief of police. The sheriff or chief of police shall cause the DNA specimen to be collected in accordance with division (C) of this section.

(d) If a person is in the custody of a law enforcement agency or a detention facility, if the chief law enforcement officer or chief administrative officer of the detention facility discovers that a warrant has been issued or a bill of information has been filed alleging the person to have committed an offense other than the offense for which the person is in custody, and if the other alleged offense is one for which a DNA specimen is to be collected from the person pursuant to division (B) (1) (a) or (b) of this section, the chief law enforcement officer or chief administrative officer shall cause a DNA specimen to be collected from the person in accordance with division (C) of this section.

(2) Regardless of when the conviction occurred or the

guilty plea was entered, a person who has been convicted of, is 38879
convicted of, has pleaded guilty to, or pleads guilty to a 38880
felony offense, who is sentenced to a prison term or to a 38881
community residential sanction in a jail or community-based 38882
correctional facility for that offense pursuant to section 38883
2929.16 of the Revised Code, and who does not provide a DNA 38884
specimen pursuant to division (B)(1) of this section, and a 38885
person who has been convicted of, is convicted of, has pleaded 38886
guilty to, or pleads guilty to a misdemeanor offense listed in 38887
division (D) of this section, who is sentenced to a term of 38888
imprisonment for that offense, and who does not provide a DNA 38889
specimen pursuant to division (B)(1) of this section, shall 38890
submit to a DNA specimen collection procedure administered by 38891
the director of rehabilitation and correction or the chief 38892
administrative officer of the jail or other detention facility 38893
in which the person is serving the term of imprisonment. If the 38894
person serves the prison term in a state correctional 38895
institution, the director of rehabilitation and correction shall 38896
cause the DNA specimen to be collected from the person during 38897
the intake process at the reception facility designated by the 38898
director. If the person serves the community residential 38899
sanction or term of imprisonment in a jail, a community-based 38900
correctional facility, or another county, multicounty, 38901
municipal, municipal-county, or multicounty-municipal detention 38902
facility, the chief administrative officer of the jail, 38903
community-based correctional facility, or detention facility 38904
shall cause the DNA specimen to be collected from the person 38905
during the intake process at the jail, community-based 38906
correctional facility, or detention facility. The DNA specimen 38907
shall be collected in accordance with division (C) of this 38908
section. 38909

(3) Regardless of when the conviction occurred or the guilty plea was entered, if a person has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to a felony offense or a misdemeanor offense listed in division (D) of this section, is serving a prison term, community residential sanction, or term of imprisonment for that offense, and does not provide a DNA specimen pursuant to division (B)(1) or (2) of this section, prior to the person's release from the prison term, community residential sanction, or imprisonment, the person shall submit to, and the director of rehabilitation and correction or the chief administrative officer of the jail, community-based correctional facility, or detention facility in which the person is serving the prison term, community residential sanction, or term of imprisonment shall administer, a DNA specimen collection procedure at the state correctional institution, jail, community-based correctional facility, or detention facility in which the person is serving the prison term, community residential sanction, or term of imprisonment. The DNA specimen shall be collected in accordance with division (C) of this section.

(4) (a) Regardless of when the conviction occurred or the guilty plea was entered, if a person has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to a felony offense or a misdemeanor offense listed in division (D) of this section and the person is on probation, released on parole, under transitional control, on community control, on post-release control, or under any other type of supervised release under the supervision of a probation department or the adult parole authority for that offense, and did not provide a DNA specimen pursuant to division (B)(1), (2), or (3) of this section, the person shall submit to a DNA specimen collection

procedure administered by the chief administrative officer of 38941
the probation department or the adult parole authority. The DNA 38942
specimen shall be collected in accordance with division (C) of 38943
this section. If the person refuses to submit to a DNA specimen 38944
collection procedure as provided in this division, the person 38945
may be subject to the provisions of section 2967.15 of the 38946
Revised Code. 38947

(b) If a person to whom division (B) (4) (a) of this section 38948
applies is sent to jail or is returned to a jail, community- 38949
based correctional facility, or state correctional institution 38950
for a violation of the terms and conditions of the probation, 38951
parole, transitional control, other release, or post-release 38952
control, if the person was or will be serving a term of 38953
imprisonment, prison term, or community residential sanction for 38954
committing a felony offense or for committing a misdemeanor 38955
offense listed in division (D) of this section, and if the 38956
person did not provide a DNA specimen pursuant to division (B) 38957
(1), (2), (3), or (4) (a) of this section, the person shall 38958
submit to, and the director of rehabilitation and correction or 38959
the chief administrative officer of the jail or community-based 38960
correctional facility shall administer, a DNA specimen 38961
collection procedure at the jail, community-based correctional 38962
facility, or state correctional institution in which the person 38963
is serving the term of imprisonment, prison term, or community 38964
residential sanction. The DNA specimen shall be collected from 38965
the person in accordance with division (C) of this section. 38966

(5) Regardless of when the conviction occurred or the 38967
guilty plea was entered, if a person has been convicted of, is 38968
convicted of, has pleaded guilty to, or pleads guilty to a 38969
felony offense or a misdemeanor offense listed in division (D) 38970
of this section, the person is not sentenced to a prison term, a 38971

community residential sanction in a jail or community-based 38972
correctional facility, a term of imprisonment, or any type of 38973
supervised release under the supervision of a probation 38974
department or the adult parole authority, and the person does 38975
not provide a DNA specimen pursuant to division (B) (1), (2), 38976
(3), (4) (a), or (4) (b) of this section, the sentencing court 38977
shall order the person to report to the county probation 38978
department immediately after sentencing to submit to a DNA 38979
specimen collection procedure administered by the chief 38980
administrative officer of the county probation office. If the 38981
person is incarcerated at the time of sentencing, the person 38982
shall submit to a DNA specimen collection procedure administered 38983
by the director of rehabilitation and correction or the chief 38984
administrative officer of the jail or other detention facility 38985
in which the person is incarcerated. The DNA specimen shall be 38986
collected in accordance with division (C) of this section. 38987

(C) If the DNA specimen is collected by withdrawing blood 38988
from the person or a similarly invasive procedure, a physician, 38989
registered nurse, licensed practical nurse, duly licensed 38990
clinical laboratory technician, or other qualified medical 38991
practitioner shall collect in a medically approved manner the 38992
DNA specimen required to be collected pursuant to division (B) 38993
of this section. If the DNA specimen is collected by swabbing 38994
for buccal cells or a similarly noninvasive procedure, this 38995
section does not require that the DNA specimen be collected by a 38996
qualified medical practitioner of that nature. No later than 38997
fifteen days after the date of the collection of the DNA 38998
specimen, the head of the arresting law enforcement agency, the 38999
sheriff or chief of police, the chief law enforcement officer, 39000
or the chief administrative officer of the detention facility 39001
regarding a DNA specimen taken pursuant to division (B) (1) of 39002

this section, the director of rehabilitation and correction or 39003
the chief administrative officer of the detention facility 39004
regarding a DNA specimen taken pursuant to division (B) (2), (3), 39005
or (4) (b) of this section, the chief administrative officer of 39006
the probation department or the adult parole authority regarding 39007
a DNA specimen taken pursuant to division (B) (4) (a) of this 39008
section, or the chief administrative officer of the county 39009
probation office, the director of rehabilitation and correction, 39010
or the chief administrative officer of the detention facility 39011
regarding a DNA specimen taken pursuant to division (B) (5) of 39012
this section, whichever is applicable, shall cause the DNA 39013
specimen to be forwarded to the bureau of criminal 39014
identification and investigation in accordance with procedures 39015
established by the superintendent of the bureau under division 39016
(H) of section 109.573 of the Revised Code. The bureau shall 39017
provide the specimen vials, mailing tubes, labels, postage, and 39018
instructions needed for the collection and forwarding of the DNA 39019
specimen to the bureau. 39020

(D) The DNA specimen collection duty set forth in division 39021
(B) (1) of this section applies to any person who is eighteen 39022
years of age or older and who on or after July 1, 2011, is 39023
arrested for or charged with any felony offense or is in any 39024
other circumstance described in that division. The DNA specimen 39025
collection duties set forth in divisions (B) (2), (3), (4) (a), 39026
(4) (b), and (5) of this section apply to any person who has been 39027
convicted of, is convicted of, has pleaded guilty to, or pleads 39028
guilty to any felony offense or any of the following misdemeanor 39029
offenses: 39030

(1) A misdemeanor violation, an attempt to commit a 39031
misdemeanor violation, or complicity in committing a misdemeanor 39032
violation of section 2907.04 of the Revised Code; 39033

(2) A misdemeanor violation of any law that arose out of 39034
the same facts and circumstances and same act as did a charge 39035
against the person of a violation of section 2903.01, 2903.02, 39036
2905.01, 2907.011, 2907.02, 2907.03, 2907.04, 2907.05, or 39037
~~2911.11~~2911.03 of the Revised Code that previously was 39038
dismissed or amended or as did a charge against the person of a 39039
violation of section 2907.12 of the Revised Code as it existed 39040
prior to September 3, 1996, that previously was dismissed or 39041
amended; 39042

(3) A misdemeanor violation of section 2919.23 of the 39043
Revised Code that would have been a violation of section 2905.04 39044
of the Revised Code as it existed prior to July 1, 1996, had it 39045
been committed prior to that date; 39046

(4) A sexually oriented offense or a child-victim oriented 39047
offense, both as defined in section 2950.01 of the Revised Code, 39048
that is a misdemeanor, if, in relation to that offense, the 39049
offender is a tier III sex offender/child-victim offender, as 39050
defined in section 2950.01 of the Revised Code. 39051

(E) The director of rehabilitation and correction may 39052
prescribe rules in accordance with Chapter 119. of the Revised 39053
Code to collect a DNA specimen, as provided in this section, 39054
from an offender whose supervision is transferred from another 39055
state to this state in accordance with the interstate compact 39056
for adult offender supervision described in section 5149.21 of 39057
the Revised Code. 39058

Sec. 2901.13. (A) (1) Except as provided in division (A) 39059
(2), (3), or (4) of this section or as otherwise provided in 39060
this section, a prosecution shall be barred unless it is 39061
commenced within the following periods after an offense is 39062
committed: 39063

(a) For a felony, six years;	39064
(b) For a misdemeanor other than a minor misdemeanor, two years;	39065 39066
(c) For a minor misdemeanor, six months.	39067
(2) There is no period of limitation for the prosecution of a violation of section 2903.01 or 2903.02 of the Revised Code.	39068 39069 39070
(3) Except as otherwise provided in divisions (B) to (J) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed:	39071 39072 39073 39074
(a) A violation of section 2903.03, 2903.04, 2905.01, 2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29 , 2911.01, 2911.02, 2911.11, 2911.12, 2911.03, 2911.04 , or 2917.02 of the Revised Code, <u>a violation of division (B) of section 2909.22 of the Revised Code</u> , a violation of section 2903.11 or 2903.12 of the Revised Code if the victim is a peace officer, a violation of section 2903.13 of the Revised Code that is a felony, or a violation of former section 2907.12 of the Revised Code;	39075 39076 39077 39078 39079 39080 39081 39082 39083
(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A) (3) (a) of this section.	39084 39085 39086
(4) Except as otherwise provided in divisions (D) to (L) of this section, a prosecution of a violation of section <u>2907.011</u> , 2907.02, or 2907.03 of the Revised Code or a conspiracy to commit, attempt to commit, or complicity in committing a violation of either section shall be barred unless it is commenced within twenty-five years after the offense is	39087 39088 39089 39090 39091 39092

committed. 39093

(B) (1) Except as otherwise provided in division (B) (2) of 39094
this section, if the period of limitation provided in division 39095
(A) (1) or (3) of this section has expired, prosecution shall be 39096
commenced for an offense of which an element is fraud or breach 39097
of a fiduciary duty, within one year after discovery of the 39098
offense either by an aggrieved person, or by the aggrieved 39099
person's legal representative who is not a party to the offense. 39100

(2) If the period of limitation provided in division (A) 39101
(1) or (3) of this section has expired, prosecution for a 39102
violation of section 2913.49 of the Revised Code shall be 39103
commenced within five years after discovery of the offense 39104
either by an aggrieved person or the aggrieved person's legal 39105
representative who is not a party to the offense. 39106

(C) (1) If the period of limitation provided in division 39107
(A) (1) or (3) of this section has expired, prosecution shall be 39108
commenced for the following offenses during the following 39109
specified periods of time: 39110

(a) For an offense involving misconduct in office by a 39111
public servant, at any time while the accused remains a public 39112
servant, or within two years thereafter; 39113

(b) For an offense by a person who is not a public servant 39114
but whose offense is directly related to the misconduct in 39115
office of a public servant, at any time while that public 39116
servant remains a public servant, or within two years 39117
thereafter. 39118

(2) As used in this division: 39119

(a) An "offense is directly related to the misconduct in 39120
office of a public servant" includes, but is not limited to, a 39121

violation of section 101.71, 101.91, 121.61 or 2921.13, division 39122
(F) or (H) of section 102.03, division (A) of section 2921.02, 39123
division (A) or (B) of section 2921.43, or division (F) or (G) 39124
of section 3517.13 of the Revised Code, that is directly related 39125
to an offense involving misconduct in office of a public 39126
servant. 39127

(b) "Public servant" has the same meaning as in section 39128
2921.01 of the Revised Code. 39129

(D)(1) If a DNA record made in connection with the 39130
criminal investigation of the commission of a violation of 39131
section 2907.011, 2907.02, or 2907.03 of the Revised Code is 39132
determined to match another DNA record that is of an 39133
identifiable person and if the time of the determination is 39134
later than twenty-five years after the offense is committed, 39135
prosecution of that person for a violation of the section may be 39136
commenced within five years after the determination is complete. 39137

(2) If a DNA record made in connection with the criminal 39138
investigation of the commission of a violation of section 39139
2907.011, 2907.02, or 2907.03 of the Revised Code is determined 39140
to match another DNA record that is of an identifiable person 39141
and if the time of the determination is within twenty-five years 39142
after the offense is committed, prosecution of that person for a 39143
violation of the section may be commenced within the longer of 39144
twenty-five years after the offense is committed or five years 39145
after the determination is complete. 39146

(3) As used in this division, "DNA record" has the same 39147
meaning as in section 109.573 of the Revised Code. 39148

(E) An offense is committed when every element of the 39149
offense occurs. In the case of an offense of which an element is 39150

a continuing course of conduct, the period of limitation does 39151
not begin to run until such course of conduct or the accused's 39152
accountability for it terminates, whichever occurs first. 39153

(F) A prosecution is commenced on the date an indictment 39154
is returned or an information filed, or on the date a lawful 39155
arrest without a warrant is made, or on the date a warrant, 39156
summons, citation, or other process is issued, whichever occurs 39157
first. A prosecution is not commenced by the return of an 39158
indictment or the filing of an information unless reasonable 39159
diligence is exercised to issue and execute process on the same. 39160
A prosecution is not commenced upon issuance of a warrant, 39161
summons, citation, or other process, unless reasonable diligence 39162
is exercised to execute the same. 39163

(G) The period of limitation shall not run during any time 39164
when the corpus delicti remains undiscovered. 39165

(H) The period of limitation shall not run during any time 39166
when the accused purposely avoids prosecution. Proof that the 39167
accused departed this state or concealed the accused's identity 39168
or whereabouts is prima-facie evidence of the accused's purpose 39169
to avoid prosecution. 39170

(I) The period of limitation shall not run during any time 39171
a prosecution against the accused based on the same conduct is 39172
pending in this state, even though the indictment, information, 39173
or process that commenced the prosecution is quashed or the 39174
proceedings on the indictment, information, or process are set 39175
aside or reversed on appeal. 39176

(J) The period of limitation for a violation of any 39177
provision of Title XXIX of the Revised Code that involves a 39178
physical or mental wound, injury, disability, or condition of a 39179

nature that reasonably indicates abuse or neglect of a child 39180
under eighteen years of age or of a child with a developmental 39181
disability or physical impairment under twenty-one years of age 39182
shall not begin to run until either of the following occurs: 39183

(1) The victim of the offense reaches the age of majority. 39184

(2) A public children services agency, or a municipal or 39185
county peace officer that is not the parent or guardian of the 39186
child, in the county in which the child resides or in which the 39187
abuse or neglect is occurring or has occurred has been notified 39188
that abuse or neglect is known, suspected, or believed to have 39189
occurred. 39190

(K) As used in this section, "peace officer" has the same 39191
meaning as in section 2935.01 of the Revised Code. 39192

(L) The amendments to divisions (A) and (D) of this 39193
section apply to a violation of section 2907.011, 2907.02, or 39194
2907.03 of the Revised Code committed on and after July 16, 39195
2015, and apply to a violation of either of those sections 39196
committed prior to July 16, 2015, if prosecution for that 39197
violation was not barred under this section as it existed on the 39198
day prior to July 16, 2015. 39199

Sec. 2903.01. (A) No person shall purposely, and with 39200
prior calculation and design, cause the death of another or the 39201
unlawful termination of another's pregnancy. 39202

(B) No person shall purposely cause the death of another 39203
or the unlawful termination of another's pregnancy while 39204
committing or attempting to commit, or while fleeing immediately 39205
after committing or attempting to commit, kidnapping, rape, 39206
aggravated arson, arson, aggravated robbery, robbery, aggravated 39207
burglary, burglary, trespass in a habitation ~~when a person is~~ 39208

~~present or likely to be present~~, terrorism, or escape. 39209

(C) No person shall purposely cause the death of another 39210
who is under thirteen years of age at the time of the commission 39211
of the offense. 39212

(D) No person who is under detention as a result of having 39213
been found guilty of or having pleaded guilty to a felony or who 39214
breaks that detention shall purposely cause the death of 39215
another. 39216

(E) No person shall purposely cause the death of a law 39217
enforcement officer whom the offender knows or has reasonable 39218
cause to know is a law enforcement officer when either of the 39219
following applies: 39220

(1) The victim, at the time of the commission of the 39221
offense, is engaged in the victim's duties. 39222

(2) It is the offender's specific purpose to kill a law 39223
enforcement officer. 39224

(F) No person shall purposely cause the death of a first 39225
responder or military member whom the offender knows or has 39226
reasonable cause to know is a first responder or military member 39227
when it is the offender's specific purpose to kill a first 39228
responder or military member. 39229

(G) Whoever violates this section is guilty of aggravated 39230
murder, and shall be punished as provided in section 2929.02 of 39231
the Revised Code. 39232

(H) As used in this section: 39233

(1) "Detention" has the same meaning as in section 2921.01 39234
of the Revised Code. 39235

(2) "Law enforcement officer" has the same meaning as in section ~~2911.01~~2911.011 of the Revised Code and also includes any federal law enforcement officer as defined in division (J) of section ~~2921.51~~2921.01 of the Revised Code and anyone who has previously served as a law enforcement officer or federal law enforcement officer.

(3) "First responder" means an emergency medical service provider, a firefighter, or any other emergency response personnel, or anyone who has previously served as a first responder.

(4) "Military member" means a member of the armed forces of the United States, reserves, or Ohio national guard, a participant in ROTC, JROTC, or any similar military training program, or anyone who has previously served in the military.

Sec. 2903.11. (A) No person shall knowingly do either of the following:

(1) Cause serious physical harm to another or to another's unborn;

(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.

(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following:

(1) Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct;

(2) Engage in sexual conduct with a person whom the 39264
offender knows or has reasonable cause to believe lacks the 39265
mental capacity to appreciate the significance of the knowledge 39266
that the offender has tested positive as a carrier of a virus 39267
that causes acquired immunodeficiency syndrome; 39268

(3) Engage in sexual conduct with a person under eighteen 39269
years of age who is not the spouse of the offender. 39270

(C) The prosecution of a person under this section does 39271
not preclude prosecution of that person under section 2907.02 of 39272
the Revised Code. 39273

(D) (1) (a) Whoever violates this section is guilty of 39274
felonious assault. Except as otherwise provided in this division 39275
or division (D) (1) (b) of this section, felonious assault is a 39276
felony of the second degree. If the victim of a violation of 39277
division (A) of this section is a peace officer or an 39278
investigator of the bureau of criminal identification and 39279
investigation, felonious assault is a felony of the first 39280
degree. 39281

(b) Regardless of whether the felonious assault is a 39282
felony of the first or second degree under division (D) (1) (a) of 39283
this section, if the offender also is convicted of or pleads 39284
guilty to a specification as described in section 2941.1423 of 39285
the Revised Code that was included in the indictment, count in 39286
the indictment, or information charging the offense, except as 39287
otherwise provided in this division or unless a longer prison 39288
term is required under any other provision of law, the court 39289
shall sentence the offender to a mandatory prison term as 39290
provided in division (B) (8) of section 2929.14 of the Revised 39291
Code. If the victim of the offense is a peace officer or an 39292
investigator of the bureau of criminal identification and 39293

investigation, and if the victim suffered serious physical harm 39294
as a result of the commission of the offense, felonious assault 39295
is a felony of the first degree, and the court, pursuant to 39296
division (F) of section 2929.13 of the Revised Code, shall 39297
impose as a mandatory prison term one of the definite prison 39298
terms prescribed for a felony of the first degree in division 39299
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 39300
the violation is committed on or after ~~the effective date of~~ 39301
~~this amendment~~ March 22, 2019, the court shall impose as the 39302
minimum prison term for the offense a mandatory prison term that 39303
is one of the minimum terms prescribed for a felony of the first 39304
degree in division (A) (1) (a) of section 2929.14 of the Revised 39305
Code. 39306

(2) In addition to any other sanctions imposed pursuant to 39307
division (D) (1) of this section for felonious assault committed 39308
in violation of division (A) (1) or (2) of this section, if the 39309
offender also is convicted of or pleads guilty to a 39310
specification of the type described in section 2941.1425 of the 39311
Revised Code that was included in the indictment, count in the 39312
indictment, or information charging the offense, the court shall 39313
sentence the offender to a mandatory prison term under division 39314
(B) (9) of section 2929.14 of the Revised Code. 39315

(3) If the victim of a felonious assault committed in 39316
violation of division (A) of this section is a child under ten 39317
years of age and if the offender also is convicted of or pleads 39318
guilty to a specification of the type described in section 39319
2941.1426 of the Revised Code that was included in the 39320
indictment, count in the indictment, or information charging the 39321
offense, in addition to any other sanctions imposed pursuant to 39322
division (D) (1) of this section, the court shall sentence the 39323
offender to a mandatory prison term pursuant to division (B) (10) 39324

of section 2929.14 of the Revised Code. 39325

(4) In addition to any other sanctions imposed pursuant to 39326
division (D)(1) of this section for felonious assault committed 39327
in violation of division (A)(2) of this section, if the deadly 39328
weapon used in the commission of the violation is a motor 39329
vehicle, the court shall impose upon the offender a class two 39330
suspension of the offender's driver's license, commercial 39331
driver's license, temporary instruction permit, probationary 39332
license, or nonresident operating privilege as specified in 39333
division (A)(2) of section 4510.02 of the Revised Code. 39334

(E) As used in this section: 39335

(1) "Deadly weapon" and "dangerous ordnance" have the same 39336
meanings as in section 2923.11 of the Revised Code. 39337

(2) "Motor vehicle" has the same meaning as in section 39338
4501.01 of the Revised Code. 39339

(3) "Peace officer" has the same meaning as in section 39340
2935.01 of the Revised Code. 39341

(4) "Sexual conduct" has the same meaning as in section 39342
2907.01 of the Revised Code, except that, as used in this 39343
section, it does not include the insertion of an instrument, 39344
apparatus, or other object that is not a part of the body into 39345
the vaginal or anal opening of another, unless the offender knew 39346
at the time of the insertion that the instrument, apparatus, or 39347
other object carried the offender's bodily fluid. 39348

(5) "Investigator of the bureau of criminal identification 39349
and investigation" means an investigator of the bureau of 39350
criminal identification and investigation who is commissioned by 39351
the superintendent of the bureau as a special agent for the 39352
purpose of assisting law enforcement officers or providing 39353

emergency assistance to peace officers pursuant to authority 39354
granted under section 109.541 of the Revised Code. 39355

(6) "Investigator" has the same meaning as in section 39356
109.541 of the Revised Code. 39357

(F) The provisions of division (D)(2) of this section and 39358
of division ~~(F)(20)~~ (F)(19) of section 2929.13, divisions (B)(9) 39359
and (C)(6) of section 2929.14, and section 2941.1425 of the 39360
Revised Code shall be known as "Judy's Law." 39361

Sec. 2903.211. (A)(1) No person by engaging in a pattern 39362
of conduct shall knowingly cause another person to believe that 39363
the offender will cause physical harm to the other person or a 39364
family or household member of the other person or cause mental 39365
distress to the other person or a family or household member of 39366
the other person. In addition to any other basis for the other 39367
person's belief that the offender will cause physical harm to 39368
the other person or the other person's family or household 39369
member or mental distress to the other person or the other 39370
person's family or household member, the other person's belief 39371
or mental distress may be based on words or conduct of the 39372
offender that are directed at or identify a corporation, 39373
association, or other organization that employs the other person 39374
or to which the other person belongs. 39375

(2) No person, through the use of any form of written 39376
communication or any electronic method of remotely transferring 39377
information, including, but not limited to, any computer, 39378
computer network, computer program, computer system, or 39379
telecommunication device shall post a message or use any 39380
intentionally written or verbal graphic gesture with purpose to 39381
do either of the following: 39382

(a) Violate division (A) (1) of this section;	39383
(b) Urge or incite another to commit a violation of division (A) (1) of this section.	39384 39385
(3) No person, with a sexual motivation, shall violate division (A) (1) or (2) of this section.	39386 39387
(B) Whoever violates this section is guilty of menacing by stalking.	39388 39389
(1) Except as otherwise provided in divisions (B) (2) and (3) of this section, menacing by stalking is a misdemeanor of the first degree.	39390 39391 39392
(2) Menacing by stalking is a felony of the fourth degree if any of the following applies:	39393 39394
(a) The offender previously has been convicted of or pleaded guilty to a violation of this section or a violation of <u>division (B) of section 2911.211 2911.06</u> of the Revised Code.	39395 39396 39397
(b) In committing the offense under division (A) (1), (2), or (3) of this section, the offender made a threat of physical harm to or against the victim, or as a result of an offense committed under division (A) (2) or (3) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.	39398 39399 39400 39401 39402 39403
(c) In committing the offense under division (A) (1), (2), or (3) of this section, the offender trespassed on the land or premises where the victim lives, is employed, or attends school, or as a result of an offense committed under division (A) (2) or (3) of this section, a third person induced by the offender's posted message trespassed on the land or premises where the victim lives, is employed, or attends school.	39404 39405 39406 39407 39408 39409 39410

(d) The victim of the offense is a minor. 39411

(e) The offender has a history of violence toward the 39412
victim or any other person or a history of other violent acts 39413
toward the victim or any other person. 39414

(f) While committing the offense under division (A) (1) of 39415
this section or a violation of division (A) (3) of this section 39416
based on conduct in violation of division (A) (1) of this 39417
section, the offender had a deadly weapon on or about the 39418
offender's person or under the offender's control. Division (B) 39419
(2) (f) of this section does not apply in determining the penalty 39420
for a violation of division (A) (2) of this section or a 39421
violation of division (A) (3) of this section based on conduct in 39422
violation of division (A) (2) of this section. 39423

(g) At the time of the commission of the offense, the 39424
offender was the subject of a protection order issued under 39425
section 2903.213 or 2903.214 of the Revised Code, regardless of 39426
whether the person to be protected under the order is the victim 39427
of the offense or another person. 39428

(h) In committing the offense under division (A) (1), (2), 39429
or (3) of this section, the offender caused serious physical 39430
harm to the premises at which the victim resides, to the real 39431
property on which that premises is located, or to any personal 39432
property located on that premises, or, as a result of an offense 39433
committed under division (A) (2) of this section or an offense 39434
committed under division (A) (3) of this section based on a 39435
violation of division (A) (2) of this section, a third person 39436
induced by the offender's posted message caused serious physical 39437
harm to that premises, that real property, or any personal 39438
property on that premises. 39439

(i) Prior to committing the offense, the offender had been 39440
determined to represent a substantial risk of physical harm to 39441
others as manifested by evidence of then-recent homicidal or 39442
other violent behavior, evidence of then-recent threats that 39443
placed another in reasonable fear of violent behavior and 39444
serious physical harm, or other evidence of then-present 39445
dangerousness. 39446

(3) If the victim of the offense is an officer or employee 39447
of a public children services agency or a private child placing 39448
agency and the offense relates to the officer's or employee's 39449
performance or anticipated performance of official 39450
responsibilities or duties, menacing by stalking is either a 39451
felony of the fifth degree or, if the offender previously has 39452
been convicted of or pleaded guilty to an offense of violence, 39453
the victim of that prior offense was an officer or employee of a 39454
public children services agency or private child placing agency, 39455
and that prior offense related to the officer's or employee's 39456
performance or anticipated performance of official 39457
responsibilities or duties, a felony of the fourth degree. 39458

(C) Section 2919.271 of the Revised Code applies in 39459
relation to a defendant charged with a violation of this 39460
section. 39461

(D) As used in this section: 39462

(1) "Pattern of conduct" means two or more actions or 39463
incidents closely related in time, whether or not there has been 39464
a prior conviction based on any of those actions or incidents, 39465
or two or more actions or incidents closely related in time, 39466
whether or not there has been a prior conviction based on any of 39467
those actions or incidents, directed at one or more persons 39468
employed by or belonging to the same corporation, association, 39469

or other organization. Actions or incidents that prevent, 39470
obstruct, or delay the performance by a public official, 39471
firefighter, rescuer, emergency medical services person, or 39472
emergency facility person of any authorized act within the 39473
public official's, firefighter's, rescuer's, emergency medical 39474
services person's, or emergency facility person's official 39475
capacity, or the posting of messages, use of intentionally 39476
written or verbal graphic gestures, or receipt of information or 39477
data through the use of any form of written communication or an 39478
electronic method of remotely transferring information, 39479
including, but not limited to, a computer, computer network, 39480
computer program, computer system, or telecommunications device, 39481
may constitute a "pattern of conduct." 39482

(2) "Mental distress" means any of the following: 39483

(a) Any mental illness or condition that involves some 39484
temporary substantial incapacity; 39485

(b) Any mental illness or condition that would normally 39486
require psychiatric treatment, psychological treatment, or other 39487
mental health services, whether or not any person requested or 39488
received psychiatric treatment, psychological treatment, or 39489
other mental health services. 39490

(3) "Emergency medical services person" is the singular of 39491
"emergency medical services personnel" as defined in section 39492
2133.21 of the Revised Code. 39493

(4) "Emergency facility person" is the singular of 39494
"emergency facility personnel" as defined in section ~~2909.04~~ 39495
2909.01 of the Revised Code. 39496

(5) "Public official" has the same meaning as in section 39497
2921.01 of the Revised Code. 39498

(6) "Computer," "computer network," "computer program," 39499
"computer system," and "telecommunications device" have the same 39500
meanings as in section 2913.01 of the Revised Code. 39501

(7) "Post a message" means transferring, sending, posting, 39502
publishing, disseminating, or otherwise communicating, or 39503
attempting to transfer, send, post, publish, disseminate, or 39504
otherwise communicate, any message or information, whether 39505
truthful or untruthful, about an individual, and whether done 39506
under one's own name, under the name of another, or while 39507
impersonating another. 39508

(8) "Third person" means, in relation to conduct as 39509
described in division (A) (2) of this section, an individual who 39510
is neither the offender nor the victim of the conduct. 39511

(9) "Sexual motivation" has the same meaning as in section 39512
2971.01 of the Revised Code. 39513

(10) "Organization" includes an entity that is a 39514
governmental employer. 39515

(11) "Family or household member" means any of the 39516
following: 39517

(a) Any of the following who is residing or has resided 39518
with the person against whom the act prohibited in division (A) 39519
(1) of this section is committed: 39520

(i) A spouse, a person living as a spouse, or a former 39521
spouse of the person; 39522

(ii) A parent, a foster parent, or a child of the person, 39523
or another person related by consanguinity or affinity to the 39524
person; 39525

(iii) A parent or a child of a spouse, person living as a 39526

spouse, or former spouse of the person, or another person 39527
related by consanguinity or affinity to a spouse, person living 39528
as a spouse, or former spouse of the person. 39529

(b) The natural parent of any child of whom the person 39530
against whom the act prohibited in division (A) (1) of this 39531
section is committed is the other natural parent or is the 39532
putative other natural parent. 39533

(12) "Person living as a spouse" means a person who is 39534
living or has lived with the person against whom the act 39535
prohibited in division (A) (1) of this section is committed in a 39536
common law marital relationship, who otherwise is cohabiting 39537
with that person, or who otherwise has cohabited with the person 39538
within five years prior to the date of the alleged commission of 39539
the act in question. 39540

(E) The state does not need to prove in a prosecution 39541
under this section that a person requested or received 39542
psychiatric treatment, psychological treatment, or other mental 39543
health services in order to show that the person was caused 39544
mental distress as described in division (D) (2) (b) of this 39545
section. 39546

(F) (1) This section does not apply to a person solely 39547
because the person provided access or connection to or from an 39548
electronic method of remotely transferring information not under 39549
that person's control, including having provided capabilities 39550
that are incidental to providing access or connection to or from 39551
the electronic method of remotely transferring the information, 39552
and that do not include the creation of the content of the 39553
material that is the subject of the access or connection. In 39554
addition, any person providing access or connection to or from 39555
an electronic method of remotely transferring information not 39556

under that person's control shall not be liable for any action 39557
voluntarily taken in good faith to block the receipt or 39558
transmission through its service of any information that it 39559
believes is, or will be sent, in violation of this section. 39560

(2) Division (F)(1) of this section does not create an 39561
affirmative duty for any person providing access or connection 39562
to or from an electronic method of remotely transferring 39563
information not under that person's control to block the receipt 39564
or transmission through its service of any information that it 39565
believes is, or will be sent, in violation of this section 39566
except as otherwise provided by law. 39567

(3) Division (F)(1) of this section does not apply to a 39568
person who conspires with a person actively involved in the 39569
creation or knowing distribution of material in violation of 39570
this section or who knowingly advertises the availability of 39571
material of that nature. 39572

Sec. 2903.212. (A) Except when the complaint involves a 39573
person who is a family or household member as defined in section 39574
2919.25 of the Revised Code, if a person is charged with a 39575
violation of section 2903.21, 2903.211, or 2903.22, or ~~2911.211~~ 39576
division (B) of section 2911.06 of the Revised Code, a violation 39577
of a municipal ordinance that is substantially similar to one of 39578
those sections, or a sexually oriented offense and if the 39579
person, at the time of the alleged violation, was subject to the 39580
terms of any order issued pursuant to section 2903.213, 2933.08, 39581
or 2945.04 of the Revised Code or previously had been convicted 39582
of or pleaded guilty to a violation of section 2903.21, 39583
2903.211, or 2903.22, or ~~2911.211~~ division (B) of section 39584
2911.06 of the Revised Code that involves the same complainant, 39585
a violation of a municipal ordinance that is substantially 39586

similar to one of those sections and that involves the same 39587
complainant, or a sexually oriented offense that involves the 39588
same complainant, the court shall consider all of the following, 39589
in addition to any other circumstances considered by the court 39590
and notwithstanding any provisions to the contrary contained in 39591
Criminal Rule 46, before setting the amount and conditions of 39592
the bail for the person: 39593

(1) Whether the person has a history of violence toward 39594
the complainant or a history of other violent acts; 39595

(2) The mental health of the person; 39596

(3) Whether the person has a history of violating the 39597
orders of any court or governmental entity; 39598

(4) Whether the person is potentially a threat to any 39599
other person; 39600

(5) Whether setting bail at a high level will interfere 39601
with any treatment or counseling that the person is undergoing. 39602

(B) Any court that has jurisdiction over violations of 39603
section 2903.21, 2903.211, or 2903.227, or ~~2911.211~~ division (B) 39604
of section 2911.06 of the Revised Code, violations of a 39605
municipal ordinance that is substantially similar to one of 39606
those sections, or sexually oriented offenses may set a schedule 39607
for bail to be used in cases involving those violations. The 39608
schedule shall require that a judge consider all of the factors 39609
listed in division (A) of this section and may require judges to 39610
set bail at a certain level or impose other reasonable 39611
conditions related to a release on bail or on recognizance if 39612
the history of the alleged offender or the circumstances of the 39613
alleged offense meet certain criteria in the schedule. 39614

(C) As used in this section, "sexually oriented offense" 39615

has the same meaning as in section 2950.01 of the Revised Code. 39616

Sec. 2903.213. (A) Except when the complaint involves a 39617
person who is a family or household member as defined in section 39618
2919.25 of the Revised Code, upon the filing of a complaint that 39619
alleges a violation of section 2903.11, 2903.12, 2903.13, 39620
2903.21, 2903.211, or 2903.22, or ~~2911.211~~ division (B) of 39621
section 2911.06 of the Revised Code, a violation of a municipal 39622
ordinance substantially similar to section 2903.13, 2903.21, 39623
2903.211, or 2903.22, or ~~2911.211~~ division (B) of section 39624
2911.06 of the Revised Code, or the commission of a sexually 39625
oriented offense, the complainant, the alleged victim, or a 39626
family or household member of an alleged victim may file a 39627
motion that requests the issuance of a protection order as a 39628
pretrial condition of release of the alleged offender, in 39629
addition to any bail set under Criminal Rule 46. The motion 39630
shall be filed with the clerk of the court that has jurisdiction 39631
of the case at any time after the filing of the complaint. If 39632
the complaint involves a person who is a family or household 39633
member, the complainant, the alleged victim, or the family or 39634
household member may file a motion for a temporary protection 39635
order pursuant to section 2919.26 of the Revised Code. 39636

(B) A motion for a protection order under this section 39637
shall be prepared on a form that is provided by the clerk of the 39638
court, and the form shall be substantially as follows: 39639

"Motion for Protection Order 39640

_____ 39641

Name and address of court 39642

State of Ohio 39643

v. No. _____ 39644

_____ 39645

Name of Defendant 39646

(Name of person), moves the court to issue a protection order 39647
containing terms designed to ensure the safety and protection of 39648
the complainant or the alleged victim in the above-captioned 39649
case, in relation to the named defendant, pursuant to its 39650
authority to issue a protection order under section 2903.213 of 39651
the Revised Code. 39652

A complaint, a copy of which has been attached to this 39653
motion, has been filed in this court charging the named 39654
defendant with a violation of section 2903.11, 2903.12, 2903.13, 39655
2903.21, 2903.211, or 2903.22, or ~~2911.211~~ division (B) of 39656
section 2911.06 of the Revised Code, a violation of a municipal 39657
ordinance substantially similar to section 2903.13, 2903.21, 39658
2903.211, or 2903.22, or ~~2911.211~~ division (B) of section 39659
2911.06 of the Revised Code, or the commission of a sexually 39660
oriented offense. 39661

I understand that I must appear before the court, at a 39662
time set by the court not later than the next day that the court 39663
is in session after the filing of this motion, for a hearing on 39664
the motion, and that any protection order granted pursuant to 39665
this motion is a pretrial condition of release and is effective 39666
only until the disposition of the criminal proceeding arising 39667
out of the attached complaint or until the issuance under 39668
section 2903.214 of the Revised Code of a protection order 39669
arising out of the same activities as those that were the basis 39670
of the attached complaint. 39671

_____ 39672

Signature of person 39673

39674

Address of person" 39675

(C) (1) As soon as possible after the filing of a motion 39676
that requests the issuance of a protection order under this 39677
section, but not later than the next day that the court is in 39678
session after the filing of the motion, the court shall conduct 39679
a hearing to determine whether to issue the order. The person 39680
who requested the order shall appear before the court and 39681
provide the court with the information that it requests 39682
concerning the basis of the motion. If the court finds that the 39683
safety and protection of the complainant or the alleged victim 39684
may be impaired by the continued presence of the alleged 39685
offender, the court may issue a protection order under this 39686
section, as a pretrial condition of release, that contains terms 39687
designed to ensure the safety and protection of the complainant 39688
or the alleged victim, including a requirement that the alleged 39689
offender refrain from entering the residence, school, business, 39690
or place of employment of the complainant or the alleged victim. 39691
The court may include within a protection order issued under 39692
this section a term requiring that the alleged offender not 39693
remove, damage, hide, harm, or dispose of any companion animal 39694
owned or possessed by the complainant or the alleged victim, and 39695
may include within the order a term authorizing the complainant 39696
or the alleged victim to remove a companion animal owned by the 39697
complainant or the alleged victim from the possession of the 39698
alleged offender. 39699

(2) (a) If the court issues a protection order under this 39700
section that includes a requirement that the alleged offender 39701
refrain from entering the residence, school, business, or place 39702
of employment of the complainant or the alleged victim, the 39703

order shall clearly state that the order cannot be waived or 39704
nullified by an invitation to the alleged offender from the 39705
complainant, the alleged victim, or a family or household member 39706
to enter the residence, school, business, or place of employment 39707
or by the alleged offender's entry into one of those places 39708
otherwise upon the consent of the complainant, the alleged 39709
victim, or a family or household member. 39710

(b) Division (C) (2) (a) of this section does not limit any 39711
discretion of a court to determine that an alleged offender 39712
charged with a violation of section 2919.27 of the Revised Code, 39713
with a violation of a municipal ordinance substantially 39714
equivalent to that section, or with contempt of court, which 39715
charge is based on an alleged violation of a protection order 39716
issued under this section, did not commit the violation or was 39717
not in contempt of court. 39718

(D) (1) Except when the complaint involves a person who is 39719
a family or household member as defined in section 2919.25 of 39720
the Revised Code, upon the filing of a complaint that alleges a 39721
violation specified in division (A) of this section, the court, 39722
upon its own motion, may issue a protection order under this 39723
section as a pretrial condition of release of the alleged 39724
offender if it finds that the safety and protection of the 39725
complainant or the alleged victim may be impaired by the 39726
continued presence of the alleged offender. 39727

(2) If the court issues a protection order under this 39728
section as an ex parte order, it shall conduct, as soon as 39729
possible after the issuance of the order but not later than the 39730
next day that the court is in session after its issuance, a 39731
hearing to determine whether the order should remain in effect, 39732
be modified, or be revoked. The hearing shall be conducted under 39733

the standards set forth in division (C) of this section. 39734

(3) If a municipal court or a county court issues a 39735
protection order under this section and if, subsequent to the 39736
issuance of the order, the alleged offender who is the subject 39737
of the order is bound over to the court of common pleas for 39738
prosecution of a felony arising out of the same activities as 39739
those that were the basis of the complaint upon which the order 39740
is based, notwithstanding the fact that the order was issued by 39741
a municipal court or county court, the order shall remain in 39742
effect, as though it were an order of the court of common pleas, 39743
while the charges against the alleged offender are pending in 39744
the court of common pleas, for the period of time described in 39745
division (E)(2) of this section, and the court of common pleas 39746
has exclusive jurisdiction to modify the order issued by the 39747
municipal court or county court. This division applies when the 39748
alleged offender is bound over to the court of common pleas as a 39749
result of the person waiving a preliminary hearing on the felony 39750
charge, as a result of the municipal court or county court 39751
having determined at a preliminary hearing that there is 39752
probable cause to believe that the felony has been committed and 39753
that the alleged offender committed it, as a result of the 39754
alleged offender having been indicted for the felony, or in any 39755
other manner. 39756

(E) A protection order that is issued as a pretrial 39757
condition of release under this section: 39758

(1) Is in addition to, but shall not be construed as a 39759
part of, any bail set under Criminal Rule 46; 39760

(2) Is effective only until the disposition, by the court 39761
that issued the order or, in the circumstances described in 39762
division (D)(3) of this section, by the court of common pleas to 39763

which the alleged offender is bound over for prosecution, of the 39764
criminal proceeding arising out of the complaint upon which the 39765
order is based or until the issuance under section 2903.214 of 39766
the Revised Code of a protection order arising out of the same 39767
activities as those that were the basis of the complaint filed 39768
under this section; 39769

(3) Shall not be construed as a finding that the alleged 39770
offender committed the alleged offense and shall not be 39771
introduced as evidence of the commission of the offense at the 39772
trial of the alleged offender on the complaint upon which the 39773
order is based. 39774

(F) A person who meets the criteria for bail under 39775
Criminal Rule 46 and who, if required to do so pursuant to that 39776
rule, executes or posts bond or deposits cash or securities as 39777
bail, shall not be held in custody pending a hearing before the 39778
court on a motion requesting a protection order under this 39779
section. 39780

(G) (1) A copy of a protection order that is issued under 39781
this section shall be issued by the court to the complainant, to 39782
the alleged victim, to the person who requested the order, to 39783
the defendant, and to all law enforcement agencies that have 39784
jurisdiction to enforce the order. The court shall direct that a 39785
copy of the order be delivered to the defendant on the same day 39786
that the order is entered. If a municipal court or a county 39787
court issues a protection order under this section and if, 39788
subsequent to the issuance of the order, the defendant who is 39789
the subject of the order is bound over to the court of common 39790
pleas for prosecution as described in division (D) (3) of this 39791
section, the municipal court or county court shall direct that a 39792
copy of the order be delivered to the court of common pleas to 39793

which the defendant is bound over. 39794

(2) All law enforcement agencies shall establish and 39795
maintain an index for the protection orders delivered to the 39796
agencies pursuant to division (G)(1) of this section. With 39797
respect to each order delivered, each agency shall note on the 39798
index the date and time of the agency's receipt of the order. 39799

(3) Regardless of whether the petitioner has registered 39800
the protection order in the county in which the officer's agency 39801
has jurisdiction, any officer of a law enforcement agency shall 39802
enforce a protection order issued pursuant to this section in 39803
accordance with the provisions of the order. 39804

(H) Upon a violation of a protection order issued pursuant 39805
to this section, the court may issue another protection order 39806
under this section, as a pretrial condition of release, that 39807
modifies the terms of the order that was violated. 39808

(I)(1) Subject to division (I)(2) of this section and 39809
regardless of whether a protection order is issued or a consent 39810
agreement is approved by a court of another county or by a court 39811
of another state, no court or unit of state or local government 39812
shall charge the movant any fee, cost, deposit, or money in 39813
connection with the filing of a motion pursuant to this section, 39814
in connection with the filing, issuance, registration, 39815
modification, enforcement, dismissal, withdrawal, or service of 39816
a protection order, consent agreement, or witness subpoena or 39817
for obtaining certified copies of a protection order or consent 39818
agreement. 39819

(2) Regardless of whether a protection order is issued or 39820
a consent agreement is approved pursuant to this section, if the 39821
defendant is convicted the court may assess costs against the 39822

defendant in connection with the filing, issuance, registration, 39823
modification, enforcement, dismissal, withdrawal, or service of 39824
a protection order, consent agreement, or witness subpoena or 39825
for obtaining a certified copy of a protection order or consent 39826
agreement. 39827

(J) As used in this section: 39828

(1) "Sexually oriented offense" has the same meaning as in 39829
section 2950.01 of the Revised Code. 39830

(2) "Companion animal" has the same meaning as in section 39831
959.131 of the Revised Code. 39832

Sec. 2903.43. (A) Each violent offender who has VOD duties 39833
imposed pursuant to section 2903.42 of the Revised Code shall 39834
enroll in the violent offender database personally with the 39835
sheriff of the county in which the violent offender resides or 39836
that sheriff's designee within the following time periods: 39837

(1) If the person is classified a violent offender under 39838
division (A)(1) of section 2903.41 of the Revised Code and the 39839
judge sentencing the offender for the offense that so classifies 39840
the offender does not sentence the offender to a prison term, 39841
term of imprisonment, or other term of confinement in a jail, 39842
workhouse, state correctional institution, or other institution 39843
for that offense, the offender shall enroll in the violent 39844
offender database within ten days after the sentencing hearing. 39845

(2) If the person is classified a violent offender under 39846
division (A)(2) of section 2903.41 of the Revised Code or the 39847
person is classified a violent offender under division (A)(1) of 39848
that section and division (A)(1) of this section does not apply, 39849
the offender shall enroll in the violent offender database 39850
within ten days after the violent offender is released from a 39851

jail, workhouse, state correctional institution, or other 39852
institution, unless the violent offender is being transferred to 39853
the custody of another jail, workhouse, state correctional 39854
institution, or other institution. The violent offender is not 39855
required to enroll in the violent offender database with any 39856
sheriff or designee prior to release. 39857

(B) Each qualifying out-of-state violent offender who has 39858
VOD duties imposed pursuant to section 2903.421 of the Revised 39859
Code shall enroll in the violent offender database personally 39860
with the sheriff of the county in which the out-of-state violent 39861
offender resides or occupies a dwelling or that sheriff's 39862
designee within ten days after either of the following: 39863

(1) Residing in or occupying a dwelling in this state, 39864
after the offender becomes aware of the database and has the 39865
duty, for more than three consecutive days; 39866

(2) Residing in or occupying a dwelling in this state, 39867
after the offender becomes aware of the database and has the 39868
duty, for an aggregate period in a calendar year of fourteen or 39869
more days in that calendar year. 39870

(C) (1) A violent offender or qualifying out-of-state 39871
violent offender who has VOD duties imposed pursuant to section 39872
2903.42 or 2903.421 of the Revised Code shall enroll in the 39873
violent offender database, personally with the sheriff of the 39874
county in which the offender resides or that sheriff's designee. 39875
The enrollee shall obtain from the sheriff or designee a copy of 39876
an enrollment form prescribed by the attorney general that 39877
conforms to division (C) (2) of this section, shall complete and 39878
sign the form, and shall return to the sheriff or designee the 39879
completed and signed form together with the identification 39880
records required under division (C) (3) of this section. 39881

(2) The enrollment form to be used under division (C) (1) 39882
of this section shall include or contain all of the following 39883
for the violent offender or qualifying out-of-state violent 39884
offender who is enrolling: 39885

(a) The violent offender's or out-of-state violent 39886
offender's full name and any alias used; 39887

(b) The violent offender's or out-of-state violent 39888
offender's residence address; 39889

(c) The violent offender's or out-of-state violent 39890
offender's social security number; 39891

(d) Any driver's license number, commercial driver's 39892
license number, or state identification card number issued to 39893
the violent offender or out-of-state violent offender by this or 39894
another state; 39895

(e) The offense that the violent offender or out-of-state 39896
violent offender was convicted of or pleaded guilty to; 39897

(f) The name and address of any place where the violent 39898
offender or out-of-state violent offender is employed; 39899

(g) The name and address of any school or institution of 39900
higher education that the violent offender or out-of-state 39901
violent offender is attending; 39902

(h) The identification license plate number of each 39903
vehicle owned or operated by the violent offender or out-of- 39904
state violent offender or registered in the violent offender's 39905
or out-of-state violent offender's name, the vehicle 39906
identification number of each vehicle, and a description of each 39907
vehicle; 39908

(i) A description of any scars, tattoos, or other 39909

distinguishing marks on the violent offender or out-of-state violent offender. 39910
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(3) The violent offender or qualifying out-of-state violent offender who is enrolling shall provide fingerprints and palm prints at the time of enrollment. The sheriff or sheriff's designee shall obtain a photograph of the violent offender or out-of-state violent offender at the time of enrollment. 39912
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(D) (1) Each violent offender or qualifying out-of-state violent offender who has VOD duties imposed pursuant to section 2903.42 or 2903.421 of the Revised Code shall re-enroll in the violent offender database annually, in person, with the sheriff of the county in which the violent offender resides or the out-of-state violent offender resides or occupies a dwelling or that sheriff's designee within ten days prior to the anniversary of the calendar date on which the offender initially enrolled. The duty to re-enroll under this division remains in effect for the entire ten-year enrollment period of the offender. The offender shall re-enroll by completing, signing, and returning to the sheriff or designee a copy of the enrollment form prescribed by the attorney general and described in divisions (C) (1) and (2) of this section, amending any information required under division (C) of this section that has changed since the enrollee's last enrollment, and providing any additional enrollment information required by the attorney general. The sheriff or designee with whom the violent offender or qualifying out-of-state violent offender re-enrolls shall obtain a new photograph of the offender annually when the offender re-enrolls. Additionally, if the violent offender's or qualifying out-of-state violent offender's most recent enrollment or re-enrollment was with a sheriff or designee of a sheriff of a different county, as part of the duty to re-enroll, the offender 39917
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shall provide written notice of the offender's change of 39941
residence address to that sheriff or a designee of that sheriff. 39942

(2) Except as otherwise provided in this division, if a 39943
violent offender or qualifying out-of-state violent offender has 39944
VOD duties imposed pursuant to section 2903.42 or 2903.421 of 39945
the Revised Code, the offender's VOD duties shall terminate on 39946
the expiration of the ten-year enrollment period of the 39947
offender. The ten-year enrollment period may be extended, but 39948
only if the prosecutor files a motion with the court of common 39949
pleas of the county in which the violent offender resides or in 39950
which the qualifying out-of-state violent offender resides or 39951
occupies a dwelling requesting that the court extend the 39952
offender's ten-year enrollment period as specified in this 39953
division and the court makes the appropriate finding specified 39954
in this division. For a violent offender, the court may extend 39955
the offender's ten-year enrollment period only if the court 39956
finds that the offender has violated a term or condition of a 39957
sanction imposed under the offender's sentence or has been 39958
convicted of or pleaded guilty to another felony or any 39959
misdemeanor offense of violence during that enrollment period. 39960
For a qualifying out-of-state violent offender, the court may 39961
extend the offender's ten-year enrollment period only if the 39962
court finds that the offender has violated a term or condition 39963
of a sanction imposed under the offender's sentence by the court 39964
of the other jurisdiction or has been convicted of or pleaded 39965
guilty to another felony or any misdemeanor offense of violence 39966
during that enrollment period. If a court finds as described in 39967
this division that the offender has violated a term or condition 39968
of a sanction imposed under the offender's sentence or that the 39969
offender has been convicted of or pleaded guilty to another 39970
felony or any misdemeanor offense of violence during the ten- 39971

year enrollment period, the court shall issue an order that 39972
extends the VOD duties of the violent offender or qualifying 39973
out-of-state violent offender indefinitely and the offender's 39974
VOD duties shall continue indefinitely, subject to termination 39975
under section 2903.44 of the Revised Code. 39976

If the court issues an order under this division that 39977
extends an offender's VOD duties, the court shall promptly 39978
forward a copy of the order to the bureau of criminal 39979
identification and investigation and to the prosecutor. Upon 39980
receipt of the order from the court, the bureau shall update all 39981
records pertaining to the offender to reflect the extended 39982
enrollment period. The bureau also shall provide notice of the 39983
issuance of the order to every sheriff with whom the offender 39984
has most recently enrolled or re-enrolled. 39985

(3) The official in charge of a jail, workhouse, state 39986
correctional institution, or other institution shall notify the 39987
attorney general in accordance with rules adopted by the 39988
attorney general pursuant to Chapter 119. of the Revised Code if 39989
a violent offender or qualifying out-of-state violent offender 39990
is confined in the jail, workhouse, state correctional 39991
institution, or other institution. 39992

(E) Each violent offender or qualifying out-of-state 39993
violent offender who has VOD duties imposed pursuant to section 39994
2903.42 or 2903.421 of the Revised Code shall notify the sheriff 39995
with whom the offender most recently enrolled or re-enrolled or 39996
that sheriff's designee in person within three business days of 39997
a change of address that occurs during the ten-year enrollment 39998
period or extended enrollment period of the offender. 39999

(F) (1) After a violent offender or qualifying out-of-state 40000
violent offender who has VOD duties imposed pursuant to section 40001

2903.42 or 2903.421 of the Revised Code enrolls or re-enrolls in the violent offender database with a sheriff or a sheriff's designee pursuant to this section, the sheriff or designee shall forward the offender's signed, written enrollment form, photograph, fingerprints, palm prints, and other materials to the bureau of criminal identification and investigation in accordance with forwarding procedures adopted by the attorney general under division (G) of this section. The bureau shall include the information and materials forwarded to it under this division in the violent offender database established and maintained under division (F) (2) of this section.

(2) The bureau of criminal identification and investigation shall establish and maintain a database of violent offenders and qualifying out-of-state violent offenders that includes the information and materials the bureau receives pursuant to division (D) (1) or (F) (1) of this section. The bureau shall make the database available to federal, state, and local law enforcement officers. The database of violent offenders and qualifying out-of-state violent offenders maintained by the bureau is not a public record under section 149.43 of the Revised Code.

(3) (a) Except as otherwise provided in divisions (F) (3) (b) and (c) of this section, any statements, information, photographs, fingerprints, or materials that are provided pursuant to this section by a violent offender or qualifying out-of-state violent offender who has VOD duties imposed under section 2903.42 or 2903.421 of the Revised Code and that are in the possession of a county sheriff are public records open to public inspection under section 149.43 of the Revised Code.

(b) The following information is not a public record and

shall not be open to public inspection: the social security 40032
number and any driver's license number, commercial driver's 40033
license number, or state identification card number provided to 40034
the county sheriff by a violent offender or qualifying out-of- 40035
state violent offender. 40036

(c) A violent offender or qualifying out-of-state violent 40037
offender who has VOD duties imposed under section 2903.42 or 40038
2903.421 of the Revised Code may file a motion with the court of 40039
common pleas in the county in which the offender resides stating 40040
that the offender fears for the offender's safety if the 40041
statements, information, photographs, fingerprints, or materials 40042
provided by the offender pursuant to this section and that are 40043
in the possession of a county sheriff are open for public 40044
inspection, and requesting the court to issue an order to ban or 40045
restrict access to those statements, photographs, fingerprints, 40046
and materials and that information. A motion filed with a court 40047
under this division shall expressly state the reasons for which 40048
the violent offender or qualifying out-of-state violent offender 40049
fears for the offender's safety, shall identify each county in 40050
which the offender has enrolled or re-enrolled, and shall 40051
provide information and materials in support of the motion. The 40052
court, upon the filing of the motion under this division, may 40053
determine whether to grant or deny the motion without a hearing 40054
or may conduct a hearing to determine whether to grant or deny 40055
the motion. The court may grant the motion if it determines, 40056
upon review of the motion, the supporting information and 40057
materials provided with the motion, and, if the court conducts a 40058
hearing, any additional information provided at the hearing, 40059
that the offender's fears for the offender's safety are valid 40060
and that the interests of justice and the offender's safety 40061
require that the motion be granted. 40062

If the court grants the motion, the statements, 40063
information, photographs, fingerprints, or materials provided by 40064
the offender pursuant to this section and that are in the 40065
possession of a county sheriff are not public records open to 40066
public inspection under section 149.43 of the Revised Code and 40067
the court shall issue an order to that effect. A court that 40068
grants a motion and issues an order under this division shall 40069
notify the sheriff in each county in which the offender has 40070
enrolled or re-enrolled of the issuance of the order, and each 40071
of those sheriffs shall comply with the order. 40072

(G) The attorney general shall prescribe the forms that 40073
violent offenders and qualifying out-of-state violent offenders 40074
who have VOD duties imposed under section 2903.42 or 2903.421 of 40075
the Revised Code shall use to enroll, re-enroll, and provide 40076
notice of a change of address under divisions (A) to (D) of this 40077
section. The attorney general shall adopt procedures for 40078
sheriffs to use to forward information, photographs, 40079
fingerprints, palm prints, and other materials to the bureau of 40080
criminal identification and investigation pursuant to division 40081
(F)(1) of this section. 40082

(H) The attorney general, in accordance with Chapter 119. 40083
of the Revised Code, may adopt rules regarding enrollment dates 40084
different than those prescribed in divisions (A), (B), and (D) 40085
of this section for any violent offender or qualifying out-of- 40086
state violent offender who has VOD duties imposed under section 40087
2903.42 or 2903.421 of the Revised Code and who also is an arson 40088
offender, ~~as defined in section 2909.13 of the Revised Code,~~ or 40089
a sex offender or child-victim offender, ~~both~~ all as defined in 40090
section 2950.01 of the Revised Code. 40091

(I)(1) No violent offender or qualifying out-of-state 40092

violent offender who has VOD duties imposed under section 40093
2903.42 or 2903.421 of the Revised Code shall recklessly fail 40094
during the ten-year enrollment period or extended enrollment 40095
period of the offender to enroll, re-enroll, or notify the 40096
sheriff or sheriff's designee of a change of address as required 40097
by this section. 40098

(2) Whoever violates division (I)(1) of this section is 40099
guilty of a felony of the fifth degree. If a violent offender or 40100
qualifying out-of-state violent offender who violates division 40101
(I)(1) of this section is subject to a community control 40102
sanction, is on parole, is subject to one or more post-release 40103
control sanctions, or is subject to any other type of supervised 40104
release at the time of the violation, the violation shall 40105
constitute a violation of the terms and conditions of the 40106
community control sanction, parole, post-release control 40107
sanction, or other type of supervised release. 40108

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 40109
entice, isolate, harbor, transport, provide, obtain, or 40110
maintain, or knowingly attempt to recruit, lure, entice, 40111
isolate, harbor, transport, provide, obtain, or maintain, 40112
another person if either of the following applies: 40113

(1) The offender knows that the other person will be 40114
subjected to involuntary servitude or be compelled to engage in 40115
sexual activity for hire, engage in a performance that is 40116
obscene, sexually oriented, or nudity oriented, or be a model or 40117
participant in the production of material that is obscene, 40118
sexually oriented, or nudity oriented. 40119

(2) The other person is less than eighteen years of age or 40120
is a person with a developmental disability whom the offender 40121
knows or has reasonable cause to believe is a person with a 40122

developmental disability, and either the offender knows that the 40123
other person will be subjected to involuntary servitude or the 40124
offender's knowing recruitment, luring, enticement, isolation, 40125
harboring, transportation, provision, obtaining, or maintenance 40126
of the other person or knowing attempt to recruit, lure, entice, 40127
isolate, harbor, transport, provide, obtain, or maintain the 40128
other person is for any of the following purposes: 40129

(a) For the other person to engage in sexual activity for 40130
hire with one or more third parties; 40131

(b) To engage in a performance for hire that is obscene, 40132
sexually oriented, or nudity oriented; 40133

(c) To be a model or participant for hire in the 40134
production of material that is obscene, sexually oriented, or 40135
nudity oriented. 40136

(B) For a prosecution under division (A) (1) of this 40137
section, the element "compelled" does not require that the 40138
compulsion be openly displayed or physically exerted. The 40139
element "compelled" has been established if the state proves 40140
that the victim's will was overcome by force, fear, duress, 40141
intimidation, or fraud. 40142

(C) In a prosecution under this section, proof that the 40143
defendant engaged in sexual activity with any person, or 40144
solicited sexual activity with any person, whether or not for 40145
hire, without more, does not constitute a violation of this 40146
section. 40147

(D) A prosecution for a violation of this section does not 40148
preclude a prosecution of a violation of any other section of 40149
the Revised Code. One or more acts, a series of acts, or a 40150
course of behavior that can be prosecuted under this section or 40151

any other section of the Revised Code may be prosecuted under 40152
this section, the other section of the Revised Code, or both 40153
sections. However, if an offender is convicted of or pleads 40154
guilty to a violation of this section and also is convicted of 40155
or pleads guilty to a violation of section 2907.21 of the 40156
Revised Code based on the same conduct involving the same victim 40157
that was the basis of the violation of this section, or is 40158
convicted of or pleads guilty to any other violation of Chapter 40159
2907. of the Revised Code based on the same conduct involving 40160
the same victim that was the basis of the violation of this 40161
section, the two offenses are ~~allied offenses of similar import~~ 40162
to be merged under section 2941.25 of the Revised Code. 40163

(E) Whoever violates this section is guilty of trafficking 40164
in persons, a felony of the first degree. For a violation 40165
committed prior to March 22, 2019, notwithstanding the range of 40166
definite terms set forth in division (A) (1) (b) of section 40167
2929.14 of the Revised Code, the court shall sentence the 40168
offender to a definite prison term of ten, eleven, twelve, 40169
thirteen, fourteen, or fifteen years. For a violation committed 40170
on or after March 22, 2019, notwithstanding the range of minimum 40171
terms set forth in division (A) (1) (a) of section 2929.14 of the 40172
Revised Code, the court shall sentence the offender to an 40173
indefinite prison term pursuant to that division, with a minimum 40174
term under that sentence of ten, eleven, twelve, thirteen, 40175
fourteen, or fifteen years. 40176

(F) As used in this section: 40177

(1) "Person with a developmental disability" means a 40178
person whose ability to resist or consent to an act is 40179
substantially impaired because of a mental or physical condition 40180
or because of advanced age. 40181

(2) "Sexual activity for hire," "performance for hire," 40182
and "model or participant for hire" mean an implicit or explicit 40183
agreement to provide sexual activity, engage in an obscene, 40184
sexually oriented, or nudity oriented performance, or be a model 40185
or participant in the production of obscene, sexually oriented, 40186
or nudity oriented material, whichever is applicable, in 40187
exchange for anything of value paid to any of the following: 40188

(a) The person engaging in such sexual activity, 40189
performance, or modeling or participation; 40190

(b) Any person who recruits, lures, entices, isolates, 40191
harbors, transports, provides, obtains, or maintains, or 40192
attempts to recruit, lure, entice, isolate, harbor, transport, 40193
provide, obtain, or maintain the person described in division 40194
(F) (2) (a) of this section; 40195

(c) Any person associated with a person described in 40196
division (F) (2) (a) or (b) of this section. 40197

(3) "Material that is obscene, sexually oriented, or 40198
nudity oriented" and "performance that is obscene, sexually 40199
oriented, or nudity oriented" have the same meanings as in 40200
section 2929.01 of the Revised Code. 40201

(4) "Third party" means, with respect to conduct described 40202
in division (A) (2) (a) of this section, any person other than the 40203
offender. 40204

Sec. 2907.06. (A) No person shall have sexual contact with 40205
another, not the spouse of the offender; cause another, not the 40206
spouse of the offender, to have sexual contact with the 40207
offender; or cause two or more other persons to have sexual 40208
contact when any of the following applies: 40209

(1) The offender knows that the sexual contact is 40210

offensive to the other person, or one of the other persons, or 40211
is reckless in that regard. 40212

(2) The offender knows that the other person's, or one of 40213
the other person's, ability to appraise the nature of or control 40214
the offender's or touching person's conduct is substantially 40215
impaired. 40216

(3) The offender knows that the other person, or one of 40217
the other persons, submits because of being unaware of the 40218
sexual contact. 40219

(4) The other person, or one of the other persons, is 40220
thirteen years of age or older but less than sixteen years of 40221
age, whether or not the offender knows the age of such person, 40222
and the offender is at least eighteen years of age and four or 40223
more years older than such other person. 40224

(5) The offender is a mental health professional, the 40225
other person or one of the other persons is a mental health 40226
client or patient of the offender, and the offender induces the 40227
other person who is the client or patient to submit by falsely 40228
representing to the other person who is the client or patient 40229
that the sexual contact is necessary for mental health treatment 40230
purposes. 40231

(B) No person shall be convicted of a violation of this 40232
section solely upon the victim's testimony unsupported by other 40233
evidence. 40234

(C) Whoever violates this section is guilty of sexual 40235
imposition, a misdemeanor of the third degree. If the offender 40236
previously has been convicted of or pleaded guilty to a 40237
violation of this section or of section 2907.011, 2907.02, 40238
2907.03, 2907.04, or 2907.05, or former section 2907.12 of the 40239

Revised Code, a violation of this section is a misdemeanor of 40240
the first degree. If the offender previously has been convicted 40241
of or pleaded guilty to three or more violations of this section 40242
or section 2907.011, 2907.02, 2907.03, 2907.04, or 2907.05, or 40243
former section 2907.12 of the Revised Code, or of any 40244
combination of those sections, a violation of this section is a 40245
misdemeanor of the first degree and, notwithstanding the range 40246
of jail terms prescribed in section 2929.24 of the Revised Code, 40247
the court may impose on the offender a definite jail term of not 40248
more than one year. 40249

Sec. 2907.10. (A) (1) A peace officer, prosecutor, or other 40250
public official shall not ask or require a victim of an alleged 40251
sex offense to submit to a polygraph examination as a condition 40252
for proceeding with the investigation of the alleged sex 40253
offense. 40254

(2) The refusal of the victim of an alleged sex offense to 40255
submit to a polygraph examination shall not prevent the 40256
investigation of the alleged sex offense, the filing of criminal 40257
charges with respect to the alleged sex offense, or the 40258
prosecution of the alleged perpetrator of the alleged sex 40259
offense. 40260

(B) As used in this section: 40261

(1) "Peace officer" has the same meaning as in division 40262
(J) of section ~~2921.51~~ 2921.01 of the Revised Code. 40263

(2) "Polygraph examination" means any mechanical or 40264
electrical instrument or device of any type used or allegedly 40265
used to examine, test, or question an individual for the purpose 40266
of determining the individual's truthfulness. 40267

(3) "Prosecution" means the prosecution of criminal 40268

charges in a criminal prosecution or the prosecution of a 40269
delinquent child complaint in a delinquency proceeding. 40270

(4) "Prosecutor" has the same meaning as in section 40271
2935.01 of the Revised Code. 40272

(5) "Public official" has the same meaning as in section 40273
117.01 of the Revised Code. 40274

(6) "Sex offense" means a violation of any provision of 40275
sections 2907.02 to 2907.09 of the Revised Code. 40276

Sec. 2907.11. Upon the request of the victim or offender 40277
in a prosecution under any provision of sections ~~2907.02-~~ 40278
2907.011 to 2907.07 of the Revised Code, the judge before whom 40279
any person is brought on a charge of having committed an offense 40280
under a provision of one of those sections shall order that the 40281
names of the victim and offender and the details of the alleged 40282
offense as obtained by any law enforcement officer be suppressed 40283
until the preliminary hearing, the accused is arraigned in the 40284
court of common pleas, the charge is dismissed, or the case is 40285
otherwise concluded, whichever occurs first. Nothing in this 40286
section shall be construed to deny to either party in the case 40287
the name and address of the other party or the details of the 40288
alleged offense. 40289

Sec. 2907.27. (A) (1) If a person is charged with a 40290
violation of section 2907.011, 2907.02, 2907.03, 2907.04, 40291
2907.24, 2907.241, or 2907.25 of the Revised Code or with a 40292
violation of a municipal ordinance that is substantially 40293
equivalent to any of those sections, the arresting authorities 40294
or a court, ~~upon~~on the request of the prosecutor in the case or 40295
~~upon~~on the request of the victim, shall cause the accused to 40296
submit to one or more appropriate tests to determine if the 40297

accused is suffering from a venereal disease. 40298

(2) If the accused is found to be suffering from a 40299
venereal disease in an infectious stage, the accused shall be 40300
required to submit to medical treatment for that disease. The 40301
cost of the medical treatment shall be charged to and paid by 40302
the accused who undergoes the treatment. If the accused is 40303
indigent, the court shall order the accused to report to a 40304
facility operated by a city health district or a general health 40305
district for treatment. If the accused is convicted of or pleads 40306
guilty to the offense with which the accused is charged and is 40307
placed under a community control sanction, a condition of 40308
community control shall be that the offender submit to and 40309
faithfully follow a course of medical treatment for the venereal 40310
disease. If the offender does not seek the required medical 40311
treatment, the court may revoke the offender's community control 40312
and order the offender to undergo medical treatment during the 40313
period of the offender's incarceration and to pay the cost of 40314
that treatment. 40315

(B) (1) (a) If a person is charged with a violation of 40316
division (B) of section 2903.11 or of section 2907.011, 2907.02, 40317
2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 2907.241, or 40318
2907.25 of the Revised Code, with a violation of a municipal 40319
ordinance that is substantially equivalent to that division or 40320
any of those sections, or with a violation of a statute or 40321
municipal ordinance in which by force or threat of force the 40322
accused compelled the victim to engage in sexual activity, the 40323
court, ~~upon~~on the request of the prosecutor in the case, ~~upon~~on 40324
on the request of the victim, or ~~upon~~on the request of any 40325
other person whom the court reasonably believes had contact with 40326
the accused in circumstances related to the violation that could 40327
have resulted in the transmission to that person of the human 40328

immunodeficiency virus, shall cause the accused to submit to one 40329
or more tests designated by the director of health under section 40330
3701.241 of the Revised Code to determine if the accused is 40331
infected with HIV. The court shall cause the accused to submit 40332
to the test or tests within forty-eight hours after the 40333
indictment, information, or complaint is presented. The court 40334
shall order follow-up tests for HIV as may be medically 40335
appropriate. 40336

(b) The court, ~~upon~~on the request of the prosecutor in 40337
the case, ~~upon~~on the request of the victim with the agreement 40338
of the prosecutor, or ~~upon~~on the request of any other person 40339
with the agreement of the prosecutor, may cause an accused who 40340
is charged with a violation of any division or section of the 40341
Revised Code or any municipal ordinance not described in 40342
division (B) (1) (a) of this section to submit to one or more 40343
tests so designated by the director of health if the 40344
circumstances of the violation indicate probable cause to 40345
believe that the accused, if the accused is infected with HIV, 40346
might have transmitted HIV to any of the following persons in 40347
committing the violation: 40348

(i) In relation to a request made by the prosecuting 40349
attorney, to the victim or to any other person; 40350

(ii) In relation to a request made by the victim, to the 40351
victim making the request; 40352

(iii) In relation to a request made by any other person, 40353
to the person making the request. 40354

(c) The results of a test conducted under division (B) (1) 40355
(a) of this section shall be provided as soon as practicable to 40356
the victim, or the parent or guardian of the victim, and the 40357

accused. The results of any follow-up test conducted under that 40358
division also shall be provided as soon as practicable to the 40359
victim, or the parent or guardian of the victim, and the 40360
accused. The results of a test performed under division (B) (1) 40361
(b) of this section shall be communicated in confidence to the 40362
court, the court shall inform the accused of the result, and the 40363
court shall inform the victim that the test was performed and 40364
that the victim has a right to receive the results on request. 40365
Additionally, for a test under either division (B) (1) (a) or (b) 40366
of this section, all of the following apply: 40367

(i) If the test was performed ~~upon~~on the request of a 40368
person other than the prosecutor in the case and other than the 40369
victim, the court shall inform the person who made the request 40370
that the test was performed and that the person has a right to 40371
receive the results ~~upon~~on request. 40372

(ii) Regardless of who made the request that was the basis 40373
of the test being performed, if the court reasonably believes 40374
that, in circumstances related to the violation, a person other 40375
than the victim had contact with the accused that could have 40376
resulted in the transmission of HIV to that person, the court 40377
may inform that person that the test was performed and that the 40378
person has a right to receive the results of the test on 40379
request. 40380

(iii) If the accused tests positive for HIV, the test 40381
results shall be reported to the department of health in 40382
accordance with section 3701.24 of the Revised Code and to the 40383
sheriff, head of the state correctional institution, or other 40384
person in charge of any jail or prison in which the accused is 40385
incarcerated. 40386

(iv) If the accused tests positive for HIV and the accused 40387

was charged with, and was convicted of or pleaded guilty to, a 40388
violation of section 2907.24, 2907.241, or 2907.25 of the 40389
Revised Code or a violation of a municipal ordinance that is 40390
substantially equivalent to any of those sections, the test 40391
results also shall be reported to the law enforcement agency 40392
that arrested the accused, and the law enforcement agency may 40393
use the test results as the basis for any future charge of a 40394
violation of division (B) of any of those sections or a 40395
violation of a municipal ordinance that is substantially 40396
equivalent to division (B) of any of those sections. 40397

(v) Except as otherwise provided in the first paragraph in 40398
division (B) (1) (c) of this section or in division (B) (1) (c) (i), 40399
(ii), (iii), or (iv) of this section, no disclosure of the test 40400
results or the fact that a test was performed shall be made, 40401
other than as evidence in a grand jury proceeding or as evidence 40402
in a judicial proceeding in accordance with the Rules of 40403
Evidence. 40404

(vi) If the test result is negative, and the charge has 40405
not been dismissed or if the accused has been convicted of the 40406
charge or a different offense arising out of the same 40407
circumstances as the offense charged, the court shall order that 40408
the test be repeated not earlier than three months nor later 40409
than six months after the original test. 40410

(2) If an accused who is free on bond refuses to submit to 40411
a test ordered by the court ~~pursuant to~~ under division (B) (1) of 40412
this section, the court may order that the accused's bond be 40413
revoked and that the accused be incarcerated until the test is 40414
performed. If an accused who is incarcerated refuses to submit 40415
to a test ordered by the court ~~pursuant to~~ under division (B) (1) 40416
of this section, the court shall order the person in charge of 40417

the jail or prison in which the accused is incarcerated to take 40418
any action necessary to facilitate the performance of the test, 40419
including the forcible restraint of the accused for the purpose 40420
of drawing blood to be used in the test. 40421

(3) A state agency, a political subdivision of the state, 40422
or an employee of a state agency or of a political subdivision 40423
of the state is immune from liability in a civil action to 40424
recover damages for injury, death, or loss to person or property 40425
allegedly caused by any act or omission in connection with the 40426
performance of the duties required under division (B) (2) of this 40427
section unless the acts or omissions are with malicious purpose, 40428
in bad faith, or in a wanton or reckless manner. 40429

(C) Nothing in this section shall be construed to prevent 40430
a court in which a person is charged with any offense specified 40431
in division (A) (1) or (B) (1) (a) of this section from ordering at 40432
any time during which the complaint, information, or indictment 40433
is pending, that the accused submit to one or more appropriate 40434
tests to determine if the accused is suffering from a venereal 40435
disease or from HIV. 40436

(D) As used in this section: 40437

(1) "Community control sanction" has the same meaning as 40438
in section 2929.01 of the Revised Code. 40439

(2) "HIV" means the human immunodeficiency virus. 40440

Sec. 2907.28. (A) Any cost incurred by a hospital or 40441
emergency medical facility in conducting a medical examination 40442
of a victim of an offense under any provision of sections 40443
~~2907.02-2907.011~~ to 2907.06 of the Revised Code for the purpose 40444
of gathering physical evidence for a possible prosecution, 40445
including the cost of any antibiotics administered as part of 40446

the examination and the cost of HIV post-exposure prophylaxis 40447
provided as part of the examination, shall be paid out of the 40448
reparations fund established pursuant to section 2743.191 of the 40449
Revised Code, subject to the following conditions: 40450

(1) The hospital or emergency facility shall follow a 40451
protocol for conducting such medical examinations that is 40452
identified by the attorney general in ~~rule~~rules adopted in 40453
accordance with Chapter 119. of the Revised Code. 40454

(2) The hospital or emergency facility shall submit 40455
requests for payment to the attorney general on a monthly basis, 40456
through a procedure determined by the attorney general and on 40457
forms approved by the attorney general. The requests shall 40458
identify the number of sexual assault examinations performed and 40459
the number of sexual assault examinations in which HIV post- 40460
exposure prophylaxis was provided and shall verify that all 40461
required protocols were met for each examination form submitted 40462
for payment in the request. 40463

(3) The attorney general shall review all requests for 40464
payment that are submitted under division (A) (2) of this section 40465
and shall submit for payment as described in division (A) (5) of 40466
this section all requests that meet the requirements of this 40467
section. 40468

(4) (a) The hospital or emergency facility shall accept a 40469
flat fee payment for conducting each examination in the amount 40470
determined by the attorney general pursuant to Chapter 119. of 40471
the Revised Code as payment in full for any cost incurred in 40472
conducting a medical examination and test of a victim of an 40473
offense under any provision of sections ~~2907.02~~2907.011 to 40474
2907.06 of the Revised Code for the purpose of gathering 40475
physical evidence for a possible prosecution of a person, other 40476

than the cost of providing HIV post-exposure prophylaxis. The 40477
attorney general shall determine a flat fee payment amount to be 40478
paid under this division that is reasonable. 40479

(b) The hospital or emergency facility shall accept a flat 40480
fee payment for providing HIV post-exposure prophylaxis in the 40481
amount determined by the attorney general pursuant to Chapter 40482
119. of the Revised Code as payment in full for any cost 40483
incurred in providing HIV post-exposure prophylaxis while 40484
conducting a medical examination and test of a victim of an 40485
offense under any provision of sections ~~2907.02-2907.011~~ to 40486
2907.06 of the Revised Code for the purpose of gathering 40487
physical evidence for a possible prosecution of a person. The 40488
attorney general shall determine a reasonable flat fee payment 40489
amount to be paid under this division. 40490

(5) In approving a payment under this section, the 40491
attorney general shall order the payment against the state. The 40492
payment shall be accomplished only through the following 40493
procedure, and the procedure may be enforced through a mandamus 40494
action and a writ of mandamus directed to the appropriate 40495
official: 40496

(a) The attorney general shall provide for payment in the 40497
amount set forth in the order. 40498

(b) The expense of the payment of the amount described in 40499
this section shall be charged against all available unencumbered 40500
moneys in the reparations fund. 40501

(B) No costs incurred by a hospital or emergency facility 40502
in conducting a medical examination and test of any victim of an 40503
offense under any provision of sections ~~2907.02-2907.011~~ to 40504
2907.06 of the Revised Code for the purpose of gathering 40505

physical evidence for a possible prosecution of a person shall 40506
be billed or charged directly or indirectly to the victim or the 40507
victim's insurer. 40508

(C) Any cost incurred by a hospital or emergency medical 40509
facility in conducting a medical examination and test of any 40510
person who is charged with a violation of division (B) of 40511
section 2903.11 or of section 2907.011, 2907.02, 2907.03, 40512
2907.04, 2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the 40513
Revised Code, with a violation of a municipal ordinance that is 40514
substantially equivalent to that division or any of those 40515
sections, or with a violation of a statute or municipal 40516
ordinance under which by force or threat of force the accused 40517
compelled the victim to engage in sexual activity, pursuant to 40518
division (B) of section 2907.27 of the Revised Code, shall be 40519
charged to and paid by the accused who undergoes the examination 40520
and test, unless the court determines that the accused is unable 40521
to pay, in which case the cost shall be charged to and paid by 40522
the municipal corporation in which the offense allegedly was 40523
committed, or charged to and paid by the county if the offense 40524
allegedly was committed within an unincorporated area. If 40525
separate counts of an alleged offense or alleged separate 40526
offenses under division (B) of section 2903.11 or section 40527
2907.011, 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 40528
2907.241, or 2907.25 of the Revised Code, under a municipal 40529
ordinance that is substantially equivalent to that division or 40530
any of those sections, or under a statute or municipal ordinance 40531
in violation of which by force or threat of force the accused 40532
compelled the victim to engage in sexual activity took place in 40533
more than one municipal corporation or more than one 40534
unincorporated area, or both, the local governments shall share 40535
the cost of the examination and test. If a hospital or other 40536

emergency medical facility has submitted charges for the cost of 40537
a medical examination and test to an accused and has been unable 40538
to collect payment for the charges after making good faith 40539
attempts to collect for a period of six months or more, the cost 40540
shall be charged to and paid by the appropriate municipal 40541
corporation or county as specified in division (C) of this 40542
section. 40543

(D) As used in this section: 40544

(1) "AIDS" and "HIV" have the same meanings as in section 40545
3701.24 of the Revised Code. 40546

(2) "HIV post-exposure prophylaxis" means the 40547
administration of medicines to prevent AIDS or HIV infection 40548
following exposure to HIV. 40549

Sec. 2907.29. Every hospital of this state that offers 40550
organized emergency services shall provide that a physician, a 40551
physician assistant, a clinical nurse specialist, a certified 40552
nurse practitioner, or a certified nurse-midwife is available on 40553
call twenty-four hours each day for the examination of persons 40554
reported to any law enforcement agency to be victims of sexual 40555
offenses cognizable as violations of any provision of sections 40556
~~2907.02-2907.011~~ to 2907.06 of the Revised Code. The physician, 40557
physician assistant, clinical nurse specialist, certified nurse 40558
practitioner, or certified nurse-midwife, ~~upon~~on the request of 40559
any peace officer or prosecuting attorney and with the consent 40560
of the reported victim or ~~upon~~on the request of the reported 40561
victim, shall examine the person for the purposes of gathering 40562
physical evidence and shall complete any written documentation 40563
of the physical examination. The director of health shall 40564
establish procedures for gathering evidence under this section. 40565

Each reported victim shall be informed of available 40566
venereal disease, pregnancy, medical, and psychiatric services. 40567

Notwithstanding any other provision of law, a minor may 40568
consent to examination under this section. The consent is not 40569
subject to disaffirmance because of minority, and consent of the 40570
parent, parents, or guardian of the minor is not required for an 40571
examination under this section. However, the hospital shall give 40572
written notice to the parent, parents, or guardian of a minor 40573
that an examination under this section has taken place. The 40574
parent, parents, or guardian of a minor giving consent under 40575
this section are not liable for payment for any services 40576
provided under this section without their consent. 40577

Sec. 2907.30. (A) A victim of a sexual offense cognizable 40578
as a violation of section 2907.011 or 2907.02 of the Revised 40579
Code who is interviewed by a law enforcement agency shall be 40580
interviewed by a peace officer employed by the agency who has 40581
had crisis intervention training, if any of the peace officers 40582
employed by the agency who have had crisis intervention training 40583
is reasonably available. 40584

(B) When a person is charged with a violation of section 40585
2907.011, 2907.02, 2907.03, 2907.04, 2907.05, or 2907.06 of the 40586
Revised Code and the law enforcement agency that arrested the 40587
person or a court discovers that the person arrested or a person 40588
whom the person arrested caused to engage in sexual activity has 40589
a communicable disease, the law enforcement agency that arrested 40590
the person or the court immediately shall notify the victim of 40591
the nature of the disease. 40592

(C) As used in this section, "crisis intervention 40593
training" has the same meaning as in section 109.71 of the 40594
Revised Code. 40595

Sec. 2919.123. (A) No person shall knowingly give, sell, 40596
dispense, administer, or otherwise provide RU-486 (mifepristone) 40597
to another for the purpose of inducing an abortion in any person 40598
or enabling the other person to induce an abortion in any 40599
person, unless the person who gives, sells, dispenses, 40600
administers, or otherwise provides the RU-486 (mifepristone) is 40601
a physician, the physician satisfies all the criteria 40602
established by federal law that a physician must satisfy in 40603
order to provide RU-486 (mifepristone) for inducing abortions, 40604
and the physician provides the RU-486 (mifepristone) to the 40605
other person for the purpose of inducing an abortion in 40606
accordance with all provisions of federal law that govern the 40607
use of RU-486 (mifepristone) for inducing abortions. A person 40608
who gives, sells, dispenses, administers, or otherwise provides 40609
RU-486 (mifepristone) to another as described in division (A) of 40610
this section shall not be prosecuted based on a violation of the 40611
criteria contained in this division unless the person knows that 40612
the person is not a physician, that the person did not satisfy 40613
all the specified criteria established by federal law, or that 40614
the person did not provide the RU-486 (mifepristone) in 40615
accordance with the specified provisions of federal law, 40616
whichever is applicable. 40617

(B) No physician who provides RU-486 (mifepristone) to 40618
another for the purpose of inducing an abortion as authorized 40619
under division (A) of this section shall knowingly fail to 40620
comply with the applicable requirements of any federal law that 40621
pertain to follow-up examinations or care for persons to whom or 40622
for whom RU-486 (mifepristone) is provided for the purpose of 40623
inducing an abortion. 40624

(C) (1) If a physician provides RU-486 (mifepristone) to 40625
another for the purpose of inducing an abortion as authorized 40626

under division (A) of this section and if the physician knows 40627
that the person who uses the RU-486 (mifepristone) for the 40628
purpose of inducing an abortion experiences during or after the 40629
use an incomplete abortion, severe bleeding, or an adverse 40630
reaction to the RU-486 (mifepristone) or is hospitalized, 40631
receives a transfusion, or experiences any other serious event, 40632
the physician promptly must provide a written report of the 40633
incomplete abortion, severe bleeding, adverse reaction, 40634
hospitalization, transfusion, or serious event to the state 40635
medical board. The board shall compile and retain all reports it 40636
receives under this division. Except as otherwise provided in 40637
this division, all reports the board receives under this 40638
division are public records open to inspection under section 40639
149.43 of the Revised Code. In no case shall the board release 40640
to any person the name or any other personal identifying 40641
information regarding a person who uses RU-486 (mifepristone) 40642
for the purpose of inducing an abortion and who is the subject 40643
of a report the board receives under this division. 40644

(2) No physician who provides RU-486 (mifepristone) to 40645
another for the purpose of inducing an abortion as authorized 40646
under division (A) of this section shall knowingly fail to file 40647
a report required under division (C)(1) of this section. 40648

(D) Division (A) of this section does not apply to any of 40649
the following: 40650

(1) A pregnant woman who obtains or possesses RU-486 40651
(mifepristone) for the purpose of inducing an abortion to 40652
terminate her own pregnancy; 40653

(2) The legal transport of RU-486 (mifepristone) by any 40654
person or entity and the legal delivery of the RU-486 40655
(mifepristone) by any person to the recipient, provided that 40656

this division does not apply regarding any conduct related to 40657
the RU-486 (mifepristone) other than its transport and delivery 40658
to the recipient; 40659

(3) The distribution, provision, or sale of RU-486 40660
(mifepristone) by any legal manufacturer or distributor of RU- 40661
486 (mifepristone), provided the manufacturer or distributor 40662
made a good faith effort to comply with any applicable 40663
requirements of federal law regarding the distribution, 40664
provision, or sale. 40665

(E) Whoever violates this section is guilty of unlawful 40666
distribution of an abortion-inducing drug, a felony of the 40667
fourth degree. If the offender previously has been convicted of 40668
or pleaded guilty to a violation of this section or of section 40669
2919.12, 2919.121, 2919.13, 2919.14, 2919.15, 2919.151, 2919.17, 40670
or 2919.18 of the Revised Code, unlawful distribution of an 40671
abortion-inducing drug is a felony of the third degree. 40672

If the offender is a professionally licensed person, in 40673
addition to any other sanction imposed by law for the offense, 40674
the offender is subject to sanctioning as provided by law by the 40675
regulatory or licensing board or agency that has the 40676
administrative authority to suspend or revoke the offender's 40677
professional license, including the sanctioning provided in 40678
section 4731.22 of the Revised Code for offenders who have a 40679
certificate to practice or certificate of registration issued 40680
under that chapter. 40681

(F) As used in this section: 40682

(1) "Federal law" means any law, rule, or regulation of 40683
the United States or any drug approval letter of the food and 40684
drug administration of the United States that governs or 40685

regulates the use of RU-486 (mifepristone) for the purpose of 40686
inducing abortions. 40687

(2) "Personal identifying information" has the same 40688
meaning as in division (L) of section ~~2913.49~~ 2913.01 of the 40689
Revised Code. 40690

(3) "Physician" has the same meaning as in section 40691
2305.113 of the Revised Code. 40692

(4) "Professionally licensed person" has the same meaning 40693
as in section 2925.01 of the Revised Code. 40694

Sec. 2919.25. (A) No person shall knowingly cause or 40695
attempt to cause physical harm to a family or household member. 40696

(B) No person shall recklessly cause serious physical harm 40697
to a family or household member. 40698

(C) No person, by threat of force, shall knowingly cause a 40699
family or household member to believe that the offender will 40700
cause imminent physical harm to the family or household member. 40701

(D) (1) Whoever violates this section is guilty of domestic 40702
violence, and the court shall sentence the offender as provided 40703
in divisions (D) (2) to (6) of this section. 40704

(2) Except as otherwise provided in divisions (D) (3) to 40705
(5) of this section, a violation of division (C) of this section 40706
is a misdemeanor of the fourth degree, and a violation of 40707
division (A) or (B) of this section is a misdemeanor of the 40708
first degree. 40709

(3) Except as otherwise provided in division (D) (4) of 40710
this section, if the offender previously has pleaded guilty to 40711
or been convicted of domestic violence, a violation of an 40712
existing or former municipal ordinance or law of this or any 40713

other state or the United States that is substantially similar 40714
to domestic violence, a violation of section 2903.14, ~~2909.06,~~ 40715
~~2909.07, 2911.12, 2911.211, 2911.04,~~ or 2919.22, of division (A) 40716
(1), (A)(2), (A)(6), (B), or (C) of section 2909.05, of division 40717
(C) of section 2909.08, or division (B) of section 2911.06 of 40718
the Revised Code if the victim of the violation was a family or 40719
household member at the time of the violation, a violation of an 40720
existing or former municipal ordinance or law of this or any 40721
other state or the United States that is substantially similar 40722
to any of those sections if the victim of the violation was a 40723
family or household member at the time of the commission of the 40724
violation, or any offense of violence if the victim of the 40725
offense was a family or household member at the time of the 40726
commission of the offense, a violation of division (A) or (B) of 40727
this section is a felony of the fourth degree, and, if the 40728
offender knew that the victim of the violation was pregnant at 40729
the time of the violation, the court shall impose a mandatory 40730
prison term on the offender pursuant to division (D)(6) of this 40731
section, and a violation of division (C) of this section is a 40732
misdemeanor of the second degree. 40733

(4) If the offender previously has pleaded guilty to or 40734
been convicted of two or more offenses of domestic violence or 40735
two or more violations or offenses of the type described in 40736
division (D)(3) of this section involving a person who was a 40737
family or household member at the time of the violations or 40738
offenses, a violation of division (A) or (B) of this section is 40739
a felony of the third degree, and, if the offender knew that the 40740
victim of the violation was pregnant at the time of the 40741
violation, the court shall impose a mandatory prison term on the 40742
offender pursuant to division (D)(6) of this section, and a 40743
violation of division (C) of this section is a misdemeanor of 40744

the first degree. 40745

(5) Except as otherwise provided in division (D)(3) or (4) 40746
of this section, if the offender knew that the victim of the 40747
violation was pregnant at the time of the violation, a violation 40748
of division (A) or (B) of this section is a felony of the fifth 40749
degree, and the court shall impose a mandatory prison term on 40750
the offender pursuant to division (D)(6) of this section, and a 40751
violation of division (C) of this section is a misdemeanor of 40752
the third degree. 40753

(6) If division (D)(3), (4), or (5) of this section 40754
requires the court that sentences an offender for a violation of 40755
division (A) or (B) of this section to impose a mandatory prison 40756
term on the offender pursuant to this division, the court shall 40757
impose the mandatory prison term as follows: 40758

(a) If the violation of division (A) or (B) of this 40759
section is a felony of the fourth or fifth degree, except as 40760
otherwise provided in division (D)(6)(b) or (c) of this section, 40761
the court shall impose a mandatory prison term on the offender 40762
of at least six months. 40763

(b) If the violation of division (A) or (B) of this 40764
section is a felony of the fifth degree and the offender, in 40765
committing the violation, caused serious physical harm to the 40766
pregnant woman's unborn or caused the termination of the 40767
pregnant woman's pregnancy, the court shall impose a mandatory 40768
prison term on the offender of twelve months. 40769

(c) If the violation of division (A) or (B) of this 40770
section is a felony of the fourth degree and the offender, in 40771
committing the violation, caused serious physical harm to the 40772
pregnant woman's unborn or caused the termination of the 40773

pregnant woman's pregnancy, the court shall impose a mandatory 40774
prison term on the offender of at least twelve months. 40775

(d) If the violation of division (A) or (B) of this 40776
section is a felony of the third degree, except as otherwise 40777
provided in division (D)(6)(e) of this section and 40778
notwithstanding the range of definite prison terms prescribed in 40779
division (A)(3) of section 2929.14 of the Revised Code for a 40780
felony of the third degree, the court shall impose a mandatory 40781
prison term on the offender of either a definite term of six 40782
months or one of the prison terms prescribed in division (A)(3) 40783
(b) of section 2929.14 of the Revised Code for felonies of the 40784
third degree. 40785

(e) If the violation of division (A) or (B) of this 40786
section is a felony of the third degree and the offender, in 40787
committing the violation, caused serious physical harm to the 40788
pregnant woman's unborn or caused the termination of the 40789
pregnant woman's pregnancy, notwithstanding the range of 40790
definite prison terms prescribed in division (A)(3) of section 40791
2929.14 of the Revised Code for a felony of the third degree, 40792
the court shall impose a mandatory prison term on the offender 40793
of either a definite term of one year or one of the prison terms 40794
prescribed in division (A)(3)(b) of section 2929.14 of the 40795
Revised Code for felonies of the third degree. 40796

(E) Notwithstanding any provision of law to the contrary, 40797
no court or unit of state or local government shall charge any 40798
fee, cost, deposit, or money in connection with the filing of 40799
charges against a person alleging that the person violated this 40800
section or a municipal ordinance substantially similar to this 40801
section or in connection with the prosecution of any charges so 40802
filed. 40803

(F) As used in this section and sections 2919.251 and 2919.26 of the Revised Code: 40804
40805

(1) "Family or household member" means any of the following: 40806
40807

(a) Any of the following who is residing or has resided with the offender: 40808
40809

(i) A spouse, a person living as a spouse, or a former spouse of the offender; 40810
40811

(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender; 40812
40813
40814

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender. 40815
40816
40817
40818

(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent. 40819
40820
40821

(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question. 40822
40823
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(3) "Pregnant woman's unborn" has the same meaning as "such other person's unborn," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in 40828
40829
40830
40831

this section, except that the second and third sentences of 40832
division (C) (1) of that section shall be construed for purposes 40833
of this section as if they included a reference to this section 40834
in the listing of Revised Code sections they contain. 40835

(4) "Termination of the pregnant woman's pregnancy" has 40836
the same meaning as "unlawful termination of another's 40837
pregnancy," as set forth in section 2903.09 of the Revised Code, 40838
as it relates to the pregnant woman. Division (C) of that 40839
section applies regarding the use of the term in this section, 40840
except that the second and third sentences of division (C) (1) of 40841
that section shall be construed for purposes of this section as 40842
if they included a reference to this section in the listing of 40843
Revised Code sections they contain. 40844

Sec. 2919.251. (A) Subject to division (D) of this 40845
section, a person who is charged with the commission of any 40846
offense of violence shall appear before the court for the 40847
setting of bail if the alleged victim of the offense charged was 40848
a family or household member at the time of the offense and if 40849
any of the following applies: 40850

(1) The person charged, at the time of the alleged 40851
offense, was subject to the terms of a protection order issued 40852
or consent agreement approved pursuant to section 2919.26 or 40853
3113.31 of the Revised Code or previously was convicted of or 40854
pleaded guilty to a violation of section 2919.25 of the Revised 40855
Code or a violation of section 2919.27 of the Revised Code 40856
involving a protection order or consent agreement of that type, 40857
a violation of an existing or former municipal ordinance or law 40858
of this or any other state or the United States that is 40859
substantially similar to either section, a violation of section 40860
~~2909.06, 2909.07, 2911.12, or 2911.211~~ 2911.04, division (A) (1), 40861

(A) (2), (A) (6), (B), or (C) of section 2909.05, division (C) of 40862
section 2909.08, or division (B) of section 2911.06 of the 40863
Revised Code if the victim of the violation was a family or 40864
household member at the time of the violation, a violation of an 40865
existing or former municipal ordinance or law of this or any 40866
other state or the United States that is substantially similar 40867
to any of those sections if the victim of the violation was a 40868
family or household member at the time of the commission of the 40869
violation, or any offense of violence if the victim of the 40870
offense was a family or household member at the time of the 40871
offense; 40872

(2) The arresting officer indicates in a police report or 40873
other document accompanying the complaint any of the following: 40874

(a) That the arresting officer observed on the alleged 40875
victim objective manifestations of physical harm that the 40876
arresting officer reasonably believes are a result of the 40877
alleged offense; 40878

(b) That the arresting officer reasonably believes that 40879
the person had on the person's person at the time of the alleged 40880
offense a deadly weapon or dangerous ordnance; 40881

(c) That the arresting officer reasonably believes that 40882
the person presents a credible threat of serious physical harm 40883
to the alleged victim or to any other person if released on bail 40884
before trial. 40885

(B) To the extent that information about any of the 40886
following is available to the court, the court shall consider 40887
all of the following, in addition to any other circumstances 40888
considered by the court and notwithstanding any provisions to 40889
the contrary contained in Criminal Rule 46, before setting bail 40890

for a person who appears before the court pursuant to division	40891
(A) of this section:	40892
(1) Whether the person has a history of domestic violence	40893
or a history of other violent acts;	40894
(2) The mental health of the person;	40895
(3) Whether the person has a history of violating the	40896
orders of any court or governmental entity;	40897
(4) Whether the person is potentially a threat to any	40898
other person;	40899
(5) Whether the person has access to deadly weapons or a	40900
history of using deadly weapons;	40901
(6) Whether the person has a history of abusing alcohol or	40902
any controlled substance;	40903
(7) The severity of the alleged violence that is the basis	40904
of the offense, including but not limited to, the duration of	40905
the alleged violent incident, and whether the alleged violent	40906
incident involved serious physical injury, sexual assault,	40907
strangulation, abuse during the alleged victim's pregnancy,	40908
abuse of pets, or forcible entry to gain access to the alleged	40909
victim;	40910
(8) Whether a separation of the person from the alleged	40911
victim or a termination of the relationship between the person	40912
and the alleged victim has recently occurred or is pending;	40913
(9) Whether the person has exhibited obsessive or	40914
controlling behaviors toward the alleged victim, including but	40915
not limited to, stalking, surveillance, or isolation of the	40916
alleged victim;	40917

(10) Whether the person has expressed suicidal or 40918
homicidal ideations; 40919

(11) Any information contained in the complaint and any 40920
police reports, affidavits, or other documents accompanying the 40921
complaint. 40922

(C) Any court that has jurisdiction over charges alleging 40923
the commission of an offense of violence in circumstances in 40924
which the alleged victim of the offense was a family or 40925
household member at the time of the offense may set a schedule 40926
for bail to be used in cases involving those offenses. The 40927
schedule shall require that a judge consider all of the factors 40928
listed in division (B) of this section and may require judges to 40929
set bail at a certain level if the history of the alleged 40930
offender or the circumstances of the alleged offense meet 40931
certain criteria in the schedule. 40932

(D) (1) Upon the court's own motion or the motion of a 40933
party and upon any terms that the court may direct, a court may 40934
permit a person who is required to appear before it by division 40935
(A) of this section to appear by video conferencing equipment. 40936

(2) If in the opinion of the court the appearance in 40937
person or by video conferencing equipment of a person who is 40938
charged with a misdemeanor and who is required to appear before 40939
the court by division (A) of this section is not practicable, 40940
the court may waive the appearance and release the person on 40941
bail in accordance with the court's schedule for bail set under 40942
division (C) of this section or, if the court has not set a 40943
schedule for bail under that division, on one or both of the 40944
following types of bail in an amount set by the court: 40945

(a) A bail bond secured by a deposit of ten per cent of 40946

the amount of the bond in cash; 40947

(b) A surety bond, a bond secured by real estate or 40948
securities as allowed by law, or the deposit of cash, at the 40949
option of the person. 40950

(3) Division (A) of this section does not create a right 40951
in a person to appear before the court for the setting of bail 40952
or prohibit a court from requiring any person charged with an 40953
offense of violence who is not described in that division from 40954
appearing before the court for the setting of bail. 40955

(E) As used in this section: 40956

(1) "Controlled substance" has the same meaning as in 40957
section 3719.01 of the Revised Code. 40958

(2) "Dangerous ordnance" and "deadly weapon" have the same 40959
meanings as in section 2923.11 of the Revised Code. 40960

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 40961
alleges a violation of section ~~2909.06, 2909.07, 2911.12, or~~ 40962
~~2911.211-2911.04, division (A) (1), (A) (2), (A) (6), (B), or (C)~~ 40963
of section 2909.05, division (C) of section 2909.08, or division 40964
(B) of section 2911.06 of the Revised Code if the alleged victim 40965
of the violation was a family or household member at the time of 40966
the violation, a violation of a municipal ordinance that is 40967
substantially similar to any of those sections if the alleged 40968
victim of the violation was a family or household member at the 40969
time of the violation, any offense of violence if the alleged 40970
victim of the offense was a family or household member at the 40971
time of the commission of the offense, or any sexually oriented 40972
offense if the alleged victim of the offense was a family or 40973
household member at the time of the commission of the offense, 40974
the complainant, the alleged victim, or a family or household 40975

member of an alleged victim may file, or, if in an emergency the
alleged victim is unable to file, a person who made an arrest
for the alleged violation or offense under section 2935.03 of
the Revised Code may file on behalf of the alleged victim, a
motion that requests the issuance of a temporary protection
order as a pretrial condition of release of the alleged
offender, in addition to any bail set under Criminal Rule 46.
The motion shall be filed with the clerk of the court that has
jurisdiction of the case at any time after the filing of the
complaint.

(2) For purposes of section 2930.09 of the Revised Code,
all stages of a proceeding arising out of a complaint alleging
the commission of a violation, offense of violence, or sexually
oriented offense described in division (A)(1) of this section,
including all proceedings on a motion for a temporary protection
order, are critical stages of the case, and a victim may be
accompanied by a victim advocate or another person to provide
support to the victim as provided in that section.

(B) The motion shall be prepared on a form that is
provided by the clerk of the court, which form shall be
substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER 40997

_____ Court 40998

Name and address of court 40999

State of Ohio 41000

v. No. _____ 41001

_____ 41002

Name of Defendant 41003

(name of person), moves the court to issue a temporary 41004
protection order containing terms designed to ensure the safety 41005
and protection of the complainant, alleged victim, and other 41006
family or household members, in relation to the named defendant, 41007
pursuant to its authority to issue such an order under section 41008
2919.26 of the Revised Code. 41009

A complaint, a copy of which has been attached to this 41010
motion, has been filed in this court charging the named 41011
defendant with _____ (name of the specified 41012
violation, the offense of violence, or sexually oriented offense 41013
charged) in circumstances in which the victim was a family or 41014
household member in violation of (section of the Revised Code 41015
designating the specified violation, offense of violence, or 41016
sexually oriented offense charged), or charging the named 41017
defendant with a violation of a municipal ordinance that is 41018
substantially similar to _____ (section of 41019
the Revised Code designating the specified violation, offense of 41020
violence, or sexually oriented offense charged) involving a 41021
family or household member. 41022

I understand that I must appear before the court, at a 41023
time set by the court within twenty-four hours after the filing 41024
of this motion, for a hearing on the motion or that, if I am 41025
unable to appear because of hospitalization or a medical 41026
condition resulting from the offense alleged in the complaint, a 41027
person who can provide information about my need for a temporary 41028
protection order must appear before the court in lieu of my 41029
appearing in court. I understand that any temporary protection 41030
order granted pursuant to this motion is a pretrial condition of 41031
release and is effective only until the disposition of the 41032
criminal proceeding arising out of the attached complaint, or 41033
the issuance of a civil protection order or the approval of a 41034

consent agreement, arising out of the same activities as those 41035
that were the basis of the complaint, under section 3113.31 of 41036
the Revised Code. 41037

Signature of person 41038
41039

(or signature of the arresting officer who filed the motion on 41040
behalf of the alleged victim) 41041

Address of person (or office address of the arresting officer 41042
who filed the motion on behalf of the alleged victim)" 41043
41044

(C) (1) As soon as possible after the filing of a motion 41045
that requests the issuance of a temporary protection order, but 41046
not later than twenty-four hours after the filing of the motion, 41047
the court shall conduct a hearing to determine whether to issue 41048
the order. The person who requested the order shall appear 41049
before the court and provide the court with the information that 41050
it requests concerning the basis of the motion. If the person 41051
who requested the order is unable to appear and if the court 41052
finds that the failure to appear is because of the person's 41053
hospitalization or medical condition resulting from the offense 41054
alleged in the complaint, another person who is able to provide 41055
the court with the information it requests may appear in lieu of 41056
the person who requested the order. If the court finds that the 41057
safety and protection of the complainant, alleged victim, or any 41058
other family or household member of the alleged victim may be 41059
impaired by the continued presence of the alleged offender, the 41060
court may issue a temporary protection order, as a pretrial 41061
condition of release, that contains terms designed to ensure the 41062
safety and protection of the complainant, alleged victim, or the 41063

family or household member, including a requirement that the 41064
alleged offender refrain from entering the residence, school, 41065
business, or place of employment of the complainant, alleged 41066
victim, or the family or household member. The court may include 41067
within a protection order issued under this section a term 41068
requiring that the alleged offender not remove, damage, hide, 41069
harm, or dispose of any companion animal owned or possessed by 41070
the complainant, alleged victim, or any other family or 41071
household member of the alleged victim, and may include within 41072
the order a term authorizing the complainant, alleged victim, or 41073
other family or household member of the alleged victim to remove 41074
a companion animal owned by the complainant, alleged victim, or 41075
other family or household member from the possession of the 41076
alleged offender. 41077

(2) (a) If the court issues a temporary protection order 41078
that includes a requirement that the alleged offender refrain 41079
from entering the residence, school, business, or place of 41080
employment of the complainant, the alleged victim, or the family 41081
or household member, the order shall state clearly that the 41082
order cannot be waived or nullified by an invitation to the 41083
alleged offender from the complainant, alleged victim, or family 41084
or household member to enter the residence, school, business, or 41085
place of employment or by the alleged offender's entry into one 41086
of those places otherwise upon the consent of the complainant, 41087
alleged victim, or family or household member. 41088

(b) Division (C) (2) (a) of this section does not limit any 41089
discretion of a court to determine that an alleged offender 41090
charged with a violation of section 2919.27 of the Revised Code, 41091
with a violation of a municipal ordinance substantially 41092
equivalent to that section, or with contempt of court, which 41093
charge is based on an alleged violation of a temporary 41094

protection order issued under this section, did not commit the 41095
violation or was not in contempt of court. 41096

(D) (1) Upon the filing of a complaint that alleges a 41097
violation of section ~~2909.06, 2909.07, 2911.12, or 2911.211~~ 41098
2911.04, division (A) (1), (A) (2), (A) (6), (B), or (C) of section 41099
2909.05, division (C) of section 2909.08, or division (B) of 41100
section 2911.06 of the Revised Code if the alleged victim of the 41101
violation was a family or household member at the time of the 41102
violation, a violation of a municipal ordinance that is 41103
substantially similar to any of those sections if the alleged 41104
victim of the violation was a family or household member at the 41105
time of the violation, any offense of violence if the alleged 41106
victim of the offense was a family or household member at the 41107
time of the commission of the offense, or any sexually oriented 41108
offense if the alleged victim of the offense was a family or 41109
household member at the time of the commission of the offense, 41110
the court, upon its own motion, may issue a temporary protection 41111
order as a pretrial condition of release if it finds that the 41112
safety and protection of the complainant, alleged victim, or 41113
other family or household member of the alleged offender may be 41114
impaired by the continued presence of the alleged offender. 41115

(2) If the court issues a temporary protection order under 41116
this section as an ex parte order, it shall conduct, as soon as 41117
possible after the issuance of the order, a hearing in the 41118
presence of the alleged offender not later than the next day on 41119
which the court is scheduled to conduct business after the day 41120
on which the alleged offender was arrested or at the time of the 41121
appearance of the alleged offender pursuant to summons to 41122
determine whether the order should remain in effect, be 41123
modified, or be revoked. The hearing shall be conducted under 41124
the standards set forth in division (C) of this section. 41125

(3) An order issued under this section shall contain only those terms authorized in orders issued under division (C) of this section.

(4) If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

(E) A temporary protection order that is issued as a pretrial condition of release under this section:

(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;

(2) Is effective only until the occurrence of either of

the following: 41156

(a) The disposition, by the court that issued the order 41157
or, in the circumstances described in division (D)(4) of this 41158
section, by the court of common pleas to which the alleged 41159
offender is bound over for prosecution, of the criminal 41160
proceeding arising out of the complaint upon which the order is 41161
based; 41162

(b) The issuance of a protection order or the approval of 41163
a consent agreement, arising out of the same activities as those 41164
that were the basis of the complaint upon which the order is 41165
based, under section 3113.31 of the Revised Code. 41166

(3) Shall not be construed as a finding that the alleged 41167
offender committed the alleged offense, and shall not be 41168
introduced as evidence of the commission of the offense at the 41169
trial of the alleged offender on the complaint upon which the 41170
order is based. 41171

(F) A person who meets the criteria for bail under 41172
Criminal Rule 46 and who, if required to do so pursuant to that 41173
rule, executes or posts bond or deposits cash or securities as 41174
bail, shall not be held in custody pending a hearing before the 41175
court on a motion requesting a temporary protection order. 41176

(G) (1) A copy of any temporary protection order that is 41177
issued under this section shall be issued by the court to the 41178
complainant, to the alleged victim, to the person who requested 41179
the order, to the defendant, and to all law enforcement agencies 41180
that have jurisdiction to enforce the order. The court shall 41181
direct that a copy of the order be delivered to the defendant on 41182
the same day that the order is entered. If a municipal court or 41183
a county court issues a temporary protection order under this 41184

section and if, subsequent to the issuance of the order, the defendant who is the subject of the order is bound over to the court of common pleas for prosecution as described in division (D) (4) of this section, the municipal court or county court shall direct that a copy of the order be delivered to the court of common pleas to which the defendant is bound over.

(2) Upon the issuance of a protection order under this section, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE

As a result of this protection order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g) (8) for the duration of this order. If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain an index for the temporary protection orders delivered to the agencies pursuant to division (G) (1) of this section. With respect to each order delivered, each agency shall note on the index, the date and time of the receipt of the order by the agency.

(4) A complainant, alleged victim, or other person who obtains a temporary protection order under this section may provide notice of the issuance of the temporary protection order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county in accordance with

division (N) of section 3113.31 of the Revised Code and filing a 41214
copy of the registered protection order with a law enforcement 41215
agency in the other county in accordance with that division. 41216

(5) Any officer of a law enforcement agency shall enforce 41217
a temporary protection order issued by any court in this state 41218
in accordance with the provisions of the order, including 41219
removing the defendant from the premises, regardless of whether 41220
the order is registered in the county in which the officer's 41221
agency has jurisdiction as authorized by division (G) (4) of this 41222
section. 41223

(H) Upon a violation of a temporary protection order, the 41224
court may issue another temporary protection order, as a 41225
pretrial condition of release, that modifies the terms of the 41226
order that was violated. 41227

(I) (1) As used in divisions (I) (1) and (2) of this 41228
section, "defendant" means a person who is alleged in a 41229
complaint to have committed a violation, offense of violence, or 41230
sexually oriented offense of the type described in division (A) 41231
of this section. 41232

(2) If a complaint is filed that alleges that a person 41233
committed a violation, offense of violence, or sexually oriented 41234
offense of the type described in division (A) of this section, 41235
the court may not issue a temporary protection order under this 41236
section that requires the complainant, the alleged victim, or 41237
another family or household member of the defendant to do or 41238
refrain from doing an act that the court may require the 41239
defendant to do or refrain from doing under a temporary 41240
protection order unless both of the following apply: 41241

(a) The defendant has filed a separate complaint that 41242

alleges that the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act committed a violation or offense of violence of the type described in division (A) of this section.

(b) The court determines that both the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act and the defendant acted primarily as aggressors, that neither the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act nor the defendant acted primarily in self-defense, and, in accordance with the standards and criteria of this section as applied in relation to the separate complaint filed by the defendant, that it should issue the order to require the complainant, alleged victim, or other family or household member in question to do or refrain from doing the act.

(J) (1) Subject to division (J) (2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge the movant any fee, cost, deposit, or money in connection with the filing of a motion pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(2) Regardless of whether a protection order is issued or

a consent agreement is approved pursuant to this section, if the 41273
defendant is convicted the court may assess costs against the 41274
defendant in connection with the filing, issuance, registration, 41275
modification, enforcement, dismissal, withdrawal, or service of 41276
a protection order, consent agreement, or witness subpoena or 41277
for obtaining a certified copy of a protection order or consent 41278
agreement. 41279

(K) As used in this section: 41280

(1) "Companion animal" has the same meaning as in section 41281
959.131 of the Revised Code. 41282

(2) "Sexually oriented offense" has the same meaning as in 41283
section 2950.01 of the Revised Code. 41284

(3) "Victim advocate" means a person who provides support 41285
and assistance for a victim of an offense during court 41286
proceedings. 41287

Sec. 2919.27. (A) No person shall recklessly violate the 41288
terms of any of the following: 41289

(1) A protection order issued or consent agreement 41290
approved pursuant to section 2919.26 or 3113.31 of the Revised 41291
Code; 41292

(2) A protection order issued pursuant to section 2151.34, 41293
2903.213, or 2903.214 of the Revised Code; 41294

(3) A protection order issued by a court of another state. 41295

(B) (1) Whoever violates this section is guilty of 41296
violating a protection order. 41297

(2) Except as otherwise provided in division (B) (3) or (4) 41298
of this section, violating a protection order is a misdemeanor 41299

of the first degree. 41300

(3) Violating a protection order is a felony of the fifth 41301
degree if the offender previously has been convicted of, pleaded 41302
guilty to, or been adjudicated a delinquent child for any of the 41303
following: 41304

(a) A violation of a protection order issued or consent 41305
agreement approved pursuant to section 2151.34, 2903.213, 41306
2903.214, 2919.26, or 3113.31 of the Revised Code; 41307

(b) Two or more violations of section 2903.21, 2903.211, 41308
or 2903.22, or ~~2911.211~~ division (B) of section 2911.06 of the 41309
Revised Code, or any combination of those offenses, that 41310
involved the same person who is the subject of the protection 41311
order or consent agreement; 41312

(c) One or more violations of this section. 41313

(4) If the offender violates a protection order or consent 41314
agreement while committing a felony offense, violating a 41315
protection order is a felony of the third degree. 41316

(5) If the protection order violated by the offender was 41317
an order issued pursuant to section 2151.34 or 2903.214 of the 41318
Revised Code that required electronic monitoring of the offender 41319
pursuant to that section, the court may require in addition to 41320
any other sentence imposed upon the offender that the offender 41321
be electronically monitored for a period not exceeding five 41322
years by a law enforcement agency designated by the court. If 41323
the court requires under this division that the offender be 41324
electronically monitored, unless the court determines that the 41325
offender is indigent, the court shall order that the offender 41326
pay the costs of the installation of the electronic monitoring 41327
device and the cost of monitoring the electronic monitoring 41328

device. If the court determines that the offender is indigent 41329
and subject to the maximum amount allowable and the rules 41330
promulgated by the attorney general under section 2903.214 of 41331
the Revised Code, the costs of the installation of the 41332
electronic monitoring device and the cost of monitoring the 41333
electronic monitoring device may be paid out of funds from the 41334
reparations fund created pursuant to section 2743.191 of the 41335
Revised Code. The total amount paid from the reparations fund 41336
created pursuant to section 2743.191 of the Revised Code for 41337
electronic monitoring under this section and sections 2151.34 41338
and 2903.214 of the Revised Code shall not exceed three hundred 41339
thousand dollars per year. 41340

(C) It is an affirmative defense to a charge under 41341
division (A) (3) of this section that the protection order issued 41342
by a court of another state does not comply with the 41343
requirements specified in 18 U.S.C. 2265(b) for a protection 41344
order that must be accorded full faith and credit by a court of 41345
this state or that it is not entitled to full faith and credit 41346
under 18 U.S.C. 2265(c). 41347

(D) In a prosecution for a violation of this section, it 41348
is not necessary for the prosecution to prove that the 41349
protection order or consent agreement was served on the 41350
defendant if the prosecution proves that the defendant was shown 41351
the protection order or consent agreement or a copy of either or 41352
a judge, magistrate, or law enforcement officer informed the 41353
defendant that a protection order or consent agreement had been 41354
issued, and proves that the defendant recklessly violated the 41355
terms of the order or agreement. 41356

(E) As used in this section, "protection order issued by a 41357
court of another state" means an injunction or another order 41358

issued by a criminal court of another state for the purpose of 41359
preventing violent or threatening acts or harassment against, 41360
contact or communication with, or physical proximity to another 41361
person, including a temporary order, and means an injunction or 41362
order of that nature issued by a civil court of another state, 41363
including a temporary order and a final order issued in an 41364
independent action or as a pendente lite order in a proceeding 41365
for other relief, if the court issued it in response to a 41366
complaint, petition, or motion filed by or on behalf of a person 41367
seeking protection. "Protection order issued by a court of 41368
another state" does not include an order for support or for 41369
custody of a child issued pursuant to the divorce and child 41370
custody laws of another state, except to the extent that the 41371
order for support or for custody of a child is entitled to full 41372
faith and credit under the laws of the United States. 41373

Sec. 2923.04. (A) As used in this section: 41374

(1) "Compensation" means money, thing of value, or 41375
financial benefit. "Compensation" does not include bail, fines, 41376
or court costs. 41377

(2) "Critical infrastructure facility" has the same 41378
meaning as in section ~~2911.21~~2911.011 of the Revised Code. 41379

(3) "Organization" has the same meaning as in section 41380
2901.23 of the Revised Code. 41381

(B) No organization shall knowingly direct, authorize, 41382
facilitate, or encourage a person to commit any of the following 41383
offenses or provide compensation to a person for committing any 41384
of the following offenses: 41385

(1) Criminal mischief in violation of division ~~(A) (7)~~(C) 41386
(7) of section ~~2909.07~~2909.05 of the Revised Code; 41387

(2) Criminal trespass in violation of division (A) (5) (D)	41388
<u>(5) of section 2911.21-2911.06 of the Revised Code;</u>	41389
(3) Aggravated Criminal trespass in violation of division	41390
(A) (2) of section 2911.211 <u>2911.06</u> of the Revised Code;	41391
(4) Telecommunications harassment in violation of division	41392
(A) (4) of section 2917.21 of the Revised Code that involves a	41393
threat of damage to or destruction of a critical infrastructure	41394
facility;	41395
(5) Making false alarms <u>Inducing panic</u> in violation of	41396
division (A) (4) (B) (3) of section 2917.32 <u>2917.31</u> of the Revised	41397
Code.	41398
(C) Whoever violates this section is guilty of improper	41399
organizational involvement with a critical infrastructure	41400
facility. Notwithstanding section 2929.31 of the Revised Code,	41401
improper organizational involvement with a critical	41402
infrastructure facility shall be punished as follows:	41403
(1) A violation of division (B) (1) of this section shall	41404
be punished with a fine that is ten times the maximum fine that	41405
can be imposed on an individual for a violation of division (A)	41406
(7) <u>(C) (7)</u> of section 2909.07 <u>2909.05</u> of the Revised Code;	41407
(2) A violation of division (B) (2) of this section shall	41408
be punished with a fine that is ten times the maximum fine that	41409
can be imposed on an individual for a violation of division (A)	41410
(5) <u>(D) (5)</u> of section 2911.21 <u>2911.06</u> of the Revised Code;	41411
(3) A violation of division (B) (3) of this section shall	41412
be punished with a fine that is ten times the maximum fine that	41413
can be imposed on an individual for a violation of division (A)	41414
(2) of section 2911.211 <u>2911.06</u> of the Revised Code;	41415

(4) A violation of division (B)(4) of this section shall 41416
be punished with a fine that is ten times the maximum fine that 41417
can be imposed on an individual for a violation of division (A) 41418
(4) of section 2917.21 of the Revised Code that involves a 41419
threat of damage to or destruction of a critical infrastructure 41420
facility; 41421

(5) A violation of division (B)(5) of this section shall 41422
be punished with a fine that is ten times the maximum fine that 41423
can be imposed on an individual for a violation of division (A) 41424
(4) of section 2917.32 of the Revised Code. 41425

Sec. 2923.126. (A) A concealed handgun license that is 41426
issued under section 2923.125 of the Revised Code shall expire 41427
five years after the date of issuance. A licensee who has been 41428
issued a license under that section shall be granted a grace 41429
period of thirty days after the licensee's license expires 41430
during which the licensee's license remains valid. Except as 41431
provided in divisions (B) and (C) of this section, a licensee 41432
who has been issued a concealed handgun license under section 41433
2923.125 or 2923.1213 of the Revised Code may carry a concealed 41434
handgun anywhere in this state if the licensee also carries a 41435
valid license when the licensee is in actual possession of a 41436
concealed handgun. The licensee shall give notice of any change 41437
in the licensee's residence address to the sheriff who issued 41438
the license within forty-five days after that change. 41439

If a licensee is the driver or an occupant of a motor 41440
vehicle that is stopped as the result of a traffic stop or a 41441
stop for another law enforcement purpose and if the licensee is 41442
transporting or has a loaded handgun in the motor vehicle at 41443
that time, the licensee shall promptly inform any law 41444
enforcement officer who approaches the vehicle while stopped 41445

that the licensee has been issued a concealed handgun license 41446
and that the licensee currently possesses or has a loaded 41447
handgun; the licensee shall not knowingly disregard or fail to 41448
comply with lawful orders of a law enforcement officer given 41449
while the motor vehicle is stopped, knowingly fail to remain in 41450
the motor vehicle while stopped, or knowingly fail to keep the 41451
licensee's hands in plain sight after any law enforcement 41452
officer begins approaching the licensee while stopped and before 41453
the officer leaves, unless directed otherwise by a law 41454
enforcement officer; and the licensee shall not knowingly have 41455
contact with the loaded handgun by touching it with the 41456
licensee's hands or fingers, in any manner in violation of 41457
division (E) of section 2923.16 of the Revised Code, after any 41458
law enforcement officer begins approaching the licensee while 41459
stopped and before the officer leaves. Additionally, if a 41460
licensee is the driver or an occupant of a commercial motor 41461
vehicle that is stopped by an employee of the motor carrier 41462
enforcement unit for the purposes defined in section 5503.34 of 41463
the Revised Code and the licensee is transporting or has a 41464
loaded handgun in the commercial motor vehicle at that time, the 41465
licensee shall promptly inform the employee of the unit who 41466
approaches the vehicle while stopped that the licensee has been 41467
issued a concealed handgun license and that the licensee 41468
currently possesses or has a loaded handgun. 41469

If a licensee is stopped for a law enforcement purpose and 41470
if the licensee is carrying a concealed handgun at the time the 41471
officer approaches, the licensee shall promptly inform any law 41472
enforcement officer who approaches the licensee while stopped 41473
that the licensee has been issued a concealed handgun license 41474
and that the licensee currently is carrying a concealed handgun; 41475
the licensee shall not knowingly disregard or fail to comply 41476

with lawful orders of a law enforcement officer given while the 41477
licensee is stopped, or knowingly fail to keep the licensee's 41478
hands in plain sight after any law enforcement officer begins 41479
approaching the licensee while stopped and before the officer 41480
leaves, unless directed otherwise by a law enforcement officer; 41481
and the licensee shall not knowingly remove, attempt to remove, 41482
grasp, or hold the loaded handgun or knowingly have contact with 41483
the loaded handgun by touching it with the licensee's hands or 41484
fingers, in any manner in violation of division (B) of section 41485
2923.12 of the Revised Code, after any law enforcement officer 41486
begins approaching the licensee while stopped and before the 41487
officer leaves. 41488

(B) A valid concealed handgun license does not authorize 41489
the licensee to carry a concealed handgun in any manner 41490
prohibited under division (B) of section 2923.12 of the Revised 41491
Code or in any manner prohibited under section 2923.16 of the 41492
Revised Code. A valid license does not authorize the licensee to 41493
carry a concealed handgun into any of the following places: 41494

(1) A police station, sheriff's office, or state highway 41495
patrol station, premises controlled by the bureau of criminal 41496
identification and investigation; a state correctional 41497
institution, jail, workhouse, or other detention facility; any 41498
area of an airport passenger terminal that is beyond a passenger 41499
or property screening checkpoint or to which access is 41500
restricted through security measures by the airport authority or 41501
a public agency; or an institution that is maintained, operated, 41502
managed, and governed pursuant to division (A) of section 41503
5119.14 of the Revised Code or division (A) (1) of section 41504
5123.03 of the Revised Code; 41505

(2) A school safety zone if the licensee's carrying the 41506

concealed handgun is in violation of section 2923.122 of the Revised Code; 41507
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(3) A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of section 2923.123 of the Revised Code; 41509
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(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code; 41512
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(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises; 41516
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(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise; 41526
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(7) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section, unless the governing body with authority over the building has 41529
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enacted a statute, ordinance, or policy that permits a licensee 41536
to carry a concealed handgun into the building; 41537

(8) A place in which federal law prohibits the carrying of 41538
handguns. 41539

(C) (1) Nothing in this section shall negate or restrict a 41540
rule, policy, or practice of a private employer that is not a 41541
private college, university, or other institution of higher 41542
education concerning or prohibiting the presence of firearms on 41543
the private employer's premises or property, including motor 41544
vehicles owned by the private employer. Nothing in this section 41545
shall require a private employer of that nature to adopt a rule, 41546
policy, or practice concerning or prohibiting the presence of 41547
firearms on the private employer's premises or property, 41548
including motor vehicles owned by the private employer. 41549

(2) (a) A private employer shall be immune from liability 41550
in a civil action for any injury, death, or loss to person or 41551
property that allegedly was caused by or related to a licensee 41552
bringing a handgun onto the premises or property of the private 41553
employer, including motor vehicles owned by the private 41554
employer, unless the private employer acted with malicious 41555
purpose. A private employer is immune from liability in a civil 41556
action for any injury, death, or loss to person or property that 41557
allegedly was caused by or related to the private employer's 41558
decision to permit a licensee to bring, or prohibit a licensee 41559
from bringing, a handgun onto the premises or property of the 41560
private employer. 41561

(b) A political subdivision shall be immune from liability 41562
in a civil action, to the extent and in the manner provided in 41563
Chapter 2744. of the Revised Code, for any injury, death, or 41564
loss to person or property that allegedly was caused by or 41565

related to a licensee bringing a handgun onto any premises or 41566
property owned, leased, or otherwise under the control of the 41567
political subdivision. As used in this division, "political 41568
subdivision" has the same meaning as in section 2744.01 of the 41569
Revised Code. 41570

(c) An institution of higher education shall be immune 41571
from liability in a civil action for any injury, death, or loss 41572
to person or property that allegedly was caused by or related to 41573
a licensee bringing a handgun onto the premises of the 41574
institution, including motor vehicles owned by the institution, 41575
unless the institution acted with malicious purpose. An 41576
institution of higher education is immune from liability in a 41577
civil action for any injury, death, or loss to person or 41578
property that allegedly was caused by or related to the 41579
institution's decision to permit a licensee or class of 41580
licensees to bring a handgun onto the premises of the 41581
institution. 41582

(d) A nonprofit corporation shall be immune from liability 41583
in a civil action for any injury, death, or loss to person or 41584
property that allegedly was caused by or related to a licensee 41585
bringing a handgun onto the premises of the nonprofit 41586
corporation, including any motor vehicle owned by the nonprofit 41587
corporation, or to any event organized by the nonprofit 41588
corporation, unless the nonprofit corporation acted with 41589
malicious purpose. A nonprofit corporation is immune from 41590
liability in a civil action for any injury, death, or loss to 41591
person or property that allegedly was caused by or related to 41592
the nonprofit corporation's decision to permit a licensee to 41593
bring a handgun onto the premises of the nonprofit corporation 41594
or to any event organized by the nonprofit corporation. 41595

(3) (a) Except as provided in division (C) (3) (b) of this section and section 2923.1214 of the Revised Code, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of division ~~(A) (4) (D) (4)~~ of section ~~2911.21-2911.06~~ of the Revised Code and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under section ~~2911.21-2911.06~~ of the Revised Code or under any other criminal law of this state or criminal law, ordinance, or resolution of a political subdivision of this state, and instead is subject only to a civil cause of action for trespass based on the violation.

If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day-care center, type A family day-care home, or type B family day-care home, unless the person is a licensee who resides in a type A family day-care home or type B family day-care home, the person is guilty of ~~aggravated~~ criminal trespass in violation of section ~~2911.211-2911.06~~ of the Revised Code. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this

division or of any offense of violence, if the weapon involved 41627
is a firearm that is either loaded or for which the offender has 41628
ammunition ready at hand, or if the weapon involved is dangerous 41629
ordnance, the offender is guilty of a felony of the fourth 41630
degree. 41631

(b) A landlord may not prohibit or restrict a tenant who 41632
is a licensee and who on or after September 9, 2008, enters into 41633
a rental agreement with the landlord for the use of residential 41634
premises, and the tenant's guest while the tenant is present, 41635
from lawfully carrying or possessing a handgun on those 41636
residential premises. 41637

(c) As used in division (C) (3) of this section: 41638

(i) "Residential premises" has the same meaning as in 41639
section 5321.01 of the Revised Code, except "residential 41640
premises" does not include a dwelling unit that is owned or 41641
operated by a college or university. 41642

(ii) "Landlord," "tenant," and "rental agreement" have the 41643
same meanings as in section 5321.01 of the Revised Code. 41644

(D) A person who holds a valid concealed handgun license 41645
issued by another state that is recognized by the attorney 41646
general pursuant to a reciprocity agreement entered into 41647
pursuant to section 109.69 of the Revised Code or a person who 41648
holds a valid concealed handgun license under the circumstances 41649
described in division (B) of section 109.69 of the Revised Code 41650
has the same right to carry a concealed handgun in this state as 41651
a person who was issued a concealed handgun license under 41652
section 2923.125 of the Revised Code and is subject to the same 41653
restrictions that apply to a person who carries a license issued 41654
under that section. 41655

(E) (1) A peace officer has the same right to carry a
concealed handgun in this state as a person who was issued a
concealed handgun license under section 2923.125 of the Revised
Code, provided that the officer when carrying a concealed
handgun under authority of this division is carrying validating
identification. For purposes of reciprocity with other states, a
peace officer shall be considered to be a licensee in this
state.

(2) An active duty member of the armed forces of the
United States who is carrying a valid military identification
card and documentation of successful completion of firearms
training that meets or exceeds the training requirements
described in division (G) (1) of section 2923.125 of the Revised
Code has the same right to carry a concealed handgun in this
state as a person who was issued a concealed handgun license
under section 2923.125 of the Revised Code and is subject to the
same restrictions as specified in this section.

(3) A tactical medical professional who is qualified to
carry firearms while on duty under section 109.771 of the
Revised Code has the same right to carry a concealed handgun in
this state as a person who was issued a concealed handgun
license under section 2923.125 of the Revised Code.

(F) (1) A qualified retired peace officer who possesses a
retired peace officer identification card issued pursuant to
division (F) (2) of this section and a valid firearms
requalification certification issued pursuant to division (F) (3)
of this section has the same right to carry a concealed handgun
in this state as a person who was issued a concealed handgun
license under section 2923.125 of the Revised Code and is
subject to the same restrictions that apply to a person who

carries a license issued under that section. For purposes of 41686
reciprocity with other states, a qualified retired peace officer 41687
who possesses a retired peace officer identification card issued 41688
pursuant to division (F)(2) of this section and a valid firearms 41689
requalification certification issued pursuant to division (F)(3) 41690
of this section shall be considered to be a licensee in this 41691
state. 41692

(2) (a) Each public agency of this state or of a political 41693
subdivision of this state that is served by one or more peace 41694
officers shall issue a retired peace officer identification card 41695
to any person who retired from service as a peace officer with 41696
that agency, if the issuance is in accordance with the agency's 41697
policies and procedures and if the person, with respect to the 41698
person's service with that agency, satisfies all of the 41699
following: 41700

(i) The person retired in good standing from service as a 41701
peace officer with the public agency, and the retirement was not 41702
for reasons of mental instability. 41703

(ii) Before retiring from service as a peace officer with 41704
that agency, the person was authorized to engage in or supervise 41705
the prevention, detection, investigation, or prosecution of, or 41706
the incarceration of any person for, any violation of law and 41707
the person had statutory powers of arrest. 41708

(iii) At the time of the person's retirement as a peace 41709
officer with that agency, the person was trained and qualified 41710
to carry firearms in the performance of the peace officer's 41711
duties. 41712

(iv) Before retiring from service as a peace officer with 41713
that agency, the person was regularly employed as a peace 41714

officer for an aggregate of fifteen years or more, or, in the 41715
alternative, the person retired from service as a peace officer 41716
with that agency, after completing any applicable probationary 41717
period of that service, due to a service-connected disability, 41718
as determined by the agency. 41719

(b) A retired peace officer identification card issued to 41720
a person under division (F) (2) (a) of this section shall identify 41721
the person by name, contain a photograph of the person, identify 41722
the public agency of this state or of the political subdivision 41723
of this state from which the person retired as a peace officer 41724
and that is issuing the identification card, and specify that 41725
the person retired in good standing from service as a peace 41726
officer with the issuing public agency and satisfies the 41727
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 41728
section. In addition to the required content specified in this 41729
division, a retired peace officer identification card issued to 41730
a person under division (F) (2) (a) of this section may include 41731
the firearms requalification certification described in division 41732
(F) (3) of this section, and if the identification card includes 41733
that certification, the identification card shall serve as the 41734
firearms requalification certification for the retired peace 41735
officer. If the issuing public agency issues credentials to 41736
active law enforcement officers who serve the agency, the agency 41737
may comply with division (F) (2) (a) of this section by issuing 41738
the same credentials to persons who retired from service as a 41739
peace officer with the agency and who satisfy the criteria set 41740
forth in divisions (F) (2) (a) (i) to (iv) of this section, 41741
provided that the credentials so issued to retired peace 41742
officers are stamped with the word "RETIRED." 41743

(c) A public agency of this state or of a political 41744
subdivision of this state may charge persons who retired from 41745

service as a peace officer with the agency a reasonable fee for 41746
issuing to the person a retired peace officer identification 41747
card pursuant to division (F) (2) (a) of this section. 41748

(3) If a person retired from service as a peace officer 41749
with a public agency of this state or of a political subdivision 41750
of this state and the person satisfies the criteria set forth in 41751
divisions (F) (2) (a) (i) to (iv) of this section, the public 41752
agency may provide the retired peace officer with the 41753
opportunity to attend a firearms requalification program that is 41754
approved for purposes of firearms requalification required under 41755
section 109.801 of the Revised Code. The retired peace officer 41756
may be required to pay the cost of the course. 41757

If a retired peace officer who satisfies the criteria set 41758
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 41759
a firearms requalification program that is approved for purposes 41760
of firearms requalification required under section 109.801 of 41761
the Revised Code, the retired peace officer's successful 41762
completion of the firearms requalification program requalifies 41763
the retired peace officer for purposes of division (F) of this 41764
section for five years from the date on which the program was 41765
successfully completed, and the requalification is valid during 41766
that five-year period. If a retired peace officer who satisfies 41767
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 41768
section satisfactorily completes such a firearms requalification 41769
program, the retired peace officer shall be issued a firearms 41770
requalification certification that identifies the retired peace 41771
officer by name, identifies the entity that taught the program, 41772
specifies that the retired peace officer successfully completed 41773
the program, specifies the date on which the course was 41774
successfully completed, and specifies that the requalification 41775
is valid for five years from that date of successful completion. 41776

The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F) (2) of this section. 41777
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A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code may be required to pay the cost of the program. 41781
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(G) As used in this section: 41785

(1) "Qualified retired peace officer" means a person who satisfies all of the following: 41786
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(a) The person satisfies the criteria set forth in divisions (F) (2) (a) (i) to (v) of this section. 41788
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(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance. 41790
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(c) The person is not prohibited by federal law from receiving firearms. 41792
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(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer. 41794
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(3) "Government facility of this state or a political subdivision of this state" means any of the following: 41797
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(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision; 41799
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(b) The office of a deputy registrar serving pursuant to 41805
Chapter 4503. of the Revised Code that is used to perform deputy 41806
registrar functions. 41807

(4) "Governing body" has the same meaning as in section 41808
154.01 of the Revised Code. 41809

(5) "Tactical medical professional" has the same meaning 41810
as in section 109.71 of the Revised Code. 41811

(6) "Validating identification" means photographic 41812
identification issued by the agency for which an individual 41813
serves as a peace officer that identifies the individual as a 41814
peace officer of the agency. 41815

(7) "Nonprofit corporation" means any private organization 41816
that is exempt from federal income taxation pursuant to 41817
subsection 501(a) and described in subsection 501(c) of the 41818
Internal Revenue Code. 41819

Sec. 2923.129. (A) (1) If a sheriff, the superintendent of 41820
the bureau of criminal identification and investigation, the 41821
employees of the bureau, the Ohio peace officer training 41822
commission, or the employees of the commission make a good faith 41823
effort in performing the duties imposed upon the sheriff, the 41824
superintendent, the bureau's employees, the commission, or the 41825
commission's employees by sections 109.731, 311.41, and 2923.124 41826
to 2923.1213 of the Revised Code, in addition to the personal 41827
immunity provided by section 9.86 of the Revised Code or 41828
division (A) (6) of section 2744.03 of the Revised Code and the 41829
governmental immunity of sections 2744.02 and 2744.03 of the 41830
Revised Code and in addition to any other immunity possessed by 41831
the bureau, the commission, and their employees, the sheriff, 41832
the sheriff's office, the county in which the sheriff has 41833

jurisdiction, the bureau, the superintendent of the bureau, the 41834
bureau's employees, the commission, and the commission's 41835
employees are immune from liability in a civil action for 41836
injury, death, or loss to person or property that allegedly was 41837
caused by or related to any of the following: 41838

(a) The issuance, renewal, suspension, or revocation of a 41839
concealed handgun license; 41840

(b) The failure to issue, renew, suspend, or revoke a 41841
concealed handgun license; 41842

(c) Any action or misconduct with a handgun committed by a 41843
licensee. 41844

(2) Any action of a sheriff relating to the issuance, 41845
renewal, suspension, or revocation of a concealed handgun 41846
license shall be considered to be a governmental function for 41847
purposes of Chapter 2744. of the Revised Code. 41848

(3) An entity that or instructor who provides a competency 41849
certification of a type described in division (B)(3) of section 41850
2923.125 of the Revised Code is immune from civil liability that 41851
might otherwise be incurred or imposed for any death or any 41852
injury or loss to person or property that is caused by or 41853
related to a person to whom the entity or instructor has issued 41854
the competency certificate if all of the following apply: 41855

(a) The alleged liability of the entity or instructor 41856
relates to the training provided in the course, class, or 41857
program covered by the competency certificate. 41858

(b) The entity or instructor makes a good faith effort in 41859
determining whether the person has satisfactorily completed the 41860
course, class, or program and makes a good faith effort in 41861
assessing the person in the competency examination conducted 41862

pursuant to division (G) (2) of section 2923.125 of the Revised Code. 41863
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(c) The entity or instructor did not issue the competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner. 41865
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(4) An entity that or instructor who, prior to March 27, 2013, provides a renewed competency certification of a type described in division (G) (4) of section 2923.125 of the Revised Code as it existed prior to March 27, 2013, is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the renewed competency certificate if all of the following apply: 41868
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(a) The entity or instructor makes a good faith effort in assessing the person in the physical demonstrations or the competency examination conducted pursuant to division (G) (4) of section 2923.125 of the Revised Code as it existed prior to March 27, 2013. 41877
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(b) The entity or instructor did not issue the renewed competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner. 41882
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(B) Notwithstanding section 149.43 of the Revised Code, the records that a sheriff keeps relative to the issuance, renewal, suspension, or revocation of a concealed handgun license, including, but not limited to, completed applications for the issuance or renewal of a license, completed affidavits submitted regarding an application for a license on a temporary emergency basis, reports of criminal records checks and 41885
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incompetency records checks under section 311.41 of the Revised Code, and applicants' social security numbers and fingerprints that are obtained under division (A) of section 311.41 of the Revised Code, are confidential and are not public records. No person shall release or otherwise disseminate records that are confidential under this division unless required to do so pursuant to a court order.

(C) Each sheriff shall report to the Ohio peace officer training commission the number of concealed handgun licenses that the sheriff issued, renewed, suspended, revoked, or denied under section 2923.125 of the Revised Code during the previous quarter of the calendar year, the number of applications for those licenses for which processing was suspended in accordance with division (D)(3) of section 2923.125 of the Revised Code during the previous quarter of the calendar year, and the number of concealed handgun licenses on a temporary emergency basis that the sheriff issued, suspended, revoked, or denied under section 2923.1213 of the Revised Code during the previous quarter of the calendar year. The sheriff shall not include in the report the name or any other identifying information of an applicant or licensee. The sheriff shall report that information in a manner that permits the commission to maintain the statistics described in division (C) of section 109.731 of the Revised Code and to timely prepare the statistical report described in that division. The information that is received by the commission under this division is a public record kept by the commission for the purposes of section 149.43 of the Revised Code.

(D) Law enforcement agencies may use the information a sheriff makes available through the use of the law enforcement automated data system pursuant to division (H) of section

2923.125 or division (B) (2) or (D) of section 2923.1213 of the Revised Code for law enforcement purposes only. The information is confidential and is not a public record. Except as provided in section 5503.101 of the Revised Code, a person who releases or otherwise disseminates this information obtained through the law enforcement automated data system in a manner not described in this division is guilty of a violation of section 2913.04 or 2913.08 of the Revised Code.

(E) Whoever violates division (B) of this section is guilty of illegal release of confidential concealed handgun license records, a felony of the fifth degree. In addition to any penalties imposed under Chapter 2929. of the Revised Code for a violation of division (B) of this section or a violation of section 2913.04 or 2913.08 of the Revised Code described in division (D) of this section, if the offender is a sheriff, an employee of a sheriff, or any other public officer or employee, and if the violation was willful and deliberate, the offender shall be subject to a civil fine of one thousand dollars. Any person who is harmed by a violation of division (B) or (C) of this section or a violation of section 2913.04 or 2913.08 of the Revised Code described in division (D) of this section has a private cause of action against the offender for any injury, death, or loss to person or property that is a proximate result of the violation and may recover court costs and attorney's fees related to the action.

Sec. 2923.132. (A) As used in this section:

(1) (a) "Violent career criminal" means a person who within the preceding eight years, subject to extension as provided in division (A) (1) (b) of this section, has been convicted of or pleaded guilty to two or more violent felony offenses that are

separated by intervening sentences and are not so closely 41953
related to each other and connected in time and place that they 41954
constitute a course of criminal conduct. 41955

(b) Except as provided in division (A) (1) (c) of this 41956
section, the eight-year period described in division (A) (1) (a) 41957
of this section shall be extended by a period of time equal to 41958
any period of time during which the person, within that eight- 41959
year period, was confined as a result of having been accused of 41960
an offense, having been convicted of or pleaded guilty to an 41961
offense, or having been accused of violating or found to have 41962
violated any community control sanction, post-release control 41963
sanction, or term or condition of supervised release. 41964

(c) Division (A) (1) (b) of this section shall not apply to 41965
extend the eight-year period described in division (A) (1) (a) of 41966
this section by any period of time during which a person is 41967
confined if the person is acquitted of the charges or the 41968
charges are dismissed in final disposition of the case or during 41969
which a person is confined as a result of having been accused of 41970
violating any sanction, term, or condition described in division 41971
(A) (1) (b) of this section if the person subsequently is not 41972
found to have violated that sanction, term, or condition. 41973

(2) "Violent felony offense" means any of the following: 41974

(a) A violation of section 2903.01, 2903.02, 2903.03, 41975
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 41976
2911.01, 2911.02, or ~~2911.11~~2911.03 of the Revised Code; 41977

(b) A violation of division (A) (1) or (2) of section 41978
~~2911.12~~2911.04 of the Revised Code; 41979

(c) A felony violation of section 2907.02, 2907.03, 41980
2907.04, or 2907.05 of the Revised Code; 41981

(d) A felony violation of section 2909.24 of the Revised Code or a violation of section 2919.25 of the Revised Code that is a felony of the third degree; 41982
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(e) A felony violation of any existing or former ordinance or law of this state, another state, or the United States that is or was substantially equivalent to any offense listed or described in divisions (A) (2) (a) to (e) of this section; 41985
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(f) A conspiracy or attempt to commit, or complicity in committing, any of the offenses listed or described in divisions (A) (2) (a) to (e) of this section, if the conspiracy, attempt, or complicity is a felony of the first or second degree. 41989
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(3) "Dangerous ordnance" and "firearm" have the same meanings as in section 2923.11 of the Revised Code. 41993
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(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 41995
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(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 41997
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(6) "Supervised release" has the same meaning as in section 2950.01 of the Revised Code. 41999
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(B) No violent career criminal shall knowingly use any firearm or dangerous ordnance. 42001
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(C) Whoever violates this section is guilty of unlawful use of a weapon by a violent career criminal, a felony of the first degree. For an offense committed prior to ~~the effective date of this amendment~~ March 22, 2019, notwithstanding the range of definite prison terms set forth in division (A) (1) (b) of section 2929.14 of the Revised Code, the court shall impose upon the offender a mandatory prison term that is a definite prison 42003
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term of two, three, four, five, six, seven, eight, nine, ten, or 42010
eleven years. For an offense committed on or after ~~the effective~~ 42011
~~date of this amendment~~ March 22, 2019, notwithstanding the range 42012
of minimum prison terms set forth in division (A)(1)(a) of 42013
section 2929.14 of the Revised Code, the court shall impose upon 42014
the offender an indefinite prison term pursuant to that 42015
division, with a minimum term under that sentence that is a 42016
mandatory prison term of two, three, four, five, six, seven, 42017
eight, nine, ten, or eleven years. 42018

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 42019
the Revised Code: 42020

(A) "Beneficial interest" means any of the following: 42021

(1) The interest of a person as a beneficiary under a 42022
trust in which the trustee holds title to personal or real 42023
property; 42024

(2) The interest of a person as a beneficiary under any 42025
other trust arrangement under which any other person holds title 42026
to personal or real property for the benefit of such person; 42027

(3) The interest of a person under any other form of 42028
express fiduciary arrangement under which any other person holds 42029
title to personal or real property for the benefit of such 42030
person. 42031

"Beneficial interest" does not include the interest of a 42032
stockholder in a corporation or the interest of a partner in 42033
either a general or limited partnership. 42034

(B) "Costs of investigation and prosecution" and "costs of 42035
investigation and litigation" mean all of the costs incurred by 42036
the state or a county or municipal corporation under sections 42037
2923.31 to 2923.36 of the Revised Code in the prosecution and 42038

investigation of any criminal action or in the litigation and 42039
investigation of any civil action, and includes, but is not 42040
limited to, the costs of resources and personnel. 42041

(C) "Enterprise" includes any individual, sole 42042
proprietorship, partnership, limited partnership, corporation, 42043
trust, union, government agency, or other legal entity, or any 42044
organization, association, or group of persons associated in 42045
fact although not a legal entity. "Enterprise" includes illicit 42046
as well as licit enterprises. 42047

(D) "Innocent person" includes any bona fide purchaser of 42048
property that is allegedly involved in a violation of section 42049
2923.32 of the Revised Code, including any person who 42050
establishes a valid claim to or interest in the property in 42051
accordance with division (E) of section 2981.04 of the Revised 42052
Code, and any victim of an alleged violation of that section or 42053
of any underlying offense involved in an alleged violation of 42054
that section. 42055

(E) "Pattern of corrupt activity" means two or more 42056
incidents of corrupt activity, whether or not there has been a 42057
prior conviction, that are related to the affairs of the same 42058
enterprise, are not isolated, and are not so closely related to 42059
each other and connected in time and place that they constitute 42060
a single event. 42061

At least one of the incidents forming the pattern shall 42062
occur on or after January 1, 1986. Unless any incident was an 42063
aggravated murder or murder, the last of the incidents forming 42064
the pattern shall occur within six years after the commission of 42065
any prior incident forming the pattern, excluding any period of 42066
imprisonment served by any person engaging in the corrupt 42067
activity. 42068

For the purposes of the criminal penalties that may be 42069
imposed pursuant to section 2923.32 of the Revised Code, at 42070
least one of the incidents forming the pattern shall constitute 42071
a felony under the laws of this state in existence at the time 42072
it was committed or, if committed in violation of the laws of 42073
the United States or of any other state, shall constitute a 42074
felony under the law of the United States or the other state and 42075
would be a criminal offense under the law of this state if 42076
committed in this state. 42077

(F) "Pecuniary value" means money, a negotiable 42078
instrument, a commercial interest, or anything of value, as 42079
defined in section 1.03 of the Revised Code, or any other 42080
property or service that has a value in excess of one hundred 42081
dollars. 42082

(G) "Person" means any person, as defined in section 1.59 42083
of the Revised Code, and any governmental officer, employee, or 42084
entity. 42085

(H) "Personal property" means any personal property, any 42086
interest in personal property, or any right, including, but not 42087
limited to, bank accounts, debts, corporate stocks, patents, or 42088
copyrights. Personal property and any beneficial interest in 42089
personal property are deemed to be located where the trustee of 42090
the property, the personal property, or the instrument 42091
evidencing the right is located. 42092

(I) "Corrupt activity" means engaging in, attempting to 42093
engage in, conspiring to engage in, or soliciting, coercing, or 42094
intimidating another person to engage in any of the following: 42095

(1) Conduct defined as "racketeering activity" under the 42096
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 42097

1961(1) (B), (1) (C), (1) (D), and (1) (E), as amended; 42098

(2) Conduct constituting any of the following: 42099

(a) A violation of section 1315.55, 1322.07, 2903.01, 42100
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 42101
2905.11, 2905.22, 2905.32 as specified in division (I) (2) (g) of 42102
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 42103
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, ~~2909.29,~~ 42104
2911.01, 2911.02, ~~2911.11, 2911.12, 2911.13, 2911.31, 2911.03,~~ 42105
2911.04, 2911.05, 2911.07, 2913.05, 2913.06, 2913.30, 2921.02, 42106
2921.03, ~~2921.04,~~ 2921.11, 2921.12, 2921.32, 2921.41, 2921.42, 42107
2921.43, 2923.12, or 2923.17; division (B) of section 2909.22; 42108
division (F) (1) (a), (b), or (c) of section 1315.53; division (A) 42109
(1) or (2) of section 1707.042; division (B), (C) (4), (D), (E), 42110
or (F) of section 1707.44; division (A) (1) or (2) of section 42111
2923.20; division (E) or (G) of section 3772.99; division (J) (1) 42112
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 42113
division (C), (D), or (E) of section 4719.07; section 4719.08; 42114
or division (A) of section 4719.09 of the Revised Code. 42115

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 42116
3769.19 of the Revised Code as it existed prior to July 1, 1996, 42117
any violation of section 2915.02 of the Revised Code that occurs 42118
on or after July 1, 1996, and that, had it occurred prior to 42119
that date, would have been a violation of section 3769.11 of the 42120
Revised Code as it existed prior to that date, or any violation 42121
of section 2915.05 of the Revised Code that occurs on or after 42122
July 1, 1996, and that, had it occurred prior to that date, 42123
would have been a violation of section 3769.15, 3769.16, or 42124
3769.19 of the Revised Code as it existed prior to that date. 42125

(c) Any violation of section 2907.21, 2907.22, 2907.31, 42126
2913.02, 2913.11, 2913.21, 2913.31, ~~2913.32,~~ 2913.34, 2913.42, 42127

2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 42128
of the Revised Code, any violation of section 2925.11 of the 42129
Revised Code that is a felony of the first, second, third, or 42130
fourth degree and that occurs on or after July 1, 1996, any 42131
violation of section 2915.02 of the Revised Code that occurred 42132
prior to July 1, 1996, any violation of section 2915.02 of the 42133
Revised Code that occurs on or after July 1, 1996, and that, had 42134
it occurred prior to that date, would not have been a violation 42135
of section 3769.11 of the Revised Code as it existed prior to 42136
that date, any violation of section 2915.06 of the Revised Code 42137
as it existed prior to July 1, 1996, or any violation of 42138
division (B) of section 2915.05 of the Revised Code as it exists 42139
on and after July 1, 1996, when the proceeds of the violation, 42140
the payments made in the violation, the amount of a claim for 42141
payment or for any other benefit that is false or deceptive and 42142
that is involved in the violation, or the value of the 42143
contraband or other property illegally possessed, sold, or 42144
purchased in the violation exceeds one thousand dollars, or any 42145
combination of violations described in division (I) (2) (c) of 42146
this section when the total proceeds of the combination of 42147
violations, payments made in the combination of violations, 42148
amount of the claims for payment or for other benefits that is 42149
false or deceptive and that is involved in the combination of 42150
violations, or value of the contraband or other property 42151
illegally possessed, sold, or purchased in the combination of 42152
violations exceeds one thousand dollars; 42153

(d) Any violation of section 5743.112 of the Revised Code 42154
when the amount of unpaid tax exceeds one hundred dollars; 42155

(e) Any violation or combination of violations of section 42156
2907.32 of the Revised Code involving any material or 42157
performance containing a display of bestiality or of sexual 42158

conduct, as defined in section 2907.01 of the Revised Code, that 42159
is explicit and depicted with clearly visible penetration of the 42160
genitals or clearly visible penetration by the penis of any 42161
orifice when the total proceeds of the violation or combination 42162
of violations, the payments made in the violation or combination 42163
of violations, or the value of the contraband or other property 42164
illegally possessed, sold, or purchased in the violation or 42165
combination of violations exceeds one thousand dollars; 42166

(f) Any combination of violations described in division 42167
(I) (2) (c) of this section and violations of section 2907.32 of 42168
the Revised Code involving any material or performance 42169
containing a display of bestiality or of sexual conduct, as 42170
defined in section 2907.01 of the Revised Code, that is explicit 42171
and depicted with clearly visible penetration of the genitals or 42172
clearly visible penetration by the penis of any orifice when the 42173
total proceeds of the combination of violations, payments made 42174
in the combination of violations, amount of the claims for 42175
payment or for other benefits that is false or deceptive and 42176
that is involved in the combination of violations, or value of 42177
the contraband or other property illegally possessed, sold, or 42178
purchased in the combination of violations exceeds one thousand 42179
dollars; 42180

(g) Any violation of section 2905.32 of the Revised Code 42181
to the extent the violation is not based solely on the same 42182
conduct that constitutes corrupt activity pursuant to division 42183
(I) (2) (c) of this section due to the conduct being in violation 42184
of section 2907.21 of the Revised Code. 42185

(3) Conduct constituting a violation of any law of any 42186
state other than this state that is substantially similar to the 42187
conduct described in division (I) (2) of this section, provided 42188

the defendant was convicted of the conduct in a criminal proceeding in the other state; 42189
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(4) Animal or ecological terrorism; 42191

(5) (a) Conduct constituting any of the following: 42192

(i) Organized retail theft; 42193

(ii) Conduct that constitutes one or more violations of any law of any state other than this state, that is substantially similar to organized retail theft, and that if committed in this state would be organized retail theft, if the defendant was convicted of or pleaded guilty to the conduct in a criminal proceeding in the other state. 42194
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(b) By enacting division (I) (5) (a) of this section, it is the intent of the general assembly to add organized retail theft and the conduct described in division (I) (5) (a) (ii) of this section as conduct constituting corrupt activity. The enactment of division (I) (5) (a) of this section and the addition by division (I) (5) (a) of this section of organized retail theft and the conduct described in division (I) (5) (a) (ii) of this section as conduct constituting corrupt activity does not limit or preclude, and shall not be construed as limiting or precluding, any prosecution for a violation of section 2923.32 of the Revised Code that is based on one or more violations of section 2913.02 or 2913.51 of the Revised Code, one or more similar offenses under the laws of this state or any other state, or any combination of any of those violations or similar offenses, even though the conduct constituting the basis for those violations or offenses could be construed as also constituting organized retail theft or conduct of the type described in division (I) (5) (a) (ii) of this section. 42200
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(J) "Real property" means any real property or any interest in real property, including, but not limited to, any lease of, or mortgage upon, real property. Real property and any beneficial interest in it is deemed to be located where the real property is located.

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

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

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

(3) Any successor trustee.

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

(L) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in violation of any federal or state law relating to the business of gambling activity or relating to the business of lending money at an usurious rate unless the creditor proves, by a preponderance of the evidence, that the usurious rate was not intentionally set and that it resulted from a good faith error by the creditor, notwithstanding the maintenance of procedures that were adopted by the creditor to avoid an error of that nature.

(M) "Animal activity" means any activity that involves the use of animals or animal parts, including, but not limited to,

hunting, fishing, trapping, traveling, camping, the production, 42247
preparation, or processing of food or food products, clothing or 42248
garment manufacturing, medical research, other research, 42249
entertainment, recreation, agriculture, biotechnology, or 42250
service activity that involves the use of animals or animal 42251
parts. 42252

(N) "Animal facility" means a vehicle, building, 42253
structure, nature preserve, or other premises in which an animal 42254
is lawfully kept, handled, housed, exhibited, bred, or offered 42255
for sale, including, but not limited to, a zoo, rodeo, circus, 42256
amusement park, hunting preserve, or premises in which a horse 42257
or dog event is held. 42258

(O) "Animal or ecological terrorism" means the commission 42259
of any felony that involves causing or creating a substantial 42260
risk of physical harm to any property of another, the use of a 42261
deadly weapon or dangerous ordnance, or purposely, knowingly, or 42262
recklessly causing serious physical harm to property and that 42263
involves an intent to obstruct, impede, or deter any person from 42264
participating in a lawful animal activity, from mining, 42265
forestry, harvesting, gathering, or processing natural 42266
resources, or from being lawfully present in or on an animal 42267
facility or research facility. 42268

(P) "Research facility" means a place, laboratory, 42269
institution, medical care facility, government facility, or 42270
public or private educational institution in which a scientific 42271
test, experiment, or investigation involving the use of animals 42272
or other living organisms is lawfully carried out, conducted, or 42273
attempted. 42274

(Q) "Organized retail theft" means the theft of retail 42275
property with a retail value of one thousand dollars or more 42276

from one or more retail establishments with the intent to sell, 42277
deliver, or transfer that property to a retail property fence. 42278

(R) "Retail property" means any tangible personal property 42279
displayed, held, stored, or offered for sale in or by a retail 42280
establishment. 42281

(S) "Retail property fence" means a person who possesses, 42282
procures, receives, or conceals retail property that was 42283
represented to the person as being stolen or that the person 42284
knows or believes to be stolen. 42285

(T) "Retail value" means the full retail value of the 42286
retail property. In determining whether the retail value of 42287
retail property equals or exceeds one thousand dollars, the 42288
value of all retail property stolen from the retail 42289
establishment or retail establishments by the same person or 42290
persons within any one-hundred-eighty-day period shall be 42291
aggregated. 42292

Sec. 2923.41. As used in sections 2923.41 to 2923.44 of 42293
the Revised Code: 42294

(A) "Criminal gang" means an ongoing formal or informal 42295
organization, association, or group of three or more persons to 42296
which all of the following apply: 42297

(1) It has as one of its primary activities the commission 42298
of one or more of the offenses listed in division (B) of this 42299
section. 42300

(2) It has a common name or one or more common, 42301
identifying signs, symbols, or colors. 42302

(3) The persons in the organization, association, or group 42303
individually or collectively engage in or have engaged in a 42304

pattern of criminal gang activity. 42305

(B) (1) "Pattern of criminal gang activity" means, subject 42306
to division (B) (2) of this section, that persons in the criminal 42307
gang have committed, attempted to commit, conspired to commit, 42308
been complicitors in the commission of, or solicited, coerced, 42309
or intimidated another to commit, attempt to commit, conspire to 42310
commit, or be in complicity in the commission of two or more of 42311
any of the following offenses: 42312

(a) A felony or an act committed by a juvenile that would 42313
be a felony if committed by an adult; 42314

(b) An offense of violence or an act committed by a 42315
juvenile that would be an offense of violence if committed by an 42316
adult; 42317

(c) A violation of section 2907.04, ~~2909.06, 2911.211,~~ 42318
~~2917.04, 2919.23, or 2919.24 of the Revised Code, section~~ 42319
~~2921.04 or 2923.16, or 2927.12~~ of the Revised Code, section 42320
2925.03 of the Revised Code if the offense is trafficking in 42321
marihuana, division (B) of section 2909.05 or division (C) of 42322
section 2909.08 of the Revised Code, division (B) of section 42323
2911.06, or division (B) of section ~~2927.12~~ 2921.03 of the 42324
Revised Code. 42325

(2) There is a "pattern of criminal gang activity" if all 42326
of the following apply with respect to the offenses that are 42327
listed in division (B) (1) (a), (b), or (c) of this section and 42328
that persons in the criminal gang committed, attempted to 42329
commit, conspired to commit, were in complicity in committing, 42330
or solicited, coerced, or intimidated another to commit, attempt 42331
to commit, conspire to commit, or be in complicity in 42332
committing: 42333

- (a) At least one of the two or more offenses is a felony. 42334
- (b) At least one of those two or more offenses occurs on 42335
or after January 1, 1999. 42336
- (c) The last of those two or more offenses occurs within 42337
five years after at least one of those offenses. 42338
- (d) The two or more offenses are committed on separate 42339
occasions or by two or more persons. 42340
- (C) "Criminal conduct" means the commission of, an attempt 42341
to commit, a conspiracy to commit, complicity in the commission 42342
of, or solicitation, coercion, or intimidation of another to 42343
commit, attempt to commit, conspire to commit, or be in 42344
complicity in the commission of an offense listed in division 42345
(B)(1)(a), (b), or (c) of this section or an act that is 42346
committed by a juvenile and that would be an offense, an attempt 42347
to commit an offense, a conspiracy to commit an offense, 42348
complicity in the commission of, or solicitation, coercion, or 42349
intimidation of another to commit, attempt to commit, conspire 42350
to commit, or be in complicity in the commission of an offense 42351
listed in division (B)(1)(a), (b), or (c) of this section if 42352
committed by an adult. 42353
- (D) "Juvenile" means a person who is under eighteen years 42354
of age. 42355
- (E) "Law enforcement agency" includes, but is not limited 42356
to, the state board of pharmacy and the office of a prosecutor. 42357
- (F) "Prosecutor" has the same meaning as in section 42358
2935.01 of the Revised Code. 42359
- Sec. 2925.61.** (A) As used in this section: 42360
- (1) "Law enforcement agency" means a government entity 42361

that employs peace officers to perform law enforcement duties. 42362

(2) "Licensed health professional" means all of the 42363
following: 42364

(a) A physician; 42365

(b) A physician assistant who is licensed under Chapter 42366
4730. of the Revised Code, holds a valid prescriber number 42367
issued by the state medical board, and has been granted 42368
physician-delegated prescriptive authority; 42369

(c) An advanced practice registered nurse who holds a 42370
current, valid license issued under Chapter 4723. of the Revised 42371
Code and is designated as a clinical nurse specialist, certified 42372
nurse-midwife, or certified nurse practitioner. 42373

(3) "Peace officer" has the same meaning as in division 42374
(J) of section ~~2921.51~~-2921.01 of the Revised Code. 42375

(4) "Physician" means an individual who is authorized 42376
under Chapter 4731. of the Revised Code to practice medicine and 42377
surgery, osteopathic medicine and surgery, or podiatric medicine 42378
and surgery. 42379

(B) A family member, friend, or other individual who is in 42380
a position to assist an individual who is apparently 42381
experiencing or at risk of experiencing an opioid-related 42382
overdose is not subject to criminal prosecution for a violation 42383
of section 4731.41 of the Revised Code, is not subject to 42384
criminal prosecution under this chapter, and is not liable for 42385
damages in a civil action for injury, death, or loss to person 42386
or property for an act or omission that allegedly arises from 42387
obtaining, maintaining, accessing, or administering naloxone, if 42388
the individual, acting in good faith, does all of the following: 42389

(1) Obtains naloxone pursuant to a prescription issued by a licensed health professional, or obtains naloxone from one of the following:	42390 42391 42392
(a) A licensed health professional;	42393
(b) An individual who is authorized to personally furnish naloxone by any of the following:	42394 42395
(i) A physician under section 4731.941 of the Revised Code;	42396 42397
(ii) An advanced practice registered nurse under section 4723.485 of the Revised Code;	42398 42399
(iii) A physician assistant under section 4730.435 of the Revised Code;	42400 42401
(iv) A board of health under section 3707.561 of the Revised Code.	42402 42403
(c) A pharmacist or pharmacy intern who is authorized by a physician or board of health under section 4729.44 of the Revised Code to dispense naloxone without a prescription.	42404 42405 42406
(2) Administers the naloxone obtained as described in division (B)(1) of this section to an individual who is apparently experiencing an opioid-related overdose;	42407 42408 42409
(3) Attempts to summon emergency services as soon as practicable either before or after administering the naloxone.	42410 42411
(C) An individual who is an employee, volunteer, or contractor of a service entity, as defined in section 4729.514 of the Revised Code, and has been authorized under section 3707.562, 4723.486, 4730.436, or 4731.943 of the Revised Code to administer naloxone is not subject to criminal prosecution for a	42412 42413 42414 42415 42416

violation of section 4731.41 of the Revised Code or criminal prosecution under this chapter, if the individual, acting in good faith, does all of the following:

(1) Obtains naloxone from the service entity of which the individual is an employee, volunteer, or contractor;

(2) Administers the naloxone obtained to an individual who is apparently experiencing an opioid-related overdose;

(3) Attempts to summon emergency services as soon as practicable either before or after administering the naloxone.

(D) Divisions (B) and (C) of this section do not apply to a peace officer or to an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, as defined in section 4765.01 of the Revised Code.

(E) (1) If a peace officer, acting in good faith, administers naloxone to an individual who is apparently experiencing an opioid-related overdose, both of the following apply:

(a) The peace officer is not subject to administrative action, criminal prosecution for a violation of section 4731.41 of the Revised Code, or criminal prosecution under this chapter.

(b) The peace officer is not liable for damages in a civil action for injury, death, or loss to person or property for an act or omission that allegedly arises from obtaining, maintaining, accessing, or administering the naloxone.

(2) Division (E) (1) (b) of this section does not eliminate, limit, or reduce any other immunity or defense that an entity or person may be entitled to under section 9.86 or Chapter 2744. of

the Revised Code, any other provision of the Revised Code, or 42445
the common law of this state. 42446

Sec. 2929.04. (A) Imposition of the death penalty for 42447
aggravated murder is precluded unless one or more of the 42448
following is specified in the indictment or count in the 42449
indictment pursuant to section 2941.14 of the Revised Code and 42450
proved beyond a reasonable doubt: 42451

(1) The offense was the assassination of the president of 42452
the United States or a person in line of succession to the 42453
presidency, the governor or lieutenant governor of this state, 42454
the president-elect or vice president-elect of the United 42455
States, the governor-elect or lieutenant governor-elect of this 42456
state, or a candidate for any of the offices described in this 42457
division. For purposes of this division, a person is a candidate 42458
if the person has been nominated for election according to law, 42459
if the person has filed a petition or petitions according to law 42460
to have the person's name placed on the ballot in a primary or 42461
general election, or if the person campaigns as a write-in 42462
candidate in a primary or general election. 42463

(2) The offense was committed for hire. 42464

(3) The offense was committed for the purpose of escaping 42465
detection, apprehension, trial, or punishment for another 42466
offense committed by the offender. 42467

(4) The offense was committed while the offender was under 42468
detention or while the offender was at large after having broken 42469
detention. As used in division (A)(4) of this section, 42470
"detention" has the same meaning as in section 2921.01 of the 42471
Revised Code, except that detention does not include 42472
hospitalization, institutionalization, or confinement in a 42473

mental health facility or intellectual disabilities facility 42474
unless at the time of the commission of the offense either of 42475
the following circumstances apply: 42476

(a) The offender was in the facility as a result of being 42477
charged with a violation of a section of the Revised Code. 42478

(b) The offender was under detention as a result of being 42479
convicted of or pleading guilty to a violation of a section of 42480
the Revised Code. 42481

(5) Prior to the offense at bar, the offender was 42482
convicted of an offense an essential element of which was the 42483
purposeful killing of or attempt to kill another, or the offense 42484
at bar was part of a course of conduct involving the purposeful 42485
killing of or attempt to kill two or more persons by the 42486
offender. 42487

(6) The victim of the offense was a law enforcement 42488
officer, as defined in section ~~2911.01~~2911.011 of the Revised 42489
Code, whom the offender had reasonable cause to know or knew to 42490
be a law enforcement officer as so defined, and either the 42491
victim, at the time of the commission of the offense, was 42492
engaged in the victim's duties, or it was the offender's 42493
specific purpose to kill a law enforcement officer as so 42494
defined. 42495

(7) The offense was committed while the offender was 42496
committing, attempting to commit, or fleeing immediately after 42497
committing or attempting to commit kidnapping, rape, aggravated 42498
arson, aggravated robbery, or aggravated burglary, and either 42499
the offender was the principal offender in the commission of the 42500
aggravated murder or, if not the principal offender, committed 42501
the aggravated murder with prior calculation and design. 42502

(8) The victim of the aggravated murder was a witness to 42503
an offense who was purposely killed to prevent the victim's 42504
testimony in any criminal proceeding and the aggravated murder 42505
was not committed during the commission, attempted commission, 42506
or flight immediately after the commission or attempted 42507
commission of the offense to which the victim was a witness, or 42508
the victim of the aggravated murder was a witness to an offense 42509
and was purposely killed in retaliation for the victim's 42510
testimony in any criminal proceeding. 42511

(9) The offender, in the commission of the offense, 42512
purposefully caused the death of another who was under thirteen 42513
years of age at the time of the commission of the offense, and 42514
either the offender was the principal offender in the commission 42515
of the offense or, if not the principal offender, committed the 42516
offense with prior calculation and design. 42517

(10) The offense was committed while the offender was 42518
committing, attempting to commit, or fleeing immediately after 42519
committing or attempting to commit terrorism. 42520

(B) If one or more of the aggravating circumstances listed 42521
in division (A) of this section is specified in the indictment 42522
or count in the indictment and proved beyond a reasonable doubt, 42523
if the offender did not raise the matter of age pursuant to 42524
section 2929.023 of the Revised Code or the offender after 42525
raising that matter was found at trial to have been eighteen 42526
years of age or older at the time of the commission of the 42527
offense, and if the offender did not raise the matter of the 42528
offender's serious mental illness at the time of the commission 42529
of the offense pursuant to section 2929.025 of the Revised Code 42530
or the offender after raising that matter was found by the court 42531
to not be ineligible for a sentence of death, the court, trial 42532

jury, or panel of three judges shall consider, and weigh against 42533
the aggravating circumstances proved beyond a reasonable doubt, 42534
the nature and circumstances of the offense, the history, 42535
character, and background of the offender, and all of the 42536
following factors: 42537

(1) Whether the victim of the offense induced or 42538
facilitated it; 42539

(2) Whether it is unlikely that the offense would have 42540
been committed, but for the fact that the offender was under 42541
duress, coercion, or strong provocation; 42542

(3) Whether, at the time of committing the offense, the 42543
offender, because of a mental disease or defect, lacked 42544
substantial capacity to appreciate the criminality of the 42545
offender's conduct or to conform the offender's conduct to the 42546
requirements of the law; 42547

(4) The youth of the offender; 42548

(5) The offender's lack of a significant history of prior 42549
criminal convictions and delinquency adjudications; 42550

(6) If the offender was a participant in the offense but 42551
not the principal offender, the degree of the offender's 42552
participation in the offense and the degree of the offender's 42553
participation in the acts that led to the death of the victim; 42554

(7) Any other factors that are relevant to the issue of 42555
whether the offender should be sentenced to death. 42556

(C) The defendant shall be given great latitude in the 42557
presentation of evidence of the factors listed in division (B) 42558
of this section and of any other factors in mitigation of the 42559
imposition of the sentence of death. 42560

The existence of any of the mitigating factors listed in 42561
division (B) of this section does not preclude the imposition of 42562
a sentence of death on the offender but shall be weighed 42563
pursuant to divisions (D) (2) and (3) of section 2929.03 of the 42564
Revised Code by the trial court, trial jury, or the panel of 42565
three judges against the aggravating circumstances the offender 42566
was found guilty of committing. 42567

Sec. 2929.13. (A) Except as provided in division (E), (F), 42568
or (G) of this section and unless a specific sanction is 42569
required to be imposed or is precluded from being imposed 42570
pursuant to law, a court that imposes a sentence upon an 42571
offender for a felony may impose any sanction or combination of 42572
sanctions on the offender that are provided in sections 2929.14 42573
to 2929.18 of the Revised Code. 42574

If the offender is eligible to be sentenced to community 42575
control sanctions, the court shall consider the appropriateness 42576
of imposing a financial sanction pursuant to section 2929.18 of 42577
the Revised Code or a sanction of community service pursuant to 42578
section 2929.17 of the Revised Code as the sole sanction for the 42579
offense. Except as otherwise provided in this division, if the 42580
court is required to impose a mandatory prison term for the 42581
offense for which sentence is being imposed, the court also 42582
shall impose any financial sanction pursuant to section 2929.18 42583
of the Revised Code that is required for the offense and may 42584
impose any other financial sanction pursuant to that section but 42585
may not impose any additional sanction or combination of 42586
sanctions under section 2929.16 or 2929.17 of the Revised Code. 42587

If the offender is being sentenced for a fourth degree 42588
felony OVI offense or for a third degree felony OVI offense, in 42589
addition to the mandatory term of local incarceration or the 42590

mandatory prison term required for the offense by division (G) 42591
(1) or (2) of this section, the court shall impose upon the 42592
offender a mandatory fine in accordance with division (B) (3) of 42593
section 2929.18 of the Revised Code and may impose whichever of 42594
the following is applicable: 42595

(1) For a fourth degree felony OVI offense for which 42596
sentence is imposed under division (G) (1) of this section, an 42597
additional community control sanction or combination of 42598
community control sanctions under section 2929.16 or 2929.17 of 42599
the Revised Code. If the court imposes upon the offender a 42600
community control sanction and the offender violates any 42601
condition of the community control sanction, the court may take 42602
any action prescribed in division (B) of section 2929.15 of the 42603
Revised Code relative to the offender, including imposing a 42604
prison term on the offender pursuant to that division. 42605

(2) For a third or fourth degree felony OVI offense for 42606
which sentence is imposed under division (G) (2) of this section, 42607
an additional prison term as described in division (B) (4) of 42608
section 2929.14 of the Revised Code or a community control 42609
sanction as described in division (G) (2) of this section. 42610

(B) (1) (a) Except as provided in division (B) (1) (b) of this 42611
section, if an offender is convicted of or pleads guilty to a 42612
felony of the fourth or fifth degree that is not an offense of 42613
violence or that is a qualifying assault offense, the court 42614
shall sentence the offender to a community control sanction or 42615
combination of community control sanctions if all of the 42616
following apply: 42617

(i) The offender previously has not been convicted of or 42618
pleaded guilty to a felony offense. 42619

- (ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree. 42620
42621
- (iii) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed. 42622
42623
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42625
- (b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply: 42626
42627
42628
42629
42630
- (i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control. 42631
42632
42633
- (ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense. 42634
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- (iii) The offender violated a term of the conditions of bond as set by the court. 42639
42640
- (iv) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code. 42641
42642
42643
- (v) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon. 42644
42645
42646
- (vi) In committing the offense, the offender attempted to 42647

cause or made an actual threat of physical harm to a person, and 42648
the offender previously was convicted of an offense that caused 42649
physical harm to a person. 42650

(vii) The offender held a public office or position of 42651
trust, and the offense related to that office or position; the 42652
offender's position obliged the offender to prevent the offense 42653
or to bring those committing it to justice; or the offender's 42654
professional reputation or position facilitated the offense or 42655
was likely to influence the future conduct of others. 42656

(viii) The offender committed the offense for hire or as 42657
part of an organized criminal activity. 42658

(ix) The offender at the time of the offense was serving, 42659
or the offender previously had served, a prison term. 42660

(x) The offender committed the offense while under a 42661
community control sanction, while on probation, or while 42662
released from custody on a bond or personal recognizance. 42663

(c) A sentencing court may impose an additional penalty 42664
under division (B) of section 2929.15 of the Revised Code upon 42665
an offender sentenced to a community control sanction under 42666
division (B)(1)(a) of this section if the offender violates the 42667
conditions of the community control sanction, violates a law, or 42668
leaves the state without the permission of the court or the 42669
offender's probation officer. 42670

(2) If division (B)(1) of this section does not apply, 42671
except as provided in division (E), (F), or (G) of this section, 42672
in determining whether to impose a prison term as a sanction for 42673
a felony of the fourth or fifth degree, the sentencing court 42674
shall comply with the purposes and principles of sentencing 42675
under section 2929.11 of the Revised Code and with section 42676

2929.12 of the Revised Code. 42677

(C) Except as provided in division (D), (E), (F), or (G) 42678
of this section, in determining whether to impose a prison term 42679
as a sanction for a felony of the third degree or a felony drug 42680
offense that is a violation of a provision of Chapter 2925. of 42681
the Revised Code and that is specified as being subject to this 42682
division for purposes of sentencing, the sentencing court shall 42683
comply with the purposes and principles of sentencing under 42684
section 2929.11 of the Revised Code and with section 2929.12 of 42685
the Revised Code. 42686

(D) (1) Except as provided in division (E) or (F) of this 42687
section, for a felony of the first or second degree, for a 42688
felony drug offense that is a violation of any provision of 42689
Chapter 2925., 3719., or 4729. of the Revised Code for which a 42690
presumption in favor of a prison term is specified as being 42691
applicable, and for a violation of division (A) (4) or (B) of 42692
section 2907.05 of the Revised Code for which a presumption in 42693
favor of a prison term is specified as being applicable, it is 42694
presumed that a prison term is necessary in order to comply with 42695
the purposes and principles of sentencing under section 2929.11 42696
of the Revised Code. Division (D) (2) of this section does not 42697
apply to a presumption established under this division for a 42698
violation of division (A) (4) of section 2907.05 of the Revised 42699
Code. 42700

(2) Notwithstanding the presumption established under 42701
division (D) (1) of this section for the offenses listed in that 42702
division other than a violation of division (A) (4) or (B) of 42703
section 2907.05 of the Revised Code, the sentencing court may 42704
impose a community control sanction or a combination of 42705
community control sanctions instead of a prison term on an 42706

offender for a felony of the first or second degree or for a 42707
felony drug offense that is a violation of any provision of 42708
Chapter 2925., 3719., or 4729. of the Revised Code for which a 42709
presumption in favor of a prison term is specified as being 42710
applicable if it makes both of the following findings: 42711

(a) A community control sanction or a combination of 42712
community control sanctions would adequately punish the offender 42713
and protect the public from future crime, because the applicable 42714
factors under section 2929.12 of the Revised Code indicating a 42715
lesser likelihood of recidivism outweigh the applicable factors 42716
under that section indicating a greater likelihood of 42717
recidivism. 42718

(b) A community control sanction or a combination of 42719
community control sanctions would not demean the seriousness of 42720
the offense, because one or more factors under section 2929.12 42721
of the Revised Code that indicate that the offender's conduct 42722
was less serious than conduct normally constituting the offense 42723
are applicable, and they outweigh the applicable factors under 42724
that section that indicate that the offender's conduct was more 42725
serious than conduct normally constituting the offense. 42726

(E) (1) Except as provided in division (F) of this section, 42727
for any drug offense that is a violation of any provision of 42728
Chapter 2925. of the Revised Code and that is a felony of the 42729
third, fourth, or fifth degree, the applicability of a 42730
presumption under division (D) of this section in favor of a 42731
prison term or of division (B) or (C) of this section in 42732
determining whether to impose a prison term for the offense 42733
shall be determined as specified in section 2925.02, 2925.03, 42734
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 42735
2925.36, or 2925.37 of the Revised Code, whichever is applicable 42736

regarding the violation. 42737

(2) If an offender who was convicted of or pleaded guilty 42738
to a felony violates the conditions of a community control 42739
sanction imposed for the offense solely by reason of producing 42740
positive results on a drug test or by acting pursuant to 42741
division (B) (2) (b) of section 2925.11 of the Revised Code with 42742
respect to a minor drug possession offense, the court, as 42743
punishment for the violation of the sanction, shall not order 42744
that the offender be imprisoned unless the court determines on 42745
the record either of the following: 42746

(a) The offender had been ordered as a sanction for the 42747
felony to participate in a drug treatment program, in a drug 42748
education program, or in narcotics anonymous or a similar 42749
program, and the offender continued to use illegal drugs after a 42750
reasonable period of participation in the program. 42751

(b) The imprisonment of the offender for the violation is 42752
consistent with the purposes and principles of sentencing set 42753
forth in section 2929.11 of the Revised Code. 42754

(3) A court that sentences an offender for a drug abuse 42755
offense that is a felony of the third, fourth, or fifth degree 42756
may require that the offender be assessed by a properly 42757
credentialed professional within a specified period of time. The 42758
court shall require the professional to file a written 42759
assessment of the offender with the court. If the offender is 42760
eligible for a community control sanction and after considering 42761
the written assessment, the court may impose a community control 42762
sanction that includes addiction services and recovery supports 42763
included in a community-based continuum of care established 42764
under section 340.032 of the Revised Code. If the court imposes 42765
addiction services and recovery supports as a community control 42766

sanction, the court shall direct the level and type of addiction 42767
services and recovery supports after considering the assessment 42768
and recommendation of community addiction services providers. 42769

(F) Notwithstanding divisions (A) to (E) of this section, 42770
the court shall impose a prison term or terms under sections 42771
2929.02 to 2929.06, section 2929.14, section 2929.142, or 42772
section 2971.03 of the Revised Code and except as specifically 42773
provided in section 2929.20, ~~divisions (C) to (I) of section~~ 42774
~~2967.19,~~ or section 2967.191 of the Revised Code or when parole 42775
is authorized for the offense under section 2967.13 of the 42776
Revised Code shall not reduce the term or terms pursuant to 42777
section 2929.20, ~~section 2967.19,~~ section 2967.193, or any other 42778
provision of Chapter 2967. or Chapter 5120. of the Revised Code 42779
for any of the following offenses: 42780

(1) Aggravated murder when death is not imposed or murder; 42781

(2) Any rape, regardless of whether force was involved and 42782
regardless of the age of the victim, or an attempt to commit 42783
rape if, had the offender completed the rape that was attempted, 42784
the offender would have been guilty of a violation of division 42785
(A) (1) (b) of section 2907.02 of the Revised Code and would be 42786
sentenced under section 2971.03 of the Revised Code; 42787

(3) Gross sexual imposition or sexual battery, if the 42788
victim is less than thirteen years of age and if any of the 42789
following applies: 42790

(a) Regarding gross sexual imposition, the offender 42791
previously was convicted of or pleaded guilty to rape, the 42792
former offense of felonious sexual penetration, gross sexual 42793
imposition, or sexual battery, and the victim of the previous 42794
offense was less than thirteen years of age; 42795

(b) Regarding gross sexual imposition, the offense was 42796
committed on or after August 3, 2006, and evidence other than 42797
the testimony of the victim was admitted in the case 42798
corroborating the violation. 42799

(c) Regarding sexual battery, either of the following 42800
applies: 42801

(i) The offense was committed prior to August 3, 2006, the 42802
offender previously was convicted of or pleaded guilty to rape, 42803
the former offense of felonious sexual penetration, or sexual 42804
battery, and the victim of the previous offense was less than 42805
thirteen years of age. 42806

(ii) The offense was committed on or after August 3, 2006. 42807

(4) A felony violation of section 2903.04, 2903.06, 42808
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, ~~2921.321,~~ 42809
or 2923.132 of the Revised Code if the section requires the 42810
imposition of a prison term; 42811

(5) A first, second, or third degree felony drug offense 42812
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 42813
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 42814
or 4729.99 of the Revised Code, whichever is applicable 42815
regarding the violation, requires the imposition of a mandatory 42816
prison term; 42817

(6) Any offense that is a first or second degree felony 42818
and that is not set forth in division (F)(1), (2), (3), or (4) 42819
of this section, if the offender previously was convicted of or 42820
pleaded guilty to aggravated murder, murder, any first or second 42821
degree felony, or an offense under an existing or former law of 42822
this state, another state, or the United States that is or was 42823
substantially equivalent to one of those offenses; 42824

(7) Any offense that is a third degree felony and either 42825
is a violation of section 2903.04 of the Revised Code or an 42826
attempt to commit a felony of the second degree that is an 42827
offense of violence and involved an attempt to cause serious 42828
physical harm to a person or that resulted in serious physical 42829
harm to a person if the offender previously was convicted of or 42830
pleaded guilty to any of the following offenses: 42831

(a) Aggravated murder, murder, involuntary manslaughter, 42832
rape, felonious sexual penetration as it existed under section 42833
2907.12 of the Revised Code prior to September 3, 1996, a felony 42834
of the first or second degree that resulted in the death of a 42835
person or in physical harm to a person, or complicity in or an 42836
attempt to commit any of those offenses; 42837

(b) An offense under an existing or former law of this 42838
state, another state, or the United States that is or was 42839
substantially equivalent to an offense listed in division (F) (7) 42840
(a) of this section that resulted in the death of a person or in 42841
physical harm to a person. 42842

(8) Any offense, other than a violation of section 2923.12 42843
of the Revised Code, that is a felony, if the offender had a 42844
firearm on or about the offender's person or under the 42845
offender's control while committing the felony, with respect to 42846
a portion of the sentence imposed pursuant to division (B) (1) (a) 42847
of section 2929.14 of the Revised Code for having the firearm; 42848

(9) Any offense of violence that is a felony, if the 42849
offender wore or carried body armor while committing the felony 42850
offense of violence, with respect to the portion of the sentence 42851
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 42852
Revised Code for wearing or carrying the body armor; 42853

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree; 42854
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(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator; 42858
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~~(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction;~~ 42861
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~~(13)~~ A violation of division (A) (1) or (2) of section 2903.06 of the Revised Code if the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, with respect to the portion of the sentence imposed pursuant to division (B) (5) of section 2929.14 of the Revised Code; 42866
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~~(14)~~ (13) A violation of division (A) (1) or (2) of section 2903.06 of the Revised Code if the offender has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed pursuant to division (B) (6) of section 2929.14 of the Revised Code; 42874
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~~(15)~~(14) Kidnapping, in the circumstances specified in 42883
section 2971.03 of the Revised Code and when no other provision 42884
of division (F) of this section applies; 42885

~~(16)~~(15) Kidnapping, abduction, compelling prostitution, 42886
promoting prostitution, engaging in a pattern of corrupt 42887
activity, a violation of division (A) (1) or (2) of section 42888
2907.323 of the Revised Code that involves a minor, or 42889
endangering children in violation of division (B) (1), (2), (3), 42890
(4), or (5) of section 2919.22 of the Revised Code, if the 42891
offender is convicted of or pleads guilty to a specification as 42892
described in section 2941.1422 of the Revised Code that was 42893
included in the indictment, count in the indictment, or 42894
information charging the offense; 42895

~~(17)~~(16) A felony violation of division (A) or (B) of 42896
section 2919.25 of the Revised Code if division (D) (3), (4), or 42897
(5) of that section, and division (D) (6) of that section, 42898
require the imposition of a prison term; 42899

~~(18)~~(17) A felony violation of section 2903.11, 2903.12, 42900
or 2903.13 of the Revised Code, if the victim of the offense was 42901
a woman that the offender knew was pregnant at the time of the 42902
violation, with respect to a portion of the sentence imposed 42903
pursuant to division (B) (8) of section 2929.14 of the Revised 42904
Code; 42905

~~(19)~~(a)(18)(a) Any violent felony offense if the offender 42906
is a violent career criminal and had a firearm on or about the 42907
offender's person or under the offender's control during the 42908
commission of the violent felony offense and displayed or 42909
brandished the firearm, indicated that the offender possessed a 42910
firearm, or used the firearm to facilitate the offense, with 42911
respect to the portion of the sentence imposed under division 42912

(K) of section 2929.14 of the Revised Code. 42913

(b) As used in division ~~(F) (19) (a)~~ (F) (18) (a) of this 42914
section, "violent career criminal" and "violent felony offense" 42915
have the same meanings as in section 2923.132 of the Revised 42916
Code~~+~~. 42917

~~(20)~~ (19) Any violation of division (A) (1) of section 42918
2903.11 of the Revised Code if the offender used an accelerant 42919
in committing the violation and the serious physical harm to 42920
another or another's unborn caused by the violation resulted in 42921
a permanent, serious disfigurement or permanent, substantial 42922
incapacity or any violation of division (A) (2) of that section 42923
if the offender used an accelerant in committing the violation, 42924
the violation caused physical harm to another or another's 42925
unborn, and the physical harm resulted in a permanent, serious 42926
disfigurement or permanent, substantial incapacity, with respect 42927
to a portion of the sentence imposed pursuant to division (B) (9) 42928
of section 2929.14 of the Revised Code. The provisions of this 42929
division and of division (D) (2) of section 2903.11, divisions 42930
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 42931
the Revised Code shall be known as "Judy's Law." 42932

~~(21)~~ (20) Any violation of division (A) of section 2903.11 42933
of the Revised Code if the victim of the offense suffered 42934
permanent disabling harm as a result of the offense and the 42935
victim was under ten years of age at the time of the offense, 42936
with respect to a portion of the sentence imposed pursuant to 42937
division (B) (10) of section 2929.14 of the Revised Code. 42938

~~(22)~~ (21) A felony violation of section 2925.03, 2925.05, 42939
or 2925.11 of the Revised Code, if the drug involved in the 42940
violation is a fentanyl-related compound or a compound, mixture, 42941
preparation, or substance containing a fentanyl-related compound 42942

and the offender is convicted of or pleads guilty to a 42943
specification of the type described in division (B) of section 42944
2941.1410 of the Revised Code that was included in the 42945
indictment, count in the indictment, or information charging the 42946
offense, with respect to the portion of the sentence imposed 42947
under division (B) (11) of section 2929.14 of the Revised Code. 42948

(G) Notwithstanding divisions (A) to (E) of this section, 42949
if an offender is being sentenced for a fourth degree felony OVI 42950
offense or for a third degree felony OVI offense, the court 42951
shall impose upon the offender a mandatory term of local 42952
incarceration or a mandatory prison term in accordance with the 42953
following: 42954

(1) If the offender is being sentenced for a fourth degree 42955
felony OVI offense and if the offender has not been convicted of 42956
and has not pleaded guilty to a specification of the type 42957
described in section 2941.1413 of the Revised Code, the court 42958
may impose upon the offender a mandatory term of local 42959
incarceration of sixty days or one hundred twenty days as 42960
specified in division (G) (1) (d) of section 4511.19 of the 42961
Revised Code. The court shall not reduce the term pursuant to 42962
section 2929.20, 2967.193, or any other provision of the Revised 42963
Code. The court that imposes a mandatory term of local 42964
incarceration under this division shall specify whether the term 42965
is to be served in a jail, a community-based correctional 42966
facility, a halfway house, or an alternative residential 42967
facility, and the offender shall serve the term in the type of 42968
facility specified by the court. A mandatory term of local 42969
incarceration imposed under division (G) (1) of this section is 42970
not subject to any other Revised Code provision that pertains to 42971
a prison term except as provided in division (A) (1) of this 42972
section. 42973

(2) If the offender is being sentenced for a third degree 42974
felony OVI offense, or if the offender is being sentenced for a 42975
fourth degree felony OVI offense and the court does not impose a 42976
mandatory term of local incarceration under division (G) (1) of 42977
this section, the court shall impose upon the offender a 42978
mandatory prison term of one, two, three, four, or five years if 42979
the offender also is convicted of or also pleads guilty to a 42980
specification of the type described in section 2941.1413 of the 42981
Revised Code or shall impose upon the offender a mandatory 42982
prison term of sixty days or one hundred twenty days as 42983
specified in division (G) (1) (d) or (e) of section 4511.19 of the 42984
Revised Code if the offender has not been convicted of and has 42985
not pleaded guilty to a specification of that type. ~~Subject to~~ 42986
~~divisions (C) to (I) of section 2967.19 of the Revised Code, the~~ 42987
The court shall not reduce the term pursuant to section 2929.20, 42988
2967.19, 2967.193, or any other provision of the Revised Code. 42989
The offender shall serve the one-, two-, three-, four-, or five- 42990
year mandatory prison term consecutively to and prior to the 42991
prison term imposed for the underlying offense and consecutively 42992
to any other mandatory prison term imposed in relation to the 42993
offense. In no case shall an offender who once has been 42994
sentenced to a mandatory term of local incarceration pursuant to 42995
division (G) (1) of this section for a fourth degree felony OVI 42996
offense be sentenced to another mandatory term of local 42997
incarceration under that division for any violation of division 42998
(A) of section 4511.19 of the Revised Code. In addition to the 42999
mandatory prison term described in division (G) (2) of this 43000
section, the court may sentence the offender to a community 43001
control sanction under section 2929.16 or 2929.17 of the Revised 43002
Code, but the offender shall serve the prison term prior to 43003
serving the community control sanction. The department of 43004
rehabilitation and correction may place an offender sentenced to 43005

a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

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

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

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

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on

or after January 1, 1997, the judge shall include in the 43036
sentence a summary of the offender's duties imposed under 43037
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 43038
Code and the duration of the duties. The judge shall inform the 43039
offender, at the time of sentencing, of those duties and of 43040
their duration. If required under division (A)(2) of section 43041
2950.03 of the Revised Code, the judge shall perform the duties 43042
specified in that section, or, if required under division (A)(6) 43043
of section 2950.03 of the Revised Code, the judge shall perform 43044
the duties specified in that division. 43045

(J)(1) Except as provided in division (J)(2) of this 43046
section, when considering sentencing factors under this section 43047
in relation to an offender who is convicted of or pleads guilty 43048
to an attempt to commit an offense in violation of section 43049
2923.02 of the Revised Code, the sentencing court shall consider 43050
the factors applicable to the felony category of the violation 43051
of section 2923.02 of the Revised Code instead of the factors 43052
applicable to the felony category of the offense attempted. 43053

(2) When considering sentencing factors under this section 43054
in relation to an offender who is convicted of or pleads guilty 43055
to an attempt to commit a drug abuse offense for which the 43056
penalty is determined by the amount or number of unit doses of 43057
the controlled substance involved in the drug abuse offense, the 43058
sentencing court shall consider the factors applicable to the 43059
felony category that the drug abuse offense attempted would be 43060
if that drug abuse offense had been committed and had involved 43061
an amount or number of unit doses of the controlled substance 43062
that is within the next lower range of controlled substance 43063
amounts than was involved in the attempt. 43064

(K) As used in this section: 43065

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 43066
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(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 43068
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(3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code. 43070
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(4) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C) (8) (b) or (C) (9) (b) of that section applies. 43072
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(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund. 43076
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Sec. 2929.18. (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section. Financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following: 43085
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(1) Restitution by the offender to the victim of the 43095
offender's crime or any survivor of the victim, in an amount 43096
based on the victim's economic loss. If the court imposes 43097
restitution, the court shall order that the restitution be made 43098
to the victim in open court, to the adult probation department 43099
that serves the county on behalf of the victim, to the clerk of 43100
courts, or to another agency designated by the court. If the 43101
court imposes restitution, at sentencing, the court shall 43102
determine the amount of restitution to be made by the offender. 43103
If the court imposes restitution, the court may base the amount 43104
of restitution it orders on an amount recommended by the victim, 43105
the offender, a presentence investigation report, estimates or 43106
receipts indicating the cost of repairing or replacing property, 43107
and other information, provided that the amount the court orders 43108
as restitution shall not exceed the amount of the economic loss 43109
suffered by the victim as a direct and proximate result of the 43110
commission of the offense. If the court imposes restitution for 43111
the cost of accounting or auditing done to determine the extent 43112
of economic loss, the court may order restitution for any amount 43113
of the victim's costs of accounting or auditing provided that 43114
the amount of restitution is reasonable and does not exceed the 43115
value of property or services stolen or damaged as a result of 43116
the offense. If the court decides to impose restitution, the 43117
court shall hold a hearing on restitution if the offender, 43118
victim, or survivor disputes the amount. All restitution 43119
payments shall be credited against any recovery of economic loss 43120
in a civil action brought by the victim or any survivor of the 43121
victim against the offender. 43122

If the court imposes restitution, the court may order that 43123
the offender pay a surcharge of not more than five per cent of 43124
the amount of the restitution otherwise ordered to the entity 43125

responsible for collecting and processing restitution payments. 43126

The victim or survivor may request that the prosecutor in 43127
the case file a motion, or the offender may file a motion, for 43128
modification of the payment terms of any restitution ordered. If 43129
the court grants the motion, it may modify the payment terms as 43130
it determines appropriate. 43131

(2) Except as provided in division (B) (1), (3), or (4) of 43132
this section, a fine payable by the offender to the state, to a 43133
political subdivision, or as described in division (B) (2) of 43134
this section to one or more law enforcement agencies, with the 43135
amount of the fine based on a standard percentage of the 43136
offender's daily income over a period of time determined by the 43137
court and based upon the seriousness of the offense. A fine 43138
ordered under this division shall not exceed the maximum 43139
conventional fine amount authorized for the level of the offense 43140
under division (A) (3) of this section. 43141

(3) Except as provided in division (B) (1), (3), or (4) of 43142
this section, a fine payable by the offender to the state, to a 43143
political subdivision when appropriate for a felony, or as 43144
described in division (B) (2) of this section to one or more law 43145
enforcement agencies, in the following amount: 43146

(a) For a felony of the first degree, not more than twenty 43147
thousand dollars; 43148

(b) For a felony of the second degree, not more than 43149
fifteen thousand dollars; 43150

(c) For a felony of the third degree, not more than ten 43151
thousand dollars; 43152

(d) For a felony of the fourth degree, not more than five 43153
thousand dollars; 43154

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars. 43155
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(4) A state fine or costs as defined in section 2949.111 of the Revised Code. 43157
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(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following: 43159
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(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code; 43162
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(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement; 43165
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(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code. 43172
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(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 43177
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section 2929.37 of the Revised Code, the board, legislative 43184
authority, or other local governmental entity requires prisoners 43185
to reimburse the county, municipal corporation, or other entity 43186
for its expenses incurred by reason of the prisoner's 43187
confinement, and if the court does not impose a financial 43188
sanction under division (A)(5)(a)(ii) of this section, 43189
confinement costs may be assessed pursuant to section 2929.37 of 43190
the Revised Code. In addition, the offender may be required to 43191
pay the fees specified in section 2929.38 of the Revised Code in 43192
accordance with that section. 43193

(c) Reimbursement by the offender for costs pursuant to 43194
section 2929.71 of the Revised Code. 43195

(B)(1) For a first, second, or third degree felony 43196
violation of any provision of Chapter 2925., 3719., or 4729. of 43197
the Revised Code, the sentencing court shall impose upon the 43198
offender a mandatory fine of at least one-half of, but not more 43199
than, the maximum statutory fine amount authorized for the level 43200
of the offense pursuant to division (A)(3) of this section. If 43201
an offender alleges in an affidavit filed with the court prior 43202
to sentencing that the offender is indigent and unable to pay 43203
the mandatory fine and if the court determines the offender is 43204
an indigent person and is unable to pay the mandatory fine 43205
described in this division, the court shall not impose the 43206
mandatory fine upon the offender. 43207

(2) Any mandatory fine imposed upon an offender under 43208
division (B)(1) of this section and any fine imposed upon an 43209
offender under division (A)(2) or (3) of this section for any 43210
fourth or fifth degree felony violation of any provision of 43211
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 43212
to law enforcement agencies pursuant to division (F) of section 43213

2925.03 of the Revised Code. 43214

(3) For a fourth degree felony OVI offense and for a third 43215
degree felony OVI offense, the sentencing court shall impose 43216
upon the offender a mandatory fine in the amount specified in 43217
division (G)(1)(d) or (e) of section 4511.19 of the Revised 43218
Code, whichever is applicable. The mandatory fine so imposed 43219
shall be disbursed as provided in the division pursuant to which 43220
it is imposed. 43221

(4) Notwithstanding any fine otherwise authorized or 43222
required to be imposed under division (A)(2) or (3) or (B)(1) of 43223
this section or section 2929.31 of the Revised Code for a 43224
violation of section 2925.03 of the Revised Code, in addition to 43225
any penalty or sanction imposed for that offense under section 43226
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 43227
in addition to the forfeiture of property in connection with the 43228
offense as prescribed in Chapter 2981. of the Revised Code, the 43229
court that sentences an offender for a violation of section 43230
2925.03 of the Revised Code may impose upon the offender a fine 43231
in addition to any fine imposed under division (A)(2) or (3) of 43232
this section and in addition to any mandatory fine imposed under 43233
division (B)(1) of this section. The fine imposed under division 43234
(B)(4) of this section shall be used as provided in division (H) 43235
of section 2925.03 of the Revised Code. A fine imposed under 43236
division (B)(4) of this section shall not exceed whichever of 43237
the following is applicable: 43238

(a) The total value of any personal or real property in 43239
which the offender has an interest and that was used in the 43240
course of, intended for use in the course of, derived from, or 43241
realized through conduct in violation of section 2925.03 of the 43242
Revised Code, including any property that constitutes proceeds 43243

derived from that offense; 43244

(b) If the offender has no interest in any property of the 43245
type described in division (B) (4) (a) of this section or if it is 43246
not possible to ascertain whether the offender has an interest 43247
in any property of that type in which the offender may have an 43248
interest, the amount of the mandatory fine for the offense 43249
imposed under division (B) (1) of this section or, if no 43250
mandatory fine is imposed under division (B) (1) of this section, 43251
the amount of the fine authorized for the level of the offense 43252
imposed under division (A) (3) of this section. 43253

(5) Prior to imposing a fine under division (B) (4) of this 43254
section, the court shall determine whether the offender has an 43255
interest in any property of the type described in division (B) 43256
(4) (a) of this section. Except as provided in division (B) (6) or 43257
(7) of this section, a fine that is authorized and imposed under 43258
division (B) (4) of this section does not limit or affect the 43259
imposition of the penalties and sanctions for a violation of 43260
section 2925.03 of the Revised Code prescribed under those 43261
sections or sections 2929.11 to 2929.18 of the Revised Code and 43262
does not limit or affect a forfeiture of property in connection 43263
with the offense as prescribed in Chapter 2981. of the Revised 43264
Code. 43265

(6) If the sum total of a mandatory fine amount imposed 43266
for a first, second, or third degree felony violation of section 43267
2925.03 of the Revised Code under division (B) (1) of this 43268
section plus the amount of any fine imposed under division (B) 43269
(4) of this section does not exceed the maximum statutory fine 43270
amount authorized for the level of the offense under division 43271
(A) (3) of this section or section 2929.31 of the Revised Code, 43272
the court may impose a fine for the offense in addition to the 43273

mandatory fine and the fine imposed under division (B) (4) of 43274
this section. The sum total of the amounts of the mandatory 43275
fine, the fine imposed under division (B) (4) of this section, 43276
and the additional fine imposed under division (B) (6) of this 43277
section shall not exceed the maximum statutory fine amount 43278
authorized for the level of the offense under division (A) (3) of 43279
this section or section 2929.31 of the Revised Code. The clerk 43280
of the court shall pay any fine that is imposed under division 43281
(B) (6) of this section to the county, township, municipal 43282
corporation, park district as created pursuant to section 511.18 43283
or 1545.04 of the Revised Code, or state law enforcement 43284
agencies in this state that primarily were responsible for or 43285
involved in making the arrest of, and in prosecuting, the 43286
offender pursuant to division (F) of section 2925.03 of the 43287
Revised Code. 43288

(7) If the sum total of the amount of a mandatory fine 43289
imposed for a first, second, or third degree felony violation of 43290
section 2925.03 of the Revised Code plus the amount of any fine 43291
imposed under division (B) (4) of this section exceeds the 43292
maximum statutory fine amount authorized for the level of the 43293
offense under division (A) (3) of this section or section 2929.31 43294
of the Revised Code, the court shall not impose a fine under 43295
division (B) (6) of this section. 43296

(8) (a) If an offender who is convicted of or pleads guilty 43297
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 43298
2923.32, division (A) (1) or (2) of section 2907.323 involving a 43299
minor, or division (B) (1), (2), (3), (4), or (5) of section 43300
2919.22 of the Revised Code also is convicted of or pleads 43301
guilty to a specification of the type described in section 43302
2941.1422 of the Revised Code that charges that the offender 43303
knowingly committed the offense in furtherance of human 43304

trafficking, the sentencing court shall sentence the offender to 43305
a financial sanction of restitution by the offender to the 43306
victim or any survivor of the victim, with the restitution 43307
including the costs of housing, counseling, and medical and 43308
legal assistance incurred by the victim as a direct result of 43309
the offense and the greater of the following: 43310

(i) The gross income or value to the offender of the 43311
victim's labor or services; 43312

(ii) The value of the victim's labor as guaranteed under 43313
the minimum wage and overtime provisions of the "Federal Fair 43314
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 43315
state labor laws. 43316

(b) If a court imposing sentence upon an offender for a 43317
felony is required to impose upon the offender a financial 43318
sanction of restitution under division (B) (8) (a) of this 43319
section, in addition to that financial sanction of restitution, 43320
the court may sentence the offender to any other financial 43321
sanction or combination of financial sanctions authorized under 43322
this section, including a restitution sanction under division 43323
(A) (1) of this section. 43324

(9) In addition to any other fine that is or may be 43325
imposed under this section, the court imposing sentence upon an 43326
offender for a felony that is a sexually oriented offense or a 43327
child-victim oriented offense, as those terms are defined in 43328
section 2950.01 of the Revised Code, may impose a fine of not 43329
less than fifty nor more than five hundred dollars. 43330

~~(10) For a felony violation of division (A) of section 43331
2921.321 of the Revised Code that results in the death of the 43332
police dog or horse that is the subject of the violation, the 43333~~

~~sentencing court shall impose upon the offender a mandatory fine from the range of fines provided under division (A) (3) of this section for a felony of the third degree. A mandatory fine imposed upon an offender under division (B) (10) of this section shall be paid to the law enforcement agency that was served by the police dog or horse that was killed in the felony violation of division (A) of section 2921.321 of the Revised Code to be used as provided in division (E) (1) (b) of that section.~~

~~(11)~~In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for any of the following offenses that is a felony may impose a fine of not less than seventy nor more than five hundred dollars, which shall be transmitted to the treasurer of state to be credited to the address confidentiality program fund created by section 111.48 of the Revised Code:

- (a) Domestic violence;
- (b) Menacing by stalking;
- (c) Rape;
- (d) Sexual battery;
- (e) Trafficking in persons;

(f) A violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 involving a minor, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender also is convicted of a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking.

(C) (1) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A) (5) (a) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the sanction cost reimbursement fund that each board of county commissioners shall create in its county treasury. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A) (5) (a) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to

a sanction imposed under section 2929.16 of the Revised Code. 43393

(3) Except as provided in section 2951.021 of the Revised 43394
Code, the offender shall pay reimbursements imposed pursuant to 43395
division (A) (5) (a) of this section for the costs incurred by a 43396
private provider pursuant to a sanction imposed under this 43397
section or section 2929.16 or 2929.17 of the Revised Code to the 43398
provider. 43399

(D) Except as otherwise provided in this division, a 43400
financial sanction imposed pursuant to division (A) or (B) of 43401
this section is a judgment in favor of the state or a political 43402
subdivision in which the court that imposed the financial 43403
sanction is located, and the offender subject to the financial 43404
sanction is the judgment debtor. A financial sanction of 43405
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 43406
section upon an offender who is incarcerated in a state facility 43407
or a municipal jail is a judgment in favor of the state or the 43408
municipal corporation, and the offender subject to the financial 43409
sanction is the judgment debtor. A financial sanction of 43410
reimbursement imposed upon an offender pursuant to this section 43411
for costs incurred by a private provider of sanctions is a 43412
judgment in favor of the private provider, and the offender 43413
subject to the financial sanction is the judgment debtor. ~~A~~ 43414
~~financial sanction of a mandatory fine imposed under division~~ 43415
~~(B) (10) of this section that is required under that division to~~ 43416
~~be paid to a law enforcement agency is a judgment in favor of~~ 43417
~~the specified law enforcement agency, and the offender subject~~ 43418
~~to the financial sanction is the judgment debtor. A financial~~ 43419
sanction of restitution imposed pursuant to division (A) (1) or 43420
(B) (8) of this section is an order in favor of the victim of the 43421
offender's criminal act that can be collected through a 43422
certificate of judgment as described in division (D) (1) of this 43423

section, through execution as described in division (D) (2) of 43424
this section, or through an order as described in division (D) 43425
(3) of this section, and the offender shall be considered for 43426
purposes of the collection as the judgment debtor. Imposition of 43427
a financial sanction and execution on the judgment does not 43428
preclude any other power of the court to impose or enforce 43429
sanctions on the offender. Once the financial sanction is 43430
imposed as a judgment or order under this division, the victim, 43431
private provider, state, or political subdivision may do any of 43432
the following: 43433

(1) Obtain from the clerk of the court in which the 43434
judgment was entered a certificate of judgment that shall be in 43435
the same manner and form as a certificate of judgment issued in 43436
a civil action; 43437

(2) Obtain execution of the judgment or order through any 43438
available procedure, including: 43439

(a) An execution against the property of the judgment 43440
debtor under Chapter 2329. of the Revised Code; 43441

(b) An execution against the person of the judgment debtor 43442
under Chapter 2331. of the Revised Code; 43443

(c) A proceeding in aid of execution under Chapter 2333. 43444
of the Revised Code, including: 43445

(i) A proceeding for the examination of the judgment 43446
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 43447
2333.27 of the Revised Code; 43448

(ii) A proceeding for attachment of the person of the 43449
judgment debtor under section 2333.28 of the Revised Code; 43450

(iii) A creditor's suit under section 2333.01 of the 43451

Revised Code. 43452

(d) The attachment of the property of the judgment debtor 43453
under Chapter 2715. of the Revised Code; 43454

(e) The garnishment of the property of the judgment debtor 43455
under Chapter 2716. of the Revised Code. 43456

(3) Obtain an order for the assignment of wages of the 43457
judgment debtor under section 1321.33 of the Revised Code. 43458

(E) A court that imposes a financial sanction upon an 43459
offender may hold a hearing if necessary to determine whether 43460
the offender is able to pay the sanction or is likely in the 43461
future to be able to pay it. 43462

(F) Each court imposing a financial sanction upon an 43463
offender under this section or under section 2929.32 of the 43464
Revised Code may designate the clerk of the court or another 43465
person to collect the financial sanction. The clerk or other 43466
person authorized by law or the court to collect the financial 43467
sanction may enter into contracts with one or more public 43468
agencies or private vendors for the collection of, amounts due 43469
under the financial sanction imposed pursuant to this section or 43470
section 2929.32 of the Revised Code. Before entering into a 43471
contract for the collection of amounts due from an offender 43472
pursuant to any financial sanction imposed pursuant to this 43473
section or section 2929.32 of the Revised Code, a court shall 43474
comply with sections 307.86 to 307.92 of the Revised Code. 43475

(G) If a court that imposes a financial sanction under 43476
division (A) or (B) of this section finds that an offender 43477
satisfactorily has completed all other sanctions imposed upon 43478
the offender and that all restitution that has been ordered has 43479
been paid as ordered, the court may suspend any financial 43480

sanctions imposed pursuant to this section or section 2929.32 of 43481
the Revised Code that have not been paid. 43482

(H) No financial sanction imposed under this section or 43483
section 2929.32 of the Revised Code shall preclude a victim from 43484
bringing a civil action against the offender. 43485

Sec. 2930.01. As used in this chapter: 43486

(A) "Crime" means any of the following: 43487

(1) A felony; 43488

(2) A violation of section 2903.05, 2903.06, 2903.13, 43489
2903.21, 2903.211, 2903.22, 2907.06, or 2919.25 of the Revised 43490
Code, or 2921.04 a violation of division (B) of section 2921.03 43491
of the Revised Code, a violation of section 2903.07 of the 43492
Revised Code as it existed prior to March 23, 2000, or a 43493
violation of a substantially equivalent municipal ordinance; 43494

(3) A violation of division (A) or (B) of section 4511.19, 43495
division (A) or (B) of section 1547.11, or division (A) (3) of 43496
section 4561.15 of the Revised Code or of a municipal ordinance 43497
substantially similar to any of those divisions that is the 43498
proximate cause of a vehicle, streetcar, trackless trolley, 43499
aquatic device, or aircraft accident in which the victim 43500
receives injuries for which the victim receives medical 43501
treatment either at the scene of the accident by emergency 43502
medical services personnel or at a hospital, ambulatory care 43503
facility, physician's office, specialist's office, or other 43504
medical care facility. 43505

(4) A motor vehicle accident to which both of the 43506
following apply: 43507

(a) The motor vehicle accident is caused by a violation of 43508

a provision of the Revised Code that is a misdemeanor of the first degree or higher. 43509
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(b) As a result of the motor vehicle accident, the victim receives injuries for which the victim receives medical treatment either at the scene of the accident by emergency medical services personnel or at a hospital, ambulatory care facility, physician's office, specialist's office, or other medical care facility. 43511
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(B) "Custodial agency" means one of the following: 43517

(1) The entity that has custody of a defendant or an alleged juvenile offender who is incarcerated for a crime, is under detention for the commission of a specified delinquent act, or who is detained after a finding of incompetence to stand trial or not guilty by reason of insanity relative to a crime, including any of the following: 43518
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(a) The department of rehabilitation and correction or the adult parole authority; 43524
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(b) A county sheriff; 43526

(c) The entity that administers a jail, as defined in section 2929.01 of the Revised Code; 43527
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(d) The entity that administers a community-based correctional facility and program or a district community-based correctional facility and program; 43529
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(e) The department of mental health and addiction services or other entity to which a defendant found incompetent to stand trial or not guilty by reason of insanity is committed. 43532
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(2) The entity that has custody of an alleged juvenile offender pursuant to an order of disposition of a juvenile 43535
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court, including the department of youth services or a school, 43537
camp, institution, or other facility operated for the care of 43538
delinquent children. 43539

(C) "Defendant" means a person who is alleged to be the 43540
perpetrator of a crime in a police report or in a complaint, 43541
indictment, or information that charges the commission of a 43542
crime and that provides the basis for the criminal prosecution 43543
and subsequent proceedings to which this chapter makes 43544
reference. 43545

(D) "Member of the victim's family" means a spouse, child, 43546
stepchild, sibling, parent, stepparent, grandparent, or other 43547
relative of a victim but does not include a person who is 43548
charged with, convicted of, or adjudicated to be a delinquent 43549
child for the crime or specified delinquent act against the 43550
victim or another crime or specified delinquent act arising from 43551
the same conduct, criminal episode, or plan. 43552

(E) "Prosecutor" means one of the following: 43553

(1) With respect to a criminal case, it has the same 43554
meaning as in section 2935.01 of the Revised Code and also 43555
includes the attorney general and, when appropriate, the 43556
employees of any person listed in section 2935.01 of the Revised 43557
Code or of the attorney general. 43558

(2) With respect to a delinquency proceeding, it includes 43559
any person listed in division (C) of section 2935.01 of the 43560
Revised Code or an employee of a person listed in that division 43561
who prosecutes a delinquency proceeding. 43562

(F) "Public agency" means an office, agency, department, 43563
bureau, or other governmental entity of the state or of a 43564
political subdivision of the state. 43565

(G) "Public official" has the same meaning as in section 2921.01 of the Revised Code.	43566 43567
(H) "Victim" means either of the following:	43568
(1) A person who is identified as the victim of a crime or specified delinquent act in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution or delinquency proceeding and subsequent proceedings to which this chapter makes reference.	43569 43570 43571 43572 43573 43574
(2) A person who receives injuries as a result of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident that is proximately caused by a violation described in division (A) (3) of this section or a motor vehicle accident that is proximately caused by a violation described in division (A) (4) of this section and who receives medical treatment as described in division (A) (3) or (4) of this section, whichever is applicable.	43575 43576 43577 43578 43579 43580 43581 43582
(I) "Victim's representative" means a member of the victim's family or another person who pursuant to the authority of section 2930.02 of the Revised Code exercises the rights of a victim under this chapter.	43583 43584 43585 43586
(J) "Court" means a court of common pleas, juvenile court, municipal court, or county court.	43587 43588
(K) "Delinquency proceeding" means all proceedings in a juvenile court that are related to a case in which a complaint has been filed alleging that a child is a delinquent child.	43589 43590 43591
(L) "Case" means a delinquency proceeding and all related activity or a criminal prosecution and all related activity.	43592 43593

(M) The "defense" means the defense against criminal charges in a criminal prosecution or the defense against delinquent child complaint in a delinquency proceeding.

(N) The "prosecution" means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding.

(O) "Specified delinquent act" means any of the following:

(1) An act committed by a child that if committed by an adult would be a felony;

(2) An act committed by a child that is a violation of a section listed in division (A) (1) or (2) of this section or is a violation of a substantially equivalent municipal ordinance;

(3) An act committed by a child that is described in division (A) (3) or (4) of this section.

(P) (1) "Alleged juvenile offender" means a child who is alleged to have committed a specified delinquent act in a police report or in a complaint in juvenile court that charges the commission of a specified delinquent act and that provides the basis for the delinquency proceeding and all subsequent proceedings to which this chapter makes reference.

(2) As used in divisions (O) and (P) (1) of this section, "child" has the same meaning as in section 2151.011 of the Revised Code.

(Q) "Motor vehicle accident" means any accident involving a motor vehicle.

(R) "Motor vehicle" has the same meaning as in section 4509.01 of the Revised Code.

(S) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code. 43621
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(T) "Aquatic device" means any vessel, or any water skis, aquaplane, or similar device. 43623
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(U) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code. 43625
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(V) "Vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident" means any accident involving a vehicle, streetcar, trackless trolley, aquatic device, or aircraft. 43627
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(W) "Vessel" has the same meaning as in section 1546.01 of the Revised Code. 43631
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Sec. 2930.03. (A) A person or entity required or authorized under this chapter to give notice to a victim shall give the notice to the victim by any means reasonably calculated to provide prompt actual notice. Except when a provision requires that notice is to be given in a specific manner, a notice may be oral or written. 43633
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(B) (1) Except for receipt of the initial information and notice required to be given to a victim under divisions (A) and (B) of section 2930.04, section 2930.05, and divisions (A) and (B) of section 2930.06 of the Revised Code and the notice required to be given to a victim under division (D) of section 2930.16 of the Revised Code, a victim who wishes to receive any notice authorized by this chapter shall make a request for the notice to the prosecutor or the custodial agency that is to provide the notice, as specified in this chapter. If the victim does not make a request as described in this division, the prosecutor or custodial agency is not required to provide any 43639
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notice described in this chapter other than the initial 43650
information and notice required to be given to a victim under 43651
divisions (A) and (B) of section 2930.04, section 2930.05, and 43652
divisions (A) and (B) of section 2930.06 of the Revised Code and 43653
the notice required to be given to a victim under division (D) 43654
of section 2930.16 of the Revised Code. 43655

(2) A victim who does not wish to receive any of the 43656
notices required to be given to a victim under division (E) (2) 43657
or (K) of section 2929.20, division (D) of section 2930.16, 43658
division (H) of section 2967.12, ~~division (E) (1) (b) of section~~ 43659
~~2967.19,~~ division (A) (3) (b) (A) (2) (b) of section 2967.26, 43660
division (D) (1) of section 2967.28, or division (A) (2) of 43661
section 5149.101 of the Revised Code shall make a request to the 43662
prosecutor or custodial agency that is to provide the particular 43663
notice that the notice not be provided to the victim. Unless the 43664
victim makes a request as described in this division, the 43665
prosecutor or custodial agency shall provide the notices 43666
required to be given to a victim under division (E) (2) or (K) of 43667
section 2929.20, division (D) of section 2930.16, division (H) 43668
of section 2967.12, ~~division (E) (1) (b) of section 2967.19,~~ 43669
division (A) (3) (b) (A) (2) (b) of section 2967.26, division (D) (1) 43670
of section 2967.28, or division (A) (2) of section 5149.101 of 43671
the Revised Code in any manner, and in accordance with the 43672
procedures, specified in the particular division. This division 43673
also applies to a victim's representative or a member of a 43674
victim's immediate family that is authorized to receive any of 43675
the notices specified in this division. 43676

(C) A person or agency that is required to furnish notice 43677
under this chapter shall give the notice to the victim at the 43678
address or telephone number provided to the person or agency by 43679
the victim. A victim who requests to receive notice under this 43680

chapter as described in division (B) of this section shall 43681
inform the person or agency of the name, address, or telephone 43682
number of the victim and of any change to that information. 43683

(D) A person or agency that has furnished information to a 43684
victim in accordance with any requirement or authorization under 43685
this chapter shall notify the victim promptly of any significant 43686
changes to that information. 43687

(E) Divisions (A) to (D) of this section do not apply 43688
regarding a notice that a prosecutor is required to provide 43689
under section 2930.061 of the Revised Code. A prosecutor 43690
required to provide notice under that section shall provide the 43691
notice as specified in that section. 43692

Sec. 2930.06. (A) The prosecutor in a case, to the extent 43693
practicable, shall confer with the victim in the case before 43694
pretrial diversion is granted to the defendant or alleged 43695
juvenile offender in the case, before amending or dismissing an 43696
indictment, information, or complaint against that defendant or 43697
alleged juvenile offender, before agreeing to a negotiated plea 43698
for that defendant or alleged juvenile offender, before a trial 43699
of that defendant by judge or jury, or before the juvenile court 43700
conducts an adjudicatory hearing for that alleged juvenile 43701
offender. If the juvenile court disposes of a case prior to the 43702
prosecutor's involvement in the case, the court or a court 43703
employee shall notify the victim in the case that the alleged 43704
juvenile offender will be granted pretrial diversion, the 43705
complaint against that alleged juvenile offender will be amended 43706
or dismissed, or the court will conduct an adjudicatory hearing 43707
for that alleged juvenile offender. If the prosecutor fails to 43708
confer with the victim at any of those times, the court, if 43709
informed of the failure, shall note on the record the failure 43710

and the prosecutor's reasons for the failure. A prosecutor's 43711
failure to confer with a victim as required by this division and 43712
a court's failure to provide the notice as required by this 43713
division do not affect the validity of an agreement between the 43714
prosecutor and the defendant or alleged juvenile offender in the 43715
case, a pretrial diversion of the defendant or alleged juvenile 43716
offender, an amendment or dismissal of an indictment, 43717
information, or complaint filed against the defendant or alleged 43718
juvenile offender, a plea entered by the defendant or alleged 43719
juvenile defender, an admission entered by the defendant or 43720
alleged juvenile offender, or any other disposition in the case. 43721
A court shall not dismiss a criminal complaint, charge, 43722
information, or indictment or a delinquent child complaint 43723
solely at the request of the victim and over the objection of 43724
the prosecuting attorney, village solicitor, city director of 43725
law, or other chief legal officer responsible for the 43726
prosecution of the case. 43727

(B) After a prosecution in a case has been commenced, the 43728
prosecutor or a designee of the prosecutor other than a court or 43729
court employee, to the extent practicable, promptly shall give 43730
the victim all of the following information, except that, if the 43731
juvenile court disposes of a case prior to the prosecutor's 43732
involvement in the case, the court or a court employee, to the 43733
extent practicable, promptly shall give the victim all of the 43734
following information: 43735

(1) The name of the crime or specified delinquent act with 43736
which the defendant or alleged juvenile offender in the case has 43737
been charged and the name of the defendant or alleged juvenile 43738
offender; 43739

(2) The file number of the case; 43740

(3) A brief statement regarding the procedural steps in a criminal prosecution or delinquency proceeding involving a crime or specified delinquent act similar to the crime or specified delinquent act with which the defendant or alleged juvenile offender has been charged and the right of the victim to be present during all proceedings held throughout the prosecution of the case;

(4) A summary of the rights of a victim under this chapter;

(5) Procedures the victim or the prosecutor may follow if the victim becomes subject to threats or intimidation by the defendant, alleged juvenile offender, or any other person;

(6) The name and business telephone number of a person to contact for further information with respect to the case;

(7) The right of the victim to have a victim's representative exercise the victim's rights under this chapter in accordance with section 2930.02 of the Revised Code and the procedure by which a victim's representative may be designated;

(8) Notice that any notification under division (C) of this section, sections 2930.07 to 2930.15, division (A), (B), or (C) of section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 of the Revised Code will be given to the victim only if the victim asks to receive the notification and that notice under division (E) (2) or (K) of section 2929.20, division (D) of section 2930.16, division (H) of section 2967.12, ~~division (E) (1) (b) of section 2967.19, division (A) (3) (b) (A) (2) (b) of~~ section 2967.26, division (D) (1) of section 2967.28, or division (A) (2) of section 5149.101 of the Revised Code will be given unless the victim asks that the notification not be provided.

(C) Upon the request of the victim, the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court shall give the victim notice of the date, time, and place of any scheduled criminal or juvenile proceedings in the case and notice of any changes in those proceedings or in the schedule in the case.

(D) A victim who requests notice under division (C) of this section and who elects pursuant to division (B) of section 2930.03 of the Revised Code to receive any further notice from the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court under this chapter shall keep the prosecutor or the court informed of the victim's current address and telephone number until the case is dismissed or terminated, the defendant is acquitted or sentenced, the delinquent child complaint is dismissed, the defendant is adjudicated a delinquent child, or the appellate process is completed, whichever is the final disposition in the case.

(E) If a defendant is charged with the commission of a misdemeanor offense that is not identified in division (A) (2) of section 2930.01 of the Revised Code and if a police report or a complaint, indictment, or information that charges the commission of that offense and provides the basis for a criminal prosecution of that defendant identifies one or more individuals as individuals against whom that offense was committed, after a prosecution in the case has been commenced, the prosecutor or a designee of the prosecutor other than a court or court employee, to the extent practicable, promptly shall notify each of the individuals so identified in the report, complaint, indictment, or information that, if the defendant is convicted of or pleads guilty to the offense, the individual may make an oral or

written statement to the court hearing the case regarding the 43801
sentence to be imposed upon the defendant and that the court 43802
must consider any statement so made that is relevant. Before 43803
imposing sentence in the case, the court shall permit the 43804
individuals so identified in the report, complaint, indictment, 43805
or information to make an oral or written statement. Division 43806
(A) of section 2930.14 of the Revised Code applies regarding any 43807
statement so made. The court shall consider a statement so made, 43808
in accordance with division (B) of that section and division (D) 43809
of section 2929.22 of the Revised Code. 43810

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 43811
in a case who has requested to receive notice under this section 43812
shall be given notice of the incarceration of the defendant. If 43813
an alleged juvenile offender is committed to the temporary 43814
custody of a school, camp, institution, or other facility 43815
operated for the care of delinquent children or to the legal 43816
custody of the department of youth services, a victim in a case 43817
who has requested to receive notice under this section shall be 43818
given notice of the commitment. Promptly after sentence is 43819
imposed upon the defendant or the commitment of the alleged 43820
juvenile offender is ordered, the prosecutor in the case shall 43821
notify the victim of the date on which the defendant will be 43822
released, or initially will be eligible for release, from 43823
confinement or the prosecutor's reasonable estimate of that date 43824
or the date on which the alleged juvenile offender will have 43825
served the minimum period of commitment or the prosecutor's 43826
reasonable estimate of that date. The prosecutor also shall 43827
notify the victim of the name of the custodial agency of the 43828
defendant or alleged juvenile offender and tell the victim how 43829
to contact that custodial agency. If the custodial agency is the 43830
department of rehabilitation and correction, the prosecutor 43831

shall notify the victim of the services offered by the office of 43832
victims' services pursuant to section 5120.60 of the Revised 43833
Code. If the custodial agency is the department of youth 43834
services, the prosecutor shall notify the victim of the services 43835
provided by the office of victims' services within the release 43836
authority of the department pursuant to section 5139.55 of the 43837
Revised Code and the victim's right pursuant to section 5139.56 43838
of the Revised Code to submit a written request to the release 43839
authority to be notified of actions the release authority takes 43840
with respect to the alleged juvenile offender. The victim shall 43841
keep the custodial agency informed of the victim's current 43842
address and telephone number. 43843

(B) (1) Upon the victim's request or in accordance with 43844
division (D) of this section, the prosecutor promptly shall 43845
notify the victim of any hearing for judicial release of the 43846
defendant pursuant to section 2929.20 of the Revised Code, ~~of~~ 43847
~~any hearing for release of the defendant pursuant to section~~ 43848
~~2967.19 of the Revised Code,~~ or of any hearing for judicial 43849
release or early release of the alleged juvenile offender 43850
pursuant to section 2151.38 of the Revised Code and of the 43851
victim's right to make a statement under those sections. The 43852
court shall notify the victim of its ruling in each of those 43853
hearings and on each of those applications. 43854

(2) If an offender is sentenced to a prison term pursuant 43855
to division (A) (3) or (B) of section 2971.03 of the Revised 43856
Code, upon the request of the victim of the crime or in 43857
accordance with division (D) of this section, the prosecutor 43858
promptly shall notify the victim of any hearing to be conducted 43859
pursuant to section 2971.05 of the Revised Code to determine 43860
whether to modify the requirement that the offender serve the 43861
entire prison term in a state correctional facility in 43862

accordance with division (C) of that section, whether to 43863
continue, revise, or revoke any existing modification of that 43864
requirement, or whether to terminate the prison term in 43865
accordance with division (D) of that section. The court shall 43866
notify the victim of any order issued at the conclusion of the 43867
hearing. 43868

(C) Upon the victim's request made at any time before the 43869
particular notice would be due or in accordance with division 43870
(D) of this section, the custodial agency of a defendant or 43871
alleged juvenile offender shall give the victim any of the 43872
following notices that is applicable: 43873

(1) At least sixty days before the adult parole authority 43874
recommends a pardon or commutation of sentence for the defendant 43875
or at least sixty days prior to a hearing before the adult 43876
parole authority regarding a grant of parole to the defendant, 43877
notice of the victim's right to submit a statement regarding the 43878
impact of the defendant's release in accordance with section 43879
2967.12 of the Revised Code and, if applicable, of the victim's 43880
right to appear at a full board hearing of the parole board to 43881
give testimony as authorized by section 5149.101 of the Revised 43882
Code; and at least sixty days prior to a hearing before the 43883
department regarding a determination of whether the inmate must 43884
be released under division (C) or (D) (2) of section 2967.271 of 43885
the Revised Code if the inmate is serving a non-life felony 43886
indefinite prison term, notice of the fact that the inmate will 43887
be having a hearing regarding a possible grant of release, the 43888
date of any hearing regarding a possible grant of release, and 43889
the right of any person to submit a written statement regarding 43890
the pending action; 43891

(2) At least sixty days before the defendant is 43892

transferred to transitional control under section 2967.26 of the Revised Code, notice of the pendency of the transfer and of the victim's right under that section to submit a statement regarding the impact of the transfer;

(3) At least sixty days before the release authority of the department of youth services holds a release review, release hearing, or discharge review for the alleged juvenile offender, notice of the pendency of the review or hearing, of the victim's right to make an oral or written statement regarding the impact of the crime upon the victim or regarding the possible release or discharge, and, if the notice pertains to a hearing, of the victim's right to attend and make statements or comments at the hearing as authorized by section 5139.56 of the Revised Code;

(4) Prompt notice of the defendant's or alleged juvenile offender's escape from a facility of the custodial agency in which the defendant was incarcerated or in which the alleged juvenile offender was placed after commitment, of the defendant's or alleged juvenile offender's absence without leave from a mental health or developmental disabilities facility or from other custody, and of the capture of the defendant or alleged juvenile offender after an escape or absence;

(5) Notice of the defendant's or alleged juvenile offender's death while in confinement or custody;

(6) Notice of the filing of a petition by the director of rehabilitation and correction pursuant to section ~~2967.19~~ 2929.20 of the Revised Code requesting the early release of the defendant pursuant to a judicial release under that section ~~of the defendant~~;

(7) Notice of the defendant's or alleged juvenile

offender's release from confinement or custody and the terms and 43922
conditions of the release. 43923

(D) (1) If a defendant is incarcerated for the commission 43924
of aggravated murder, murder, or an offense of violence that is 43925
a felony of the first, second, or third degree or is under a 43926
sentence of life imprisonment or if an alleged juvenile offender 43927
has been charged with the commission of an act that would be 43928
aggravated murder, murder, or an offense of violence that is a 43929
felony of the first, second, or third degree or be subject to a 43930
sentence of life imprisonment if committed by an adult, except 43931
as otherwise provided in this division, the notices described in 43932
divisions (B) and (C) of this section shall be given regardless 43933
of whether the victim has requested the notification. The 43934
notices described in divisions (B) and (C) of this section shall 43935
not be given under this division to a victim if the victim has 43936
requested pursuant to division (B) (2) of section 2930.03 of the 43937
Revised Code that the victim not be provided the notice. 43938
Regardless of whether the victim has requested that the notices 43939
described in division (C) of this section be provided or not be 43940
provided, the custodial agency shall give notice similar to 43941
those notices to the prosecutor in the case, to the sentencing 43942
court, to the law enforcement agency that arrested the defendant 43943
or alleged juvenile offender if any officer of that agency was a 43944
victim of the offense, and to any member of the victim's 43945
immediate family who requests notification. If the notice given 43946
under this division to the victim is based on an offense 43947
committed prior to March 22, 2013, and if the prosecutor or 43948
custodial agency has not previously successfully provided any 43949
notice to the victim under this division or division (B) or (C) 43950
of this section with respect to that offense and the offender 43951
who committed it, the notice also shall inform the victim that 43952

the victim may request that the victim not be provided any 43953
further notices with respect to that offense and the offender 43954
who committed it and shall describe the procedure for making 43955
that request. If the notice given under this division to the 43956
victim pertains to a hearing regarding a grant of a parole to 43957
the defendant, the notice also shall inform the victim that the 43958
victim, a member of the victim's immediate family, or the 43959
victim's representative may request a victim conference, as 43960
described in division (E) of this section, and shall provide an 43961
explanation of a victim conference. 43962

The prosecutor or custodial agency may give the notices to 43963
which this division applies by any reasonable means, including 43964
regular mail, telephone, and electronic mail. If the prosecutor 43965
or custodial agency attempts to provide notice to a victim under 43966
this division but the attempt is unsuccessful because the 43967
prosecutor or custodial agency is unable to locate the victim, 43968
is unable to provide the notice by its chosen method because it 43969
cannot determine the mailing address, telephone number, or 43970
electronic mail address at which to provide the notice, or, if 43971
the notice is sent by mail, the notice is returned, the 43972
prosecutor or custodial agency shall make another attempt to 43973
provide the notice to the victim. If the second attempt is 43974
unsuccessful, the prosecutor or custodial agency shall make at 43975
least one more attempt to provide the notice. If the notice is 43976
based on an offense committed prior to March 22, 2013, in each 43977
attempt to provide the notice to the victim, the notice shall 43978
include the opt-out information described in the preceding 43979
paragraph. The prosecutor or custodial agency, in accordance 43980
with division (D) (2) of this section, shall keep a record of all 43981
attempts to provide the notice, and of all notices provided, 43982
under this division. 43983

Division (D) (1) of this section, and the notice-related 43984
provisions of divisions (E) (2) and (K) of section 2929.20, 43985
division (H) of section 2967.12, division (E) (1) (b) of section 43986
2967.19 as it existed prior to the effective date of this 43987
amendment, division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, 43988
division (D) (1) of section 2967.28, and division (A) (2) of 43989
section 5149.101 of the Revised Code enacted in the act in which 43990
division (D) (1) of this section was enacted, shall be known as 43991
"Roberta's Law." 43992

(2) Each prosecutor and custodial agency that attempts to 43993
give any notice to which division (D) (1) of this section applies 43994
shall keep a record of all attempts to give the notice. The 43995
record shall indicate the person who was to be the recipient of 43996
the notice, the date on which the attempt was made, the manner 43997
in which the attempt was made, and the person who made the 43998
attempt. If the attempt is successful and the notice is given, 43999
the record shall indicate that fact. The record shall be kept in 44000
a manner that allows public inspection of attempts and notices 44001
given to persons other than victims without revealing the names, 44002
addresses, or other identifying information relating to victims. 44003
The record of attempts and notices given to victims is not a 44004
public record, but the prosecutor or custodial agency shall 44005
provide upon request a copy of that record to a prosecuting 44006
attorney, judge, law enforcement agency, or member of the 44007
general assembly. The record of attempts and notices given to 44008
persons other than victims is a public record. A record kept 44009
under this division may be indexed by offender name, or in any 44010
other manner determined by the prosecutor or the custodial 44011
agency. Each prosecutor or custodial agency that is required to 44012
keep a record under this division shall determine the procedures 44013
for keeping the record and the manner in which it is to be kept, 44014

subject to the requirements of this division. 44015

(E) The adult parole authority shall adopt rules under 44016
Chapter 119. of the Revised Code providing for a victim 44017
conference, upon request of the victim, a member of the victim's 44018
immediate family, or the victim's representative, prior to a 44019
parole hearing in the case of a prisoner who is incarcerated for 44020
the commission of aggravated murder, murder, or an offense of 44021
violence that is a felony of the first, second, or third degree 44022
or is under a sentence of life imprisonment. The rules shall 44023
provide for, but not be limited to, all of the following: 44024

(1) Subject to division (E)(3) of this section, attendance 44025
by the victim, members of the victim's immediate family, the 44026
victim's representative, and, if practicable, other individuals; 44027

(2) Allotment of up to one hour for the conference; 44028

(3) A specification of the number of persons specified in 44029
division (E)(1) of this section who may be present at any single 44030
victim conference, if limited by the department pursuant to 44031
division (F) of this section. 44032

(F) The department may limit the number of persons 44033
specified in division (E)(1) of this section who may be present 44034
at any single victim conference, provided that the department 44035
shall not limit the number of persons who may be present at any 44036
single conference to fewer than three. If the department limits 44037
the number of persons who may be present at any single victim 44038
conference, the department shall permit and schedule, upon 44039
request of the victim, a member of the victim's immediate 44040
family, or the victim's representative, multiple victim 44041
conferences for the persons specified in division (E)(1) of this 44042
section. 44043

(G) As used in this section, "victim's immediate family" 44044
has the same meaning as in section 2967.12 of the Revised Code. 44045

Sec. 2930.17. (A) In determining whether to grant a 44046
judicial release to a defendant from a prison term pursuant to 44047
section 2929.20 of the Revised Code at a time before the 44048
defendant's stated prison term expires, ~~in determining whether~~ 44049
~~to grant a release to an offender from a prison term pursuant to~~ 44050
~~section 2967.19 of the Revised Code at a time before the~~ 44051
~~offender's stated prison term expires,~~ or in determining whether 44052
to grant a judicial release or early release to an alleged 44053
juvenile offender from a commitment to the department of youth 44054
services pursuant to section 2151.38 of the Revised Code, the 44055
court shall permit a victim of a crime or specified delinquent 44056
act for which the defendant or alleged juvenile offender was 44057
incarcerated or committed to make a statement, in addition to 44058
any other statement made under this chapter, concerning the 44059
effects of that crime or specified delinquent act on the victim, 44060
the circumstances surrounding the crime or specified delinquent 44061
act, the manner in which the crime or specified delinquent act 44062
was perpetrated, and the victim's opinion whether the defendant 44063
or alleged juvenile offender should be released. The victim may 44064
make the statement in writing or orally, at the court's 44065
discretion. The court shall give the defendant or alleged 44066
juvenile offender and either the adult parole authority or the 44067
department of youth services, whichever is applicable, a copy of 44068
any written impact statement made by the victim under this 44069
division. 44070

(B) In deciding whether to grant a judicial release or 44071
early release to the defendant or alleged juvenile offender, the 44072
court shall consider a statement made by the victim under 44073
division (A) of this section or section 2930.14 or 2947.051 of 44074

the Revised Code. 44075

Sec. 2933.81. (A) As used in this section: 44076

(1) "Custodial interrogation" means any interrogation 44077
involving a law enforcement officer's questioning that is 44078
reasonably likely to elicit incriminating responses and in which 44079
a reasonable person in the subject's position would consider 44080
self to be in custody, beginning when a person should have been 44081
advised of the person's right to counsel and right to remain 44082
silent and of the fact that anything the person says could be 44083
used against the person, as specified by the United States 44084
supreme court in *Miranda v. Arizona* (1966), 384 U.S. 436, and 44085
subsequent decisions, and ending when the questioning has 44086
completely finished. 44087

(2) "Detention facility" has the same meaning as in 44088
section 2921.01 of the Revised Code. 44089

(3) "Electronic recording" or "electronically recorded" 44090
means an audio or audiovisual recording that is an authentic, 44091
accurate, unaltered record of a custodial interrogation. 44092

(4) "Law enforcement agency" has the same meaning as in 44093
section 109.573 of the Revised Code. 44094

(5) "Law enforcement vehicle" means a vehicle primarily 44095
used by a law enforcement agency or by an employee of a law 44096
enforcement agency for official law enforcement purposes. 44097

(6) "Local correctional facility" has the same meaning as 44098
in section 2903.13 of the Revised Code. 44099

(7) "Place of detention" means a jail, police or sheriff's 44100
station, holding cell, state correctional institution, local 44101
correctional facility, detention facility, or department of 44102

youth services facility. "Place of detention" does not include a law enforcement vehicle. 44103
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(8) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code. 44105
44106

(9) "Statement" means an oral, written, sign language, or nonverbal communication. 44107
44108

(B) Except as provided in division (C) of this section, all oral statements made by a person who is the suspect of a violation of or possible violation of section 2903.01, 2903.02, or 2903.03, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.011, 2907.02 or 2907.03, or an attempt to commit a violation of section 2907.011 or 2907.02 of the Revised Code during a custodial interrogation in a place of detention shall be electronically recorded. A failure to electronically record a custodial interrogation does not create a private cause of action against any person or agency. 44109
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(C) Division (B) of this section does not apply in any of the following circumstances: 44120
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(1) The person subject to interrogation requests that the interrogation not be recorded, as long as this request is preserved by electronic recording or in writing. 44122
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(2) The recording equipment malfunctions. 44125

(3) There are exigent circumstances related to public safety. 44126
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(4) The interrogation occurs outside of the state of Ohio. 44128

(5) The statements are made during routine processing or booking. 44129
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(6) The statements are made spontaneously and not in response to interrogation. 44131
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(7) The interrogation occurs when no law enforcement officer conducting the interrogation has reason to believe that the individual attempted to commit, conspired to commit, was complicit in committing, or committed an offense listed in division (B) of this section. 44133
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(D) If a law enforcement agency fails to electronically record a custodial interrogation as required by division (B) of this section, the court shall do whichever of the following is applicable: 44138
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(1) If the prosecution establishes by a preponderance of the evidence that one or more of the circumstances listed in division (C) of this section applies, the court shall admit the evidence without a cautionary instruction to the jury. 44142
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(2) If the prosecution does not establish by a preponderance of the evidence that one or more of the circumstances listed in division (C) of this section applies, the court shall provide a cautionary instruction to the jury that it may consider the failure to record the custodial interrogation in determining the reliability of the evidence. 44146
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(F) (1) Law enforcement personnel shall clearly identify and catalog every electronic recording of a custodial interrogation that is recorded pursuant to this section. 44152
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(2) If a criminal or delinquent child proceeding is brought against a person who was the subject of a custodial interrogation that was electronically recorded, law enforcement personnel shall preserve the recording until the later of when all appeals, post-conviction relief proceedings, and habeas 44155
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corpus proceedings are final and concluded or the expiration of 44160
the period of time within which such appeals and proceedings 44161
must be brought. 44162

(3) Upon motion by the defendant in a criminal proceeding 44163
or the alleged delinquent child in a delinquent child 44164
proceeding, the court may order that a copy of an electronic 44165
recording of a custodial interrogation of the person be 44166
preserved for any period beyond the expiration of all appeals, 44167
post-conviction relief proceedings, and habeas corpus 44168
proceedings. 44169

(4) If no criminal or delinquent child proceeding is 44170
brought against a person who was the subject of a custodial 44171
interrogation that was electronically recorded pursuant to this 44172
section, law enforcement personnel are not required to preserve 44173
the related recording. 44174

Sec. 2933.82. (A) As used in this section: 44175

(1) (a) "Biological evidence" means any of the following: 44176

(i) The contents of a sexual assault examination kit; 44177

(ii) Any item that contains blood, semen, hair, saliva, 44178
skin tissue, fingernail scrapings, bone, bodily fluids, or any 44179
other identifiable biological material that was collected as 44180
part of a criminal investigation or delinquent child 44181
investigation and that reasonably may be used to incriminate or 44182
exculpate any person for an offense or delinquent act. 44183

(b) The definition of "biological evidence" set forth in 44184
division (A) (1) (a) of this section applies whether the material 44185
in question is cataloged separately, such as on a slide or swab 44186
or in a test tube, or is present on other evidence, including, 44187
but not limited to, clothing, ligatures, bedding or other 44188

household material, drinking cups or containers, or cigarettes. 44189

(2) "Biological material" has the same meaning as in 44190
section 2953.71 of the Revised Code. 44191

(3) "DNA," "DNA analysis," "DNA database," "DNA record," 44192
and "DNA specimen" have the same meanings as in section 109.573 44193
of the Revised Code. 44194

(4) "Prosecutor" has the same meaning as in section 44195
2935.01 of the Revised Code. 44196

(5) "Governmental evidence-retention entity" means all of 44197
the following: 44198

(a) Any law enforcement agency, prosecutor's office, 44199
court, public hospital, crime laboratory, or other governmental 44200
or public entity or individual within this state that is charged 44201
with the collection, storage, or retrieval of biological 44202
evidence; 44203

(b) Any official or employee of any entity or individual 44204
described in division (A) (5) (a) of this section. 44205

(B) (1) Each governmental evidence-retention entity that 44206
secures any biological evidence in relation to an investigation 44207
or prosecution of a criminal offense or delinquent act that is a 44208
violation of section 2903.01, 2903.02, or 2903.03, a violation 44209
of section 2903.04 or 2903.06 that is a felony of the first or 44210
second degree, a violation of section 2907.011, 2907.02, or 44211
2907.03 or division (A) (4) or (B) of section 2907.05 of the 44212
Revised Code, or an attempt to commit a violation of section 44213
2907.011 or 2907.02 of the Revised Code shall secure the 44214
biological evidence for whichever of the following periods of 44215
time is applicable: 44216

(a) For a violation of section 2903.01 or 2903.02 of the Revised Code, for the period of time that the offense or act remains unsolved;

(b) For a violation of section 2903.03, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.011, 2907.02, or 2907.03 or of division (A) (4) or (B) of section 2907.05 of the Revised Code, or an attempt to commit a violation of section 2907.011 or 2907.02 of the Revised Code, for a period of thirty years if the offense or act remains unsolved;

(c) If any person is convicted of or pleads guilty to the offense, or is adjudicated a delinquent child for committing the delinquent act, for the earlier of the following: (i) the expiration of the latest of the following periods of time that apply to the person: the period of time that the person is incarcerated, is in a department of youth services institution or other juvenile facility, is under a community control sanction for that offense, is under any order of disposition for that act, is on probation or parole for that offense, is under judicial release or supervised release for that act, is under post-release control for that offense, is involved in civil litigation in connection with that offense or act, or is subject to registration and other duties imposed for that offense or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code or (ii) thirty years. If after the period of thirty years the person remains incarcerated, then the governmental evidence-retention entity shall secure the biological evidence until the person is released from incarceration or dies.

(2) (a) A law enforcement agency shall review all of its records and reports pertaining to its investigation of any

offense specified in division (B)(1) of this section as soon as 44247
possible after March 23, 2015. If the law enforcement agency's 44248
review determines that one or more persons may have committed or 44249
participated in an offense specified in division (B)(1) of this 44250
section or another offense committed during the course of an 44251
offense specified in division (B)(1) of this section and the 44252
agency is in possession of a sexual assault examination kit 44253
secured during the course of the agency's investigation, as soon 44254
as possible, but not later than one year after March 23, 2015, 44255
the agency shall forward the contents of the kit to the bureau 44256
of criminal identification and investigation or another crime 44257
laboratory for a DNA analysis of the contents of the kit if a 44258
DNA analysis has not previously been performed on the contents 44259
of the kit. The law enforcement agency shall consider the period 44260
of time remaining under section 2901.13 of the Revised Code for 44261
commencing the prosecution of a criminal offense related to the 44262
DNA specimens from the kit as well as other relevant factors in 44263
prioritizing the forwarding of the contents of sexual assault 44264
examination kits. 44265

(b) If an investigation is initiated on or after March 23, 44266
2015, and if a law enforcement agency investigating an offense 44267
specified in division (B)(1) of this section determines that one 44268
or more persons may have committed or participated in an offense 44269
specified in division (B)(1) of this section or another offense 44270
committed during the course of an offense specified in division 44271
(B)(1) of this section, the law enforcement agency shall forward 44272
the contents of a sexual assault examination kit in the agency's 44273
possession to the bureau or another crime laboratory within 44274
thirty days for a DNA analysis of the contents of the kit. 44275

(c) A law enforcement agency shall be considered in the 44276
possession of a sexual assault examination kit that is not in 44277

the law enforcement agency's possession for purposes of 44278
divisions (B) (2) (a) and (b) of this section if the sexual 44279
assault examination kit contains biological evidence related to 44280
the law enforcement agency's investigation of an offense 44281
specified in division (B) (1) of this section and is in the 44282
possession of another government evidence-retention entity. The 44283
law enforcement agency shall be responsible for retrieving the 44284
sexual assault examination kit from the government evidence- 44285
retention entity and forwarding the contents of the kit to the 44286
bureau or another crime laboratory as required under divisions 44287
(B) (2) (a) and (b) of this section. 44288

(d) (i) The bureau or a laboratory under contract with the 44289
bureau pursuant to division (B) (5) of section 109.573 of the 44290
Revised Code shall perform a DNA analysis of the contents of any 44291
sexual assault examination kit forwarded to the bureau pursuant 44292
to division (B) (2) (a) or (b) of this section as soon as possible 44293
after the bureau receives the contents of the kit. The bureau 44294
shall enter the resulting DNA record into a DNA database. If the 44295
DNA analysis is performed by a laboratory under contract with 44296
the bureau, the laboratory shall forward the biological evidence 44297
to the bureau immediately after the laboratory performs the DNA 44298
analysis. A crime laboratory shall perform a DNA analysis of the 44299
contents of any sexual assault examination kit forwarded to the 44300
crime laboratory pursuant to division (B) (2) (a) or (b) of this 44301
section as soon as possible after the crime laboratory receives 44302
the contents of the kit and shall enter the resulting DNA record 44303
into a DNA database subject to the applicable DNA index system 44304
standards. 44305

(ii) Upon the completion of the DNA analysis by the bureau 44306
or a crime laboratory under contract with the bureau under this 44307
division, the bureau shall return the contents of the sexual 44308

assault examination kit to the law enforcement agency. The law 44309
enforcement agency shall secure the contents of the sexual 44310
assault examination kit in accordance with division (B) (1) of 44311
this section, as applicable. 44312

(e) The failure of any law enforcement agency to comply 44313
with any time limit specified in this section shall not create, 44314
and shall not be construed as creating, any basis or right to 44315
appeal, claim for or right to postconviction relief, or claim 44316
for or right to a new trial or any other claim or right to 44317
relief by any person. 44318

(3) This section applies to evidence likely to contain 44319
biological material that was in the possession of any 44320
governmental evidence-retention entity during the investigation 44321
and prosecution of a criminal case or delinquent child case 44322
involving a violation of section 2903.01, 2903.02, or 2903.03, a 44323
violation of section 2903.04 or 2903.06 that is a felony of the 44324
first or second degree, a violation of section 2907.011, 44325
2907.02, or 2907.03 or of division (A) (4) or (B) of section 44326
2907.05 of the Revised Code, or an attempt to commit a violation 44327
of section 2907.011 or 2907.02 of the Revised Code. 44328

(4) A governmental evidence-retention entity that 44329
possesses biological evidence shall retain the biological 44330
evidence in the amount and manner sufficient to develop a DNA 44331
record from the biological material contained in or included on 44332
the evidence. 44333

(5) Upon written request by the defendant in a criminal 44334
case or the alleged delinquent child in a delinquent child case 44335
involving a violation of section 2903.01, 2903.02, or 2903.03, a 44336
violation of section 2903.04 or 2903.06 that is a felony of the 44337
first or second degree, a violation of section 2907.011, 44338

2907.02, or 2907.03 or of division (A) (4) or (B) of section 44339
2907.05 of the Revised Code, or an attempt to commit a violation 44340
of section 2907.011 or 2907.02 of the Revised Code, a 44341
governmental evidence-retention entity that possesses biological 44342
evidence shall prepare an inventory of the biological evidence 44343
that has been preserved in connection with the defendant's 44344
criminal case or the alleged delinquent child's delinquent child 44345
case. 44346

(6) Except as otherwise provided in division (B) (8) of 44347
this section, a governmental evidence-retention entity that 44348
possesses biological evidence that includes biological material 44349
may destroy the evidence before the expiration of the applicable 44350
period of time specified in division (B) (1) of this section if 44351
all of the following apply: 44352

(a) No other provision of federal or state law requires 44353
the state to preserve the evidence. 44354

(b) The governmental evidence-retention entity, by 44355
certified mail, return receipt requested, provides notice of 44356
intent to destroy the evidence to all of the following: 44357

(i) All persons who remain in custody, incarcerated, in a 44358
department of youth services institution or other juvenile 44359
facility, under a community control sanction, under any order of 44360
disposition, on probation or parole, under judicial release or 44361
supervised release, under post-release control, involved in 44362
civil litigation, or subject to registration and other duties 44363
imposed for that offense or act under sections 2950.04, 44364
2950.041, 2950.05, and 2950.06 of the Revised Code as a result 44365
of a criminal conviction, delinquency adjudication, or 44366
commitment related to the evidence in question; 44367

(ii) The attorney of record for each person who is in custody in any circumstance described in division (B) (6) (b) (i) of this section if the attorney of record can be located; 44368
44369
44370

(iii) The state public defender; 44371

(iv) The office of the prosecutor of record in the case that resulted in the custody of the person in custody in any circumstance described in division (B) (6) (b) (i) of this section; 44372
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44374

(v) The attorney general. 44375

(c) No person who is notified under division (B) (6) (b) of this section does either of the following within one year after the date on which the person receives the notice: 44376
44377
44378

(i) Files a motion for testing of evidence under sections 2953.71 to 2953.81 or section 2953.82 of the Revised Code; 44379
44380

(ii) Submits a written request for retention of evidence to the governmental evidence-retention entity that provided notice of its intent to destroy evidence under division (B) (6) (b) of this section. 44381
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(7) Except as otherwise provided in division (B) (8) of this section, if, after providing notice under division (B) (6) (b) of this section of its intent to destroy evidence, a governmental evidence-retention entity receives a written request for retention of the evidence from any person to whom the notice is provided, the governmental evidence-retention entity shall retain the evidence while the person referred to in division (B) (6) (b) (i) of this section remains in custody, incarcerated, in a department of youth services institution or other juvenile facility, under a community control sanction, under any order of disposition, on probation or parole, under judicial release or supervised release, under post-release 44385
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control, involved in civil litigation, or subject to 44397
registration and other duties imposed for that offense or act 44398
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 44399
Revised Code as a result of a criminal conviction, delinquency 44400
adjudication, or commitment related to the evidence in question. 44401

(8) A governmental evidence-retention entity that 44402
possesses biological evidence that includes biological material 44403
may destroy the evidence five years after a person pleads guilty 44404
or no contest to a violation of section 2903.01, 2903.02, or 44405
2903.03, a violation of section 2903.04 or 2903.06 that is a 44406
felony of the first or second degree, a violation of section 44407
2907.011, 2907.02, 2907.03, division (A)(4) or (B) of section 44408
2907.05, or an attempt to commit a violation of section 2907.011 44409
or 2907.02 of the Revised Code and all appeals have been 44410
exhausted unless, upon a motion to the court by the person who 44411
pleaded guilty or no contest or the person's attorney and notice 44412
to those persons described in division (B)(6)(b) of this section 44413
requesting that the evidence not be destroyed, the court finds 44414
good cause as to why that evidence must be retained. 44415

(9) A governmental evidence-retention entity shall not be 44416
required to preserve physical evidence pursuant to this section 44417
that is of such a size, bulk, or physical character as to render 44418
retention impracticable. When retention of physical evidence 44419
that otherwise would be required to be retained pursuant to this 44420
section is impracticable as described in this division, the 44421
governmental evidence-retention entity that otherwise would be 44422
required to retain the physical evidence shall remove and 44423
preserve portions of the material evidence likely to contain 44424
biological evidence related to the offense, in a quantity 44425
sufficient to permit future DNA testing before returning or 44426
disposing of that physical evidence. 44427

(C) The office of the attorney general shall administer 44428
and conduct training programs for law enforcement officers and 44429
other relevant employees who are charged with preserving and 44430
cataloging biological evidence regarding the methods and 44431
procedures referenced in this section. 44432

Sec. 2935.03. (A) (1) A sheriff, deputy sheriff, marshal, 44433
deputy marshal, municipal police officer, township constable, 44434
police officer of a township or joint police district, member of 44435
a police force employed by a metropolitan housing authority 44436
under division (D) of section 3735.31 of the Revised Code, 44437
member of a police force employed by a regional transit 44438
authority under division (Y) of section 306.35 of the Revised 44439
Code, state university law enforcement officer appointed under 44440
section 3345.04 of the Revised Code, veterans' home police 44441
officer appointed under section 5907.02 of the Revised Code, 44442
special police officer employed by a port authority under 44443
section 4582.04 or 4582.28 of the Revised Code, or a special 44444
police officer employed by a municipal corporation at a 44445
municipal airport, or other municipal air navigation facility, 44446
that has scheduled operations, as defined in section 119.3 of 44447
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 44448
amended, and that is required to be under a security program and 44449
is governed by aviation security rules of the transportation 44450
security administration of the United States department of 44451
transportation as provided in Parts 1542. and 1544. of Title 49 44452
of the Code of Federal Regulations, as amended, shall arrest and 44453
detain, until a warrant can be obtained, a person found 44454
violating, within the limits of the political subdivision, 44455
metropolitan housing authority housing project, regional transit 44456
authority facilities or areas of a municipal corporation that 44457
have been agreed to by a regional transit authority and a 44458

municipal corporation located within its territorial 44459
jurisdiction, college, university, veterans' home operated under 44460
Chapter 5907. of the Revised Code, port authority, or municipal 44461
airport or other municipal air navigation facility, in which the 44462
peace officer is appointed, employed, or elected, a law of this 44463
state, an ordinance of a municipal corporation, or a resolution 44464
of a township. 44465

(2) A peace officer of the department of natural 44466
resources, a state fire marshal law enforcement officer 44467
described in division (A) (23) of section 109.71 of the Revised 44468
Code, or an individual designated to perform law enforcement 44469
duties under section 511.232, 1545.13, or 6101.75 of the Revised 44470
Code shall arrest and detain, until a warrant can be obtained, a 44471
person found violating, within the limits of the peace 44472
officer's, state fire marshal law enforcement officer's, or 44473
individual's territorial jurisdiction, a law of this state. 44474

(3) The house sergeant at arms, if the house sergeant at 44475
arms has arrest authority pursuant to division (E) (1) of section 44476
101.311 of the Revised Code, and an assistant house sergeant at 44477
arms shall arrest and detain, until a warrant can be obtained, a 44478
person found violating, within the limits of the sergeant at 44479
arms's or assistant sergeant at arms's territorial jurisdiction 44480
specified in division (D) (1) (a) of section 101.311 of the 44481
Revised Code or while providing security pursuant to division 44482
(D) (1) (f) of section 101.311 of the Revised Code, a law of this 44483
state, an ordinance of a municipal corporation, or a resolution 44484
of a township. 44485

(4) The senate sergeant at arms and an assistant senate 44486
sergeant at arms shall arrest and detain, until a warrant can be 44487
obtained, a person found violating, within the limits of the 44488

sergeant at arms's or assistant sergeant at arms's territorial 44489
jurisdiction specified in division (B) of section 101.312 of the 44490
Revised Code, a law of this state, an ordinance of a municipal 44491
corporation, or a resolution of a township. 44492

(B) (1) When there is reasonable ground to believe that an 44493
offense of violence, the offense of criminal child enticement as 44494
defined in section 2905.05 of the Revised Code, the offense of 44495
public indecency as defined in section 2907.09 of the Revised 44496
Code, the offense of domestic violence as defined in section 44497
2919.25 of the Revised Code, the offense of violating a 44498
protection order as defined in section 2919.27 of the Revised 44499
Code, the offense of menacing by stalking as defined in section 44500
2903.211 of the Revised Code, the offense of ~~aggravated criminal~~ 44501
trespass as defined in division (B) of section 2911.211-2911.06 44502
of the Revised Code, a theft offense as defined in section 44503
2913.01 of the Revised Code, or a felony drug abuse offense as 44504
defined in section 2925.01 of the Revised Code, has been 44505
committed within the limits of the political subdivision, 44506
metropolitan housing authority housing project, regional transit 44507
authority facilities or those areas of a municipal corporation 44508
that have been agreed to by a regional transit authority and a 44509
municipal corporation located within its territorial 44510
jurisdiction, college, university, veterans' home operated under 44511
Chapter 5907. of the Revised Code, port authority, or municipal 44512
airport or other municipal air navigation facility, in which the 44513
peace officer is appointed, employed, or elected or within the 44514
limits of the territorial jurisdiction of the peace officer, a 44515
peace officer described in division (A) of this section may 44516
arrest and detain until a warrant can be obtained any person who 44517
the peace officer has reasonable cause to believe is guilty of 44518
the violation. 44519

(2) For purposes of division (B)(1) of this section, the execution of any of the following constitutes reasonable ground to believe that the offense alleged in the statement was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation:

(a) A written statement by a person alleging that an alleged offender has committed the offense of menacing by stalking or ~~aggravated criminal trespass in violation of~~ division (B) of section 2911.06 of the Revised Code;

(b) A written statement by the administrator of the interstate compact on mental health appointed under section 5119.71 of the Revised Code alleging that a person who had been hospitalized, institutionalized, or confined in any facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code;

(c) A written statement by the administrator of any facility in which a person has been hospitalized, institutionalized, or confined under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility

that is incidental to hospitalization, institutionalization, or 44550
confinement in the facility and that occurs outside of the 44551
facility, in violation of section 2921.34 of the Revised Code. 44552

(3) (a) For purposes of division (B) (1) of this section, a 44553
peace officer described in division (A) of this section has 44554
reasonable grounds to believe that the offense of domestic 44555
violence or the offense of violating a protection order has been 44556
committed and reasonable cause to believe that a particular 44557
person is guilty of committing the offense if any of the 44558
following occurs: 44559

(i) A person executes a written statement alleging that 44560
the person in question has committed the offense of domestic 44561
violence or the offense of violating a protection order against 44562
the person who executes the statement or against a child of the 44563
person who executes the statement. 44564

(ii) No written statement of the type described in 44565
division (B) (3) (a) (i) of this section is executed, but the peace 44566
officer, based upon the peace officer's own knowledge and 44567
observation of the facts and circumstances of the alleged 44568
incident of the offense of domestic violence or the alleged 44569
incident of the offense of violating a protection order or based 44570
upon any other information, including, but not limited to, any 44571
reasonably trustworthy information given to the peace officer by 44572
the alleged victim of the alleged incident of the offense or any 44573
witness of the alleged incident of the offense, concludes that 44574
there are reasonable grounds to believe that the offense of 44575
domestic violence or the offense of violating a protection order 44576
has been committed and reasonable cause to believe that the 44577
person in question is guilty of committing the offense. 44578

(iii) No written statement of the type described in 44579

division (B) (3) (a) (i) of this section is executed, but the peace officer witnessed the person in question commit the offense of domestic violence or the offense of violating a protection order. 44580
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(b) If pursuant to division (B) (3) (a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense, it is the preferred course of action in this state that the officer arrest and detain that person pursuant to division (B) (1) of this section until a warrant can be obtained. 44584
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If pursuant to division (B) (3) (a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that family or household members have committed the offense against each other, it is the preferred course of action in this state that the officer, pursuant to division (B) (1) of this section, arrest and detain until a warrant can be obtained the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor. There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B) (1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor. 44592
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(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B) (3) (b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B) (3) (b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;

(iv) The comparative severity of any injuries suffered by

the persons involved in the alleged offense. 44640

(e) (i) A peace officer described in division (A) of this 44641
section shall not require, as a prerequisite to arresting or 44642
charging a person who has committed the offense of domestic 44643
violence or the offense of violating a protection order, that 44644
the victim of the offense specifically consent to the filing of 44645
charges against the person who has committed the offense or sign 44646
a complaint against the person who has committed the offense. 44647

(ii) If a person is arrested for or charged with 44648
committing the offense of domestic violence or the offense of 44649
violating a protection order and if the victim of the offense 44650
does not cooperate with the involved law enforcement or 44651
prosecuting authorities in the prosecution of the offense or, 44652
subsequent to the arrest or the filing of the charges, informs 44653
the involved law enforcement or prosecuting authorities that the 44654
victim does not wish the prosecution of the offense to continue 44655
or wishes to drop charges against the alleged offender relative 44656
to the offense, the involved prosecuting authorities, in 44657
determining whether to continue with the prosecution of the 44658
offense or whether to dismiss charges against the alleged 44659
offender relative to the offense and notwithstanding the 44660
victim's failure to cooperate or the victim's wishes, shall 44661
consider all facts and circumstances that are relevant to the 44662
offense, including, but not limited to, the statements and 44663
observations of the peace officers who responded to the incident 44664
that resulted in the arrest or filing of the charges and of all 44665
witnesses to that incident. 44666

(f) In determining pursuant to divisions (B) (3) (a) to (g) 44667
of this section whether to arrest a person pursuant to division 44668
(B) (1) of this section, a peace officer described in division 44669

(A) of this section shall not consider as a factor any possible 44670
shortage of cell space at the detention facility to which the 44671
person will be taken subsequent to the person's arrest or any 44672
possibility that the person's arrest might cause, contribute to, 44673
or exacerbate overcrowding at that detention facility or at any 44674
other detention facility. 44675

(g) If a peace officer described in division (A) of this 44676
section intends pursuant to divisions (B) (3) (a) to (g) of this 44677
section to arrest a person pursuant to division (B) (1) of this 44678
section and if the officer is unable to do so because the person 44679
is not present, the officer promptly shall seek a warrant for 44680
the arrest of the person. 44681

(h) If a peace officer described in division (A) of this 44682
section responds to a report of an alleged incident of the 44683
offense of domestic violence or an alleged incident of the 44684
offense of violating a protection order and if the circumstances 44685
of the incident involved the use or threatened use of a deadly 44686
weapon or any person involved in the incident brandished a 44687
deadly weapon during or in relation to the incident, the deadly 44688
weapon that was used, threatened to be used, or brandished 44689
constitutes contraband, and, to the extent possible, the officer 44690
shall seize the deadly weapon as contraband pursuant to Chapter 44691
2981. of the Revised Code. Upon the seizure of a deadly weapon 44692
pursuant to division (B) (3) (h) of this section, section 2981.12 44693
of the Revised Code shall apply regarding the treatment and 44694
disposition of the deadly weapon. For purposes of that section, 44695
the "underlying criminal offense" that was the basis of the 44696
seizure of a deadly weapon under division (B) (3) (h) of this 44697
section and to which the deadly weapon had a relationship is any 44698
of the following that is applicable: 44699

(i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and circumstances as the report of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded.

(4) If, in the circumstances described in divisions (B) (3) (a) to (g) of this section, a peace officer described in division (A) of this section arrests and detains a person pursuant to division (B) (1) of this section, or if, pursuant to division (B) (3) (h) of this section, a peace officer described in division (A) of this section seizes a deadly weapon, the officer, to the extent described in and in accordance with section 9.86 or 2744.03 of the Revised Code, is immune in any civil action for damages for injury, death, or loss to person or property that arises from or is related to the arrest and detention or the seizure.

(C) When there is reasonable ground to believe that a violation of division (A) (1), (2), (3), (4), or (5) of section 4506.15 or a violation of section 4511.19 of the Revised Code has been committed by a person operating a motor vehicle subject to regulation by the public utilities commission of Ohio under Title XLIX of the Revised Code, a peace officer with authority to enforce that provision of law may stop or detain the person whom the officer has reasonable cause to believe was operating the motor vehicle in violation of the division or section and, after investigating the circumstances surrounding the operation

of the vehicle, may arrest and detain the person. 44730

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 44731
municipal police officer, member of a police force employed by a 44732
metropolitan housing authority under division (D) of section 44733
3735.31 of the Revised Code, member of a police force employed 44734
by a regional transit authority under division (Y) of section 44735
306.35 of the Revised Code, special police officer employed by a 44736
port authority under section 4582.04 or 4582.28 of the Revised 44737
Code, special police officer employed by a municipal corporation 44738
at a municipal airport or other municipal air navigation 44739
facility described in division (A) of this section, township 44740
constable, police officer of a township or joint police 44741
district, state university law enforcement officer appointed 44742
under section 3345.04 of the Revised Code, peace officer of the 44743
department of natural resources, individual designated to 44744
perform law enforcement duties under section 511.232, 1545.13, 44745
or 6101.75 of the Revised Code, the house sergeant at arms if 44746
the house sergeant at arms has arrest authority pursuant to 44747
division (E)(1) of section 101.311 of the Revised Code, or an 44748
assistant house sergeant at arms is authorized by division (A) 44749
or (B) of this section to arrest and detain, within the limits 44750
of the political subdivision, metropolitan housing authority 44751
housing project, regional transit authority facilities or those 44752
areas of a municipal corporation that have been agreed to by a 44753
regional transit authority and a municipal corporation located 44754
within its territorial jurisdiction, port authority, municipal 44755
airport or other municipal air navigation facility, college, or 44756
university in which the officer is appointed, employed, or 44757
elected or within the limits of the territorial jurisdiction of 44758
the peace officer, a person until a warrant can be obtained, the 44759
peace officer, outside the limits of that territory, may pursue, 44760

arrest, and detain that person until a warrant can be obtained 44761
if all of the following apply: 44762

(1) The pursuit takes place without unreasonable delay 44763
after the offense is committed; 44764

(2) The pursuit is initiated within the limits of the 44765
political subdivision, metropolitan housing authority housing 44766
project, regional transit authority facilities or those areas of 44767
a municipal corporation that have been agreed to by a regional 44768
transit authority and a municipal corporation located within its 44769
territorial jurisdiction, port authority, municipal airport or 44770
other municipal air navigation facility, college, or university 44771
in which the peace officer is appointed, employed, or elected or 44772
within the limits of the territorial jurisdiction of the peace 44773
officer; 44774

(3) The offense involved is a felony, a misdemeanor of the 44775
first degree or a substantially equivalent municipal ordinance, 44776
a misdemeanor of the second degree or a substantially equivalent 44777
municipal ordinance, or any offense for which points are 44778
chargeable pursuant to section 4510.036 of the Revised Code. 44779

(E) In addition to the authority granted under division 44780
(A) or (B) of this section: 44781

(1) A sheriff or deputy sheriff may arrest and detain, 44782
until a warrant can be obtained, any person found violating 44783
section 4503.11, 4503.21, or 4549.01, sections 4549.08 to 44784
4549.12, section 4549.62, or Chapter 4511. or 4513. of the 44785
Revised Code on the portion of any street or highway that is 44786
located immediately adjacent to the boundaries of the county in 44787
which the sheriff or deputy sheriff is elected or appointed. 44788

(2) A member of the police force of a township police 44789

district created under section 505.48 of the Revised Code, a 44790
member of the police force of a joint police district created 44791
under section 505.482 of the Revised Code, or a township 44792
constable appointed in accordance with section 509.01 of the 44793
Revised Code, who has received a certificate from the Ohio peace 44794
officer training commission under section 109.75 of the Revised 44795
Code, may arrest and detain, until a warrant can be obtained, 44796
any person found violating any section or chapter of the Revised 44797
Code listed in division (E)(1) of this section, other than 44798
sections 4513.33 and 4513.34 of the Revised Code, on the portion 44799
of any street or highway that is located immediately adjacent to 44800
the boundaries of the township police district or joint police 44801
district, in the case of a member of a township police district 44802
or joint police district police force, or the unincorporated 44803
territory of the township, in the case of a township constable. 44804
However, if the population of the township that created the 44805
township police district served by the member's police force, or 44806
the townships and municipal corporations that created the joint 44807
police district served by the member's police force, or the 44808
township that is served by the township constable, is sixty 44809
thousand or less, the member of the township police district or 44810
joint police district police force or the township constable may 44811
not make an arrest under division (E)(2) of this section on a 44812
state highway that is included as part of the interstate system. 44813

(3) A police officer or village marshal appointed, 44814
elected, or employed by a municipal corporation may arrest and 44815
detain, until a warrant can be obtained, any person found 44816
violating any section or chapter of the Revised Code listed in 44817
division (E)(1) of this section on the portion of any street or 44818
highway that is located immediately adjacent to the boundaries 44819
of the municipal corporation in which the police officer or 44820

village marshal is appointed, elected, or employed. 44821

(4) A peace officer of the department of natural 44822
resources, a state fire marshal law enforcement officer 44823
described in division (A) (23) of section 109.71 of the Revised 44824
Code, or an individual designated to perform law enforcement 44825
duties under section 511.232, 1545.13, or 6101.75 of the Revised 44826
Code may arrest and detain, until a warrant can be obtained, any 44827
person found violating any section or chapter of the Revised 44828
Code listed in division (E) (1) of this section, other than 44829
sections 4513.33 and 4513.34 of the Revised Code, on the portion 44830
of any street or highway that is located immediately adjacent to 44831
the boundaries of the lands and waters that constitute the 44832
territorial jurisdiction of the peace officer or state fire 44833
marshal law enforcement officer. 44834

(F) (1) A department of mental health and addiction 44835
services special police officer or a department of developmental 44836
disabilities special police officer may arrest without a warrant 44837
and detain until a warrant can be obtained any person found 44838
committing on the premises of any institution under the 44839
jurisdiction of the particular department a misdemeanor under a 44840
law of the state. 44841

A department of mental health and addiction services 44842
special police officer or a department of developmental 44843
disabilities special police officer may arrest without a warrant 44844
and detain until a warrant can be obtained any person who has 44845
been hospitalized, institutionalized, or confined in an 44846
institution under the jurisdiction of the particular department 44847
pursuant to or under authority of section 2945.37, 2945.371, 44848
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 44849
Code and who is found committing on the premises of any 44850

institution under the jurisdiction of the particular department 44851
a violation of section 2921.34 of the Revised Code that involves 44852
an escape from the premises of the institution. 44853

(2) (a) If a department of mental health and addiction 44854
services special police officer or a department of developmental 44855
disabilities special police officer finds any person who has 44856
been hospitalized, institutionalized, or confined in an 44857
institution under the jurisdiction of the particular department 44858
pursuant to or under authority of section 2945.37, 2945.371, 44859
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 44860
Code committing a violation of section 2921.34 of the Revised 44861
Code that involves an escape from the premises of the 44862
institution, or if there is reasonable ground to believe that a 44863
violation of section 2921.34 of the Revised Code has been 44864
committed that involves an escape from the premises of an 44865
institution under the jurisdiction of the department of mental 44866
health and addiction services or the department of developmental 44867
disabilities and if a department of mental health and addiction 44868
services special police officer or a department of developmental 44869
disabilities special police officer has reasonable cause to 44870
believe that a particular person who has been hospitalized, 44871
institutionalized, or confined in the institution pursuant to or 44872
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 44873
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of 44874
the violation, the special police officer, outside of the 44875
premises of the institution, may pursue, arrest, and detain that 44876
person for that violation of section 2921.34 of the Revised 44877
Code, until a warrant can be obtained, if both of the following 44878
apply: 44879

(i) The pursuit takes place without unreasonable delay 44880
after the offense is committed; 44881

(ii) The pursuit is initiated within the premises of the institution from which the violation of section 2921.34 of the Revised Code occurred.

(b) For purposes of division (F)(2)(a) of this section, the execution of a written statement by the administrator of the institution in which a person had been hospitalized, institutionalized, or confined pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the premises of the institution in violation of section 2921.34 of the Revised Code constitutes reasonable ground to believe that the violation was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation.

(G) As used in this section:

(1) A "department of mental health and addiction services special police officer" means a special police officer of the department of mental health and addiction services designated under section 5119.08 of the Revised Code who is certified by the Ohio peace officer training commission under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.

(2) A "department of developmental disabilities special police officer" means a special police officer of the department of developmental disabilities designated under section 5123.13 of the Revised Code who is certified by the Ohio peace officer training council under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.

- (3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 44912
44913
- (4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code. 44914
44915
- (5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code. 44916
44917
- (6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code. 44918
44919
- (7) "Peace officer of the department of natural resources" means an employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest-fire investigator appointed pursuant to section 1503.09 of the Revised Code, a natural resources officer appointed pursuant to section 1501.24 of the Revised Code, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code. 44920
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- (8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder. 44928
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- Sec. 2935.041.** (A) A merchant, or an employee or agent of a merchant, who has probable cause to believe that items offered for sale by a mercantile establishment have been unlawfully taken by a person, may, for the purposes set forth in division (C) of this section, detain the person in a reasonable manner for a reasonable length of time within the mercantile establishment or its immediate vicinity. 44932
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- (B) Any officer, employee, or agent of a library, museum, or archival institution may, for the purposes set forth in 44939
44940

division (C) of this section or for the purpose of conducting a
reasonable investigation of a belief that the person has acted
in a manner described in divisions (B) (1) and (2) of this
section, detain a person in a reasonable manner for a reasonable
length of time within, or in the immediate vicinity of, the
library, museum, or archival institution, if the officer,
employee, or agent has probable cause to believe that the person
has either:

(1) Without privilege to do so, knowingly moved, defaced,
damaged, destroyed, or otherwise improperly tampered with
property owned by or in the custody of the library, museum, or
archival institution; or

(2) With purpose to deprive the library, museum, or
archival institution of property owned by it or in its custody,
knowingly obtained or exerted control over the property without
the consent of the owner or person authorized to give consent,
beyond the scope of the express or implied consent of the owner
or person authorized to give consent, by deception, or by
threat.

(C) An officer, agent, or employee of a library, museum,
or archival institution pursuant to division (B) of this section
or a merchant or employee or agent of a merchant pursuant to
division (A) of this section may detain another person for any
of the following purposes:

(1) To recover the property that is the subject of the
unlawful taking, criminal mischief, or theft;

(2) To cause an arrest to be made by a peace officer;

(3) To obtain a warrant of arrest;

(4) To offer the person, if the person is suspected of the

unlawful taking, criminal mischief, or theft and notwithstanding 44970
any other provision of the Revised Code, an opportunity to 44971
complete a pretrial diversion program and to inform the person 44972
of the other legal remedies available to the library, museum, 44973
archival institution, or merchant. 44974

(D) The owner or lessee of a facility in which a motion 44975
picture is being shown, or the owner's or lessee's employee or 44976
agent, who has probable cause to believe that a person is or has 44977
been operating an audiovisual recording function of a device in 44978
violation of section 2913.07 of the Revised Code may, for the 44979
purpose of causing an arrest to be made by a peace officer or of 44980
obtaining an arrest warrant, detain the person in a reasonable 44981
manner for a reasonable length of time within the facility or 44982
its immediate vicinity. 44983

(E) The officer, agent, or employee of the library, 44984
museum, or archival institution, the merchant or employee or 44985
agent of a merchant, or the owner, lessee, employee, or agent of 44986
the facility acting under division (A), (B), or (D) of this 44987
section shall not search the person detained, search or seize 44988
any property belonging to the person detained without the 44989
person's consent, or use undue restraint upon the person 44990
detained. 44991

(F) Any peace officer may arrest without a warrant any 44992
person that the officer has probable cause to believe has 44993
committed any act described in division (B) (1) or (2) of this 44994
section, that the officer has probable cause to believe has 44995
committed an unlawful taking in a mercantile establishment, or 44996
that the officer has reasonable cause to believe has committed 44997
an act prohibited by section 2913.07 of the Revised Code. An 44998
arrest under this division shall be made within a reasonable 44999

time after the commission of the act or unlawful taking. 45000

(G) As used in this section: 45001

(1) "Archival institution" means any public or private 45002
building, structure, or shelter in which are stored historical 45003
documents, devices, records, manuscripts, or items of public 45004
interest, which historical materials are stored to preserve the 45005
materials or the information in the materials, to disseminate 45006
the information contained in the materials, or to make the 45007
materials available for public inspection or for inspection by 45008
certain persons who have a particular interest in, use for, or 45009
knowledge concerning the materials. 45010

(2) "Museum" means any public or private nonprofit 45011
institution that is permanently organized for primarily 45012
educational or aesthetic purposes, owns or borrows objects or 45013
items of public interest, and cares for and exhibits to the 45014
public the objects or items. 45015

(3) "Audiovisual recording function" and "facility" have 45016
the same meaning as in division (C) of section 2913.07-2913.01 45017
of the Revised Code. 45018

(4) "Pretrial diversion program" means a rehabilitative, 45019
educational program designed to reduce recidivism and promote 45020
personal responsibility that is at least four hours in length 45021
and that has been approved by any court in this state. 45022

Sec. 2935.36. (A) The prosecuting attorney may establish 45023
pre-trial diversion programs for adults who are accused of 45024
committing criminal offenses and whom the prosecuting attorney 45025
believes probably will not offend again. The prosecuting 45026
attorney may require, as a condition of an accused's 45027
participation in the program, the accused to pay a reasonable 45028

fee for supervision services that include, but are not limited 45029
to, monitoring and drug testing. The programs shall be operated 45030
pursuant to written standards approved by journal entry by the 45031
presiding judge or, in courts with only one judge, the judge of 45032
the court of common pleas and shall not be applicable to any of 45033
the following: 45034

(1) Repeat offenders or dangerous offenders; 45035

(2) Persons accused of an offense of violence, of a 45036
violation of section 2903.06, 2907.04, 2907.05, 2907.21, 45037
2907.22, 2907.31, 2907.32, 2907.34, ~~2911.31~~, ~~2911.07~~, 2919.12, 45038
2919.13, 2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 45039
of the Revised Code, or of a violation of section 2905.01, 45040
2905.02, or 2919.23 of the Revised Code that, had it occurred 45041
prior to July 1, 1996, would have been a violation of section 45042
2905.04 of the Revised Code as it existed prior to that date, 45043
with the exception that the prosecuting attorney may permit 45044
persons accused of any such offense to enter a pre-trial 45045
diversion program, if the prosecuting attorney finds any of the 45046
following: 45047

(a) The accused did not cause, threaten, or intend serious 45048
physical harm to any person; 45049

(b) The offense was the result of circumstances not likely 45050
to recur; 45051

(c) The accused has no history of prior delinquency or 45052
criminal activity; 45053

(d) The accused has led a law-abiding life for a 45054
substantial time before commission of the alleged offense; 45055

(e) Substantial grounds tending to excuse or justify the 45056
alleged offense. 45057

(3) Persons accused of a violation of Chapter 2925. or 3719. of the Revised Code, with the exception that the prosecuting attorney may permit persons accused of any of the following to enter a pre-trial diversion program:

(a) A misdemeanor, fifth degree felony, or fourth degree felony violation of section 2925.11 of the Revised Code;

(b) A misdemeanor violation of section 2925.12, 2925.13, or division (C) (1) of section 2925.14 of the Revised Code.

(4) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal ordinance;

(5) (a) Persons who are accused of an offense while operating a commercial motor vehicle or persons who hold a commercial driver's license and are accused of any offense, if conviction of the offense would disqualify the person from operating a commercial motor vehicle under Chapter 4506. of the Revised Code or would subject the person to any other sanction under that chapter;

(b) As used in division (A) (5) of this section, "commercial driver's license" and "commercial motor vehicle" have the same meanings as in section 4506.01 of the Revised Code.

(B) An accused who enters a diversion program shall do all of the following:

(1) Waive, in writing and contingent upon the accused's successful completion of the program, the accused's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the accused, and arraignment, unless the hearing, indictment, or

arraignment has already occurred; 45087

(2) Agree, in writing, to the tolling while in the program 45088
of all periods of limitation established by statutes or rules of 45089
court, that are applicable to the offense with which the accused 45090
is charged and to the conditions of the diversion program 45091
established by the prosecuting attorney; 45092

(3) Agree, in writing, to pay any reasonable fee for 45093
supervision services established by the prosecuting attorney. 45094

(C) The trial court, upon the application of the 45095
prosecuting attorney, shall order the release from confinement 45096
of any accused who has agreed to enter a pre-trial diversion 45097
program and shall discharge and release any existing bail and 45098
release any sureties on recognizances and shall release the 45099
accused on a recognizance bond conditioned upon the accused's 45100
compliance with the terms of the diversion program. The 45101
prosecuting attorney shall notify every victim of the crime and 45102
the arresting officers of the prosecuting attorney's intent to 45103
permit the accused to enter a pre-trial diversion program. The 45104
victim of the crime and the arresting officers shall have the 45105
opportunity to file written objections with the prosecuting 45106
attorney prior to the commencement of the pre-trial diversion 45107
program. 45108

(D) If the accused satisfactorily completes the diversion 45109
program, the prosecuting attorney shall recommend to the trial 45110
court that the charges against the accused be dismissed, and the 45111
court, upon the recommendation of the prosecuting attorney, 45112
shall dismiss the charges. If the accused chooses not to enter 45113
the prosecuting attorney's diversion program, or if the accused 45114
violates the conditions of the agreement pursuant to which the 45115
accused has been released, the accused may be brought to trial 45116

upon the charges in the manner provided by law, and the waiver 45117
executed pursuant to division (B)(1) of this section shall be 45118
void on the date the accused is removed from the program for the 45119
violation. 45120

(E) As used in this section: 45121

(1) "Repeat offender" means a person who has a history of 45122
persistent criminal activity and whose character and condition 45123
reveal a substantial risk that the person will commit another 45124
offense. It is prima-facie evidence that a person is a repeat 45125
offender if any of the following applies: 45126

(a) Having been convicted of one or more offenses of 45127
violence and having been imprisoned pursuant to sentence for any 45128
such offense, the person commits a subsequent offense of 45129
violence; 45130

(b) Having been convicted of one or more sexually oriented 45131
offenses or child-victim oriented offenses, both as defined in 45132
section 2950.01 of the Revised Code, and having been imprisoned 45133
pursuant to sentence for one or more of those offenses, the 45134
person commits a subsequent sexually oriented offense or child- 45135
victim oriented offense; 45136

(c) Having been convicted of one or more theft offenses as 45137
defined in section 2913.01 of the Revised Code and having been 45138
imprisoned pursuant to sentence for one or more of those theft 45139
offenses, the person commits a subsequent theft offense; 45140

(d) Having been convicted of one or more felony drug abuse 45141
offenses as defined in section 2925.01 of the Revised Code and 45142
having been imprisoned pursuant to sentence for one or more of 45143
those felony drug abuse offenses, the person commits a 45144
subsequent felony drug abuse offense; 45145

(e) Having been convicted of two or more felonies and 45146
having been imprisoned pursuant to sentence for one or more 45147
felonies, the person commits a subsequent offense; 45148

(f) Having been convicted of three or more offenses of any 45149
type or degree other than traffic offenses, alcoholic 45150
intoxication offenses, or minor misdemeanors and having been 45151
imprisoned pursuant to sentence for any such offense, the person 45152
commits a subsequent offense. 45153

(2) "Dangerous offender" means a person who has committed 45154
an offense, whose history, character, and condition reveal a 45155
substantial risk that the person will be a danger to others, and 45156
whose conduct has been characterized by a pattern of repetitive, 45157
compulsive, or aggressive behavior with heedless indifference to 45158
the consequences. 45159

Sec. 2937.11. (A) (1) As used in divisions (B) and (C) of 45160
this section, "victim" includes any person who was a victim of a 45161
felony violation identified in division (B) of this section or a 45162
felony offense of violence or against whom was directed any 45163
conduct that constitutes, or that is an element of, a felony 45164
violation identified in division (B) of this section or a felony 45165
offense of violence. 45166

(2) As used in division (D) of this section, "victim" 45167
means any person who is less than sixteen years of age and who 45168
was a victim of a violation of section 2905.32 of the Revised 45169
Code or against whom was directed any conduct that constitutes, 45170
or is an element of, a violation of section 2905.32 of the 45171
Revised Code. 45172

(3) At the preliminary hearing set pursuant to section 45173
2937.10 of the Revised Code and the Criminal Rules, the 45174

prosecutor may state, but is not required to state, orally the case for the state and shall then proceed to examine witnesses and introduce exhibits for the state. The accused and the magistrate have full right of cross examination, and the accused has the right of inspection of exhibits prior to their introduction. The hearing shall be conducted under the rules of evidence prevailing in criminal trials generally. On motion of either the state or the accused, witnesses shall be separated and not permitted in the hearing room except when called to testify.

(B) In a case involving an alleged felony violation of section 2905.05, 2905.32, 2907.011, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 2919.22 of the Revised Code or an alleged felony offense of violence and in which an alleged victim of the alleged violation or offense was less than thirteen years of age when the complaint or information was filed, whichever occurred earlier, upon motion of the prosecution, the testimony of the child victim at the preliminary hearing may be taken in a room other than the room in which the preliminary hearing is being conducted and be televised, by closed circuit equipment, into the room in which the preliminary hearing is being conducted, in accordance with division (C) of section 2945.481 of the Revised Code.

(C) In a case involving an alleged felony violation listed in division (B) of this section or an alleged felony offense of violence and in which an alleged victim of the alleged violation or offense was less than thirteen years of age when the complaint or information was filed, whichever occurred earlier, the court, on written motion of the prosecutor in the case filed at least three days prior to the hearing, shall order that all

testimony of the child victim be recorded and preserved on 45206
videotape, in addition to being recorded for purposes of the 45207
transcript of the proceeding. If such an order is issued, it 45208
shall specifically identify the child victim concerning whose 45209
testimony it pertains, apply only during the testimony of the 45210
child victim it specifically identifies, and apply to all 45211
testimony of the child victim presented at the hearing, 45212
regardless of whether the child victim is called as a witness by 45213
the prosecution or by the defense. 45214

(D) (1) (a) In a case involving an alleged violation of 45215
section 2905.32 of the Revised Code, upon motion of the 45216
prosecution, the testimony of the victim at the preliminary 45217
hearing may be taken in a place or room other than the room in 45218
which the preliminary hearing is being conducted and be 45219
televised, by closed circuit equipment, into the room in which 45220
the preliminary hearing is being conducted, to be viewed by the 45221
accused and any other persons who are not permitted in the room 45222
in which the testimony is to be taken but who would have been 45223
present during the testimony of the victim had it been given in 45224
the room in which the preliminary hearing is being conducted. 45225
Except for good cause shown, the prosecution shall file a motion 45226
under this division at least seven days before the date of the 45227
preliminary hearing. 45228

(b) Upon the motion of the prosecution filed under 45229
division (D) (1) (a) of this section and if the judge or 45230
magistrate determines that the victim is unavailable to testify 45231
in the room in which the preliminary hearing is being conducted 45232
in the physical presence of the accused for one or more of the 45233
reasons set forth in division (D) (2) of this section, the judge 45234
or magistrate may issue an order for the testimony of the victim 45235
to be taken in a place or room other than the room in which the 45236

preliminary hearing is being conducted and televised, by closed 45237
circuit equipment, into the room in which the preliminary 45238
hearing is being conducted. If a judge or magistrate issues an 45239
order of that nature, the judge or magistrate shall exclude from 45240
the room in which the testimony of the victim is to be taken 45241
every person except the following: 45242

(i) The victim giving the testimony; 45243

(ii) The judge or magistrate; 45244

(iii) One or more interpreters if needed; 45245

(iv) The attorneys for the prosecution and the defense; 45246

(v) Any person needed to operate the equipment to be used; 45247

(vi) One person chosen by the victim giving the testimony; 45248

(vii) Any person whose presence the judge or magistrate 45249
determines would contribute to the welfare and well-being of the 45250
victim giving the testimony. 45251

(c) The person chosen by the victim under division (D) (1) 45252

(b) (vi) of this section shall not be a witness in the 45253
preliminary hearing and, both before and during the testimony, 45254
shall not discuss the testimony of the victim with any other 45255
witness in the preliminary hearing. 45256

(d) The judge or magistrate, at the judge's or 45257
magistrate's discretion, may preside during the giving of the 45258
testimony by electronic means from outside the room in which it 45259
is being given, subject to the limitations set forth in this 45260
division. If the judge or magistrate presides by electronic 45261
means, the judge or magistrate shall be provided with monitors 45262
on which the judge or magistrate can see each person in the room 45263
in which the testimony is to be taken and with an electronic 45264

means of communication with each person, and each person in the 45265
room shall be provided with a monitor on which that person can 45266
see the judge or magistrate and with an electronic means of 45267
communication with the judge or magistrate. To the extent 45268
feasible, any person operating the televising equipment shall be 45269
restricted to a room adjacent to the room in which the testimony 45270
is being taken, or to a location in the room in which the 45271
testimony is being taken that is behind a screen or mirror, so 45272
that the person operating the televising equipment can see and 45273
hear, but cannot be seen or heard by, the victim giving the 45274
testimony during the testimony. The accused shall be permitted 45275
to observe and hear the testimony of the victim giving the 45276
testimony on a monitor, shall be provided with an electronic 45277
means of immediate communication with the attorney of the 45278
accused during the testimony, and shall be restricted to a 45279
location from which the accused cannot be seen or heard by the 45280
victim giving the testimony, except on a monitor provided for 45281
that purpose. The accused and the judge or magistrate have full 45282
right of cross examination, and the accused has the right of 45283
inspection of exhibits prior to their introduction. The victim 45284
giving the testimony shall be provided with a monitor on which 45285
the victim can observe the accused during the testimony. 45286

(2) For purposes of division (D)(1) of this section, a 45287
judge or magistrate may order the testimony of a victim to be 45288
taken at a place or room outside the room in which the 45289
preliminary hearing is being conducted if the judge or 45290
magistrate determines that the victim is unavailable to testify 45291
in the room in the physical presence of the accused due to one 45292
or more of the following: 45293

(a) The inability of the victim to communicate about the 45294
alleged offense because of extreme fear, severe trauma, or 45295

another similar reason; 45296

(b) The substantial likelihood that the victim will suffer 45297
serious emotional trauma from so testifying; 45298

(c) The victim is at a hospital for care and treatment for 45299
any physical, mental, or emotional injury suffered by reason of 45300
the alleged offense. 45301

Sec. 2941.1425. (A) Imposition of a mandatory prison term 45302
under division (B) (9) of section 2929.14 of the Revised Code is 45303
precluded unless the offender is convicted of or pleads guilty 45304
to a violation of division (A) (1) or (2) of section 2903.11 of 45305
the Revised Code and unless the indictment, count in the 45306
indictment, or information charging the offense specifies one of 45307
the following: 45308

(1) Regarding a violation of division (A) (1) of section 45309
2903.11 of the Revised Code, that the offender used an 45310
accelerant in committing the violation and that the serious 45311
physical harm to another or to another's unborn caused by the 45312
violation resulted in a permanent, serious disfigurement or 45313
permanent, substantial incapacity; 45314

(2) Regarding a violation of division (A) (2) of section 45315
2903.11 of the Revised Code, that the offender used an 45316
accelerant in committing the violation, that the violation 45317
caused physical harm to another or to another's unborn, and that 45318
the physical harm resulted in a permanent, serious disfigurement 45319
or permanent, substantial incapacity. 45320

(B) The specification described in division (A) of this 45321
section shall be stated at the end of the body of the 45322
indictment, count, or information and shall be stated in 45323
substantially the following form: 45324

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender used an accelerant in committing the violation and that the serious physical harm to another or to another's unborn caused by the violation of division (A) (1) of section 2903.11 of the Revised Code resulted in a permanent, serious disfigurement or permanent, substantial incapacity, or that the offender used an accelerant in committing the violation, that the violation of division (A) (2) of section 2903.11 of the Revised Code caused physical harm to another or to another's unborn, and that the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, whichever is applicable)."

(C) As used in this section, "accelerant" has the same meaning as in section 2929.01 of the Revised Code.

(D) The provisions of this section and of division (D) (2) of section 2903.11, division ~~(F) (20)~~ (F) (19) of section 2929.13, and divisions (B) (9) and (C) (6) of section 2929.14 of the Revised Code shall be known as "Judy's Law."

Sec. 2945.04. (A) If a motion is filed with a court before which a criminal case is pending alleging that a person has committed or is reasonably likely to commit any act prohibited by section ~~2921.04~~ 2921.03 of the Revised Code in relation to the case, if the court holds a hearing on the motion, and if the court determines that the allegations made in the motion are true, the court may issue an order doing any or any combination of the following, subject to division (C) of this section:

(1) Directing the defendant in the case not to violate or to cease a violation of section ~~2921.04~~ 2921.03 of the Revised

Code; 45355

(2) Directing a person other than a defendant who is 45356
before the court, including, but not limited to, a subpoenaed 45357
witness or other person entering the courtroom of the court, not 45358
to violate or to cease a violation of section ~~2921.04~~2921.03 of 45359
the Revised Code; 45360

(3) Directing the defendant or a person described in 45361
division (A) (2) of this section to maintain a prescribed 45362
geographic distance from any specified person who is before the 45363
court, including, but not limited to, the victim of the offense 45364
that is the basis of the case or a subpoenaed witness in the 45365
case; 45366

(4) Directing the defendant or a person described in 45367
division (A) (2) of this section not to communicate with any 45368
specified person who is before the court, including, but not 45369
limited to, the victim of the offense or a subpoenaed witness in 45370
the case; 45371

(5) Directing a specified law enforcement agency that 45372
serves a political subdivision within the territorial 45373
jurisdiction of the court to provide protection for any 45374
specified person who is before the court, including, but not 45375
limited to, the victim of the offense or a subpoenaed witness in 45376
the case; 45377

(6) Any other reasonable order that would assist in 45378
preventing or causing the cessation of a violation of section 45379
~~2921.04~~2921.03 of the Revised Code. 45380

(B) If a motion is filed with a court in which a criminal 45381
complaint has been filed alleging that the offender or another 45382
person acting in concert with the offender has committed or is 45383

reasonably likely to commit any act that would constitute an 45384
offense against the person or property of the complainant, ~~his~~ 45385
or a ward, ~~or his~~ child of the complainant, if the court holds a 45386
hearing on the motion, and if the court determines that the 45387
allegations made in the motion are true, the court may issue an 45388
order doing one or more of the following, subject to division 45389
(C) of this section: 45390

(1) Directing the defendant in the case not to commit an 45391
act or to cease committing an act that constitutes an offense 45392
against the person or property of the complainant, ~~his~~ or ward, 45393
or child of the complainant; 45394

(2) Directing a person other than the defendant who is 45395
before the court, including, but not limited to, a subpoenaed 45396
witness or other person entering the courtroom, not to commit an 45397
act or to cease committing an act that constitutes an offense 45398
against the person or property of the complainant, ~~his~~ or ward, 45399
or child of the complainant; 45400

(3) Directing the defendant or a person described in 45401
division (B)(2) of this section to maintain a prescribed 45402
geographic distance from any specified person who is before the 45403
court, including, but not limited to, the complainant or the 45404
victim of the offense, or a subpoenaed witness in the case; 45405

(4) Directing the defendant or a person described in 45406
division (B)(2) of this section not to communicate with any 45407
specified person who is before the court, including, but not 45408
limited to, the complainant, the victim of the offense, or a 45409
subpoenaed witness in the case; 45410

(5) Directing a specified law enforcement agency that 45411
serves a political subdivision within the territorial 45412

jurisdiction of the court to provide protection for any 45413
specified person who is before the court, including, but not 45414
limited to, the complainant, the victim of the offense, or a 45415
subpoenaed witness in the case; 45416

(6) When the complainant and the defendant cohabit with 45417
one another but the complainant is not a family or household 45418
member, as defined in section 2919.25 of the Revised Code, 45419
granting possession of the residence or household to the 45420
complainant to the exclusion of the defendant by evicting the 45421
defendant when the residence or household is owned or leased 45422
solely by the complainant or by ordering the defendant to vacate 45423
the premises when the residence or household is jointly owned or 45424
leased by the complainant and the defendant; 45425

(7) Any other reasonable order that would assist in 45426
preventing or causing the cessation of an act that constitutes 45427
an offense against the person or property of the complainant, ~~7~~ 45428
his or ward, ~~7~~ or child of the complainant. 45429

(C) No order issued under authority of division (A) or (B) 45430
of this section shall prohibit or be construed as prohibiting 45431
any attorney for the defendant in the case or for a person 45432
described in division (A) (2) or (B) (2) of this section from 45433
conducting any investigation of the pending criminal case, from 45434
preparing or conducting any defense of the pending criminal 45435
case, or from attempting to zealously represent ~~his client~~ the 45436
defendant in the pending criminal case within the bounds of the 45437
law. However, this division does not exempt any person from the 45438
prohibitions contained in section ~~2921.04~~ 2921.03 or any section 45439
of the Revised Code that constitutes an offense against the 45440
person or property of the complainant, ~~his or~~ a ward, ~~his~~ 45441
child of the complainant, or provide a defense to a charge of 45442

any violation of that section or of an offense of that nature. 45443

(D) (1) A person who violates an order issued pursuant to 45444
division (A) of this section is subject to the following 45445
sanctions: 45446

(a) Criminal prosecution for a violation of section 45447
~~2921.04~~2921.03 of the Revised Code, if the violation of the 45448
court order constitutes a violation of that section; 45449

(b) Punishment for contempt of court. 45450

(2) A person who violates an order issued pursuant to 45451
division (B) of this section is subject to the following 45452
sanctions: 45453

(a) Criminal prosecution for a violation of a section of 45454
the Revised Code that constitutes an offense against the person 45455
or property of the complainant, ~~his or~~ ward, or child of the 45456
complainant; 45457

(b) Punishment for contempt of court. 45458

(E) (1) The punishment of a person for contempt of court 45459
for violation of an order issued pursuant to division (A) of 45460
this section does not bar criminal prosecution of the person for 45461
a violation of section ~~2921.04~~2921.03 of the Revised Code. 45462

(2) The punishment of a person for contempt of court for a 45463
violation of an order issued pursuant to division (B) of this 45464
section does not bar criminal prosecution of the person for an 45465
offense against the person or property of the complainant, ~~his~~ 45466
or ward, or child of the complainant. 45467

(3) A person punished for contempt of court under this 45468
section is entitled to credit for the punishment imposed upon 45469
conviction of a violation of the offense arising out of the same 45470

activity, and a person convicted of such a violation shall not 45471
subsequently be punished for contempt of court arising out of 45472
the same activity. 45473

Sec. 2945.481. (A) (1) As used in this section, "victim" 45474
includes any person who was a victim of a violation identified 45475
in division (A) (2) of this section or an offense of violence or 45476
against whom was directed any conduct that constitutes, or that 45477
is an element of, a violation identified in division (A) (2) of 45478
this section or an offense of violence. 45479

(2) In any proceeding in the prosecution of a charge of a 45480
violation of section 2905.03, 2905.05, 2907.011, 2907.02, 45481
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 45482
2907.23, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 45483
2907.323, or 2919.22 of the Revised Code or an offense of 45484
violence and in which an alleged victim of the violation or 45485
offense was a child who was less than thirteen years of age when 45486
the complaint, indictment, or information was filed, whichever 45487
occurred earlier, the judge of the court in which the 45488
prosecution is being conducted, upon motion of an attorney for 45489
the prosecution, shall order that the testimony of the child 45490
victim be taken by deposition. The prosecution also may request 45491
that the deposition be videotaped in accordance with division 45492
(A) (3) of this section. The judge shall notify the child victim 45493
whose deposition is to be taken, the prosecution, and the 45494
defense of the date, time, and place for taking the deposition. 45495
The notice shall identify the child victim who is to be examined 45496
and shall indicate whether a request that the deposition be 45497
videotaped has been made. The defendant shall have the right to 45498
attend the deposition and the right to be represented by 45499
counsel. Depositions shall be taken in the manner provided in 45500
civil cases, except that the judge shall preside at the taking 45501

of the deposition and shall rule at that time on any objections 45502
of the prosecution or the attorney for the defense. The 45503
prosecution and the attorney for the defense shall have the 45504
right, as at trial, to full examination and cross-examination of 45505
the child victim whose deposition is to be taken. If a 45506
deposition taken under this division is intended to be offered 45507
as evidence in the proceeding, it shall be filed in the court in 45508
which the action is pending and is admissible in the manner 45509
described in division (B) of this section. If a deposition of a 45510
child victim taken under this division is admitted as evidence 45511
at the proceeding under division (B) of this section, the child 45512
victim shall not be required to testify in person at the 45513
proceeding. However, at any time before the conclusion of the 45514
proceeding, the attorney for the defense may file a motion with 45515
the judge requesting that another deposition of the child victim 45516
be taken because new evidence material to the defense has been 45517
discovered that the attorney for the defense could not with 45518
reasonable diligence have discovered prior to the taking of the 45519
admitted deposition. A motion for another deposition shall be 45520
accompanied by supporting affidavits. Upon the filing of a 45521
motion for another deposition and affidavits, the court may 45522
order that additional testimony of the child victim relative to 45523
the new evidence be taken by another deposition. If the court 45524
orders the taking of another deposition under this provision, 45525
the deposition shall be taken in accordance with this division; 45526
if the admitted deposition was a videotaped deposition taken in 45527
accordance with division (A) (3) of this section, the new 45528
deposition also shall be videotaped in accordance with that 45529
division and in other cases, the new deposition may be 45530
videotaped in accordance with that division. 45531

(3) If the prosecution requests that a deposition to be 45532

taken under division (A) (2) of this section be videotaped, the 45533
judge shall order that the deposition be videotaped in 45534
accordance with this division. If a judge issues an order that 45535
the deposition be videotaped, the judge shall exclude from the 45536
room in which the deposition is to be taken every person except 45537
the child victim giving the testimony, the judge, one or more 45538
interpreters if needed, the attorneys for the prosecution and 45539
the defense, any person needed to operate the equipment to be 45540
used, one person chosen by the child victim giving the 45541
deposition, and any person whose presence the judge determines 45542
would contribute to the welfare and well-being of the child 45543
victim giving the deposition. The person chosen by the child 45544
victim shall not be a witness in the proceeding and, both before 45545
and during the deposition, shall not discuss the testimony of 45546
the child victim with any other witness in the proceeding. To 45547
the extent feasible, any person operating the recording 45548
equipment shall be restricted to a room adjacent to the room in 45549
which the deposition is being taken, or to a location in the 45550
room in which the deposition is being taken that is behind a 45551
screen or mirror, so that the person operating the recording 45552
equipment can see and hear, but cannot be seen or heard by, the 45553
child victim giving the deposition during the deposition. The 45554
defendant shall be permitted to observe and hear the testimony 45555
of the child victim giving the deposition on a monitor, shall be 45556
provided with an electronic means of immediate communication 45557
with the defendant's attorney during the testimony, and shall be 45558
restricted to a location from which the defendant cannot be seen 45559
or heard by the child victim giving the deposition, except on a 45560
monitor provided for that purpose. The child victim giving the 45561
deposition shall be provided with a monitor on which the child 45562
victim can observe, during the testimony, the defendant. The 45563
judge, at the judge's discretion, may preside at the deposition 45564

by electronic means from outside the room in which the 45565
deposition is to be taken; if the judge presides by electronic 45566
means, the judge shall be provided with monitors on which the 45567
judge can see each person in the room in which the deposition is 45568
to be taken and with an electronic means of communication with 45569
each person, and each person in the room shall be provided with 45570
a monitor on which that person can see the judge and with an 45571
electronic means of communication with the judge. A deposition 45572
that is videotaped under this division shall be taken and filed 45573
in the manner described in division (A) (2) of this section and 45574
is admissible in the manner described in this division and 45575
division (B) of this section, and, if a deposition that is 45576
videotaped under this division is admitted as evidence at the 45577
proceeding, the child victim shall not be required to testify in 45578
person at the proceeding. No deposition videotaped under this 45579
division shall be admitted as evidence at any proceeding unless 45580
division (B) of this section is satisfied relative to the 45581
deposition and all of the following apply relative to the 45582
recording: 45583

(a) The recording is both aural and visual and is recorded 45584
on film or videotape, or by other electronic means. 45585

(b) The recording is authenticated under the Rules of 45586
Evidence and the Rules of Criminal Procedure as a fair and 45587
accurate representation of what occurred, and the recording is 45588
not altered other than at the direction and under the 45589
supervision of the judge in the proceeding. 45590

(c) Each voice on the recording that is material to the 45591
testimony on the recording or the making of the recording, as 45592
determined by the judge, is identified. 45593

(d) Both the prosecution and the defendant are afforded an 45594

opportunity to view the recording before it is shown in the 45595
proceeding. 45596

(B) (1) At any proceeding in a prosecution in relation to 45597
which a deposition was taken under division (A) of this section, 45598
the deposition or a part of it is admissible in evidence upon 45599
motion of the prosecution if the testimony in the deposition or 45600
the part to be admitted is not excluded by the hearsay rule and 45601
if the deposition or the part to be admitted otherwise is 45602
admissible under the Rules of Evidence. For purposes of this 45603
division, testimony is not excluded by the hearsay rule if the 45604
testimony is not hearsay under Evidence Rule 801; if the 45605
testimony is within an exception to the hearsay rule set forth 45606
in Evidence Rule 803; if the child victim who gave the testimony 45607
is unavailable as a witness, as defined in Evidence Rule 804, 45608
and the testimony is admissible under that rule; or if both of 45609
the following apply: 45610

(a) The defendant had an opportunity and similar motive at 45611
the time of the taking of the deposition to develop the 45612
testimony by direct, cross, or redirect examination. 45613

(b) The judge determines that there is reasonable cause to 45614
believe that, if the child victim who gave the testimony in the 45615
deposition were to testify in person at the proceeding, the 45616
child victim would experience serious emotional trauma as a 45617
result of the child victim's participation at the proceeding. 45618

(2) Objections to receiving in evidence a deposition or a 45619
part of it under division (B) of this section shall be made as 45620
provided in civil actions. 45621

(3) The provisions of divisions (A) and (B) of this 45622
section are in addition to any other provisions of the Revised 45623

Code, the Rules of Criminal Procedure, or the Rules of Evidence 45624
that pertain to the taking or admission of depositions in a 45625
criminal proceeding and do not limit the admissibility under any 45626
of those other provisions of any deposition taken under division 45627
(A) of this section or otherwise taken. 45628

(C) In any proceeding in the prosecution of any charge of 45629
a violation listed in division (A)(2) of this section or an 45630
offense of violence and in which an alleged victim of the 45631
violation or offense was a child who was less than thirteen 45632
years of age when the complaint, indictment, or information was 45633
filed, whichever occurred earlier, the prosecution may file a 45634
motion with the judge requesting the judge to order the 45635
testimony of the child victim to be taken in a room other than 45636
the room in which the proceeding is being conducted and be 45637
televised, by closed circuit equipment, into the room in which 45638
the proceeding is being conducted to be viewed by the jury, if 45639
applicable, the defendant, and any other persons who are not 45640
permitted in the room in which the testimony is to be taken but 45641
who would have been present during the testimony of the child 45642
victim had it been given in the room in which the proceeding is 45643
being conducted. Except for good cause shown, the prosecution 45644
shall file a motion under this division at least seven days 45645
before the date of the proceeding. The judge may issue the order 45646
upon the motion of the prosecution filed under this section, if 45647
the judge determines that the child victim is unavailable to 45648
testify in the room in which the proceeding is being conducted 45649
in the physical presence of the defendant, for one or more of 45650
the reasons set forth in division (E) of this section. If a 45651
judge issues an order of that nature, the judge shall exclude 45652
from the room in which the testimony is to be taken every person 45653
except a person described in division (A)(3) of this section. 45654

The judge, at the judge's discretion, may preside during the 45655
giving of the testimony by electronic means from outside the 45656
room in which it is being given, subject to the limitations set 45657
forth in division (A) (3) of this section. To the extent 45658
feasible, any person operating the televising equipment shall be 45659
hidden from the sight and hearing of the child victim giving the 45660
testimony, in a manner similar to that described in division (A) 45661
(3) of this section. The defendant shall be permitted to observe 45662
and hear the testimony of the child victim giving the testimony 45663
on a monitor, shall be provided with an electronic means of 45664
immediate communication with the defendant's attorney during the 45665
testimony, and shall be restricted to a location from which the 45666
defendant cannot be seen or heard by the child victim giving the 45667
testimony, except on a monitor provided for that purpose. The 45668
child victim giving the testimony shall be provided with a 45669
monitor on which the child victim can observe, during the 45670
testimony, the defendant. 45671

(D) In any proceeding in the prosecution of any charge of 45672
a violation listed in division (A) (2) of this section or an 45673
offense of violence and in which an alleged victim of the 45674
violation or offense was a child who was less than thirteen 45675
years of age when the complaint, indictment, or information was 45676
filed, whichever occurred earlier, the prosecution may file a 45677
motion with the judge requesting the judge to order the 45678
testimony of the child victim to be taken outside of the room in 45679
which the proceeding is being conducted and be recorded for 45680
showing in the room in which the proceeding is being conducted 45681
before the judge, the jury, if applicable, the defendant, and 45682
any other persons who would have been present during the 45683
testimony of the child victim had it been given in the room in 45684
which the proceeding is being conducted. Except for good cause 45685

shown, the prosecution shall file a motion under this division 45686
at least seven days before the date of the proceeding. The judge 45687
may issue the order upon the motion of the prosecution filed 45688
under this division, if the judge determines that the child 45689
victim is unavailable to testify in the room in which the 45690
proceeding is being conducted in the physical presence of the 45691
defendant, for one or more of the reasons set forth in division 45692
(E) of this section. If a judge issues an order of that nature, 45693
the judge shall exclude from the room in which the testimony is 45694
to be taken every person except a person described in division 45695
(A) (3) of this section. To the extent feasible, any person 45696
operating the recording equipment shall be hidden from the sight 45697
and hearing of the child victim giving the testimony, in a 45698
manner similar to that described in division (A) (3) of this 45699
section. The defendant shall be permitted to observe and hear 45700
the testimony of the child victim who is giving the testimony on 45701
a monitor, shall be provided with an electronic means of 45702
immediate communication with the defendant's attorney during the 45703
testimony, and shall be restricted to a location from which the 45704
defendant cannot be seen or heard by the child victim giving the 45705
testimony, except on a monitor provided for that purpose. The 45706
child victim giving the testimony shall be provided with a 45707
monitor on which the child victim can observe, during the 45708
testimony, the defendant. No order for the taking of testimony 45709
by recording shall be issued under this division unless the 45710
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 45711
of this section apply to the recording of the testimony. 45712

(E) For purposes of divisions (C) and (D) of this section, 45713
a judge may order the testimony of a child victim to be taken 45714
outside the room in which the proceeding is being conducted if 45715
the judge determines that the child victim is unavailable to 45716

testify in the room in the physical presence of the defendant 45717
due to one or more of the following: 45718

(1) The persistent refusal of the child victim to testify 45719
despite judicial requests to do so; 45720

(2) The inability of the child victim to communicate about 45721
the alleged violation or offense because of extreme fear, 45722
failure of memory, or another similar reason; 45723

(3) The substantial likelihood that the child victim will 45724
suffer serious emotional trauma from so testifying. 45725

(F) (1) If a judge issues an order pursuant to division (C) 45726
or (D) of this section that requires the testimony of a child 45727
victim in a criminal proceeding to be taken outside of the room 45728
in which the proceeding is being conducted, the order shall 45729
specifically identify the child victim to whose testimony it 45730
applies, the order applies only during the testimony of the 45731
specified child victim, and the child victim giving the 45732
testimony shall not be required to testify at the proceeding 45733
other than in accordance with the order. 45734

(2) A judge who makes any determination regarding the 45735
admissibility of a deposition under divisions (A) and (B) of 45736
this section, the videotaping of a deposition under division (A) 45737
(3) of this section, or the taking of testimony outside of the 45738
room in which a proceeding is being conducted under division (C) 45739
or (D) of this section, shall enter the determination and 45740
findings on the record in the proceeding. 45741

Sec. 2945.482. (A) As used in this section: 45742

(1) "Developmental disability" has the same meaning as in 45743
section 5123.01 of the Revised Code. 45744

(2) "Victim with a developmental disability" includes a 45745
person with a developmental disability who was a victim of a 45746
violation identified in division (B)(1) of this section or an 45747
offense of violence or against whom was directed any conduct 45748
that constitutes, or that is an element of, a violation 45749
identified in division (B)(1) of this section or an offense of 45750
violence. 45751

(B)(1) In any proceeding in the prosecution of a charge of 45752
a violation of section 2903.16, 2903.34, 2903.341, 2905.03, 45753
2907.011, 2907.02, 2907.03, 2907.05, 2907.06, 2907.09, 2907.21, 45754
2907.23, 2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of 45755
the Revised Code or an offense of violence and in which an 45756
alleged victim of the violation or offense was a person with a 45757
developmental disability, the judge of the court in which the 45758
prosecution is being conducted, upon motion of an attorney for 45759
the prosecution, shall order that the testimony of the victim 45760
with a developmental disability be taken by deposition. The 45761
prosecution also may request that the deposition be videotaped 45762
in accordance with division (B)(2) of this section. The judge 45763
shall notify the victim with a developmental disability whose 45764
deposition is to be taken, the prosecution, and the defense of 45765
the date, time, and place for taking the deposition. The notice 45766
shall identify the victim with a developmental disability who is 45767
to be examined and shall indicate whether a request that the 45768
deposition be videotaped has been made. The defendant shall have 45769
the right to attend the deposition and the right to be 45770
represented by counsel. Depositions shall be taken in the manner 45771
provided in civil cases, except that the judge shall preside at 45772
the taking of the deposition and shall rule at the time on any 45773
objections of the prosecution or the attorney for the defense. 45774
The prosecution and the attorney for the defense shall have the 45775

right, as at trial, to full examination and cross-examination of 45776
the victim with a developmental disability whose deposition is 45777
to be taken. If a deposition taken under this division is 45778
intended to be offered as evidence in the proceeding, it shall 45779
be filed in the court in which the action is pending and is 45780
admissible in the manner described in division (C) of this 45781
section. 45782

If a deposition of a victim with a developmental 45783
disability taken under this division is admitted as evidence at 45784
the proceeding under division (C) of this section, the victim 45785
with a developmental disability shall not be required to testify 45786
in person at the proceeding. 45787

At any time before the conclusion of the proceeding, the 45788
attorney for the defense may file a motion with the judge 45789
requesting that another deposition of the victim with a 45790
developmental disability be taken because new evidence material 45791
to the defense has been discovered that the attorney for the 45792
defense could not with reasonable diligence have discovered 45793
prior to the taking of the admitted deposition. If the court 45794
orders the taking of another deposition under this provision, 45795
the deposition shall be taken in accordance with this division. 45796
If the admitted deposition was a videotaped deposition taken in 45797
accordance with division (B) (2) of this section, the new 45798
deposition shall be videotaped in accordance with that division. 45799
In other cases, the new deposition may be videotaped in 45800
accordance with that division. 45801

(2) If the prosecution requests that a deposition to be 45802
taken under division (B) (2) of this section be videotaped, the 45803
judge shall order that the deposition be videotaped in 45804
accordance with this division. If a judge issues an order that 45805

the deposition be videotaped, the judge shall exclude from the 45806
room in which the deposition is to be taken every person except 45807
the victim with a developmental disability giving the testimony, 45808
the judge, one or more interpreters if needed, the attorneys for 45809
the prosecution and the defense, any person needed to operate 45810
the equipment to be used, one person chosen by the victim with a 45811
developmental disability giving the deposition, and any person 45812
whose presence the judge determines would contribute to the 45813
welfare and well-being of the victim with a developmental 45814
disability giving the deposition. The person chosen by the 45815
victim with a developmental disability shall not be a witness in 45816
the proceeding and, both before and during the deposition, shall 45817
not discuss the testimony of the victim with a developmental 45818
disability with any other witness in the proceeding. To the 45819
extent feasible, any person operating the recording equipment 45820
shall be restricted to a room adjacent to the room in which the 45821
deposition is being taken, or to a location in the room in which 45822
the deposition is being taken that is behind a screen or mirror, 45823
so that the person operating the recording equipment can see and 45824
hear, but cannot be seen or heard by, the victim with a 45825
developmental disability giving the deposition during the 45826
deposition. 45827

The defendant shall be permitted to observe and hear the 45828
testimony of the victim with a developmental disability giving 45829
the deposition on a monitor, shall be provided with an 45830
electronic means of immediate communication with the defendant's 45831
attorney during the testimony, and shall be restricted to a 45832
location from which the defendant cannot be seen or heard by the 45833
victim with a developmental disability giving the deposition, 45834
except on a monitor provided for that purpose. The victim with a 45835
developmental disability giving the deposition shall be provided 45836

with a monitor on which the victim can observe, during the 45837
testimony, the defendant. The judge, at the judge's discretion, 45838
may preside at the deposition by electronic means from outside 45839
the room in which the deposition is to be taken. If the judge 45840
presides by electronic means, the judge shall be provided with 45841
monitors on which the judge can see each person in the room in 45842
which the deposition is to be taken and with an electronic means 45843
of communication with each person, and each person in the room 45844
shall be provided with a monitor on which that person can see 45845
the judge and with an electronic means of communication with the 45846
judge. A deposition that is videotaped under this division shall 45847
be taken and filed in the manner described in division (B) (1) of 45848
this section and is admissible in the manner described in this 45849
division and division (C) of this section, and, if a deposition 45850
that is videotaped under this division is admitted as evidence 45851
at the proceeding, the victim with a developmental disability 45852
shall not be required to testify in person at the proceeding. No 45853
deposition videotaped under this division shall be admitted as 45854
evidence at any proceeding unless division (C) of this section 45855
is satisfied relative to the deposition and all of the following 45856
apply relative to the recording: 45857

(a) The recording is both aural and visual and is recorded 45858
on film or videotape, or by other electronic means. 45859

(b) The recording is authenticated under the Rules of 45860
Evidence and the Rules of Criminal Procedure as a fair and 45861
accurate representation of what occurred, and the recording is 45862
not altered other than at the direction and under the 45863
supervision of the judge in the proceeding. 45864

(c) Each voice on the recording that is material to the 45865
testimony on the recording or the making of the recording, as 45866

determined by the judge, is identified. 45867

(d) Both the prosecution and the defendant are afforded an 45868
opportunity to view the recording before it is shown in the 45869
proceeding. 45870

(C) (1) At any proceeding in a prosecution in relation to 45871
which a deposition was taken under division (B) of this section, 45872
the deposition or a part of it is admissible in evidence upon 45873
motion of the prosecution if the testimony in the deposition or 45874
the part to be admitted is not excluded by the hearsay rule and 45875
if the deposition or the part to be admitted otherwise is 45876
admissible under the Rules of Evidence. For purposes of this 45877
division, testimony is not excluded by the hearsay rule if the 45878
testimony is not hearsay under Evidence Rule 801; the testimony 45879
is within an exception to the hearsay rule set forth in Evidence 45880
Rule 803; the victim with a developmental disability who gave 45881
the testimony is unavailable as a witness, as defined in 45882
Evidence Rule 804, and the testimony is admissible under that 45883
rule; or both of the following apply: 45884

(a) The defendant had an opportunity and similar motive at 45885
the time of the taking of the deposition to develop the 45886
testimony by direct, cross, or redirect examination. 45887

(b) The judge determines that there is reasonable cause to 45888
believe that, if the victim with a developmental disability who 45889
gave the testimony in the deposition were to testify in person 45890
at the proceeding, the victim with a developmental disability 45891
would experience serious emotional trauma as a result of the 45892
participation of the victim with a developmental disability at 45893
the proceeding. 45894

(2) Objections to receiving in evidence a deposition or a 45895

part of it under division (C) of this section shall be made as 45896
provided in civil actions. 45897

(3) The provisions of divisions (B) and (C) of this 45898
section are in addition to any other provisions of the Revised 45899
Code, the Rules of Criminal Procedure, or the Rules of Evidence 45900
that pertain to the taking or admission of depositions in a 45901
criminal proceeding and do not limit the admissibility under any 45902
of those other provisions of any deposition taken under division 45903
(B) of this section or otherwise taken. 45904

(D) In any proceeding in the prosecution of any charge of 45905
a violation listed in division (B)(1) of this section or an 45906
offense of violence and in which an alleged victim of the 45907
violation or offense was a person with a developmental 45908
disability, the prosecution may file a motion with the judge 45909
requesting the judge to order the testimony of the victim with a 45910
developmental disability to be taken in a room other than the 45911
room in which the proceeding is being conducted and be 45912
televised, by closed circuit equipment, into the room in which 45913
the proceeding is being conducted to be viewed by the jury, if 45914
applicable, the defendant, and any other persons who are not 45915
permitted in the room in which the testimony is to be taken but 45916
who would have been present during the testimony of the victim 45917
with a developmental disability had it been given in the room in 45918
which the proceeding is being conducted. Except for good cause 45919
shown, the prosecution shall file a motion under this division 45920
at least seven days before the date of the proceeding. The judge 45921
may issue the order upon the motion of the prosecution filed 45922
under this section, if the judge determines that the victim with 45923
a developmental disability is unavailable to testify in the room 45924
in which the proceeding is being conducted in the physical 45925
presence of the defendant for one or more of the reasons set 45926

forth in division (F) of this section. If a judge issues an 45927
order of that nature, the judge shall exclude from the room in 45928
which the testimony is to be taken every person except a person 45929
described in division (B) (2) of this section. The judge, at the 45930
judge's discretion, may preside during the giving of the 45931
testimony by electronic means from outside the room in which it 45932
is being given, subject to the limitations set forth in division 45933
(B) (2) of this section. To the extent feasible, any person 45934
operating the televising equipment shall be hidden from the 45935
sight and hearing of the victim with a developmental disability 45936
giving the testimony, in a manner similar to that described in 45937
division (B) (2) of this section. The defendant shall be 45938
permitted to observe and hear the testimony of the victim with a 45939
developmental disability giving the testimony on a monitor, 45940
shall be provided with an electronic means of immediate 45941
communication with the defendant's attorney during the 45942
testimony, and shall be restricted to a location from which the 45943
defendant cannot be seen or heard by the victim with a 45944
developmental disability giving the testimony, except on a 45945
monitor provided for that purpose. The victim with a 45946
developmental disability giving the testimony shall be provided 45947
with a monitor on which the victim with a developmental 45948
disability can observe, during the testimony, the defendant. 45949

(E) In any proceeding in the prosecution of any charge of 45950
a violation listed in division (B) (1) of this section or an 45951
offense of violence and in which an alleged victim of the 45952
violation or offense was a victim with a developmental 45953
disability, the prosecution may file a motion with the judge 45954
requesting the judge to order the testimony of the victim with a 45955
developmental disability to be taken outside of the room in 45956
which the proceeding is being conducted and be recorded for 45957

showing in the room in which the proceeding is being conducted 45958
before the judge, the jury, if applicable, the defendant, and 45959
any other persons who would have been present during the 45960
testimony of the victim with a developmental disability had it 45961
been given in the room in which the proceeding is being 45962
conducted. Except for good cause shown, the prosecution shall 45963
file a motion under this division at least seven days before the 45964
date of the proceeding. The judge may issue the order upon the 45965
motion of the prosecution filed under this division, if the 45966
judge determines that the victim with a developmental disability 45967
is unavailable to testify in the room in which the proceeding is 45968
being conducted in the physical presence of the defendant, for 45969
one or more of the reasons set forth in division (F) of this 45970
section. If a judge issues an order of that nature, the judge 45971
shall exclude from the room in which the testimony is to be 45972
taken every person except a person described in division (B) (2) 45973
of this section. To the extent feasible, any person operating 45974
the recording equipment shall be hidden from the sight and 45975
hearing of the victim with a developmental disability giving the 45976
testimony, in a manner similar to that described in division (B) 45977
(2) of this section. The defendant shall be permitted to observe 45978
and hear the testimony of the victim with a developmental 45979
disability who is giving the testimony on a monitor, shall be 45980
provided with an electronic means of immediate communication 45981
with the defendant's attorney during the testimony, and shall be 45982
restricted to a location from which the defendant cannot be seen 45983
or heard by the victim with a developmental disability giving 45984
the testimony, except on a monitor provided for that purpose. 45985
The victim with a developmental disability giving the testimony 45986
shall be provided with a monitor on which the victim can 45987
observe, during the testimony, the defendant. No order for the 45988
taking of testimony by recording shall be issued under this 45989

division unless the provisions set forth in divisions (B) (2) (a), 45990
(b), (c), and (d) of this section apply to the recording of the 45991
testimony. 45992

(F) For purposes of divisions (D) and (E) of this section, 45993
a judge may order the testimony of a victim with a developmental 45994
disability to be taken outside the room in which the proceeding 45995
is being conducted if the judge determines that the victim with 45996
a developmental disability is unavailable to testify in the room 45997
in the physical presence of the defendant due to one or more of 45998
the following: 45999

(1) The persistent refusal of the victim with a 46000
developmental disability to testify despite judicial requests to 46001
do so; 46002

(2) The inability of the victim with a developmental 46003
disability to communicate about the alleged violation or offense 46004
because of extreme fear, failure of memory, or another similar 46005
reason; 46006

(3) The substantial likelihood that the victim with a 46007
developmental disability will suffer serious emotional trauma 46008
from so testifying. 46009

(G) (1) If a judge issues an order pursuant to division (D) 46010
or (E) of this section that requires the testimony of a victim 46011
with a developmental disability in a criminal proceeding to be 46012
taken outside of the room in which the proceeding is being 46013
conducted, the order shall specifically identify the victim with 46014
a developmental disability to whose testimony it applies, the 46015
order applies only during the testimony of the specified victim 46016
with a developmental disability, and the victim with a 46017
developmental disability giving the testimony shall not be 46018

required to testify at the proceeding other than in accordance 46019
with the order. 46020

(2) A judge who makes any determination regarding the 46021
admissibility of a deposition under divisions (B) and (C) of 46022
this section, the videotaping of a deposition under division (B) 46023
(2) of this section, or the taking of testimony outside of the 46024
room in which a proceeding is being conducted under division (D) 46025
or (E) of this section shall enter the determination and 46026
findings on the record in the proceeding. 46027

Sec. 2945.491. (A) As used in this section: 46028

(1) "Developmental disability" has the same meaning as in 46029
section 5123.01 of the Revised Code. 46030

(2) "Victim with a developmental disability" includes a 46031
person with a developmental disability who was a victim of a 46032
felony violation identified in division (B)(1) of this section 46033
or a felony offense of violence or against whom was directed any 46034
conduct that constitutes, or that is an element of, a felony 46035
violation identified in division (B)(1) of this section or a 46036
felony offense of violence. 46037

(B) (1) At a trial on a charge of a felony violation of 46038
section 2903.16, 2903.34, 2903.341, 2907.011, 2907.02, 2907.03, 46039
2907.05, 2907.21, 2907.23, 2907.24, 2907.32, 2907.321, 2907.322, 46040
or 2907.323 of the Revised Code or an offense of violence and in 46041
which an alleged victim of the violation or offense was a person 46042
with a developmental disability, the court, upon motion of the 46043
prosecutor in the case, may admit videotaped preliminary hearing 46044
testimony of the victim with a developmental disability as 46045
evidence at the trial, in lieu of the victim with a 46046
developmental disability appearing as a witness and testifying 46047

at trial, if all of the following apply: 46048

(a) The videotape of the testimony was made at the 46049
preliminary hearing at which probable cause of the violation 46050
charged was found. 46051

(b) The videotape of the testimony was made in accordance 46052
with division (C) of section 2937.11 of the Revised Code. 46053

(c) The testimony in the videotape is not excluded by the 46054
hearsay rule and otherwise is admissible under the Rules of 46055
Evidence. For purposes of this division, testimony is not 46056
excluded by the hearsay rule if the testimony is not hearsay 46057
under Evidence Rule 801, the testimony is within an exception to 46058
the hearsay rule set forth in Evidence Rule 803, the victim with 46059
a developmental disability who gave the testimony is unavailable 46060
as a witness, as defined in Evidence Rule 804, and the testimony 46061
is admissible under that rule, or both of the following apply: 46062

(i) The accused had an opportunity and similar motive at 46063
the preliminary hearing to develop the testimony of the victim 46064
with a developmental disability by direct, cross, or redirect 46065
examination. 46066

(ii) The court determines that there is reasonable cause 46067
to believe that if the victim with a developmental disability 46068
who gave the testimony at the preliminary hearing were to 46069
testify in person at the trial, the victim with a developmental 46070
disability would experience serious emotional trauma as a result 46071
of the victim's participation at the trial. 46072

(2) If a victim with a developmental disability of an 46073
alleged felony violation of section 2903.16, 2903.34, 2903.341, 46074
2907.011, 2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 46075
2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code or 46076

an alleged felony offense of violence testifies at the 46077
preliminary hearing in the case, if the testimony of the victim 46078
with a developmental disability at the preliminary hearing was 46079
videotaped pursuant to division (C) of section 2937.11 of the 46080
Revised Code, and if the defendant in the case files a written 46081
objection to the use, pursuant to division (B)(1) of this 46082
section, of the videotaped testimony at the trial, the court, 46083
immediately after the filing of the objection, shall hold a 46084
hearing to determine whether the videotaped testimony of the 46085
victim with a developmental disability should be admissible at 46086
trial under division (B)(1) of this section and, if it is 46087
admissible, whether the victim with a developmental disability 46088
should be required to provide limited additional testimony of 46089
the type described in this division. At the hearing held 46090
pursuant to this division, the defendant and the prosecutor in 46091
the case may present any evidence that is relevant to the issues 46092
to be determined at the hearing, but the victim with a 46093
developmental disability shall not be required to testify at the 46094
hearing. 46095

After the hearing, the court shall not require the victim 46096
with a developmental disability to testify at the trial, unless 46097
it determines that both of the following apply: 46098

(a) That the testimony of the victim with a developmental 46099
disability at trial is necessary for one or more of the 46100
following reasons: 46101

(i) Evidence that was not available at the time of the 46102
testimony of the victim with a developmental disability at the 46103
preliminary hearing has been discovered. 46104

(ii) The circumstances surrounding the case have changed 46105
sufficiently to necessitate that the victim with a developmental 46106

disability testify at the trial. 46107

(b) That the testimony of the victim with a developmental 46108
disability at the trial is necessary to protect the right of the 46109
defendant to a fair trial. 46110

The court shall enter its finding and the reasons for it 46111
in the journal. If the court requires the victim with a 46112
developmental disability to testify at the trial, the testimony 46113
of the victim shall be limited to the new evidence and changed 46114
circumstances, and the victim with a developmental disability 46115
shall not otherwise be required to testify at the trial. The 46116
required testimony of the victim with a developmental disability 46117
may be given in person or, upon motion of the prosecution, may 46118
be taken by deposition in accordance with division (B) of 46119
section 2945.482 of the Revised Code provided the deposition is 46120
admitted as evidence under division (C) of that section, may be 46121
taken outside of the courtroom and televised into the courtroom 46122
in accordance with division (D) of that section, or may be taken 46123
outside of the courtroom and recorded for showing in the 46124
courtroom in accordance with division (E) of that section. 46125

(3) If videotaped testimony of a victim with a 46126
developmental disability is admitted at trial in accordance with 46127
division (B)(1) of this section, the victim with a developmental 46128
disability shall not be compelled in any way to appear as a 46129
witness at the trial, except as provided in division (B)(2) of 46130
this section. 46131

(C) An order issued pursuant to division (B) of this 46132
section shall specifically identify the victim with a 46133
developmental disability concerning whose testimony it pertains. 46134
The order shall apply only during the testimony of the victim 46135
with a developmental disability it specifically identifies. 46136

Sec. 2949.02. (A) If a person is convicted of any bailable offense, including, but not limited to, a violation of an ordinance of a municipal corporation, in a municipal or county court or in a court of common pleas and if the person gives to the trial judge or magistrate a written notice of the person's intention to file or apply for leave to file an appeal to the court of appeals, the trial judge or magistrate may suspend, subject to division (A) (2) (b) of section 2953.09 of the Revised Code, execution of the sentence or judgment imposed for any fixed time that will give the person time either to prepare and file, or to apply for leave to file, the appeal. In all bailable cases, except as provided in division (B) of this section, the trial judge or magistrate may release the person on bail in accordance with Criminal Rule 46, and the bail shall at least be conditioned that the person will appeal without delay and abide by the judgment and sentence of the court.

(B) Notwithstanding any provision of Criminal Rule 46 to the contrary, a trial judge of a court of common pleas shall not release on bail pursuant to division (A) of this section a person who is convicted of a bailable offense if the person is sentenced to imprisonment for life or if that offense is a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2905.01, 2905.02, 2905.11, 2907.011, 2907.02, 2909.02, 2911.01, 2911.02, or ~~2911.11~~ 2911.03 of the Revised Code or is felonious sexual penetration in violation of former section 2907.12 of the Revised Code.

(C) If a trial judge of a court of common pleas is prohibited by division (B) of this section from releasing on bail pursuant to division (A) of this section a person who is convicted of a bailable offense and not sentenced to imprisonment for life, the appropriate court of appeals or two

judges of it, upon motion of such a person and for good cause 46168
shown, may release the person on bail in accordance with 46169
Appellate Rule 8 and Criminal Rule 46, and the bail shall at 46170
least be conditioned as described in division (A) of this 46171
section. 46172

Sec. 2950.99. (A) (1) (a) Except as otherwise provided in 46173
division (A) (1) (b) of this section, whoever violates a 46174
prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of 46175
the Revised Code shall be punished as follows: 46176

(i) If the most serious sexually oriented offense that was 46177
the basis of the registration, notice of intent to reside, 46178
change of address notification, or address verification 46179
requirement that was violated under the prohibition is 46180
aggravated murder or murder if committed by an adult or a 46181
comparable category of offense committed in another 46182
jurisdiction, the offender is guilty of a felony of the first 46183
degree. 46184

(ii) If the most serious sexually oriented offense or 46185
child-victim oriented offense that was the basis of the 46186
registration, notice of intent to reside, change of address 46187
notification, or address verification requirement that was 46188
violated under the prohibition is a felony of the first, second, 46189
third, or fourth degree if committed by an adult or a comparable 46190
category of offense committed in another jurisdiction, the 46191
offender is guilty of a felony of the same degree as the most 46192
serious sexually oriented offense or child-victim oriented 46193
offense that was the basis of the registration, notice of intent 46194
to reside, change of address, or address verification 46195
requirement that was violated under the prohibition, or, if the 46196
most serious sexually oriented offense or child-victim oriented 46197

offense that was the basis of the registration, notice of intent 46198
to reside, change of address, or address verification 46199
requirement that was violated under the prohibition is a 46200
comparable category of offense committed in another 46201
jurisdiction, the offender is guilty of a felony of the same 46202
degree as that offense committed in the other jurisdiction would 46203
constitute if committed in this state. 46204

(iii) If the most serious sexually oriented offense or 46205
child-victim oriented offense that was the basis of the 46206
registration, notice of intent to reside, change of address 46207
notification, or address verification requirement that was 46208
violated under the prohibition is a felony of the fifth degree 46209
or a misdemeanor if committed by an adult or a comparable 46210
category of offense committed in another jurisdiction, the 46211
offender is guilty of a felony of the fourth degree. 46212

(b) If the offender previously has been convicted of or 46213
pleaded guilty to, or previously has been adjudicated a 46214
delinquent child for committing, a violation of a prohibition in 46215
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 46216
Code, whoever violates a prohibition in section 2950.04, 46217
2950.041, 2950.05, or 2950.06 of the Revised Code shall be 46218
punished as follows: 46219

(i) If the most serious sexually oriented offense that was 46220
the basis of the registration, notice of intent to reside, 46221
change of address notification, or address verification 46222
requirement that was violated under the prohibition is 46223
aggravated murder or murder if committed by an adult or a 46224
comparable category of offense committed in another 46225
jurisdiction, the offender is guilty of a felony of the first 46226
degree. 46227

(ii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a felony of the first, second, or third degree if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree as the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address, or address verification requirement that was violated under the prohibition, or, if the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address, or address verification requirement that was violated under the prohibition is a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the same degree as that offense committed in the other jurisdiction would constitute if committed in this state.

(iii) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address notification, or address verification requirement that was violated under the prohibition is a felony of the fourth or fifth degree if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the third degree.

(iv) If the most serious sexually oriented offense or child-victim oriented offense that was the basis of the registration, notice of intent to reside, change of address

notification, or address verification requirement that was 46259
violated under the prohibition is a misdemeanor if committed by 46260
an adult or a comparable category of offense committed in 46261
another jurisdiction, the offender is guilty of a felony of the 46262
fourth degree. 46263

(2) (a) In addition to any penalty or sanction imposed 46264
under division (A) (1) of this section or any other provision of 46265
law for a violation of a prohibition in section 2950.04, 46266
2950.041, 2950.05, or 2950.06 of the Revised Code, if the 46267
offender or delinquent child is subject to a community control 46268
sanction, is on parole, is subject to one or more post-release 46269
control sanctions, or is subject to any other type of supervised 46270
release at the time of the violation, the violation shall 46271
constitute a violation of the terms and conditions of the 46272
community control sanction, parole, post-release control 46273
sanction, or other type of supervised release. 46274

(b) In addition to any penalty or sanction imposed under 46275
division (A) (1) (b) (i), (ii), or (iii) of this section or any 46276
other provision of law for a violation of a prohibition in 46277
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 46278
Code, if the offender previously has been convicted of or 46279
pleaded guilty to, or previously has been adjudicated a 46280
delinquent child for committing, a violation of a prohibition in 46281
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 46282
Code when the most serious sexually oriented offense or child- 46283
victim oriented offense that was the basis of the requirement 46284
that was violated under the prohibition is a felony if committed 46285
by an adult or a comparable category of offense committed in 46286
another jurisdiction, the court imposing a sentence upon the 46287
offender shall impose a definite prison term of no less than 46288
three years. The definite prison term imposed under this 46289

~~section, subject to divisions (C) to (I) of section 2967.19 of~~ 46290
~~the Revised Code,~~ shall not be reduced to less than three years 46291
pursuant to any provision of Chapter 2967. or any other 46292
provision of the Revised Code. 46293

(3) As used in division (A) (1) of this section, 46294
"comparable category of offense committed in another 46295
jurisdiction" means a sexually oriented offense or child-victim 46296
oriented offense that was the basis of the registration, notice 46297
of intent to reside, change of address notification, or address 46298
verification requirement that was violated, that is a violation 46299
of an existing or former law of another state or the United 46300
States, an existing or former law applicable in a military court 46301
or in an Indian tribal court, or an existing or former law of 46302
any nation other than the United States, and that, if it had 46303
been committed in this state, would constitute or would have 46304
constituted aggravated murder or murder for purposes of division 46305
(A) (1) (a) (i) of this section, a felony of the first, second, 46306
third, or fourth degree for purposes of division (A) (1) (a) (ii) 46307
of this section, a felony of the fifth degree or a misdemeanor 46308
for purposes of division (A) (1) (a) (iii) of this section, 46309
aggravated murder or murder for purposes of division (A) (1) (b) 46310
(i) of this section, a felony of the first, second, or third 46311
degree for purposes of division (A) (1) (b) (ii) of this section, a 46312
felony of the fourth or fifth degree for purposes of division 46313
(A) (1) (b) (iii) of this section, or a misdemeanor for purposes of 46314
division (A) (1) (b) (iv) of this section. 46315

(B) If a person violates a prohibition in section 2950.04, 46316
2950.041, 2950.05, or 2950.06 of the Revised Code that applies 46317
to the person as a result of the person being adjudicated a 46318
delinquent child and being classified a juvenile offender 46319
registrant or an out-of-state juvenile offender registrant, both 46320

of the following apply: 46321

(1) If the violation occurs while the person is under 46322
eighteen years of age, the person is subject to proceedings 46323
under Chapter 2152. of the Revised Code based on the violation. 46324

(2) If the violation occurs while the person is eighteen 46325
years of age or older, the person is subject to criminal 46326
prosecution based on the violation. 46327

(C) Whoever violates division (C) of section 2950.13 of 46328
the Revised Code is guilty of a misdemeanor of the first degree. 46329

Sec. 2953.09. (A) (1) Upon filing an appeal in the supreme 46330
court, the execution of the sentence or judgment imposed in 46331
cases of felony is suspended. 46332

(2) (a) If a notice of appeal is filed pursuant to the 46333
Rules of Appellate Procedure by a defendant who is convicted in 46334
a municipal or county court or a court of common pleas of a 46335
felony or misdemeanor under the Revised Code or an ordinance of 46336
a municipal corporation, the filing of the notice of appeal does 46337
not suspend execution of the sentence or judgment imposed. 46338
However, consistent with divisions (A) (2) (b), (B), and (C) of 46339
this section, Appellate Rule 8, and Criminal Rule 46, the 46340
municipal or county court, court of common pleas, or court of 46341
appeals may suspend execution of the sentence or judgment 46342
imposed during the pendency of the appeal and shall determine 46343
whether that defendant is entitled to bail and the amount and 46344
nature of any bail that is required. The bail shall at least be 46345
conditioned that the defendant will prosecute the appeal without 46346
delay and abide by the judgment and sentence of the court. 46347

(b) (i) A court of common pleas or court of appeals may 46348
suspend the execution of a sentence of death imposed for an 46349

offense committed before January 1, 1995, only if no date for 46350
execution has been set by the supreme court, good cause is shown 46351
for the suspension, the defendant files a motion requesting the 46352
suspension, and notice has been given to the prosecuting 46353
attorney of the appropriate county. 46354

(ii) A court of common pleas may suspend the execution of 46355
a sentence of death imposed for an offense committed on or after 46356
January 1, 1995, only if no date for execution has been set by 46357
the supreme court, good cause is shown, the defendant files a 46358
motion requesting the suspension, and notice has been given to 46359
the prosecuting attorney of the appropriate county. 46360

(iii) A court of common pleas or court of appeals may 46361
suspend the execution of the sentence or judgment imposed for a 46362
felony in a capital case in which a sentence of death is not 46363
imposed only if no date for execution of the sentence has been 46364
set by the supreme court, good cause is shown for the 46365
suspension, the defendant files a motion requesting the 46366
suspension, and only after notice has been given to the 46367
prosecuting attorney of the appropriate county. 46368

(B) Notwithstanding any provision of Criminal Rule 46 to 46369
the contrary, a trial judge of a court of common pleas shall not 46370
release on bail pursuant to division (A) (2) (a) of this section a 46371
defendant who is convicted of aailable offense if the 46372
defendant is sentenced to imprisonment for life or if that 46373
offense is a violation of section 2903.01, 2903.02, 2903.03, 46374
2903.04, 2903.11, 2905.01, 2905.02, 2905.11, 2907.011, 2907.02, 46375
2909.02, 2911.01, 2911.02, or ~~2911.11~~2911.03 of the Revised 46376
Code or is felonious sexual penetration in violation of former 46377
section 2907.12 of the Revised Code. 46378

(C) If a trial judge of a court of common pleas is 46379

prohibited by division (B) of this section from releasing on 46380
bail pursuant to division (A)(2)(a) of this section a defendant 46381
who is convicted of a bailable offense and not sentenced to 46382
imprisonment for life, the appropriate court of appeals or two 46383
judges of it, upon motion of the defendant and for good cause 46384
shown, may release the defendant on bail in accordance with 46385
division (A)(2) of this section. 46386

Sec. 2967.12. (A) Except as provided in division (G) of 46387
this section, at least sixty days before the adult parole 46388
authority recommends any pardon or commutation of sentence, or 46389
grants any parole, the authority shall provide a notice of the 46390
pendency of the pardon, commutation, or parole, setting forth 46391
the name of the person on whose behalf it is made, the offense 46392
of which the person was convicted or to which the person pleaded 46393
guilty, the time of conviction or the guilty plea, and the term 46394
of the person's sentence, to the prosecuting attorney and the 46395
judge of the court of common pleas of the county in which the 46396
indictment against the person was found. If there is more than 46397
one judge of that court of common pleas, the authority shall 46398
provide the notice to the presiding judge. Upon the request of 46399
the prosecuting attorney or of any law enforcement agency, the 46400
authority shall provide to the requesting prosecuting attorney 46401
and law enforcement agencies an institutional summary report 46402
that covers the subject person's participation while confined in 46403
a state correctional institution in training, work, and other 46404
rehabilitative activities and any disciplinary action taken 46405
against the person while so confined. The department of 46406
rehabilitation and correction may utilize electronic means to 46407
provide this notice. The department of rehabilitation and 46408
correction, at the same time that it provides the notice to the 46409
prosecuting attorney and judge under this division, also shall 46410

post on the database it maintains pursuant to section 5120.66 of 46411
the Revised Code the offender's name and all of the information 46412
specified in division (A) (1) (c) (iii) of that section. 46413

(B) If a request for notification has been made pursuant 46414
to section 2930.16 of the Revised Code or if division (H) of 46415
this section applies, the office of victim services or the adult 46416
parole authority also shall provide notice to the victim or the 46417
victim's representative at least sixty days prior to 46418
recommending any pardon or commutation of sentence for, or 46419
granting any parole to, the person. The notice shall include the 46420
information required by division (A) of this section and may be 46421
provided by telephone or through electronic means. The notice 46422
also shall inform the victim or the victim's representative that 46423
the victim or representative may send a written statement 46424
relative to the victimization and the pending action to the 46425
adult parole authority and that, if the authority receives any 46426
written statement prior to recommending a pardon or commutation 46427
or granting a parole for a person, the authority will consider 46428
the statement before it recommends a pardon or commutation or 46429
grants a parole. If the person is being considered for parole, 46430
the notice shall inform the victim or the victim's 46431
representative that a full board hearing of the parole board may 46432
be held and that the victim or victim's representative may 46433
contact the office of victims' services for further information. 46434
If the person being considered for parole was convicted of or 46435
pleaded guilty to a violation of section 2903.01 or 2903.02 of 46436
the Revised Code, an offense of violence that is a felony of the 46437
first, second, or third degree, or an offense punished by a 46438
sentence of life imprisonment, the notice shall inform the 46439
victim of that offense, the victim's representative, or a member 46440
of the victim's immediate family that the victim, the victim's 46441

representative, and the victim's immediate family have the right 46442
to give testimony at a full board hearing of the parole board 46443
and that the victim or victim's representative may contact the 46444
office of victims' services for further information. 46445

(C) When notice of the pendency of any pardon, commutation 46446
of sentence, or parole has been provided to a judge or 46447
prosecutor or posted on the database as required in division (A) 46448
of this section and a hearing on the pardon, commutation, or 46449
parole is continued to a date certain, the authority shall 46450
provide notice of the further consideration of the pardon, 46451
commutation, or parole at least sixty days before the further 46452
consideration. The notice of the further consideration shall be 46453
provided to the proper judge and prosecuting attorney at least 46454
sixty days before the further consideration, and may be provided 46455
using electronic means, and, if the initial notice was posted on 46456
the database as provided in division (A) of this section, the 46457
notice of the further consideration shall be posted on the 46458
database at least sixty days before the further consideration. 46459
If the prosecuting attorney or a law enforcement agency was 46460
provided a copy of the institutional summary report relative to 46461
the subject person under division (A) of this section, the 46462
authority shall include with the notice of the further 46463
consideration sent to the prosecuting attorney any new 46464
information with respect to the person that relates to 46465
activities and actions of the person that are of a type covered 46466
by the report and shall send to the law enforcement agency a 46467
report that provides notice of the further consideration and 46468
includes any such new information with respect to the person. 46469
When notice of the pendency of any pardon, commutation, or 46470
parole has been given as provided in division (B) of this 46471
section and the hearing on it is continued to a date certain, 46472

the authority shall give notice of the further consideration to 46473
the victim or the victim's representative in accordance with 46474
section 2930.03 of the Revised Code. 46475

(D) In case of an application for the pardon or 46476
commutation of sentence of a person sentenced to capital 46477
punishment, the governor may modify the requirements of 46478
notification and publication if there is not sufficient time for 46479
compliance with the requirements before the date fixed for the 46480
execution of sentence. 46481

(E) If an offender is serving a prison term imposed under 46482
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 46483
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 46484
Code and if the parole board terminates its control over the 46485
offender's service of that term pursuant to section 2971.04 of 46486
the Revised Code, the parole board immediately shall provide 46487
written notice of its termination of control or the transfer of 46488
control to the entities and persons specified in section 2971.04 46489
of the Revised Code. 46490

(F) The failure of the adult parole authority to comply 46491
with the notice or posting provisions of division (A), (B), or 46492
(C) of this section or the failure of the parole board to comply 46493
with the notice provisions of division (E) of this section do 46494
not give any rights or any grounds for appeal or post-conviction 46495
relief to the person serving the sentence. 46496

(G) Divisions (A), (B), and (C) of this section do not 46497
apply to any release of a person that is of the type described 46498
in division (B) (2) (b) of section 5120.031 of the Revised Code. 46499

(H) If a defendant is incarcerated for the commission of 46500
aggravated murder, murder, or an offense of violence that is a 46501

felony of the first, second, or third degree or is under a 46502
sentence of life imprisonment, except as otherwise provided in 46503
this division, the notice described in division (B) of this 46504
section shall be given to the victim or victim's representative 46505
regardless of whether the victim or victim's representative has 46506
made a request for notification. The notice described in 46507
division (B) of this section shall not be given under this 46508
division to a victim or victim's representative if the victim or 46509
victim's representative has requested pursuant to division (B) 46510
(2) of section 2930.03 of the Revised Code that the victim or 46511
the victim's representative not be provided the notice. The 46512
notice described in division (B) of this section does not have 46513
to be given under this division to a victim or victim's 46514
representative if notice was given to the victim or victim's 46515
representative with respect to at least two prior considerations 46516
of pardon, commutation, or parole of a person and the victim or 46517
victim's representative did not provide any written statement 46518
relative to the victimization and the pending action, did not 46519
attend any hearing conducted relative to the pending action, and 46520
did not otherwise respond to the office with respect to the 46521
pending action. Regardless of whether the victim or victim's 46522
representative has requested that the notice described in 46523
division (B) of this section be provided or not be provided, the 46524
office of victim services or adult parole authority shall give 46525
similar notice to the law enforcement agency that arrested the 46526
defendant if any officer of that agency was a victim of the 46527
offense and to any member of the victim's immediate family who 46528
requests notification. If notice is to be given under this 46529
division, the office or authority may give the notice by any 46530
reasonable means, including regular mail, telephone, and 46531
electronic mail, in accordance with division (D)(1) of section 46532
2930.16 of the Revised Code. If the notice is based on an 46533

offense committed prior to ~~the effective date of this amendment~~ 46534
March 22, 2013, the notice to the victim or victim's 46535
representative also shall include the opt-out information 46536
described in division (D) (1) of section 2930.16 of the Revised 46537
Code. The office or authority, in accordance with division (D) 46538
(2) of section 2930.16 of the Revised Code, shall keep a record 46539
of all attempts to provide the notice, and of all notices 46540
provided, under this division. 46541

Division (H) of this section, and the notice-related 46542
provisions of divisions (E) (2) and (K) of section 2929.20, 46543
division (D) (1) of section 2930.16, division (E) (1) (b) of 46544
section 2967.19 as it existed prior to the effective date of 46545
this amendment, division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, 46546
division (D) (1) of section 2967.28, and division (A) (2) of 46547
section 5149.101 of the Revised Code enacted in the act in which 46548
division (H) of this section was enacted, shall be known as 46549
"Roberta's Law." 46550

(I) In addition to and independent of the right of a 46551
victim to make a statement as described in division (A) of this 46552
section or pursuant to section 2930.17 of the Revised Code or to 46553
otherwise make a statement, the authority for a judge or 46554
prosecuting attorney to furnish statements and information, make 46555
recommendations, and give testimony as described in division (A) 46556
of this section, the right of a prosecuting attorney, judge, or 46557
victim to give testimony or submit a statement at a full parole 46558
board hearing pursuant to section 5149.101 of the Revised Code, 46559
and any other right or duty of a person to present information 46560
or make a statement, any person may send to the adult parole 46561
authority at any time prior to the authority's recommending a 46562
pardon or commutation or granting a parole for the offender a 46563
written statement relative to the offense and the pending 46564

action. 46565

(J) As used in this section, "victim's immediate family" 46566
means the mother, father, spouse, sibling, or child of the 46567
victim, provided that in no case does "victim's immediate 46568
family" include the offender with respect to whom the notice in 46569
question applies. 46570

Sec. 2967.13. (A) Except as provided in division (G) of 46571
this section or section 2967.132 of the Revised Code, a prisoner 46572
serving a sentence of imprisonment for life for an offense 46573
committed on or after July 1, 1996, is not entitled to any 46574
earned credit under section 2967.193 of the Revised Code and 46575
becomes eligible for parole as follows: 46576

(1) If a sentence of imprisonment for life was imposed for 46577
the offense of murder, at the expiration of the prisoner's 46578
minimum term; 46579

(2) If a sentence of imprisonment for life with parole 46580
eligibility after serving twenty years of imprisonment was 46581
imposed pursuant to section 2929.022 or 2929.03 of the Revised 46582
Code, after serving a term of twenty years; 46583

(3) If a sentence of imprisonment for life with parole 46584
eligibility after serving twenty-five full years of imprisonment 46585
was imposed pursuant to section 2929.022 or 2929.03 of the 46586
Revised Code, after serving a term of twenty-five full years; 46587

(4) If a sentence of imprisonment for life with parole 46588
eligibility after serving thirty full years of imprisonment was 46589
imposed pursuant to section 2929.022 or 2929.03 of the Revised 46590
Code, after serving a term of thirty full years; 46591

(5) If a sentence of imprisonment for life was imposed for 46592
rape, after serving a term of ten full years' imprisonment; 46593

(6) If a sentence of imprisonment for life with parole eligibility after serving fifteen years of imprisonment was imposed for a violation of section ~~2927.24~~2909.29 of the Revised Code, after serving a term of fifteen years.

(B) Except as provided in division (G) of this section or section 2967.132 of the Revised Code, a prisoner serving a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment or a sentence of imprisonment for life with parole eligibility after serving twenty-five full years or thirty full years of imprisonment imposed pursuant to section 2929.022 or 2929.03 of the Revised Code for an offense committed on or after July 1, 1996, consecutively to any other term of imprisonment, becomes eligible for parole after serving twenty years, twenty full years, or thirty full years, as applicable, as to each such sentence of life imprisonment, which shall not be reduced for earned credits under section 2967.193 of the Revised Code, plus the term or terms of the other sentences consecutively imposed or, if one of the other sentences is another type of life sentence with parole eligibility, the number of years before parole eligibility for that sentence.

(C) Except as provided in division (G) of this section or section 2967.132 of the Revised Code, a prisoner serving consecutively two or more sentences in which an indefinite term of imprisonment is imposed becomes eligible for parole upon the expiration of the aggregate of the minimum terms of the sentences.

(D) Except as provided in division (G) of this section or section 2967.132 of the Revised Code, a prisoner serving a term of imprisonment who is described in division (A) of section

2967.021 of the Revised Code becomes eligible for parole as 46624
described in that division or, if the prisoner is serving a 46625
definite term of imprisonment, shall be released as described in 46626
that division. 46627

(E) Except as provided in section 2967.132 of the Revised 46628
Code, a prisoner serving a sentence of life imprisonment without 46629
parole imposed pursuant to section 2907.02 or section 2929.03 or 46630
2929.06 of the Revised Code is not eligible for parole and shall 46631
be imprisoned until death. 46632

(F) A prisoner serving a stated prison term that is a non- 46633
life felony indefinite prison term shall be released in 46634
accordance with sections 2967.271 and 2967.28 of the Revised 46635
Code. A prisoner serving a stated prison term of any other 46636
nature shall be released in accordance with section 2967.28 of 46637
the Revised Code. 46638

(G) Except as provided in section 2967.132 of the Revised 46639
Code, a prisoner serving a prison term or term of life 46640
imprisonment without parole imposed pursuant to section 2971.03 46641
of the Revised Code never becomes eligible for parole during 46642
that term of imprisonment. 46643

Sec. 2967.16. (A) Except as provided in division (D) of 46644
this section, when a paroled prisoner has faithfully performed 46645
the conditions and obligations of the paroled prisoner's parole 46646
and has obeyed the rules and regulations adopted by the adult 46647
parole authority that apply to the paroled prisoner, the 46648
authority may grant a final release and thereupon shall issue to 46649
the paroled prisoner a certificate of final release that shall 46650
serve as the minutes of the authority, but the authority shall 46651
not grant a final release earlier than one year after the 46652
paroled prisoner is released from the institution on parole, 46653

and, in the case of a paroled prisoner whose sentence is life imprisonment, the authority shall not grant a final release earlier than five years after the paroled prisoner is released from the institution on parole.

(B) (1) When a prisoner who has been released under a period of post-release control pursuant to section 2967.28 of the Revised Code has faithfully performed the conditions and obligations of the released prisoner's post-release control sanctions and has obeyed the rules and regulations adopted by the adult parole authority that apply to the released prisoner or has the period of post-release control terminated by a court pursuant to section 2929.141 of the Revised Code, the authority may terminate the period of post-release control and issue to the released prisoner a certificate of termination, which shall serve as the minutes of the authority. In the case of a prisoner who has been released under a period of post-release control pursuant to division (B) of section 2967.28 of the Revised Code, the authority shall not terminate post-release control earlier than one year after the released prisoner is released from the institution under a period of post-release control. The authority shall classify the termination of post-release control as favorable or unfavorable depending on the offender's conduct and compliance with the conditions of supervision. In the case of a released prisoner whose sentence is life imprisonment, the authority shall not terminate post-release control earlier than five years after the released prisoner is released from the institution under a period of post-release control.

(2) The department of rehabilitation and correction, no later than six months after July 8, 2002, shall adopt a rule in accordance with Chapter 119. of the Revised Code that establishes the criteria for the classification of a post-

release control termination as "favorable" or "unfavorable." 46685

(C) (1) Except as provided in division (C) (2) of this 46686
section, the following prisoners or person shall be restored to 46687
the rights and privileges forfeited by a conviction: 46688

(a) A prisoner who has served the entire prison term that 46689
comprises or is part of the prisoner's sentence and has not been 46690
placed under any post-release control sanctions; 46691

(b) A prisoner who has been granted a final release or 46692
termination of post-release control by the adult parole 46693
authority pursuant to division (A) or (B) of this section; 46694

(c) A person who has completed the period of a community 46695
control sanction or combination of community control sanctions, 46696
as defined in section 2929.01 of the Revised Code, that was 46697
imposed by the sentencing court. 46698

(2) (a) As used in division (C) (2) (c) of this section: 46699

(i) "Position of honor, trust, or profit" has the same 46700
meaning as in section 2929.192 of the Revised Code. 46701

(ii) "Public office" means any elected federal, state, or 46702
local government office in this state. 46703

(b) For purposes of division (C) (2) (c) of this section, a 46704
violation of section 2923.32 of the Revised Code or any other 46705
violation or offense that includes as an element a course of 46706
conduct or the occurrence of multiple acts is "committed on or 46707
after May 13, 2008," if the course of conduct continues, one or 46708
more of the multiple acts occurs, or the subject person's 46709
accountability for the course of conduct or for one or more of 46710
the multiple acts continues, on or after May 13, 2008. 46711

(c) Division (C) (1) of this section does not restore a 46712

prisoner or person to the privilege of holding a position of 46713
honor, trust, or profit if the prisoner or person was convicted 46714
of or pleaded guilty to committing on or after May 13, 2008, any 46715
of the following offenses that is a felony: 46716

(i) A violation of section 2921.02, ~~2921.03~~, 2921.05, 46717
2921.41, 2921.42, or 2923.32 or division (A) of section 2921.03 46718
of the Revised Code; 46719

(ii) A violation of section 2913.42, ~~2921.04~~, 2921.11, 46720
2921.12, 2921.31, or 2921.32 or division (B) of section 2921.03 46721
of the Revised Code, when the person committed the violation 46722
while the person was serving in a public office and the conduct 46723
constituting the violation was related to the duties of the 46724
person's public office or to the person's actions as a public 46725
official holding that public office; 46726

(iii) A violation of an existing or former municipal 46727
ordinance or law of this or any other state or the United States 46728
that is substantially equivalent to any violation listed in 46729
division (C) (2) (c) (i) of this section; 46730

(iv) A violation of an existing or former municipal 46731
ordinance or law of this or any other state or the United States 46732
that is substantially equivalent to any violation listed in 46733
division (C) (2) (c) (ii) of this section, when the person 46734
committed the violation while the person was serving in a public 46735
office and the conduct constituting the violation was related to 46736
the duties of the person's public office or to the person's 46737
actions as a public official holding that public office; 46738

(v) A conspiracy to commit, attempt to commit, or 46739
complicity in committing any offense listed in division (C) (2) 46740
(c) (i) or described in division (C) (2) (c) (iii) of this section; 46741

(vi) A conspiracy to commit, attempt to commit, or 46742
complicity in committing any offense listed in division (C) (2) 46743
(c) (ii) or described in division (C) (2) (c) (iv) of this section, 46744
if the person committed the violation while the person was 46745
serving in a public office and the conduct constituting the 46746
offense that was the subject of the conspiracy, that would have 46747
constituted the offense attempted, or constituting the offense 46748
in which the person was complicit was or would have been related 46749
to the duties of the person's public office or to the person's 46750
actions as a public official holding that public office. 46751

(D) Division (A) of this section does not apply to a 46752
prisoner in the shock incarceration program established pursuant 46753
to section 5120.031 of the Revised Code. 46754

(E) The final release certificate of a parolee and the 46755
certificate of termination of a prisoner shall serve as the 46756
official minutes of the adult parole authority, and the 46757
authority shall consider those certificates as its official 46758
minutes. 46759

Sec. 2967.28. (A) As used in this section: 46760

(1) "Monitored time" means the monitored time sanction 46761
specified in section 2929.17 and defined in section 2929.01 of 46762
the Revised Code. 46763

(2) "Deadly weapon" and "dangerous ordnance" have the same 46764
meanings as in section 2923.11 of the Revised Code. 46765

(3) "Felony sex offense" means a violation of a section 46766
contained in Chapter 2907. of the Revised Code that is a felony. 46767

(4) "Risk reduction sentence" means a prison term imposed 46768
by a court, when the court recommends pursuant to section 46769
2929.143 of the Revised Code that the offender serve the 46770

sentence under section 5120.036 of the Revised Code, and the offender may potentially be released from imprisonment prior to the expiration of the prison term if the offender successfully completes all assessment and treatment or programming required by the department of rehabilitation and correction under section 5120.036 of the Revised Code.

(5) "Victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code.

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

(7) "Single validated risk assessment tool" means the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code.

(B) Each sentence to a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and is not a felony sex offense shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a sentencing court to notify the offender pursuant to division (B) (2) (d) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes

this requirement does not negate, limit, or otherwise affect the 46801
mandatory period of supervision that is required for the 46802
offender under this division. This division applies with respect 46803
to all prison terms of a type described in this division, 46804
including a non-life felony indefinite prison term. Section 46805
2929.191 of the Revised Code applies if, prior to July 11, 2006, 46806
a court imposed a sentence including a prison term of a type 46807
described in this division and failed to notify the offender 46808
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 46809
Code regarding post-release control or to include in the 46810
judgment of conviction entered on the journal or in the sentence 46811
pursuant to division (D) (1) of section 2929.14 of the Revised 46812
Code a statement regarding post-release control. Unless reduced 46813
by the parole board pursuant to division (D) of this section 46814
when authorized under that division, a period of post-release 46815
control required by this division for an offender shall be of 46816
one of the following periods: 46817

(1) For a felony sex offense, five years; 46818

(2) For a felony of the first degree that is not a felony 46819
sex offense, up to five years, but not less than two years; 46820

(3) For a felony of the second degree that is not a felony 46821
sex offense, up to three years, but not less than eighteen 46822
months; 46823

(4) For a felony of the third degree that is an offense of 46824
violence and is not a felony sex offense, up to three years, but 46825
not less than one year. 46826

(C) Any sentence to a prison term for a felony of the 46827
third, fourth, or fifth degree that is not subject to division 46828
(B) (1) or (4) of this section shall include a requirement that 46829

the offender be subject to a period of post-release control of 46830
up to two years after the offender's release from imprisonment, 46831
if the parole board, in accordance with division (D) of this 46832
section, determines that a period of post-release control is 46833
necessary for that offender. This division applies with respect 46834
to all prison terms of a type described in this division, 46835
including a term of any such type that is a risk reduction 46836
sentence. Section 2929.191 of the Revised Code applies if, prior 46837
to July 11, 2006, a court imposed a sentence including a prison 46838
term of a type described in this division and failed to notify 46839
the offender pursuant to division (B) (2) (e) of section 2929.19 46840
of the Revised Code regarding post-release control or to include 46841
in the judgment of conviction entered on the journal or in the 46842
sentence pursuant to division (D) (2) of section 2929.14 of the 46843
Revised Code a statement regarding post-release control. 46844
Pursuant to an agreement entered into under section 2967.29 of 46845
the Revised Code, a court of common pleas or parole board may 46846
impose sanctions or conditions on an offender who is placed on 46847
post-release control under this division. 46848

(D) (1) Before the prisoner is released from imprisonment, 46849
the parole board or, pursuant to an agreement under section 46850
2967.29 of the Revised Code, the court shall impose on a 46851
prisoner described in division (B) of this section, shall impose 46852
on a prisoner described in division (C) of this section who is 46853
to be released before the expiration of the prisoner's stated 46854
prison term under a risk reduction sentence, may impose on a 46855
prisoner described in division (C) of this section who is not to 46856
be released before the expiration of the prisoner's stated 46857
prison term under a risk reduction sentence, and shall impose on 46858
a prisoner described in division (B) (2) (b) of section 5120.031 46859
or in division (B) (1) of section 5120.032 of the Revised Code, 46860

one or more post-release control sanctions to apply during the 46861
prisoner's period of post-release control. Whenever the board or 46862
court imposes one or more post-release control sanctions on a 46863
prisoner, the board or court, in addition to imposing the 46864
sanctions, also shall include as a condition of the post-release 46865
control that the offender not leave the state without permission 46866
of the court or the offender's parole or probation officer and 46867
that the offender abide by the law. The board or court may 46868
impose any other conditions of release under a post-release 46869
control sanction that the board or court considers appropriate, 46870
and the conditions of release may include any community 46871
residential sanction, community nonresidential sanction, or 46872
financial sanction that the sentencing court was authorized to 46873
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 46874
Revised Code. Prior to the release of a prisoner for whom it 46875
will impose one or more post-release control sanctions under 46876
this division, the parole board or court shall review the 46877
prisoner's criminal history, results from the single validated 46878
risk assessment tool, and the record of the prisoner's conduct 46879
while imprisoned. The parole board or court shall consider any 46880
recommendation regarding post-release control sanctions for the 46881
prisoner made by the office of victims' services. After 46882
considering those materials, the board or court shall determine, 46883
for a prisoner described in division (B) of this section, 46884
division (B) (2) (b) of section 5120.031, or division (B) (1) of 46885
section 5120.032 of the Revised Code and for a prisoner 46886
described in division (C) of this section who is to be released 46887
before the expiration of the prisoner's stated prison term under 46888
a risk reduction sentence, which post-release control sanction 46889
or combination of post-release control sanctions is reasonable 46890
under the circumstances or, for a prisoner described in division 46891
(C) of this section who is not to be released before the 46892

expiration of the prisoner's stated prison term under a risk 46893
reduction sentence, whether a post-release control sanction is 46894
necessary and, if so, which post-release control sanction or 46895
combination of post-release control sanctions is reasonable 46896
under the circumstances. In the case of a prisoner convicted of 46897
a felony of the fourth or fifth degree other than a felony sex 46898
offense, the board or court shall presume that monitored time is 46899
the appropriate post-release control sanction unless the board 46900
or court determines that a more restrictive sanction is 46901
warranted. A post-release control sanction imposed under this 46902
division takes effect upon the prisoner's release from 46903
imprisonment. 46904

Regardless of whether the prisoner was sentenced to the 46905
prison term prior to, on, or after July 11, 2006, prior to the 46906
release of a prisoner for whom it will impose one or more post- 46907
release control sanctions under this division, the parole board 46908
shall notify the prisoner that, if the prisoner violates any 46909
sanction so imposed or any condition of post-release control 46910
described in division (B) of section 2967.131 of the Revised 46911
Code that is imposed on the prisoner, the parole board may 46912
impose a prison term of up to one-half of the stated prison term 46913
originally imposed on the prisoner. 46914

At least thirty days before the prisoner is released from 46915
imprisonment under post-release control, except as otherwise 46916
provided in this paragraph, the department of rehabilitation and 46917
correction shall notify the victim and the victim's immediate 46918
family of the date on which the prisoner will be released, the 46919
period for which the prisoner will be under post-release control 46920
supervision, and the terms and conditions of the prisoner's 46921
post-release control regardless of whether the victim or 46922
victim's immediate family has requested the notification. The 46923

notice described in this paragraph shall not be given to a 46924
victim or victim's immediate family if the victim or the 46925
victim's immediate family has requested pursuant to division (B) 46926
(2) of section 2930.03 of the Revised Code that the notice not 46927
be provided to the victim or the victim's immediate family. At 46928
least thirty days before the prisoner is released from 46929
imprisonment and regardless of whether the victim or victim's 46930
immediate family has requested that the notice described in this 46931
paragraph be provided or not be provided to the victim or the 46932
victim's immediate family, the department also shall provide 46933
notice of that nature to the prosecuting attorney in the case 46934
and the law enforcement agency that arrested the prisoner if any 46935
officer of that agency was a victim of the offense. 46936

If the notice given under the preceding paragraph to the 46937
victim or the victim's immediate family is based on an offense 46938
committed prior to March 22, 2013, and if the department of 46939
rehabilitation and correction has not previously successfully 46940
provided any notice to the victim or the victim's immediate 46941
family under division (B), (C), or (D) of section 2930.16 of the 46942
Revised Code with respect to that offense and the offender who 46943
committed it, the notice also shall inform the victim or the 46944
victim's immediate family that the victim or the victim's 46945
immediate family may request that the victim or the victim's 46946
immediate family not be provided any further notices with 46947
respect to that offense and the offender who committed it and 46948
shall describe the procedure for making that request. The 46949
department may give the notices to which the preceding paragraph 46950
applies by any reasonable means, including regular mail, 46951
telephone, and electronic mail. If the department attempts to 46952
provide notice to any specified person under the preceding 46953
paragraph but the attempt is unsuccessful because the department 46954

is unable to locate the specified person, is unable to provide 46955
the notice by its chosen method because it cannot determine the 46956
mailing address, electronic mail address, or telephone number at 46957
which to provide the notice, or, if the notice is sent by mail, 46958
the notice is returned, the department shall make another 46959
attempt to provide the notice to the specified person. If the 46960
second attempt is unsuccessful, the department shall make at 46961
least one more attempt to provide the notice. If the notice is 46962
based on an offense committed prior to March 22, 2013, in each 46963
attempt to provide the notice to the victim or victim's 46964
immediate family, the notice shall include the opt-out 46965
information described in this paragraph. The department, in the 46966
manner described in division (D) (2) of section 2930.16 of the 46967
Revised Code, shall keep a record of all attempts to provide the 46968
notice, and of all notices provided, under this paragraph and 46969
the preceding paragraph. The record shall be considered as if it 46970
was kept under division (D) (2) of section 2930.16 of the Revised 46971
Code. This paragraph, the preceding paragraph, and the notice- 46972
related provisions of divisions (E) (2) and (K) of section 46973
2929.20, division (D) (1) of section 2930.16, division (H) of 46974
section 2967.12, division (E) (1) (b) of section 2967.19 as it 46975
existed prior to the effective date of this amendment, division 46976
~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, and division (A) (2) of 46977
section 5149.101 of the Revised Code enacted in the act in which 46978
this paragraph and the preceding paragraph were enacted, shall 46979
be known as "Roberta's Law." 46980

(2) If a prisoner who is placed on post-release control 46981
under this section is released before the expiration of the 46982
definite term that is the prisoner's stated prison term or the 46983
expiration of the minimum term that is part of the prisoner's 46984
indefinite prison term imposed under a non-life felony 46985

indefinite prison term by reason of credit earned under section 46986
2967.193 or a reduction under division (F) of section 2967.271 46987
of the Revised Code and if the prisoner earned sixty or more 46988
days of credit, the adult parole authority may supervise the 46989
offender with an active global positioning system device for the 46990
first fourteen days after the offender's release from 46991
imprisonment. This division does not prohibit or limit the 46992
imposition of any post-release control sanction otherwise 46993
authorized by this section. 46994

(3) After a prisoner is released from imprisonment and 46995
during the period of post-release control applicable to the 46996
releasee, the adult parole authority or, pursuant to an 46997
agreement under section 2967.29 of the Revised Code, the court 46998
may review the releasee's behavior under the post-release 46999
control sanctions imposed upon the releasee under this section. 47000
The authority or court may determine, based upon the review and 47001
in accordance with the standards established under division (E) 47002
of this section, that the releasee has satisfactorily complied 47003
with the sanctions imposed, and if such a determination is made, 47004
the authority may recommend a less restrictive sanction, reduce 47005
the period of post-release control, or, no sooner than the 47006
minimum period of time required under section 2967.16 of the 47007
Revised Code, recommend that the parole board or court terminate 47008
the duration of the period of post-release control. In no case 47009
shall the board or court reduce the duration of the period of 47010
control imposed for a felony sex offense described in division 47011
(B) (1) of this section. 47012

(4) The department of rehabilitation and correction shall 47013
develop factors that the parole board or court shall consider in 47014
determining under division (D) (3) of this section whether to 47015
terminate the period of control imposed on a releasee . 47016

(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following:

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees;

(2) Establish standards that provide for a period of post-release control of up to two years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control;

(3) Establish standards to be used by the parole board in reducing or terminating the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time on a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction on a releasee based on results from the single validated risk assessment tool and on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or

meeting the terms of other financial sanctions; 47047

(4) Establish standards to be used by the adult parole 47048
authority in modifying a releasee's post-release control 47049
sanctions pursuant to division (D)(2) of this section; 47050

(5) Establish standards to be used by the adult parole 47051
authority or parole board in imposing further sanctions under 47052
division (F) of this section on releasees who violate post- 47053
release control sanctions, including standards that do the 47054
following: 47055

(a) Classify violations according to the degree of 47056
seriousness; 47057

(b) Define the circumstances under which formal action by 47058
the parole board is warranted; 47059

(c) Govern the use of evidence at violation hearings; 47060

(d) Ensure procedural due process to an alleged violator; 47061

(e) Prescribe nonresidential community control sanctions 47062
for most misdemeanor and technical violations; 47063

(f) Provide procedures for the return of a releasee to 47064
imprisonment for violations of post-release control. 47065

(F)(1) Whenever the parole board imposes one or more post- 47066
release control sanctions on an offender under this section, the 47067
offender upon release from imprisonment shall be under the 47068
general jurisdiction of the adult parole authority and generally 47069
shall be supervised by the field services section through its 47070
staff of parole and field officers as described in section 47071
5149.04 of the Revised Code, as if the offender had been placed 47072
on parole. If the offender upon release from imprisonment 47073
violates the post-release control sanction or any conditions 47074

described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.

(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed on the releasee and that a more restrictive sanction is appropriate, the authority or court may impose a more restrictive sanction on the releasee, in accordance with the standards established under division (E) of this section or in accordance with the agreement made under section 2967.29 of the Revised Code, or may report the violation to the parole board for a hearing pursuant to division (F) (3) of this section. The authority or court may not, pursuant to this division, increase the duration of the releasee's post-release control or impose as a post-release control sanction a residential sanction that includes a prison term, but the authority or court may impose on the releasee any other residential sanction, nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code.

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a

hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed upon the releasee. If after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction. If a releasee was acting pursuant to division (B) (2) (b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a post-release control sanction based on a minor drug possession offense as defined in that section, the board or the court may consider the releasee's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the releasee being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in this division. When appropriate, the board or court may impose as a post-release control sanction a residential sanction that includes a prison term. The board or court shall consider a prison term as a post-release control sanction imposed for a violation of post-release control when the violation involves a deadly weapon or dangerous ordnance, physical harm or attempted serious physical harm to a person, or sexual misconduct. Unless a releasee's stated prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division shall not exceed nine months, and the maximum cumulative prison term for all violations under this division shall not exceed one-half of the definite prison term that was the stated prison term originally imposed on the offender as part of this sentence or, with

respect to a stated non-life felony indefinite prison term, one- 47138
half of the minimum prison term that was imposed as part of that 47139
stated prison term originally imposed on the offender. If a 47140
releasee's stated prison term was reduced pursuant to section 47141
5120.032 of the Revised Code, the period of a prison term that 47142
is imposed as a post-release control sanction under this 47143
division and the maximum cumulative prison term for all 47144
violations under this division shall not exceed the period of 47145
time not served in prison under the sentence imposed by the 47146
court. The period of a prison term that is imposed as a post- 47147
release control sanction under this division shall not count as, 47148
or be credited toward, the remaining period of post-release 47149
control. If, during the period of the releasee's post-release 47150
control, the releasee serves as a post-release control sanction 47151
the maximum prison time available as a sanction, the post- 47152
release control shall terminate. 47153

If an offender is imprisoned for a felony committed while 47154
under post-release control supervision and is again released on 47155
post-release control for a period of time, the maximum 47156
cumulative prison term for all violations under this division 47157
shall not exceed one-half of the total stated prison terms of 47158
the earlier felony, reduced by any prison term administratively 47159
imposed by the parole board or court, plus one-half of the total 47160
stated prison term of the new felony. 47161

(G) (1) If an offender is simultaneously subject to a 47162
period of parole under an indefinite or life sentence and a 47163
period of post-release control, or is simultaneously subject to 47164
two periods of post-release control, the period of supervision 47165
that expires last shall determine the length and form of 47166
supervision for all the periods and the related sentences. 47167

(2) An offender shall receive credit for post-release control supervision during the period of parole, and shall not be eligible for final release under section 2967.16 of the Revised Code until the post-release control period otherwise would have ended.

(3) If the period of parole ends prior to the end of the period of post-release control, the requirements of parole supervision shall be satisfied during the post-release control period.

(H) (1) A period of post-release control shall not be imposed consecutively to any other post-release control period.

(2) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

Sec. 2971.01. As used in this chapter:

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

(B) "Designated homicide, assault, or kidnapping offense" means any of the following:

(1) A violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code or a violation of division (A) of section 2903.04 of the Revised Code;

(2) An attempt to commit or complicity in committing a violation listed in division (B) (1) of this section, if the

attempt or complicity is a felony. 47196

(C) "Examiner" has the same meaning as in section 2945.371 47197
of the Revised Code. 47198

(D) "Peace officer" has the same meaning as in section 47199
2935.01 of the Revised Code. 47200

(E) "Prosecuting attorney" means the prosecuting attorney 47201
who prosecuted the case of the offender in question or the 47202
successor in office to that prosecuting attorney. 47203

(F) "Sexually oriented offense" and "child-victim oriented 47204
offense" have the same meanings as in section 2950.01 of the 47205
Revised Code. 47206

(G) "Sexually violent offense" means any of the following: 47207

(1) A violent sex offense; 47208

(2) A designated homicide, assault, or kidnapping offense 47209
that the offender commits with a sexual motivation. 47210

(H) (1) "Sexually violent predator" means a person who, on 47211
or after January 1, 1997, commits a sexually violent offense and 47212
is likely to engage in the future in one or more sexually 47213
violent offenses. 47214

(2) For purposes of division (H) (1) of this section, any 47215
of the following factors may be considered as evidence tending 47216
to indicate that there is a likelihood that the person will 47217
engage in the future in one or more sexually violent offenses: 47218

(a) The person has been convicted two or more times, in 47219
separate criminal actions, of a sexually oriented offense or a 47220
child-victim oriented offense. For purposes of this division, 47221
convictions that result from or are connected with the same act 47222

or result from offenses committed at the same time are one 47223
conviction, and a conviction set aside pursuant to law is not a 47224
conviction. 47225

(b) The person has a documented history from childhood, 47226
into the juvenile developmental years, that exhibits sexually 47227
deviant behavior. 47228

(c) Available information or evidence suggests that the 47229
person chronically commits offenses with a sexual motivation. 47230

(d) The person has committed one or more offenses in which 47231
the person has tortured or engaged in ritualistic acts with one 47232
or more victims. 47233

(e) The person has committed one or more offenses in which 47234
one or more victims were physically harmed to the degree that 47235
the particular victim's life was in jeopardy. 47236

(f) Any other relevant evidence. 47237

(I) "Sexually violent predator specification" means a 47238
specification, as described in section 2941.148 of the Revised 47239
Code, that charges that a person charged with a violent sex 47240
offense, or a person charged with a designated homicide, 47241
assault, or kidnapping offense and a sexual motivation 47242
specification, is a sexually violent predator. 47243

(J) "Sexual motivation" means a purpose to gratify the 47244
sexual needs or desires of the offender. 47245

(K) "Sexual motivation specification" means a 47246
specification, as described in section 2941.147 of the Revised 47247
Code, that charges that a person charged with a designated 47248
homicide, assault, or kidnapping offense committed the offense 47249
with a sexual motivation. 47250

(L) "Violent sex offense" means any of the following:	47251
(1) A violation of section <u>2907.011</u> , 2907.02, 2907.03, or 2907.12 or of division (A) (4) or (B) of section 2907.05 of the Revised Code;	47252 47253 47254
(2) A felony violation of a former law of this state that is substantially equivalent to a violation listed in division (L) (1) of this section or of an existing or former law of the United States or of another state that is substantially equivalent to a violation listed in division (L) (1) of this section;	47255 47256 47257 47258 47259 47260
(3) An attempt to commit or complicity in committing a violation listed in division (L) (1) or (2) of this section if the attempt or complicity is a felony.	47261 47262 47263
Sec. 3109.50. As used in sections 3109.501 to 3109.507 of the Revised Code:	47264 47265
(A) "Parental rights" means parental rights and responsibilities, parenting time, or any other similar right established by the laws of this state with respect to a child. "Parental rights" does not include the parental duty of support for a child.	47266 47267 47268 47269 47270
(B) "Rape" means a violation of section <u>2907.011 or</u> 2907.02 of the Revised Code or similar law of another state.	47271 47272
(C) "Sexual battery" means a violation of section 2907.03 of the Revised Code or similar law of another state.	47273 47274
Sec. 3111.04. (A) (1) Except as provided in division (A) (2) of this section, an action to determine the existence or nonexistence of the father and child relationship may be brought by the child or the child's personal representative, the child's	47275 47276 47277 47278

mother or her personal representative, a man alleged or alleging 47279
himself to be the child's father, the child support enforcement 47280
agency of the county in which the child resides if the child's 47281
mother, father, or alleged father is a recipient of public 47282
assistance or of services under Title IV-D of the "Social 47283
Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as 47284
amended, or the alleged father's personal representative. 47285

(2) A man alleged or alleging himself to be the child's 47286
father is not eligible to file an action under division (A) (1) 47287
of this section if the man was convicted of or pleaded guilty to 47288
rape or sexual battery, the victim of the rape or sexual battery 47289
was the child's mother, and the child was conceived as a result 47290
of the rape or sexual battery. 47291

(B) An agreement does not bar an action under this 47292
section. 47293

(C) If an action under this section is brought before the 47294
birth of the child and if the action is contested, all 47295
proceedings, except service of process and the taking of 47296
depositions to perpetuate testimony, may be stayed until after 47297
the birth. 47298

(D) A recipient of public assistance or of services under 47299
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 47300
42 U.S.C.A. 651, as amended, shall cooperate with the child 47301
support enforcement agency of the county in which a child 47302
resides to obtain an administrative determination pursuant to 47303
sections 3111.38 to 3111.54 of the Revised Code, or, if 47304
necessary, a court determination pursuant to sections 3111.01 to 47305
3111.18 of the Revised Code, of the existence or nonexistence of 47306
a parent and child relationship between the father and the 47307
child. If the recipient fails to cooperate, the agency may 47308

commence an action to determine the existence or nonexistence of 47309
a parent and child relationship between the father and the child 47310
pursuant to sections 3111.01 to 3111.18 of the Revised Code. 47311

(E) As used in this section: 47312

(1) "Public assistance" means both of the following: 47313

(a) Medicaid; 47314

(b) Ohio works first under Chapter 5107. of the Revised 47315
Code. 47316

(2) "Rape" means a violation of section 2907.011 or 47317
2907.02 of the Revised Code or similar law of another state. 47318

(3) "Sexual battery" means a violation of section 2907.03 47319
of the Revised Code or similar law of another state. 47320

Sec. 3301.32. (A) (1) The chief administrator of any head 47321
start agency shall request the superintendent of the bureau of 47322
criminal identification and investigation to conduct a criminal 47323
records check with respect to any applicant who has applied to 47324
the head start agency for employment as a person responsible for 47325
the care, custody, or control of a child. If the applicant does 47326
not present proof that the applicant has been a resident of this 47327
state for the five-year period immediately prior to the date 47328
upon which the criminal records check is requested or does not 47329
provide evidence that within that five-year period the 47330
superintendent has requested information about the applicant 47331
from the federal bureau of investigation in a criminal records 47332
check, the chief administrator shall request that the 47333
superintendent obtain information from the federal bureau of 47334
investigation as a part of the criminal records check for the 47335
applicant. If the applicant presents proof that the applicant 47336
has been a resident of this state for that five-year period, the 47337

chief administrator may request that the superintendent include 47338
information from the federal bureau of investigation in the 47339
criminal records check. 47340

(2) Any person required by division (A)(1) of this section 47341
to request a criminal records check shall provide to each 47342
applicant a copy of the form prescribed pursuant to division (C) 47343
(1) of section 109.572 of the Revised Code, provide to each 47344
applicant a standard impression sheet to obtain fingerprint 47345
impressions prescribed pursuant to division (C)(2) of section 47346
109.572 of the Revised Code, obtain the completed form and 47347
impression sheet from each applicant, and forward the completed 47348
form and impression sheet to the superintendent of the bureau of 47349
criminal identification and investigation at the time the chief 47350
administrator requests a criminal records check pursuant to 47351
division (A)(1) of this section. 47352

(3) Any applicant who receives pursuant to division (A)(2) 47353
of this section a copy of the form prescribed pursuant to 47354
division (C)(1) of section 109.572 of the Revised Code and a 47355
copy of an impression sheet prescribed pursuant to division (C) 47356
(2) of that section and who is requested to complete the form 47357
and provide a set of fingerprint impressions shall complete the 47358
form or provide all the information necessary to complete the 47359
form and shall provide the impression sheets with the 47360
impressions of the applicant's fingerprints. If an applicant, 47361
upon request, fails to provide the information necessary to 47362
complete the form or fails to provide impressions of the 47363
applicant's fingerprints, the head start agency shall not employ 47364
that applicant for any position for which a criminal records 47365
check is required by division (A)(1) of this section. 47366

(B)(1) Except as provided in rules adopted by the director 47367

of job and family services in accordance with division (E) of 47368
this section, no head start agency shall employ a person as a 47369
person responsible for the care, custody, or control of a child 47370
if the person previously has been convicted of or pleaded guilty 47371
to any of the following: 47372

(a) A violation of section 2903.01, 2903.02, 2903.03, 47373
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 47374
2905.01, 2905.02, 2905.05, 2907.011, 2907.02, 2907.03, 2907.04, 47375
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 47376
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 47377
2907.323, 2911.01, 2911.02, ~~2911.11, 2911.12~~, 2911.03, 2911.04, 47378
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 47379
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 47380
Revised Code, a violation of section 2905.04 of the Revised Code 47381
as it existed prior to July 1, 1996, a violation of section 47382
2919.23 of the Revised Code that would have been a violation of 47383
section 2905.04 of the Revised Code as it existed prior to July 47384
1, 1996, had the violation occurred prior to that date, a 47385
violation of section 2925.11 of the Revised Code that is not a 47386
minor drug possession offense, or felonious sexual penetration 47387
in violation of former section 2907.12 of the Revised Code; 47388

(b) A violation of an existing or former law of this 47389
state, any other state, or the United States that is 47390
substantially equivalent to any of the offenses or violations 47391
described in division (B) (1) (a) of this section. 47392

(2) A head start agency may employ an applicant 47393
conditionally until the criminal records check required by this 47394
section is completed and the agency receives the results of the 47395
criminal records check. If the results of the criminal records 47396
check indicate that, pursuant to division (B) (1) of this 47397

section, the applicant does not qualify for employment, the 47398
agency shall release the applicant from employment. 47399

(C) (1) Each head start agency shall pay to the bureau of 47400
criminal identification and investigation the fee prescribed 47401
pursuant to division (C) (3) of section 109.572 of the Revised 47402
Code for each criminal records check conducted in accordance 47403
with that section upon the request pursuant to division (A) (1) 47404
of this section of the chief administrator of the head start 47405
agency. 47406

(2) A head start agency may charge an applicant a fee for 47407
the costs it incurs in obtaining a criminal records check under 47408
this section. A fee charged under this division shall not exceed 47409
the amount of fees the agency pays under division (C) (1) of this 47410
section. If a fee is charged under this division, the agency 47411
shall notify the applicant at the time of the applicant's 47412
initial application for employment of the amount of the fee and 47413
that, unless the fee is paid, the head start agency will not 47414
consider the applicant for employment. 47415

(D) The report of any criminal records check conducted by 47416
the bureau of criminal identification and investigation in 47417
accordance with section 109.572 of the Revised Code and pursuant 47418
to a request made under division (A) (1) of this section is not a 47419
public record for the purposes of section 149.43 of the Revised 47420
Code and shall not be made available to any person other than 47421
the applicant who is the subject of the criminal records check 47422
or the applicant's representative, the head start agency 47423
requesting the criminal records check or its representative, and 47424
any court, hearing officer, or other necessary individual 47425
involved in a case dealing with the denial of employment to the 47426
applicant. 47427

(E) The director of job and family services shall adopt 47428
rules pursuant to Chapter 119. of the Revised Code to implement 47429
this section, including rules specifying circumstances under 47430
which a head start agency may hire a person who has been 47431
convicted of an offense listed in division (B)(1) of this 47432
section but who meets standards in regard to rehabilitation set 47433
by the director. 47434

(F) Any person required by division (A)(1) of this section 47435
to request a criminal records check shall inform each person, at 47436
the time of the person's initial application for employment, 47437
that the person is required to provide a set of impressions of 47438
the person's fingerprints and that a criminal records check is 47439
required to be conducted and satisfactorily completed in 47440
accordance with section 109.572 of the Revised Code if the 47441
person comes under final consideration for appointment or 47442
employment as a precondition to employment for that position. 47443

(G) As used in this section: 47444

(1) "Applicant" means a person who is under final 47445
consideration for appointment or employment in a position with a 47446
head start agency as a person responsible for the care, custody, 47447
or control of a child. 47448

(2) "Head start agency" means an entity in this state that 47449
has been approved to be an agency for purposes of the "Head 47450
Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 47451

(3) "Criminal records check" has the same meaning as in 47452
section 109.572 of the Revised Code. 47453

(4) "Minor drug possession offense" has the same meaning 47454
as in section 2925.01 of the Revised Code. 47455

Sec. 3301.541. (A)(1) The director, head teacher, 47456

elementary principal, or site administrator of a preschool 47457
program shall request the superintendent of the bureau of 47458
criminal identification and investigation to conduct a criminal 47459
records check with respect to any applicant who has applied to 47460
the preschool program for employment as a person responsible for 47461
the care, custody, or control of a child. If the applicant does 47462
not present proof that the applicant has been a resident of this 47463
state for the five-year period immediately prior to the date 47464
upon which the criminal records check is requested or does not 47465
provide evidence that within that five-year period the 47466
superintendent has requested information about the applicant 47467
from the federal bureau of investigation in a criminal records 47468
check, the director, head teacher, or elementary principal shall 47469
request that the superintendent obtain information from the 47470
federal bureau of investigation as a part of the criminal 47471
records check for the applicant. If the applicant presents proof 47472
that the applicant has been a resident of this state for that 47473
five-year period, the director, head teacher, or elementary 47474
principal may request that the superintendent include 47475
information from the federal bureau of investigation in the 47476
criminal records check. 47477

(2) Any director, head teacher, elementary principal, or 47478
site administrator required by division (A) (1) of this section 47479
to request a criminal records check shall provide to each 47480
applicant a copy of the form prescribed pursuant to division (C) 47481
(1) of section 109.572 of the Revised Code, provide to each 47482
applicant a standard impression sheet to obtain fingerprint 47483
impressions prescribed pursuant to division (C) (2) of section 47484
109.572 of the Revised Code, obtain the completed form and 47485
impression sheet from each applicant, and forward the completed 47486
form and impression sheet to the superintendent of the bureau of 47487

criminal identification and investigation at the time the person 47488
requests a criminal records check pursuant to division (A) (1) of 47489
this section. 47490

(3) Any applicant who receives pursuant to division (A) (2) 47491
of this section a copy of the form prescribed pursuant to 47492
division (C) (1) of section 109.572 of the Revised Code and a 47493
copy of an impression sheet prescribed pursuant to division (C) 47494
(2) of that section and who is requested to complete the form 47495
and provide a set of fingerprint impressions shall complete the 47496
form or provide all the information necessary to complete the 47497
form and provide the impression sheet with the impressions of 47498
the applicant's fingerprints. If an applicant, upon request, 47499
fails to provide the information necessary to complete the form 47500
or fails to provide impressions of the applicant's fingerprints, 47501
the preschool program shall not employ that applicant for any 47502
position for which a criminal records check is required by 47503
division (A) (1) of this section. 47504

(B) (1) Except as provided in rules adopted by the 47505
department of education in accordance with division (E) of this 47506
section, no preschool program shall employ a person as a person 47507
responsible for the care, custody, or control of a child if the 47508
person previously has been convicted of or pleaded guilty to any 47509
of the following: 47510

(a) A violation of section 2903.01, 2903.02, 2903.03, 47511
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 47512
2905.01, 2905.02, 2905.05, 2907.011, 2907.02, 2907.03, 2907.04, 47513
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 47514
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 47515
2907.323, 2911.01, 2911.02, ~~2911.11, 2911.12, 2911.03, 2911.04,~~ 47516
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 47517

2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B) (1) (a) of this section.

(2) A preschool program may employ an applicant conditionally until the criminal records check required by this section is completed and the preschool program receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B) (1) of this section, the applicant does not qualify for employment, the preschool program shall release the applicant from employment.

(C) (1) Each preschool program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A) (1) of this section of the director, head teacher, elementary principal, or site administrator of the preschool program.

(2) A preschool program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under

this section. A fee charged under this division shall not exceed 47548
the amount of fees the preschool program pays under division (C) 47549
(1) of this section. If a fee is charged under this division, 47550
the preschool program shall notify the applicant at the time of 47551
the applicant's initial application for employment of the amount 47552
of the fee and that, unless the fee is paid, the applicant will 47553
not be considered for employment. 47554

(D) The report of any criminal records check conducted by 47555
the bureau of criminal identification and investigation in 47556
accordance with section 109.572 of the Revised Code and pursuant 47557
to a request under division (A) (1) of this section is not a 47558
public record for the purposes of section 149.43 of the Revised 47559
Code and shall not be made available to any person other than 47560
the applicant who is the subject of the criminal records check 47561
or the applicant's representative, the preschool program 47562
requesting the criminal records check or its representative, and 47563
any court, hearing officer, or other necessary individual in a 47564
case dealing with the denial of employment to the applicant. 47565

(E) The department of education shall adopt rules pursuant 47566
to Chapter 119. of the Revised Code to implement this section, 47567
including rules specifying circumstances under which a preschool 47568
program may hire a person who has been convicted of an offense 47569
listed in division (B) (1) of this section but who meets 47570
standards in regard to rehabilitation set by the department. 47571

(F) Any person required by division (A) (1) of this section 47572
to request a criminal records check shall inform each person, at 47573
the time of the person's initial application for employment, 47574
that the person is required to provide a set of impressions of 47575
the person's fingerprints and that a criminal records check is 47576
required to be conducted and satisfactorily completed in 47577

accordance with section 109.572 of the Revised Code if the 47578
person comes under final consideration for appointment or 47579
employment as a precondition to employment for that position. 47580

(G) As used in this section: 47581

(1) "Applicant" means a person who is under final 47582
consideration for appointment or employment in a position with a 47583
preschool program as a person responsible for the care, custody, 47584
or control of a child, except that "applicant" does not include 47585
a person already employed by a board of education, community 47586
school, or chartered nonpublic school in a position of care, 47587
custody, or control of a child who is under consideration for a 47588
different position with such board or school. 47589

(2) "Criminal records check" has the same meaning as in 47590
section 109.572 of the Revised Code. 47591

(3) "Minor drug possession offense" has the same meaning 47592
as in section 2925.01 of the Revised Code. 47593

(H) If the board of education of a local school district 47594
adopts a resolution requesting the assistance of the educational 47595
service center in which the local district has territory in 47596
conducting criminal records checks of substitute teachers under 47597
this section, the appointing or hiring officer of such 47598
educational service center governing board shall serve for 47599
purposes of this section as the appointing or hiring officer of 47600
the local board in the case of hiring substitute teachers for 47601
employment in the local district. 47602

Sec. 3305.09. (A) Any payment that is to be made under a 47603
contract entered into for purposes of funding an employee's 47604
alternative retirement plan benefit shall be subject to any 47605
withholding order issued pursuant to section 2907.15 of the 47606

Revised Code or division (C) (2) (b) of section 2921.41 of the Revised Code. The provider of the contract shall comply with that withholding order in making the payment.

(B) If the provider receives notice pursuant to section 2907.15 of the Revised Code or division (D) of section 2921.41 of the Revised Code that the electing employee is charged with a violation of section 2907.011, 2907.02, 2907.03, 2907.04, 2907.05, or 2921.41 of the Revised Code, no payment shall be made under the contract prior to whichever of the following is applicable:

(1) If the person is convicted of or pleads guilty to the charge and no motion for a withholding order for purposes of restitution has been filed under section 2907.15 of the Revised Code or division (C) (2) (b) (i) of section 2921.41 of the Revised Code, thirty days after the date on which final disposition of the charge is made;

(2) If the person is convicted of or pleads guilty to the charge and a motion for a withholding order for purposes of restitution has been filed under section 2907.15 of the Revised Code or division (C) (2) (b) (i) of section 2921.41 of the Revised Code, the date on which the court decides the motion;

(3) If the charge is dismissed or the person is found not guilty of the charge or not guilty of the charge by reason of insanity, the date on which final disposition of the charge is made.

Sec. 3309.67. (A) Notwithstanding any other provision of this chapter, any payment that is to be made under a pension, annuity, allowance, or other type of benefit, other than a survivorship benefit, that has been granted to a person under

this chapter, any payment of accumulated contributions standing 47636
to a person's credit under this chapter, and any payment of any 47637
other amounts to be paid to a person under this chapter upon the 47638
person's withdrawal of contributions pursuant to this chapter 47639
shall be subject to any withholding order issued pursuant to 47640
section 2907.15 of the Revised Code or division (C) (2) (b) of 47641
section 2921.41 of the Revised Code, and the school employees 47642
retirement board shall comply with that withholding order in 47643
making the payment. 47644

(B) Notwithstanding any other provision of this chapter, 47645
if the board receives notice pursuant to section 2907.15 of the 47646
Revised Code or division (D) of section 2921.41 of the Revised 47647
Code that a person who has accumulated contributions standing to 47648
the person's credit pursuant to this chapter is charged with a 47649
violation of section 2907.011, 2907.02, 2907.03, 2907.04, 47650
2907.05, or 2921.41 of the Revised Code, no payment of those 47651
accumulated contributions, of any other amounts to be paid under 47652
this chapter upon the person's withdrawal of contributions 47653
pursuant to this chapter, or of any amount to be paid to a 47654
contributor as a lump sum or single payment under section 47655
3309.341 of the Revised Code, shall be made prior to whichever 47656
of the following is applicable: 47657

(1) If the person is convicted of or pleads guilty to the 47658
charge and no motion for a withholding order for purposes of 47659
restitution has been filed under section 2907.15 of the Revised 47660
Code or division (C) (2) (b) (i) of section 2921.41 of the Revised 47661
Code, thirty days after the day on which final disposition of 47662
the charge is made; 47663

(2) If the person is convicted of or pleads guilty to the 47664
charge and a motion for a withholding order for purposes of 47665

restitution has been filed under section 2907.15 of the Revised Code or division (C) (2) (b) (i) of section 2921.41 of the Revised Code, the day on which the court decides the motion; 47666
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(3) If the charge is dismissed or the person is found not guilty or not guilty by reason of insanity of the charge, the day on which final disposition of the charge is made. 47669
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Sec. 3313.662. (A) The superintendent of public instruction, pursuant to this section and the adjudication procedures of section 3301.121 of the Revised Code, may issue an adjudication order that permanently excludes a pupil from attending any of the public schools of this state if the pupil is convicted of, or adjudicated a delinquent child for, committing, when the pupil was sixteen years of age or older, an act that would be a criminal offense if committed by an adult and if the act is any of the following: 47672
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(1) A violation of section 2923.122 of the Revised Code; 47681

(2) A violation of section 2923.12 of the Revised Code, of a substantially similar municipal ordinance, or of section 2925.03 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district; 47682
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(3) A violation of section 2925.11 of the Revised Code, other than a violation of that section that would be a minor drug possession offense, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of a city, local, exempted village, or joint vocational school district; 47688
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(4) A violation of section 2903.01, 2903.02, 2903.03, 47694

2903.04, 2903.11, 2903.12, 2907.011, 2907.02, or 2907.05 or of 47695
former section 2907.12 of the Revised Code that was committed on 47696
property owned or controlled by, or at an activity held under 47697
the auspices of, a board of education of a city, local, exempted 47698
village, or joint vocational school district, if the victim at 47699
the time of the commission of the act was an employee of that 47700
board of education; 47701

(5) Complicity in any violation described in division (A) 47702
(1), (2), (3), or (4) of this section that was alleged to have 47703
been committed in the manner described in division (A) (1), (2), 47704
(3), or (4) of this section, regardless of whether the act of 47705
complicity was committed on property owned or controlled by, or 47706
at an activity held under the auspices of, a board of education 47707
of a city, local, exempted village, or joint vocational school 47708
district. 47709

(B) A pupil may be suspended or expelled in accordance 47710
with section 3313.66 of the Revised Code prior to being 47711
permanently excluded from public school attendance under this 47712
section and section 3301.121 of the Revised Code. 47713

(C) (1) If the superintendent of a city, local, exempted 47714
village, or joint vocational school district in which a pupil 47715
attends school obtains or receives proof that the pupil has been 47716
convicted of committing when the pupil was sixteen years of age 47717
or older a violation listed in division (A) of this section or 47718
adjudicated a delinquent child for the commission when the pupil 47719
was sixteen years of age or older of a violation listed in 47720
division (A) of this section, the superintendent may issue to 47721
the board of education of the school district a request that the 47722
pupil be permanently excluded from public school attendance, if 47723
both of the following apply: 47724

(a) After obtaining or receiving proof of the conviction 47725
or adjudication, the superintendent or the superintendent's 47726
designee determines that the pupil's continued attendance in 47727
school may endanger the health and safety of other pupils or 47728
school employees and gives the pupil and the pupil's parent, 47729
guardian, or custodian written notice that the superintendent 47730
intends to recommend to the board of education that the board 47731
adopt a resolution requesting the superintendent of public 47732
instruction to permanently exclude the pupil from public school 47733
attendance. 47734

(b) The superintendent or the superintendent's designee 47735
forwards to the board of education the superintendent's written 47736
recommendation that includes the determinations the 47737
superintendent or designee made pursuant to division (C) (1) (a) 47738
of this section and a copy of the proof the superintendent 47739
received showing that the pupil has been convicted of or 47740
adjudicated a delinquent child for a violation listed in 47741
division (A) of this section that was committed when the pupil 47742
was sixteen years of age or older. 47743

(2) Within fourteen days after receipt of a recommendation 47744
from the superintendent pursuant to division (C) (1) (b) of this 47745
section that a pupil be permanently excluded from public school 47746
attendance, the board of education of a city, local, exempted 47747
village, or joint vocational school district, after review and 47748
consideration of all of the following available information, may 47749
adopt a resolution requesting the superintendent of public 47750
instruction to permanently exclude the pupil who is the subject 47751
of the recommendation from public school attendance: 47752

(a) The academic record of the pupil and a record of any 47753
extracurricular activities in which the pupil previously was 47754

involved;	47755
(b) The disciplinary record of the pupil and any available records of the pupil's prior behavioral problems other than the behavioral problems contained in the disciplinary record;	47756 47757 47758
(c) The social history of the pupil;	47759
(d) The pupil's response to the imposition of prior discipline and sanctions imposed for behavioral problems;	47760 47761
(e) Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;	47762 47763 47764
(f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;	47765 47766
(g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting;	47767 47768 47769
(h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;	47770 47771 47772
(i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study.	47773 47774 47775 47776 47777 47778 47779
(3) If the board does not adopt a resolution requesting the superintendent of public instruction to permanently exclude the pupil, it immediately shall send written notice of that fact	47780 47781 47782

to the superintendent who sought the resolution, to the pupil 47783
who was the subject of the proposed resolution, and to that 47784
pupil's parent, guardian, or custodian. 47785

(D) (1) Upon adoption of a resolution under division (C) of 47786
this section, the board of education immediately shall forward 47787
to the superintendent of public instruction the written 47788
resolution, proof of the conviction or adjudication that is the 47789
basis of the resolution, a copy of the pupil's entire school 47790
record, and any other relevant information and shall forward a 47791
copy of the resolution to the pupil who is the subject of the 47792
recommendation and to that pupil's parent, guardian, or 47793
custodian. 47794

(2) The board of education that adopted and forwarded the 47795
resolution requesting the permanent exclusion of the pupil to 47796
the superintendent of public instruction promptly shall 47797
designate a representative of the school district to present the 47798
case for permanent exclusion to the superintendent or the 47799
referee appointed by the superintendent. The representative of 47800
the school district may be an attorney admitted to the practice 47801
of law in this state. At the adjudication hearing held pursuant 47802
to section 3301.121 of the Revised Code, the representative of 47803
the school district shall present evidence in support of the 47804
requested permanent exclusion. 47805

(3) Upon receipt of a board of education's resolution 47806
requesting the permanent exclusion of a pupil from public school 47807
attendance, the superintendent of public instruction, in 47808
accordance with the adjudication procedures of section 3301.121 47809
of the Revised Code, promptly shall issue an adjudication order 47810
that either permanently excludes the pupil from attending any of 47811
the public schools of this state or that rejects the resolution 47812

of the board of education. 47813

(E) Notwithstanding any provision of section 3313.64 of 47814
the Revised Code or an order of any court of this state that 47815
otherwise requires the admission of the pupil to a school, no 47816
school official in a city, local, exempted village, or joint 47817
vocational school district knowingly shall admit to any school 47818
in the school district a pupil who has been permanently excluded 47819
from public school attendance by the superintendent of public 47820
instruction. 47821

(F) (1) (a) Upon determining that the school attendance of a 47822
pupil who has been permanently excluded from public school 47823
attendance no longer will endanger the health and safety of 47824
other students or school employees, the superintendent of any 47825
city, local, exempted village, or joint vocational school 47826
district in which the pupil desires to attend school may issue 47827
to the board of education of the school district a 47828
recommendation, including the reasons for the recommendation, 47829
that the permanent exclusion of a pupil be revoked and the pupil 47830
be allowed to return to the public schools of the state. 47831

If any violation which in whole or in part gave rise to 47832
the permanent exclusion of any pupil involved the pupil's 47833
bringing a firearm to a school operated by the board of 47834
education of a school district or onto any other property owned 47835
or operated by such a board, no superintendent shall recommend 47836
under this division an effective date for the revocation of the 47837
pupil's permanent exclusion that is less than one year after the 47838
date on which the last such firearm incident occurred. However, 47839
on a case-by-case basis, a superintendent may recommend an 47840
earlier effective date for such a revocation for any of the 47841
reasons for which the superintendent may reduce the one-year 47842

expulsion requirement in division (B) (2) of section 3313.66 of 47843
the Revised Code. 47844

(b) Upon receipt of the recommendation of the 47845
superintendent that a permanent exclusion of a pupil be revoked, 47846
the board of education of a city, local, exempted village, or 47847
joint vocational school district may adopt a resolution by a 47848
majority vote of its members requesting the superintendent of 47849
public instruction to revoke the permanent exclusion of the 47850
pupil. Upon adoption of the resolution, the board of education 47851
shall forward a copy of the resolution, the reasons for the 47852
resolution, and any other relevant information to the 47853
superintendent of public instruction. 47854

(c) Upon receipt of a resolution of a board of education 47855
requesting the revocation of a permanent exclusion of a pupil, 47856
the superintendent of public instruction, in accordance with the 47857
adjudication procedures of Chapter 119. of the Revised Code, 47858
shall issue an adjudication order that revokes the permanent 47859
exclusion of the pupil from public school attendance or that 47860
rejects the resolution of the board of education. 47861

(2) (a) A pupil who has been permanently excluded pursuant 47862
to this section and section 3301.121 of the Revised Code may 47863
request the superintendent of any city, local, exempted village, 47864
or joint vocational school district in which the pupil desires 47865
to attend school to admit the pupil on a probationary basis for 47866
a period not to exceed ninety school days. Upon receiving the 47867
request, the superintendent may enter into discussions with the 47868
pupil and with the pupil's parent, guardian, or custodian or a 47869
person designated by the pupil's parent, guardian, or custodian 47870
to develop a probationary admission plan designed to assist the 47871
pupil's probationary admission to the school. The plan may 47872

include a treatment program, a behavioral modification program, 47873
or any other program reasonably designed to meet the educational 47874
needs of the child and the disciplinary requirements of the 47875
school. 47876

If any violation which in whole or in part gave rise to 47877
the permanent exclusion of the pupil involved the pupil's 47878
bringing a firearm to a school operated by the board of 47879
education of any school district or onto any other property 47880
owned or operated by such a board, no plan developed under this 47881
division for the pupil shall include an effective date for the 47882
probationary admission of the pupil that is less than one year 47883
after the date on which the last such firearm incident occurred 47884
except that on a case-by-case basis, a plan may include an 47885
earlier effective date for such an admission for any of the 47886
reasons for which the superintendent of the district may reduce 47887
the one-year expulsion requirement in division (B) (2) of section 47888
3313.66 of the Revised Code. 47889

(b) If the superintendent of a school district, a pupil, 47890
and the pupil's parent, guardian, or custodian or a person 47891
designated by the pupil's parent, guardian, or custodian agree 47892
upon a probationary admission plan prepared pursuant to division 47893
(F) (2) (a) of this section, the superintendent of the school 47894
district shall issue to the board of education of the school 47895
district a recommendation that the pupil be allowed to attend 47896
school within the school district under probationary admission, 47897
the reasons for the recommendation, and a copy of the agreed 47898
upon probationary admission plan. Within fourteen days after the 47899
board of education receives the recommendation, reasons, and 47900
plan, the board may adopt the recommendation by a majority vote 47901
of its members. If the board adopts the recommendation, the 47902
pupil may attend school under probationary admission within that 47903

school district for a period not to exceed ninety days or any 47904
additional probationary period permitted under divisions (F) (2) 47905
(d) and (e) of this section in accordance with the probationary 47906
admission plan prepared pursuant to division (F) (2) (a) of this 47907
section. 47908

(c) If a pupil who is permitted to attend school under 47909
probationary admission pursuant to division (F) (2) (b) of this 47910
section fails to comply with the probationary admission plan 47911
prepared pursuant to division (F) (2) (a) of this section, the 47912
superintendent of the school district immediately may remove the 47913
pupil from the school and issue to the board of education of the 47914
school district a recommendation that the probationary admission 47915
be revoked. Within five days after the board of education 47916
receives the recommendation, the board may adopt the 47917
recommendation to revoke the pupil's probationary admission by a 47918
majority vote of its members. If a majority of the board does 47919
not adopt the recommendation to revoke the pupil's probationary 47920
admission, the pupil shall continue to attend school in 47921
compliance with the pupil's probationary admission plan. 47922

(d) If a pupil who is permitted to attend school under 47923
probationary admission pursuant to division (F) (2) (b) of this 47924
section complies with the probationary admission plan prepared 47925
pursuant to division (F) (2) (a) of this section, the pupil or the 47926
pupil's parent, guardian, or custodian, at any time before the 47927
expiration of the ninety-day probationary admission period, may 47928
request the superintendent of the school district to extend the 47929
terms and period of the pupil's probationary admission for a 47930
period not to exceed ninety days or to issue a recommendation 47931
pursuant to division (F) (1) of this section that the pupil's 47932
permanent exclusion be revoked and the pupil be allowed to 47933
return to the public schools of this state. 47934

(e) If a pupil is granted an extension of the pupil's probationary admission pursuant to division (F) (2) (d) of this section, the pupil or the pupil's parent, guardian, or custodian, in the manner described in that division, may request, and the superintendent and board, in the manner described in that division, may recommend and grant, subsequent probationary admission periods not to exceed ninety days each. If a pupil who is permitted to attend school under an extension of a probationary admission plan complies with the probationary admission plan prepared pursuant to the extension, the pupil or the pupil's parent, guardian, or custodian may request a revocation of the pupil's permanent exclusion in the manner described in division (F) (2) (d) of this section.

(f) Any extension of a probationary admission requested by a pupil or a pupil's parent, guardian, or custodian pursuant to divisions (F) (2) (d) or (e) of this section shall be subject to the adoption and approval of a probationary admission plan in the manner described in divisions (F) (2) (a) and (b) of this section and may be terminated as provided in division (F) (2) (c) of this section.

(g) If the pupil has complied with any probationary admission plan and the superintendent issues a recommendation that seeks revocation of the pupil's permanent exclusion pursuant to division (F) (1) of this section, the pupil's compliance with any probationary admission plan may be considered along with other relevant factors in any determination or adjudication conducted pursuant to division (F) (1) of this section.

(G) (1) Except as provided in division (G) (2) of this section, any information regarding the permanent exclusion of a

pupil shall be included in the pupil's official records and 47965
shall be included in any records sent to any school district 47966
that requests the pupil's records. 47967

(2) When a pupil who has been permanently excluded from 47968
public school attendance reaches the age of twenty-two or when 47969
the permanent exclusion of a pupil has been revoked, all school 47970
districts that maintain records regarding the pupil's permanent 47971
exclusion shall remove all references to the exclusion from the 47972
pupil's file and shall destroy them. 47973

A pupil who has reached the age of twenty-two or whose 47974
permanent exclusion has been revoked may send a written notice 47975
to the superintendent of any school district maintaining records 47976
of the pupil's permanent exclusion requesting the superintendent 47977
to ensure that the records are removed from the pupil's file and 47978
destroyed. Upon receipt of the request and a determination that 47979
the pupil is twenty-two years of age or older or that the 47980
pupil's permanent exclusion has been revoked, the superintendent 47981
shall ensure that the records are removed from the pupil's file 47982
and destroyed. 47983

(H) (1) This section does not apply to any of the 47984
following: 47985

(a) An institution that is a residential facility, that 47986
receives and cares for children, that is maintained by the 47987
department of youth services, and that operates a school 47988
chartered by the state board of education under section 3301.16 47989
of the Revised Code; 47990

(b) Any on-premises school operated by an out-of-home care 47991
entity, other than a school district, that is chartered by the 47992
state board of education under section 3301.16 of the Revised 47993

Code; 47994

(c) Any school operated in connection with an out-of-home care entity or a nonresidential youth treatment program that enters into a contract or agreement with a school district for the provision of educational services in a setting other than a setting that is a building or structure owned or controlled by the board of education of the school district during normal school hours. 47995
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(2) This section does not prohibit any person who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code from seeking a certificate of high school equivalence. A person who has been permanently excluded may be permitted to participate in a course of study in preparation for a high school equivalency test approved by the department of education pursuant to division (B) of section 3301.80 of the Revised Code, except that the person shall not participate during normal school hours in that course of study in any building or structure owned or controlled by the board of education of a school district. 48002
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(3) This section does not relieve any school district from any requirement under section 2151.362 or 3313.64 of the Revised Code to pay for the cost of educating any child who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code. 48013
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(I) As used in this section: 48018

(1) "Permanently exclude" means to forever prohibit an individual from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district. 48019
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(2) "Permanent exclusion" means the prohibition of a pupil forever from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.

(3) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.

(4) "Certificate of high school equivalence" has the same meaning as in section 4109.06 of the Revised Code.

(5) "Nonresidential youth treatment program" means a program designed to provide services to persons under the age of eighteen in a setting that does not regularly provide long-term overnight care, including settlement houses, diversion and prevention programs, run-away centers, and alternative education programs.

(6) "Firearm" has the same meaning as provided pursuant to the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 8001(a)(2).

(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

Sec. 3319.31. (A) As used in this section and sections 3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" means a certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code.

(B) For any of the following reasons, the state board of education, in accordance with Chapter 119. and section 3319.311 of the Revised Code, may refuse to issue a license to an applicant; may limit a license it issues to an applicant; may suspend, revoke, or limit a license that has been issued to any

person; or may revoke a license that has been issued to any 48052
person and has expired: 48053

(1) Engaging in an immoral act, incompetence, negligence, 48054
or conduct that is unbecoming to the applicant's or person's 48055
position; 48056

(2) A plea of guilty to, a finding of guilt by a jury or 48057
court of, or a conviction of any of the following: 48058

(a) A felony other than a felony listed in division (C) of 48059
this section; 48060

(b) An offense of violence other than an offense of 48061
violence listed in division (C) of this section; 48062

(c) A theft offense, as defined in section 2913.01 of the 48063
Revised Code, other than a theft offense listed in division (C) 48064
of this section; 48065

(d) A drug abuse offense, as defined in section 2925.01 of 48066
the Revised Code, that is not a minor misdemeanor, other than a 48067
drug abuse offense listed in division (C) of this section; 48068

(e) A violation of an ordinance of a municipal corporation 48069
that is substantively comparable to an offense listed in 48070
divisions (B) (2) (a) to (d) of this section. 48071

(3) A judicial finding of eligibility for intervention in 48072
lieu of conviction under section 2951.041 of the Revised Code, 48073
or agreeing to participate in a pre-trial diversion program 48074
under section 2935.36 of the Revised Code, or a similar 48075
diversion program under rules of a court, for any offense listed 48076
in division (B) (2) or (C) of this section; 48077

(4) Failure to comply with section 3314.40, 3319.313, 48078
3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code. 48079

(C) Upon learning of a plea of guilty to, a finding of 48080
guilt by a jury or court of, or a conviction of any of the 48081
offenses listed in this division by a person who holds a current 48082
or expired license or is an applicant for a license or renewal 48083
of a license, the state board or the superintendent of public 48084
instruction, if the state board has delegated the duty pursuant 48085
to division (D) of this section, shall by a written order revoke 48086
the person's license or deny issuance or renewal of the license 48087
to the person. The state board or the superintendent shall 48088
revoke a license that has been issued to a person to whom this 48089
division applies and has expired in the same manner as a license 48090
that has not expired. 48091

Revocation of a license or denial of issuance or renewal 48092
of a license under this division is effective immediately at the 48093
time and date that the board or superintendent issues the 48094
written order and is not subject to appeal in accordance with 48095
Chapter 119. of the Revised Code. Revocation of a license or 48096
denial of issuance or renewal of license under this division 48097
remains in force during the pendency of an appeal by the person 48098
of the plea of guilty, finding of guilt, or conviction that is 48099
the basis of the action taken under this division. 48100

The state board or superintendent shall take the action 48101
required by this division for a violation of division (B) (1), 48102
(2), (3), or (4) of section 2919.22 of the Revised Code; a 48103
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 48104
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 48105
2905.11, 2905.32, 2907.011, 2907.02, 2907.03, 2907.04, 2907.05, 48106
2907.06, 2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 48107
2907.25, 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 48108
2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 48109
2909.29, 2911.01, 2911.02, ~~2911.11, 2911.12, 2913.44, 2911.03,~~ 48110

2911.04, 2917.01, 2917.02, 2917.03, ~~2917.31,~~ 2917.33, 2919.12, 48111
2919.121, 2919.13, 2921.02, 2921.03, ~~2921.04,~~ 2921.05, 2921.11, 48112
2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 48113
2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 48114
2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 48115
~~2927.24,~~ or 3716.11 of the Revised Code; a violation of division 48116
(A) or (C) of section 2917.31 of the Revised Code; a violation 48117
of section 2905.04 of the Revised Code as it existed prior to 48118
July 1, 1996; a violation of section 2919.23 of the Revised Code 48119
that would have been a violation of section 2905.04 of the 48120
Revised Code as it existed prior to July 1, 1996, had the 48121
violation been committed prior to that date; a violation of 48122
section 917.31 of the Revised Code as it existed prior to the 48123
effective date of this amendment; felonious sexual penetration 48124
in violation of former section 2907.12 of the Revised Code; or a 48125
violation of an ordinance of a municipal corporation that is 48126
substantively comparable to an offense listed in this paragraph. 48127

(D) The state board may delegate to the superintendent of 48128
public instruction the authority to revoke a person's license or 48129
to deny issuance or renewal of a license to a person under 48130
division (C) or (F) of this section. 48131

(E) (1) If the plea of guilty, finding of guilt, or 48132
conviction that is the basis of the action taken under division 48133
(B) (2) or (C) of this section, or under the version of division 48134
(F) of section 3319.311 of the Revised Code in effect prior to 48135
September 12, 2008, is overturned on appeal, upon exhaustion of 48136
the criminal appeal, the clerk of the court that overturned the 48137
plea, finding, or conviction or, if applicable, the clerk of the 48138
court that accepted an appeal from the court that overturned the 48139
plea, finding, or conviction, shall notify the state board that 48140
the plea, finding, or conviction has been overturned. Within 48141

thirty days after receiving the notification, the state board 48142
shall initiate proceedings to reconsider the revocation or 48143
denial of the person's license in accordance with division (E) 48144
(2) of this section. In addition, the person whose license was 48145
revoked or denied may file with the state board a petition for 48146
reconsideration of the revocation or denial along with 48147
appropriate court documents. 48148

(2) Upon receipt of a court notification or a petition and 48149
supporting court documents under division (E) (1) of this 48150
section, the state board, after offering the person an 48151
opportunity for an adjudication hearing under Chapter 119. of 48152
the Revised Code, shall determine whether the person committed 48153
the act in question in the prior criminal action against the 48154
person that is the basis of the revocation or denial and may 48155
continue the revocation or denial, may reinstate the person's 48156
license, with or without limits, or may grant the person a new 48157
license, with or without limits. The decision of the board shall 48158
be based on grounds for revoking, denying, suspending, or 48159
limiting a license adopted by rule under division (G) of this 48160
section and in accordance with the evidentiary standards the 48161
board employs for all other licensure hearings. The decision of 48162
the board under this division is subject to appeal under Chapter 48163
119. of the Revised Code. 48164

(3) A person whose license is revoked or denied under 48165
division (C) of this section shall not apply for any license if 48166
the plea of guilty, finding of guilt, or conviction that is the 48167
basis of the revocation or denial, upon completion of the 48168
criminal appeal, either is upheld or is overturned but the state 48169
board continues the revocation or denial under division (E) (2) 48170
of this section and that continuation is upheld on final appeal. 48171

(F) The state board may take action under division (B) of this section, and the state board or the superintendent shall take the action required under division (C) of this section, on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any license.

(G) The state board may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this section and section 3319.311 of the Revised Code.

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) (b) of section 109.57 of the Revised Code, the appointing or hiring officer of the board of education of a school district, the governing board of an educational service center, or of a chartered nonpublic school shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the school district, educational service center, or school for employment in any position. The appointing or hiring officer shall request that the superintendent include information from the federal bureau of investigation in the criminal records check, unless all of the following apply to the applicant:

(a) The applicant is applying to be an instructor of adult education.

(b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility,

another employee of the school district, educational service center, or chartered nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child.

(c) The applicant presents proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or provides evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check.

(2) A person required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section.

(3) An applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the

form or provide all the information necessary to complete the 48232
form and shall provide the impression sheet with the impressions 48233
of the applicant's fingerprints. If an applicant, upon request, 48234
fails to provide the information necessary to complete the form 48235
or fails to provide impressions of the applicant's fingerprints, 48236
the board of education of a school district, governing board of 48237
an educational service center, or governing authority of a 48238
chartered nonpublic school shall not employ that applicant for 48239
any position. 48240

(4) Notwithstanding any provision of this section to the 48241
contrary, an applicant who meets the conditions prescribed in 48242
divisions (A) (1) (a) and (b) of this section and who, within the 48243
two-year period prior to the date of application, was the 48244
subject of a criminal records check under this section prior to 48245
being hired for short-term employment with the school district, 48246
educational service center, or chartered nonpublic school to 48247
which application is being made shall not be required to undergo 48248
a criminal records check prior to the applicant's rehiring by 48249
that district, service center, or school. 48250

(B) (1) Except as provided in rules adopted by the 48251
department of education in accordance with division (E) of this 48252
section and as provided in division (B) (3) of this section, no 48253
board of education of a school district, no governing board of 48254
an educational service center, and no governing authority of a 48255
chartered nonpublic school shall employ a person if the person 48256
previously has been convicted of or pleaded guilty to any of the 48257
following: 48258

(a) A violation of section 2903.01, 2903.02, 2903.03, 48259
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 48260
2905.01, 2905.02, 2905.05, 2907.011, 2907.02, 2907.03, 2907.04, 48261

2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 48262
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 48263
2907.323, 2911.01, 2911.02, ~~2911.11, 2911.12, 2911.03, 2911.04,~~ 48264
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 48265
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 48266
Revised Code, a violation of section 2905.04 of the Revised Code 48267
as it existed prior to July 1, 1996, a violation of section 48268
2919.23 of the Revised Code that would have been a violation of 48269
section 2905.04 of the Revised Code as it existed prior to July 48270
1, 1996, had the violation been committed prior to that date, a 48271
violation of section 2925.11 of the Revised Code that is not a 48272
minor drug possession offense, or felonious sexual penetration 48273
in violation of former section 2907.12 of the Revised Code; 48274

(b) A violation of an existing or former law of this 48275
state, another state, or the United States that is substantially 48276
equivalent to any of the offenses or violations described in 48277
division (B) (1) (a) of this section. 48278

(2) A board, governing board of an educational service 48279
center, or a governing authority of a chartered nonpublic school 48280
may employ an applicant conditionally until the criminal records 48281
check required by this section is completed and the board or 48282
governing authority receives the results of the criminal records 48283
check. If the results of the criminal records check indicate 48284
that, pursuant to division (B) (1) of this section, the applicant 48285
does not qualify for employment, the board or governing 48286
authority shall release the applicant from employment. 48287

(3) No board and no governing authority of a chartered 48288
nonpublic school shall employ a teacher who previously has been 48289
convicted of or pleaded guilty to any of the offenses listed in 48290
section 3319.31 of the Revised Code. 48291

(C) (1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A) (1) of this section of the appointing or hiring officer of the board or governing authority.

(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C) (1) of this section. If a fee is charged under this division, the board or governing authority shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the board or governing authority will not consider the applicant for employment.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A) (1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the board or governing authority requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.

(E) The department of education shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which the board or governing authority may hire a person who has been convicted of an offense listed in division (B) (1) or (3) of this section but who meets standards in regard to rehabilitation set by the department. Any rules adopted by the department under this division regarding the employment of a person holding a certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code shall comply with section 9.79 of the Revised Code.

The department shall amend rule 3301-83-23 of the Ohio Administrative Code that took effect August 27, 2009, and that specifies the offenses that disqualify a person for employment as a school bus or school van driver and establishes rehabilitation standards for school bus and school van drivers.

(F) Any person required by division (A) (1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, of the requirement to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for the school district, educational service center, or school for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a board of education, governing board of an educational service

center, or a chartered nonpublic school, except that "applicant" 48353
does not include a person already employed by a board or 48354
chartered nonpublic school who is under consideration for a 48355
different position with such board or school. 48356

(2) "Teacher" means a person holding an educator license 48357
or permit issued under section 3319.22 or 3319.301 of the 48358
Revised Code and teachers in a chartered nonpublic school. 48359

(3) "Criminal records check" has the same meaning as in 48360
section 109.572 of the Revised Code. 48361

(4) "Minor drug possession offense" has the same meaning 48362
as in section 2925.01 of the Revised Code. 48363

(H) If the board of education of a local school district 48364
adopts a resolution requesting the assistance of the educational 48365
service center in which the local district has territory in 48366
conducting criminal records checks of substitute teachers and 48367
substitutes for other district employees under this section, the 48368
appointing or hiring officer of such educational service center 48369
shall serve for purposes of this section as the appointing or 48370
hiring officer of the local board in the case of hiring 48371
substitute teachers and other substitute employees for the local 48372
district. 48373

Sec. 3333.38. (A) As used in this section: 48374

(1) "Institution of higher education" includes all of the 48375
following: 48376

(a) A state institution of higher education, as defined in 48377
section 3345.011 of the Revised Code; 48378

(b) A nonprofit institution issued a certificate of 48379
authorization under Chapter 1713. of the Revised Code; 48380

(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;

(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, and any other post-secondary student financial assistance supported by state funds.

(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the ~~fourth~~third degree;

(3) A violation of section 2917.13 of the Revised Code that ~~is a misdemeanor of the fourth or first degree and~~ occurs within the proximate area where four or more others are acting

in a course of conduct in violation of section 2917.11 of the Revised Code. 48410
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(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a state-supported institution of higher education to suspend or otherwise discipline its students. 48412
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Sec. 3712.09. (A) As used in this section: 48424

(1) "Applicant" means a person who is under final consideration for employment with a hospice care program or pediatric respite care program in a full-time, part-time, or temporary position that involves providing direct care to an older adult or pediatric respite care patient. "Applicant" does not include a person who provides direct care as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 48425
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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 48433
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(3) "Older adult" means a person age sixty or older. 48435

(B) (1) Except as provided in division (I) of this section, the chief administrator of a hospice care program or pediatric respite care program shall request that the superintendent of 48436
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the bureau of criminal identification and investigation conduct 48439
a criminal records check of each applicant. If an applicant for 48440
whom a criminal records check request is required under this 48441
division does not present proof of having been a resident of 48442
this state for the five-year period immediately prior to the 48443
date the criminal records check is requested or provide evidence 48444
that within that five-year period the superintendent has 48445
requested information about the applicant from the federal 48446
bureau of investigation in a criminal records check, the chief 48447
administrator shall request that the superintendent obtain 48448
information from the federal bureau of investigation as part of 48449
the criminal records check of the applicant. Even if an 48450
applicant for whom a criminal records check request is required 48451
under this division presents proof of having been a resident of 48452
this state for the five-year period, the chief administrator may 48453
request that the superintendent include information from the 48454
federal bureau of investigation in the criminal records check. 48455

(2) A person required by division (B) (1) of this section 48456
to request a criminal records check shall do both of the 48457
following: 48458

(a) Provide to each applicant for whom a criminal records 48459
check request is required under that division a copy of the form 48460
prescribed pursuant to division (C) (1) of section 109.572 of the 48461
Revised Code and a standard fingerprint impression sheet 48462
prescribed pursuant to division (C) (2) of that section, and 48463
obtain the completed form and impression sheet from the 48464
applicant; 48465

(b) Forward the completed form and impression sheet to the 48466
superintendent of the bureau of criminal identification and 48467
investigation. 48468

(3) An applicant provided the form and fingerprint 48469
impression sheet under division (B) (2) (a) of this section who 48470
fails to complete the form or provide fingerprint impressions 48471
shall not be employed in any position for which a criminal 48472
records check is required by this section. 48473

(C) (1) Except as provided in rules adopted by the director 48474
of health in accordance with division (F) of this section and 48475
subject to division (C) (2) of this section, no hospice care 48476
program or pediatric respite care program shall employ a person 48477
in a position that involves providing direct care to an older 48478
adult or pediatric respite care patient if the person has been 48479
convicted of or pleaded guilty to any of the following: 48480

(a) A violation of section 2903.01, 2903.02, 2903.03, 48481
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 48482
2905.01, 2905.02, 2905.11, 2905.12, 2907.011, 2907.02, 2907.03, 48483
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 48484
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 48485
2911.02, ~~2911.11, 2911.12, 2911.13, 2911.03, 2911.04, 2911.05,~~ 48486
2913.02, 2913.03, 2913.04, 2913.08, 2913.11, 2913.21, 2913.31, 48487
2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 48488
2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 48489
2925.23, or 3716.11 or division (A) of section 2911.06 of the 48490
Revised Code. 48491

(b) A violation of an existing or former law of this 48492
state, any other state, or the United States that is 48493
substantially equivalent to any of the offenses listed in 48494
division (C) (1) (a) of this section. 48495

(2) (a) A hospice care program or pediatric respite care 48496
program may employ conditionally an applicant for whom a 48497
criminal records check request is required under division (B) of 48498

this section prior to obtaining the results of a criminal records check regarding the individual, provided that the program shall request a criminal records check regarding the individual in accordance with division (B)(1) of this section not later than five business days after the individual begins conditional employment. In the circumstances described in division (I)(2) of this section, a hospice care program or pediatric respite care program may employ conditionally an applicant who has been referred to the hospice care program or pediatric respite care program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults or pediatric respite care patients and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section.

(b) A hospice care program or pediatric respite care program that employs an individual conditionally under authority of division (C)(2)(a) of this section shall terminate the individual's employment if the results of the criminal records check requested under division (B) of this section or described in division (I)(2) of this section, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending thirty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual has been convicted of or pleaded guilty to any of the offenses listed or described in division (C)(1) of this section, the program shall terminate the individual's employment unless the program chooses to employ the individual pursuant to division (F) of this section. Termination of employment under this division shall be considered just cause

for discharge for purposes of division (D) (2) of section 4141.29 48530
of the Revised Code if the individual makes any attempt to 48531
deceive the program about the individual's criminal record. 48532

(D) (1) Each hospice care program or pediatric respite care 48533
program shall pay to the bureau of criminal identification and 48534
investigation the fee prescribed pursuant to division (C) (3) of 48535
section 109.572 of the Revised Code for each criminal records 48536
check conducted pursuant to a request made under division (B) of 48537
this section. 48538

(2) A hospice care program or pediatric respite care 48539
program may charge an applicant a fee not exceeding the amount 48540
the program pays under division (D) (1) of this section. A 48541
program may collect a fee only if both of the following apply: 48542

(a) The program notifies the person at the time of initial 48543
application for employment of the amount of the fee and that, 48544
unless the fee is paid, the person will not be considered for 48545
employment; 48546

(b) The medicaid program does not reimburse the program 48547
the fee it pays under division (D) (1) of this section. 48548

(E) The report of a criminal records check conducted 48549
pursuant to a request made under this section is not a public 48550
record for the purposes of section 149.43 of the Revised Code 48551
and shall not be made available to any person other than the 48552
following: 48553

(1) The individual who is the subject of the criminal 48554
records check or the individual's representative; 48555

(2) The chief administrator of the program requesting the 48556
criminal records check or the administrator's representative; 48557

(3) The administrator of any other facility, agency, or program that provides direct care to older adults or pediatric respite care patients that is owned or operated by the same entity that owns or operates the hospice care program or pediatric respite care program;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;

(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section.

(F) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a hospice care program or pediatric respite care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a hospice care program or pediatric respite care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult or pediatric respite care patient, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a hospice care program or

pediatric respite care program employs in a position that 48587
involves providing direct care to older adults or pediatric 48588
respite care patients, all of the following shall apply: 48589

(1) If the program employed the individual in good faith 48590
and reasonable reliance on the report of a criminal records 48591
check requested under this section, the program shall not be 48592
found negligent solely because of its reliance on the report, 48593
even if the information in the report is determined later to 48594
have been incomplete or inaccurate; 48595

(2) If the program employed the individual in good faith 48596
on a conditional basis pursuant to division (C)(2) of this 48597
section, the program shall not be found negligent solely because 48598
it employed the individual prior to receiving the report of a 48599
criminal records check requested under this section; 48600

(3) If the program in good faith employed the individual 48601
according to the personal character standards established in 48602
rules adopted under division (F) of this section, the program 48603
shall not be found negligent solely because the individual prior 48604
to being employed had been convicted of or pleaded guilty to an 48605
offense listed or described in division (C)(1) of this section. 48606

(I)(1) The chief administrator of a hospice care program 48607
or pediatric respite care program is not required to request 48608
that the superintendent of the bureau of criminal identification 48609
and investigation conduct a criminal records check of an 48610
applicant if the applicant has been referred to the program by 48611
an employment service that supplies full-time, part-time, or 48612
temporary staff for positions involving the direct care of older 48613
adults or pediatric respite care patients and both of the 48614
following apply: 48615

(a) The chief administrator receives from the employment 48616
service or the applicant a report of the results of a criminal 48617
records check regarding the applicant that has been conducted by 48618
the superintendent within the one-year period immediately 48619
preceding the applicant's referral; 48620

(b) The report of the criminal records check demonstrates 48621
that the person has not been convicted of or pleaded guilty to 48622
an offense listed or described in division (C)(1) of this 48623
section, or the report demonstrates that the person has been 48624
convicted of or pleaded guilty to one or more of those offenses, 48625
but the hospice care program or pediatric respite care program 48626
chooses to employ the individual pursuant to division (F) of 48627
this section. 48628

(2) The chief administrator of a hospice care program or 48629
pediatric respite care program is not required to request that 48630
the superintendent of the bureau of criminal identification and 48631
investigation conduct a criminal records check of an applicant 48632
and may employ the applicant conditionally as described in this 48633
division, if the applicant has been referred to the program by 48634
an employment service that supplies full-time, part-time, or 48635
temporary staff for positions involving the direct care of older 48636
adults or pediatric respite care patients and if the chief 48637
administrator receives from the employment service or the 48638
applicant a letter from the employment service that is on the 48639
letterhead of the employment service, dated, and signed by a 48640
supervisor or another designated official of the employment 48641
service and that states that the employment service has 48642
requested the superintendent to conduct a criminal records check 48643
regarding the applicant, that the requested criminal records 48644
check will include a determination of whether the applicant has 48645
been convicted of or pleaded guilty to any offense listed or 48646

described in division (C) (1) of this section, that, as of the 48647
date set forth on the letter, the employment service had not 48648
received the results of the criminal records check, and that, 48649
when the employment service receives the results of the criminal 48650
records check, it promptly will send a copy of the results to 48651
the hospice care program or pediatric respite care program. If a 48652
hospice care program or pediatric respite care program employs 48653
an applicant conditionally in accordance with this division, the 48654
employment service, upon its receipt of the results of the 48655
criminal records check, promptly shall send a copy of the 48656
results to the hospice care program or pediatric respite care 48657
program, and division (C) (2) (b) of this section applies 48658
regarding the conditional employment. 48659

Sec. 3715.06. (A) Each retailer, terminal distributor of 48660
dangerous drugs, pharmacy, prescriber, or wholesaler that sells, 48661
offers to sell, holds for sale, delivers, or otherwise provides 48662
any pseudoephedrine product and that discovers the theft or loss 48663
of any pseudoephedrine product in an amount of more than nine 48664
grams per incident of theft or loss shall notify all of the 48665
following upon discovery of the theft or loss: 48666

(1) The state board of pharmacy, by telephone immediately 48667
upon discovery of the theft or loss; 48668

(2) Law enforcement authorities. If the incident is a 48669
theft and the theft constitutes a felony, the retailer, terminal 48670
distributor of dangerous drugs, pharmacy, prescriber, or 48671
wholesaler shall report the theft to the law enforcement 48672
authorities in accordance with section ~~2921.22~~ 2921.26 of the 48673
Revised Code. 48674

(B) Within thirty days after making a report by telephone 48675
to the state board of pharmacy pursuant to division (A) (1) of 48676

this section, a retailer, terminal distributor of dangerous 48677
drugs, pharmacy, prescriber, or wholesaler shall send a written 48678
report to the state board of pharmacy. 48679

(C) The reports required under this section shall identify 48680
the product that was stolen or lost, the amount of the product 48681
stolen or lost, and the date and time of discovery of the theft 48682
or loss. 48683

Sec. 3721.121. (A) As used in this section: 48684

(1) "Adult day-care program" means a program operated 48685
pursuant to rules adopted by the director of health under 48686
section 3721.04 of the Revised Code and provided by and on the 48687
same site as homes licensed under this chapter. 48688

(2) "Applicant" means a person who is under final 48689
consideration for employment with a home or adult day-care 48690
program in a full-time, part-time, or temporary position that 48691
involves providing direct care to an older adult. "Applicant" 48692
does not include a person who provides direct care as a 48693
volunteer without receiving or expecting to receive any form of 48694
remuneration other than reimbursement for actual expenses. 48695

(3) "Community-based long-term care services provider" 48696
means a provider as defined in section 173.39 of the Revised 48697
Code. 48698

(4) "Criminal records check" has the same meaning as in 48699
section 109.572 of the Revised Code. 48700

(5) "Home" means a home as defined in section 3721.10 of 48701
the Revised Code. 48702

(6) "Older adult" means a person age sixty or older. 48703

(B) (1) Except as provided in division (I) of this section, 48704

the chief administrator of a home or adult day-care program 48705
shall request that the superintendent of the bureau of criminal 48706
identification and investigation conduct a criminal records 48707
check of each applicant. If an applicant for whom a criminal 48708
records check request is required under this division does not 48709
present proof of having been a resident of this state for the 48710
five-year period immediately prior to the date the criminal 48711
records check is requested or provide evidence that within that 48712
five-year period the superintendent has requested information 48713
about the applicant from the federal bureau of investigation in 48714
a criminal records check, the chief administrator shall request 48715
that the superintendent obtain information from the federal 48716
bureau of investigation as part of the criminal records check of 48717
the applicant. Even if an applicant for whom a criminal records 48718
check request is required under this division presents proof of 48719
having been a resident of this state for the five-year period, 48720
the chief administrator may request that the superintendent 48721
include information from the federal bureau of investigation in 48722
the criminal records check. 48723

(2) A person required by division (B) (1) of this section 48724
to request a criminal records check shall do both of the 48725
following: 48726

(a) Provide to each applicant for whom a criminal records 48727
check request is required under that division a copy of the form 48728
prescribed pursuant to division (C) (1) of section 109.572 of the 48729
Revised Code and a standard fingerprint impression sheet 48730
prescribed pursuant to division (C) (2) of that section, and 48731
obtain the completed form and impression sheet from the 48732
applicant; 48733

(b) Forward the completed form and impression sheet to the 48734

superintendent of the bureau of criminal identification and 48735
investigation. 48736

(3) An applicant provided the form and fingerprint 48737
impression sheet under division (B) (2) (a) of this section who 48738
fails to complete the form or provide fingerprint impressions 48739
shall not be employed in any position for which a criminal 48740
records check is required by this section. 48741

(C) (1) Except as provided in rules adopted by the director 48742
of health in accordance with division (F) of this section and 48743
subject to division (C) (2) of this section, no home or adult 48744
day-care program shall employ a person in a position that 48745
involves providing direct care to an older adult if the person 48746
has been convicted of or pleaded guilty to any of the following: 48747

(a) A violation of section 2903.01, 2903.02, 2903.03, 48748
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 48749
2905.01, 2905.02, 2905.11, 2905.12, 2907.011, 2907.02, 2907.03, 48750
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 48751
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 48752
2911.02, ~~2911.11, 2911.12, 2911.13, 2911.03, 2911.04, 2911.05,~~ 48753
2913.02, 2913.03, 2913.04, 2913.08, 2913.11, 2913.21, 2913.31, 48754
2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 48755
2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 48756
2925.23, or 3716.11 or division (A) of section 2911.06 of the 48757
Revised Code. 48758

(b) A violation of an existing or former law of this 48759
state, any other state, or the United States that is 48760
substantially equivalent to any of the offenses listed in 48761
division (C) (1) (a) of this section. 48762

(2) (a) A home or an adult day-care program may employ 48763

conditionally an applicant for whom a criminal records check 48764
request is required under division (B) of this section prior to 48765
obtaining the results of a criminal records check regarding the 48766
individual, provided that the home or program shall request a 48767
criminal records check regarding the individual in accordance 48768
with division (B)(1) of this section not later than five 48769
business days after the individual begins conditional 48770
employment. In the circumstances described in division (I)(2) of 48771
this section, a home or adult day-care program may employ 48772
conditionally an applicant who has been referred to the home or 48773
adult day-care program by an employment service that supplies 48774
full-time, part-time, or temporary staff for positions involving 48775
the direct care of older adults and for whom, pursuant to that 48776
division, a criminal records check is not required under 48777
division (B) of this section. 48778

(b) A home or adult day-care program that employs an 48779
individual conditionally under authority of division (C)(2)(a) 48780
of this section shall terminate the individual's employment if 48781
the results of the criminal records check requested under 48782
division (B) of this section or described in division (I)(2) of 48783
this section, other than the results of any request for 48784
information from the federal bureau of investigation, are not 48785
obtained within the period ending thirty days after the date the 48786
request is made. Regardless of when the results of the criminal 48787
records check are obtained, if the results indicate that the 48788
individual has been convicted of or pleaded guilty to any of the 48789
offenses listed or described in division (C)(1) of this section, 48790
the home or program shall terminate the individual's employment 48791
unless the home or program chooses to employ the individual 48792
pursuant to division (F) of this section. Termination of 48793
employment under this division shall be considered just cause 48794

for discharge for purposes of division (D) (2) of section 4141.29 48795
of the Revised Code if the individual makes any attempt to 48796
deceive the home or program about the individual's criminal 48797
record. 48798

(D) (1) Each home or adult day-care program shall pay to 48799
the bureau of criminal identification and investigation the fee 48800
prescribed pursuant to division (C) (3) of section 109.572 of the 48801
Revised Code for each criminal records check conducted pursuant 48802
to a request made under division (B) of this section. 48803

(2) A home or adult day-care program may charge an 48804
applicant a fee not exceeding the amount the home or program 48805
pays under division (D) (1) of this section. A home or program 48806
may collect a fee only if both of the following apply: 48807

(a) The home or program notifies the person at the time of 48808
initial application for employment of the amount of the fee and 48809
that, unless the fee is paid, the person will not be considered 48810
for employment; 48811

(b) The medicaid program does not reimburse the home or 48812
program the fee it pays under division (D) (1) of this section. 48813

(E) The report of any criminal records check conducted 48814
pursuant to a request made under this section is not a public 48815
record for the purposes of section 149.43 of the Revised Code 48816
and shall not be made available to any person other than the 48817
following: 48818

(1) The individual who is the subject of the criminal 48819
records check or the individual's representative; 48820

(2) The chief administrator of the home or program 48821
requesting the criminal records check or the administrator's 48822
representative; 48823

(3) The administrator of any other facility, agency, or program that provides direct care to older adults that is owned or operated by the same entity that owns or operates the home or program;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;

(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section;

(6) The board of nursing for purposes of accepting and processing an application for a medication aide certificate issued under Chapter 4723. of the Revised Code;

(7) The director of aging or the director's designee if the criminal records check is requested by the chief administrator of a home that is also a community-based long-term care services provider.

(F) In accordance with section 3721.11 of the Revised Code, the director of health shall adopt rules to implement this section. The rules shall specify circumstances under which a home or adult day-care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a home or adult day-care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult, that the individual is required to provide a set of fingerprint impressions and that a criminal records check

is required to be conducted if the individual comes under final 48853
consideration for employment. 48854

(H) In a tort or other civil action for damages that is 48855
brought as the result of an injury, death, or loss to person or 48856
property caused by an individual who a home or adult day-care 48857
program employs in a position that involves providing direct 48858
care to older adults, all of the following shall apply: 48859

(1) If the home or program employed the individual in good 48860
faith and reasonable reliance on the report of a criminal 48861
records check requested under this section, the home or program 48862
shall not be found negligent solely because of its reliance on 48863
the report, even if the information in the report is determined 48864
later to have been incomplete or inaccurate; 48865

(2) If the home or program employed the individual in good 48866
faith on a conditional basis pursuant to division (C) (2) of this 48867
section, the home or program shall not be found negligent solely 48868
because it employed the individual prior to receiving the report 48869
of a criminal records check requested under this section; 48870

(3) If the home or program in good faith employed the 48871
individual according to the personal character standards 48872
established in rules adopted under division (F) of this section, 48873
the home or program shall not be found negligent solely because 48874
the individual prior to being employed had been convicted of or 48875
pleaded guilty to an offense listed or described in division (C) 48876
(1) of this section. 48877

(I) (1) The chief administrator of a home or adult day-care 48878
program is not required to request that the superintendent of 48879
the bureau of criminal identification and investigation conduct 48880
a criminal records check of an applicant if the applicant has 48881

been referred to the home or program by an employment service 48882
that supplies full-time, part-time, or temporary staff for 48883
positions involving the direct care of older adults and both of 48884
the following apply: 48885

(a) The chief administrator receives from the employment 48886
service or the applicant a report of the results of a criminal 48887
records check regarding the applicant that has been conducted by 48888
the superintendent within the one-year period immediately 48889
preceding the applicant's referral; 48890

(b) The report of the criminal records check demonstrates 48891
that the person has not been convicted of or pleaded guilty to 48892
an offense listed or described in division (C)(1) of this 48893
section, or the report demonstrates that the person has been 48894
convicted of or pleaded guilty to one or more of those offenses, 48895
but the home or adult day-care program chooses to employ the 48896
individual pursuant to division (F) of this section. 48897

(2) The chief administrator of a home or adult day-care 48898
program is not required to request that the superintendent of 48899
the bureau of criminal identification and investigation conduct 48900
a criminal records check of an applicant and may employ the 48901
applicant conditionally as described in this division, if the 48902
applicant has been referred to the home or program by an 48903
employment service that supplies full-time, part-time, or 48904
temporary staff for positions involving the direct care of older 48905
adults and if the chief administrator receives from the 48906
employment service or the applicant a letter from the employment 48907
service that is on the letterhead of the employment service, 48908
dated, and signed by a supervisor or another designated official 48909
of the employment service and that states that the employment 48910
service has requested the superintendent to conduct a criminal 48911

records check regarding the applicant, that the requested 48912
criminal records check will include a determination of whether 48913
the applicant has been convicted of or pleaded guilty to any 48914
offense listed or described in division (C) (1) of this section, 48915
that, as of the date set forth on the letter, the employment 48916
service had not received the results of the criminal records 48917
check, and that, when the employment service receives the 48918
results of the criminal records check, it promptly will send a 48919
copy of the results to the home or adult day-care program. If a 48920
home or adult day-care program employs an applicant 48921
conditionally in accordance with this division, the employment 48922
service, upon its receipt of the results of the criminal records 48923
check, promptly shall send a copy of the results to the home or 48924
adult day-care program, and division (C) (2) (b) of this section 48925
applies regarding the conditional employment. 48926

Sec. 3737.22. (A) The fire marshal shall do all of the 48927
following: 48928

(1) Adopt the state fire code under sections 3737.82 to 48929
3737.86 of the Revised Code; 48930

(2) Enforce the state fire code; 48931

(3) Appoint assistant fire marshals who are authorized to 48932
enforce the state fire code; 48933

(4) Conduct investigations into the cause, origin, and 48934
circumstances of fires and explosions, and assist in the 48935
prosecution of persons believed to be guilty of arson or a 48936
similar crime; 48937

(5) Compile statistics concerning loss due to fire and 48938
explosion as the fire marshal considers necessary, and consider 48939
the compatibility of the fire marshal's system of compilation 48940

with the systems of other state and federal agencies and fire marshals of other states;	48941 48942
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	48943 48944
(7) Engage in public education and informational activities which will inform the public of fire safety information;	48945 48946 48947
(8) Operate a fire training academy and forensic laboratory;	48948 48949
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	48950 48951 48952
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	48953 48954
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	48955 48956 48957 48958 48959
(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	48960 48961 48962
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;	48963 48964 48965 48966 48967 48968

(14) Administer and enforce Chapter 3743. of the Revised Code; 48969
48970

(15) Develop a uniform standard for the reporting of 48971
information required to be filed under division ~~(E) (4)~~ (C) of 48972
section ~~2921.22~~ 2921.28 of the Revised Code, and accept the 48973
reports of the information when they are filed. 48974

(B) The fire marshal shall appoint a chief deputy fire 48975
marshal, and shall employ professional and clerical assistants 48976
as the fire marshal considers necessary. The chief deputy shall 48977
be a competent former or current member of a fire agency and 48978
possess five years of recent, progressively more responsible 48979
experience in fire inspection, fire code enforcement, and fire 48980
code management. The chief deputy, with the approval of the 48981
director of commerce, shall temporarily assume the duties of the 48982
fire marshal when the fire marshal is absent or temporarily 48983
unable to carry out the duties of the office. When there is a 48984
vacancy in the office of fire marshal, the chief deputy, with 48985
the approval of the director of commerce, shall temporarily 48986
assume the duties of the fire marshal until a new fire marshal 48987
is appointed under section 3737.21 of the Revised Code. 48988

All employees, other than the fire marshal; the chief 48989
deputy fire marshal; the superintendent of the Ohio fire 48990
academy; the grants administrator; the fiscal officer; the 48991
executive secretary to the fire marshal; legal counsel; the 48992
pyrotechnics administrator, the chief of the forensic 48993
laboratory; the person appointed by the fire marshal to serve as 48994
administrator over functions concerning testing, license 48995
examinations, and the issuance of permits and certificates; and 48996
the chiefs of the bureaus of fire prevention, of fire and 48997
explosion investigation, of code enforcement, and of underground 48998

storage tanks shall be in the classified civil service. The fire marshal shall authorize the chief deputy and other employees under the fire marshal's supervision to exercise powers granted to the fire marshal by law as may be necessary to carry out the duties of the fire marshal's office.

(C) The fire marshal shall create, in and as a part of the office of fire marshal, a fire and explosion investigation bureau consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be experienced in the investigation of the cause, origin, and circumstances of fires, and in administration, including the supervision of subordinates. The chief, among other duties delegated to the chief by the fire marshal, shall be responsible, under the direction of the fire marshal, for the investigation of the cause, origin, and circumstances of fires and explosions in the state, and for assistance in the prosecution of persons believed to be guilty of arson or a similar crime.

(D) (1) The fire marshal shall create, as part of the office of fire marshal, a bureau of code enforcement consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be qualified, by education or experience, in fire inspection, fire code development, fire code enforcement, or any other similar field determined by the fire marshal, and in administration, including the supervision of subordinates. The chief is responsible, under the direction of the fire marshal, for fire inspection, fire code development, fire code enforcement, and any other duties delegated to the chief by the fire marshal.

(2) The fire marshal, the chief deputy fire marshal, the chief of the bureau of code enforcement, or any assistant fire marshal under the direction of the fire marshal, the chief deputy fire marshal, or the chief of the bureau of code enforcement may cause to be conducted the inspection of all buildings, structures, and other places, the condition of which may be dangerous from a fire safety standpoint to life or property, or to property adjacent to the buildings, structures, or other places.

(E) The fire marshal shall create, as a part of the office of fire marshal, a bureau of fire prevention consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be qualified, by education or experience, to promote programs for rural and urban fire prevention and protection. The chief, among other duties delegated to the chief by the fire marshal, is responsible, under the direction of the fire marshal, for the promotion of rural and urban fire prevention and protection through public information and education programs.

(F) The fire marshal shall cooperate with the director of job and family services when the director adopts rules under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B family day-care homes, as defined in section 5104.01 of the Revised Code, recommend procedures for inspecting type B homes to determine whether they are in compliance with those rules, and provide training and technical assistance to the director and county directors of job and family services on the procedures for determining compliance with those rules.

(G) The fire marshal, upon request of a provider of child care in a type B home that is not licensed by the director of job and family services, as a precondition of approval by the state board of education under section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the type B home to determine compliance with rules adopted under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B homes. In municipal corporations and in townships where there is a certified fire safety inspector, the inspections shall be made by that inspector under the supervision of the fire marshal, according to rules adopted under section 5104.052 of the Revised Code. In townships outside municipal corporations where there is no certified fire safety inspector, inspections shall be made by the fire marshal.

Sec. 3750.09. (A) Except as otherwise provided in division (E) of this section, any person who is required to provide information to the emergency response commission, the local emergency planning committee of the emergency planning district in which a facility owned or operated by the person is located, or the fire department having jurisdiction over the facility, under the reporting requirements in sections 3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code or the rules adopted under division (B) (1) (d) or (e) of section 3750.02 of the Revised Code, may withhold from submission to the commission, committee, fire department, or any other person the specific chemical identity, including the chemical name and other specific identification, of an extremely hazardous substance or hazardous chemical identified or listed by rules adopted under

division (B) (1) (a) or (b) of section 3750.02 of the Revised Code 49091
on the grounds that the information constitutes a trade secret 49092
if either of the following conditions is met: 49093

(1) (a) At the time of submitting the information sought to 49094
be classified as a trade secret, the owner or operator of the 49095
facility submits a claim for protection of that information as a 49096
trade secret pursuant to rules adopted under division (B) (2) (d) 49097
of section 3750.02 of the Revised Code and submits a copy of the 49098
required report that indicates that such a claim has been filed 49099
and contains the generic class or category of the chemical 49100
identity in place of the specific chemical identity and that is 49101
accompanied by a copy of the substantiation supporting the trade 49102
secret claim that was submitted to the administrator of the 49103
United States environmental protection agency. The owner or 49104
operator may withhold from the copy of the substantiation 49105
submitted to the commission, committee, or fire department the 49106
specific chemical identity claimed to be a trade secret and 49107
information identified as confidential business information in 49108
rules adopted under division (B) (1) (h) of section 3750.02 of the 49109
Revised Code. 49110

(b) A determination of the claim remains pending pursuant 49111
to those rules. 49112

(2) It has been determined pursuant to those rules that a 49113
trade secret exists. 49114

(B) Except as otherwise provided in division (E) of this 49115
section, any person who is required to provide information to 49116
the commission, the local emergency planning committee of the 49117
emergency planning district in which a facility owned or 49118
operated by the person is located, or the fire department having 49119
jurisdiction over the facility, under the reporting requirements 49120

in section 3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code or the rules adopted under division (B) (1) (d) or (e) of section 3750.02 of the Revised Code may withhold from submission to the committee, fire department, or any other person the specific chemical identity, including the chemical name or other specific identification, of an extremely hazardous substance or hazardous chemical identified or listed in rules adopted under division (C) (5) of section 3750.02 of the Revised Code on the grounds that the information constitutes a trade secret if either of the following conditions is met:

(1) (a) At the time of submitting the information sought to be classified as a trade secret, the owner or operator of the facility submits a claim to the commission for protection of that information as a trade secret pursuant to rules adopted under division (B) (5) of section 3750.02 of the Revised Code along with the report that the owner or operator is required to submit to the commission and submits to the committee or fire department a copy of the required report that indicates that such a claim has been filed with the commission and that contains the generic class or category of the chemical identity in place of the specific chemical identity and that is accompanied by a copy of the substantiation supporting the trade secret claim that was submitted to the commission. The owner may withhold from the copy of the substantiation submitted to the committee or fire department the specific chemical identity claimed to be a trade secret and information identified as confidential business information in rules adopted under division (B) (1) (h) of section 3750.02 of the Revised Code.

(b) A determination of the claim remains pending pursuant to those rules and division (B) (14) of that section.

(2) It has been determined pursuant to those rules and division (B) (14) of that section that a trade secret exists. 49151
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(C) No person shall withhold the specific identity of a chemical on the grounds that it is a trade secret: 49153
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(1) From any report enumerated in division (A) or (B) of this section, if it has been determined pursuant to rules adopted under division (B) (2) (d) of section 3750.02 of the Revised Code, or pursuant to division (B) (14) and rules adopted under division (B) (5) of that section, that no trade secret exists; 49155
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(2) In any notification of a release required by section 3750.06 of the Revised Code; 49161
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(3) When required to provide the specific chemical identity to a health professional, physician, or nurse pursuant to division (E) of this section. 49163
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(D) The governor may, pursuant to section 322 of the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, request the administrator of the United States environmental protection agency to provide specific chemical identities that are claimed or have been determined to be trade secret information or the substantiations, explanations, or supplemental information supporting trade secret protection claims submitted to or determined by the administrator pursuant to that section and rules adopted under division (B) (2) (d) of section 3750.02 of the Revised Code regarding facilities located in this state that are subject to this chapter. The governor shall not make available to any member of the commission or committee who is not also an officer or employee of the state or a political subdivision any 49166
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information claimed or determined to be a trade secret or 49180
confidential business information obtained under this division 49181
or pursuant to rules adopted under division (B) (5) of section 49182
3750.02 of the Revised Code. Any trade secret and confidential 49183
business information obtained under this division or pursuant to 49184
rules adopted under division (B) (5) of that section shall be 49185
protected from unauthorized disclosure in accordance with rules 49186
adopted under division (B) (1) (i) of that section. 49187

(E) (1) The owner or operator of a facility that is subject 49188
to section 3750.07 or 3750.08 of the Revised Code shall provide 49189
the specific chemical identity of an extremely hazardous 49190
substance or hazardous chemical, if the specific chemical 49191
identity is known, to any health professional who submits to the 49192
owner or operator a written request and statement of need for 49193
the specific chemical identity. The written statement of need 49194
shall be a statement of the health professional that the health 49195
professional has a reasonable basis to believe that all of the 49196
following conditions pertain to the request: 49197

(a) The information is needed for purposes of diagnosis or 49198
treatment of an individual; 49199

(b) The individual being diagnosed or treated has been 49200
exposed to the chemical concerned; 49201

(c) Knowledge of the specific chemical identity of the 49202
chemical will assist in diagnosis and treatment. 49203

An owner or operator to whom such a written request and 49204
statement of need is submitted shall provide the requested 49205
information to the health professional promptly after receiving 49206
the request and statement of need, subject to division (E) (4) of 49207
this section. 49208

(2) The owner or operator of a facility that is subject to section 3750.07 or 3750.08 of the Revised Code shall provide a copy of a material safety data sheet or emergency and hazardous chemical inventory form that contains the specific chemical identity of an extremely hazardous substance or hazardous chemical, if the specific chemical identity is known, to any treating physician or nurse who requests that information if the physician or nurse determines that all of the following conditions pertain to the request:

(a) A medical emergency exists;

(b) The specific chemical identity of the chemical concerned is necessary for or will assist in emergency or first aid diagnosis or treatment;

(c) The individual being diagnosed or treated has been exposed to the chemical concerned.

The owner or operator shall provide the requested information to the physician or nurse immediately upon receiving such a request. The owner or operator shall not require any such treating physician or nurse to provide a written confidentiality agreement or statement of need as a precondition for disclosure of a specific chemical identity under this division; however, the owner or operator may require the treating physician or nurse to provide a written confidentiality agreement under division (E) (4) of this section and a statement setting forth the conditions listed in divisions (E) (2) (a) to (c) of this section as soon after the request is made as circumstances permit.

(3) The owner or operator of a facility that is subject to section 3750.07 or 3750.08 of the Revised Code shall provide the

specific chemical identity of an extremely hazardous substance 49238
or hazardous chemical, if the specific chemical identity is 49239
known, to any health professional, including, without 49240
limitation, a physician, toxicologist, or epidemiologist, who is 49241
either employed by or under contract with a political 49242
subdivision and who submits to the owner or operator a written 49243
request for the information, a written statement of need for the 49244
information that meets the requirements of division (E) (3) of 49245
this section, and a written confidentiality agreement under 49246
division (E) (4) of this section. The owner or operator shall 49247
promptly after receipt of the written request, statement of 49248
need, and confidentiality agreement provide the requested 49249
information to the local health professional who requested it. 49250

The written statement of need for a specific chemical 49251
identity required by division (E) (3) of this section shall 49252
describe with reasonable detail one or more of the following 49253
health needs for the information: 49254

(a) To assess exposure of persons living in a local 49255
community to the hazards of the chemical concerned; 49256

(b) To conduct or assess sampling to determine exposure 49257
levels of various population groups to the chemical concerned; 49258

(c) To conduct periodic medical surveillance of population 49259
groups exposed to the chemical concerned; 49260

(d) To provide medical treatment to individuals or 49261
population groups exposed to the chemical concerned; 49262

(e) To conduct studies to determine the health effects of 49263
exposure to the chemical concerned; 49264

(f) To conduct studies to aid in the identification of a 49265
chemical that may reasonably be anticipated to cause an observed 49266

health effect. 49267

(4) Any person who obtains information under division (E) 49268
(1) or (3) of this section shall, as a precondition for 49269
receiving that information, enter into a written confidentiality 49270
agreement with the owner or operator of the facility from whom 49271
the information was requested that the person will not use the 49272
information for any purpose other than the health needs asserted 49273
in the statement of need provided thereunder, except as 49274
otherwise may be authorized by the terms of the agreement or by 49275
the person providing the information. 49276

(F) (1) A member of the commission, officer or employee of 49277
the environmental protection agency, member or employee of a 49278
committee, or officer or employee of a fire department shall not 49279
request the owner or operator of a facility subject to this 49280
chapter to submit to the member, officer, or employee a trade 49281
secret claim or copy thereof; report required by section 49282
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 49283
substantiation of a trade secret claim or copy thereof or 49284
explanation or supporting information pertaining to a trade 49285
secret claim or copy thereof, that contains any information 49286
claimed or determined to be a trade secret pursuant to rules 49287
adopted under division (B) (2) (d) of section 3750.02 of the 49288
Revised Code or identified as confidential business information 49289
by rules adopted under division (B) (1) (h) of section 3750.02 of 49290
the Revised Code. If any such member, officer, or employee knows 49291
or has reason to believe that any such trade secret claim, 49292
report, substantiation, or explanation or supporting information 49293
pertaining to a trade secret claim contains any such 49294
information, the member, officer, or employee immediately shall 49295
return it to the owner or operator of the facility who submitted 49296
it without reading it and shall request the owner or operator to 49297

submit the appropriate report or substantiation that does not 49298
contain the information claimed or determined to be a trade 49299
secret or so identified as confidential business information. 49300

(2) A member of the commission who is not also an employee 49301
of the state or a political subdivision, member or employee of a 49302
committee, or officer or employee of a fire department shall not 49303
request the owner or operator of a facility subject to this 49304
chapter to submit to the member, officer, or employee a trade 49305
secret claim or copy thereof; report required by section 49306
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 49307
substantiation of a trade secret claim; or explanation or 49308
supporting information pertaining to a trade secret claim or 49309
copy thereof, that contains any information claimed or 49310
determined to be a trade secret pursuant to division (B) (14) of 49311
section 3750.02 of the Revised Code and rules adopted under 49312
division (B) (5) of that section or any information identified as 49313
confidential business information by rules adopted under 49314
division (B) (1) (h) of that section that pertains to such a 49315
claim. If any such member, officer, or employee knows or has 49316
reason to believe that any such trade secret claim, report, 49317
substantiation, or explanation or supporting information 49318
pertaining to any such trade secret claim contains any such 49319
information, the member, officer, or employee immediately shall 49320
return it to the owner or operator of the facility who submitted 49321
it without reading it and shall request the owner or operator to 49322
submit the appropriate report or substantiation that does not 49323
contain the information so claimed or determined to be a trade 49324
secret or so identified as confidential business information. 49325

(G) No member of the commission or designee of a member of 49326
the commission, officer or employee of the environmental 49327
protection agency, member or employee of a committee, health 49328

professional, physician, nurse, or other person who receives 49329
information claimed or determined to be a trade secret pursuant 49330
to rules adopted under division (B) (2) (d) of section 3750.02 of 49331
the Revised Code or pursuant to division (B) (14) of that section 49332
and rules adopted under division (B) (5) of that section, or who 49333
receives confidential business information identified in rules 49334
adopted under division (B) (1) (h) of section 3750.02 of the 49335
Revised Code shall release the information to any person not 49336
authorized to have that information under division (C) of this 49337
section or rules adopted under division (B) (1) (i) of that 49338
section. A violation of this division is not also a violation of 49339
section 2913.02 ~~or~~, 2913.04, or 2913.08 of the Revised Code. 49340

Sec. 3751.04. (A) Except as otherwise provided in division 49341
(D) of this section, any person required to provide information 49342
under section 3751.03 of the Revised Code may withhold from 49343
submission the specific chemical identity, including the 49344
chemical name and other specific identification, of the toxic 49345
chemical on the grounds that the information constitutes a trade 49346
secret if either of the following conditions is met: 49347

(1) (a) At the time of submitting the information sought to 49348
be classified as a trade secret, the owner or operator of the 49349
facility submits a claim for protection of that information as a 49350
trade secret pursuant to regulations promulgated by the 49351
administrator of the United States environmental protection 49352
agency under EPCRA, and submits a copy of the required toxic 49353
chemical release form that indicates that such a claim has been 49354
filed and contains the generic class or category of the identity 49355
in place of the identity. 49356

(b) A determination of the claim remains pending pursuant 49357
to those regulations. 49358

(2) It has been determined by the administrator pursuant to those regulations that a trade secret exists. 49359
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(B) No person shall withhold the specific identity of a toxic chemical on the grounds that the information is a trade secret in either of the following instances: 49361
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(1) From any toxic chemical release form if it has been determined by the administrator pursuant to regulations promulgated under EPCRA that no trade secret exists; 49364
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(2) When required to provide the specific chemical identity to a health professional, physician, or nurse pursuant to division (D) of this section. 49367
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(C) The governor may, pursuant to EPCRA, request the administrator of the United States environmental protection agency to provide specific chemical identities that are claimed or have been determined to be trade secret information or the explanations and supplemental information supporting trade secret protection claims regarding facilities located in this state that are subject to this chapter. The governor shall not make any trade secret or confidential information obtained under this division available to any member of the emergency planning commission created in section 3750.02 of the Revised Code or to any member of a local emergency planning committee of an emergency planning district established under section 3750.03 of the Revised Code who is not also an officer or employee of the state or a political subdivision. Any trade secret or confidential business information obtained under this division shall be protected from unauthorized disclosure. 49370
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(D) (1) The owner or operator of a facility that is subject to section 3751.03 of the Revised Code shall provide the 49386
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specific chemical identity of a toxic chemical, if the specific 49388
chemical identity is known, to any health professional who 49389
submits to the owner or operator a written request and statement 49390
of need for the specific chemical identity. The written 49391
statement of need shall be a statement of the health 49392
professional that the health professional has a reasonable basis 49393
to believe that all of the following conditions pertain to the 49394
request: 49395

(a) The information is needed for purposes of diagnosis or 49396
treatment of an individual; 49397

(b) The individual being diagnosed or treated has been 49398
exposed to the chemical concerned; 49399

(c) Knowledge of the specific chemical identity of the 49400
chemical will assist in diagnosis and treatment. 49401

An owner or operator to whom such a written request and 49402
statement of need is submitted shall provide the requested 49403
information to the health professional promptly after receiving 49404
the request and statement of need, subject to division (D) (4) of 49405
this section. 49406

(2) The owner or operator of a facility that is subject to 49407
section 3751.03 of the Revised Code shall provide a copy of a 49408
toxic chemical release form that contains the specific chemical 49409
identity of a toxic chemical, if the specific chemical identity 49410
is known, to any treating physician or nurse who requests that 49411
information if the physician or nurse determines that all of the 49412
following conditions pertain to the request: 49413

(a) A medical emergency exists; 49414

(b) The specific chemical identity of the chemical 49415
concerned is necessary for or will assist in emergency or first 49416

aid diagnosis or treatment; 49417

(c) The individual being diagnosed or treated has been 49418
exposed to the chemical concerned. 49419

The owner or operator shall provide the requested 49420
information to the physician or nurse immediately upon receiving 49421
such a request. The owner or operator shall not require any such 49422
treating physician or nurse to provide a written confidentiality 49423
agreement or statement of need as a precondition for disclosure 49424
of a specific chemical identity under this division; however, 49425
the owner or operator may require the treating physician or 49426
nurse to provide a written confidentiality agreement under 49427
division (D) (4) of this section and a statement setting forth 49428
the conditions listed in divisions (D) (2) (a) to (c) of this 49429
section as soon after the disclosure is made as circumstances 49430
permit. 49431

(3) The owner or operator of a facility that is subject to 49432
section 3751.03 of the Revised Code shall provide the specific 49433
chemical identity of a toxic chemical, if the specific chemical 49434
identity is known, to any health professional, including, 49435
without limitation, a physician, toxicologist, or 49436
epidemiologist, who is either employed by or under contract with 49437
a political subdivision and who submits to the owner or operator 49438
a written request for the information, a written statement of 49439
need for the information that meets the requirements of division 49440
(D) (3) of this section, and a written confidentiality agreement 49441
under division (D) (4) of this section. The owner or operator 49442
shall promptly after receipt of the written request, statement 49443
of need, and confidentiality agreement provide the requested 49444
information to the local health professional who requested it. 49445

The written statement of need for a specific chemical 49446

identity required by division (D) (3) of this section shall 49447
describe with reasonable detail one or more of the following 49448
health needs for the information: 49449

(a) To assess exposure of persons living in a local 49450
community to the hazards of the chemical concerned; 49451

(b) To conduct or assess sampling to determine exposure 49452
levels of various population groups to the chemical concerned; 49453

(c) To conduct periodic medical surveillance of population 49454
groups exposed to the chemical concerned; 49455

(d) To provide medical treatment to individuals or 49456
population groups exposed to the chemical concerned; 49457

(e) To conduct studies to determine the health effects of 49458
exposure to the chemical concerned; 49459

(f) To conduct studies to aid in the identification of a 49460
chemical that may reasonably be anticipated to cause an observed 49461
health effect. 49462

(4) Any person who obtains information under division (D) 49463
(1) or (3) of this section shall, as a precondition for 49464
receiving that information, enter into a written confidentiality 49465
agreement with the owner or operator of the facility from whom 49466
the information was requested that the person will not use the 49467
information for any purpose other than the health needs asserted 49468
in the statement of need provided thereunder, except as 49469
otherwise may be authorized by the terms of the agreement or by 49470
the person providing the information. 49471

(E) An officer or employee of the environmental protection 49472
agency shall not request the owner or operator of a facility 49473
subject to this chapter to submit to the officer or employee a 49474

trade secret claim, toxic chemical release form required by 49475
section 3751.03 of the Revised Code, substantiation of a trade 49476
secret claim, or explanation or supporting information or copy 49477
thereof pertaining to a trade secret claim, that contains any 49478
information claimed or determined to be a trade secret or 49479
identified as confidential business information under EPCRA. If 49480
any officer or employee of the agency knows or has reason to 49481
believe that a trade secret claim, toxic chemical release form, 49482
substantiation, or explanation or supporting information 49483
pertaining to a trade secret claim contains any such 49484
information, the officer or employee immediately shall return it 49485
to the owner or operator of the facility who submitted it 49486
without reading it and shall request the owner or operator to 49487
submit the appropriate report or substantiation that does not 49488
contain the information claimed or determined to be a trade 49489
secret or so identified as confidential business information. 49490

(F) No officer or employee of the environmental protection 49491
agency, health professional, physician, nurse, or other person 49492
who receives information claimed or determined to be a trade 49493
secret or identified as confidential business information by 49494
regulations promulgated by the administrator under EPCRA shall 49495
release any information so classified or identified to any 49496
person not authorized to have that information under division 49497
(C) of this section. A violation of this division is not also a 49498
violation of section 2913.02 ~~or~~, 2913.04, or 2913.08 of the 49499
Revised Code. 49500

Sec. 3752.14. (A) No person, without privilege to do so, 49501
shall do any of the following: 49502

(1) Enter or remain on the premises of a reporting 49503
facility at which warning signs are posted in compliance with 49504

section 3752.07, 3752.11, 3752.111, 3752.112, or 3752.113 of the Revised Code; 49505
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(2) Enter or remain in a building or structure located at a reporting facility, or an outdoor location of operation, at which warning signs are posted in compliance with any of those sections; 49507
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(3) Being on the premises of a reporting facility at which warning signs are posted in compliance with any of those sections, in a building or structure located at such a facility, or at an outdoor location of operation at such a facility, fail or refuse to leave upon being ordered to do so by the owner or operator or an agent or servant of either. 49511
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(B) It is no defense to a charge under this section that the premises of the reporting facility involved was owned, controlled, or in the custody of a public agency. 49517
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(C) It is no defense to a charge under this section that the offender was authorized to enter or remain on the premises of the reporting facility involved when the authorization was obtained by deception. 49520
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(D) Violation of this section is not criminal trespass under division (D) of section 2911.21-2911.06 of the Revised Code. 49524
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Sec. 3770.05. (A) As used in this section, "person" means any individual, association, corporation, limited liability company, partnership, club, trust, estate, society, receiver, trustee, person acting in a fiduciary or representative capacity, instrumentality of the state or any of its political subdivisions, or any other business entity or combination of individuals meeting the requirements set forth in this section 49527
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or established by rule or order of the state lottery commission. 49534

(B) The director of the state lottery commission may 49535
license any person as a lottery sales agent. 49536

Before issuing any license to a lottery sales agent, the 49537
director shall consider all of the following: 49538

(1) The financial responsibility and security of the 49539
applicant and the applicant's business or activity; 49540

(2) The accessibility of the applicant's place of business 49541
or activity to the public; 49542

(3) The sufficiency of existing licensed agents to serve 49543
the public interest; 49544

(4) The volume of expected sales by the applicant; 49545

(5) Any other factors pertaining to the public interest, 49546
convenience, or trust. 49547

(C) Except as otherwise provided in divisions (F) and (G) 49548
of this section, the director of the state lottery commission 49549
may refuse to grant, or may suspend or revoke, a license if the 49550
applicant or licensee: 49551

(1) Has been convicted of a felony or has been convicted 49552
of a crime involving moral turpitude; 49553

(2) Has been convicted of an offense that involves illegal 49554
gambling; 49555

(3) Has been found guilty of fraud or misrepresentation in 49556
any connection; 49557

(4) Has been found to have violated any rule or order of 49558
the commission; or 49559

(5) Has been convicted of illegal trafficking in 49560
supplemental nutrition assistance program benefits. 49561

(D) Except as otherwise provided in division (G) of this 49562
section, the director of the state lottery commission may refuse 49563
to grant, or may suspend or revoke, a license if the applicant 49564
or licensee is a corporation or other business entity, and any 49565
of the following applies: 49566

(1) Any of the directors, officers, managers, or 49567
controlling shareholders has been found guilty of any of the 49568
activities specified in divisions (C)(1) to (5) of this section; 49569

(2) It appears to the director of the state lottery 49570
commission that, due to the experience or general fitness of any 49571
director, officer, manager, or controlling shareholder, the 49572
granting of a license as a lottery sales agent would be 49573
inconsistent with the public interest, convenience, or trust; 49574

(3) The corporation or other business entity is not the 49575
owner or lessee of the business at which it would conduct a 49576
lottery sales agency pursuant to the license applied for; 49577

(4) Any person, firm, association, or corporation other 49578
than the applicant or licensee shares or will share in the 49579
profits of the applicant or licensee, other than receiving 49580
dividends or distributions as a shareholder, or participates or 49581
will participate in the management of the affairs of the 49582
applicant or licensee. 49583

(E) (1) The director of the state lottery commission shall 49584
revoke a lottery sales agent license if the applicant or 49585
licensee is or has been convicted of a violation of division (A) 49586
or ~~(C)(1)~~ (B)(1) of section 2913.46 of the Revised Code. 49587

(2) The director shall revoke the lottery sales agent 49588

license of a corporation if the corporation is or has been 49589
convicted of a violation of division ~~(A) or (C) (1)~~ (B) (1) of 49590
section 2913.46 of the Revised Code. 49591

(F) The director of the state lottery commission shall not 49592
refuse to issue a license to an applicant because of a 49593
conviction of an offense unless the refusal is in accordance 49594
with section 9.79 of the Revised Code. 49595

(G) The director of the state lottery commission shall 49596
request the bureau of criminal identification and investigation, 49597
the department of public safety, or any other state, local, or 49598
federal agency to supply the director with the criminal records 49599
of any applicant for a lottery sales agent license, and may 49600
periodically request the criminal records of any person to whom 49601
a lottery sales agent license has been issued. At or prior to 49602
the time of making such a request, the director shall require an 49603
applicant or licensee to obtain fingerprint impressions on 49604
fingerprint cards prescribed by the superintendent of the bureau 49605
of criminal identification and investigation at a qualified law 49606
enforcement agency, and the director shall cause those 49607
fingerprint cards to be forwarded to the bureau of criminal 49608
identification and investigation, to the federal bureau of 49609
investigation, or to both bureaus. The commission shall assume 49610
the cost of obtaining the fingerprint cards. 49611

The director shall pay to each agency supplying criminal 49612
records for each investigation a reasonable fee, as determined 49613
by the agency. 49614

The commission may adopt uniform rules specifying time 49615
periods after which the persons described in divisions (C) (1) to 49616
(5) and (D) (1) to (4) of this section may be issued a license 49617
and establishing requirements for those persons to seek a court 49618

order to have records sealed in accordance with law. 49619

(H) (1) Each applicant for a lottery sales agent license 49620
shall do both of the following: 49621

(a) Pay fees to the state lottery commission, if required 49622
by rule adopted by the director under Chapter 119. of the 49623
Revised Code and the controlling board approves the fees; 49624

(b) Prior to approval of the application, obtain a surety 49625
bond in an amount the director determines by rule adopted under 49626
Chapter 119. of the Revised Code or, alternatively, with the 49627
director's approval, deposit the same amount into a dedicated 49628
account for the benefit of the state lottery. The director also 49629
may approve the obtaining of a surety bond to cover part of the 49630
amount required, together with a dedicated account deposit to 49631
cover the remainder of the amount required. The director also 49632
may establish an alternative program or policy, with the 49633
approval of the commission by rule adopted under Chapter 119. of 49634
the Revised Code, that otherwise ensures the lottery's financial 49635
interests are adequately protected. If such an alternative 49636
program or policy is established, an applicant or lottery sales 49637
agent, subject to the director's approval, may be permitted to 49638
participate in the program or proceed under that policy in lieu 49639
of providing a surety bond or dedicated amount. 49640

A surety bond may be with any company that complies with 49641
the bonding and surety laws of this state and the requirements 49642
established by rules of the commission pursuant to this chapter. 49643
A dedicated account deposit shall be conducted in accordance 49644
with policies and procedures the director establishes. 49645

A surety bond, dedicated account, other established 49646
program or policy, or any combination of these resources, as 49647

applicable, may be used to pay for the lottery sales agent's 49648
failure to make prompt and accurate payments for lottery ticket 49649
sales, for missing or stolen lottery tickets, for damage to 49650
equipment or materials issued to the lottery sales agent, or to 49651
pay for expenses the commission incurs in connection with the 49652
lottery sales agent's license. 49653

(2) A lottery sales agent license is effective for at 49654
least one year, but not more than three years. 49655

A licensed lottery sales agent, on or before the date 49656
established by the director, shall renew the agent's license and 49657
provide at that time evidence to the director that the surety 49658
bond, dedicated account deposit, or both, required under 49659
division (H) (1) (b) of this section has been renewed or is 49660
active, whichever applies. 49661

Before the commission renews a lottery sales agent 49662
license, the lottery sales agent shall submit a renewal fee to 49663
the commission, if one is required by rule adopted by the 49664
director under Chapter 119. of the Revised Code and the 49665
controlling board approves the renewal fee. The renewal fee 49666
shall not exceed the actual cost of administering the license 49667
renewal and processing changes reflected in the renewal 49668
application. The renewal of the license is effective for at 49669
least one year, but not more than three years. 49670

(3) A lottery sales agent license shall be complete, 49671
accurate, and current at all times during the term of the 49672
license. Any changes to an original license application or a 49673
renewal application may subject the applicant or lottery sales 49674
agent, as applicable, to paying an administrative fee that shall 49675
be in an amount that the director determines by rule adopted 49676
under Chapter 119. of the Revised Code, and that the controlling 49677

board approves, and that shall not exceed the actual cost of 49678
administering and processing the changes to an application. 49679

(4) The relationship between the commission and a lottery 49680
sales agent is one of trust. A lottery sales agent collects 49681
funds on behalf of the commission through the sale of lottery 49682
tickets for which the agent receives a compensation. 49683

(I) Pending a final resolution of any question arising 49684
under this section, the director of the state lottery commission 49685
may issue a temporary lottery sales agent license, subject to 49686
the terms and conditions the director considers appropriate. 49687

(J) If a lottery sales agent's rental payments for the 49688
lottery sales agent's premises are determined, in whole or in 49689
part, by the amount of retail sales the lottery sales agent 49690
makes, and if the rental agreement does not expressly provide 49691
that the amount of those retail sales includes the amounts the 49692
lottery sales agent receives from lottery ticket sales, only the 49693
amounts the lottery sales agent receives as compensation from 49694
the state lottery commission for selling lottery tickets shall 49695
be considered to be amounts the lottery sales agent receives 49696
from the retail sales the lottery sales agent makes, for the 49697
purpose of computing the lottery sales agent's rental payments. 49698

Sec. 3772.99. (A) The commission shall levy and collect 49699
penalties for noncriminal violations of this chapter. 49700
Noncriminal violations include using the term "casino" in any 49701
advertisement in regard to a facility operating video lottery 49702
terminals, as defined in section 3770.21 of the Revised Code, in 49703
this state. Moneys collected from such penalty levies shall be 49704
credited to the general revenue fund. 49705

(B) If a licensed casino operator, management company, 49706

holding company, gaming-related vendor, or key employee violates 49707
this chapter or engages in a fraudulent act, the commission may 49708
suspend or revoke the license and may do either or both of the 49709
following: 49710

(1) Suspend, revoke, or restrict the casino gaming 49711
operations of a casino operator; 49712

(2) Require the removal of a management company, key 49713
employee, or discontinuance of services from a gaming-related 49714
vendor. 49715

(C) The commission shall impose civil penalties against a 49716
person who violates this chapter under the penalties adopted by 49717
commission rule. 49718

(D) A person who purposely or knowingly does any of the 49719
following commits a misdemeanor of the first degree on the first 49720
offense and a felony of the fifth degree for a subsequent 49721
offense: 49722

(1) Makes a false statement on an application submitted 49723
under this chapter; 49724

(2) Permits a person less than twenty-one years of age to 49725
make a wager at a casino facility; 49726

(3) Aids, induces, or causes a person less than twenty-one 49727
years of age who is not an employee of the casino gaming 49728
operation to enter or attempt to enter a casino facility; 49729

(4) Enters or attempts to enter a casino facility while 49730
under twenty-one years of age, unless the person enters a 49731
designated area as described in section 3772.24 of the Revised 49732
Code; 49733

(5) Is a casino operator or employee and participates in 49734

casino gaming at the casino facility at which the casino 49735
operator or employee has an interest or is employed or at an 49736
affiliated casino facility in this state other than as part of 49737
operation or employment. 49738

(E) A person who purposely or knowingly does any of the 49739
following commits a felony of the fifth degree on a first 49740
offense and a felony of the fourth degree for a subsequent 49741
offense. If the person is a licensee under this chapter, the 49742
commission shall revoke the person's license after the first 49743
offense. 49744

(1) Uses or possesses with the intent to use a device to 49745
assist in projecting the outcome of the casino game, keeping 49746
track of the cards played, analyzing the probability of the 49747
occurrence of an event relating to the casino game, or analyzing 49748
the strategy for playing or betting to be used in the casino 49749
game, except as permitted by the commission; 49750

(2) Cheats at a casino game; 49751

(3) Manufactures, sells, or distributes any cards, chips, 49752
dice, game, or device that is intended to be used to violate 49753
this chapter; 49754

(4) Alters or misrepresents the outcome of a casino game 49755
on which wagers have been made after the outcome is made sure 49756
but before the outcome is revealed to the players; 49757

(5) Places, increases, or decreases a wager on the outcome 49758
of a casino game after acquiring knowledge that is not available 49759
to all players and concerns the outcome of the casino game that 49760
is the subject of the wager; 49761

(6) Aids a person in acquiring the knowledge described in 49762
division (E) (5) of this section for the purpose of placing, 49763

increasing, or decreasing a wager contingent on the outcome of a casino game; 49764
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(7) Claims, collects, takes, or attempts to claim, 49766
collect, or take money or anything of value in or from a casino 49767
game with the intent to defraud or without having made a wager 49768
contingent on winning a casino game; 49769

(8) Claims, collects, or takes an amount of money or thing 49770
of value of greater value than the amount won in a casino game; 49771

(9) Uses or possesses counterfeit chips, tokens, or 49772
cashless wagering instruments in or for use in a casino game; 49773

(10) Possesses a key or device designed for opening, 49774
entering, or affecting the operation of a casino game, drop box, 49775
or an electronic or a mechanical device connected with the 49776
casino game or removing coins, tokens, chips, or other contents 49777
of a casino game. This division does not apply to a casino 49778
operator, management company, or gaming-related vendor or their 49779
agents and employees in the course of agency or employment. 49780

(11) Possesses materials used to manufacture a device 49781
intended to be used in a manner that violates this chapter; 49782

(12) Operates a casino gaming operation in which wagering 49783
is conducted or is to be conducted in a manner other than the 49784
manner required under this chapter or a skill-based amusement 49785
machine operation in a manner other than the manner required 49786
under Chapter 2915. of the Revised Code. 49787

(F) The possession of more than one of the devices 49788
described in division (E) (9), (10), or (11) of this section 49789
creates a rebuttable presumption that the possessor intended to 49790
use the devices for cheating. 49791

(G) A person who purposely or knowingly does any of the following commits a felony of the third degree. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense. A public servant or party official who is convicted under this division is forever disqualified from holding any public office, employment, or position of trust in this state.

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with the casino operator, management company, holding company, or gaming-related vendor, including their officers and employees, under an agreement to influence or with the intent to influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a casino game or an official action of a commission member, agent, or employee;

(2) Solicits, accepts, or receives a promise of anything of value or benefit while the person is connected with a casino, including an officer or employee of a casino operator, management company, or gaming-related vendor, under an agreement to influence or with the intent to influence the actions of the person to affect or attempt to affect the outcome of a casino game or an official action of a commission member, agent, or employee;

(H) A person who knowingly or intentionally does any of the following while participating in casino gaming or otherwise transacting with a casino facility as permitted by Chapter 3772. of the Revised Code commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense:

(1) Causes or attempts to cause a casino facility to fail

to file a report required under 31 U.S.C. 5313(a) or 5325 or any 49822
regulation prescribed thereunder or section 1315.53 of the 49823
Revised Code, or to fail to file a report or maintain a record 49824
required by an order issued under section 21 of the "Federal 49825
Deposit Insurance Act" or section 123 of Pub. L. No. 91-508; 49826

(2) Causes or attempts to cause a casino facility to file 49827
a report required under 31 U.S.C. 5313(a) or 5325 or any 49828
regulation prescribed thereunder or section 1315.53 of the 49829
Revised Code, to file a report or to maintain a record required 49830
by any order issued under 31 U.S.C. 5326, or to maintain a 49831
record required under any regulation prescribed under section 21 49832
of the "Federal Deposit Insurance Act" or section 123 of Pub. L. 49833
No. 91-508 that contains a material omission or misstatement of 49834
fact; 49835

(3) With one or more casino facilities, structures a 49836
transaction, is complicit in structuring a transaction, attempts 49837
to structure a transaction, or is complicit in an attempt to 49838
structure a transaction. 49839

(I) A person who is convicted of a felony described in 49840
this chapter may be barred for life from entering a casino 49841
facility by the commission. 49842

(J) As used in division (H) of this section: 49843

(1) To be "complicit" means to engage in any conduct of a 49844
type described in ~~divisions~~ division (A) (1) ~~to (4)~~ or (2) of 49845
section 2923.03 of the Revised Code. 49846

(2) "Structure a transaction" has the same meaning as in 49847
section 1315.51 of the Revised Code. 49848

(K) Premises used or occupied in violation of division (E) 49849
(12) of this section constitute a nuisance subject to abatement 49850

under Chapter 3767. of the Revised Code. 49851

Sec. 3905.841. The following persons or classes of persons 49852
shall not act as surety bail bond agents or employees of a 49853
surety bail bond agent or bail bond business and shall not 49854
directly or indirectly receive any benefits from the execution 49855
of a bail bond, except as a principal: 49856

(A) Jailers or other persons employed in a detention 49857
facility, as defined in section 2921.01 of the Revised Code; 49858

(B) Prisoners incarcerated in any jail, prison, or any 49859
other place used for the incarceration of persons; 49860

(C) Peace officers as defined in division (J) of section 49861
~~2921.51~~ 2921.01 of the Revised Code, including volunteer or 49862
honorary peace officers, or other employees of a law enforcement 49863
agency; 49864

(D) Committing magistrates, judges, employees of a court, 49865
or employees of the clerk of any court; 49866

(E) Attorneys or any person employed at an attorney's 49867
office; 49868

(F) Any other persons having the power to arrest, or 49869
persons who have authority over or control of, federal, state, 49870
county, or municipal corporation prisoners. 49871

Sec. 3999.21. (A) As used in this section: 49872

(1) "Deceptive," "insurer," "policy," and "statement" have 49873
the same meanings as in division (J) of section ~~2913.47~~ 2913.01 49874
of the Revised Code. 49875

(2) "Defraud" has the same meaning as in division (A) (2) 49876
of section 2913.01 of the Revised Code. 49877

(B) All applications for group or individual insurance 49878
issued by an insurer and all claim forms issued by an insurer, 49879
for use by persons in applying for insurance or submitting a 49880
claim for payment pursuant to a policy or a claim for any other 49881
benefit pursuant to a policy, shall clearly contain a warning 49882
substantially as follows: "Any person who, with intent to 49883
defraud or knowing that ~~he~~ the person is facilitating a fraud 49884
against an insurer, submits an application or files a claim 49885
containing a false or deceptive statement is guilty of insurance 49886
fraud." 49887

(C) An insurer may comply with division (B) of this 49888
section by including the warning on an addendum to any 49889
application or claim form described in that division, if the 49890
addendum is attached to the form and satisfies the requirements 49891
set forth in that division. 49892

(D) The absence of a warning as described in division (B) 49893
of this section does not constitute a defense in a prosecution 49894
for a violation of section 2913.47 or any other section of the 49895
Revised Code. 49896

Sec. 4301.25. (A) The liquor control commission may 49897
suspend or revoke any permit issued under this chapter or 49898
Chapter 4303. of the Revised Code for the violation of any of 49899
the applicable restrictions of either chapter or of any lawful 49900
rule of the commission, for other sufficient cause, and for the 49901
following causes: 49902

(1) Conviction of the holder or the holder's agent or 49903
employee for violating division (B) of section 2907.39 of the 49904
Revised Code or a section of this chapter or Chapter 4303. of 49905
the Revised Code or for a felony; 49906

(2) The entry of a judgment pursuant to division (D) or 49907
(E) of section 3767.05 of the Revised Code against a permit 49908
holder or the holder's agent or employee finding the existence 49909
of a nuisance at a liquor permit premises or finding the 49910
existence of a nuisance as a result of the operation of a liquor 49911
permit premises; 49912

(3) Making any false material statement in an application 49913
for a permit; 49914

(4) Assigning, transferring, or pledging a permit contrary 49915
to the rules of the commission; 49916

(5) Selling or promising to sell beer or intoxicating 49917
liquor to a wholesale or retail dealer who is not the holder of 49918
a proper permit at the time of the sale or promise; 49919

(6) Failure of the holder of a permit to pay an excise tax 49920
together with any penalties imposed by the law relating to that 49921
failure and for violation of any rule of the department of 49922
taxation in pursuance of the tax and penalties. 49923

(B) The liquor control commission shall revoke a permit 49924
issued pursuant to this chapter or Chapter 4303. of the Revised 49925
Code upon the conviction of the holder of the permit of a 49926
violation of division ~~(C) (1)~~ (B) (1) of section 2913.46 of the 49927
Revised Code. 49928

(C) (1) When the commission considers the length of a 49929
suspension of a permit, it may consider the volume of the 49930
business of the permit holder, so that the length of the 49931
suspension is in proportion to the seriousness of the offense 49932
and the permit holder's business in order that the suspension 49933
serve as a penalty and a deterrent. Evidence as to the volume of 49934
business of the permit holder may be offered by the permit 49935

holder or subpoenaed by the commission. 49936

(2) When the commission considers the length of a proposed 49937
suspension of a permit and the proposed suspension results from 49938
an offense that was committed during a compliance check as 49939
defined in section 4301.635 of the Revised Code, the commission 49940
may consider whether trickery, deceit, or deception was used in 49941
the conduct of the compliance check. 49942

Sec. 4303.292. (A) The division of liquor control may 49943
refuse to issue, transfer the ownership of, or renew, and shall 49944
refuse to transfer the location of, any retail permit issued 49945
under this chapter if it finds either of the following: 49946

(1) That the applicant, or any partner, member, officer, 49947
director, or manager of the applicant, or, if the applicant is a 49948
corporation or limited liability company, any shareholder owning 49949
five per cent or more of the applicant's capital stock in the 49950
corporation or any member owning five per cent or more of either 49951
the voting interests or membership interests in the limited 49952
liability company: 49953

(a) Has been convicted at any time of a crime that relates 49954
to fitness to operate a liquor establishment; 49955

(b) Has operated liquor permit businesses in a manner that 49956
demonstrates a disregard for the laws, regulations, or local 49957
ordinances of this state or any other state; 49958

(c) Has misrepresented a material fact in applying to the 49959
division for a permit; or 49960

(d) Is in the habit of using alcoholic beverages or 49961
dangerous drugs to excess, or is addicted to the use of 49962
narcotics. 49963

- (2) That the place for which the permit is sought: 49964
- (a) Does not conform to the building, safety, or health requirements of the governing body of the county or municipal corporation in which the place is located. As used in division (A) (2) (a) of this section, "building, safety, or health requirements" does not include local zoning ordinances. The validity of local zoning regulations shall not be affected by this section. 49965
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- (b) Is so constructed or arranged that law enforcement officers and duly authorized agents of the division are prevented from reasonable access to rooms within which beer or intoxicating liquor is to be sold or consumed; 49972
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- (c) Is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace, or good order would result from the issuance, renewal, transfer of location, or transfer of ownership of the permit and operation under it by the applicant; or 49976
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- (d) Has been declared a nuisance pursuant to Chapter 3767. of the Revised Code since the time of the most recent issuance, renewal, or transfer of ownership or location of the liquor permit. 49981
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- (B) The division of liquor control may refuse to issue or transfer the ownership of, and shall refuse to transfer the location of, any retail permit issued under this chapter if it finds either of the following: 49985
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- (1) That the place for which the permit is sought is so situated with respect to any school, church, library, public playground, or hospital that the operation of the liquor establishment will substantially and adversely affect or 49989
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interfere with the normal, orderly conduct of the affairs of 49993
those facilities or institutions; 49994

(2) That the number of permits already existent in the 49995
neighborhood is such that the issuance or transfer of location 49996
of a permit would be detrimental to and substantially interfere 49997
with the morals, safety, or welfare of the public. In reaching a 49998
conclusion in this respect, the division shall consider, in 49999
light of the purposes of this chapter and Chapters 4301. and 50000
4399. of the Revised Code, the character and population of the 50001
neighborhood, the number and location of similar permits in the 50002
neighborhood, the number and location of all other permits in 50003
the neighborhood, and the effect the issuance or transfer of 50004
location of a permit would have on the neighborhood. 50005

(C) The division of liquor control shall not transfer the 50006
location or transfer the ownership and location of a permit 50007
under division (B) (2) (b) of section 4303.29 of the Revised Code 50008
unless the permit is transferred to an economic development 50009
project. 50010

(D) The division of liquor control shall refuse to issue, 50011
renew, transfer the ownership of, or transfer the location of a 50012
retail permit under this chapter if the applicant is or has been 50013
convicted of a violation of division ~~(C)~~(1)~~(B)~~ (1) of section 50014
2913.46 of the Revised Code. 50015

(E) The division of liquor control shall refuse to 50016
transfer the ownership of or transfer the location of a retail 50017
permit under this chapter while criminal proceedings are pending 50018
against the holder of the permit for a violation of division ~~(C)~~ 50019
~~(1)~~(B) (1) of section 2913.46 of the Revised Code. The department 50020
of public safety shall notify the division whenever criminal 50021
proceedings have commenced for a violation of division ~~(C)~~(1)~~(B)~~ 50022

(1) of section 2913.46 of the Revised Code. 50023

(F) The division of liquor control shall refuse to issue, 50024
renew, or transfer the ownership or location of a retail permit 50025
under this chapter if the applicant has been found to be 50026
maintaining a nuisance under section 3767.05 of the Revised Code 50027
at the premises for which the issuance, renewal, or transfer of 50028
ownership or location of the retail permit is sought. 50029

Sec. 4507.08. (A) No probationary license shall be issued 50030
to any person under the age of eighteen who has been adjudicated 50031
an unruly or delinquent child or a juvenile traffic offender for 50032
having committed any act that if committed by an adult would be 50033
a drug abuse offense, as defined in section 2925.01 of the 50034
Revised Code, a violation of division (B) of section 2917.11, or 50035
a violation of division (A) of section 4511.19 of the Revised 50036
Code, unless the person has been required by the court to attend 50037
a drug abuse or alcohol abuse education, intervention, or 50038
treatment program specified by the court and has satisfactorily 50039
completed the program. 50040

(B) No temporary instruction permit or driver's license 50041
shall be issued to any person whose license has been suspended, 50042
during the period for which the license was suspended, nor to 50043
any person whose license has been canceled, under Chapter 4510. 50044
or any other provision of the Revised Code. 50045

(C) No temporary instruction permit or driver's license 50046
shall be issued to any person whose commercial driver's license 50047
is suspended under Chapter 4510. or any other provision of the 50048
Revised Code during the period of the suspension. 50049

No temporary instruction permit or driver's license shall 50050
be issued to any person when issuance is prohibited by division 50051

(A) of section 4507.091 of the Revised Code. 50052

(D) No temporary instruction permit or driver's license 50053
shall be issued to, or retained by, any of the following 50054
persons: 50055

(1) Any person who is an alcoholic, or is addicted to the 50056
use of controlled substances to the extent that the use 50057
constitutes an impairment to the person's ability to operate a 50058
motor vehicle with the required degree of safety; 50059

(2) Any person who is under the age of eighteen and has 50060
been adjudicated an unruly or delinquent child or a juvenile 50061
traffic offender for having committed any act that if committed 50062
by an adult would be a drug abuse offense, as defined in section 50063
2925.01 of the Revised Code, a violation of division (B) of 50064
section 2917.11, or a violation of division (A) of section 50065
4511.19 of the Revised Code, unless the person has been required 50066
by the court to attend a drug abuse or alcohol abuse education, 50067
intervention, or treatment program specified by the court and 50068
has satisfactorily completed the program; 50069

(3) Any person who, in the opinion of the registrar, is 50070
afflicted with or suffering from a physical or mental disability 50071
or disease that prevents the person from exercising reasonable 50072
and ordinary control over a motor vehicle while operating the 50073
vehicle upon the highways, except that a restricted license 50074
effective for six months may be issued to any person otherwise 50075
qualified who is or has been subject to any condition resulting 50076
in episodic impairment of consciousness or loss of muscular 50077
control and whose condition, in the opinion of the registrar, is 50078
dormant or is sufficiently under medical control that the person 50079
is capable of exercising reasonable and ordinary control over a 50080
motor vehicle. A restricted license effective for six months 50081

shall be issued to any person who otherwise is qualified and who 50082
is subject to any condition that causes episodic impairment of 50083
consciousness or a loss of muscular control if the person 50084
presents a statement from a licensed physician that the person's 50085
condition is under effective medical control and the period of 50086
time for which the control has been continuously maintained, 50087
unless, thereafter, a medical examination is ordered and, 50088
pursuant thereto, cause for denial is found. 50089

A person to whom a six-month restricted license has been 50090
issued shall give notice of the person's medical condition to 50091
the registrar on forms provided by the registrar and signed by 50092
the licensee's physician. The notice shall be sent to the 50093
registrar six months after the issuance of the license. 50094
Subsequent restricted licenses issued to the same individual 50095
shall be effective for six months. 50096

(4) Any person who is unable to understand highway 50097
warnings or traffic signs or directions given in the English 50098
language; 50099

(5) Any person making an application whose driver's 50100
license or driving privileges are under cancellation, 50101
revocation, or suspension in the jurisdiction where issued or 50102
any other jurisdiction, until the expiration of one year after 50103
the license was canceled or revoked or until the period of 50104
suspension ends. Any person whose application is denied under 50105
this division may file a petition in the municipal court or 50106
county court in whose jurisdiction the person resides agreeing 50107
to pay the cost of the proceedings and alleging that the conduct 50108
involved in the offense that resulted in suspension, 50109
cancellation, or revocation in the foreign jurisdiction would 50110
not have resulted in a suspension, cancellation, or revocation 50111

had the offense occurred in this state. If the petition is 50112
granted, the petitioner shall notify the registrar by a 50113
certified copy of the court's findings and a license shall not 50114
be denied under this division. 50115

(6) Any person who is under a class one or two suspension 50116
imposed for a violation of section 2903.01, 2903.02, 2903.04, 50117
2903.06, 2903.08, 2903.11, or 2921.331, ~~or 2923.02~~ of the 50118
Revised Code or whose driver's or commercial driver's license or 50119
permit was permanently revoked prior to January 1, 2004, for a 50120
substantially equivalent violation pursuant to section 4507.16 50121
of the Revised Code; 50122

(7) Any person who is not a resident or temporary resident 50123
of this state. 50124

(E) No person whose driver's license or permit has been 50125
suspended under Chapter 4510. of the Revised Code or any other 50126
provision of the Revised Code shall have driving privileges 50127
reinstated if the registrar determines that a warrant has been 50128
issued in this state or any other state for the person's arrest 50129
and that warrant is an active warrant. 50130

Sec. 4508.06. (A) The director of public safety may refuse 50131
to issue, or may suspend or revoke, a license or may impose a 50132
fine of not more than ten thousand dollars per occurrence in any 50133
case in which the director finds the applicant or licensee has 50134
violated any of the provisions of this chapter, or any of the 50135
rules adopted by the director, or has failed to pay a fine 50136
imposed under this division. No person whose license has been 50137
suspended or revoked under this section shall fail to return the 50138
license to the director. 50139

(B) In addition to the reasons for a suspension under 50140

division (A) of this section, the director may suspend a driver 50141
training instructor license without a prior hearing if the 50142
director believes there exists clear and convincing evidence of 50143
any of the following: 50144

(1) The license holder has engaged in conduct that 50145
presents a clear and present danger to a student or students. 50146

(2) The license holder has engaged in inappropriate 50147
contact with a student. "Inappropriate contact" means any of the 50148
following: 50149

(a) Causing or attempting to cause "physical harm," as 50150
defined in division (A) (3) of section 2901.01 of the Revised 50151
Code; 50152

(b) "Sexual activity," as defined in division (C) of 50153
section 2907.01 of the Revised Code; 50154

(c) Engaging in any communication, either directly or 50155
through "telecommunication," as defined in division ~~(X)~~ (A) (24) 50156
of section 2913.01 of the Revised Code, that is of a sexual 50157
nature or intended to abuse, threaten, or harass the student. 50158

(3) The license holder has been convicted of a felony, or 50159
a misdemeanor that directly relates to the fitness of that 50160
person to provide driving instruction. 50161

(C) In addition to the reasons for a suspension under 50162
division (A) of this section, the director may suspend a driver 50163
training school license without a prior hearing if the director 50164
believes there exists clear and convincing evidence of any of 50165
the following: 50166

(1) There exists a clear and present danger to the health, 50167
safety, or welfare of students should the school be permitted to 50168

continue operation. 50169

(2) At the time the contract for training was signed, 50170
there was no intention to provide training, or no ability to 50171
provide training to students. 50172

(3) Any school official knowingly allowed inappropriate 50173
contact, as defined in division (B) (2) of this section, between 50174
instructors and students. 50175

(D) Immediately following a decision to impose a 50176
suspension without a prior hearing under division (B) or (C) of 50177
this section, the director, in accordance with section 119.07 of 50178
the Revised Code, shall issue a written order of suspension, 50179
cause it to be delivered to the license holder, and notify the 50180
license holder of the opportunity for a hearing. If timely 50181
requested by the license holder, a hearing shall be conducted in 50182
accordance with Chapter 119. of the Revised Code. 50183

(E) The director shall deposit all fines collected under 50184
division (A) of this section into the state treasury to the 50185
credit of the public safety - highway purposes fund created by 50186
section 4501.06 of the Revised Code. 50187

(F) Whoever fails to return a license that has been 50188
suspended or revoked under division (A), (B), or (C) of this 50189
section is guilty of failing to return a suspended or revoked 50190
license, a minor misdemeanor or, on a second or subsequent 50191
offense within two years after the first offense, a misdemeanor 50192
of the fourth degree. 50193

Sec. 4510.13. (A) (1) Divisions (A) (2) to (9) of this 50194
section apply to a judge or mayor regarding the suspension of, 50195
or the grant of limited driving privileges during a suspension 50196
of, an offender's driver's or commercial driver's license or 50197

permit or nonresident operating privilege imposed under division 50198
(G) or (H) of section 4511.19 of the Revised Code, under 50199
division (B) or (C) of section 4511.191 of the Revised Code, or 50200
under section 4510.07 of the Revised Code for a conviction of a 50201
violation of a municipal OVI ordinance. 50202

(2) No judge or mayor shall suspend the following portions 50203
of the suspension of an offender's driver's or commercial 50204
driver's license or permit or nonresident operating privilege 50205
imposed under division (G) or (H) of section 4511.19 of the 50206
Revised Code or under section 4510.07 of the Revised Code for a 50207
conviction of a violation of a municipal OVI ordinance, provided 50208
that division (A) (2) of this section does not limit a court or 50209
mayor in crediting any period of suspension imposed pursuant to 50210
division (B) or (C) of section 4511.191 of the Revised Code 50211
against any time of judicial suspension imposed pursuant to 50212
section 4511.19 or 4510.07 of the Revised Code, as described in 50213
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 50214
Code: 50215

(a) The first six months of a suspension imposed under 50216
division (G) (1) (a) of section 4511.19 of the Revised Code or of 50217
a comparable length suspension imposed under section 4510.07 of 50218
the Revised Code; 50219

(b) The first year of a suspension imposed under division 50220
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 50221
comparable length suspension imposed under section 4510.07 of 50222
the Revised Code; 50223

(c) The first three years of a suspension imposed under 50224
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 50225
or of a comparable length suspension imposed under section 50226
4510.07 of the Revised Code; 50227

(d) The first sixty days of a suspension imposed under division (H) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code.

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

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

(4) No judge or mayor shall grant limited driving privileges for employment as a driver of commercial motor vehicles to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) or (H) of section 4511.19 of the

Revised Code, under division (B) or (C) of section 4511.191 of 50258
the Revised Code, or under section 4510.07 of the Revised Code 50259
for a municipal OVI conviction if the offender is disqualified 50260
from operating a commercial motor vehicle, or whose license or 50261
permit has been suspended, under section 3123.58 or 4506.16 of 50262
the Revised Code. 50263

(5) No judge or mayor shall grant limited driving 50264
privileges to an offender whose driver's or commercial driver's 50265
license or permit or nonresident operating privilege has been 50266
suspended under division (G) or (H) of section 4511.19 of the 50267
Revised Code, under division (C) of section 4511.191 of the 50268
Revised Code, or under section 4510.07 of the Revised Code for a 50269
conviction of a violation of a municipal OVI ordinance during 50270
any of the following periods of time: 50271

(a) The first fifteen days of a suspension imposed under 50272
division (G) (1) (a) of section 4511.19 of the Revised Code or a 50273
comparable length suspension imposed under section 4510.07 of 50274
the Revised Code, or of a suspension imposed under division (C) 50275
(1) (a) of section 4511.191 of the Revised Code. On or after the 50276
sixteenth day of the suspension, the court may grant limited 50277
driving privileges, but the court may require that the offender 50278
shall not exercise the privileges unless the vehicles the 50279
offender operates are equipped with immobilizing or disabling 50280
devices that monitor the offender's alcohol consumption or any 50281
other type of immobilizing or disabling devices, except as 50282
provided in division (C) of section 4510.43 of the Revised Code. 50283

(b) The first forty-five days of a suspension imposed 50284
under division (C) (1) (b) of section 4511.191 of the Revised 50285
Code. On or after the forty-sixth day of suspension, the court 50286
may grant limited driving privileges, but the court may require 50287

that the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with immobilizing or disabling devices that monitor the offender's alcohol consumption or any other type of immobilizing or disabling devices, except as provided in division (C) of section 4510.43 of the Revised Code.

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

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

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

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

(e) The first forty-five days of a suspension imposed

under division (G) (1) (b) of section 4511.19 of the Revised Code 50317
or a comparable length suspension imposed under section 4510.07 50318
of the Revised Code. On or after the forty-sixth day of the 50319
suspension, the court may grant limited driving privileges, and 50320
either of the following applies: 50321

(i) If the underlying conviction is alcohol-related, the 50322
court shall issue an order that, except as provided in division 50323
(C) of section 4510.43 of the Revised Code, for the remainder of 50324
the period of suspension the offender shall not exercise the 50325
privileges unless the vehicles the offender operates are 50326
equipped with a certified ignition interlock device. 50327

(ii) If the underlying conviction is drug-related, the 50328
court in its discretion may issue an order that, except as 50329
provided in division (C) of section 4510.43 of the Revised Code, 50330
for the remainder of the period of suspension the offender shall 50331
not exercise the privileges unless the vehicles the offender 50332
operates are equipped with a certified ignition interlock 50333
device. 50334

If a court grants limited driving privileges under 50335
division (A) (5) (e) of this section, the court may issue an order 50336
terminating an immobilization order issued pursuant to division 50337
(G) (1) (b) (v) of section 4511.19 of the Revised Code to take 50338
effect concurrently with the granting of limited driving 50339
privileges. The court shall send notice of the termination of 50340
the immobilization order to the registrar of motor vehicles. 50341

Upon receiving information that an offender violated any 50342
condition imposed by the court at the time an immobilization 50343
order was terminated under this section, the court may hold a 50344
hearing and, in its discretion, issue an order reinstating the 50345
immobilization order for the balance of the immobilization 50346

period that remained when the court originally ordered the 50347
termination of the immobilization order. The court may issue the 50348
order only upon a showing of good cause that the offender 50349
violated any condition imposed by the court. The court shall 50350
send notice of the reinstatement of the immobilization order to 50351
the registrar. 50352

(f) The first one hundred eighty days of a suspension 50353
imposed under division (G) (1) (c) of section 4511.19 of the 50354
Revised Code or a comparable length suspension imposed under 50355
section 4510.07 of the Revised Code. On or after the one hundred 50356
eighty-first day of the suspension, the court may grant limited 50357
driving privileges, and either of the following applies: 50358

(i) If the underlying conviction is alcohol-related, the 50359
court shall issue an order that, except as provided in division 50360
(C) of section 4510.43 of the Revised Code, for the remainder of 50361
the period of suspension the offender shall not exercise the 50362
privileges unless the vehicles the offender operates are 50363
equipped with a certified ignition interlock device. 50364

(ii) If the underlying conviction is drug-related, the 50365
court in its discretion may issue an order that, except as 50366
provided in division (C) of section 4510.43 of the Revised Code, 50367
for the remainder of the period of suspension the offender shall 50368
not exercise the privileges unless the vehicles the offender 50369
operates are equipped with a certified ignition interlock 50370
device. 50371

(g) The first three years of a suspension imposed under 50372
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 50373
or a comparable length suspension imposed under section 4510.07 50374
of the Revised Code, or of a suspension imposed under division 50375
(C) (1) (d) of section 4511.191 of the Revised Code. On or after 50376

the first three years of suspension, the court may grant limited driving privileges, and either of the following applies:

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

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

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

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

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

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

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

(7) In any case in which a judge or mayor grants limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) (1) (c), (d), or (e) of section 4511.19 of the Revised Code, under division (G) (1) (a) or (b) of section 4511.19 of the Revised Code for a violation of division (A) (1) (f), (g), (h), or (i) of that section, or under section 4510.07 of the Revised Code for a municipal OVI conviction for which sentence would have been imposed under division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) (c), (d), or (e) of section 4511.19 of the Revised Code had the offender been charged with and convicted of a violation of section 4511.19 of the Revised Code instead of a violation of the municipal OVI ordinance, the judge or mayor shall impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under section 4503.231 of the Revised Code, except as provided in division (B) of that section.

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

(a) If the offender was sentenced under division (G) (1) (a) or (b) or division (H) of section 4511.19 of the Revised Code, on a first instance the court may require the offender to wear a monitor that provides continuous alcohol monitoring that is remote. On a second instance, the court shall require the offender to wear a monitor that provides continuous alcohol

monitoring that is remote for a minimum of forty days. On a 50436
third instance or more, the court shall require the offender to 50437
wear a monitor that provides continuous alcohol monitoring that 50438
is remote for a minimum of sixty days. 50439

(b) If the offender was sentenced under division (G) (1) 50440
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 50441
first instance the court shall require the offender to wear a 50442
monitor that provides continuous alcohol monitoring that is 50443
remote for a minimum of forty days. On a second instance or 50444
more, the court shall require the offender to wear a monitor 50445
that provides continuous alcohol monitoring that is remote for a 50446
minimum of sixty days. 50447

(c) The court may increase the period of suspension of the 50448
offender's driver's or commercial driver's license or permit or 50449
nonresident operating privilege from that originally imposed by 50450
the court by a factor of two and may increase the period of time 50451
during which the offender will be prohibited from exercising any 50452
limited driving privileges granted to the offender unless the 50453
vehicles the offender operates are equipped with a certified 50454
ignition interlock device by a factor of two. The limitation 50455
under division (E) of section 4510.46 of the Revised Code 50456
applies to an increase under division (A) (8) (c) of this section. 50457

(d) If the violation occurred within sixty days of the end 50458
of the suspension of the offender's driver's or commercial 50459
driver's license or permit or nonresident operating privilege 50460
and the court does not impose an increase in the period of the 50461
suspension under division (A) (8) (c) of this section, the court 50462
shall proceed as follows: 50463

(i) Issue an order extending the period of suspension and 50464
the grant of limited driving privileges with a required 50465

certified ignition interlock device so that the suspension 50466
terminates sixty days from the date the offender committed that 50467
violation. 50468

(ii) For each violation subsequent to a violation for 50469
which an extension was ordered under division (A) (8) (d) (i) of 50470
this section, issue an order extending the period of suspension 50471
and the grant of limited driving privileges with a required 50472
certified ignition interlock device so that the suspension 50473
terminates sixty days from the date the offender committed that 50474
violation. 50475

The registrar of motor vehicles is prohibited from 50476
reinstating an offender's license unless the applicable period 50477
of suspension has been served and no ignition interlock device 50478
violations have been committed within the sixty days prior to 50479
the application for reinstatement. 50480

(9) At the time the court issues an order under this 50481
section requiring an offender to use an ignition interlock 50482
device, the court shall provide notice to the offender of each 50483
action the court is authorized or required to take under 50484
division (A) (8) of this section if the offender circumvents or 50485
tamper with the device or in any case in which the court 50486
receives notice pursuant to section 4510.46 of the Revised Code 50487
that a device prevented an offender from starting a motor 50488
vehicle. 50489

(10) In any case in which the court issues an order under 50490
this section prohibiting an offender from exercising limited 50491
driving privileges unless the vehicles the offender operates are 50492
equipped with an immobilizing or disabling device, including a 50493
certified ignition interlock device, or requires an offender to 50494
wear a monitor that provides continuous alcohol monitoring that 50495

is remote, the court shall impose an additional court cost of 50496
two dollars and fifty cents upon the offender. The court shall 50497
not waive the payment of the two dollars and fifty cents unless 50498
the court determines that the offender is indigent and waives 50499
the payment of all court costs imposed upon the indigent 50500
offender. The clerk of court shall transmit one hundred per cent 50501
of this mandatory court cost collected during a month on or 50502
before the twenty-third day of the following month to the state 50503
treasury to be credited to the public safety - highway purposes 50504
fund created under section 4501.06 of the Revised Code, to be 50505
used by the department of public safety to cover costs 50506
associated with maintaining the habitual OVI/OMWI offender 50507
registry created under section 5502.10 of the Revised Code. In 50508
its discretion the court may impose an additional court cost of 50509
two dollars and fifty cents upon the offender. The clerk of 50510
court shall retain this discretionary two dollar and fifty cent 50511
court cost, if imposed, and shall deposit it in the court's 50512
special projects fund that is established under division (E) (1) 50513
of section 2303.201, division (B) (1) of section 1901.26, or 50514
division (B) (1) of section 1907.24 of the Revised Code. 50515

(B) Any person whose driver's or commercial driver's 50516
license or permit or nonresident operating privilege has been 50517
suspended pursuant to section 4511.19 or 4511.191 of the Revised 50518
Code or under section 4510.07 of the Revised Code for a 50519
violation of a municipal OVI ordinance may file a petition for 50520
limited driving privileges during the suspension. The person 50521
shall file the petition in the court that has jurisdiction over 50522
the place of arrest. Subject to division (A) of this section, 50523
the court may grant the person limited driving privileges during 50524
the period during which the suspension otherwise would be 50525
imposed. However, the court shall not grant the privileges for 50526

employment as a driver of a commercial motor vehicle to any 50527
person who is disqualified from operating a commercial motor 50528
vehicle under section 4506.16 of the Revised Code or during any 50529
of the periods prescribed by division (A) of this section. 50530

(C) (1) After a driver's or commercial driver's license or 50531
permit or nonresident operating privilege has been suspended 50532
pursuant to section 2903.06, 2903.08, 2903.11, 2921.331, 50533
~~2923.02, 2929.02,~~ 4511.19, 4511.251, 4549.02, 4549.021, or 50534
5743.99 of the Revised Code, any provision of Chapter 2925. of 50535
the Revised Code, or section 4510.07 of the Revised Code for a 50536
violation of a municipal OVI ordinance, the judge of the court 50537
or mayor of the mayor's court that suspended the license, 50538
permit, or privilege shall cause the offender to deliver to the 50539
court the license or permit. The judge, mayor, or clerk of the 50540
court or mayor's court shall forward to the registrar the 50541
license or permit together with notice of the action of the 50542
court. 50543

(2) A suspension of a commercial driver's license under 50544
any section or chapter identified in division (C) (1) of this 50545
section shall be concurrent with any period of suspension or 50546
disqualification under section 3123.58 or 4506.16 of the Revised 50547
Code. No person who is disqualified for life from holding a 50548
commercial driver's license under section 4506.16 of the Revised 50549
Code shall be issued a driver's license under this chapter 50550
during the period for which the commercial driver's license was 50551
suspended under this section, and no person whose commercial 50552
driver's license is suspended under any section or chapter 50553
identified in division (C) (1) of this section shall be issued a 50554
driver's license under Chapter 4507. of the Revised Code during 50555
the period of the suspension. 50556

(3) No judge or mayor shall suspend any class one suspension, or any portion of any class one suspension, imposed under section 2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No judge or mayor shall suspend the first thirty days of any class two, class three, class four, class five, or class six suspension imposed under section 2903.06, 2903.08, 2903.11, ~~2923.02,~~ or 2929.02 of the Revised Code.

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

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

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

(2) An offender shall present to the registrar or to a deputy registrar the copy of an immobilizing or disabling device order issued under this section and a certificate affirming the installation of an immobilizing or disabling device that is in a form established by the director of public safety and that is signed by the person who installed the device. Upon presentation of the order and certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with an immobilizing or disabling device in violation of the order.

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

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

Sec. 4510.54. (A) Except as provided in division (F) of this section, a person whose driver's or commercial driver's license has been suspended for life under a class one suspension or as otherwise provided by law or has been suspended for a

period in excess of fifteen years under a class two suspension 50617
may file a motion with the sentencing court for modification or 50618
termination of the suspension. The person filing the motion 50619
shall demonstrate all of the following: 50620

(1) (a) If the person's license was suspended as a result 50621
of the person pleading guilty to or being convicted of a felony, 50622
at least fifteen years have elapsed since the suspension began 50623
or, if the person's license was suspended under division (B) (2) 50624
(d) of section 2903.06 of the Revised Code, at least fifteen 50625
years have elapsed since the person was released from prison, 50626
and, for the past fifteen years, the person has not been found 50627
guilty of any of the following: 50628

(i) A felony; 50629

(ii) An offense involving a moving violation under federal 50630
law, the law of this state, or the law of any of its political 50631
subdivisions; 50632

(iii) A violation of a suspension under this chapter or a 50633
substantially equivalent municipal ordinance. 50634

(b) If the person's license was suspended as a result of 50635
the person pleading guilty to or being convicted of a 50636
misdemeanor, at least five years have elapsed since the 50637
suspension began, and, for the past five years, the person has 50638
not been found guilty of any of the following: 50639

(i) An offense involving a moving violation under the law 50640
of this state, the law of any of its political subdivisions, or 50641
federal law; 50642

(ii) A violation of section 2903.06 or 2903.08 of the 50643
Revised Code; 50644

(iii) A violation of a suspension under this chapter or a substantially equivalent municipal ordinance. 50645
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(2) The person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standard set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar of motor vehicles, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in that section. 50647
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(3) If the suspension was imposed because the person was under the influence of alcohol, a drug of abuse, or combination of them at the time of the offense or because at the time of the offense the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, all of the following apply to the person: 50653
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(a) The person successfully completed an alcohol, drug, or alcohol and drug treatment program. 50664
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(b) The person has not abused alcohol or other drugs for a period satisfactory to the court. 50666
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(c) For the past fifteen years, the person has not been found guilty of any alcohol-related or drug-related offense. 50668
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(B) Upon receipt of a motion for modification or termination of the suspension under this section, the court may schedule a hearing on the motion. The court may deny the motion without a hearing but shall not grant the motion without a 50670
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hearing. If the court denies a motion without a hearing, the 50674
court may consider a subsequent motion filed under this section 50675
by that person. If a court denies the motion after a hearing, 50676
the court shall not consider a subsequent motion for that 50677
person. The court shall hear only one motion filed by a person 50678
under this section. If scheduled, the hearing shall be conducted 50679
in open court within ninety days after the date on which the 50680
motion is filed. 50681

(C) The court shall notify the person whose license was 50682
suspended and the prosecuting attorney of the date, time, and 50683
location of the hearing. Upon receipt of the notice from the 50684
court, the prosecuting attorney shall notify the victim or the 50685
victim's representative of the date, time, and location of the 50686
hearing. 50687

(D) At any hearing under this section, the person who 50688
seeks modification or termination of the suspension has the 50689
burden to demonstrate, under oath, that the person meets the 50690
requirements of division (A) of this section. At the hearing, 50691
the court shall afford the offender or the offender's counsel an 50692
opportunity to present oral or written information relevant to 50693
the motion. The court shall afford a similar opportunity to 50694
provide relevant information to the prosecuting attorney and the 50695
victim or victim's representative. 50696

Before ruling on the motion, the court shall take into 50697
account the person's driving record, the nature of the offense 50698
that led to the suspension, and the impact of the offense on any 50699
victim. In addition, if the offender is eligible for 50700
modification or termination of the suspension under division (A) 50701
(1) (a) of this section, the court shall consider whether the 50702
person committed any other offense while under suspension and 50703

determine whether the offense is relevant to a determination 50704
under this section. The court may modify or terminate the 50705
suspension subject to any considerations it considers proper if 50706
it finds that allowing the person to drive is not likely to 50707
present a danger to the public. After the court makes a ruling 50708
on a motion filed under this section, the prosecuting attorney 50709
shall notify the victim or the victim's representative of the 50710
court's ruling. 50711

(E) If a court modifies a person's license suspension 50712
under this section and the person subsequently is found guilty 50713
of any moving violation or of any substantially equivalent 50714
municipal ordinance that carries as a possible penalty the 50715
suspension of a person's driver's or commercial driver's 50716
license, the court may reimpose the class one or other lifetime 50717
suspension, or the class two suspension, whichever is 50718
applicable. 50719

(F) This section does not apply to any person whose 50720
driver's or commercial driver's license or permit or nonresident 50721
operating privilege has been suspended for life under a class 50722
one suspension imposed under division (B) (3) of section 2903.06 50723
or section 2903.08 of the Revised Code or a class two suspension 50724
imposed under division (C) of section 2903.06 or section 50725
2903.11, ~~2923.02~~, or 2929.02 of the Revised Code. 50726

(G) As used in this section, "released from prison" means 50727
a person's physical release from a jail or prison as defined in 50728
section 2929.01 of the Revised Code. 50729

Sec. 4511.204. (A) No person shall drive a motor vehicle, 50730
trackless trolley, or streetcar on any street, highway, or 50731
property open to the public for vehicular traffic while using a 50732
handheld electronic wireless communications device to write, 50733

send, or read a text-based communication. 50734

(B) Division (A) of this section does not apply to any of 50735
the following: 50736

(1) A person using a handheld electronic wireless 50737
communications device in that manner for emergency purposes, 50738
including an emergency contact with a law enforcement agency, 50739
hospital or health care provider, fire department, or other 50740
similar emergency agency or entity; 50741

(2) A person driving a public safety vehicle who uses a 50742
handheld electronic wireless communications device in that 50743
manner in the course of the person's duties; 50744

(3) A person using a handheld electronic wireless 50745
communications device in that manner whose motor vehicle is in a 50746
stationary position and who is outside a lane of travel; 50747

(4) A person reading, selecting, or entering a name or 50748
telephone number in a handheld electronic wireless 50749
communications device for the purpose of making or receiving a 50750
telephone call; 50751

(5) A person receiving wireless messages on a device 50752
regarding the operation or navigation of a motor vehicle; 50753
safety-related information, including emergency, traffic, or 50754
weather alerts; or data used primarily by the motor vehicle; 50755

(6) A person receiving wireless messages via radio waves; 50756

(7) A person using a device for navigation purposes; 50757

(8) A person conducting wireless interpersonal 50758
communication with a device that does not require manually 50759
entering letters, numbers, or symbols or reading text messages, 50760
except to activate, deactivate, or initiate the device or a 50761

feature or function of the device; 50762

(9) A person operating a commercial truck while using a 50763
mobile data terminal that transmits and receives data; 50764

(10) A person using a handheld electronic wireless 50765
communications device in conjunction with a voice-operated or 50766
hands-free device feature or function of the vehicle. 50767

(C) (1) Notwithstanding any provision of law to the 50768
contrary, no law enforcement officer shall cause an operator of 50769
an automobile being operated on any street or highway to stop 50770
the automobile for the sole purpose of determining whether a 50771
violation of division (A) of this section has been or is being 50772
committed or for the sole purpose of issuing a ticket, citation, 50773
or summons for a violation of that nature or causing the arrest 50774
of or commencing a prosecution of a person for a violation of 50775
that nature, and no law enforcement officer shall view the 50776
interior or visually inspect any automobile being operated on 50777
any street or highway for the sole purpose of determining 50778
whether a violation of that nature has been or is being 50779
committed. 50780

(2) On January 31 of each year, the department of public 50781
safety shall issue a report to the general assembly that 50782
specifies the number of citations issued for violations of this 50783
section during the previous calendar year. 50784

(D) Whoever violates division (A) of this section is 50785
guilty of a minor misdemeanor. 50786

(E) This section shall not be construed as invalidating, 50787
preempting, or superseding a substantially equivalent municipal 50788
ordinance that prescribes penalties for violations of that 50789
ordinance that are greater than the penalties prescribed in this 50790

section for violations of this section. 50791

(F) A prosecution for a violation of this section does not 50792
preclude a prosecution for a violation of a substantially 50793
equivalent municipal ordinance based on the same conduct. 50794
However, if an offender is convicted of or pleads guilty to a 50795
violation of this section and is also convicted of or pleads 50796
guilty to a violation of a substantially equivalent municipal 50797
ordinance based on the same conduct, the two offenses are ~~allied-~~ 50798
~~offenses of similar import to be merged~~ under section 2941.25 of 50799
the Revised Code. 50800

(G) As used in this section: 50801

(1) "Electronic wireless communications device" includes 50802
any of the following: 50803

(a) A wireless telephone; 50804

(b) A text-messaging device; 50805

(c) A personal digital assistant; 50806

(d) A computer, including a laptop computer and a computer 50807
tablet; 50808

(e) Any other substantially similar wireless device that 50809
is designed or used to communicate text. 50810

(2) "Voice-operated or hands-free device" means a device 50811
that allows the user to vocally compose or send, or to listen to 50812
a text-based communication without the use of either hand except 50813
to activate or deactivate a feature or function. 50814

(3) "Write, send, or read a text-based communication" 50815
means to manually write or send, or read a text-based 50816
communication using an electronic wireless communications 50817

device, including manually writing or sending, or reading 50818
communications referred to as text messages, instant messages, 50819
or electronic mail. 50820

Sec. 4511.205. (A) No holder of a temporary instruction 50821
permit who has not attained the age of eighteen years and no 50822
holder of a probationary driver's license shall drive a motor 50823
vehicle on any street, highway, or property used by the public 50824
for purposes of vehicular traffic or parking while using in any 50825
manner an electronic wireless communications device. 50826

(B) Division (A) of this section does not apply to either 50827
of the following: 50828

(1) A person using an electronic wireless communications 50829
device for emergency purposes, including an emergency contact 50830
with a law enforcement agency, hospital or health care provider, 50831
fire department, or other similar emergency agency or entity; 50832

(2) A person using an electronic wireless communications 50833
device whose motor vehicle is in a stationary position and the 50834
motor vehicle is outside a lane of travel; 50835

(3) A person using a navigation device in a voice-operated 50836
or hands-free manner who does not manipulate the device while 50837
driving. 50838

(C) (1) Except as provided in division (C) (2) of this 50839
section, whoever violates division (A) of this section shall be 50840
fined one hundred fifty dollars. In addition, the court shall 50841
impose a class seven suspension of the offender's driver's 50842
license or permit for a definite period of sixty days. 50843

(2) If the person previously has been adjudicated a 50844
delinquent child or a juvenile traffic offender for a violation 50845
of this section, whoever violates this section shall be fined 50846

three hundred dollars. In addition, the court shall impose a 50847
class seven suspension of the person's driver's license or 50848
permit for a definite period of one year. 50849

(D) The filing of a sworn complaint against a person for a 50850
violation of this section does not preclude the filing of a 50851
sworn complaint for a violation of a substantially equivalent 50852
municipal ordinance for the same conduct. However, if a person 50853
is adjudicated a delinquent child or a juvenile traffic offender 50854
for a violation of this section and is also adjudicated a 50855
delinquent child or a juvenile traffic offender for a violation 50856
of a substantially equivalent municipal ordinance for the same 50857
conduct, the two offenses are ~~allied offenses of similar import~~ 50858
to be merged under section 2941.25 of the Revised Code. 50859

(E) As used in this section, "electronic wireless 50860
communications device" includes any of the following: 50861

(1) A wireless telephone; 50862

(2) A personal digital assistant; 50863

(3) A computer, including a laptop computer and a computer 50864
tablet; 50865

(4) A text-messaging device; 50866

(5) Any other substantially similar electronic wireless 50867
device that is designed or used to communicate via voice, image, 50868
or written word. 50869

Sec. 4519.47. ~~(A)~~ Whenever a person is found guilty of 50870
operating a snowmobile, off-highway motorcycle, or all-purpose 50871
vehicle in violation of any rule authorized to be adopted under 50872
section 4519.21 or 4519.42 of the Revised Code, the trial judge 50873
of any court of record, in addition to or independent of any 50874

other penalties provided by law, may impound for not less than 50875
sixty days the certificate of registration and license plate, if 50876
applicable, of that snowmobile, off-highway motorcycle, or all- 50877
purpose vehicle. The court shall send the impounded certificate 50878
of registration and license plate, if applicable, to the 50879
registrar of motor vehicles, who shall retain the certificate of 50880
registration and license plate, if applicable, until the 50881
expiration of the period of impoundment. 50882

~~(B) If a court impounds the certificate of registration 50883
and license plate of an all-purpose vehicle pursuant to section 50884
2911.21 of the Revised Code, the court shall send the impounded 50885
certificate of registration and license plate to the registrar, 50886
who shall retain them until the expiration of the period of 50887
impoundment. 50888~~

Sec. 4715.036. (A) As used in this section: 50889

(1) "Personal identifying information" has the same 50890
meaning as in division (L) of section 2913.49-2913.01 of the 50891
Revised Code. 50892

(2) "Confidential law enforcement investigatory record" 50893
has the same meaning as in section 149.43 of the Revised Code, 50894
except that it excludes information provided by an information 50895
source or witness to whom confidentiality has been reasonably 50896
promised, which information would reasonably tend to disclose 50897
the source's or witness's identity. 50898

(B) If the state dental board notifies an applicant, 50899
license holder, or other individual of an opportunity for a 50900
hearing pursuant to section 119.07 of the Revised Code, the 50901
board shall state in the notice that the individual is entitled 50902
to receive at least sixty days before the hearing, on the 50903

individual's request and as described in division (C) of this 50904
section, one copy of each item the board procures or creates in 50905
the course of its investigation on the individual. Such items 50906
may include, but are not limited to, the one or more complaints 50907
filed with the board; correspondence, reports, and statements; 50908
deposition transcripts; and patient dental records. 50909

(C) On receipt of a request for copies of investigative 50910
items from an individual who is notified under division (B) of 50911
this section of an opportunity for a hearing, the board shall 50912
provide the copies to the individual in accordance with, and 50913
subject to, all of the following: 50914

(1) The board shall provide the copies in a timely manner. 50915

(2) The board may charge a fee for providing the copies, 50916
but the amount of the fee shall be set at a reasonable cost to 50917
the individual. 50918

(3) Before providing the copies, the board shall determine 50919
whether the investigative items contain any personal identifying 50920
information regarding a complainant. If the board determines 50921
that the investigative items contain such personal identifying 50922
information, or any other information that would reveal the 50923
complainant's identity, the board shall redact the information 50924
from the copies it provides to the individual. 50925

(4) The board shall not provide either of the following: 50926

(a) Any information that is subject to the attorney-client 50927
privilege or work product doctrine, or that would reveal the 50928
investigatory processes or methods of investigation used by the 50929
board; 50930

(b) Any information that would constitute a confidential 50931
law enforcement investigatory record. 50932

(D) If a request for copies of investigative items is made 50933
pursuant to this section, the board in its scheduling of a 50934
hearing for the individual shall, notwithstanding section 119.07 50935
of the Revised Code, schedule the hearing for a date that is at 50936
least sixty-one days after the board provides the individual 50937
with the copies of the items. 50938

(E) (1) After the board notifies an individual of an 50939
opportunity for a hearing, the individual may ask the board to 50940
issue either or both of the following: 50941

(a) A subpoena to compel the attendance and testimony of 50942
any witness at the hearing; 50943

(b) A subpoena for the production of books, records, 50944
papers, or other tangible items. 50945

(2) On receipt of an individual's request under division 50946
(E) (1) of this section, the board shall issue the subpoena. 50947

In the case of a subpoena for the production of books, 50948
records, papers, or other tangible items, the person or 50949
government entity subject to the subpoena shall comply with the 50950
subpoena at least thirty days prior to the date the individual's 50951
hearing is scheduled to be held. 50952

Sec. 4729.552. (A) To be eligible to receive a license as 50953
a category III terminal distributor of dangerous drugs with a 50954
pain management clinic classification, an applicant shall submit 50955
evidence satisfactory to the state board of pharmacy that the 50956
applicant's pain management clinic will be operated in 50957
accordance with the requirements specified in division (B) of 50958
this section and that the applicant meets any other applicable 50959
requirements of this chapter. 50960

If the board determines that an applicant meets all of the 50961

requirements, the board shall issue to the applicant a license 50962
as a category III terminal distributor of dangerous drugs and 50963
specify on the license that the terminal distributor is 50964
classified as a pain management clinic. 50965

(B) The holder of a terminal distributor license with a 50966
pain management clinic classification shall do all of the 50967
following: 50968

(1) Be in control of a facility that is owned and operated 50969
solely by one or more physicians authorized under Chapter 4731. 50970
of the Revised Code to practice medicine and surgery or 50971
osteopathic medicine and surgery; 50972

(2) Comply with the requirements for the operation of a 50973
pain management clinic, as established by the state medical 50974
board in rules adopted under section 4731.054 of the Revised 50975
Code; 50976

(3) Ensure that any person employed by the facility 50977
complies with the requirements for the operation of a pain 50978
management clinic established by the state medical board in 50979
rules adopted under section 4731.054 of the Revised Code; 50980

(4) Require any person with ownership of the facility to 50981
submit to a criminal records check in accordance with section 50982
4776.02 of the Revised Code and send the results of the criminal 50983
records check directly to the state board of pharmacy for review 50984
and decision under section 4729.071 of the Revised Code; 50985

(5) Require all employees of the facility to submit to a 50986
criminal records check in accordance with section 4776.02 of the 50987
Revised Code and ensure that no person is employed who has 50988
previously been convicted of, or pleaded guilty to, either of 50989
the following: 50990

(a) A theft offense, described in division (K) (3) <u>(A) (11)</u>	50991
<u>(c)</u> of section 2913.01 of the Revised Code, that would	50992
constitute a felony under the laws of this state, any other	50993
state, or the United States;	50994
(b) A felony drug abuse offense, as defined in section	50995
2925.01 of the Revised Code.	50996
(6) Maintain a list of each person with ownership of the	50997
facility and notify the state board of pharmacy of any change to	50998
that list.	50999
(C) No person shall operate a facility that under this	51000
chapter is subject to licensure as a category III terminal	51001
distributor of dangerous drugs with a pain management clinic	51002
classification without obtaining and maintaining the license	51003
with the classification.	51004
No person who holds a category III license with a pain	51005
management clinic classification shall fail to remain in	51006
compliance with the requirements of division (B) of this section	51007
and any other applicable requirements of this chapter.	51008
(D) The state board of pharmacy may impose a fine of not	51009
more than five thousand dollars on a person who violates	51010
division (C) of this section. A separate fine may be imposed for	51011
each day the violation continues. In imposing the fine, the	51012
board's actions shall be taken in accordance with Chapter 119.	51013
of the Revised Code.	51014
(E) The state board of pharmacy shall adopt rules as it	51015
considers necessary to implement and administer this section.	51016
The rules shall be adopted in accordance with Chapter 119. of	51017
the Revised Code.	51018
Sec. 4729.553. (A) As used in this section:	51019

- (1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code. 51020
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- (2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 51022
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- (3) "Hospital" means a hospital registered with the department of health under section 3701.07 of the Revised Code. 51024
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- (4) "Office-based opioid treatment" means the treatment of opioid dependence or addiction using a controlled substance. 51026
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- (5) "Physician" means an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 51028
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- (6) "Physician assistant" means an individual who is licensed under Chapter 4730. of the Revised Code. 51031
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- (B) (1) Except as provided in divisions (B) (2) and (3) of this section, no person shall knowingly operate a facility, clinic, or other location where a prescriber provides office-based opioid treatment to more than thirty patients or that meets any other identifying criteria established in rules adopted under this section without holding a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification. 51033
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- (2) Division (B) (1) of this section does not apply to any of the following: 51041
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- (a) A hospital; 51043
- (b) A facility for the treatment of opioid dependence or addiction that is operated by a hospital; 51044
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- (c) A physician practice owned or controlled, in whole or 51046

in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals; 51047
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(d) A facility that conducts only clinical research and uses controlled substances in studies approved by a hospital-based institutional review board or an institutional review board that is accredited by the association for the accreditation of human research protection programs, inc.; 51049
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(e) A facility that holds a category III terminal distributor of dangerous drugs license in accordance with section 4729.54 of the Revised Code for the purpose of treating drug dependence or addiction as part of an opioid treatment program and is the subject of a current, valid certification from the substance abuse and mental health services administration of the United States department of health and human services pursuant to 42 C.F.R. 8.11; 51054
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(f) A program or facility that holds a license or certification issued by the department of mental health and addiction services under Chapter 5119. of the Revised Code if the license or certification is approved by the state board of pharmacy; 51062
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(g) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code; 51067
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(h) A state or local correctional facility, as defined in section 5163.45 of the Revised Code; 51070
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(i) A facility in which patients are treated on-site for opioid dependence or addiction exclusively through direct administration by a physician, physician assistant, or advanced practice registered nurse of drugs that are used for treatment 51072
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of opioid dependence or addiction and are neither dispensed nor 51076
personally furnished to patients for off-site self- 51077
administration; 51078

(j) Any other facility specified in rules adopted under 51079
this section. 51080

(3) A patient who receives treatment on-site for opioid 51081
dependence or addiction through direct administration of a drug 51082
by a physician, physician assistant, or advanced practice 51083
registered nurse shall not be included in determining whether 51084
more than thirty patients are being provided office-based opioid 51085
treatment in a particular facility, clinic, or other location 51086
that is subject to division (B)(1) of this section. 51087

(C) To be eligible to receive a license as a category III 51088
terminal distributor of dangerous drugs with an office-based 51089
opioid treatment classification, an applicant shall submit 51090
evidence satisfactory to the state board of pharmacy that the 51091
applicant's office-based opioid treatment will be operated in 51092
accordance with the requirements specified in division (D) of 51093
this section and that the applicant meets any other applicable 51094
requirements of this chapter. 51095

If the board determines that an applicant meets all of the 51096
requirements, the board shall issue to the applicant a license 51097
as a category III terminal distributor of dangerous drugs with 51098
an office-based opioid treatment classification. 51099

(D) The holder of a category III terminal distributor 51100
license with an office-based opioid treatment classification 51101
shall do all of the following: 51102

(1) Be in control of a facility that is owned and operated 51103
solely by one or more physicians, unless the state board of 51104

pharmacy waives this requirement for the holder; 51105

(2) Comply with the requirements for conducting office-based opioid treatment, as established by the state medical board in rules adopted under section 4731.056 of the Revised Code; 51106
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(3) Require any person with ownership of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and send the results of the criminal records check directly to the state board of pharmacy for review and decision under section 4729.071 of the Revised Code; 51110
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(4) Require each person employed by or seeking employment with the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code; 51115
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(5) Ensure that a person is not employed by the facility if the person, within the ten years immediately preceding the date the person applied for employment, was convicted of or pleaded guilty to either of the following, unless the state board of pharmacy permits the person to be employed by waiving this requirement for the facility: 51118
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(a) A theft offense, described in division ~~(K)(3)~~ (A)(11) (c) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States; 51124
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(b) A felony drug offense, as defined in section 2925.01 of the Revised Code. 51128
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(6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list. 51130
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(E) No person subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification shall knowingly fail to remain in compliance with the requirements of division (D) of this section and any other applicable requirements of this chapter.

(F) The state board of pharmacy may impose a fine of not more than five thousand dollars on a person who violates division (B) or (E) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code.

(G) The state board of pharmacy shall adopt rules as it considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4734.99. (A) Whoever violates section 4734.14 or 4734.141 of the Revised Code is guilty of a felony of the fifth degree on a first offense, unless the offender previously has been convicted of or has pleaded guilty to a violation of section 2911.01, 2911.02, ~~2911.11, 2911.12, 2911.13,~~ 2911.03, 2911.04, 2911.05, 2913.02, 2913.40, 2913.47, 2913.48, 2913.51, 2921.13, 4715.09, 4723.03, 4725.02, 4725.41, 4729.27, 4729.28, 4729.36, 4729.51, 4729.61, 4730.02, 4731.41, 4731.43, 4731.46, 4731.47, 4731.60, 4732.21, 4741.18, 4741.19, 4755.48, 4757.02, 4759.02, 4761.10, or 4773.02 of the Revised Code or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to a violation of any of those sections, in which case the offender is guilty of a felony of the fourth degree. For each subsequent offense, the offender is guilty of a felony of the fourth

degree.	51163
(B) Whoever violates section 4734.161 of the Revised Code is guilty of a misdemeanor of the first degree.	51164 51165
(C) Whoever violates division (A), (B), (C), or (D) of section 4734.32 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree, except that an individual guilty of a subsequent offense shall not be subject to imprisonment, but to a fine alone of up to one thousand dollars for each offense.	51166 51167 51168 51169 51170 51171 51172
Sec. 4925.04. (A) Prior to authorizing a person to act as a transportation network company driver, a transportation network company shall do all of the following:	51173 51174 51175
(1) Require the person to submit an application to the transportation network company that includes at least all of the following:	51176 51177 51178
(a) The person's address;	51179
(b) The person's age;	51180
(c) The person's driver's license number and information on the person's driving history;	51181 51182
(d) A copy of the certificate of motor vehicle registration for the vehicle the person will use to provide transportation network company services;	51183 51184 51185
(e) Proof of automobile insurance.	51186
(2) Conduct a background check on each applicant, including both of the following:	51187 51188
(a) A search of a multi-state/multi-jurisdiction criminal	51189

records database, or a similar nationwide criminal records 51190
database, and validation of any records through a primary source 51191
search; 51192

(b) A search of the United States department of justice 51193
national sex offender public web site; 51194

(3) Obtain and review a driving history report with regard 51195
to each applicant. 51196

(B) A transportation network company shall not authorize a 51197
person to act as a transportation network company driver if any 51198
of the following apply to the person: 51199

(1) The person does not possess a valid driver's license. 51200

(2) The person does not possess a valid certification of 51201
motor vehicle registration for the motor vehicle that the person 51202
intends to use to provide transportation network company 51203
services. 51204

(3) The person does not possess automobile liability 51205
insurance for the vehicle that the person intends to use to 51206
provide transportation network company services that meets the 51207
requirements of section 3942.02 of the Revised Code unless the 51208
transportation network company provides such insurance on behalf 51209
of the driver. 51210

(4) The person has not attained the age of nineteen. 51211

(5) Within the past three years, the person has been 51212
convicted of, or pleaded guilty to, more than three violations 51213
of section 4511.194, 4511.204, 4511.21, 4511.211, 4511.251, 51214
4511.29, 4511.30, 4511.39, 4511.46, 4511.47, 4511.711, or 51215
4511.75 of the Revised Code or an existing or former municipal 51216
ordinance or law of this or any other state, or of the United 51217

States, that is substantially equivalent to any offense listed 51218
in division (B) (5) of this section. 51219

(6) Within the past three years, the person has been 51220
convicted of, or pleaded guilty to, any serious vehicle-related 51221
offense, including a violation of division (B) of section 51222
2921.331 of the Revised Code or a violation of section 4510.11, 51223
4510.111, 4510.12, 4510.14, 4510.16, 4510.18, 4511.20, or 51224
4511.201 of the Revised Code or an existing or former municipal 51225
ordinance or law of this or any other state, or of the United 51226
States, that is substantially equivalent to any offense listed 51227
in division (B) (6) of this section. 51228

(7) Within the past seven years, the person has been 51229
convicted of, or pleaded guilty to, any of the following: 51230

(a) Operating a vehicle while under the influence of 51231
alcohol, a drug of abuse, or a combination of both, in violation 51232
of section 4511.19 of the Revised Code; 51233

(b) The commission of any felony offense while operating, 51234
or being a passenger in, a motor vehicle; 51235

(c) A theft or fraud offense in violation of section 51236
2911.01 or 2911.02 of the Revised Code or any provision of 51237
Chapter 2913. of the Revised Code; 51238

(d) A property damage offense in violation of section 51239
2909.02, 2909.03, 2909.05, ~~2909.06, 2909.07, or~~ 2909.09, 51240
~~2909.10, or 2909.101~~ or division (C) (1) of section 2909.08 of 51241
the Revised Code; 51242

(e) A sex offense in violation of any provision of Chapter 51243
2907. of the Revised Code; 51244

(f) An offense of violence as defined in section 2901.01 51245

of the Revised Code; 51246

(g) An act of terrorism as defined in section ~~2909.21~~ 51247
2909.01 of the Revised Code; 51248

(h) A violation of an existing or former municipal 51249
ordinance or law of this or any other state, or of the United 51250
States, that is substantially equivalent to any offense listed 51251
in division (B) (7) of this section. 51252

(8) A search of the United States department of justice 51253
national sex offender public web site indicates that the person 51254
is identified as a sex offender. 51255

Sec. 4931.06. (A) As used in this section and in sections 51256
2317.02 and ~~2921.22~~2921.26 to 2921.28 of the Revised Code: 51257

(1) "Communications assistant" means a person who 51258
transliterates conversation from text to voice and from voice to 51259
text between the end users of a telecommunications relay service 51260
provided pursuant to this section or Title II of the 51261
"Communications Act of 1934," 104 Stat. 366 (1990), 47 U.S.C. 51262
225. 51263

(2) "Communicative impairment" means deafness or speech 51264
impairment. 51265

(3) "Deafness" means a hearing loss that prevents a person 51266
from being able to understand speech over the telephone. 51267

(4) "Speech impairment" means a speech impairment that 51268
renders a person's speech unintelligible on the telephone. 51269

(5) "Telecommunications relay service" means telephone 51270
transmission services that provide the ability for an individual 51271
who has a communicative impairment to engage in a communication 51272
by wire or radio with a hearing individual in a manner that is 51273

functionally equivalent to the ability of an individual who does 51274
not have a communicative impairment to communicate using voice 51275
communication services by wire or radio. "Telecommunications 51276
relay service" includes services that enable two-way 51277
communication between an individual who uses a text telephone or 51278
other nonvoice terminal device and an individual who does not 51279
use such a device. 51280

(B) Any communication made by or to a person with a 51281
communicative impairment with the assistance of a communications 51282
assistant at a telecommunications relay service is confidential 51283
and privileged and shall not be disclosed by the communications 51284
assistant in any civil case or proceeding or in any legislative 51285
or administrative proceeding, unless the person making the 51286
communication and the person to whom the communication is made 51287
each waive the privilege of confidentiality or the obligation to 51288
divulge the communication is mandated by federal law or 51289
regulation or pursuant to subpoena in a criminal proceeding. 51290

(C) A communications assistant or a telecommunications 51291
relay service provider is not subject to criminal prosecution 51292
and is not liable in damages in any civil action on account of 51293
the act of transliterating or the content of any communication 51294
transliterated, or any injury, death, or loss to person or 51295
property allegedly arising from the act of transliterating or 51296
the content of any communication transliterated, between the end 51297
users of a telecommunications relay service, except in cases of 51298
willful or wanton misconduct. 51299

Sec. 5103.0319. (A) No foster caregiver or prospective 51300
foster caregiver shall fail to notify the recommending agency 51301
that recommended or is recommending the foster caregiver or 51302
prospective foster caregiver for certification in writing if a 51303

person at least twelve years of age but less than eighteen years 51304
of age residing with the foster caregiver or prospective foster 51305
caregiver has been convicted of or pleaded guilty to any of the 51306
following or has been adjudicated to be a delinquent child for 51307
committing an act that if committed by an adult would have 51308
constituted such a violation: 51309

(1) A violation of section 2903.01, 2903.02, 2903.03, 51310
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 51311
2905.01, 2905.02, 2905.05, 2907.011, 2907.02, 2907.03, 2907.04, 51312
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 51313
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 51314
2907.323, 2909.02, 2909.03, 2911.01, 2911.02, ~~2911.11, 2911.12,~~ 51315
2911.03, 2911.04, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 51316
~~2923.13~~ 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 51317
2925.06, or 3716.11 of the Revised Code, a violation of section 51318
2905.04 of the Revised Code as it existed prior to July 1, 1996, 51319
a violation of section 2919.23 of the Revised Code that would 51320
have been a violation of section 2905.04 of the Revised Code as 51321
it existed prior to July 1, 1996, had the violation been 51322
committed prior to that date, a violation of section 2925.11 of 51323
the Revised Code that is not a minor drug possession offense, a 51324
violation of section 2923.01 of the Revised Code that involved 51325
an attempt to commit aggravated murder or murder, an OVI or 51326
OVUAC violation if the person previously was convicted of or 51327
pleaded guilty to one or more OVI or OVUAC violations within the 51328
three years immediately preceding the current violation, or 51329
felonious sexual penetration in violation of former section 51330
2907.12 of the Revised Code; 51331

(2) An offense that would be a felony if committed by an 51332
adult and the court determined that the child, if an adult, 51333
would be guilty of a specification found in section 2941.141, 51334

2941.144, or 2941.145 of the Revised Code or in another section 51335
of the Revised Code that relates to the possession or use of a 51336
firearm, as defined in section 2923.11 of the Revised Code, 51337
during the commission of the act for which the child was 51338
adjudicated a delinquent child; 51339

(3) A violation of an existing or former law of this 51340
state, any other state, or the United States that is 51341
substantially equivalent to any of the offenses described in 51342
division (A) (1) or (2) of this section. 51343

(B) If a recommending agency learns that a foster 51344
caregiver has failed to comply with division (A) of this 51345
section, it shall notify the department of job and family 51346
services and the department shall revoke the foster caregiver's 51347
foster home certificate. 51348

(C) As used in this section, "OVI or OVUAC violation" 51349
means a violation of section 4511.19 of the Revised Code or a 51350
violation of an existing or former law of this state, any other 51351
state, or the United States that is substantially equivalent to 51352
section 4511.19 of the Revised Code. 51353

Sec. 5120.14. (A) If a person who was convicted of or 51354
pleaded guilty to an offense escapes from a correctional 51355
institution in this state under the control of the department of 51356
rehabilitation and correction or otherwise escapes from the 51357
custody of the department, the department immediately after the 51358
escape shall report the escape, by telephone and in writing, to 51359
all local law enforcement agencies with jurisdiction in the 51360
county in which the institution from which the escape was made 51361
or to which the person was sentenced is located, to all local 51362
law enforcement agencies with jurisdiction in the county in 51363
which the person was convicted or pleaded guilty to the offense 51364

for which the escaped person was sentenced, to the state highway patrol, to the prosecuting attorney of the county in which the institution from which the escape was made or to which the person was sentenced is located, to the prosecuting attorney of the county in which the person was convicted or pleaded guilty to the offense for which the escaped person was sentenced, to a newspaper of general circulation in the county in which the institution from which the escape was made or to which the person was sentenced is located, and to a newspaper of general circulation in each county in which the escaped person was indicted for an offense for which, at the time of the escape, the escaped person had been sentenced to that institution. The written notice may be by either facsimile transmission or mail. A failure to comply with this requirement is a violation of section ~~2921.22~~2921.26 of the Revised Code.

(B) Upon the apprehension of the escaped person, the department shall give notice of the apprehension by telephone and in writing to the persons who were given notice of the escape under division (A) of this section.

Sec. 5120.66. (A) Within ninety days after November 23, 2005, but not before January 1, 2006, the department of rehabilitation and correction shall establish and operate on the internet a database that contains all of the following:

(1) For each inmate in the custody of the department under a sentence imposed for a conviction of or plea of guilty to any offense, all of the following information:

(a) The inmate's name;

(b) For each offense for which the inmate was sentenced to a prison term or term of imprisonment and is in the department's

custody, the name of the offense, the Revised Code section of 51394
which the offense is a violation, the gender of each victim of 51395
the offense if those facts are known, whether each victim of the 51396
offense was an adult or child if those facts are known, whether 51397
any victim of the offense was a law enforcement officer if that 51398
fact is known, the range of the possible prison terms or term of 51399
imprisonment that could have been imposed for the offense, the 51400
actual prison term or term of imprisonment imposed for the 51401
offense, the county in which the offense was committed, the date 51402
on which the inmate began serving the prison term or term of 51403
imprisonment imposed for the offense, and whichever of the 51404
following is applicable: 51405

(i) The date on which the inmate will be eligible for 51406
parole relative to the offense if the prison term or term of 51407
imprisonment is an indefinite term or life term with parole 51408
eligibility; 51409

(ii) The date on which the term ends if the prison term is 51410
a definite term; 51411

(iii) The date on which the inmate will be eligible for 51412
presumptive release under section 2967.271 of the Revised Code, 51413
if the inmate is serving a non-life felony indefinite prison 51414
term. 51415

(c) All of the following information that is applicable 51416
regarding the inmate: 51417

(i) If known to the department prior to the conduct of any 51418
hearing for judicial release of the defendant pursuant to 51419
section 2929.20 of the Revised Code in relation to any prison 51420
term or term of imprisonment the inmate is serving for any 51421
~~offense or any hearing for release of the defendant pursuant to~~ 51422

~~section 2967.19 of the Revised Code in relation to any such~~ 51423
~~term,~~ notice of the fact that the inmate will be having a 51424
hearing regarding a possible grant of judicial release ~~or~~ 51425
~~release,~~ the date of the hearing, and the right of any person 51426
pursuant to division ~~(J)~~ (I) of section 2929.20 ~~or division (H)~~ 51427
~~of section 2967.19 of the Revised Code, whichever is applicable,~~ 51428
to submit to the court a written statement regarding the 51429
possible judicial release ~~or release~~. The department also shall 51430
post notice of the submission to a sentencing court of any 51431
recommendation for early judicial release of the inmate 51432
submitted by the director of the department of rehabilitation 51433
and correction pursuant to division (O) of section 2967.19 51434
2929.20 of the Revised Code, as required by that division ~~(E) of~~ 51435
~~that section.~~ 51436

(ii) If the inmate is serving a prison term pursuant to 51437
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 51438
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 51439
Code, prior to the conduct of any hearing pursuant to section 51440
2971.05 of the Revised Code to determine whether to modify the 51441
requirement that the inmate serve the entire prison term in a 51442
state correctional facility in accordance with division (C) of 51443
that section, whether to continue, revise, or revoke any 51444
existing modification of that requirement, or whether to 51445
terminate the prison term in accordance with division (D) of 51446
that section, notice of the fact that the inmate will be having 51447
a hearing regarding those determinations and the date of the 51448
hearing; 51449

(iii) At least sixty days before the adult parole 51450
authority recommends a pardon or commutation of sentence for the 51451
inmate, at least sixty days prior to a hearing before the adult 51452
parole authority regarding a grant of parole to the inmate in 51453

relation to any prison term or term of imprisonment the inmate 51454
is serving for any offense, or at least sixty days prior to a 51455
hearing before the department regarding a determination of 51456
whether the inmate must be released under division (C) or (D) (2) 51457
of section 2967.271 of the Revised Code if the inmate is serving 51458
a non-life felony indefinite prison term, notice of the fact 51459
that the inmate might be under consideration for a pardon or 51460
commutation of sentence or will be having a hearing regarding a 51461
possible grant of parole or release, the date of any hearing 51462
regarding a possible grant of parole or release, and the right 51463
of any person to submit a written statement regarding the 51464
pending action; 51465

(iv) At least sixty days before the inmate is transferred 51466
to transitional control under section 2967.26 of the Revised 51467
Code in relation to any prison term or term of imprisonment the 51468
inmate is serving for any offense, notice of the pendency of the 51469
transfer, the date of the possible transfer, and the right of 51470
any person to submit a statement regarding the possible 51471
transfer; 51472

(v) Prompt notice of the inmate's escape from any facility 51473
in which the inmate was incarcerated and of the capture of the 51474
inmate after an escape; 51475

(vi) Notice of the inmate's death while in confinement; 51476

(vii) Prior to the release of the inmate from confinement, 51477
notice of the fact that the inmate will be released, of the date 51478
of the release, and, if applicable, of the standard terms and 51479
conditions of the release; 51480

(viii) Notice of the inmate's judicial release pursuant to 51481
section 2929.20 of the Revised Code ~~or release pursuant to~~ 51482

~~section 2967.19 of the Revised Code.~~ 51483

(2) Information as to where a person can send written 51484
statements of the types referred to in divisions (A) (1) (c) (i), 51485
(iii), and (iv) of this section. 51486

(B) (1) The department shall update the database required 51487
under division (A) of this section every twenty-four hours to 51488
ensure that the information it contains is accurate and current. 51489

(2) The database required under division (A) of this 51490
section is a public record open for inspection under section 51491
149.43 of the Revised Code. The department shall make the 51492
database searchable by inmate name and by the county and zip 51493
code where the offender intends to reside after release from a 51494
state correctional institution if this information is known to 51495
the department. 51496

(3) The database required under division (A) of this 51497
section may contain information regarding inmates who are listed 51498
in the database in addition to the information described in that 51499
division. 51500

(4) No information included on the database required under 51501
division (A) of this section shall identify or enable the 51502
identification of any victim of any offense committed by an 51503
inmate. 51504

(C) The failure of the department to comply with the 51505
requirements of division (A) or (B) of this section does not 51506
give any rights or any grounds for appeal or post-conviction 51507
relief to any inmate. 51508

(D) This section, and the related provisions of sections 51509
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code 51510
enacted in the act in which this section was enacted, shall be 51511

known as "Laura's Law." 51512

(E) As used in this section, "non-life felony indefinite 51513
prison term" has the same meaning as in section 2929.01 of the 51514
Revised Code. 51515

Sec. 5139.01. (A) As used in this chapter: 51516

(1) "Commitment" means the transfer of the physical 51517
custody of a child or youth from the court to the department of 51518
youth services. 51519

(2) "Permanent commitment" means a commitment that vests 51520
legal custody of a child in the department of youth services. 51521

(3) "Legal custody," insofar as it pertains to the status 51522
that is created when a child is permanently committed to the 51523
department of youth services, means a legal status in which the 51524
department has the following rights and responsibilities: the 51525
right to have physical possession of the child; the right and 51526
duty to train, protect, and control the child; the 51527
responsibility to provide the child with food, clothing, 51528
shelter, education, and medical care; and the right to determine 51529
where and with whom the child shall live, subject to the minimum 51530
periods of, or periods of, institutional care prescribed in 51531
sections 2152.13 to 2152.18 of the Revised Code; provided, that 51532
these rights and responsibilities are exercised subject to the 51533
powers, rights, duties, and responsibilities of the guardian of 51534
the person of the child, and subject to any residual parental 51535
rights and responsibilities. 51536

(4) Unless the context requires a different meaning, 51537
"institution" means a state facility that is created by the 51538
general assembly and that is under the management and control of 51539
the department of youth services or a private entity with which 51540

the department has contracted for the institutional care and 51541
custody of felony delinquents. 51542

(5) "Full-time care" means care for twenty-four hours a 51543
day for over a period of at least two consecutive weeks. 51544

(6) "Placement" means the conditional release of a child 51545
under the terms and conditions that are specified by the 51546
department of youth services. The department shall retain legal 51547
custody of a child released pursuant to division (C) of section 51548
2152.22 of the Revised Code or division (C) of section 5139.06 51549
of the Revised Code until the time that it discharges the child 51550
or until the legal custody is terminated as otherwise provided 51551
by law. 51552

(7) "Home placement" means the placement of a child in the 51553
home of the child's parent or parents or in the home of the 51554
guardian of the child's person. 51555

(8) "Discharge" means that the department of youth 51556
services' legal custody of a child is terminated. 51557

(9) "Release" means the termination of a child's stay in 51558
an institution and the subsequent period during which the child 51559
returns to the community under the terms and conditions of 51560
supervised release. 51561

(10) "Delinquent child" has the same meaning as in section 51562
2152.02 of the Revised Code. 51563

(11) "Felony delinquent" means any child who is at least 51564
ten years of age but less than eighteen years of age and who is 51565
adjudicated a delinquent child for having committed an act that 51566
if committed by an adult would be a felony. "Felony delinquent" 51567
includes any adult who is between the ages of eighteen and 51568
twenty-one and who is in the legal custody of the department of 51569

youth services for having committed an act that if committed by 51570
an adult would be a felony. 51571

(12) "Juvenile traffic offender" has the same meaning as 51572
in section 2152.02 of the Revised Code. 51573

(13) "Public safety beds" means all of the following: 51574

(a) Felony delinquents who have been committed to the 51575
department of youth services for the commission of an act, other 51576
than a violation of section 2911.01 or ~~2911.11~~2911.03 of the 51577
Revised Code, that is a category one offense or a category two 51578
offense and who are in the care and custody of an institution or 51579
have been diverted from care and custody in an institution and 51580
placed in a community corrections facility; 51581

(b) Felony delinquents who, while committed to the 51582
department of youth services and in the care and custody of an 51583
institution or a community corrections facility, are adjudicated 51584
delinquent children for having committed in that institution or 51585
community corrections facility an act that if committed by an 51586
adult would be a misdemeanor or a felony; 51587

(c) Children who satisfy all of the following: 51588

(i) They are at least ten years of age but less than 51589
eighteen years of age. 51590

(ii) They are adjudicated delinquent children for having 51591
committed acts that if committed by an adult would be a felony. 51592

(iii) They are committed to the department of youth 51593
services by the juvenile court of a county that has had one- 51594
tenth of one per cent or less of the statewide adjudications for 51595
felony delinquents as averaged for the past four fiscal years. 51596

(iv) They are in the care and custody of an institution or 51597

a community corrections facility. 51598

(d) Felony delinquents who, while committed to the 51599
department of youth services and in the care and custody of an 51600
institution are serving disciplinary time for having committed 51601
an act described in division (A)(18)(a), (b), or (c) of this 51602
section, and who have been institutionalized or 51603
institutionalized in a secure facility for the minimum period of 51604
time specified in divisions (A)(1)(b) to (e) of section 2152.16 51605
of the Revised Code. 51606

(e) Felony delinquents who are subject to and serving a 51607
three-year period of commitment order imposed by a juvenile 51608
court pursuant to divisions (A) and (B) of section 2152.17 of 51609
the Revised Code for an act, other than a violation of section 51610
~~2911.11~~2911.03 of the Revised Code, that would be a category 51611
one offense or category two offense if committed by an adult. 51612

(f) Felony delinquents who are described in divisions (A) 51613
(13)(a) to (e) of this section, who have been granted a judicial 51614
release to court supervision under division (B) or (D) of 51615
section 2152.22 of the Revised Code or a judicial release to the 51616
department of youth services supervision under division (C) or 51617
(D) of that section from the commitment to the department of 51618
youth services for the act described in divisions (A)(13)(a) to 51619
(e) of this section, who have violated the terms and conditions 51620
of that release, and who, pursuant to an order of the court of 51621
the county in which the particular felony delinquent was placed 51622
on release that is issued pursuant to division (E) of section 51623
2152.22 of the Revised Code, have been returned to the 51624
department for institutionalization or institutionalization in a 51625
secure facility. 51626

(g) Felony delinquents who have been committed to the 51627

custody of the department of youth services, who have been 51628
granted supervised release from the commitment pursuant to 51629
section 5139.51 of the Revised Code, who have violated the terms 51630
and conditions of that supervised release, and who, pursuant to 51631
an order of the court of the county in which the particular 51632
child was placed on supervised release issued pursuant to 51633
division (F) of section 5139.52 of the Revised Code, have had 51634
the supervised release revoked and have been returned to the 51635
department for institutionalization. A felony delinquent 51636
described in this division shall be a public safety bed only for 51637
the time during which the felony delinquent is institutionalized 51638
as a result of the revocation subsequent to the initial ninety- 51639
day period of institutionalization required by division (F) of 51640
section 5139.52 of the Revised Code. 51641

(14) Unless the context requires a different meaning, 51642
"community corrections facility" means a county or multicounty 51643
rehabilitation center for felony delinquents who have been 51644
committed to the department of youth services and diverted from 51645
care and custody in an institution and placed in the 51646
rehabilitation center pursuant to division (E) of section 51647
5139.36 of the Revised Code. 51648

(15) "Secure facility" means any facility that is designed 51649
and operated to ensure that all of its entrances and exits are 51650
under the exclusive control of its staff and to ensure that, 51651
because of that exclusive control, no child who has been 51652
institutionalized in the facility may leave the facility without 51653
permission or supervision. 51654

(16) "Community residential program" means a program that 51655
satisfies both of the following: 51656

(a) It is housed in a building or other structure that has 51657

no associated major restraining construction, including, but not limited to, a security fence. 51658
51659

(b) It provides twenty-four-hour care, supervision, and programs for felony delinquents who are in residence. 51660
51661

(17) "Category one offense" and "category two offense" have the same meanings as in section 2152.02 of the Revised Code. 51662
51663
51664

(18) "Disciplinary time" means additional time that the department of youth services requires a felony delinquent to serve in an institution, that delays the felony delinquent's planned release, and that the department imposes upon the felony delinquent following the conduct of an internal due process hearing for having committed any of the following acts while committed to the department and in the care and custody of an institution: 51665
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(a) An act that if committed by an adult would be a felony; 51673
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(b) An act that if committed by an adult would be a misdemeanor; 51675
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(c) An act that is not described in division (A) (18) (a) or (b) of this section and that violates an institutional rule of conduct of the department. 51677
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(19) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code. 51680
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(20) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code. 51682
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(21) "Release authority" means the release authority of 51686
the department of youth services that is established by section 51687
5139.50 of the Revised Code. 51688

(22) "Supervised release" means the event of the release 51689
of a child under this chapter from an institution and the period 51690
after that release during which the child is supervised and 51691
assisted by an employee of the department of youth services 51692
under specific terms and conditions for reintegration of the 51693
child into the community. 51694

(23) "Victim" means the person identified in a police 51695
report, complaint, or information as the victim of an act that 51696
would have been a criminal offense if committed by an adult and 51697
that provided the basis for adjudication proceedings resulting 51698
in a child's commitment to the legal custody of the department 51699
of youth services. 51700

(24) "Victim's representative" means a member of the 51701
victim's family or another person whom the victim or another 51702
authorized person designates in writing, pursuant to section 51703
5139.56 of the Revised Code, to represent the victim with 51704
respect to proceedings of the release authority of the 51705
department of youth services and with respect to other matters 51706
specified in that section. 51707

(25) "Member of the victim's family" means a spouse, 51708
child, stepchild, sibling, parent, stepparent, grandparent, 51709
other relative, or legal guardian of a child but does not 51710
include a person charged with, convicted of, or adjudicated a 51711
delinquent child for committing a criminal or delinquent act 51712
against the victim or another criminal or delinquent act arising 51713
out of the same conduct, criminal or delinquent episode, or plan 51714
as the criminal or delinquent act committed against the victim. 51715

(26) "Judicial release to court supervision" means a 51716
release of a child from institutional care or institutional care 51717
in a secure facility that is granted by a court pursuant to 51718
division (B) of section 2152.22 of the Revised Code during the 51719
period specified in that division or that is granted by a court 51720
to court supervision pursuant to division (D) of that section 51721
during the period specified in that division. 51722

(27) "Judicial release to department of youth services 51723
supervision" means a release of a child from institutional care 51724
or institutional care in a secure facility that is granted by a 51725
court pursuant to division (C) of section 2152.22 of the Revised 51726
Code during the period specified in that division or that is 51727
granted to department supervision by a court pursuant to 51728
division (D) of that section during the period specified in that 51729
division. 51730

(28) "Juvenile justice system" includes all of the 51731
functions of the juvenile courts, the department of youth 51732
services, any public or private agency whose purposes include 51733
the prevention of delinquency or the diversion, adjudication, 51734
detention, or rehabilitation of delinquent children, and any of 51735
the functions of the criminal justice system that are applicable 51736
to children. 51737

(29) "Metropolitan county criminal justice services 51738
agency" means an agency that is established pursuant to division 51739
(A) of section 5502.64 of the Revised Code. 51740

(30) "Administrative planning district" means a district 51741
that is established pursuant to division (A) or (B) of section 51742
5502.66 of the Revised Code. 51743

(31) "Criminal justice coordinating council" means a 51744

criminal justice services agency that is established pursuant to 51745
division (D) of section 5502.66 of the Revised Code. 51746

(32) "Comprehensive plan" means a document that 51747
coordinates, evaluates, and otherwise assists, on an annual or 51748
multi-year basis, all of the functions of the juvenile justice 51749
systems of the state or a specified area of the state, that 51750
conforms to the priorities of the state with respect to juvenile 51751
justice systems, and that conforms with the requirements of all 51752
federal criminal justice acts. These functions include, but are 51753
not limited to, all of the following: 51754

(a) Delinquency; 51755

(b) Identification, detection, apprehension, and detention 51756
of persons charged with delinquent acts; 51757

(c) Assistance to crime victims or witnesses, except that 51758
the comprehensive plan does not include the functions of the 51759
attorney general pursuant to sections 109.91 and 109.92 of the 51760
Revised Code; 51761

(d) Adjudication or diversion of persons charged with 51762
delinquent acts; 51763

(e) Custodial treatment of delinquent children; 51764

(f) Institutional and noninstitutional rehabilitation of 51765
delinquent children. 51766

(B) There is hereby created the department of youth 51767
services. The governor shall appoint the director of the 51768
department with the advice and consent of the senate. The 51769
director shall hold office during the term of the appointing 51770
governor but subject to removal at the pleasure of the governor. 51771
Except as otherwise authorized in section 108.05 of the Revised 51772

Code, the director shall devote the director's entire time to 51773
the duties of the director's office and shall hold no other 51774
office or position of trust or profit during the director's term 51775
of office. 51776

The director is the chief executive and administrative 51777
officer of the department and has all the powers of a department 51778
head set forth in Chapter 121. of the Revised Code. The director 51779
may adopt rules for the government of the department, the 51780
conduct of its officers and employees, the performance of its 51781
business, and the custody, use, and preservation of the 51782
department's records, papers, books, documents, and property. 51783
The director shall be an appointing authority within the meaning 51784
of Chapter 124. of the Revised Code. Whenever this or any other 51785
chapter or section of the Revised Code imposes a duty on or 51786
requires an action of the department, the duty or action shall 51787
be performed by the director or, upon the director's order, in 51788
the name of the department. 51789

Sec. 5149.101. (A) (1) A board hearing officer, a board 51790
member, or the office of victims' services may petition the 51791
board for a full board hearing that relates to the proposed 51792
parole or re-parole of a prisoner, including any prisoner 51793
described in section 2967.132 of the Revised Code. At a meeting 51794
of the board at which a majority of board members are present, 51795
the majority of those present shall determine whether a full 51796
board hearing shall be held. 51797

(2) A victim of a violation of section 2903.01 or 2903.02 51798
of the Revised Code, an offense of violence that is a felony of 51799
the first, second, or third degree, or an offense punished by a 51800
sentence of life imprisonment, the victim's representative, or 51801
any person described in division (B) (5) of this section may 51802

request the board to hold a full board hearing that relates to 51803
the proposed parole or re-parole of the person that committed 51804
the violation. If a victim, victim's representative, or other 51805
person requests a full board hearing pursuant to this division, 51806
the board shall hold a full board hearing. 51807

At least thirty days before the full hearing, except as 51808
otherwise provided in this division, the board shall give notice 51809
of the date, time, and place of the hearing to the victim 51810
regardless of whether the victim has requested the notification. 51811
The notice of the date, time, and place of the hearing shall not 51812
be given under this division to a victim if the victim has 51813
requested pursuant to division (B) (2) of section 2930.03 of the 51814
Revised Code that the notice not be provided to the victim. At 51815
least thirty days before the full board hearing and regardless 51816
of whether the victim has requested that the notice be provided 51817
or not be provided under this division to the victim, the board 51818
shall give similar notice to the prosecuting attorney in the 51819
case, the law enforcement agency that arrested the prisoner if 51820
any officer of that agency was a victim of the offense, and, if 51821
different than the victim, the person who requested the full 51822
hearing. If the prosecuting attorney has not previously been 51823
sent an institutional summary report with respect to the 51824
prisoner, upon the request of the prosecuting attorney, the 51825
board shall include with the notice sent to the prosecuting 51826
attorney an institutional summary report that covers the 51827
offender's participation while confined in a state correctional 51828
institution in training, work, and other rehabilitative 51829
activities and any disciplinary action taken against the 51830
offender while so confined. Upon the request of a law 51831
enforcement agency that has not previously been sent an 51832
institutional summary report with respect to the prisoner, the 51833

board also shall send a copy of the institutional summary report 51834
to the law enforcement agency. If notice is to be provided as 51835
described in this division, the board may give the notice by any 51836
reasonable means, including regular mail, telephone, and 51837
electronic mail, in accordance with division (D)(1) of section 51838
2930.16 of the Revised Code. If the notice is based on an 51839
offense committed prior to March 22, 2013, the notice also shall 51840
include the opt-out information described in division (D)(1) of 51841
section 2930.16 of the Revised Code. The board, in accordance 51842
with division (D)(2) of section 2930.16 of the Revised Code, 51843
shall keep a record of all attempts to provide the notice, and 51844
of all notices provided, under this division. 51845

The preceding paragraph, and the notice-related provisions 51846
of divisions (E)(2) and (K) of section 2929.20, division (D)(1) 51847
of section 2930.16, division (H) of section 2967.12, division 51848
(E)(1)(b) of section 2967.19 as it existed prior to the 51849
effective date of this amendment, division ~~(A)(3)(b)~~ (A)(2)(b) 51850
of section 2967.26, and division (D)(1) of section 2967.28 of 51851
the Revised Code enacted in the act in which this paragraph was 51852
enacted, shall be known as "Roberta's Law." 51853

(B) At a full board hearing that relates to the proposed 51854
parole or re-parole of a prisoner and that has been petitioned 51855
for or requested in accordance with division (A) of this 51856
section, the parole board shall permit the following persons to 51857
appear and to give testimony or to submit written statements: 51858

(1) The prosecuting attorney of the county in which the 51859
original indictment against the prisoner was found and members 51860
of any law enforcement agency that assisted in the prosecution 51861
of the original offense; 51862

(2) The judge of the court of common pleas who imposed the 51863

original sentence of incarceration upon the prisoner, or the
judge's successor;

(3) The victim of the original offense for which the
prisoner is serving the sentence or the victim's representative
designated pursuant to section 2930.02 of the Revised Code;

(4) The victim of any behavior that resulted in parole
being revoked;

(5) With respect to a full board hearing held pursuant to
division (A) (2) of this section, all of the following:

(a) The spouse of the victim of the original offense;

(b) The parent or parents of the victim of the original
offense;

(c) The sibling of the victim of the original offense;

(d) The child or children of the victim of the original
offense.

(6) Counsel or some other person designated by the
prisoner as a representative, as described in division (C) of
this section.

(C) Except as otherwise provided in this division, a full
board hearing of the parole board is not subject to section
121.22 of the Revised Code. The persons who may attend a full
board hearing are the persons described in divisions (B) (1) to
(6) of this section, and representatives of the press, radio and
television stations, and broadcasting networks who are members
of a generally recognized professional media organization.

At the request of a person described in division (B) (3) of
this section, representatives of the news media described in

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this division shall be excluded from the hearing while that 51891
person is giving testimony at the hearing. The prisoner being 51892
considered for parole has no right to be present at the hearing, 51893
but may be represented by counsel or some other person 51894
designated by the prisoner. 51895

If there is an objection at a full board hearing to a 51896
recommendation for the parole of a prisoner, the board may 51897
approve or disapprove the recommendation or defer its decision 51898
until a subsequent full board hearing. The board may permit 51899
interested persons other than those listed in this division and 51900
division (B) of this section to attend full board hearings 51901
pursuant to rules adopted by the adult parole authority. 51902

(D) If the victim of the original offense died as a result 51903
of the offense and the offense was aggravated murder, murder, an 51904
offense of violence that is a felony of the first, second, or 51905
third degree, or an offense punished by a sentence of life 51906
imprisonment, the family of the victim may show at a full board 51907
hearing a video recording not exceeding five minutes in length 51908
memorializing the victim. 51909

(E) The adult parole authority shall adopt rules for the 51910
implementation of this section. The rules shall specify 51911
reasonable restrictions on the number of media representatives 51912
that may attend a hearing, based on considerations of space, and 51913
other procedures designed to accomplish an effective, orderly 51914
process for full board hearings. 51915

Sec. 5153.111. (A) (1) The executive director of a public 51916
children services agency shall request the superintendent of the 51917
bureau of criminal identification and investigation to conduct a 51918
criminal records check with respect to any applicant who has 51919
applied to the agency for employment as a person responsible for 51920

the care, custody, or control of a child. If the applicant does 51921
not present proof that the applicant has been a resident of this 51922
state for the five-year period immediately prior to the date 51923
upon which the criminal records check is requested or does not 51924
provide evidence that within that five-year period the 51925
superintendent has requested information about the applicant 51926
from the federal bureau of investigation in a criminal records 51927
check, the executive director shall request that the 51928
superintendent obtain information from the federal bureau of 51929
investigation as a part of the criminal records check for the 51930
applicant. If the applicant presents proof that the applicant 51931
has been a resident of this state for that five-year period, the 51932
executive director may request that the superintendent include 51933
information from the federal bureau of investigation in the 51934
criminal records check. 51935

(2) Any person required by division (A) (1) of this section 51936
to request a criminal records check shall provide to each 51937
applicant a copy of the form prescribed pursuant to division (C) 51938
(1) of section 109.572 of the Revised Code, provide to each 51939
applicant a standard impression sheet to obtain fingerprint 51940
impressions prescribed pursuant to division (C) (2) of section 51941
109.572 of the Revised Code, obtain the completed form and 51942
impression sheet from each applicant, and forward the completed 51943
form and impression sheet to the superintendent of the bureau of 51944
criminal identification and investigation at the time the person 51945
requests a criminal records check pursuant to division (A) (1) of 51946
this section. 51947

(3) Any applicant who receives pursuant to division (A) (2) 51948
of this section a copy of the form prescribed pursuant to 51949
division (C) (1) of section 109.572 of the Revised Code and a 51950
copy of an impression sheet prescribed pursuant to division (C) 51951

(2) of that section and who is requested to complete the form 51952
and provide a set of fingerprint impressions shall complete the 51953
form or provide all the information necessary to complete the 51954
form and shall provide the impression sheet with the impressions 51955
of the applicant's fingerprints. If an applicant, upon request, 51956
fails to provide the information necessary to complete the form 51957
or fails to provide impressions of the applicant's fingerprints, 51958
that agency shall not employ that applicant for any position for 51959
which a criminal records check is required by division (A) (1) of 51960
this section. 51961

(B) (1) Except as provided in rules adopted by the director 51962
of job and family services in accordance with division (E) of 51963
this section, no public children services agency shall employ a 51964
person as a person responsible for the care, custody, or control 51965
of a child if the person previously has been convicted of or 51966
pleaded guilty to any of the following: 51967

(a) A violation of section 2903.01, 2903.02, 2903.03, 51968
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 51969
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 51970
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 51971
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 51972
2909.02, 2909.03, 2911.01, 2911.02, ~~2911.11, 2911.12, 2911.03,~~ 51973
~~2911.04,~~ 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 51974
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 51975
3716.11 of the Revised Code, a violation of section 2905.04 of 51976
the Revised Code as it existed prior to July 1, 1996, a 51977
violation of section 2919.23 of the Revised Code that would have 51978
been a violation of section 2905.04 of the Revised Code as it 51979
existed prior to July 1, 1996, had the violation occurred prior 51980
to that date, a violation of section 2925.11 of the Revised Code 51981
that is not a minor drug possession offense, or felonious sexual 51982

penetration in violation of former section 2907.12 of the Revised Code; 51983
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(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B) (1) (a) of this section. 51985
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(2) A public children services agency may employ an applicant conditionally until the criminal records check required by this section is completed and the agency receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B) (1) of this section, the applicant does not qualify for employment, the agency shall release the applicant from employment. 51989
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(C) (1) Each public children services agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A) (1) of this section of the executive director of the agency. 51997
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(2) A public children services agency may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the agency pays under division (C) (1) of this section. If a fee is charged under this division, the agency shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the agency will not consider the applicant for employment. 52004
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(D) The report of any criminal records check conducted by 52013
the bureau of criminal identification and investigation in 52014
accordance with section 109.572 of the Revised Code and pursuant 52015
to a request under division (A) (1) of this section is not a 52016
public record for the purposes of section 149.43 of the Revised 52017
Code and shall not be made available to any person other than 52018
the applicant who is the subject of the criminal records check 52019
or the applicant's representative, the public children services 52020
agency requesting the criminal records check or its 52021
representative, and any court, hearing officer, or other 52022
necessary individual involved in a case dealing with the denial 52023
of employment to the applicant. 52024

(E) The director of job and family services shall adopt 52025
rules pursuant to Chapter 119. of the Revised Code to implement 52026
this section, including rules specifying circumstances under 52027
which a public children services agency may hire a person who 52028
has been convicted of an offense listed in division (B) (1) of 52029
this section but who meets standards in regard to rehabilitation 52030
set by the department. 52031

(F) Any person required by division (A) (1) of this section 52032
to request a criminal records check shall inform each person, at 52033
the time of the person's initial application for employment, 52034
that the person is required to provide a set of impressions of 52035
the person's fingerprints and that a criminal records check is 52036
required to be conducted and satisfactorily completed in 52037
accordance with section 109.572 of the Revised Code if the 52038
person comes under final consideration for appointment or 52039
employment as a precondition to employment for that position. 52040

(G) As used in this section: 52041

(1) "Applicant" means a person who is under final 52042

consideration for appointment or employment in a position with 52043
the agency as a person responsible for the care, custody, or 52044
control of a child. 52045

(2) "Criminal records check" has the same meaning as in 52046
section 109.572 of the Revised Code. 52047

(3) "Minor drug possession offense" has the same meaning 52048
as in section 2925.01 of the Revised Code. 52049

Sec. 5160.292. If a violation of section ~~2913.401~~2913.41 52050
of the Revised Code or a similar offense is suspected in the 52051
process of determining or redetermining a medical assistance 52052
recipient's eligibility, the case shall be referred for 52053
investigation to the county prosecutor of the county in which 52054
the medical assistance recipient resides, referred for an 52055
administrative disqualification hearing, or both. 52056

Sec. 5162.15. (A) As used in this section; 52057

"Agent" and "contractor" include any agent, contractor, 52058
subcontractor, or other person who, on behalf of an entity, 52059
furnishes or authorizes the furnishing of medicaid services, 52060
performs billing or coding functions, or is involved in 52061
monitoring of health care that an entity provides. 52062

"Employee" includes any officer or employee (including 52063
management employees) of an entity. 52064

"Entity" includes a governmental entity or an 52065
organization, unit, corporation, partnership, or other business 52066
arrangement, including any medicaid managed care organization, 52067
irrespective of the form of business structure or arrangement by 52068
which it exists, whether for-profit or not-for-profit. "Entity" 52069
does not include a government entity that administers one or 52070
more components of the medicaid program, unless the government 52071

entity receives medicaid payments for providing medicaid services. 52072
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"Federal health care programs" has the same meaning as in the "Social Security Act," section 1128B, 42 U.S.C. 1320a-7b(f). 52074
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(B) Each entity that receives or makes in a federal fiscal year payments under the medicaid program, either through the medicaid state plan or a federal medicaid waiver, totaling at least five million dollars shall, as a condition of receiving such payments, do all of the following not later than the first day of the succeeding calendar year: 52076
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(1) Establish written policies for all of the entity's employees, contractors, and agents that provide detailed information about the role of all of the following in preventing and detecting fraud, waste, and abuse in federal health care programs: 52082
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(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 52087

(b) Federal administrative remedies for false claims and statements available under 31 U.S.C. 3801 to 3812; 52088
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(c) Sections 124.341, 2913.40, ~~2913.401~~ 2913.41, and 2921.13 of the Revised Code and any other state laws pertaining to civil or criminal penalties for false claims and statements; 52090
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(d) Whistleblower protections under the laws specified in divisions (B) (1) (a) to (c) of this section. 52093
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(2) Include as part of the written policies required by division (B) (1) of this section detailed provisions regarding the entity's policies and procedures for preventing and detecting fraud, waste, and abuse. 52095
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(3) Disseminate the written policies required by division 52099

(B) (1) of this section to each of the entity's employees, 52100
contractors, and agents in a paper or electronic form and make 52101
the written policies readily available to the entity's 52102
employees, contractors, and agents. 52103

(4) If the entity has an employee handbook, include in the 52104
employee handbook a specific discussion of the laws specified in 52105
division (B) (1) of this section, the rights of employees to be 52106
protected as whistleblowers, and the entity's policies and 52107
procedures for preventing and detecting fraud, waste, and abuse. 52108

(5) Require the entity's contractors and agents to adopt 52109
the entity's written policies required by division (B) (1) of 52110
this section. 52111

(C) An entity that furnishes medicaid services at multiple 52112
locations or under multiple contractual or other payment 52113
arrangements is required to comply with division (B) of this 52114
section if the entity receives in a federal fiscal year medicaid 52115
payments totaling in the aggregate at least five million 52116
dollars. This applies regardless of whether the entity submits 52117
claims for medicaid payments using multiple provider 52118
identification or tax identification numbers. 52119

Sec. 5502.52. (A) There is hereby created the statewide 52120
emergency alert program to aid in the identification and 52121
location of children who are under eighteen years of age, who 52122
are abducted, and whose abduction, as determined by a law 52123
enforcement agency, poses a credible threat of immediate danger 52124
of serious bodily harm or death to a child. The program shall be 52125
a coordinated effort among the governor's office, the department 52126
of public safety, the attorney general, law enforcement 52127
agencies, the state's public and commercial television and radio 52128
broadcasters, and others as deemed necessary by the governor. 52129

(B) The statewide emergency alert program shall not be implemented unless all of the following activation criteria are met:

(1) The local investigating law enforcement agency confirms that an abduction has occurred.

(2) An abducted child is under eighteen years of age.

(3) The abduction poses a credible threat of immediate danger of serious bodily harm or death to a child.

(4) A law enforcement agency determines that the child is not a runaway and has not been abducted as a result of a child custody dispute, unless the dispute poses a credible threat of immediate danger of serious bodily harm or death to the child.

(5) There is sufficient descriptive information about the child, the abductor, and the circumstances surrounding the abduction to indicate that activation of the alert will help locate the child.

(C) Nothing in division (B) of this section prevents the activation of a local or regional emergency alert program that may impose different criteria for the activation of a local or regional plan.

(D) Any radio broadcast station, television broadcast station, or cable television system participating in the statewide emergency alert program or in any local or regional emergency alert program, and any director, officer, employee, or agent of any such station or system, shall not be liable to any person for damages for any loss allegedly caused by or resulting from the station's or system's broadcast or cablecast of, or failure to broadcast or cablecast, any information pursuant to the statewide emergency alert program or the local or regional

emergency alert program. 52159

(E) No person shall knowingly make a false report that a 52160
child has been abducted and that leads to the implementation of 52161
the statewide emergency alert program created under this section 52162
or that leads to the implementation of a local or regional 52163
emergency alert program. Whoever violates this division is 52164
guilty of a felony of the fourth degree. 52165

(F) As used in this section: 52166

(1) "Abducted child" means a child for whom there is 52167
credible evidence to believe that the child has been abducted in 52168
violation of section 2905.01, 2905.02, 2905.03, or 2905.05 of 52169
the Revised Code. 52170

(2) "Cable television system" means a cable system, as 52171
defined in division (B) of section ~~2913.04~~ 2913.01 of the 52172
Revised Code. 52173

(3) "Law enforcement agency" includes, but is not limited 52174
to, a county sheriff's office, the office of a village marshal, 52175
a police department of a municipal corporation, a police force 52176
of a regional transit authority, a police force of a 52177
metropolitan housing authority, the state highway patrol, a 52178
state university law enforcement agency, the office of a 52179
township police constable, and the police department of a 52180
township or joint police district. 52181

Sec. 5502.522. (A) There is hereby created the statewide 52182
emergency alert program to aid in the identification and 52183
location of any individual who has a mental impairment or is 52184
sixty-five years of age or older, who is or is believed to be a 52185
temporary or permanent resident of this state, is at a location 52186
that cannot be determined by an individual familiar with the 52187

missing individual, and is incapable of returning to the missing 52188
individual's residence without assistance, and whose 52189
disappearance, as determined by a law enforcement agency, poses 52190
a credible threat of immediate danger of serious bodily harm or 52191
death to the missing individual. The program shall be a 52192
coordinated effort among the governor's office, the department 52193
of public safety, the attorney general, law enforcement 52194
agencies, the state's public and commercial television and radio 52195
broadcasters, and others as determined necessary by the 52196
governor. No name shall be given to the program created under 52197
this division that conflicts with any alert code standards that 52198
are required by federal law and that govern the naming of 52199
emergency alert programs. 52200

(B) The statewide emergency alert program shall not be 52201
implemented unless all of the following activation criteria are 52202
met: 52203

(1) The local investigating law enforcement agency 52204
confirms that the individual is missing. 52205

(2) The individual is sixty-five years of age or older or 52206
has a mental impairment. 52207

(3) The disappearance of the individual poses a credible 52208
threat of immediate danger of serious bodily harm or death to 52209
the individual. 52210

(4) There is sufficient descriptive information about the 52211
individual and the circumstances surrounding the individual's 52212
disappearance to indicate that activation of the alert will help 52213
locate the individual. 52214

(C) Nothing in division (B) of this section prevents the 52215
activation of a local or regional emergency alert program that 52216

may impose different criteria for the activation of a local or regional plan. 52217
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(D) Any radio broadcast station, television broadcast station, or cable system participating in the statewide emergency alert program or in any local or regional emergency alert program, and any director, officer, employee, or agent of any station or system participating in either type of alert program, shall not be liable to any person for damages for any loss allegedly caused by or resulting from the station's or system's broadcast or cablecast of, or failure to broadcast or cablecast, any information pursuant to the statewide emergency alert program or the local or regional emergency alert program. 52219
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(E) A local investigating law enforcement agency shall not be required to notify the statewide emergency alert program that the law enforcement agency has received information that meets the activation criteria set forth in division (B) of this section during the first twenty-four hours after the law enforcement agency receives the information. 52229
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(F) Nothing in this section shall be construed to authorize the use of the federal emergency alert system unless otherwise authorized by federal law. 52235
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(G) As used in this section: 52238

(1) "Cable system" has the same meaning as in division (B) of section 2913.04-2913.01 of the Revised Code. 52239
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(2) "Law enforcement agency" includes, but is not limited to, a county sheriff's office, the office of a village marshal, a police department of a municipal corporation, a police force of a regional transit authority, a police force of a metropolitan housing authority, the state highway patrol, a 52241
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state university law enforcement agency, the office of a 52246
township police constable, and the police department of a 52247
township or joint police district. 52248

(3) "Mental impairment" means a substantial disorder of 52249
thought, mood, perception, orientation, or memory that grossly 52250
impairs judgment, behavior, or ability to live independently or 52251
provide self-care as certified by a licensed physician, 52252
psychiatrist, or psychologist. 52253

Sec. 5502.53. (A) As used in this section: 52254

"Cable system" has the meaning defined in division (B) of 52255
section ~~2913.04~~2913.01 of the Revised Code. 52256

"Law enforcement agency" means an organization or unit 52257
made up of law enforcement officers as defined in section 52258
2901.01 of the Revised Code. 52259

(B) There is created the statewide blue alert program that 52260
consists of a statewide system for the rapid dissemination of 52261
information to speed the apprehension of persons suspected of 52262
killing or seriously injuring law enforcement officers and to 52263
aid in the location of missing law enforcement officers. The 52264
governor shall organize the program as a coordinated effort 52265
among the governor's office, the department of public safety, 52266
the attorney general, law enforcement agencies, the state's 52267
public and commercial television and radio broadcasters, the 52268
state's cable systems, and others as considered necessary by the 52269
governor. 52270

(C) A statewide blue alert shall be activated if all of 52271
the following activation criteria are met: 52272

(1) A local law enforcement agency confirms that a law 52273
enforcement officer has been seriously injured or killed, and a 52274

suspect has not been apprehended, or that a law enforcement officer is missing while on duty under circumstances warranting concern for the law enforcement officer's safety. 52275
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(2) There is sufficient descriptive information about the suspect or the circumstances surrounding a law enforcement officer's injury, death, or disappearance to indicate that activation of the alert may help locate a suspect or a missing law enforcement officer. 52278
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Nothing in this division prevents the activation of a local or regional emergency alert program that may impose different criteria for the activation of a local or regional emergency alert. 52283
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(D) A radio broadcast station, television broadcast station, or cable system participating in the statewide blue alert program, and a director, officer, employee, or agent of a station or system participating in the program, is immune from liability for damages for any loss allegedly caused by or resulting from the station's or system's broadcast or cablecast of, or failure to broadcast or cablecast, any information pursuant to the statewide blue alert program. 52287
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(E) The statewide blue alert program shall be operated in such a manner that it complements and does not conflict with similar federal alert programs. 52295
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Sec. 5739.026. (A) A board of county commissioners may levy a tax on every retail sale in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, at a rate of not more than one-half of one per cent and may increase the rate of an existing tax to not more than one-half 52298
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of one per cent to pay the expenses of administering the tax 52304
and, except as provided in division (A) (6) of this section, for 52305
any one or more of the following purposes provided that the 52306
aggregate levy for all such purposes does not exceed one-half of 52307
one per cent: 52308

(1) To provide additional revenues for the payment of 52309
bonds or notes issued in anticipation of bonds issued by a 52310
convention facilities authority established by the board of 52311
county commissioners under Chapter 351. of the Revised Code and 52312
to provide additional operating revenues for the convention 52313
facilities authority; 52314

(2) To provide additional revenues for a transit authority 52315
operating in the county; 52316

(3) To provide additional revenue for the county's general 52317
fund; 52318

(4) To provide additional revenue for permanent 52319
improvements to be distributed by the community improvements 52320
board in accordance with section 307.283 and to pay principal, 52321
interest, and premium on bonds issued under section 307.284 of 52322
the Revised Code; 52323

(5) To provide additional revenue for the acquisition, 52324
construction, equipping, or repair of any specific permanent 52325
improvement or any class or group of permanent improvements, 52326
which improvement or class or group of improvements shall be 52327
enumerated in the resolution required by division (D) of this 52328
section, and to pay principal, interest, premium, and other 52329
costs associated with the issuance of bonds or notes in 52330
anticipation of bonds issued pursuant to Chapter 133. of the 52331
Revised Code for the acquisition, construction, equipping, or 52332

repair of the specific permanent improvement or class or group 52333
of permanent improvements; 52334

(6) To provide revenue for the implementation and 52335
operation of a 9-1-1 system in the county. If the tax is levied 52336
or the rate increased exclusively for such purpose, the tax 52337
shall not be levied or the rate increased for more than five 52338
years. At the end of the last year the tax is levied or the rate 52339
increased, any balance remaining in the special fund established 52340
for such purpose shall remain in that fund and be used 52341
exclusively for such purpose until the fund is completely 52342
expended, and, notwithstanding section 5705.16 of the Revised 52343
Code, the board of county commissioners shall not petition for 52344
the transfer of money from such special fund, and the tax 52345
commissioner shall not approve such a petition. 52346

If the tax is levied or the rate increased for such 52347
purpose for more than five years, the board of county 52348
commissioners also shall levy the tax or increase the rate of 52349
the tax for one or more of the purposes described in divisions 52350
(A) (1) to (5) of this section and shall prescribe the method for 52351
allocating the revenues from the tax each year in the manner 52352
required by division (C) of this section. 52353

(7) To provide additional revenue for the operation or 52354
maintenance of a detention facility, as that term is defined 52355
under ~~division (F) of~~ section 2921.01 of the Revised Code; 52356

(8) To provide revenue to finance the construction or 52357
renovation of a sports facility, but only if the tax is levied 52358
for that purpose in the manner prescribed by section 5739.028 of 52359
the Revised Code. 52360

As used in division (A) (8) of this section: 52361

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 52362
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(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 52364
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(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 52366
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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services; 52372
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(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code; 52374
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(12) To provide additional revenue for a regional transportation improvement project under section 5595.06 of the Revised Code. 52378
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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 52381
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The rate of tax shall be a multiple of one-twentieth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in 52386
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which case the aggregate of the rates of tax levied under this 52391
section and section 5739.023 of the Revised Code shall be a 52392
multiple of one-twentieth of one per cent. 52393

The tax shall be levied and the rate increased pursuant to 52394
a resolution adopted by a majority of the members of the board. 52395
The board shall deliver a certified copy of the resolution to 52396
the tax commissioner, not later than the sixty-fifth day prior 52397
to the date on which the tax is to become effective, which shall 52398
be the first day of a calendar quarter. 52399

Prior to the adoption of any resolution to levy the tax or 52400
to increase the rate of tax exclusively for the purpose set 52401
forth in division (A) (3) of this section, the board of county 52402
commissioners shall conduct two public hearings on the 52403
resolution, the second hearing to be no fewer than three nor 52404
more than ten days after the first. Notice of the date, time, 52405
and place of the hearings shall be given by publication in a 52406
newspaper of general circulation in the county, or as provided 52407
in section 7.16 of the Revised Code, once a week on the same day 52408
of the week for two consecutive weeks. The second publication 52409
shall be no fewer than ten nor more than thirty days prior to 52410
the first hearing. Except as provided in division (E) of this 52411
section, the resolution shall be subject to a referendum as 52412
provided in sections 305.31 to 305.41 of the Revised Code. If 52413
the resolution is adopted as an emergency measure necessary for 52414
the immediate preservation of the public peace, health, or 52415
safety, it must receive an affirmative vote of all of the 52416
members of the board of county commissioners and shall state the 52417
reasons for the necessity. 52418

If the tax is for more than one of the purposes set forth 52419
in divisions (A) (1) to (7), (9), (10), and (12) of this section, 52420

or is exclusively for one of the purposes set forth in division 52421
(A) (1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 52422
section, the resolution shall not go into effect unless it is 52423
approved by a majority of the electors voting on the question of 52424
the tax. 52425

(B) The board of county commissioners shall adopt a 52426
resolution under section 351.02 of the Revised Code creating the 52427
convention facilities authority, or under section 307.283 of the 52428
Revised Code creating the community improvements board, before 52429
adopting a resolution levying a tax for the purpose of a 52430
convention facilities authority under division (A) (1) of this 52431
section or for the purpose of a community improvements board 52432
under division (A) (4) of this section. 52433

(C) (1) If the tax is to be used for more than one of the 52434
purposes set forth in divisions (A) (1) to (7), (9), (10), and 52435
(12) of this section, the board of county commissioners shall 52436
establish the method that will be used to determine the amount 52437
or proportion of the tax revenue received by the county during 52438
each year that will be distributed for each of those purposes, 52439
including, if applicable, provisions governing the reallocation 52440
of a convention facilities authority's allocation if the 52441
authority is dissolved while the tax is in effect. The 52442
allocation method may provide that different proportions or 52443
amounts of the tax shall be distributed among the purposes in 52444
different years, but it shall clearly describe the method that 52445
will be used for each year. Except as otherwise provided in 52446
division (C) (2) of this section, the allocation method 52447
established by the board is not subject to amendment during the 52448
life of the tax. 52449

(2) Subsequent to holding a public hearing on the proposed 52450

amendment, the board of county commissioners may amend the 52451
allocation method established under division (C) (1) of this 52452
section for any year, if the amendment is approved by the 52453
governing board of each entity whose allocation for the year 52454
would be reduced by the proposed amendment. In the case of a tax 52455
that is levied for a continuing period of time, the board may 52456
not so amend the allocation method for any year before the sixth 52457
year that the tax is in effect. 52458

(a) If the additional revenues provided to the convention 52459
facilities authority are pledged by the authority for the 52460
payment of convention facilities authority revenue bonds for as 52461
long as such bonds are outstanding, no reduction of the 52462
authority's allocation of the tax shall be made for any year 52463
except to the extent that the reduced authority allocation, when 52464
combined with the authority's other revenues pledged for that 52465
purpose, is sufficient to meet the debt service requirements for 52466
that year on such bonds. 52467

(b) If the additional revenues provided to the county are 52468
pledged by the county for the payment of bonds or notes 52469
described in division (A) (4) or (5) of this section, for as long 52470
as such bonds or notes are outstanding, no reduction of the 52471
county's or the community improvements board's allocation of the 52472
tax shall be made for any year, except to the extent that the 52473
reduced county or community improvements board allocation is 52474
sufficient to meet the debt service requirements for that year 52475
on such bonds or notes. 52476

(c) If the additional revenues provided to the transit 52477
authority are pledged by the authority for the payment of 52478
revenue bonds issued under section 306.37 of the Revised Code, 52479
for as long as such bonds are outstanding, no reduction of the 52480

authority's allocation of tax shall be made for any year, except 52481
to the extent that the authority's reduced allocation, when 52482
combined with the authority's other revenues pledged for that 52483
purpose, is sufficient to meet the debt service requirements for 52484
that year on such bonds. 52485

(d) If the additional revenues provided to the county are 52486
pledged by the county for the payment of bonds or notes issued 52487
under section 133.60 of the Revised Code, for so long as the 52488
bonds or notes are outstanding, no reduction of the county's 52489
allocation of the tax shall be made for any year, except to the 52490
extent that the reduced county allocation is sufficient to meet 52491
the debt service requirements for that year on the bonds or 52492
notes. 52493

(D) (1) The resolution levying the tax or increasing the 52494
rate of tax shall state the rate of the tax or the rate of the 52495
increase; the purpose or purposes for which it is to be levied; 52496
the number of years for which it is to be levied or that it is 52497
for a continuing period of time; the allocation method required 52498
by division (C) of this section; and if required to be submitted 52499
to the electors of the county under division (A) of this 52500
section, the date of the election at which the proposal shall be 52501
submitted to the electors of the county, which shall be not less 52502
than ninety days after the certification of a copy of the 52503
resolution to the board of elections and, if the tax is to be 52504
levied exclusively for the purpose set forth in division (A) (3) 52505
of this section, shall not occur in August of any year. Upon 52506
certification of the resolution to the board of elections, the 52507
board of county commissioners shall notify the tax commissioner 52508
in writing of the levy question to be submitted to the electors. 52509
If approved by a majority of the electors, the tax shall become 52510
effective on the first day of a calendar quarter next following 52511

the sixty-fifth day following the date the board of county 52512
commissioners and tax commissioner receive from the board of 52513
elections the certification of the results of the election, 52514
except as provided in division (E) of this section. 52515

(2) (a) A resolution specifying that the tax is to be used 52516
exclusively for the purpose set forth in division (A) (3) of this 52517
section that is not adopted as an emergency measure may direct 52518
the board of elections to submit the question of levying the tax 52519
or increasing the rate of the tax to the electors of the county 52520
at a special election held on the date specified by the board of 52521
county commissioners in the resolution, provided that the 52522
election occurs not less than ninety days after the resolution 52523
is certified to the board of elections and the election is not 52524
held in August of any year. Upon certification of the resolution 52525
to the board of elections, the board of county commissioners 52526
shall notify the tax commissioner in writing of the levy 52527
question to be submitted to the electors. No resolution adopted 52528
under division (D) (2) (a) of this section shall go into effect 52529
unless approved by a majority of those voting upon it and, 52530
except as provided in division (E) of this section, not until 52531
the first day of a calendar quarter following the expiration of 52532
sixty-five days from the date the tax commissioner receives 52533
notice from the board of elections of the affirmative vote. 52534

(b) A resolution specifying that the tax is to be used 52535
exclusively for the purpose set forth in division (A) (3) of this 52536
section that is adopted as an emergency measure shall become 52537
effective as provided in division (A) of this section, but may 52538
direct the board of elections to submit the question of 52539
repealing the tax or increase in the rate of the tax to the 52540
electors of the county at the next general election in the 52541
county occurring not less than ninety days after the resolution 52542

is certified to the board of elections. Upon certification of 52543
the resolution to the board of elections, the board of county 52544
commissioners shall notify the tax commissioner in writing of 52545
the levy question to be submitted to the electors. The ballot 52546
question shall be the same as that prescribed in section 52547
5739.022 of the Revised Code. The board of elections shall 52548
notify the board of county commissioners and the tax 52549
commissioner of the result of the election immediately after the 52550
result has been declared. If a majority of the qualified 52551
electors voting on the question of repealing the tax or increase 52552
in the rate of the tax vote for repeal of the tax or repeal of 52553
the increase, the board of county commissioners, on the first 52554
day of a calendar quarter following the expiration of sixty-five 52555
days after the date the board and tax commissioner received 52556
notice of the result of the election, shall, in the case of a 52557
repeal of the tax, cease to levy the tax, or, in the case of a 52558
repeal of an increase in the rate of the tax, cease to levy the 52559
increased rate and levy the tax at the rate at which it was 52560
imposed immediately prior to the increase in rate. 52561

(c) A board of county commissioners, by resolution, may 52562
reduce the rate of a tax levied exclusively for the purpose set 52563
forth in division (A) (3) of this section to a lower rate 52564
authorized by this section. Any such reduction shall be made 52565
effective on the first day of the calendar quarter next 52566
following the sixty-fifth day after the tax commissioner 52567
receives a certified copy of the resolution from the board. 52568

(E) If a vendor makes a sale in this state by printed 52569
catalog and the consumer computed the tax on the sale based on 52570
local rates published in the catalog, any tax levied or repealed 52571
or rate changed under this section shall not apply to such a 52572
sale until the first day of a calendar quarter following the 52573

expiration of one hundred twenty days from the date of notice by 52574
the tax commissioner pursuant to division (G) of this section. 52575

(F) The tax levied pursuant to this section shall be in 52576
addition to the tax levied by section 5739.02 of the Revised 52577
Code and any tax levied pursuant to section 5739.021 or 5739.023 52578
of the Revised Code. 52579

A county that levies a tax pursuant to this section shall 52580
levy a tax at the same rate pursuant to section 5741.023 of the 52581
Revised Code. 52582

The additional tax levied by the county shall be collected 52583
pursuant to section 5739.025 of the Revised Code. 52584

Any tax levied pursuant to this section is subject to the 52585
exemptions provided in section 5739.02 of the Revised Code and 52586
in addition shall not be applicable to sales not within the 52587
taxing power of a county under the Constitution of the United 52588
States or the Ohio Constitution. 52589

(G) Upon receipt from a board of county commissioners of a 52590
certified copy of a resolution required by division (A) of this 52591
section, or from the board of elections a notice of the results 52592
of an election required by division (D) (1), (2) (a), (b), or (c) 52593
of this section, the tax commissioner shall provide notice of a 52594
tax rate change in a manner that is reasonably accessible to all 52595
affected vendors. The commissioner shall provide this notice at 52596
least sixty days prior to the effective date of the rate change. 52597
The commissioner, by rule, may establish the method by which 52598
notice will be provided. 52599

Sec. 6111.53. (A) The director of environmental protection 52600
shall establish and maintain a water quality monitoring program 52601
to collect levels one, two, and three credible data for surface 52602

water monitoring and assessment. In the same manner provided in 52603
division (A) (2) of section 6111.51 of the Revised Code, the 52604
director shall adopt rules establishing the program. The rules 52605
shall describe the training and experience that are required for 52606
a person to become a qualified data collector in the program. 52607
The requirements shall be commensurate with the type and level 52608
of data collected. The rules shall require the training to 52609
include a thorough knowledge of applicable sampling protocols 52610
and field methods so that the data collection and interpretation 52611
are reproducible, scientifically defensible, and free from 52612
preconceived bias. The rules shall authorize individuals with 52613
the necessary academic credentials and experience to train other 52614
persons to be qualified data collectors. 52615

The rules also shall require that the data collectors 52616
follow plans containing data collection methods, sampling and 52617
analysis methods, and quality assurance and quality control 52618
procedures that comply with those established in rules adopted 52619
under section 6111.51 of the Revised Code. The rules shall 52620
require that the plans contain the certification required under 52621
division (D) of this section. Plans shall not be required under 52622
the rules for credible data that are collected by the 52623
environmental protection agency, its contractors, or federal or 52624
state environmental agencies. Except as otherwise required by a 52625
permit issued by an agency of the state, by findings and orders 52626
issued by the director, or pursuant to a court order, plans 52627
shall not be required under the rules for data that are 52628
submitted pursuant to the requirements of the permit. The 52629
director may develop generic plans or generic components of 52630
plans for use by qualified data collectors. 52631

(B) A qualified data collector may submit credible data to 52632
the director in accordance with a generic plan without 52633

submitting a plan to the director for approval under division 52634
(C) of this section. 52635

(C) In lieu of submitting data pursuant to a generic plan, 52636
a qualified data collector who intends to submit credible data 52637
to the director may submit a site-specific plan that complies 52638
with the rules adopted under division (A) of this section. If a 52639
qualified data collector will be assisted by other persons who 52640
are not qualified data collectors, the plan shall include 52641
procedures for the supervision of their work to ensure the 52642
accuracy of the data collection. The plan shall identify whether 52643
the data to be collected are level one, two, or three credible 52644
data. The director shall review the plan to determine if it 52645
complies with the rules adopted under division (A) of this 52646
section and with this division. After reviewing the plan, the 52647
director shall either approve or disapprove it. A plan that is 52648
not disapproved within sixty days shall be considered to have 52649
been approved. 52650

(D) A person who chooses to submit data for consideration 52651
as credible data shall document the person's status as a 52652
qualified data collector, demonstrate compliance with a generic 52653
plan or a site-specific plan, certify to the best knowledge and 52654
belief of the qualified data collector that the credible data 52655
were collected in accordance with the procedures required by the 52656
plan developed or approved under this section, and certify that 52657
the person has not been convicted of or pleaded guilty to a 52658
violation of division (D) of section ~~2911.21~~ 2911.06 of the 52659
Revised Code or a substantially similar municipal ordinance 52660
within the previous five years. The director shall not consider 52661
data submitted by a qualified data collector that are not 52662
accompanied by the certification required under this division. 52663

No person is required to submit any of the data collected 52664
pursuant to a plan developed or approved under this section 52665
unless submission of the data is otherwise required by law, but 52666
a person submitting some data pursuant to such a plan shall 52667
submit all data collected pursuant to the plan. 52668

(E) The director shall verify that a person submitting 52669
data is a qualified data collector, review all data collected by 52670
a qualified data collector, and determine that all components of 52671
the plan for the collection of the data were followed. If the 52672
director determines that the data were collected by a qualified 52673
data collector in accordance with required procedures, the 52674
director shall approve the data as credible. The director shall 52675
provide the qualified data collector with written notice 52676
informing the qualified data collector as to whether the data 52677
have been approved, including the level at which the data 52678
qualify as credible data. 52679

(F) The director shall retain all information submitted by 52680
a qualified data collector for a period of not less than ten 52681
years from the date of receipt. All information submitted is a 52682
public record. 52683

Section 5. That existing sections 1.07, 9.06, 9.07, 52684
101.721, 109.42, 109.54, 109.88, 109.921, 111.48, 145.57, 52685
148.10, 149.433, 311.281, 341.011, 742.461, 753.19, 901.511, 52686
955.261, 955.28, 971.08, 1503.09, 1533.68, 1905.01, 2151.14, 52687
2151.356, 2151.414, 2151.419, 2151.421, 2152.02, 2152.021, 52688
2152.16, 2152.201, 2152.71, 2152.72, 2152.74, 2152.81, 2152.811, 52689
2305.111, 2305.112, 2307.611, 2307.62, 2307.65, 2307.67, 52690
2308.04, 2710.05, 2743.62, 2901.011, 2901.07, 2901.13, 2903.01, 52691
2903.11, 2903.211, 2903.212, 2903.213, 2903.43, 2905.32, 52692
2907.06, 2907.10, 2907.11, 2907.27, 2907.28, 2907.29, 2907.30, 52693

2919.123, 2919.25, 2919.251, 2919.26, 2919.27, 2923.04, 52694
2923.126, 2923.129, 2923.132, 2923.31, 2923.41, 2925.61, 52695
2929.04, 2929.13, 2929.18, 2930.01, 2930.03, 2930.06, 2930.16, 52696
2930.17, 2933.81, 2933.82, 2935.03, 2935.041, 2935.36, 2937.11, 52697
2941.1425, 2945.04, 2945.481, 2945.482, 2945.491, 2949.02, 52698
2950.99, 2953.09, 2967.12, 2967.13, 2967.16, 2967.28, 2971.01, 52699
3109.50, 3111.04, 3301.32, 3301.541, 3305.09, 3309.67, 3313.662, 52700
3319.31, 3319.39, 3333.38, 3712.09, 3715.06, 3721.121, 3737.22, 52701
3750.09, 3751.04, 3752.14, 3770.05, 3772.99, 3905.841, 3999.21, 52702
4301.25, 4303.292, 4507.08, 4508.06, 4510.13, 4510.54, 4511.204, 52703
4511.205, 4519.47, 4715.036, 4729.552, 4729.553, 4734.99, 52704
4925.04, 4931.06, 5103.0319, 5120.14, 5120.66, 5139.01, 52705
5149.101, 5153.111, 5160.292, 5162.15, 5502.52, 5502.522, 52706
5502.53, 5739.026, and 6111.53 of the Revised Code are hereby 52707
repealed. 52708

Section 6. The General Assembly, applying the principle 52709
stated in division (B) of section 1.52 of the Revised Code that 52710
amendments are to be harmonized if reasonably capable of 52711
simultaneous operation, finds that the following sections, 52712
presented in this act as composites of the sections as amended 52713
by the acts indicated, are the resulting versions of the 52714
sections in effect prior to the effective date of the sections 52715
as presented in this act: 52716

Section 109.42 of the Revised Code as amended by both H.B. 52717
1 and S.B. 201 of the 132nd General Assembly. 52718

Section 109.73 of the Revised Code as amended by both H.B. 52719
24 and S.B. 68 of the 133rd General Assembly. 52720

Section 901.511 of the Revised Code as amended by both 52721
H.B. 276 and H.B. 389 of the 129th General Assembly. 52722

Section 2151.421 of the Revised Code as amended by both H.B. 92 and H.B. 110 of the 134th General Assembly.	52723 52724
Section 2152.71 of the Revised Code as amended by both H.B. 247 and H.B. 393 of the 124th General Assembly.	52725 52726
Section 2307.62 of the Revised Code as amended by both H.B. 327 and S.B. 107 of the 124th General Assembly.	52727 52728
Section 2903.11 of the Revised Code as amended by both S.B. 20 and S.B. 201 of the 132nd General Assembly.	52729 52730
Section 2907.05 of the Revised Code as amended by both S.B. 201 and S.B. 229 of the 132nd General Assembly.	52731 52732
Section 2907.28 of the Revised Code as amended by H.B. 483 and S.B. 143 both of the 130th General Assembly.	52733 52734
Section 2913.21 of the Revised Code as amended by both H.B. 312 and S.B. 158 of the 132nd General Assembly.	52735 52736
Section 2921.03 of the Revised Code as amended by both H.B. 88 and H.B. 644 of the 121st General Assembly.	52737 52738
Section 2923.1213 of the Revised Code as amended by both H.B. 234 and S.B. 43 of the 130th General Assembly.	52739 52740
Section 2923.13 of the Revised Code as amended by both H.B. 234 and S.B. 43 of the 130th General Assembly.	52741 52742
Section 2923.31 of the Revised Code as amended by both H.B. 199 and H.B. 405 of the 132nd General Assembly.	52743 52744
Section 2925.04 of the Revised Code as amended by both S.B. 1 and S.B. 201 of the 132nd General Assembly.	52745 52746
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.	52747 52748

Section 2929.01 of the Revised Code as amended by H.B. 66 and H.B. 431, both of the 133rd General Assembly.	52749 52750
Section 2929.14 of the Revised Code as amended by both H.B. 136 and S.B. 256 of the 133rd General Assembly.	52751 52752
Section 2953.32 of the Revised Code as amended by H.B. 1, H.B. 431, and S.B. 10, all of the 133rd General Assembly.	52753 52754
Section 2953.37 (2953.35) of the Revised Code as amended by both H.B. 228 and H.B. 425 of the 132nd General Assembly.	52755 52756
Section 2967.193 of the Revised Code as amended by both S.B. 145 and S.B. 201 of the 132nd General Assembly.	52757 52758
Section 2971.03 of the Revised Code as amended by both H.B. 136 and S.B. 256 of the 133rd General Assembly.	52759 52760
Section 3772.99 of the Revised Code as amended by both H.B. 32 and H.B. 49 of the 132nd General Assembly.	52761 52762
Section 4301.69 of the Revised Code as amended by both H.B. 137 and S.B. 131 of the 126th General Assembly.	52763 52764
Section 4723.28 of the Revised Code as amended by both H.B. 203 and H.B. 263 of the 133rd General Assembly.	52765 52766
Section 4730.25 of the Revised Code as amended by both H.B. 203 and H.B. 263 both of the 133rd General Assembly.	52767 52768
Section 4734.31 of the Revised Code as amended by H.B. 151, H.B. 263, and H.B. 442, all of the 133rd General Assembly.	52769 52770