

**As Introduced**

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

**S. B. No. 288**

**Senator Manning**

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**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  
109.921, 111.48, 145.57, 148.10, 149.43, 4  
149.433, 307.93, 311.281, 313.10, 341.011, 5  
341.42, 742.461, 753.19, 753.32, 901.511, 6  
955.261, 955.28, 971.08, 1503.09, 1533.68, 7  
1905.01, 2151.14, 2151.34, 2151.356, 2151.358, 8  
2151.414, 2151.419, 2151.421, 2152.02, 2152.021, 9  
2152.16, 2152.201, 2152.71, 2152.72, 2152.74, 10  
2152.81, 2152.811, 2305.111, 2305.112, 2307.611, 11  
2307.62, 2307.65, 2307.67, 2307.70, 2308.04, 12  
2710.05, 2743.62, 2746.02, 2901.01, 2901.011, 13  
2901.05, 2901.07, 2901.08, 2901.13, 2903.01, 14  
2903.06, 2903.08, 2903.11, 2903.211, 2903.212, 15  
2903.213, 2903.214, 2903.43, 2905.32, 2907.05, 16  
2907.06, 2907.10, 2907.11, 2907.15, 2907.27, 17  
2907.28, 2907.29, 2907.30, 2909.01, 2909.02, 18  
2909.03, 2909.04, 2909.05, 2909.08, 2909.081, 19  
2909.09, 2909.11, 2909.14, 2909.15, 2909.22, 20  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 21  
2909.30, 2909.31, 2911.01, 2911.02, 2911.11, 22  
2911.12, 2911.13, 2911.21, 2911.31, 2911.32, 23  
2913.01, 2913.02, 2913.03, 2913.04, 2913.041, 24

2913.05, 2913.06, 2913.07, 2913.11, 2913.21,	25
2913.30, 2913.31, 2913.34, 2913.40, 2913.401,	26
2913.42, 2913.43, 2913.45, 2913.46, 2913.47,	27
2913.48, 2913.49, 2913.51, 2913.61, 2913.72,	28
2913.73, 2913.82, 2917.01, 2917.02, 2917.03,	29
2917.031, 2917.04, 2917.05, 2917.11, 2917.12,	30
2917.13, 2917.21, 2917.31, 2917.33, 2917.40,	31
2917.41, 2917.47, 2919.123, 2919.22, 2919.25,	32
2919.251, 2919.26, 2919.27, 2921.01, 2921.02,	33
2921.03, 2921.05, 2921.11, 2921.12, 2921.13,	34
2921.21, 2921.23, 2921.24, 2921.29, 2921.31,	35
2921.32, 2921.321, 2921.33, 2921.331, 2921.34,	36
2921.35, 2921.36, 2921.37, 2921.38, 2921.41,	37
2921.42, 2921.421, 2921.44, 2921.45, 2921.51,	38
2921.52, 2923.01, 2923.02, 2923.03, 2923.04,	39
2923.125, 2923.126, 2923.128, 2923.129,	40
2923.1213, 2923.13, 2923.132, 2923.14, 2923.16,	41
2923.31, 2923.41, 2925.04, 2925.11, 2925.12,	42
2925.14, 2925.141, 2925.61, 2927.01, 2927.02,	43
2927.021, 2927.023, 2927.03, 2927.12, 2927.15,	44
2927.17, 2927.21, 2927.22, 2927.24, 2927.27,	45
2929.01, 2929.04, 2929.11, 2929.12, 2929.13,	46
2929.14, 2929.18, 2929.20, 2929.21, 2929.22,	47
2929.34, 2929.71, 2930.01, 2930.03, 2930.06,	48
2930.16, 2930.17, 2933.51, 2933.81, 2933.82,	49
2935.03, 2935.041, 2935.36, 2937.11, 2939.21,	50
2941.1413, 2941.1425, 2941.25, 2945.04, 2945.42,	51
2945.481, 2945.482, 2945.491, 2945.71, 2945.73,	52
2949.02, 2950.01, 2950.99, 2951.041, 2953.08,	53
2953.09, 2953.25, 2953.31, 2953.32, 2953.34,	54
2953.37, 2953.38, 2953.52, 2953.521, 2953.57,	55
2953.58, 2953.59, 2953.61, 2967.04, 2967.12,	56

2967.13, 2967.132, 2967.16, 2967.193, 2967.26, 57  
2967.271, 2967.28, 2971.01, 2971.03, 3107.01, 58  
3109.50, 3111.04, 3113.31, 3301.32, 3301.541, 59  
3305.09, 3309.67, 3313.662, 3319.31, 3319.39, 60  
3333.38, 3712.09, 3715.06, 3721.121, 3737.22, 61  
3750.09, 3751.04, 3752.14, 3770.021, 3770.05, 62  
3772.99, 3791.99, 3905.841, 3999.21, 4301.25, 63  
4301.61, 4301.69, 4303.292, 4506.01, 4507.08, 64  
4508.06, 4510.04, 4510.13, 4510.54, 4511.19, 65  
4511.204, 4511.205, 4511.21, 4519.47, 4715.036, 66  
4723.28, 4729.16, 4729.552, 4729.553, 4729.56, 67  
4729.57, 4729.96, 4730.25, 4731.22, 4734.31, 68  
4734.99, 4752.09, 4759.07, 4760.13, 4761.09, 69  
4762.13, 4774.13, 4778.14, 4925.04, 4931.06, 70  
5103.0319, 5120.035, 5120.14, 5120.66, 5139.01, 71  
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
2913.41, 2913.421, 2913.44, 2913.441, 2913.71,	90
2917.32, 2917.46, 2921.04, 2921.14, 2921.15,	91
2921.22, 2921.25, 2927.022, 2927.11, 2953.321,	92
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:**

<b>Section 1.</b> 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
2909.01, 2909.02, 2909.03, 2909.04, 2909.05, 2909.08, 2909.081,	109
2909.09, 2909.11, 2909.14, 2909.15, 2909.22, 2909.23, 2909.24,	110
2909.26, 2909.27, 2909.28, 2909.30, 2909.31, 2911.01, 2911.02,	111
2911.11, 2911.12, 2911.13, 2911.21, 2911.31, 2911.32, 2913.01,	112
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.07,	113
2913.11, 2913.21, 2913.30, 2913.31, 2913.34, 2913.40, 2913.401,	114
2913.42, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49,	115

2913.51, 2913.61, 2913.72, 2913.73, 2913.82, 2917.01, 2917.02,	116
2917.03, 2917.031, 2917.04, 2917.05, 2917.11, 2917.12, 2917.13,	117
2917.21, 2917.31, 2917.33, 2917.40, 2917.41, 2917.47, 2919.22,	118
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
2923.01, 2923.02, 2923.03, 2923.125, 2923.128, 2923.1213,	123
2923.13, 2923.14, 2923.16, 2925.04, 2925.11, 2925.12, 2925.14,	124
2925.141, 2927.01, 2927.02, 2927.021, 2927.023, 2927.03,	125
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
2929.34, 2929.71, 2933.51, 2939.21, 2941.1413, 2941.25, 2945.42,	128
2945.71, 2945.73, 2950.01, 2951.041, 2953.08, 2953.25, 2953.31,	129
2953.32, 2953.34, 2953.37, 2953.38, 2953.52, 2953.521, 2953.57,	130
2953.58, 2953.59, 2953.61, 2967.04, 2967.132, 2967.193, 2967.26,	131
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 whom the director of public safety designates under section 5502.14 of the Revised Code;	1326 1327 1328
(6) An employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013, a natural resources officer appointed pursuant to section 1501.24, a forest-fire investigator appointed pursuant to section 1503.09, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code;	1329 1330 1331 1332 1333 1334 1335
(7) An employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code;	1336 1337
(8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	1338 1339
(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;	1340 1341 1342 1343 1344
(10) Veterans' homes police officers designated under section 5907.02 of the Revised Code;	1345 1346
(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;	1347 1348 1349
(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as	1350 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
<b>Sec. 149.43.</b> (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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2085

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 <u>correctional employee or peace</u>	2341
officer while the <u>correctional employee or peace officer</u> is	2342
engaged in the performance of <del>the peace officer's</del> <u>official</u>	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. 2704  
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(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. 2709  
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(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: 2713  
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(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. 2718  
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(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. 2722  
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(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 2727  
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(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 2763  
section: 2764

(a) The fees shall be construed as remedial and not 2765  
punitive. 2766

(b) The fees awarded shall not exceed the total of the 2767  
reasonable attorney's fees incurred before the public record was 2768  
made available to the relator and the fees described in division 2769  
(C) (4) (c) of this section. 2770

(c) Reasonable attorney's fees shall include reasonable 2771  
fees incurred to produce proof of the reasonableness and amount 2772  
of the fees and to otherwise litigate entitlement to the fees. 2773

(d) The court may reduce the amount of fees awarded if the 2774  
court determines that, given the factual circumstances involved 2775  
with the specific public records request, an alternative means 2776  
should have been pursued to more effectively and efficiently 2777  
resolve the dispute that was subject to the mandamus action 2778  
filed under division (C) (1) of this section. 2779

(5) If the court does not issue a writ of mandamus under 2780  
division (C) of this section and the court determines at that 2781  
time that the bringing of the mandamus action was frivolous 2782  
conduct as defined in division (A) of section 2323.51 of the 2783  
Revised Code, the court may award to the public office all court 2784  
costs, expenses, and reasonable attorney's fees, as determined 2785  
by the court. 2786

(D) Chapter 1347. of the Revised Code does not limit the 2787  
provisions of this section. 2788

(E) (1) To ensure that all employees of public offices are 2789  
appropriately educated about a public office's obligations under 2790  
division (B) of this section, all elected officials or their 2791

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  
3162  
3163  
3164  
3165  
3166
- (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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3172
- (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
<b>Sec. 341.42.</b> (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 <del>participating in an approved-</del> <del>educational program with direct supervision that requires the-</del> <del>use of the internet for training or research purposes</del> <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 notice, by regular mail, of the date, time, and location of the hearing to the victim or the victim's attorney and to the person who is the subject of the records under consideration.

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

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

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

(b) 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;

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

(d) 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;

(e) By a prosecuting attorney or the prosecuting

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

<b>Sec. 2901.01.</b> (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 <del>737.01</del> <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  
pleaded guilty to three or more prior violations of division (A)  
(1) of section 2903.08 of the Revised Code within the previous  
ten years.

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

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

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

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

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

(3) Except as otherwise provided in this division,

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
<b>Sec. 2907.05.</b> (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<sup>r</sup> 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.

(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:

(a) Any poisonous substance or biological product that may be engineered through biotechnology and that is produced by a living organism;

(b) Any poisonous isomer or biological product, homolog, or derivative of any substance or product described in division (H) (4) (a) of this section.

(I) As used in section 2909.29 of the Revised Code:

(1) "Biological agent" and "toxin" have the same meanings as in division (H) of this section.

(2) "Drug" has the same meaning as in section 4729.01 of the Revised Code.

(3) "Hazardous chemical, biological, or radioactive substance" means any of the following:

(a) Any toxic or poisonous chemical, the precursor of any toxic or poisonous chemical, or any toxin;

(b) Any disease organism or biological agent;

(c) Any substance or item that releases or is designed to

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  
6010  
6011  
6012

(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  
6032  
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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6045  
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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  
6059  
6060  
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  
6066  
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  
6076

(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  
6078  
6079

(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  
6117  
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  
6134  
6135
- ~~(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  
6197  
6198

(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  
6200  
6201  
6202  
6203

(C) No person, without privilege to do so, shall knowingly do any of the following: 6204  
6205

(1) Move or tamper with any structure or property described in division (A) of this section; 6206  
6207

(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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(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  
6213  
6214  
6215  
6216

(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  
6218  
6219  
6220  
6221

(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  
6223  
6224

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  
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~~(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  
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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  
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**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  
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~~(2) "Alley," "street," "streetcar," "trackless trolley," and "vehicle" have the same meanings as in section 4511.01 of the Revised Code.~~ 6413  
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~~(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  
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~~(1) Any vehicle, streetcar, or trackless trolley on a highway;~~ 6421  
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~~(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  
6585  
6586  
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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  
6597  
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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</u>	7028
<u>infrastructure, including telecommunications towers and</u>	7029
<u>telephone poles and lines, including fiber optic lines;</u>	7030
<u>(h) A port, trucking terminal, or other freight</u>	7031
<u>transportation facility;</u>	7032
<u>(i) A gas processing plant, including a plant used in the</u>	7033
<u>processing, treatment, or fractionation of natural gas or</u>	7034
<u>natural gas liquids;</u>	7035
<u>(j) A transmission facility used by a federally licensed</u>	7036
<u>radio or television station;</u>	7037
<u>(k) A steel-making facility that uses an electric arc</u>	7038
<u>furnace to make steel;</u>	7039
<u>(l) A facility identified and regulated by the United</u>	7040
<u>States department of homeland security's chemical facility anti-</u>	7041
<u>terrorism standards program under 6 C.F.R. part 27;</u>	7042
<u>(m) A dam that is regulated by the state or federal</u>	7043
<u>government;</u>	7044
<u>(n) A crude oil or refined products storage and</u>	7045
<u>distribution facility, including valve sites, pipeline</u>	7046
<u>interconnections, pump station, metering station, below- or</u>	7047
<u>above-ground pipeline, or piping and truck loading or off-</u>	7048
<u>loading facility;</u>	7049
<u>(o) A video service network and broadband infrastructure,</u>	7050
<u>including associated buildings and facilities, video service</u>	7051
<u>headends, towers, utility poles, and utility lines such as fiber</u>	7052
<u>optic lines. As used in this division, "video service network"</u>	7053
<u>has the same meaning as in section 1332.21 of the Revised Code.</u>	7054

<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  
7083

(C) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. 7084  
7085

(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  
7087  
7088  
7089

(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  
7091  
7092

(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  
7094  
7095  
7096

(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  
7098  
7099  
7100  
7101

(H) "Production operation," "well," and "well pad" have the same meanings as in section 1509.01 of the Revised Code. 7102  
7103

(I) "Theft offense" has the same meaning as in section 2913.01 of the Revised Code. 7104  
7105

**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  
7107  
7108

(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  
7143  
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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  
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(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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(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

<del>(F) As used in this section:</del>	7308
<del>(1) "All-purpose vehicle," "off-highway motorcycle," and "snowmobile" have the same meanings as in section 4519.01 of the Revised Code.</del>	7309 7310 7311
<del>(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.</del>	7312 7313 7314 7315
<del>(3) "Production operation," "well," and "well pad" have the same meanings as in section 1509.01 of the Revised Code.</del>	7316 7317
<del>(4) "Critical infrastructure facility" means:</del>	7318
<del>(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:</del>	7319 7320 7321 7322 7323 7324
<del>(i) A petroleum or alumina refinery;</del>	7325
<del>(ii) An electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment;</del>	7326 7327 7328
<del>(iii) A chemical, polymer, or rubber manufacturing facility;</del>	7329 7330
<del>(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;</del>	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  
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~~(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  
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~~(xvii) Any above-ground portion of a well, well pad, or production operation;~~ 7375  
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~~(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  
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~~(ii) An electric cooperative, as defined in section 4928.01 of the Revised Code;~~ 7391  
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~~(iii) A municipal electric utility, as defined in section 4928.01 of the Revised Code;~~ 7393  
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~~(iv) A natural gas company that is a public utility under section 4905.02 of the Revised Code;~~ 7395  
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~~(v) A telephone company that is a public utility under section 4905.02 of the Revised Code;~~ 7397  
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~~(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)~~ (11) "Theft offense" means any of the following: 7476

~~(1)~~ (a) A violation of section 2911.01, 2911.02, ~~2911.11,~~ 7477  
~~2911.12, 2911.13, 2911.31, 2911.32,~~ 2911.03, 2911.04, 2911.05, 7478  
2911.07, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 7479  
2913.08, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, ~~2913.34,~~ 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, or former section 2913.32, 2913.33, 2913.47, or 7483  
2913.48 of the Revised Code; 7484

~~(2)~~ (b) 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)~~ (A) (11) (a) 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)~~ (c) 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)~~ (d) A conspiracy or attempt to commit, or complicity in 7496  
committing, any offense under division ~~(K)~~ ~~(1), (2), or (3)~~ (A) 7497  
(11) (a), (b), or (c) of this section. 7498

~~(L)~~ (12) "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)~~ (13) "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 commonly known as "port scanners" or "probes" to intentionally access any computer, computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer programs referred to in this division includes, but is not limited to, those computer programs that use a computer network to access a computer, computer system, or another computer network to determine any of the following: the presence or types of computers or computer systems on a network; the computer network's facilities and capabilities; the availability of computer or network services; the presence or versions of computer software including, but not limited to, operating systems, computer services, or computer contaminants; the presence of a known computer software deficiency that can be used to gain unauthorized access to a computer, computer system, or computer network; or any other information about a computer, computer system, or computer network not necessary for the normal and lawful operation of the computer initiating the access.

~~(ii) (II)~~ The group of computer programs referred to in division ~~(II) (1) (c) (i) (A) (35) (a) (iii) (I)~~ of this section does not include standard computer software used for the normal operation, administration, management, and test of a computer, computer system, or computer network including, but not limited to, domain name services, mail transfer services, and other operating system services, computer programs commonly called "ping," "tcpdump," and "traceroute" and other network monitoring and management computer software, and computer programs commonly known as "nslookup" and "whois" and other systems administration computer software.

~~(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. 7682  
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~~(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. 7687  
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~~(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. 7691  
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~~(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 (NH<sub>3</sub>). 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. 7694  
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~~(LL)~~ (38) "Assistance dog" has the same meaning as in section 955.011 of the Revised Code. 7701  
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~~(MM)~~ (39) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code. 7703  
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~~(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. 7705  
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(41) "Voice over internet protocol service" has the same meaning as in section 4927.01 of the Revised Code. 7708  
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- (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. 522(7)(c), is excluded from the term "cable system" as defined in 47 U.S.C. 522(7);</u>	7737
	7738
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<u>(d) Any open video system that complies with 47 U.S.C. 573;</u>	7740
	7741
<u>(e) Any facility of any electric utility used solely for operating its electric utility system.</u>	7742
	7743
<u>(C) As used in section 2913.07 of the Revised Code:</u>	7744
<u>(1) "Audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part of a motion picture by means of any technology existing on, or developed after, March 9, 2004.</u>	7745
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<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 deposit account, including, but not limited to any of the following:</u>	7751
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<u>(a) A check, bill of exchange, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument;</u>	7754
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<u>(b) An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.</u>	7756
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<u>(2) "Issue a check" means causing any form of debit from a demand deposit account.</u>	7759
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<u>(E) As used in section 2913.30 of the Revised Code:</u>	7761
<u>(1) "Access device" means any debit or credit card representing a monetary security or retail amount by any</u>	7762
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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  
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~~(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  
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~~(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  
8178  
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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  
8184

**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  
8186  
8187

~~(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  
8200  
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  
8262  
8263  
8264

~~(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  
8266  
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  
8278  
8279  
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8281

~~(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  
8284

~~(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  
8316  
8317
- ~~(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  
8330  
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8334
- ~~(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  
8443  
8444  
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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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8448

**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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8451

(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  
8623  
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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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8630

(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~~ 8722  
~~representing a monetary security or retail amount by any~~ 8723  
~~financial institution, including a bank, savings bank, savings~~ 8724  
~~and loan association, credit union, or business entity.~~ 8725

~~(2) "Obligation or other security" means an instrument~~ 8726  
~~recognized as currency or legal tender or that is issued by the~~ 8727  
~~United States treasury, including bills, coins, bonds, or~~ 8728  
~~checks.~~ 8729

~~(B)~~ No person, with purpose to defraud or knowing that the 8730  
person is facilitating a fraud, shall do any of the following: 8731

(1) Falsely make, forge, counterfeit, or alter any 8732  
obligation or other security of the United States; 8733

(2) Pass, utter, sell, purchase, conceal, or transfer any 8734  
counterfeit obligation or other security of the United States; 8735

(3) Possess with the purpose to utter any obligation or 8736  
other security of the United States, knowing that the obligation 8737  
or other security has been counterfeited; 8738

(4) Without authorization of the issuer, falsely make, 8739  
forge, counterfeit, alter, or knowingly possess any access 8740  
device. 8741

~~(C)~~ (B) Whoever violates this section is guilty of 8742  
counterfeiting. Except as otherwise provided in this division, 8743  
counterfeiting is a felony of the fourth degree, and in 8744  
addition, the court shall impose on the offender a fine from the 8745  
range of fines for a felony of the fourth degree that is not 8746  
less than five hundred dollars. 8747

(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  
~~finer 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;~~

~~(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;~~

~~(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.~~

~~(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~~

~~(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~~

~~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  
9077

~~(4) "Recipient" means any individual who receives goods or  
services from a provider under the medicaid program.~~ 9078  
9079

~~(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  
9081  
9082  
9083  
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9085

~~(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  
9087  
9088

~~(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  
9090  
9091

(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  
9102

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~~ 9251  
~~time of the offense, a felony of the fifth degree.~~ 9252

~~(3) Except as provided in division (B) (4) of this section,~~ 9253  
~~if the offense involves a violation of division (A) of this~~ 9254  
~~section involving data or computer software, tampering with~~ 9255  
~~records is whichever of the following is applicable:~~ 9256

~~(a) Except as otherwise provided in division (B) (3) (b),~~ 9257  
~~(c), or (d) of this section, a misdemeanor of the first degree;~~ 9258

~~(b) If the value of the data or computer software involved~~ 9259  
~~in the offense or the loss to the victim is one thousand dollars~~ 9260  
~~or more and is less than seven thousand five hundred dollars, a~~ 9261  
~~felony of the fifth degree;~~ 9262

~~(c) If the value of the data or computer software involved~~ 9263  
~~in the offense or the loss to the victim is seven thousand five~~ 9264  
~~hundred dollars or more and is less than one hundred fifty~~ 9265  
~~thousand dollars, a felony of the fourth degree;~~ 9266

~~(d) If the value of the data or computer software involved~~ 9267  
~~in the offense or the loss to the victim is one hundred fifty~~ 9268  
~~thousand dollars or more or if the offense is committed for the~~ 9269  
~~purpose of devising or executing a scheme to defraud or to~~ 9270  
~~obtain property or services and the value of the property or~~ 9271  
~~services or the loss to the victim is seven thousand five~~ 9272  
~~hundred dollars or more, a felony of the third degree.~~ 9273

~~(4) If the writing, data, computer software, or record is~~ 9274  
~~kept by or belongs to a local, state, or federal governmental~~ 9275  
~~entity, whoever violates this section is guilty of tampering~~ 9276  
~~with governmental records. Unless the measured value of the~~ 9277  
~~violation requires that the offense be enhanced under division~~ 9278

(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  
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~~(7) "Remuneration" includes, but is not limited to, wages, commissions, rebates, and any other reward or consideration.~~ 9622  
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~~(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.~~ 9965-9975

~~(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.~~ 9976-9980

~~(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~~ 9981-9995

~~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
	10313

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

<u>biological agent or toxin to a host.</u>	10401
<u>(B) As used in section 2917.21 of the Revised Code,</u>	10402
<u>"economic harm" means all direct, incidental, and consequential</u>	10403
<u>pecuniary harm suffered by a victim as a result of criminal</u>	10404
<u>conduct. "Economic harm" includes, but is not limited to, all of</u>	10405
<u>the following:</u>	10406
<u>(1) All wages, salaries, or other compensation lost as a</u>	10407
<u>result of the criminal conduct;</u>	10408
<u>(2) The cost of all wages, salaries, or other compensation</u>	10409
<u>paid to employees for time those employees are prevented from</u>	10410
<u>working as a result of the criminal conduct;</u>	10411
<u>(3) The overhead costs incurred for the time that a</u>	10412
<u>business is shut down as a result of the criminal conduct;</u>	10413
<u>(4) The loss of value to tangible or intangible property</u>	10414
<u>that was damaged as a result of the criminal conduct.</u>	10415
<u>(C) As used in section 2917.31 of the Revised Code,</u>	10416
<u>"economic harm" means any of the following:</u>	10417
<u>(1) All direct, incidental, and consequential pecuniary</u>	10418
<u>harm suffered by a victim as a result of criminal conduct.</u>	10419
<u>"Economic harm" includes, but is not limited to, all of the</u>	10420
<u>following:</u>	10421
<u>(a) All wages, salaries, or other compensation lost as a</u>	10422
<u>result of the criminal conduct;</u>	10423
<u>(b) The cost of all wages, salaries, or other compensation</u>	10424
<u>paid to employees for time those employees are prevented from</u>	10425
<u>working as a result of the criminal conduct;</u>	10426
<u>(c) The overhead costs incurred for the time that a</u>	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 10504  
fourth degree. 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 10510  
damage to property. 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  
10593  
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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  
10915

~~(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  
10917  
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10919

~~(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  
10921  
10922

(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  
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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  
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~~(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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- ~~(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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- ~~(3) "Weapon of mass destruction" means any of the following:~~ 10993  
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- ~~(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  
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10997
- ~~(b) Any weapon involving a disease organism or biological~~ 10998

<del>agent;</del>	10999
<del>(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;</del>	11000
	11001
<del>(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:</del>	11002
	11003
	11004
	11005
<del>(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;</del>	11006
	11007
	11008
	11009
<del>(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.</del>	11010
	11011
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	11014
<del>(4) "Biological agent" has the same meaning as in section 2917.33 of the Revised Code.</del>	11015
	11016
<del>(5) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.</del>	11017
	11018
<del>(6) "Institution of higher education" means any of the following:</del>	11019
	11020
<del>(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;</del>	11021
	11022
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	11024
<del>(b) A private, nonprofit college, university or other post-secondary institution located in this state that possesses</del>	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  
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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;~~

<del>(b) Deterioration of food, water, equipment, supplies, or material of any kind;</del>	11084
	11085
<del>(c) Deleterious alteration of the environment.</del>	11086
<del>(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:</del>	11087
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<del>(a) Any poisonous substance or biological product that may be engineered through biotechnology and that is produced by a living organism;</del>	11092
	11093
	11094
<del>(b) Any poisonous isomer or biological product, homolog, or derivative of any substance or product described in division (D)(3)(a) of this section.</del>	11095
	11096
	11097
<del>(4) "Delivery system" means any of the following:</del>	11098
<del>(a) Any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector;</del>	11099
	11100
	11101
<del>(b) Any vector.</del>	11102
<del>(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.</del>	11103
	11104
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	11106
<del>(6) "Weapon of mass destruction" has the same meaning as in section 2917.31 of the Revised Code.</del>	11107
	11108
<b>Sec. 2917.41.</b> (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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(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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(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality. 11264  
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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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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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(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  
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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:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code;

(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code;

(3) "Methamphetamine" has the same meaning as in section 2925.01 of the Revised Code.

**Sec. 2921.01.** ~~As~~ (A) Except as otherwise provided in

~~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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<u>(11) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.</u>	11681
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<u>(12) "Cleric" has the same meaning as in section 2317.02 of the Revised Code.</u>	11683
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<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
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<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 intimidation<sup>7</sup>. 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><del>(C)</del>(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  
12136  
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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  
12146  
12147

(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  
12149  
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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 12157  
firearm, ~~as defined in section 2923.11 of the Revised Code,~~ 12158  
shall knowingly furnish to the seller of the firearm a 12159  
fictitious or altered driver's or commercial driver's license or 12160  
permit, a fictitious or altered identification card, or any 12161  
other document that contains false information about the 12162  
purchaser's identity. 12163

(C) No person, in an attempt to obtain a concealed handgun 12164  
license ~~under section 2923.125 of the Revised Code,~~ shall 12165  
knowingly ~~present to a sheriff a fictitious or altered document-~~ 12166  
~~that purports to be certification of the person's competence in~~ 12167  
~~handling a handgun as described in division (B) (3) of that~~ 12168  
section make any false statement in connection with an 12169  
application filed with a county sheriff for such a license 12170  
pursuant to section 2923.125 of the Revised Code or in 12171  
connection with an affidavit submitted to a county sheriff for 12172  
such a license on a temporary emergency basis under section 12173  
2923.1213 of the Revised Code. 12174

(D) It is no defense to a charge under division (A) (6) of 12175  
this section that the oath or affirmation was administered or 12176  
taken in an irregular manner. 12177

(E) If contradictory statements relating to the same fact 12178  
are made by the offender within the period of the statute of 12179  
limitations for falsification, it is not necessary for the 12180  
prosecution to prove which statement was false but only that one 12181  
or the other was false. 12182

(F) (1) ~~Whoever~~ Except as otherwise provided in division 12183  
(F) (4) of this section, whoever violates division (A) (1), (2), 12184  
(3), (4), (5), (6), (7), (8), (10), (11), (13), or (15) of this 12185  
section is guilty of falsification. ~~Except as otherwise provided~~ 12186

~~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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12319

(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  
12324

(e) Licensed professional clinical counselor or licensed professional counselor and client; 12325  
12326

(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  
12363  
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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
<b>Sec. 2921.28.</b> <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 to commit a criminal offense.</u>	12448
<del>(2)(b)</del> The person witnessed any of the following:	12449
<del>(a)(i)</del> An offense of violence that would constitute a felony under the laws of this state;	12450
<del>(b)(ii)</del> A felony offense that causes or results in, or creates a substantial risk of, serious physical harm to another person or <u>serious physical damage</u> to property;	12451
<del>(c)(iii)</del> Any attempt or conspiracy to commit, or complicity in committing, any offense identified in division <del>(A)(2)(a)(A)(1)(b)(i)</del> or <del>(b)(ii)</del> of this section;	12452
<del>(d)(iv)</del> Any conduct reasonably indicating that any offense identified in division <del>(A)(2)(a)(A)(1)(b)(i)</del> or <del>(b)(ii)</del> of this section or any attempt, conspiracy, or complicity described in division <del>(A)(2)(c)(A)(1)(b)(iii)</del> of this section has been, is being, or is about to be committed.	12453
<u>(2) The officer has advised the person that disclosure of the person's name or address is required by law because the officer reasonably suspects the person of any of the conduct described in division (A)(1) of this section.</u>	12454
(B) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree.	12455
(C) Nothing in this section requires a person to answer any questions beyond that person's name, <u>or address,</u> <del>or date of birth.</del> Nothing in this section authorizes a law enforcement officer to arrest a person for not providing any information	12456
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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  
12629

(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  
12631  
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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  
12639

~~(a) Inhibits~~ inhibits or restricts the ~~law enforcement~~  
officer's control of the ~~police dog or horse;~~ 12640  
12641

~~(b) Deprives the law enforcement officer of control of the~~  
~~police dog or horse;~~ 12642  
12643

~~(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 harborer 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 harborer 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  
12675  
12676

~~(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  
12685

~~(b) Deprives the assisted or served person of control of the dog;~~ 12686  
12687

~~(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  
12693

~~(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  
12727  
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12729

~~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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12734

~~(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  
12736  
12737  
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12739

~~(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  
12741  
12742

~~(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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12746

~~(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.~~

~~(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.~~

~~(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.~~

~~(5) In addition to any other sanction or penalty imposed~~

~~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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12792

~~(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  
12800

~~(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  
12847

**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  
12849  
12850

~~(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  
12852  
12853  
12854

~~(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  
12856  
12857

~~(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  
12859  
12860

~~(2) The offender, during the course of the resistance or interference, brandishes a deadly weapon.~~ 12861  
12862

~~(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  
12867  
12868

(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  
12870  
12871  
12872  
12873

(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  
12875  
12876  
12877  
12878

(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  
12880  
12881  
12882

~~(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 12930  
during the pursuit without lighted lights during a time when 12931  
lighted lights are required; 12932

~~(vii)~~ Whether the offender committed a moving violation 12933  
during the pursuit; 12934

~~(viii)~~(v) The number of moving violations the offender 12935  
committed during the pursuit; 12936

~~(ix)~~(vi) Any other relevant factors ~~indicating that the~~ 12937  
~~offender's conduct is more serious than conduct normally~~ 12938  
~~constituting the offense.~~ 12939

~~(D) If an offender is sentenced pursuant to division (C)~~ 12940  
~~(4) or (5) of this section for a violation of division (B) of~~ 12941  
~~this section, and if the offender is sentenced to a prison term~~ 12942  
~~for that violation, the offender shall serve the prison term~~ 12943  
~~consecutively to any other prison term or mandatory prison term~~ 12944  
~~imposed upon the offender.~~ 12945

~~(E) In addition to any other sanction imposed for a felony~~ 12946  
~~violation of division (B) of this section, the court shall~~ 12947  
~~impose a class two suspension from the range specified in~~ 12948  
~~division (A) (2) of section 4510.02 of the Revised Code. In~~ 12949  
~~addition to any other sanction imposed for a violation of~~ 12950  
~~division (A) of this section or a misdemeanor violation of~~ 12951  
~~division (B) of this section, the court shall impose a class~~ 12952  
~~five suspension from the range specified in division (A) (5) of~~ 12953  
~~section 4510.02 of the Revised Code. If the offender previously~~ 12954  
~~has been found guilty of an offense under this section, in~~ 12955  
~~addition to any other sanction imposed for the offense, the~~ 12956  
~~court shall impose a class one suspension as described in~~ 12957  
~~division (A) (1) of that section. The court shall not grant~~ 12958

~~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) 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  
13085  
13086  
13087  
13088

~~(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  
13090  
13091  
13092  
13093  
13094

~~(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  
13096  
13097  
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13103

~~(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~~ 13193  
~~deliver,~~ to any person who is confined in a detention facility, 13194  
to a child confined in a youth services facility, or to a 13195  
prisoner who is temporarily released from confinement for a work 13196  
assignment a cellular telephone, two-way radio, or other 13197  
electronic communications device. 13198

(F) (1) It is an affirmative defense to a charge under 13199  
division (A) (1) of this section that the weapon or dangerous 13200  
ordnance in question was being transported in a motor vehicle 13201  
for any lawful purpose, that it was not on the actor's person, 13202  
and, if the weapon or dangerous ordnance in question was a 13203  
firearm, that it was unloaded and was being carried in a closed 13204  
package, box, or case or in a compartment that can be reached 13205  
only by leaving the vehicle. 13206

(2) It is an affirmative defense to a charge under 13207  
division (C) of this section that the actor was not otherwise 13208  
prohibited by law from delivering the item to the confined 13209  
person, the child, the prisoner, or the patient and that either 13210  
of the following applies: 13211

(a) The actor was permitted by the written rules of the 13212  
detention facility or the institution, office building, or other 13213  
place to deliver the item to the confined person or the patient. 13214

(b) The actor was given written authorization by the 13215  
person in charge of the detention facility or the institution, 13216  
office building, or other place to deliver the item to the 13217  
confined person or the patient. 13218

(G) (1) Whoever violates division (A) (1) of this section or 13219  
commits a violation of division ~~(C)~~ (C) (1) of this section 13220  
involving an item listed in division (A) (1) of this section is 13221

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  
13677

~~(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.~~ 13678  
13679

**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 duty<sup>7</sup>. 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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13777  
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  
13850

~~(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  
13877

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

<del>Sec. 2921.52. (A) As used in this section:</del>	13907
<del>(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.</del>	13908 13909 13910 13911 13912
<del>(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.</del>	13913 13914 13915 13916 13917 13918 13919
<del>(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.</del>	13920 13921 13922 13923 13924
<del>(4) "Sham legal process" means an instrument that meets all of the following conditions:</del>	13925 13926
<del>(a) It is not lawfully issued.</del>	13927
<del>(b) It purports to do any of the following:</del>	13928
<del>(i) To be a summons, subpoena, judgment, or order of a court, a law enforcement officer, or a legislative, executive, or administrative body.</del>	13929 13930 13931
<del>(ii) To assert jurisdiction over or determine the legal or equitable status, rights, duties, powers, or privileges of any person or property.</del>	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  
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(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) 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) 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  
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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  
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(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  
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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  
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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
<b>Sec. 2923.16.</b> (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 <del>division</del> <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

<del>Sec. 2927.023. (A) As used in this section:</del>	17520
<del>(1) "Authorized recipient of tobacco products" means a person who is:</del>	17521
<del>(a) Licensed as a cigarette wholesale dealer under section 5743.15 of the Revised Code;</del>	17522
<del>(b) Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;</del>	17523
<del>(c) An export warehouse proprietor as defined in section 5702 of the Internal Revenue Code;</del>	17524
<del>(d) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;</del>	17525
<del>(e) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;</del>	17526
<del>(f) A department, agency, instrumentality, or political subdivision of the federal government or of this state;</del>	17527
<del>(g) A person having a consent for consumer shipment issued by the tax commissioner under section 5743.71 of the Revised Code.</del>	17528
<del>(2) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.</del>	17529
<del>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.</del>	17530
<del>(B) (1) No person shall <u>recklessly</u> cause to be shipped any cigarettes tobacco products within the scope of the definition</del>	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 <del>chapter</del> <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> <del>2921.51</del> <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
<del>For purposes of division (A) (2) of this section, "surety" has the same meaning as in section 3905.83 of the Revised Code.</del>	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  
18446

(4) The offense was committed under circumstances not likely to recur. 18447  
18448

(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  
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(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  
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(4) The family and home environment that surrounds the juvenile offender; 18472  
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(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 pursuant to division (B) (2) (a) (iii) of this section and, if applicable, division (B) (1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(v) The court finds that the prison terms imposed pursuant to division (B) (2) (a) (iii) of this section and, if applicable, division (B) (1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(b) The court shall impose on an offender the longest prison term authorized or required for the offense or, for offenses for which division (A) (1) (a) or (2) (a) of this section applies, the longest minimum prison term authorized or required for the offense, and shall impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offender within the preceding twenty years has

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  
19804

(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  
19806  
19807  
19808  
19809  
19810

(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  
19812  
19813  
19814  
19815  
19816

(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  
19818  
19819  
19820  
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19824

(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  
19826  
19827  
19828  
19829  
19830

(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  
-serving 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 (E), (H), (I), (K), and (L) of this section to "the motion" shall be construed for purposes of division (O) of this section as being references to the notice and recommendation specified in division (O) (1) of this section. 20013  
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(3) The director's submission of a notice under division (O) (1) of this section constitutes a recommendation by the director that the court strongly consider a judicial release of the offender consistent with the purposes and principles of sentencing set forth in sections 2929.11 and 2929.13 of the Revised Code and establishes a rebuttable presumption that the offender shall be released through a judicial release in accordance with the recommendation. The presumption of release may be rebutted only as described in division (O) (5) of this section. Only an offender recommended by the director under division (O) (1) of this section may be considered for a judicial release under division (O) of this section. 20018  
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(4) Upon receipt of a notice recommending judicial release submitted by the director under division (O) (1) of this section, the court shall schedule a hearing to consider the recommendation for the judicial release of the offender who is the subject of the notice. Within thirty days after the notice is submitted, the court shall inform the department and the prosecuting attorney of the county in which the offender who is the subject of the notice was indicted of the date, time, and location of the hearing. Upon receipt of the notice from the court, the prosecuting attorney shall comply with division (E) of this section and the department shall post the information specified in that division. 20030  
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(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, detering 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  
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~~(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.~~

~~(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~~

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; 21066  
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(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; 21070  
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(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. 21073  
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(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. 21079  
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(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. 21087  
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(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a 21093  
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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  
21331

(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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21361

(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  
21386

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  
21477

(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  
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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  
21486

(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  
21499

(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  
21501  
21502  
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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 least one year, but not more than five years, from the date on which the court granted the order of intervention in lieu of conviction, the requirement that the offender participate in treatment and recovery support services, and all other terms and conditions ordered by the court, the court shall dismiss the proceedings against the offender. Successful completion of the intervention plan and period of abstinence under this section shall be without adjudication of guilt and is not a criminal conviction for purposes of any disqualification or disability imposed by law and upon conviction of a crime, and the court may order the sealing or expungement of records related to the offense in question, as a dismissal of the charges, in the manner provided in sections ~~2953.51 to 2953.56~~ 2953.31, 2953.33, 2953.37, and 2953.521 of the Revised Code and divisions (H), (K), and (L) of section 2953.34 of the Revised Code.

(F) If the court grants an offender's request for intervention in lieu of conviction and the offender fails to comply with any term or condition imposed as part of the intervention plan for the offender, the supervising authority for the offender promptly shall advise the court of this failure, and the court shall hold a hearing to determine whether the offender failed to comply with any term or condition imposed as part of the plan. If the court determines that the offender has failed to comply with any of those terms and conditions, it may continue the offender on intervention in lieu of conviction, continue the offender on intervention in lieu of conviction with additional terms, conditions, and sanctions, or enter a finding of guilty and impose an appropriate sanction under Chapter 2929. of the Revised Code. If the court sentences the offender to a prison term, the court, after consulting with the department of

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
<b>Sec. 2953.25.</b> (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  
22572  
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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  
22593

(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  
22595  
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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  
22619  
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22621

(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  
22623  
22624  
22625  
22626

(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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22834  
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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  
23482

~~(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.~~ 23483  
23484

~~(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.~~ 23485  
23486

~~(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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23491

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  
23727

(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  
23732

~~(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.

<b>Sec. 2967.132.</b> (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 <del>eight</del> <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  
25192

(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  
25197

(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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25202

(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  
25216

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
<b>Sec. 3113.31.</b> (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 <del>2911.211</del> <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  
25273

(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 term imposed for the offense shall not exceed one year. 27118  
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(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the jail terms set forth in sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year. 27120  
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(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than eight hundred fifty and not more than two thousand seven hundred fifty dollars; 27134  
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(iv) In all cases, a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of two to twelve years. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. 27138  
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(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any 27144  
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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
	27779
	27780
(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
	27782
	27783
	27784
(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
	27786
	27787
(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
	27789
	27790
	27791
	27792
	27793
(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
	27795
	27796
(7) Fifteen miles per hour on all alleys within the municipal corporation;	27797
	27798
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	27799
	27800
(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
	27802
	27803
	27804
(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  
28322
- (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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28331
- (16) Violation of this chapter or any rules adopted under it; 28332  
28333
- (17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate; 28334  
28335
- (18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code; 28336  
28337  
28338
- (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
	28401
	28402
(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
	28406
	28407
	28408
(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
	28410
	28411
	28412
(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
	28414
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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 admission of the allegations, 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 that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter 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.

(H) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. Any person may report to the board any information the person may have that appears to show a violation of any provision of this chapter or rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

(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  
28576

(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 28863 28864 28865 28866
(7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;	28867 28868 28869
(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 28872 28873 28874 28875 28876 28877 28878
(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 28880 28881 28882 28883
(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 28886 28887

(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 settlement agreement;	28976 28977
(g) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted by the board under section 4729.94 of the Revised Code.	28978 28979 28980
(B) The board may suspend a registration under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.	28981 28982 28983 28984
(C) For purposes of this division, an individual authorized to practice as a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a registration under this chapter, the individual gives consent to submit to a mental or physical examination when ordered to do so by the board in writing and waives all objections to the admissibility of testimony or examination reports that constitute privileged communications.	28985 28986 28987 28988 28989 28990 28991 28992 28993 28994
If the board has reasonable cause to believe that an individual who is a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy technician is physically or mentally impaired, the board may require the individual to submit to a physical or mental examination, or both. The expense of the examination is the responsibility of the individual required to be examined.	28995 28996 28997 28998 28999 29000 29001
Failure of an individual who is a pharmacy technician trainee, registered pharmacy technician, or certified pharmacy	29002 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 29657  
to practice by this chapter or any applicant for licensure or 29658  
certification to practice suffers such impairment, the board may 29659  
compel the individual to submit to a mental or physical 29660  
examination, or both. The expense of the examination is the 29661  
responsibility of the individual compelled to be examined. Any 29662  
mental or physical examination required under this division 29663  
shall be undertaken by a treatment provider or physician who is 29664  
qualified to conduct the examination and who is chosen by the 29665  
board. 29666

Failure to submit to a mental or physical examination 29667  
ordered by the board constitutes an admission of the allegations 29668  
against the individual unless the failure is due to 29669  
circumstances beyond the individual's control, and a default and 29670  
final order may be entered without the taking of testimony or 29671  
presentation of evidence. If the board determines that the 29672  
individual's ability to practice is impaired, the board shall 29673  
suspend the individual's license or certificate or deny the 29674  
individual's application and shall require the individual, as a 29675  
condition for initial, continued, reinstated, or renewed 29676  
licensure or certification to practice, to submit to treatment. 29677

Before being eligible to apply for reinstatement of a 29678  
license or certificate suspended under this division, the 29679  
impaired practitioner shall demonstrate to the board the ability 29680  
to resume practice in compliance with acceptable and prevailing 29681  
standards of care under the provisions of the practitioner's 29682  
license or certificate. The demonstration shall include, but 29683  
shall not be limited to, the following: 29684

(a) Certification from a treatment provider approved under 29685  
section 4731.25 of the Revised Code that the individual has 29686

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 29716  
patients to receive health care services from that individual; 29717

(b) Advertising that the individual will waive the payment 29718  
of all or any part of a deductible or copayment that a patient, 29719  
pursuant to a health insurance or health care policy, contract, 29720  
or plan that covers the individual's services, otherwise would 29721  
be required to pay. 29722

(29) Failure to use universal blood and body fluid 29723  
precautions established by rules adopted under section 4731.051 29724  
of the Revised Code; 29725

(30) Failure to provide notice to, and receive 29726  
acknowledgment of the notice from, a patient when required by 29727  
section 4731.143 of the Revised Code prior to providing 29728  
nonemergency professional services, or failure to maintain that 29729  
notice in the patient's medical record; 29730

(31) Failure of a physician supervising a physician 29731  
assistant to maintain supervision in accordance with the 29732  
requirements of Chapter 4730. of the Revised Code and the rules 29733  
adopted under that chapter; 29734

(32) Failure of a physician or podiatrist to enter into a 29735  
standard care arrangement with a clinical nurse specialist, 29736  
certified nurse-midwife, or certified nurse practitioner with 29737  
whom the physician or podiatrist is in collaboration pursuant to 29738  
section 4731.27 of the Revised Code or failure to fulfill the 29739  
responsibilities of collaboration after entering into a standard 29740  
care arrangement; 29741

(33) Failure to comply with the terms of a consult 29742  
agreement entered into with a pharmacist pursuant to section 29743  
4729.39 of the Revised Code; 29744

(34) Failure to cooperate in an investigation conducted by	29745
the board under division (F) of this section, including failure	29746
to comply with a subpoena or order issued by the board or	29747
failure to answer truthfully a question presented by the board	29748
in an investigative interview, an investigative office	29749
conference, at a deposition, or in written interrogatories,	29750
except that failure to cooperate with an investigation shall not	29751
constitute grounds for discipline under this section if a court	29752
of competent jurisdiction has issued an order that either	29753
quashes a subpoena or permits the individual to withhold the	29754
testimony or evidence in issue;	29755
(35) Failure to supervise an acupuncturist in accordance	29756
with Chapter 4762. of the Revised Code and the board's rules for	29757
providing that supervision;	29758
(36) Failure to supervise an anesthesiologist assistant in	29759
accordance with Chapter 4760. of the Revised Code and the	29760
board's rules for supervision of an anesthesiologist assistant;	29761
(37) Assisting suicide, as defined in section 3795.01 of	29762
the Revised Code;	29763
(38) Failure to comply with the requirements of section	29764
2317.561 of the Revised Code;	29765
(39) Failure to supervise a radiologist assistant in	29766
accordance with Chapter 4774. of the Revised Code and the	29767
board's rules for supervision of radiologist assistants;	29768
(40) Performing or inducing an abortion at an office or	29769
facility with knowledge that the office or facility fails to	29770
post the notice required under section 3701.791 of the Revised	29771
Code;	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  
reinstate 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  
30219  
30220  
30221
- (5) Suspend a license to practice chiropractic or a certificate to practice acupuncture for a limited or indefinite period; 30222  
30223  
30224
- (6) Revoke a license to practice chiropractic or a certificate to practice acupuncture. 30225  
30226
- (C) The board may take the actions specified in division (B) of this section for any of the following reasons: 30227  
30228
- (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  
30230  
30231  
30232  
30233
- (2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 30234  
30235  
30236
- (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  
30238  
30239  
30240  
30241
- (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  
30243  
30244
- (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

<b>Sec. 4752.09.</b> (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 medicine practitioner or license to practice as an acupuncturist issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance with section 4762.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

**Sec. 4774.13.** (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 a radiologist assistant 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 radiologist 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;

(2) Failure to comply with the requirements of this

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 32692  
as in section 2967.01 of the Revised Code. 32693

(4) "Qualified prisoner" means a person who satisfies all 32694  
of the following: 32695

(a) The person is confined in a state correctional 32696  
institution under a prison term imposed for a felony of the 32697  
third, fourth, or fifth degree that is not an offense of 32698  
violence. 32699

(b) The department of rehabilitation and correction 32700  
determines, using a standardized assessment tool, that the 32701  
person has a substance use disorder. 32702

(c) The person has not more than twelve months remaining 32703  
to be served under the prison term described in division (A) (4) 32704  
(a) of this section. 32705

(d) The person is not serving any prison term other than 32706  
the term described in division (A) (4) (a) of this section. 32707

(e) The person is eighteen years of age or older. 32708

(f) The person does not show signs of drug or alcohol 32709  
withdrawal and does not require medical detoxification. 32710

(g) As determined by the department of rehabilitation and 32711  
correction, the person is physically and mentally capable of 32712  
uninterrupted participation in the substance use disorder 32713  
treatment program established under division (B) of this 32714  
section. 32715

(B) The department of rehabilitation and correction shall 32716  
establish and operate a program for community-based substance 32717  
use disorder treatment for qualified prisoners. The purpose of 32718  
the program shall be to provide substance use disorder 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 the American correctional association for accreditation. (c) Once the accreditation is received, the contractor maintains it for the duration of the contract term. (d) If the contractor does not comply with divisions (B) (2) (a) to (c) of this section, the contractor is in violation of the contract, and the public entity may revoke the contract at its discretion. (3) A requirement that the contractor comply with all rules promulgated by the department of rehabilitation and correction that apply to the operation and management of correctional facilities, including the minimum standards for jails in Ohio and policies regarding the use of force and the use of deadly force, although the public entity may require more stringent standards, and comply with any applicable laws, rules, or regulations of the federal, state, and local governments, including, but not limited to, sanitation, food service, safety, and health regulations. The contractor shall be required to send copies of reports of inspections completed by the appropriate authorities regarding compliance with rules and regulations to the director of rehabilitation and correction or the director's designee and, if contracting with a local public entity, to the governing authority of that entity. (4) A requirement that the contractor report for investigation all crimes in connection with the facility to the public entity, to all local law enforcement agencies with jurisdiction over the place at which the facility is located, and, for a crime committed at a state correctional institution, to the state highway patrol;

(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 33377  
offense committed prior to July 1, 1996, or for a misdemeanor 33378  
offense, developing or implementing procedures for calculating 33379  
and awarding good time, approving the good time, if any, that 33380  
may be awarded to inmates engaging in work, and granting, 33381  
denying, or revoking good time; 33382

(4) Classifying an inmate or placing an inmate in a more 33383  
or a less restrictive custody than the custody ordered by the 33384  
public entity; 33385

(5) Approving inmates for work release; 33386

(6) Contracting for local or long distance telephone 33387  
services for inmates or receiving commissions from those 33388  
services at a facility that is owned by or operated under a 33389  
contract with the department. 33390

(D) A contractor that has been approved to operate a 33391  
facility under this section, and a person or entity that enters 33392  
into a contract for specialized services, as described in 33393  
division (I) of this section, relative to an intensive program 33394  
prison established pursuant to section 5120.033 of the Revised 33395  
Code to be operated by a contractor that has been approved to 33396  
operate the prison under this section, shall provide an adequate 33397  
policy of insurance specifically including, but not limited to, 33398  
insurance for civil rights claims as determined by a risk 33399  
management or actuarial firm with demonstrated experience in 33400  
public liability for state governments. The insurance policy 33401  
shall provide that the state, including all state agencies, and 33402  
all political subdivisions of the state with jurisdiction over 33403  
the facility or in which a facility is located are named as 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 34150  
limited to, section 9.86 or Chapter 2744. of the Revised Code. 34151

(H) (1) Upon the completion of an out-of-state prisoner's 34152  
term of detention at a correctional facility operated by a 34153  
private contractor in this state pursuant to a contract entered 34154  
into prior to, on, or after March 17, 1998, the operator of the 34155  
correctional facility shall transport the prisoner to the out- 34156  
of-state jurisdiction that imposed the sentence for which the 34157  
prisoner was confined before it releases the prisoner from its 34158  
custody. 34159

(2) No private contractor that operates and manages a 34160  
correctional facility housing out-of-state prisoners in this 34161  
state pursuant to a contract entered into prior to, on, or after 34162  
March 17, 1998, shall fail to comply with division (H) (1) of 34163  
this section. 34164

(3) Whoever violates division (H) (2) of this section is 34165  
guilty of a misdemeanor of the first degree. 34166

(I) Except as otherwise provided in this division, the 34167  
provisions of divisions (A) to (H) of this section apply in 34168  
relation to any correctional facility operated by a private 34169  
contractor in this state to house out-of-state prisoners, 34170  
regardless of whether the facility is operated pursuant to a 34171  
contract entered into prior to, on, or after March 17, 1998. 34172  
Division (C) (1) of this section shall not apply in relation to 34173  
any correctional facility for housing out-of-state prisoners in 34174  
this state that is operated by a private contractor under a 34175  
contract entered into with a local public entity prior to March 34176  
17, 1998. If a private contractor operates a correctional 34177  
facility in this state for the housing of out-of-state prisoners 34178  
under a contract entered into with a local public entity prior 34179

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 35516  
information in one or more specified records, related to the 35517  
child in question and additionally demonstrates the relevance of 35518  
the information sought to be obtained from those records, and if 35519  
the court determines that the limitation specified in division 35520  
(D) (4) of this section does not preclude the provision of a 35521  
specified record or specified information to the movant, then 35522  
the court may issue an order to a designated individual or 35523  
entity to provide the movant with copies of one or more 35524  
specified records or with specified information contained in one 35525  
or more specified records. 35526

(3) (a) Any individual or entity that is authorized by an 35527  
order issued pursuant to division (D) (1) of this section to 35528  
obtain copies of one or more specified records, or specified 35529  
information, related to a particular child may file a written 35530  
request for copies of the records or for the information with 35531  
any individual or entity required by the order to provide copies 35532  
of the records or the information. The request shall be in 35533  
writing, describe the type of records or the information 35534  
requested, explain the need for the records or the information, 35535  
and be accompanied by a copy of the order. 35536

(b) If an individual or entity that is required by an 35537  
order issued pursuant to division (D) (1) of this section to 35538  
provide one or more specified records, or specified information, 35539  
related to a child receives a written request for the records or 35540  
information in accordance with division (D) (3) (a) of this 35541  
section, the individual or entity immediately shall comply with 35542  
the request to the extent it is able to do so, unless the 35543  
individual or entity determines that it is unable to comply with 35544  
the request because it is prohibited by law from doing so, or 35545  
unless the requesting individual or entity does not have 35546

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 36585  
committee of the county in which the deceased child resided at 36586  
the time of death or to the director. On the request of the 36587  
review board, review committee, or director, the agency or peace 36588  
officer may, at its discretion, make the report available to the 36589  
review board, review committee, or director. If the county 36590  
served by the public children services agency is also served by 36591  
a children's advocacy center and the report of alleged sexual 36592  
abuse of a child or another type of abuse of a child is 36593  
specified in the memorandum of understanding that creates the 36594  
center as being within the center's jurisdiction, the agency or 36595  
center shall perform the duties and functions specified in this 36596  
division in accordance with the interagency agreement entered 36597  
into under section 2151.428 of the Revised Code relative to that 36598  
advocacy center. 36599

(5) A public children services agency shall advise a 36600  
person alleged to have inflicted abuse or neglect on a child who 36601  
is the subject of a report made pursuant to this section, 36602  
including a report alleging sexual abuse of a child or another 36603  
type of abuse of a child referred to a children's advocacy 36604  
center pursuant to an interagency agreement entered into under 36605  
section 2151.428 of the Revised Code, in writing of the 36606  
disposition of the investigation. The agency shall not provide 36607  
to the person any information that identifies the person who 36608  
made the report, statements of witnesses, or police or other 36609  
investigative reports. 36610

(J) Any report that is required by this section, other 36611  
than a report that is made to the state highway patrol as 36612  
described in section 5120.173 of the Revised Code, shall result 36613  
in protective services and emergency supportive services being 36614  
made available by the public children services agency on behalf 36615

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 a 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 36911  
violates any law of this state or the United States, or any 36912  
ordinance of a political subdivision of the state, that would be 36913  
an offense if committed by an adult; 36914
- (2) Any child who violates any lawful order of the court 36915  
made under this chapter, including a child who violates a court 36916  
order regarding the child's prior adjudication as an unruly 36917  
child for being an habitual truant; 36918
- (3) Any child who violates any lawful order of the court 36919  
made under Chapter 2151. of the Revised Code other than an order 36920  
issued under section 2151.87 of the Revised Code; 36921
- (4) Any child who violates division (C) of section 36922  
2907.39, division (A) of section 2923.211, or division (C)(1) or 36923  
(D) of section 2925.55 of the Revised Code. 36924
- (F) "Discretionary serious youthful offender" means a 36925  
person who is eligible for a discretionary SYO and who is not 36926  
transferred to adult court under a mandatory or discretionary 36927  
transfer. 36928
- (G) "Discretionary SYO" means a case in which the juvenile 36929  
court, in the juvenile court's discretion, may impose a serious 36930  
youthful offender disposition under section 2152.13 of the 36931  
Revised Code. 36932
- (H) "Discretionary transfer" means that the juvenile court 36933  
has discretion to transfer a case for criminal prosecution under 36934  
division (B) of section 2152.12 of the Revised Code. 36935
- (I) "Drug abuse offense," "felony drug abuse offense," and 36936  
"minor drug possession offense" have the same meanings as in 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  
36952

(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

<b>Sec. 2901.07.</b> (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, <del>2909.29</del> , 2911.01, 2911.02, <del>2911.11, 2911.12, 2911.03, 2911.04</del> , 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> , <u>2907.02</u> , 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 offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome;

(3) Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.

(C) The prosecution of a person under this section does not preclude prosecution of that person under section 2907.02 of the Revised Code.

(D) (1) (a) Whoever violates this section is guilty of felonious assault. Except as otherwise provided in this division or division (D) (1) (b) of this section, felonious assault is a felony of the second degree. If the victim of a violation of division (A) of this section is a peace officer or an investigator of the bureau of criminal identification and investigation, felonious assault is a felony of the first degree.

(b) Regardless of whether the felonious assault is a felony of the first or second degree under division (D) (1) (a) of this section, if the offender also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in this division or unless a longer prison term is required under any other provision of law, the court shall sentence the offender to a mandatory prison term as provided in division (B) (8) of section 2929.14 of the Revised Code. If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and

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 <del>2911.211</del> 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

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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~~ 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  
40824  
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40827

(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  
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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

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Signature of person 41038  
41039

(or signature of the arresting officer who filed the motion on 41040  
behalf of the alleged victim) 41041

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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 <del>(A) (5)</del> <del>(D)</del>	41388
<u>(5) of section 2911.21-2911.06 of the Revised Code;</u>	41389
(3) <del>Aggravated Criminal</del> trespass in violation of division	41390
(A) (2) of section <del>2911.211</del> <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) <del>Making false alarms</del> <u>Inducing panic</u> in violation of	41396
division <del>(A) (4)</del> <del>(B) (3)</del> of section <del>2917.32</del> <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 <del>(A)</del>	41406
<del>(7)</del> <u>(C) (7)</u> of section <del>2909.07</del> <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 <del>(A)</del>	41410
<del>(5)</del> <u>(D) (5)</u> of section <del>2911.21</del> <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 <del>2911.211</del> <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  
42190

(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	42390
a licensed health professional, or obtains naloxone from one of	42391
the following:	42392
(a) A licensed health professional;	42393
(b) An individual who is authorized to personally furnish	42394
naloxone by any of the following:	42395
(i) A physician under section 4731.941 of the Revised	42396
Code;	42397
(ii) An advanced practice registered nurse under section	42398
4723.485 of the Revised Code;	42399
(iii) A physician assistant under section 4730.435 of the	42400
Revised Code;	42401
(iv) A board of health under section 3707.561 of the	42402
Revised Code.	42403
(c) A pharmacist or pharmacy intern who is authorized by a	42404
physician or board of health under section 4729.44 of the	42405
Revised Code to dispense naloxone without a prescription.	42406
(2) Administers the naloxone obtained as described in	42407
division (B)(1) of this section to an individual who is	42408
apparently experiencing an opioid-related overdose;	42409
(3) Attempts to summon emergency services as soon as	42410
practicable either before or after administering the naloxone.	42411
(C) An individual who is an employee, volunteer, or	42412
contractor of a service entity, as defined in section 4729.514	42413
of the Revised Code, and has been authorized under section	42414
3707.562, 4723.486, 4730.436, or 4731.943 of the Revised Code to	42415
administer naloxone is not subject to criminal prosecution for a	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  
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- (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  
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- (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  
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- (i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control. 42631  
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- (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  
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- (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  
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- (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  
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- (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  
43067

(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  
43156

(4) A state fine or costs as defined in section 2949.111 of the Revised Code. 43157  
43158

(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 a 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  
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(9) "Statement" means an oral, written, sign language, or nonverbal communication. 44107  
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(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  
44127

(4) The interrogation occurs outside of the state of Ohio. 44128

(5) The statements are made during routine processing or booking. 44129  
44130

(6) The statements are made spontaneously and not in response to interrogation. 44131  
44132

(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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44141

(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  
44373  
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  
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- (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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44931
- 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  
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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 45175  
case for the state and shall then proceed to examine witnesses 45176  
and introduce exhibits for the state. The accused and the 45177  
magistrate have full right of cross examination, and the accused 45178  
has the right of inspection of exhibits prior to their 45179  
introduction. The hearing shall be conducted under the rules of 45180  
evidence prevailing in criminal trials generally. On motion of 45181  
either the state or the accused, witnesses shall be separated 45182  
and not permitted in the hearing room except when called to 45183  
testify. 45184

(B) In a case involving an alleged felony violation of 45185  
section 2905.05, 2905.32, 2907.011, 2907.02, 2907.03, 2907.04, 45186  
2907.05, 2907.21, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 45187  
2907.323, or 2919.22 of the Revised Code or an alleged felony 45188  
offense of violence and in which an alleged victim of the 45189  
alleged violation or offense was less than thirteen years of age 45190  
when the complaint or information was filed, whichever occurred 45191  
earlier, upon motion of the prosecution, the testimony of the 45192  
child victim at the preliminary hearing may be taken in a room 45193  
other than the room in which the preliminary hearing is being 45194  
conducted and be televised, by closed circuit equipment, into 45195  
the room in which the preliminary hearing is being conducted, in 45196  
accordance with division (C) of section 2945.481 of the Revised 45197  
Code. 45198

(C) In a case involving an alleged felony violation listed 45199  
in division (B) of this section or an alleged felony offense of 45200  
violence and in which an alleged victim of the alleged violation 45201  
or offense was less than thirteen years of age when the 45202  
complaint or information was filed, whichever occurred earlier, 45203  
the court, on written motion of the prosecutor in the case filed 45204  
at least three days prior to the hearing, shall order that all 45205

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, ~~—~~ 45428  
his or ward, ~~—~~ 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 a bailable 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 46771  
offender may potentially be released from imprisonment prior to 46772  
the expiration of the prison term if the offender successfully 46773  
completes all assessment and treatment or programming required 46774  
by the department of rehabilitation and correction under section 46775  
5120.036 of the Revised Code. 46776

(5) "Victim's immediate family" has the same meaning as in 46777  
section 2967.12 of the Revised Code. 46778

(6) "Minor drug possession offense" has the same meaning 46779  
as in section 2925.11 of the Revised Code. 46780

(7) "Single validated risk assessment tool" means the 46781  
single validated risk assessment tool selected by the department 46782  
of rehabilitation and correction under section 5120.114 of the 46783  
Revised Code. 46784

(B) Each sentence to a prison term, other than a term of 46785  
life imprisonment, for a felony of the first degree, for a 46786  
felony of the second degree, for a felony sex offense, or for a 46787  
felony of the third degree that is an offense of violence and is 46788  
not a felony sex offense shall include a requirement that the 46789  
offender be subject to a period of post-release control imposed 46790  
by the parole board after the offender's release from 46791  
imprisonment. This division applies with respect to all prison 46792  
terms of a type described in this division, including a term of 46793  
any such type that is a risk reduction sentence. If a court 46794  
imposes a sentence including a prison term of a type described 46795  
in this division on or after July 11, 2006, the failure of a 46796  
sentencing court to notify the offender pursuant to division (B) 46797  
(2) (d) of section 2929.19 of the Revised Code of this 46798  
requirement or to include in the judgment of conviction entered 46799  
on the journal a statement that the offender's sentence includes 46800

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
<b>Sec. 3109.50.</b> 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
<b>Sec. 3111.04.</b> (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 47995  
care entity or a nonresidential youth treatment program that 47996  
enters into a contract or agreement with a school district for 47997  
the provision of educational services in a setting other than a 47998  
setting that is a building or structure owned or controlled by 47999  
the board of education of the school district during normal 48000  
school hours. 48001

(2) This section does not prohibit any person who has been 48002  
permanently excluded pursuant to this section and section 48003  
3301.121 of the Revised Code from seeking a certificate of high 48004  
school equivalence. A person who has been permanently excluded 48005  
may be permitted to participate in a course of study in 48006  
preparation for a high school equivalency test approved by the 48007  
department of education pursuant to division (B) of section 48008  
3301.80 of the Revised Code, except that the person shall not 48009  
participate during normal school hours in that course of study 48010  
in any building or structure owned or controlled by the board of 48011  
education of a school district. 48012

(3) This section does not relieve any school district from 48013  
any requirement under section 2151.362 or 3313.64 of the Revised 48014  
Code to pay for the cost of educating any child who has been 48015  
permanently excluded pursuant to this section and section 48016  
3301.121 of the Revised Code. 48017

(I) As used in this section: 48018

(1) "Permanently exclude" means to forever prohibit an 48019  
individual from attending any public school in this state that 48020  
is operated by a city, local, exempted village, or joint 48021  
vocational school district. 48022

(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  
48437  
48438

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
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(6) Engage in research on the cause and prevention of losses due to fire and explosion;	48943
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(7) Engage in public education and informational activities which will inform the public of fire safety information;	48945
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(8) Operate a fire training academy and forensic laboratory;	48948
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(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	48950
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(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	48953
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(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
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(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	48960
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	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
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(14) Administer and enforce Chapter 3743. of the Revised Code; 48969  
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(15) Develop a uniform standard for the reporting of information required to be filed under division ~~(E) (4)~~ (C) of section ~~2921.22~~ 2921.28 of the Revised Code, and accept the reports of the information when they are filed. 48971  
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(B) The fire marshal shall appoint a chief deputy fire marshal, and shall employ professional and clerical assistants as the fire marshal considers necessary. The chief deputy shall be a competent former or current member of a fire agency and possess five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, and fire code management. The chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal when the fire marshal is absent or temporarily unable to carry out the duties of the office. When there is a vacancy in the office of fire marshal, the chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal until a new fire marshal is appointed under section 3737.21 of the Revised Code. 48975  
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All employees, other than the fire marshal; the chief deputy fire marshal; the superintendent of the Ohio fire academy; the grants administrator; the fiscal officer; the executive secretary to the fire marshal; legal counsel; the pyrotechnics administrator, the chief of the forensic laboratory; the person appointed by the fire marshal to serve as administrator over functions concerning testing, license examinations, and the issuance of permits and certificates; and the chiefs of the bureaus of fire prevention, of fire and explosion investigation, of code enforcement, and of underground 48989  
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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  
49506

(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  
49508  
49509  
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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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49526

**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  
49765

(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 50228  
division (H) of section 4511.19 of the Revised Code or of a 50229  
comparable length suspension imposed under section 4510.07 of 50230  
the Revised Code. 50231

(3) No judge or mayor shall grant limited driving 50232  
privileges to an offender whose driver's or commercial driver's 50233  
license or permit or nonresident operating privilege has been 50234  
suspended under division (G) or (H) of section 4511.19 of the 50235  
Revised Code, under division (C) of section 4511.191 of the 50236  
Revised Code, or under section 4510.07 of the Revised Code for a 50237  
municipal OVI conviction if the offender, within the preceding 50238  
ten years, has been convicted of or pleaded guilty to three or 50239  
more violations of one or more of the Revised Code sections, 50240  
municipal ordinances, statutes of the United States or another 50241  
state, or municipal ordinances of a municipal corporation of 50242  
another state that are identified in divisions (G) (2) (b) to (h) 50243  
of section 2919.22 of the Revised Code. 50244

Additionally, no judge or mayor shall grant limited 50245  
driving privileges to an offender whose driver's or commercial 50246  
driver's license or permit or nonresident operating privilege 50247  
has been suspended under division (B) of section 4511.191 of the 50248  
Revised Code if the offender, within the preceding ten years, 50249  
has refused three previous requests to consent to a chemical 50250  
test of the person's whole blood, blood serum or plasma, breath, 50251  
or urine to determine its alcohol content. 50252

(4) No judge or mayor shall grant limited driving 50253  
privileges for employment as a driver of commercial motor 50254  
vehicles to an offender whose driver's or commercial driver's 50255  
license or permit or nonresident operating privilege has been 50256  
suspended under division (G) or (H) of section 4511.19 of the 50257

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  
50669

(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 <del>(K) (3)</del> <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
<b>Sec. 4729.553.</b> (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  
51021
- (2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 51022  
51023
- (3) "Hospital" means a hospital registered with the department of health under section 3701.07 of the Revised Code. 51024  
51025
- (4) "Office-based opioid treatment" means the treatment of opioid dependence or addiction using a controlled substance. 51026  
51027
- (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  
51029  
51030
- (6) "Physician assistant" means an individual who is licensed under Chapter 4730. of the Revised Code. 51031  
51032
- (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  
51048

(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
<b>Sec. 4925.04.</b> (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  
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(17) "Category one offense" and "category two offense" have the same meanings as in section 2152.02 of the Revised Code. 51662  
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(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;

(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 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.

(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.

(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.

(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