

As Passed by the House

134th General Assembly

Regular Session

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Am. Sub. S. B. No. 288

Senator Manning

**Cosponsors: Senators Antonio, Blessing, Cirino, Craig, Gavarone, Hackett, Huffman, S., Johnson, Kunze, Lang, McColley, Reineke, Schuring, Sykes, Thomas
Representatives Abrams, Galonski, Seitz, Carruthers, Ginter, Hall, Hillyer, Jarrells, John, Kelly, Lampton, Lipps, Manning, Miller, A., Miranda, O'Brien, Pavliga, Rogers, Sheehy, Smith, K., Sobecki, Sweeney, Troy, Upchurch, Weinstein, White, Young, T.**

A BILL

To amend sections 9.242, 9.79, 102.03, 102.99,	1
109.11, 109.42, 109.57, 109.572, 109.71, 109.73,	2
109.75, 109.79, 109.801, 149.43, 307.93,	3
307.932, 313.10, 341.42, 753.32, 1547.11,	4
1547.111, 1547.99, 2151.23, 2151.34, 2151.358,	5
2152.02, 2152.10, 2152.11, 2152.12, 2152.121,	6
2501.03, 2501.14, 2501.15, 2743.191, 2746.02,	7
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2917.12, 2919.27, 2923.12, 2923.125, 2923.128,	10
2923.1213, 2923.16, 2925.11, 2925.12, 2925.14,	11
2925.141, 2929.01, 2929.13, 2929.14, 2929.141,	12
2929.142, 2929.143, 2929.15, 2929.20, 2929.24,	13
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2933.82, 2935.01, 2935.10, 2939.21, 2941.1413,	15
2941.1414, 2941.1415, 2941.1421, 2941.1423,	16
2945.71, 2945.73, 2950.151, 2950.99, 2951.02,	17
2951.041, 2953.25, 2953.31, 2953.32, 2953.34,	18
2953.37, 2953.38, 2953.52, 2953.521, 2953.57,	19
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2967.13, 2967.131, 2967.132, 2967.193, 2967.26, 21
2967.28, 3301.221, 3313.60, 3319.073, 3321.141, 22
3770.021, 4301.69, 4301.99, 4506.01, 4507.11, 23
4508.02, 4510.036, 4510.04, 4510.17, 4511.043, 24
4511.181, 4511.19, 4511.191, 4511.192, 4511.193, 25
4511.195, 4511.204, 4511.21, 4511.991, 4723.28, 26
4729.16, 4729.56, 4729.57, 4729.96, 4730.25, 27
4731.22, 4734.31, 4752.09, 4759.07, 4760.13, 28
4761.09, 4762.13, 4774.13, 4778.14, 5101.63, 29
5101.74, 5101.99, 5120.035, 5120.66, 5139.45, 30
5147.30, and 5149.101; to amend, for the purpose 31
of adopting new section numbers as indicated in 32
parentheses, sections 2953.37 (2953.35), 2953.38 33
(2953.36), 2953.52 (2953.33), and 2953.56 34
(2953.37); to enact sections 109.38, 109.772, 35
109.773, 2152.022, 2305.118, 2743.671, 2903.18, 36
2907.13, 2907.14, 2930.20, 2953.39, 2967.194, 37
3314.0310, 3326.091, 4507.214, 4511.122, 38
4511.992, 4731.86, 4731.861, 4731.862, 4731.864, 39
4731.865, 4731.867, 4731.869, 4731.8610, 40
4731.8611, and 5139.101; and to repeal sections 41
2941.1416, 2953.321, 2953.33, 2953.35, 2953.36, 42
2953.51, 2953.53, 2953.54, 2953.55, and 2967.19 43
of the Revised Code to modify various aspects of 44
the law regarding crimes and corrections, trial 45
procedures, correctional officers and employees, 46
coroner records, inmate internet access, civil 47
protection orders, delinquent child 48
adjudications and case transfers, youthful 49
offender parole review, OVI, texting while 50
driving, and other traffic offenses, data 51
collection requirements for distracted driving, 52

engaging in prostitution with a person with a 53
developmental disability, ethics violations, 54
certificates of qualification for employment, 55
licensing collateral sanctions, criminal record 56
sealing and expungement, the chief justice of 57
the court of appeals, sexual assault examination 58
kits, a statewide electronic warrant system, the 59
office of the Attorney General, the Elder Abuse 60
Commission, funeral expenses to victims of 61
crime, funds for electronic monitoring, certain 62
assisted reproduction matters, and 63
developmentally appropriate student instruction 64
in child sexual abuse and sexual violence 65
prevention and in-service staff training in 66
child sexual abuse prevention. 67

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

Section 1. That sections 9.242, 9.79, 102.03, 102.99, 68
109.11, 109.42, 109.57, 109.572, 109.71, 109.73, 109.75, 109.79, 69
109.801, 149.43, 307.93, 307.932, 313.10, 341.42, 753.32, 70
1547.11, 1547.111, 1547.99, 2151.23, 2151.34, 2151.358, 2152.02, 71
2152.10, 2152.11, 2152.12, 2152.121, 2501.03, 2501.14, 2501.15, 72
2743.191, 2746.02, 2901.01, 2901.011, 2901.13, 2903.06, 2903.08, 73
2903.13, 2903.214, 2907.05, 2907.231, 2913.02, 2917.12, 2919.27, 74
2923.12, 2923.125, 2923.128, 2923.1213, 2923.16, 2925.11, 75
2925.12, 2925.14, 2925.141, 2929.01, 2929.13, 2929.14, 2929.141, 76
2929.142, 2929.143, 2929.15, 2929.20, 2929.24, 2929.25, 2930.03, 77
2930.06, 2930.16, 2930.17, 2933.82, 2935.01, 2935.10, 2939.21, 78
2941.1413, 2941.1414, 2941.1415, 2941.1421, 2941.1423, 2945.71, 79

2945.73, 2950.151, 2950.99, 2951.02, 2951.041, 2953.25, 2953.31, 80
2953.32, 2953.34, 2953.37, 2953.38, 2953.52, 2953.521, 2953.57, 81
2953.58, 2953.59, 2953.61, 2967.04, 2967.12, 2967.13, 2967.131, 82
2967.132, 2967.193, 2967.26, 2967.28, 3321.141, 3770.021, 83
4301.69, 4301.99, 4506.01, 4507.11, 4508.02, 4510.036, 4510.04, 84
4510.17, 4511.043, 4511.181, 4511.19, 4511.191, 4511.192, 85
4511.193, 4511.195, 4511.204, 4511.21, 4511.991, 4723.28, 86
4729.16, 4729.56, 4729.57, 4729.96, 4730.25, 4731.22, 4734.31, 87
4752.09, 4759.07, 4760.13, 4761.09, 4762.13, 4774.13, 4778.14, 88
5101.63, 5101.74, 5101.99, 5120.035, 5120.66, 5139.45, 5147.30, 89
and 5149.101 be amended; sections 2953.37 (2953.35), 2953.38 90
(2953.36), 2953.52 (2953.33), and 2953.56 (2953.37) be amended 91
for the purpose of adopting new section numbers as indicated in 92
parentheses; and sections 109.38, 109.772, 109.773, 2152.022, 93
2305.118, 2743.671, 2903.18, 2907.13, 2907.14, 2930.20, 2953.39, 94
2967.194, 4507.214, 4511.122, 4511.992, 4731.86, 4731.861, 95
4731.862, 4731.864, 4731.865, 4731.867, 4731.869, 4731.8610, 96
4731.8611, and 5139.101 of the Revised Code be enacted to read 97
as follows: 98

Sec. 9.242. (A) As used in this section: 99

(1) "State agency" has the meaning defined in section 1.60 100
of the Revised Code. 101

(2) "State contract" means any contract for goods, 102
services, or construction that is paid for in whole or in part 103
with state funds. A state contract is considered to be awarded 104
when it is entered into or executed, regardless of whether the 105
parties to the contract have exchanged any money. 106

(3) "Participate" means to respond to any solicitation or 107
procurement issued by a state agency or be the recipient of an 108
award of a state contract, or to provide any goods or services 109

to any state agency. 110

(B) No vendor who has been debarred by any state agency 111
shall participate in any state contract during the period of 112
debarment. ~~After the debarment period expires, the vendor may be~~ 113
~~eligible to respond to any solicitation or procurement, provide~~ 114
~~goods or services to, and be awarded contracts by state agencies~~ 115
~~if the vendor is not otherwise listed on a list of debarred~~ 116
~~vendors applicable to state contracts.~~No vendor who has been 117
prohibited under section 102.99 of the Revised Code from 118
participating in a contract with a public agency, as defined in 119
section 102.01 of the Revised Code, shall participate in any 120
contract with a public agency during the period provided in that 121
section. 122

(C) State agencies shall exclude any vendor debarred under 123
~~sections~~section 125.25, 153.02, or 5513.06 of the Revised Code, 124
or any other section of the Revised Code from participating in 125
state contracts. A public agency, as defined in section 102.01 126
of the Revised Code, shall exclude any vendor who is prohibited 127
under section 102.99 of the Revised Code from participating in a 128
contract with a public agency from participating in any contract 129
with the public agency. 130

(D) After the debarment period or prohibition period 131
expires, the vendor may be eligible to respond to any 132
solicitation or procurement, provide goods or services to, and 133
be awarded contracts by state agencies if the vendor is not 134
otherwise listed on a list of debarred vendors applicable to 135
state contracts, prohibited under section 102.99 of the Revised 136
Code, or otherwise debarred or prohibited under any section of 137
the Revised Code. 138

Sec. 9.79. (A) As used in this section: 139

(1) "License" means an authorization evidenced by a	140
license, certificate, registration, permit, card, or other	141
authority that is issued or conferred by a licensing authority	142
to an individual by which the individual has or claims the	143
privilege to engage in a profession, occupation, or occupational	144
activity over which the licensing authority has jurisdiction.	145
"License" does not include a registration under section 101.72,	146
101.92, or 121.62 of the Revised Code.	147
(2) "Licensing authority" means a state agency that issues	148
licenses under Title XLVII or any other provision of the Revised	149
Code to practice an occupation or profession.	150
(3) "Offense of violence" has the same meaning as in	151
section 2901.01 of the Revised Code.	152
(4) "Sexually oriented offense" has the same meaning as in	153
section 2950.01 of the Revised Code.	154
(5) "State agency" has the same meaning as in section 1.60	155
of the Revised Code.	156
(6) "Community control sanction" has the same meaning as	157
in section 2929.01 of the Revised Code.	158
(7) "Post-release control sanction" has the same meaning	159
as in section 2967.01 of the Revised Code.	160
(8) "Fiduciary duty" means a duty to act for someone	161
else's benefit, while subordinating one's personal interest to	162
that of the other person.	163
(B) (1) Notwithstanding any provision of the Revised Code	164
to the contrary, <u>subject to division (L) of this section,</u> for	165
each type of license issued or conferred by a licensing	166
authority, the licensing authority shall establish within one	167

hundred eighty days after ~~the effective date of this section~~ 168
April 12, 2021, a list of specific criminal offenses for which a 169
conviction, judicial finding of guilt, or plea of guilty may 170
disqualify an individual from obtaining an initial license. The 171
licensing authority shall make the list available to the public 172
on the licensing authority's web site pursuant to division (C) 173
of section 9.78 of the Revised Code. The licensing authority, in 174
adopting the list, shall do both of the following: 175

(a) Identify each disqualifying offense by name or by the 176
Revised Code section number that creates the offense; 177

(b) Include in the list only criminal offenses that are 178
directly related to the duties and responsibilities of the 179
licensed occupation. 180

(2) The licensing authority may include in the list 181
established under division (B) (1) of this section an existing or 182
former municipal ordinance or law of this or any other state or 183
the United States that is substantially equivalent to any 184
section or offense included in the list adopted under division 185
(B) (1) of this section. 186

(C) (1) Except as provided in division (C) (2) or (D) of 187
this section and subject to division (L) of this section, a 188
licensing authority shall not refuse to issue an initial license 189
to an individual based on any of the following: 190

(a) Solely or in part on a conviction of, judicial finding 191
of guilt of, or plea of guilty to an offense; 192

(b) A criminal charge that does not result in a 193
conviction, judicial finding of guilt, or plea of guilty; 194

(c) A nonspecific qualification such as "moral turpitude" 195
or lack of "moral character"; 196

(d) A disqualifying offense included ~~on~~in the list 197
~~adopted~~established under division (B) of this section, if 198
consideration of that offense occurs after the time periods 199
permitted in division (D) of this section. 200

(2) If the individual was convicted of, found guilty 201
pursuant to a judicial finding of guilt of, or pleaded guilty to 202
a disqualifying offense included in the list ~~adopted~~established 203
under division (B) of this section for the license for which the 204
individual applied, the licensing authority may take the 205
conviction, judicial finding of guilt, or plea of guilty into 206
consideration in accordance with division (D) of this section. 207

(D) (1) A licensing authority that may, under division (C) 208
(2) of this section, consider a conviction of, judicial finding 209
of guilt of, or plea of guilty to an offense in determining 210
whether to refuse to issue an initial license to an individual 211
shall consider all of the following factors and shall use a 212
preponderance of the evidence standard in evaluating those 213
factors to determine whether the conviction, judicial finding of 214
guilt, or plea of guilty disqualifies the individual from 215
receiving the license: 216

(a) The nature and seriousness of the offense for which 217
the individual was convicted, found guilty pursuant to a 218
judicial finding of guilt, or pleaded guilty; 219

(b) The passage of time since the individual committed the 220
offense; 221

(c) The relationship of the offense to the ability, 222
capacity, and fitness required to perform the duties and 223
discharge the responsibilities of the occupation; 224

(d) Any evidence of mitigating rehabilitation or treatment 225

undertaken by the individual, including whether the individual 226
has been issued a certificate of qualification for employment 227
under section 2953.25 of the Revised Code or a certificate of 228
achievement and employability under section 2961.22 of the 229
Revised Code; 230

(e) Whether the denial of a license is reasonably 231
necessary to ensure public safety. 232

(2) A licensing authority may take a disqualifying offense 233
included in the list established under division (B) of this 234
section into account only during the following time periods: 235

(a) For a conviction of, judicial finding of guilt of, or 236
plea of guilty to a disqualifying offense that does not involve 237
a breach of fiduciary duty and that is not an offense of 238
violence or a sexually oriented offense, whichever of the 239
following is later, provided the individual was not convicted 240
of, found guilty pursuant to a judicial finding of guilt of, and 241
did not enter a plea of guilty to any other offense during the 242
applicable period: 243

(i) Five years from the date of conviction, judicial 244
finding of guilt, or plea of guilty; 245

(ii) Five years from the date of the release from 246
incarceration; 247

(iii) The time period specified in division (D) (3) of this 248
section. 249

(b) For a conviction of, judicial finding of guilt of, or 250
plea of guilty to a disqualifying offense that involves a breach 251
of fiduciary duty and that is not an offense of violence or a 252
sexually oriented offense, whichever of the following is later, 253
provided the individual was not convicted of, found guilty 254

pursuant to a judicial finding of guilt of, and did not enter a 255
plea of guilty to any other offense during the applicable 256
period: 257

(i) Ten years from the date of conviction, judicial 258
finding of guilt, or plea of guilty; 259

(ii) Ten years from the date of the release from 260
incarceration; 261

(iii) The time period specified in division (D) (4) of this 262
section. 263

(c) For a conviction of, judicial finding of guilt of, or 264
plea of guilty to a disqualifying offense that is an offense of 265
violence or a sexually oriented offense, any time. 266

(3) If an individual is subject to a community control 267
sanction, parole, or post-release control sanction based on a 268
conviction of, judicial finding of guilt of, or plea of guilty 269
to a disqualifying offense included in the list established 270
under division (B) of this section that is not an offense of 271
violence or a sexually oriented offense, a licensing authority 272
may take the offense into account during the following time 273
periods: 274

(a) If the community control sanction, parole, or post- 275
release control sanction was for a term of less than five years, 276
the period of the community control sanction, parole, or post- 277
release control sanction plus the number of years after the date 278
of final discharge of the community control sanction, parole, or 279
post-release control sanction necessary to equal five years; 280

(b) If the community control sanction, parole, or post- 281
release control sanction was for a term of five years or more, 282
the period of the community control sanction, parole, or post- 283

release control sanction.	284
(4) If an individual is subject to a community control sanction, parole, or post-release control sanction based on a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense <u>included in the list established under division (B) of this section</u> that involved a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, a licensing authority may take the offense into account during the following time periods:	285 286 287 288 289 290 291 292
(a) If the community control sanction, parole, or post-release control sanction was for a term of less than ten years, for the period of the community control sanction, parole, or post-release control sanction plus the number of years after the date of final discharge of the community control sanction, parole, or post-release control sanction necessary to equal ten years;	293 294 295 296 297 298 299
(b) If the community control sanction, parole, or post-release control sanction was for a term of ten years or more, the period of the community control sanction, parole, or post-release control sanction.	300 301 302 303
(E) If a licensing authority refuses to issue an initial license to an individual pursuant to division (D) of this section, the licensing authority shall notify the individual in writing of all of the following:	304 305 306 307
(1) The grounds and reasons for the refusal, including an explanation of the licensing authority's application of the factors under division (D) of this section to the evidence the licensing authority used to reach the decision;	308 309 310 311
(2) The individual's right to a hearing regarding the	312

licensing authority's decision under section 119.06 of the Revised Code; 313
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(3) The earliest date the individual may reapply for a license; 315
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(4) Notice that evidence of rehabilitation may be considered on reapplication. 317
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(F) In an administrative hearing or civil action reviewing a licensing authority's refusal under divisions (B) to (K) of this section to issue an initial license ~~under this section~~ to an individual, the licensing authority has the burden of proof on the question of whether the individual's conviction of, judicial finding of guilt of, or plea of guilty to an offense directly relates to the licensed occupation. 319
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(G) A licensing authority that is authorized by law to limit or otherwise place restrictions on a license may do so to comply with the terms and conditions of a community control sanction, post-release control sanction, or an intervention plan established in accordance with section 2951.041 of the Revised Code. 326
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(H) Each licensing authority shall adopt any rules that it determines are necessary to implement divisions (B) to (F) of this section. 332
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(I) ~~This section does~~ Divisions (B) to (K) of this section do not apply to any of the following: 335
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(1) Any position for which appointment requires compliance with section 109.77 of the Revised Code or in which an individual may satisfy the requirements for appointment or election by complying with that section; 337
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(2) Any position for which federal law requires	341
disqualification from licensure or employment based on a	342
conviction of, judicial finding of guilt of, or plea of guilty	343
to an offense;	344
(3) Community-based long-term care services certificates	345
and community-based long-term care services contracts or grants	346
issued under section 173.381 of the Revised Code;	347
(4) Certifications of a provider to provide community-	348
based long-term care services under section 173.391 of the	349
Revised Code;	350
(5) Certificates of authority to a health insuring	351
corporation issued under section 1751.05 of the Revised Code;	352
(6) Licenses to operate a home or residential care	353
facility issued under section 3721.07 of the Revised Code;	354
(7) Certificates of authority to make contracts of	355
indemnity issued under section 3931.10 of the Revised Code;	356
(8) Supported living certificates issued under section	357
5123.161 of the Revised Code;	358
(9) Certificates to administer medications and perform	359
health-related activities under section 5123.45 of the Revised	360
Code.	361
(J) Nothing in <u>divisions (B) to (K) of this section</u>	362
prohibits a licensing authority from considering either of the	363
following when making a determination whether to issue a license	364
to an individual:	365
(1) Past disciplinary action taken by the licensing	366
authority against the individual;	367

(2) Past disciplinary action taken against the individual 368
by an authority in another state that issues a license that is 369
substantially similar to the license for which the individual 370
applies. 371

(K) Notwithstanding any provision of the Revised Code to 372
the contrary, if a licensing authority issues a license to an 373
individual after considering a conviction of, judicial finding 374
of guilt of, or plea of guilty to an offense under division (D) 375
of this section, the licensing authority shall not refuse to 376
renew the individual's license based on that conviction, 377
judicial finding of guilt, or plea of guilty. 378

(L) (1) Notwithstanding any provision of the Revised Code 379
to the contrary, subject to division (G) of this section, during 380
the period commencing on the effective date of this amendment 381
and ending on the date that is two years after the effective 382
date of this amendment, no licensing authority shall refuse to 383
issue a license to a person, limit or otherwise place 384
restrictions on a person's license, or suspend or revoke a 385
person's license under any provision of the Revised Code that 386
takes effect on or after the effective date of this amendment 387
and prior to the date that is two years after the effective date 388
of this amendment and that requires or authorizes such a 389
refusal, limitation, restriction, suspension, or revocation as a 390
result of the person's conviction of, judicial finding of guilt 391
of, or plea of guilty to an offense. 392

(2) Divisions (B) to (F), and (H) to (K), of this section 393
do not apply with respect to any provision of the Revised Code 394
that takes effect on or after the effective date of this 395
amendment and prior to the date that is two years after the 396
effective date of this amendment and that requires or authorizes 397

a licensing authority to refuse to issue a license to a person, 398
to limit or otherwise place restrictions on a person's license, 399
or to suspend or revoke a person's license as a result of the 400
person's conviction of, judicial finding of guilt of, or plea of 401
guilty to an offense. 402

Sec. 102.03. (A) (1) No present or former public official 403
or employee shall, during public employment or service or for 404
twelve months thereafter, represent a client or act in a 405
representative capacity for any person on any matter in which 406
the public official or employee personally participated as a 407
public official or employee through decision, approval, 408
disapproval, recommendation, the rendering of advice, 409
investigation, or other substantial exercise of administrative 410
discretion. 411

(2) For twenty-four months after the conclusion of 412
service, no former commissioner or attorney examiner of the 413
public utilities commission shall represent a public utility, as 414
defined in section 4905.02 of the Revised Code, or act in a 415
representative capacity on behalf of such a utility before any 416
state board, commission, or agency. 417

(3) For twenty-four months after the conclusion of 418
employment or service, no former public official or employee who 419
personally participated as a public official or employee through 420
decision, approval, disapproval, recommendation, the rendering 421
of advice, the development or adoption of solid waste management 422
plans, investigation, inspection, or other substantial exercise 423
of administrative discretion under Chapter 343. or 3734. of the 424
Revised Code shall represent a person who is the owner or 425
operator of a facility, as defined in section 3734.01 of the 426
Revised Code, or who is an applicant for a permit or license for 427

a facility under that chapter, on any matter in which the public 428
official or employee personally participated as a public 429
official or employee. 430

(4) For a period of one year after the conclusion of 431
employment or service as a member or employee of the general 432
assembly, no former member or employee of the general assembly 433
shall represent, or act in a representative capacity for, any 434
person on any matter before the general assembly, any committee 435
of the general assembly, or the controlling board. Division (A) 436
(4) of this section does not apply to or affect a person who 437
separates from service with the general assembly on or before 438
December 31, 1995. As used in division (A) (4) of this section 439
"person" does not include any state agency or political 440
subdivision of the state. 441

(5) As used in divisions (A) (1), (2), and (3) of this 442
section, "matter" includes any case, proceeding, application, 443
determination, issue, or question, but does not include the 444
proposal, consideration, or enactment of statutes, rules, 445
ordinances, resolutions, or charter or constitutional 446
amendments. As used in division (A) (4) of this section, "matter" 447
includes the proposal, consideration, or enactment of statutes, 448
resolutions, or constitutional amendments. As used in division 449
(A) of this section, "represent" includes any formal or informal 450
appearance before, or any written or oral communication with, 451
any public agency on behalf of any person. 452

(6) Nothing contained in division (A) of this section 453
shall prohibit, during such period, a former public official or 454
employee from being retained or employed to represent, assist, 455
or act in a representative capacity for the public agency by 456
which the public official or employee was employed or on which 457

the public official or employee served. 458

(7) Division (A) of this section shall not be construed to 459
prohibit the performance of ministerial functions, including, 460
but not limited to, the filing or amendment of tax returns, 461
applications for permits and licenses, incorporation papers, and 462
other similar documents. 463

(8) Division (A) of this section does not prohibit a 464
nonelected public official or employee of a state agency, as 465
defined in section 1.60 of the Revised Code, from becoming a 466
public official or employee of another state agency. Division 467
(A) of this section does not prohibit such an official or 468
employee from representing or acting in a representative 469
capacity for the official's or employee's new state agency on 470
any matter in which the public official or employee personally 471
participated as a public official or employee at the official's 472
or employee's former state agency. However, no public official 473
or employee of a state agency shall, during public employment or 474
for twelve months thereafter, represent or act in a 475
representative capacity for the official's or employee's new 476
state agency on any audit or investigation pertaining to the 477
official's or employee's new state agency in which the public 478
official or employee personally participated at the official's 479
or employee's former state agency through decision, approval, 480
disapproval, recommendation, the rendering of advice, 481
investigation, or other substantial exercise of administrative 482
discretion. 483

(9) Division (A) of this section does not prohibit a 484
nonelected public official or employee of a political 485
subdivision from becoming a public official or employee of a 486
different department, division, agency, office, or unit of the 487

same political subdivision. Division (A) of this section does 488
not prohibit such an official or employee from representing or 489
acting in a representative capacity for the official's or 490
employee's new department, division, agency, office, or unit on 491
any matter in which the public official or employee personally 492
participated as a public official or employee at the official's 493
or employee's former department, division, agency, office, or 494
unit of the same political subdivision. As used in this 495
division, "political subdivision" means a county, township, 496
municipal corporation, or any other body corporate and politic 497
that is responsible for government activities in a geographic 498
area smaller than that of the state. 499

(10) No present or former Ohio casino control commission 500
official shall, during public service or for two years 501
thereafter, represent a client, be employed or compensated by a 502
person regulated by the commission, or act in a representative 503
capacity for any person on any matter before or concerning the 504
commission. 505

No present or former commission employee shall, during 506
public employment or for two years thereafter, represent a 507
client or act in a representative capacity on any matter in 508
which the employee personally participated as a commission 509
employee through decision, approval, disapproval, 510
recommendation, the rendering of advice, investigation, or other 511
substantial exercise of administrative discretion. 512

(B) No present or former public official or employee shall 513
disclose or use, without appropriate authorization, any 514
information acquired by the public official or employee in the 515
course of the public official's or employee's official duties 516
that is confidential because of statutory provisions, or that 517

has been clearly designated to the public official or employee 518
as confidential when that confidential designation is warranted 519
because of the status of the proceedings or the circumstances 520
under which the information was received and preserving its 521
confidentiality is necessary to the proper conduct of government 522
business. 523

(C) No public official or employee shall participate 524
within the scope of duties as a public official or employee, 525
except through ministerial functions as defined in division (A) 526
of this section, in any license or rate-making proceeding that 527
directly affects the license or rates of any person, 528
partnership, trust, business trust, corporation, or association 529
in which the public official or employee or immediate family 530
owns or controls more than five per cent. No public official or 531
employee shall participate within the scope of duties as a 532
public official or employee, except through ministerial 533
functions as defined in division (A) of this section, in any 534
license or rate-making proceeding that directly affects the 535
license or rates of any person to whom the public official or 536
employee or immediate family, or a partnership, trust, business 537
trust, corporation, or association of which the public official 538
or employee or the public official's or employee's immediate 539
family owns or controls more than five per cent, has sold goods 540
or services totaling more than one thousand dollars during the 541
preceding year, unless the public official or employee has filed 542
a written statement acknowledging that sale with the clerk or 543
secretary of the public agency and the statement is entered in 544
any public record of the agency's proceedings. This division 545
shall not be construed to require the disclosure of clients of 546
attorneys or persons licensed under section 4732.12 of the 547
Revised Code, or patients of persons licensed under section 548

4731.14 of the Revised Code.	549
(D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.	550 551 552 553 554 555
(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.	556 557 558 559
(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.	560 561 562 563
(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other public official or employee who seeks elective office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.	564 565 566 567 568 569 570 571
As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.	572 573 574 575 576
(H) (1) No public official or employee, except for the	577

president or other chief administrative officer of or a member 578
of a board of trustees of a state institution of higher 579
education as defined in section 3345.011 of the Revised Code, 580
who is required to file a financial disclosure statement under 581
section 102.02 of the Revised Code shall solicit or accept, and 582
no person shall give to that public official or employee, an 583
honorarium. Except as provided in division (H)(2) of this 584
section, this division and divisions (D), (E), and (F) of this 585
section do not prohibit a public official or employee who is 586
required to file a financial disclosure statement under section 587
102.02 of the Revised Code from accepting and do not prohibit a 588
person from giving to that public official or employee the 589
payment of actual travel expenses, including any expenses 590
incurred in connection with the travel for lodging, and meals, 591
food, and beverages provided to the public official or employee 592
at a meeting at which the public official or employee 593
participates in a panel, seminar, or speaking engagement or 594
provided to the public official or employee at a meeting or 595
convention of a national organization to which any state agency, 596
including, but not limited to, any state legislative agency or 597
state institution of higher education as defined in section 598
3345.011 of the Revised Code, pays membership dues. Except as 599
provided in division (H)(2) of this section, this division and 600
divisions (D), (E), and (F) of this section do not prohibit a 601
public official or employee who is not required to file a 602
financial disclosure statement under section 102.02 of the 603
Revised Code from accepting and do not prohibit a person from 604
promising or giving to that public official or employee an 605
honorarium or the payment of travel, meal, and lodging expenses 606
if the honorarium, expenses, or both were paid in recognition of 607
demonstrable business, professional, or esthetic interests of 608
the public official or employee that exist apart from public 609

office or employment, including, but not limited to, such a 610
demonstrable interest in public speaking and were not paid by 611
any person or other entity, or by any representative or 612
association of those persons or entities, that is regulated by, 613
doing business with, or seeking to do business with the 614
department, division, institution, board, commission, authority, 615
bureau, or other instrumentality of the governmental entity with 616
which the public official or employee serves. 617

(2) No person who is a member of the board of a state 618
retirement system, a state retirement system investment officer, 619
or an employee of a state retirement system whose position 620
involves substantial and material exercise of discretion in the 621
investment of retirement system funds shall solicit or accept, 622
and no person shall give to that board member, officer, or 623
employee, payment of actual travel expenses, including expenses 624
incurred with the travel for lodging, meals, food, and 625
beverages. 626

(I) A public official or employee may accept travel, 627
meals, and lodging or expenses or reimbursement of expenses for 628
travel, meals, and lodging in connection with conferences, 629
seminars, and similar events related to official duties if the 630
travel, meals, and lodging, expenses, or reimbursement is not of 631
such a character as to manifest a substantial and improper 632
influence upon the public official or employee with respect to 633
that person's duties. The house of representatives and senate, 634
in their code of ethics, and the Ohio ethics commission, under 635
section 111.15 of the Revised Code, may adopt rules setting 636
standards and conditions for the furnishing and acceptance of 637
such travel, meals, and lodging, expenses, or reimbursement. 638

A person who acts in compliance with this division and any 639

applicable rules adopted under it, or any applicable, similar 640
rules adopted by the supreme court governing judicial officers 641
and employees, does not violate division (D), (E), or (F) of 642
this section. This division does not preclude any person from 643
seeking an advisory opinion from the appropriate ethics 644
commission under section 102.08 of the Revised Code. 645

(J) For purposes of divisions (D), (E), and (F) of this 646
section, the membership of a public official or employee in an 647
organization shall not be considered, in and of itself, to be of 648
such a character as to manifest a substantial and improper 649
influence on the public official or employee with respect to 650
that person's duties. As used in this division, "organization" 651
means a church or a religious, benevolent, fraternal, or 652
professional organization that is tax exempt under subsection 653
501(a) and described in subsection 501(c)(3), (4), (8), (10), or 654
(19) of the "Internal Revenue Code of 1986." This division does 655
not apply to a public official or employee who is an employee of 656
an organization, serves as a trustee, director, or officer of an 657
organization, or otherwise holds a fiduciary relationship with 658
an organization. This division does not allow a public official 659
or employee who is a member of an organization to participate, 660
formally or informally, in deliberations, discussions, or voting 661
on a matter or to use the public official's or employee's 662
official position with regard to the interests of the 663
organization on the matter if the public official or employee 664
has assumed a particular responsibility in the organization with 665
respect to the matter or if the matter would affect that 666
person's personal, pecuniary interests. 667

(K) It is not a violation of this section for a 668
prosecuting attorney to appoint assistants and employees in 669
accordance with division (B) of section 309.06 and section 670

2921.421 of the Revised Code, for a chief legal officer of a 671
municipal corporation or an official designated as prosecutor in 672
a municipal corporation to appoint assistants and employees in 673
accordance with sections 733.621 and 2921.421 of the Revised 674
Code, for a township law director appointed under section 504.15 675
of the Revised Code to appoint assistants and employees in 676
accordance with sections 504.151 and 2921.421 of the Revised 677
Code, or for a coroner to appoint assistants and employees in 678
accordance with division (B) of section 313.05 of the Revised 679
Code. 680

As used in this division, "chief legal officer" has the 681
same meaning as in section 733.621 of the Revised Code. 682

(L) No present public official or employee with a casino 683
gaming regulatory function shall indirectly invest, by way of an 684
entity the public official or employee has an ownership interest 685
or control in, or directly invest in a casino operator, 686
management company, holding company, casino facility, or gaming- 687
related vendor. No present public official or employee with a 688
casino gaming regulatory function shall directly or indirectly 689
have a financial interest in, have an ownership interest in, be 690
the creditor or hold a debt instrument issued by, or have an 691
interest in a contractual or service relationship with a casino 692
operator, management company, holding company, casino facility, 693
or gaming-related vendor. This section does not prohibit or 694
limit permitted passive investing by the public official or 695
employee. 696

As used in this division, "passive investing" means 697
investment by the public official or employee by means of a 698
mutual fund in which the public official or employee has no 699
control of the investments or investment decisions. "Casino 700

operator," "holding company," "management company," "casino 701
facility," and "gaming-related vendor" have the same meanings as 702
in section 3772.01 of the Revised Code. 703

(M) A member of the Ohio casino control commission, the 704
executive director of the commission, or an employee of the 705
commission shall not: 706

(1) Accept anything of value, including but not limited to 707
a gift, gratuity, emolument, or employment from a casino 708
operator, management company, or other person subject to the 709
jurisdiction of the commission, or from an officer, attorney, 710
agent, or employee of a casino operator, management company, or 711
other person subject to the jurisdiction of the commission; 712

(2) Solicit, suggest, request, or recommend, directly or 713
indirectly, to a casino operator, management company, or other 714
person subject to the jurisdiction of the commission, or to an 715
officer, attorney, agent, or employee of a casino operator, 716
management company, or other person subject to the jurisdiction 717
of the commission, the appointment of a person to an office, 718
place, position, or employment; 719

(3) Participate in casino gaming or any other amusement or 720
activity at a casino facility in this state or at an affiliate 721
gaming facility of a licensed casino operator, wherever located. 722

~~In addition to the penalty provided in section 102.99 of 723
the Revised Code, whoever violates division (M) (1), (2), or (3) 724
of this section forfeits the individual's office or employment. 725~~

Sec. 102.99. (A) Whoever violates division (C) of section 726
102.02 or division (C) of section 102.031 of the Revised Code is 727
guilty of a misdemeanor of the fourth degree. 728

(B) Whoever violates division (D) of section 102.02 or 729

section 102.021, 102.03, 102.04, or 102.07 of the Revised Code 730
is guilty of a misdemeanor of the first degree. 731

(C) In addition to the penalty provided in division (B) of 732
this section, whoever violates division (M)(1), (2), or (3) of 733
section 102.03 of the Revised Code forfeits the individual's 734
office or employment. 735

(D) In addition to the penalty provided in division (B) of 736
this section, any person who violates division (F) of section 737
102.03 of the Revised Code is subject to the following: 738

(1) The court may prohibit the person from participating 739
in a public contract with any public agency in this state for a 740
period of two years if recommended by the agency by whom the 741
offending public official or employee was employed. 742

(2) The court may order the person to pay an additional 743
fine equal to the amount of any thing of value given in 744
violation of division (F) of section 102.03 of the Revised Code. 745

(E) Upon application of the Ohio ethics commission, the 746
court shall order a person who is convicted of a violation of 747
section 102.021, 102.03, or 102.04 of the Revised Code to pay 748
the costs incurred to investigate and prosecute the case. The 749
amount ordered under this division shall not exceed the amount a 750
person unlawfully secured, solicited, or accepted; the amount a 751
person received as improper compensation, as an unlawful 752
honorarium, or from the unlawful sale of goods or services; or 753
the amount otherwise applicable under section 102.021, 102.03, 754
or 102.04 of the Revised Code. These costs are in addition to 755
any other cost or penalty provided in the Revised Code or any 756
other provision of law. 757

Sec. 109.11. There is hereby created in the state treasury 758

the attorney general reimbursement fund that shall be used for 759
the expenses of the office of the attorney general in providing 760
legal services and other services on behalf of the state. Except 761
as otherwise provided in this division, all amounts received by 762
the attorney general as reimbursement for legal services and 763
other services that have been rendered to other state agencies 764
shall be paid into the state treasury to the credit of the 765
attorney general reimbursement fund. All amounts awarded by a 766
court to the attorney general for attorney's fees, investigation 767
costs, expert witness fees, fines, and all other costs and fees 768
associated with representation provided by the attorney general 769
and all amounts awarded to the attorney general by a court shall 770
be paid into the state treasury to the credit of the attorney 771
general reimbursement fund. All amounts paid into the state 772
treasury under division ~~(C) (3)~~ (D) (3) of section 2953.32 or 773
division (B) (3) of section 2953.39 of the Revised Code and that 774
are required under that division to be credited to the attorney 775
general reimbursement fund shall be credited to the fund, and 776
the amounts so credited shall be used by the bureau of criminal 777
identification and investigation for expenses related to the 778
sealing or expungement of records. 779

Sec. 109.38. (A) There is hereby created, as a section 780
within the office of the attorney general, an office of the 781
solicitor general. The attorney general shall set the duties of 782
the solicitor general. 783

(B) There is hereby created, as a section within the 784
office of the attorney general, a Tenth Amendment center. The 785
center shall actively monitor federal executive orders, federal 786
statutes, and federal regulations for potential abuse or 787
overreach, including assertion of power inconsistent with the 788
United States Constitution. The center shall have at least one 789

attorney dedicated to the center whose primary job 790
responsibility is to monitor federal executive orders, federal 791
statutes, and federal regulations for possible overreach. If the 792
center determines a federal executive order, federal statute, or 793
federal regulation is not supported by law, the center shall 794
prepare and make a recommendation to the office of the solicitor 795
general. The solicitor general shall advise the attorney general 796
about possible causes of action. Regarding such actions, the 797
attorney general has discretion to act on the attorney general's 798
own initiative or based on the recommendation of the solicitor 799
general. 800

(C) The attorney general shall provide adequate office 801
space, staff, equipment, and materials to the office of the 802
solicitor general and to the Tenth Amendment center. 803

Sec. 109.42. (A) The attorney general shall prepare and 804
have printed a pamphlet that contains a compilation of all 805
statutes relative to victim's rights in which the attorney 806
general lists and explains the statutes in the form of a 807
victim's bill of rights. The attorney general shall distribute 808
the pamphlet to all sheriffs, marshals, municipal corporation 809
and township police departments, constables, and other law 810
enforcement agencies, to all prosecuting attorneys, city 811
directors of law, village solicitors, and other similar chief 812
legal officers of municipal corporations, and to organizations 813
that represent or provide services for victims of crime. The 814
victim's bill of rights set forth in the pamphlet shall contain 815
a description of all of the rights of victims that are provided 816
for in Chapter 2930. or in any other section of the Revised Code 817
and shall include, but not be limited to, all of the following: 818

(1) The right of a victim or a victim's representative to 819

attend a proceeding before a grand jury, in a juvenile case, or 820
in a criminal case pursuant to a subpoena without being 821
discharged from the victim's or representative's employment, 822
having the victim's or representative's employment terminated, 823
having the victim's or representative's pay decreased or 824
withheld, or otherwise being punished, penalized, or threatened 825
as a result of time lost from regular employment because of the 826
victim's or representative's attendance at the proceeding 827
pursuant to the subpoena, as set forth in section 2151.211, 828
2930.18, 2939.121, or 2945.451 of the Revised Code; 829

(2) The potential availability pursuant to section 830
2151.359 or 2152.61 of the Revised Code of a forfeited 831
recognizance to pay damages caused by a child when the 832
delinquency of the child or child's violation of probation or 833
community control is found to be proximately caused by the 834
failure of the child's parent or guardian to subject the child 835
to reasonable parental authority or to faithfully discharge the 836
conditions of probation or community control; 837

(3) The availability of awards of reparations pursuant to 838
sections 2743.51 to 2743.72 of the Revised Code for injuries 839
caused by criminal offenses; 840

(4) The right of the victim in certain criminal or 841
juvenile cases or a victim's representative to receive, pursuant 842
to section 2930.06 of the Revised Code, notice of the date, 843
time, and place of the trial or delinquency proceeding in the 844
case or, if there will not be a trial or delinquency proceeding, 845
information from the prosecutor, as defined in section 2930.01 846
of the Revised Code, regarding the disposition of the case; 847

(5) The right of the victim in certain criminal or 848
juvenile cases or a victim's representative to receive, pursuant 849

to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 850
notice of the name of the person charged with the violation, the 851
case or docket number assigned to the charge, and a telephone 852
number or numbers that can be called to obtain information about 853
the disposition of the case; 854

(6) The right of the victim in certain criminal or 855
juvenile cases or of the victim's representative pursuant to 856
section 2930.13 or 2930.14 of the Revised Code, subject to any 857
reasonable terms set by the court as authorized under section 858
2930.14 of the Revised Code, to make a statement about the 859
victimization and, if applicable, a statement relative to the 860
sentencing or disposition of the offender; 861

(7) The opportunity to obtain a court order, pursuant to 862
section 2945.04 of the Revised Code, to prevent or stop the 863
commission of the offense of intimidation of a crime victim or 864
witness or an offense against the person or property of the 865
complainant, or of the complainant's ward or child; 866

(8) The right of the victim in certain criminal or 867
juvenile cases or a victim's representative pursuant to sections 868
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 869
Code to receive notice of a pending motion for judicial release, ~~7~~ 870
~~release pursuant to section 2967.19 of the Revised Code,~~ or 871
other early release of the person who committed the offense 872
against the victim, to make an oral or written statement at the 873
court hearing on the motion, and to be notified of the court's 874
decision on the motion; 875

(9) The right of the victim in certain criminal or 876
juvenile cases or a victim's representative pursuant to section 877
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 878
Code to receive notice of any pending commutation, pardon, 879

parole, transitional control, discharge, other form of 880
authorized release, post-release control, or supervised release 881
for the person who committed the offense against the victim or 882
any application for release of that person and to send a written 883
statement relative to the victimization and the pending action 884
to the adult parole authority or the release authority of the 885
department of youth services; 886

(10) The right of the victim to bring a civil action 887
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 888
obtain money from the offender's profit fund; 889

(11) The right, pursuant to section 3109.09 of the Revised 890
Code, to maintain a civil action to recover compensatory damages 891
not exceeding ten thousand dollars and costs from the parent of 892
a minor who willfully damages property through the commission of 893
an act that would be a theft offense, as defined in section 894
2913.01 of the Revised Code, if committed by an adult; 895

(12) The right, pursuant to section 3109.10 of the Revised 896
Code, to maintain a civil action to recover compensatory damages 897
not exceeding ten thousand dollars and costs from the parent of 898
a minor who willfully and maliciously assaults a person; 899

(13) The possibility of receiving restitution from an 900
offender or a delinquent child pursuant to section 2152.20, 901
2929.18, or 2929.28 of the Revised Code; 902

(14) The right of the victim in certain criminal or 903
juvenile cases or a victim's representative, pursuant to section 904
2930.16 of the Revised Code, to receive notice of the escape 905
from confinement or custody of the person who committed the 906
offense, to receive that notice from the custodial agency of the 907
person at the victim's last address or telephone number provided 908

to the custodial agency, and to receive notice that, if either 909
the victim's address or telephone number changes, it is in the 910
victim's interest to provide the new address or telephone number 911
to the custodial agency; 912

(15) The right of a victim of domestic violence, including 913
domestic violence in a dating relationship as defined in section 914
3113.31 of the Revised Code, to seek the issuance of a civil 915
protection order pursuant to that section, the right of a victim 916
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 917
2911.211, or 2919.22 of the Revised Code, a violation of a 918
substantially similar municipal ordinance, or an offense of 919
violence who is a family or household member of the offender at 920
the time of the offense to seek the issuance of a temporary 921
protection order pursuant to section 2919.26 of the Revised 922
Code, and the right of both types of victims to be accompanied 923
by a victim advocate during court proceedings; 924

(16) The right of a victim of a sexually oriented offense 925
or of a child-victim oriented offense that is committed by a 926
person who is convicted of, pleads guilty to, or is adjudicated 927
a delinquent child for committing the offense and who is in a 928
category specified in division (B) of section 2950.10 of the 929
Revised Code to receive, pursuant to that section, notice that 930
the person has registered with a sheriff under section 2950.04, 931
2950.041, or 2950.05 of the Revised Code and notice of the 932
person's name, the person's residence that is registered, and 933
the offender's school, institution of higher education, or place 934
of employment address or addresses that are registered, the 935
person's photograph, and a summary of the manner in which the 936
victim must make a request to receive the notice. As used in 937
this division, "sexually oriented offense" and "child-victim 938
oriented offense" have the same meanings as in section 2950.01 939

of the Revised Code. 940

(17) The right of a victim of certain sexually violent 941
offenses committed by an offender who also is convicted of or 942
pleads guilty to a sexually violent predator specification and 943
who is sentenced to a prison term pursuant to division (A) (3) of 944
section 2971.03 of the Revised Code, of a victim of a violation 945
of division (A) (1) (b) of section 2907.02 of the Revised Code 946
committed on or after January 2, 2007, by an offender who is 947
sentenced for the violation pursuant to division (B) (1) (a), (b), 948
or (c) of section 2971.03 of the Revised Code, of a victim of an 949
attempted rape committed on or after January 2, 2007, by an 950
offender who also is convicted of or pleads guilty to a 951
specification of the type described in section 2941.1418, 952
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 953
the violation pursuant to division (B) (2) (a), (b), or (c) of 954
section 2971.03 of the Revised Code, and of a victim of an 955
offense that is described in division (B) (3) (a), (b), (c), or 956
(d) of section 2971.03 of the Revised Code and is committed by 957
an offender who is sentenced pursuant to one of those divisions 958
to receive, pursuant to section 2930.16 of the Revised Code, 959
notice of a hearing to determine whether to modify the 960
requirement that the offender serve the entire prison term in a 961
state correctional facility, whether to continue, revise, or 962
revoke any existing modification of that requirement, or whether 963
to terminate the prison term. As used in this division, 964
"sexually violent offense" and "sexually violent predator 965
specification" have the same meanings as in section 2971.01 of 966
the Revised Code. 967

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 968
prosecuting attorney, assistant prosecuting attorney, city 969
director of law, assistant city director of law, village 970

solicitor, assistant village solicitor, or similar chief legal 971
officer of a municipal corporation or an assistant of any of 972
those officers who prosecutes an offense committed in this 973
state, upon first contact with the victim of the offense, the 974
victim's family, or the victim's dependents, shall give the 975
victim, the victim's family, or the victim's dependents a copy 976
of the pamphlet prepared pursuant to division (A) of this 977
section and explain, upon request, the information in the 978
pamphlet to the victim, the victim's family, or the victim's 979
dependents. 980

(b) Subject to division (B)(1)(c) of this section, a law 981
enforcement agency that investigates an offense or delinquent 982
act committed in this state shall give the victim of the offense 983
or delinquent act, the victim's family, or the victim's 984
dependents a copy of the pamphlet prepared pursuant to division 985
(A) of this section at one of the following times: 986

(i) Upon first contact with the victim, the victim's 987
family, or the victim's dependents; 988

(ii) If the offense or delinquent act is an offense of 989
violence, if the circumstances of the offense or delinquent act 990
and the condition of the victim, the victim's family, or the 991
victim's dependents indicate that the victim, the victim's 992
family, or the victim's dependents will not be able to 993
understand the significance of the pamphlet upon first contact 994
with the agency, and if the agency anticipates that it will have 995
an additional contact with the victim, the victim's family, or 996
the victim's dependents, upon the agency's second contact with 997
the victim, the victim's family, or the victim's dependents. 998

If the agency does not give the victim, the victim's 999
family, or the victim's dependents a copy of the pamphlet upon 1000

first contact with them and does not have a second contact with 1001
the victim, the victim's family, or the victim's dependents, the 1002
agency shall mail a copy of the pamphlet to the victim, the 1003
victim's family, or the victim's dependents at their last known 1004
address. 1005

(c) In complying on and after December 9, 1994, with the 1006
duties imposed by division (B) (1) (a) or (b) of this section, an 1007
official or a law enforcement agency shall use copies of the 1008
pamphlet that are in the official's or agency's possession on 1009
December 9, 1994, until the official or agency has distributed 1010
all of those copies. After the official or agency has 1011
distributed all of those copies, the official or agency shall 1012
use only copies of the pamphlet that contain at least the 1013
information described in divisions (A) (1) to (17) of this 1014
section. 1015

(2) The failure of a law enforcement agency or of a 1016
prosecuting attorney, assistant prosecuting attorney, city 1017
director of law, assistant city director of law, village 1018
solicitor, assistant village solicitor, or similar chief legal 1019
officer of a municipal corporation or an assistant to any of 1020
those officers to give, as required by division (B) (1) of this 1021
section, the victim of an offense or delinquent act, the 1022
victim's family, or the victim's dependents a copy of the 1023
pamphlet prepared pursuant to division (A) of this section does 1024
not give the victim, the victim's family, the victim's 1025
dependents, or a victim's representative any rights under 1026
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 1027
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 1028
other provision of the Revised Code and does not affect any 1029
right under those sections. 1030

(3) A law enforcement agency, a prosecuting attorney or 1031
assistant prosecuting attorney, or a city director of law, 1032
assistant city director of law, village solicitor, assistant 1033
village solicitor, or similar chief legal officer of a municipal 1034
corporation that distributes a copy of the pamphlet prepared 1035
pursuant to division (A) of this section shall not be required 1036
to distribute a copy of an information card or other printed 1037
material provided by the clerk of the court of claims pursuant 1038
to section 2743.71 of the Revised Code. 1039

(C) The cost of printing and distributing the pamphlet 1040
prepared pursuant to division (A) of this section shall be paid 1041
out of the reparations fund, created pursuant to section 1042
2743.191 of the Revised Code, in accordance with division (D) of 1043
that section. 1044

(D) As used in this section: 1045

(1) "Victim's representative" has the same meaning as in 1046
section 2930.01 of the Revised Code; 1047

(2) "Victim advocate" has the same meaning as in section 1048
2919.26 of the Revised Code. 1049

Sec. 109.57. (A) (1) The superintendent of the bureau of 1050
criminal identification and investigation shall procure from 1051
wherever procurable and file for record photographs, pictures, 1052
descriptions, fingerprints, measurements, and other information 1053
that may be pertinent of all persons who have been convicted of 1054
committing within this state a felony, any crime constituting a 1055
misdemeanor on the first offense and a felony on subsequent 1056
offenses, or any misdemeanor described in division (A) (1) (a), 1057
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 1058
of all children under eighteen years of age who have been 1059

adjudicated delinquent children for committing within this state 1060
an act that would be a felony or an offense of violence if 1061
committed by an adult or who have been convicted of or pleaded 1062
guilty to committing within this state a felony or an offense of 1063
violence, and of all well-known and habitual criminals. The 1064
person in charge of any county, multicounty, municipal, 1065
municipal-county, or multicounty-municipal jail or workhouse, 1066
community-based correctional facility, halfway house, 1067
alternative residential facility, or state correctional 1068
institution and the person in charge of any state institution 1069
having custody of a person suspected of having committed a 1070
felony, any crime constituting a misdemeanor on the first 1071
offense and a felony on subsequent offenses, or any misdemeanor 1072
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 1073
section 109.572 of the Revised Code or having custody of a child 1074
under eighteen years of age with respect to whom there is 1075
probable cause to believe that the child may have committed an 1076
act that would be a felony or an offense of violence if 1077
committed by an adult shall furnish such material to the 1078
superintendent of the bureau. Fingerprints, photographs, or 1079
other descriptive information of a child who is under eighteen 1080
years of age, has not been arrested or otherwise taken into 1081
custody for committing an act that would be a felony or an 1082
offense of violence who is not in any other category of child 1083
specified in this division, if committed by an adult, has not 1084
been adjudicated a delinquent child for committing an act that 1085
would be a felony or an offense of violence if committed by an 1086
adult, has not been convicted of or pleaded guilty to committing 1087
a felony or an offense of violence, and is not a child with 1088
respect to whom there is probable cause to believe that the 1089
child may have committed an act that would be a felony or an 1090
offense of violence if committed by an adult shall not be 1091

procured by the superintendent or furnished by any person in 1092
charge of any county, multicounty, municipal, municipal-county, 1093
or multicounty-municipal jail or workhouse, community-based 1094
correctional facility, halfway house, alternative residential 1095
facility, or state correctional institution, except as 1096
authorized in section 2151.313 of the Revised Code. 1097

(2) Every clerk of a court of record in this state, other 1098
than the supreme court or a court of appeals, shall send to the 1099
superintendent of the bureau a weekly report containing a 1100
summary of each case involving a felony, involving any crime 1101
constituting a misdemeanor on the first offense and a felony on 1102
subsequent offenses, involving a misdemeanor described in 1103
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 1104
of the Revised Code, or involving an adjudication in a case in 1105
which a child under eighteen years of age was alleged to be a 1106
delinquent child for committing an act that would be a felony or 1107
an offense of violence if committed by an adult. The clerk of 1108
the court of common pleas shall include in the report and 1109
summary the clerk sends under this division all information 1110
described in divisions (A) (2) (a) to (f) of this section 1111
regarding a case before the court of appeals that is served by 1112
that clerk. The summary shall be written on the standard forms 1113
furnished by the superintendent pursuant to division (B) of this 1114
section and shall include the following information: 1115

(a) The incident tracking number contained on the standard 1116
forms furnished by the superintendent pursuant to division (B) 1117
of this section; 1118

(b) The style and number of the case; 1119

(c) The date of arrest, offense, summons, or arraignment; 1120

(d) The date that the person was convicted of or pleaded 1121
guilty to the offense, adjudicated a delinquent child for 1122
committing the act that would be a felony or an offense of 1123
violence if committed by an adult, found not guilty of the 1124
offense, or found not to be a delinquent child for committing an 1125
act that would be a felony or an offense of violence if 1126
committed by an adult, the date of an entry dismissing the 1127
charge, an entry declaring a mistrial of the offense in which 1128
the person is discharged, an entry finding that the person or 1129
child is not competent to stand trial, or an entry of a nolle 1130
prosequi, or the date of any other determination that 1131
constitutes final resolution of the case; 1132

(e) A statement of the original charge with the section of 1133
the Revised Code that was alleged to be violated; 1134

(f) If the person or child was convicted, pleaded guilty, 1135
or was adjudicated a delinquent child, the sentence or terms of 1136
probation imposed or any other disposition of the offender or 1137
the delinquent child. 1138

If the offense involved the disarming of a law enforcement 1139
officer or an attempt to disarm a law enforcement officer, the 1140
clerk shall clearly state that fact in the summary, and the 1141
superintendent shall ensure that a clear statement of that fact 1142
is placed in the bureau's records. 1143

(3) The superintendent shall cooperate with and assist 1144
sheriffs, chiefs of police, and other law enforcement officers 1145
in the establishment of a complete system of criminal 1146
identification and in obtaining fingerprints and other means of 1147
identification of all persons arrested on a charge of a felony, 1148
any crime constituting a misdemeanor on the first offense and a 1149
felony on subsequent offenses, or a misdemeanor described in 1150

division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 1151
of the Revised Code and of all children under eighteen years of 1152
age arrested or otherwise taken into custody for committing an 1153
act that would be a felony or an offense of violence if 1154
committed by an adult. The superintendent also shall file for 1155
record the fingerprint impressions of all persons confined in a 1156
county, multicounty, municipal, municipal-county, or 1157
multicounty-municipal jail or workhouse, community-based 1158
correctional facility, halfway house, alternative residential 1159
facility, or state correctional institution for the violation of 1160
state laws and of all children under eighteen years of age who 1161
are confined in a county, multicounty, municipal, municipal- 1162
county, or multicounty-municipal jail or workhouse, community- 1163
based correctional facility, halfway house, alternative 1164
residential facility, or state correctional institution or in 1165
any facility for delinquent children for committing an act that 1166
would be a felony or an offense of violence if committed by an 1167
adult, and any other information that the superintendent may 1168
receive from law enforcement officials of the state and its 1169
political subdivisions. 1170

(4) The superintendent shall carry out Chapter 2950. of 1171
the Revised Code with respect to the registration of persons who 1172
are convicted of or plead guilty to a sexually oriented offense 1173
or a child-victim oriented offense and with respect to all other 1174
duties imposed on the bureau under that chapter. 1175

(5) The bureau shall perform centralized recordkeeping 1176
functions for criminal history records and services in this 1177
state for purposes of the national crime prevention and privacy 1178
compact set forth in section 109.571 of the Revised Code and is 1179
the criminal history record repository as defined in that 1180
section for purposes of that compact. The superintendent or the 1181

superintendent's designee is the compact officer for purposes of 1182
that compact and shall carry out the responsibilities of the 1183
compact officer specified in that compact. 1184

(6) The superintendent shall, upon request, assist a 1185
county coroner in the identification of a deceased person 1186
through the use of fingerprint impressions obtained pursuant to 1187
division (A)(1) of this section or collected pursuant to section 1188
109.572 or 311.41 of the Revised Code. 1189

(B) The superintendent shall prepare and furnish to every 1190
county, multicounty, municipal, municipal-county, or 1191
multicounty-municipal jail or workhouse, community-based 1192
correctional facility, halfway house, alternative residential 1193
facility, or state correctional institution and to every clerk 1194
of a court in this state specified in division (A)(2) of this 1195
section standard forms for reporting the information required 1196
under division (A) of this section. The standard forms that the 1197
superintendent prepares pursuant to this division may be in a 1198
tangible format, in an electronic format, or in both tangible 1199
formats and electronic formats. 1200

(C)(1) The superintendent may operate a center for 1201
electronic, automated, or other data processing for the storage 1202
and retrieval of information, data, and statistics pertaining to 1203
criminals and to children under eighteen years of age who are 1204
adjudicated delinquent children for committing an act that would 1205
be a felony or an offense of violence if committed by an adult, 1206
criminal activity, crime prevention, law enforcement, and 1207
criminal justice, and may establish and operate a statewide 1208
communications network to be known as the Ohio law enforcement 1209
gateway to gather and disseminate information, data, and 1210
statistics for the use of law enforcement agencies and for other 1211

uses specified in this division. The superintendent may gather, 1212
store, retrieve, and disseminate information, data, and 1213
statistics that pertain to children who are under eighteen years 1214
of age and that are gathered pursuant to sections 109.57 to 1215
109.61 of the Revised Code together with information, data, and 1216
statistics that pertain to adults and that are gathered pursuant 1217
to those sections. 1218

(2) The superintendent or the superintendent's designee 1219
shall gather information of the nature described in division (C) 1220
(1) of this section that pertains to the offense and delinquency 1221
history of a person who has been convicted of, pleaded guilty 1222
to, or been adjudicated a delinquent child for committing a 1223
sexually oriented offense or a child-victim oriented offense for 1224
inclusion in the state registry of sex offenders and child- 1225
victim offenders maintained pursuant to division (A) (1) of 1226
section 2950.13 of the Revised Code and in the internet database 1227
operated pursuant to division (A) (13) of that section and for 1228
possible inclusion in the internet database operated pursuant to 1229
division (A) (11) of that section. 1230

(3) In addition to any other authorized use of 1231
information, data, and statistics of the nature described in 1232
division (C) (1) of this section, the superintendent or the 1233
superintendent's designee may provide and exchange the 1234
information, data, and statistics pursuant to the national crime 1235
prevention and privacy compact as described in division (A) (5) 1236
of this section. 1237

(4) The Ohio law enforcement gateway shall contain the 1238
name, confidential address, and telephone number of program 1239
participants in the address confidentiality program established 1240
under sections 111.41 to 111.47 of the Revised Code. 1241

(5) The attorney general may adopt rules under Chapter 1242
119. of the Revised Code establishing guidelines for the 1243
operation of and participation in the Ohio law enforcement 1244
gateway. The rules may include criteria for granting and 1245
restricting access to information gathered and disseminated 1246
through the Ohio law enforcement gateway. The attorney general 1247
shall adopt rules under Chapter 119. of the Revised Code that 1248
grant access to information in the gateway regarding an address 1249
confidentiality program participant under sections 111.41 to 1250
111.47 of the Revised Code to only chiefs of police, village 1251
marshals, county sheriffs, county prosecuting attorneys, and a 1252
designee of each of these individuals. The attorney general 1253
shall permit the state medical board and board of nursing to 1254
access and view, but not alter, information gathered and 1255
disseminated through the Ohio law enforcement gateway. 1256

The attorney general may appoint a steering committee to 1257
advise the attorney general in the operation of the Ohio law 1258
enforcement gateway that is comprised of persons who are 1259
representatives of the criminal justice agencies in this state 1260
that use the Ohio law enforcement gateway and is chaired by the 1261
superintendent or the superintendent's designee. 1262

(D) (1) The following are not public records under section 1263
149.43 of the Revised Code: 1264

(a) Information and materials furnished to the 1265
superintendent pursuant to division (A) of this section; 1266

(b) Information, data, and statistics gathered or 1267
disseminated through the Ohio law enforcement gateway pursuant 1268
to division (C) (1) of this section; 1269

(c) Information and materials furnished to any board or 1270

person under division (F) or (G) of this section. 1271

(2) The superintendent or the superintendent's designee 1272
shall gather and retain information so furnished under division 1273
(A) of this section that pertains to the offense and delinquency 1274
history of a person who has been convicted of, pleaded guilty 1275
to, or been adjudicated a delinquent child for committing a 1276
sexually oriented offense or a child-victim oriented offense for 1277
the purposes described in division (C) (2) of this section. 1278

(E) (1) The attorney general shall adopt rules, in 1279
accordance with Chapter 119. of the Revised Code and subject to 1280
division (E) (2) of this section, setting forth the procedure by 1281
which a person may receive or release information gathered by 1282
the superintendent pursuant to division (A) of this section. A 1283
reasonable fee may be charged for this service. If a temporary 1284
employment service submits a request for a determination of 1285
whether a person the service plans to refer to an employment 1286
position has been convicted of or pleaded guilty to an offense 1287
listed or described in division (A) (1), (2), or (3) of section 1288
109.572 of the Revised Code, the request shall be treated as a 1289
single request and only one fee shall be charged. 1290

(2) Except as otherwise provided in this division or 1291
division (E) (3) or (4) of this section, a rule adopted under 1292
division (E) (1) of this section may provide only for the release 1293
of information gathered pursuant to division (A) of this section 1294
that relates to the conviction of a person, or a person's plea 1295
of guilty to, a criminal offense or to the arrest of a person as 1296
provided in division (E) (3) of this section. The superintendent 1297
shall not release, and the attorney general shall not adopt any 1298
rule under division (E) (1) of this section that permits the 1299
release of, any information gathered pursuant to division (A) of 1300

this section that relates to an adjudication of a child as a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B) (2) or (3) of section 2152.121 of the Revised Code and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, unless either of the following applies with respect to the adjudication or conviction:

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

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

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

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

(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not been resolved at the time the criminal records

check is performed. 1330

(c) The bureau cannot reasonably determine whether a 1331
criminal action resulting from the arrest is pending, and not 1332
more than one year has elapsed since the date of the arrest. 1333

(4) A rule adopted under division (E)(1) of this section 1334
may provide for the release of information gathered pursuant to 1335
division (A) of this section that relates to an adjudication of 1336
a child as a delinquent child if not more than five years have 1337
elapsed since the date of the adjudication, the adjudication was 1338
for an act that would have been a felony if committed by an 1339
adult, the records of the adjudication have not been sealed or 1340
expunged pursuant to sections 2151.355 to 2151.358 of the 1341
Revised Code, and the request for information is made under 1342
division (F) of this section or under section 109.572 of the 1343
Revised Code. In the case of an adjudication for a violation of 1344
the terms of community control or supervised release, the five- 1345
year period shall be calculated from the date of the 1346
adjudication to which the community control or supervised 1347
release pertains. 1348

(F)(1) As used in division (F)(2) of this section, "head 1349
start agency" means an entity in this state that has been 1350
approved to be an agency for purposes of subchapter II of the 1351
"Community Economic Development Act," 95 Stat. 489 (1981), 42 1352
U.S.C.A. 9831, as amended. 1353

(2)(a) In addition to or in conjunction with any request 1354
that is required to be made under section 109.572, 2151.86, 1355
3301.32, 3301.541, division (C) of section 3310.58, or section 1356
3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 1357
5153.111 of the Revised Code or that is made under section 1358
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1359

board of education of any school district; the director of 1360
developmental disabilities; any county board of developmental 1361
disabilities; any provider or subcontractor as defined in 1362
section 5123.081 of the Revised Code; the chief administrator of 1363
any chartered nonpublic school; the chief administrator of a 1364
registered private provider that is not also a chartered 1365
nonpublic school; the chief administrator of any home health 1366
agency; the chief administrator of or person operating any child 1367
day-care center, type A family day-care home, or type B family 1368
day-care home licensed under Chapter 5104. of the Revised Code; 1369
the chief administrator of any head start agency; the executive 1370
director of a public children services agency; a private company 1371
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 1372
the Revised Code; or an employer described in division (J) (2) of 1373
section 3327.10 of the Revised Code may request that the 1374
superintendent of the bureau investigate and determine, with 1375
respect to any individual who has applied for employment in any 1376
position after October 2, 1989, or any individual wishing to 1377
apply for employment with a board of education may request, with 1378
regard to the individual, whether the bureau has any information 1379
gathered under division (A) of this section that pertains to 1380
that individual. On receipt of the request, subject to division 1381
(E) (2) of this section, the superintendent shall determine 1382
whether that information exists and, upon request of the person, 1383
board, or entity requesting information, also shall request from 1384
the federal bureau of investigation any criminal records it has 1385
pertaining to that individual. The superintendent or the 1386
superintendent's designee also may request criminal history 1387
records from other states or the federal government pursuant to 1388
the national crime prevention and privacy compact set forth in 1389
section 109.571 of the Revised Code. Within thirty days of the 1390
date that the superintendent receives a request, subject to 1391

division (E) (2) of this section, the superintendent shall send 1392
to the board, entity, or person a report of any information that 1393
the superintendent determines exists, including information 1394
contained in records that have been sealed under section 2953.32 1395
of the Revised Code, and, within thirty days of its receipt, 1396
subject to division (E) (2) of this section, shall send the 1397
board, entity, or person a report of any information received 1398
from the federal bureau of investigation, other than information 1399
the dissemination of which is prohibited by federal law. 1400

(b) When a board of education or a registered private 1401
provider is required to receive information under this section 1402
as a prerequisite to employment of an individual pursuant to 1403
division (C) of section 3310.58 or section 3319.39 of the 1404
Revised Code, it may accept a certified copy of records that 1405
were issued by the bureau of criminal identification and 1406
investigation and that are presented by an individual applying 1407
for employment with the district in lieu of requesting that 1408
information itself. In such a case, the board shall accept the 1409
certified copy issued by the bureau in order to make a photocopy 1410
of it for that individual's employment application documents and 1411
shall return the certified copy to the individual. In a case of 1412
that nature, a district or provider only shall accept a 1413
certified copy of records of that nature within one year after 1414
the date of their issuance by the bureau. 1415

(c) Notwithstanding division (F) (2) (a) of this section, in 1416
the case of a request under section 3319.39, 3319.391, or 1417
3327.10 of the Revised Code only for criminal records maintained 1418
by the federal bureau of investigation, the superintendent shall 1419
not determine whether any information gathered under division 1420
(A) of this section exists on the person for whom the request is 1421
made. 1422

(3) The state board of education may request, with respect 1423
to any individual who has applied for employment after October 1424
2, 1989, in any position with the state board or the department 1425
of education, any information that a school district board of 1426
education is authorized to request under division (F) (2) of this 1427
section, and the superintendent of the bureau shall proceed as 1428
if the request has been received from a school district board of 1429
education under division (F) (2) of this section. 1430

(4) When the superintendent of the bureau receives a 1431
request for information under section 3319.291 of the Revised 1432
Code, the superintendent shall proceed as if the request has 1433
been received from a school district board of education and 1434
shall comply with divisions (F) (2) (a) and (c) of this section. 1435

(G) In addition to or in conjunction with any request that 1436
is required to be made under section 3712.09, 3721.121, or 1437
3740.11 of the Revised Code with respect to an individual who 1438
has applied for employment in a position that involves providing 1439
direct care to an older adult or adult resident, the chief 1440
administrator of a home health agency, hospice care program, 1441
home licensed under Chapter 3721. of the Revised Code, or adult 1442
day-care program operated pursuant to rules adopted under 1443
section 3721.04 of the Revised Code may request that the 1444
superintendent of the bureau investigate and determine, with 1445
respect to any individual who has applied after January 27, 1446
1997, for employment in a position that does not involve 1447
providing direct care to an older adult or adult resident, 1448
whether the bureau has any information gathered under division 1449
(A) of this section that pertains to that individual. 1450

In addition to or in conjunction with any request that is 1451
required to be made under section 173.27 of the Revised Code 1452

with respect to an individual who has applied for employment in 1453
a position that involves providing ombudsman services to 1454
residents of long-term care facilities or recipients of 1455
community-based long-term care services, the state long-term 1456
care ombudsman, the director of aging, a regional long-term care 1457
ombudsman program, or the designee of the ombudsman, director, 1458
or program may request that the superintendent investigate and 1459
determine, with respect to any individual who has applied for 1460
employment in a position that does not involve providing such 1461
ombudsman services, whether the bureau has any information 1462
gathered under division (A) of this section that pertains to 1463
that applicant. 1464

In addition to or in conjunction with any request that is 1465
required to be made under section 173.38 of the Revised Code 1466
with respect to an individual who has applied for employment in 1467
a direct-care position, the chief administrator of a provider, 1468
as defined in section 173.39 of the Revised Code, may request 1469
that the superintendent investigate and determine, with respect 1470
to any individual who has applied for employment in a position 1471
that is not a direct-care position, whether the bureau has any 1472
information gathered under division (A) of this section that 1473
pertains to that applicant. 1474

In addition to or in conjunction with any request that is 1475
required to be made under section 3712.09 of the Revised Code 1476
with respect to an individual who has applied for employment in 1477
a position that involves providing direct care to a pediatric 1478
respite care patient, the chief administrator of a pediatric 1479
respite care program may request that the superintendent of the 1480
bureau investigate and determine, with respect to any individual 1481
who has applied for employment in a position that does not 1482
involve providing direct care to a pediatric respite care 1483

patient, whether the bureau has any information gathered under 1484
division (A) of this section that pertains to that individual. 1485

On receipt of a request under this division, the 1486
superintendent shall determine whether that information exists 1487
and, on request of the individual requesting information, shall 1488
also request from the federal bureau of investigation any 1489
criminal records it has pertaining to the applicant. The 1490
superintendent or the superintendent's designee also may request 1491
criminal history records from other states or the federal 1492
government pursuant to the national crime prevention and privacy 1493
compact set forth in section 109.571 of the Revised Code. Within 1494
thirty days of the date a request is received, subject to 1495
division (E) (2) of this section, the superintendent shall send 1496
to the requester a report of any information determined to 1497
exist, including information contained in records that have been 1498
sealed under section 2953.32 of the Revised Code, and, within 1499
thirty days of its receipt, shall send the requester a report of 1500
any information received from the federal bureau of 1501
investigation, other than information the dissemination of which 1502
is prohibited by federal law. 1503

(H) Information obtained by a government entity or person 1504
under this section is confidential and shall not be released or 1505
disseminated. 1506

(I) The superintendent may charge a reasonable fee for 1507
providing information or criminal records under division (F) (2) 1508
or (G) of this section. 1509

(J) As used in this section: 1510

(1) "Pediatric respite care program" and "pediatric care 1511
patient" have the same meanings as in section 3712.01 of the 1512

Revised Code. 1513

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 1514
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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. 1517
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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: 1523
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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, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 1534
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2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 1543
of the Revised Code, felonious sexual penetration in violation 1544
of former section 2907.12 of the Revised Code, a violation of 1545
section 2905.04 of the Revised Code as it existed prior to July 1546
1, 1996, a violation of section 2919.23 of the Revised Code that 1547
would have been a violation of section 2905.04 of the Revised 1548
Code as it existed prior to July 1, 1996, had the violation been 1549
committed prior to that date, or a violation of section 2925.11 1550
of the Revised Code that is not a minor drug possession offense; 1551

(b) A violation of an existing or former law of this 1552
state, any other state, or the United States that is 1553
substantially equivalent to any of the offenses listed in 1554
division (A) (1) (a) of this section; 1555

(c) If the request is made pursuant to section 3319.39 of 1556
the Revised Code for an applicant who is a teacher, any offense 1557
specified under section 9.79 of the Revised Code or in section 1558
3319.31 of the Revised Code. 1559

(2) On receipt of a request pursuant to section 3712.09 or 1560
3721.121 of the Revised Code, a completed form prescribed 1561
pursuant to division (C) (1) of this section, and a set of 1562
fingerprint impressions obtained in the manner described in 1563
division (C) (2) of this section, the superintendent of the 1564
bureau of criminal identification and investigation shall 1565
conduct a criminal records check with respect to any person who 1566
has applied for employment in a position for which a criminal 1567
records check is required by those sections. The superintendent 1568
shall conduct the criminal records check in the manner described 1569
in division (B) of this section to determine whether any 1570
information exists that indicates that the person who is the 1571
subject of the request previously has been convicted of or 1572

pleaded guilty to any of the following: 1573

(a) A violation of section 2903.01, 2903.02, 2903.03, 1574
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1575
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1576
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1577
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1578
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1579
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1580
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1581
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1582

(b) An existing or former law of this state, any other 1583
state, or the United States that is substantially equivalent to 1584
any of the offenses listed in division (A) (2) (a) of this 1585
section. 1586

(3) On receipt of a request pursuant to section 173.27, 1587
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 1588
5123.081, or 5123.169 of the Revised Code, a completed form 1589
prescribed pursuant to division (C) (1) of this section, and a 1590
set of fingerprint impressions obtained in the manner described 1591
in division (C) (2) of this section, the superintendent of the 1592
bureau of criminal identification and investigation shall 1593
conduct a criminal records check of the person for whom the 1594
request is made. The superintendent shall conduct the criminal 1595
records check in the manner described in division (B) of this 1596
section to determine whether any information exists that 1597
indicates that the person who is the subject of the request 1598
previously has been convicted of, has pleaded guilty to, or 1599
(except in the case of a request pursuant to section 5164.34, 1600
5164.341, or 5164.342 of the Revised Code) has been found 1601
eligible for intervention in lieu of conviction for any of the 1602

following, regardless of the date of the conviction, the date of 1603
entry of the guilty plea, or (except in the case of a request 1604
pursuant to section 5164.34, 5164.341, or 5164.342 of the 1605
Revised Code) the date the person was found eligible for 1606
intervention in lieu of conviction: 1607

(a) A violation of section 959.13, 959.131, 2903.01, 1608
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 1609
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 1610
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 1611
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1612
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 1613
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 1614
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 1615
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 1616
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 1617
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1618
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1619
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 1620
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 1621
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 1622
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 1623
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1624
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, ~~2925.141~~, 2925.22, 1625
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 1626
of the Revised Code; 1627

(b) Felonious sexual penetration in violation of former 1628
section 2907.12 of the Revised Code; 1629

(c) A violation of section 2905.04 of the Revised Code as 1630
it existed prior to July 1, 1996; 1631

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1632

the Revised Code when the underlying offense that is the object 1633
of the conspiracy, attempt, or complicity is one of the offenses 1634
listed in divisions (A) (3) (a) to (c) of this section; 1635

(e) A violation of an existing or former municipal 1636
ordinance or law of this state, any other state, or the United 1637
States that is substantially equivalent to any of the offenses 1638
listed in divisions (A) (3) (a) to (d) of this section. 1639

(4) On receipt of a request pursuant to section 2151.86 or 1640
2151.904 of the Revised Code, a completed form prescribed 1641
pursuant to division (C) (1) of this section, and a set of 1642
fingerprint impressions obtained in the manner described in 1643
division (C) (2) of this section, the superintendent of the 1644
bureau of criminal identification and investigation shall 1645
conduct a criminal records check in the manner described in 1646
division (B) of this section to determine whether any 1647
information exists that indicates that the person who is the 1648
subject of the request previously has been convicted of or 1649
pleaded guilty to any of the following: 1650

(a) A violation of section 959.13, 2903.01, 2903.02, 1651
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1652
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1653
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1654
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 1655
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 1656
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 1657
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1658
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1659
2927.12, or 3716.11 of the Revised Code, a violation of section 1660
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1661
a violation of section 2919.23 of the Revised Code that would 1662

have been a violation of section 2905.04 of the Revised Code as 1663
it existed prior to July 1, 1996, had the violation been 1664
committed prior to that date, a violation of section 2925.11 of 1665
the Revised Code that is not a minor drug possession offense, 1666
two or more OVI or OVUAC violations committed within the three 1667
years immediately preceding the submission of the application or 1668
petition that is the basis of the request, or felonious sexual 1669
penetration in violation of former section 2907.12 of the 1670
Revised Code; 1671

(b) A violation of an existing or former law of this 1672
state, any other state, or the United States that is 1673
substantially equivalent to any of the offenses listed in 1674
division (A) (4) (a) of this section. 1675

(5) Upon receipt of a request pursuant to section 5104.013 1676
of the Revised Code, a completed form prescribed pursuant to 1677
division (C) (1) of this section, and a set of fingerprint 1678
impressions obtained in the manner described in division (C) (2) 1679
of this section, the superintendent of the bureau of criminal 1680
identification and investigation shall conduct a criminal 1681
records check in the manner described in division (B) of this 1682
section to determine whether any information exists that 1683
indicates that the person who is the subject of the request has 1684
been convicted of or pleaded guilty to any of the following: 1685

(a) A violation of section 2151.421, 2903.01, 2903.02, 1686
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1687
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1688
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1689
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1690
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1691
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 1692

2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 1693
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 1694
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1695
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1696
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 1697
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 1698
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1699
3716.11 of the Revised Code, felonious sexual penetration in 1700
violation of former section 2907.12 of the Revised Code, a 1701
violation of section 2905.04 of the Revised Code as it existed 1702
prior to July 1, 1996, a violation of section 2919.23 of the 1703
Revised Code that would have been a violation of section 2905.04 1704
of the Revised Code as it existed prior to July 1, 1996, had the 1705
violation been committed prior to that date, a violation of 1706
section 2925.11 of the Revised Code that is not a minor drug 1707
possession offense, a violation of section 2923.02 or 2923.03 of 1708
the Revised Code that relates to a crime specified in this 1709
division, or a second violation of section 4511.19 of the 1710
Revised Code within five years of the date of application for 1711
licensure or certification. 1712

(b) A violation of an existing or former law of this 1713
state, any other state, or the United States that is 1714
substantially equivalent to any of the offenses or violations 1715
described in division (A) (5) (a) of this section. 1716

(6) Upon receipt of a request pursuant to section 5153.111 1717
of the Revised Code, a completed form prescribed pursuant to 1718
division (C) (1) of this section, and a set of fingerprint 1719
impressions obtained in the manner described in division (C) (2) 1720
of this section, the superintendent of the bureau of criminal 1721
identification and investigation shall conduct a criminal 1722
records check in the manner described in division (B) of this 1723

section to determine whether any information exists that 1724
indicates that the person who is the subject of the request 1725
previously has been convicted of or pleaded guilty to any of the 1726
following: 1727

(a) A violation of section 2903.01, 2903.02, 2903.03, 1728
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1729
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1730
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1731
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1732
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1733
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1734
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 1735
Code, felonious sexual penetration in violation of former 1736
section 2907.12 of the Revised Code, a violation of section 1737
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1738
a violation of section 2919.23 of the Revised Code that would 1739
have been a violation of section 2905.04 of the Revised Code as 1740
it existed prior to July 1, 1996, had the violation been 1741
committed prior to that date, or a violation of section 2925.11 1742
of the Revised Code that is not a minor drug possession offense; 1743

(b) A violation of an existing or former law of this 1744
state, any other state, or the United States that is 1745
substantially equivalent to any of the offenses listed in 1746
division (A) (6) (a) of this section. 1747

(7) On receipt of a request for a criminal records check 1748
from an individual pursuant to section 4749.03 or 4749.06 of the 1749
Revised Code, accompanied by a completed copy of the form 1750
prescribed in division (C) (1) of this section and a set of 1751
fingerprint impressions obtained in a manner described in 1752
division (C) (2) of this section, the superintendent of the 1753

bureau of criminal identification and investigation shall 1754
conduct a criminal records check in the manner described in 1755
division (B) of this section to determine whether any 1756
information exists indicating that the person who is the subject 1757
of the request has been convicted of or pleaded guilty to any 1758
criminal offense in this state or in any other state. If the 1759
individual indicates that a firearm will be carried in the 1760
course of business, the superintendent shall require information 1761
from the federal bureau of investigation as described in 1762
division (B)(2) of this section. Subject to division (F) of this 1763
section, the superintendent shall report the findings of the 1764
criminal records check and any information the federal bureau of 1765
investigation provides to the director of public safety. 1766

(8) On receipt of a request pursuant to section 1321.37, 1767
1321.53, or 4763.05 of the Revised Code, a completed form 1768
prescribed pursuant to division (C)(1) of this section, and a 1769
set of fingerprint impressions obtained in the manner described 1770
in division (C)(2) of this section, the superintendent of the 1771
bureau of criminal identification and investigation shall 1772
conduct a criminal records check with respect to any person who 1773
has applied for a license, permit, or certification from the 1774
department of commerce or a division in the department. The 1775
superintendent shall conduct the criminal records check in the 1776
manner described in division (B) of this section to determine 1777
whether any information exists that indicates that the person 1778
who is the subject of the request previously has been convicted 1779
of or pleaded guilty to any criminal offense in this state, any 1780
other state, or the United States. 1781

(9) On receipt of a request for a criminal records check 1782
from the treasurer of state under section 113.041 of the Revised 1783
Code or from an individual under section 928.03, 4701.08, 1784

4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 1785
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1786
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 1787
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 1788
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 1789
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 1790
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 1791
Code, accompanied by a completed form prescribed under division 1792
(C) (1) of this section and a set of fingerprint impressions 1793
obtained in the manner described in division (C) (2) of this 1794
section, the superintendent of the bureau of criminal 1795
identification and investigation shall conduct a criminal 1796
records check in the manner described in division (B) of this 1797
section to determine whether any information exists that 1798
indicates that the person who is the subject of the request has 1799
been convicted of or pleaded guilty to any criminal offense in 1800
this state or any other state. Subject to division (F) of this 1801
section, the superintendent shall send the results of a check 1802
requested under section 113.041 of the Revised Code to the 1803
treasurer of state and shall send the results of a check 1804
requested under any of the other listed sections to the 1805
licensing board specified by the individual in the request. 1806

(10) On receipt of a request pursuant to section 124.74, 1807
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1808
Code, a completed form prescribed pursuant to division (C) (1) of 1809
this section, and a set of fingerprint impressions obtained in 1810
the manner described in division (C) (2) of this section, the 1811
superintendent of the bureau of criminal identification and 1812
investigation shall conduct a criminal records check in the 1813
manner described in division (B) of this section to determine 1814
whether any information exists that indicates that the person 1815

who is the subject of the request previously has been convicted 1816
of or pleaded guilty to any criminal offense under any existing 1817
or former law of this state, any other state, or the United 1818
States. 1819

(11) On receipt of a request for a criminal records check 1820
from an appointing or licensing authority under section 3772.07 1821
of the Revised Code, a completed form prescribed under division 1822
(C) (1) of this section, and a set of fingerprint impressions 1823
obtained in the manner prescribed in division (C) (2) of this 1824
section, the superintendent of the bureau of criminal 1825
identification and investigation shall conduct a criminal 1826
records check in the manner described in division (B) of this 1827
section to determine whether any information exists that 1828
indicates that the person who is the subject of the request 1829
previously has been convicted of or pleaded guilty or no contest 1830
to any offense under any existing or former law of this state, 1831
any other state, or the United States that makes the person 1832
ineligible for appointment or retention under section 3772.07 of 1833
the Revised Code or that is a disqualifying offense as defined 1834
in that section or substantially equivalent to a disqualifying 1835
offense, as applicable. 1836

(12) On receipt of a request pursuant to section 2151.33 1837
or 2151.412 of the Revised Code, a completed form prescribed 1838
pursuant to division (C) (1) of this section, and a set of 1839
fingerprint impressions obtained in the manner described in 1840
division (C) (2) of this section, the superintendent of the 1841
bureau of criminal identification and investigation shall 1842
conduct a criminal records check with respect to any person for 1843
whom a criminal records check is required under that section. 1844
The superintendent shall conduct the criminal records check in 1845
the manner described in division (B) of this section to 1846

determine whether any information exists that indicates that the 1847
person who is the subject of the request previously has been 1848
convicted of or pleaded guilty to any of the following: 1849

(a) A violation of section 2903.01, 2903.02, 2903.03, 1850
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1851
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1852
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1853
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1854
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1855
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1856
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1857
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1858

(b) An existing or former law of this state, any other 1859
state, or the United States that is substantially equivalent to 1860
any of the offenses listed in division (A)(12)(a) of this 1861
section. 1862

(13) On receipt of a request pursuant to section 3796.12 1863
of the Revised Code, a completed form prescribed pursuant to 1864
division (C)(1) of this section, and a set of fingerprint 1865
impressions obtained in a manner described in division (C)(2) of 1866
this section, the superintendent of the bureau of criminal 1867
identification and investigation shall conduct a criminal 1868
records check in the manner described in division (B) of this 1869
section to determine whether any information exists that 1870
indicates that the person who is the subject of the request 1871
previously has been convicted of or pleaded guilty to the 1872
following: 1873

(a) A disqualifying offense as specified in rules adopted 1874
under section 9.79 and division (B)(2)(b) of section 3796.03 of 1875
the Revised Code if the person who is the subject of the request 1876

is an administrator or other person responsible for the daily 1877
operation of, or an owner or prospective owner, officer or 1878
prospective officer, or board member or prospective board member 1879
of, an entity seeking a license from the department of commerce 1880
under Chapter 3796. of the Revised Code; 1881

(b) A disqualifying offense as specified in rules adopted 1882
under section 9.79 and division (B) (2) (b) of section 3796.04 of 1883
the Revised Code if the person who is the subject of the request 1884
is an administrator or other person responsible for the daily 1885
operation of, or an owner or prospective owner, officer or 1886
prospective officer, or board member or prospective board member 1887
of, an entity seeking a license from the state board of pharmacy 1888
under Chapter 3796. of the Revised Code. 1889

(14) On receipt of a request required by section 3796.13 1890
of the Revised Code, a completed form prescribed pursuant to 1891
division (C) (1) of this section, and a set of fingerprint 1892
impressions obtained in a manner described in division (C) (2) of 1893
this section, the superintendent of the bureau of criminal 1894
identification and investigation shall conduct a criminal 1895
records check in the manner described in division (B) of this 1896
section to determine whether any information exists that 1897
indicates that the person who is the subject of the request 1898
previously has been convicted of or pleaded guilty to the 1899
following: 1900

(a) A disqualifying offense as specified in rules adopted 1901
under division (B) (8) (a) of section 3796.03 of the Revised Code 1902
if the person who is the subject of the request is seeking 1903
employment with an entity licensed by the department of commerce 1904
under Chapter 3796. of the Revised Code; 1905

(b) A disqualifying offense as specified in rules adopted 1906

under division (B) (14) (a) of section 3796.04 of the Revised Code 1907
if the person who is the subject of the request is seeking 1908
employment with an entity licensed by the state board of 1909
pharmacy under Chapter 3796. of the Revised Code. 1910

(15) On receipt of a request pursuant to section 4768.06 1911
of the Revised Code, a completed form prescribed under division 1912
(C) (1) of this section, and a set of fingerprint impressions 1913
obtained in the manner described in division (C) (2) of this 1914
section, the superintendent of the bureau of criminal 1915
identification and investigation shall conduct a criminal 1916
records check in the manner described in division (B) of this 1917
section to determine whether any information exists indicating 1918
that the person who is the subject of the request has been 1919
convicted of or pleaded guilty to any criminal offense in this 1920
state or in any other state. 1921

(16) On receipt of a request pursuant to division (B) of 1922
section 4764.07 or division (A) of section 4735.143 of the 1923
Revised Code, a completed form prescribed under division (C) (1) 1924
of this section, and a set of fingerprint impressions obtained 1925
in the manner described in division (C) (2) of this section, the 1926
superintendent of the bureau of criminal identification and 1927
investigation shall conduct a criminal records check in the 1928
manner described in division (B) of this section to determine 1929
whether any information exists indicating that the person who is 1930
the subject of the request has been convicted of or pleaded 1931
guilty to any criminal offense in any state or the United 1932
States. 1933

(17) On receipt of a request for a criminal records check 1934
under section 147.022 of the Revised Code, a completed form 1935
prescribed under division (C) (1) of this section, and a set of 1936

fingerprint impressions obtained in the manner prescribed in 1937
division (C) (2) of this section, the superintendent of the 1938
bureau of criminal identification and investigation shall 1939
conduct a criminal records check in the manner described in 1940
division (B) of this section to determine whether any 1941
information exists that indicates that the person who is the 1942
subject of the request previously has been convicted of or 1943
pleaded guilty or no contest to any criminal offense under any 1944
existing or former law of this state, any other state, or the 1945
United States. 1946

(18) Upon receipt of a request pursuant to division (F) of 1947
section 2915.081 or division (E) of section 2915.082 of the 1948
Revised Code, a completed form prescribed under division (C) (1) 1949
of this section, and a set of fingerprint impressions obtained 1950
in the manner described in division (C) (2) of this section, the 1951
superintendent of the bureau of criminal identification and 1952
investigation shall conduct a criminal records check in the 1953
manner described in division (B) of this section to determine 1954
whether any information exists indicating that the person who is 1955
the subject of the request has been convicted of or pleaded 1956
guilty or no contest to any offense that is a violation of 1957
Chapter 2915. of the Revised Code or to any offense under any 1958
existing or former law of this state, any other state, or the 1959
United States that is substantially equivalent to such an 1960
offense. 1961

(19) On receipt of a request pursuant to section 3775.03 1962
of the Revised Code, a completed form prescribed under division 1963
(C) (1) of this section, and a set of fingerprint impressions 1964
obtained in the manner described in division (C) (2) of this 1965
section, the superintendent of the bureau of criminal 1966
identification and investigation shall conduct a criminal 1967

records check in the manner described in division (B) of this 1968
section and shall request information from the federal bureau of 1969
investigation to determine whether any information exists 1970
indicating that the person who is the subject of the request has 1971
been convicted of any offense under any existing or former law 1972
of this state, any other state, or the United States that is a 1973
disqualifying offense as defined in section 3772.07 of the 1974
Revised Code. 1975

(B) Subject to division (F) of this section, the 1976
superintendent shall conduct any criminal records check to be 1977
conducted under this section as follows: 1978

(1) The superintendent shall review or cause to be 1979
reviewed any relevant information gathered and compiled by the 1980
bureau under division (A) of section 109.57 of the Revised Code 1981
that relates to the person who is the subject of the criminal 1982
records check, including, if the criminal records check was 1983
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1984
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1985
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 1986
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 1987
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1988
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 1989
5123.169, or 5153.111 of the Revised Code, any relevant 1990
information contained in records that have been sealed under 1991
section 2953.32 of the Revised Code; 1992

(2) If the request received by the superintendent asks for 1993
information from the federal bureau of investigation, the 1994
superintendent shall request from the federal bureau of 1995
investigation any information it has with respect to the person 1996
who is the subject of the criminal records check, including 1997

fingerprint-based checks of national crime information databases 1998
as described in 42 U.S.C. 671 if the request is made pursuant to 1999
section 2151.86 or 5104.013 of the Revised Code or if any other 2000
Revised Code section requires fingerprint-based checks of that 2001
nature, and shall review or cause to be reviewed any information 2002
the superintendent receives from that bureau. If a request under 2003
section 3319.39 of the Revised Code asks only for information 2004
from the federal bureau of investigation, the superintendent 2005
shall not conduct the review prescribed by division (B) (1) of 2006
this section. 2007

(3) The superintendent or the superintendent's designee 2008
may request criminal history records from other states or the 2009
federal government pursuant to the national crime prevention and 2010
privacy compact set forth in section 109.571 of the Revised 2011
Code. 2012

(4) The superintendent shall include in the results of the 2013
criminal records check a list or description of the offenses 2014
listed or described in the relevant provision of division (A) of 2015
this section. The superintendent shall exclude from the results 2016
any information the dissemination of which is prohibited by 2017
federal law. 2018

(5) The superintendent shall send the results of the 2019
criminal records check to the person to whom it is to be sent 2020
not later than the following number of days after the date the 2021
superintendent receives the request for the criminal records 2022
check, the completed form prescribed under division (C) (1) of 2023
this section, and the set of fingerprint impressions obtained in 2024
the manner described in division (C) (2) of this section: 2025

(a) If the superintendent is required by division (A) of 2026
this section (other than division (A) (3) of this section) to 2027

conduct the criminal records check, thirty; 2028

(b) If the superintendent is required by division (A) (3) 2029
of this section to conduct the criminal records check, sixty. 2030

(C) (1) The superintendent shall prescribe a form to obtain 2031
the information necessary to conduct a criminal records check 2032
from any person for whom a criminal records check is to be 2033
conducted under this section. The form that the superintendent 2034
prescribes pursuant to this division may be in a tangible 2035
format, in an electronic format, or in both tangible and 2036
electronic formats. 2037

(2) The superintendent shall prescribe standard impression 2038
sheets to obtain the fingerprint impressions of any person for 2039
whom a criminal records check is to be conducted under this 2040
section. Any person for whom a records check is to be conducted 2041
under this section shall obtain the fingerprint impressions at a 2042
county sheriff's office, municipal police department, or any 2043
other entity with the ability to make fingerprint impressions on 2044
the standard impression sheets prescribed by the superintendent. 2045
The office, department, or entity may charge the person a 2046
reasonable fee for making the impressions. The standard 2047
impression sheets the superintendent prescribes pursuant to this 2048
division may be in a tangible format, in an electronic format, 2049
or in both tangible and electronic formats. 2050

(3) Subject to division (D) of this section, the 2051
superintendent shall prescribe and charge a reasonable fee for 2052
providing a criminal records check under this section. The 2053
person requesting the criminal records check shall pay the fee 2054
prescribed pursuant to this division. In the case of a request 2055
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 2056
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 2057

fee shall be paid in the manner specified in that section. 2058

(4) The superintendent of the bureau of criminal 2059
identification and investigation may prescribe methods of 2060
forwarding fingerprint impressions and information necessary to 2061
conduct a criminal records check, which methods shall include, 2062
but not be limited to, an electronic method. 2063

(D) The results of a criminal records check conducted 2064
under this section, other than a criminal records check 2065
specified in division (A) (7) of this section, are valid for the 2066
person who is the subject of the criminal records check for a 2067
period of one year from the date upon which the superintendent 2068
completes the criminal records check. If during that period the 2069
superintendent receives another request for a criminal records 2070
check to be conducted under this section for that person, the 2071
superintendent shall provide the results from the previous 2072
criminal records check of the person at a lower fee than the fee 2073
prescribed for the initial criminal records check. 2074

(E) When the superintendent receives a request for 2075
information from a registered private provider, the 2076
superintendent shall proceed as if the request was received from 2077
a school district board of education under section 3319.39 of 2078
the Revised Code. The superintendent shall apply division (A) (1) 2079
(c) of this section to any such request for an applicant who is 2080
a teacher. 2081

(F) (1) Subject to division (F) (2) of this section, all 2082
information regarding the results of a criminal records check 2083
conducted under this section that the superintendent reports or 2084
sends under division (A) (7) or (9) of this section to the 2085
director of public safety, the treasurer of state, or the 2086
person, board, or entity that made the request for the criminal 2087

records check shall relate to the conviction of the subject 2088
person, or the subject person's plea of guilty to, a criminal 2089
offense. 2090

(2) Division (F) (1) of this section does not limit, 2091
restrict, or preclude the superintendent's release of 2092
information that relates to the arrest of a person who is 2093
eighteen years of age or older, to an adjudication of a child as 2094
a delinquent child, or to a criminal conviction of a person 2095
under eighteen years of age in circumstances in which a release 2096
of that nature is authorized under division (E) (2), (3), or (4) 2097
of section 109.57 of the Revised Code pursuant to a rule adopted 2098
under division (E) (1) of that section. 2099

(G) As used in this section: 2100

(1) "Criminal records check" means any criminal records 2101
check conducted by the superintendent of the bureau of criminal 2102
identification and investigation in accordance with division (B) 2103
of this section. 2104

(2) "Minor drug possession offense" has the same meaning 2105
as in section 2925.01 of the Revised Code. 2106

(3) "OVI or OVUAC violation" means a violation of section 2107
4511.19 of the Revised Code or a violation of an existing or 2108
former law of this state, any other state, or the United States 2109
that is substantially equivalent to section 4511.19 of the 2110
Revised Code. 2111

(4) "Registered private provider" means a nonpublic school 2112
or entity registered with the superintendent of public 2113
instruction under section 3310.41 of the Revised Code to 2114
participate in the autism scholarship program or section 3310.58 2115
of the Revised Code to participate in the Jon Peterson special 2116

needs scholarship program. 2117

Sec. 109.71. There is hereby created in the office of the 2118
attorney general the Ohio peace officer training commission. The 2119
commission shall consist of ten members appointed by the 2120
governor with the advice and consent of the senate and selected 2121
as follows: one member representing the public; one member who 2122
represents a fraternal organization representing law enforcement 2123
officers; two members who are incumbent sheriffs; two members 2124
who are incumbent chiefs of police; one member from the bureau 2125
of criminal identification and investigation; one member from 2126
the state highway patrol; one member who is the special agent in 2127
charge of a field office of the federal bureau of investigation 2128
in this state; and one member from the department of education, 2129
trade and industrial education services, law enforcement 2130
training. 2131

This section does not confer any arrest authority or any 2132
ability or authority to detain a person, write or issue any 2133
citation, or provide any disposition alternative, as granted 2134
under Chapter 2935. of the Revised Code. 2135

Pursuant to division (A) (9) of section 101.82 of the 2136
Revised Code, the commission is exempt from the requirements of 2137
sections 101.82 to 101.87 of the Revised Code. 2138

As used in sections 109.71 to 109.801 of the Revised Code: 2139

(A) "Peace officer" means: 2140

(1) A deputy sheriff, marshal, deputy marshal, member of 2141
the organized police department of a township or municipal 2142
corporation, member of a township police district or joint 2143
police district police force, member of a police force employed 2144
by a metropolitan housing authority under division (D) of 2145

section 3735.31 of the Revised Code, or township constable, who 2146
is commissioned and employed as a peace officer by a political 2147
subdivision of this state or by a metropolitan housing 2148
authority, and whose primary duties are to preserve the peace, 2149
to protect life and property, and to enforce the laws of this 2150
state, ordinances of a municipal corporation, resolutions of a 2151
township, or regulations of a board of county commissioners or 2152
board of township trustees, or any of those laws, ordinances, 2153
resolutions, or regulations; 2154

(2) A police officer who is employed by a railroad company 2155
and appointed and commissioned by the secretary of state 2156
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 2157

(3) Employees of the department of taxation engaged in the 2158
enforcement of Chapter 5743. of the Revised Code and designated 2159
by the tax commissioner for peace officer training for purposes 2160
of the delegation of investigation powers under section 5743.45 2161
of the Revised Code; 2162

(4) An undercover drug agent; 2163

(5) Enforcement agents of the department of public safety 2164
whom the director of public safety designates under section 2165
5502.14 of the Revised Code; 2166

(6) An employee of the department of natural resources who 2167
is a natural resources law enforcement staff officer designated 2168
pursuant to section 1501.013, a natural resources officer 2169
appointed pursuant to section 1501.24, a forest-fire 2170
investigator appointed pursuant to section 1503.09, or a 2171
wildlife officer designated pursuant to section 1531.13 of the 2172
Revised Code; 2173

(7) An employee of a park district who is designated 2174

pursuant to section 511.232 or 1545.13 of the Revised Code;	2175
(8) An employee of a conservancy district who is	2176
designated pursuant to section 6101.75 of the Revised Code;	2177
(9) A police officer who is employed by a hospital that	2178
employs and maintains its own proprietary police department or	2179
security department, and who is appointed and commissioned by	2180
the secretary of state pursuant to sections 4973.17 to 4973.22	2181
of the Revised Code;	2182
(10) Veterans' homes police officers designated under	2183
section 5907.02 of the Revised Code;	2184
(11) A police officer who is employed by a qualified	2185
nonprofit corporation police department pursuant to section	2186
1702.80 of the Revised Code;	2187
(12) A state university law enforcement officer appointed	2188
under section 3345.04 of the Revised Code or a person serving as	2189
a state university law enforcement officer on a permanent basis	2190
on June 19, 1978, who has been awarded a certificate by the	2191
executive director of the Ohio peace officer training commission	2192
attesting to the person's satisfactory completion of an approved	2193
state, county, municipal, or department of natural resources	2194
peace officer basic training program;	2195
(13) A special police officer employed by the department	2196
of mental health and addiction services pursuant to section	2197
5119.08 of the Revised Code or the department of developmental	2198
disabilities pursuant to section 5123.13 of the Revised Code;	2199
(14) A member of a campus police department appointed	2200
under section 1713.50 of the Revised Code;	2201
(15) A member of a police force employed by a regional	2202

transit authority under division (Y) of section 306.35 of the Revised Code; 2203
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(16) Investigators appointed by the auditor of state pursuant to section 117.091 of the Revised Code and engaged in the enforcement of Chapter 117. of the Revised Code; 2205
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(17) A special police officer designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person who was serving as a special police officer pursuant to that section on a permanent basis on October 21, 1997, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program; 2208
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(18) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code or a person serving as a special police officer employed by a port authority on a permanent basis on May 17, 2000, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program; 2218
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(19) A special police officer employed by a municipal corporation who has been awarded a certificate by the executive director of the Ohio peace officer training commission for satisfactory completion of an approved peace officer basic training program and who is employed on a permanent basis on or after March 19, 2003, at a municipal airport, or other municipal 2227
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air navigation facility, that has scheduled operations, as 2233
defined in section 119.3 of Title 14 of the Code of Federal 2234
Regulations, 14 C.F.R. 119.3, as amended, and that is required 2235
to be under a security program and is governed by aviation 2236
security rules of the transportation security administration of 2237
the United States department of transportation as provided in 2238
Parts 1542. and 1544. of Title 49 of the Code of Federal 2239
Regulations, as amended; 2240

(20) A police officer who is employed by an owner or 2241
operator of an amusement park that has an average yearly 2242
attendance in excess of six hundred thousand guests and that 2243
employs and maintains its own proprietary police department or 2244
security department, and who is appointed and commissioned by a 2245
judge of the appropriate municipal court or county court 2246
pursuant to section 4973.17 of the Revised Code; 2247

(21) A police officer who is employed by a bank, savings 2248
and loan association, savings bank, credit union, or association 2249
of banks, savings and loan associations, savings banks, or 2250
credit unions, who has been appointed and commissioned by the 2251
secretary of state pursuant to sections 4973.17 to 4973.22 of 2252
the Revised Code, and who has been awarded a certificate by the 2253
executive director of the Ohio peace officer training commission 2254
attesting to the person's satisfactory completion of a state, 2255
county, municipal, or department of natural resources peace 2256
officer basic training program; 2257

(22) An investigator, as defined in section 109.541 of the 2258
Revised Code, of the bureau of criminal identification and 2259
investigation who is commissioned by the superintendent of the 2260
bureau as a special agent for the purpose of assisting law 2261
enforcement officers or providing emergency assistance to peace 2262

officers pursuant to authority granted under that section; 2263

(23) A state fire marshal law enforcement officer 2264
appointed under section 3737.22 of the Revised Code or a person 2265
serving as a state fire marshal law enforcement officer on a 2266
permanent basis on or after July 1, 1982, who has been awarded a 2267
certificate by the executive director of the Ohio peace officer 2268
training commission attesting to the person's satisfactory 2269
completion of an approved state, county, municipal, or 2270
department of natural resources peace officer basic training 2271
program; 2272

(24) A gaming agent employed under section 3772.03 of the 2273
Revised Code; 2274

(25) An employee of the state board of pharmacy designated 2275
by the executive director of the board pursuant to section 2276
4729.04 of the Revised Code to investigate violations of 2277
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 2278
Revised Code and rules adopted thereunder. 2279

(B) "Undercover drug agent" has the same meaning as in 2280
division (B) (2) of section 109.79 of the Revised Code. 2281

(C) "Crisis intervention training" means training in the 2282
use of interpersonal and communication skills to most 2283
effectively and sensitively interview victims of rape. 2284

(D) "Missing children" has the same meaning as in section 2285
2901.30 of the Revised Code. 2286

(E) "Tactical medical professional" means an EMT, EMT- 2287
basic, AEMT, EMT-I, paramedic, nurse, or physician who is 2288
trained and certified in a nationally recognized tactical 2289
medical training program that is equivalent to "tactical combat 2290
casualty care" (TCCC) and "tactical emergency medical support" 2291

(TEMS) and who functions in the tactical or austere environment 2292
while attached to a law enforcement agency of either this state 2293
or a political subdivision of this state. 2294

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 2295
meanings as in section 4765.01 of the Revised Code and "EMT" and 2296
"AEMT" have the same meanings as in section 4765.011 of the 2297
Revised Code. 2298

(G) "Nurse" means any of the following: 2299

(1) Any person who is licensed to practice nursing as a 2300
registered nurse by the board of nursing; 2301

(2) Any certified nurse practitioner, clinical nurse 2302
specialist, certified registered nurse anesthetist, or certified 2303
nurse-midwife who holds a certificate of authority issued by the 2304
board of nursing under Chapter 4723. of the Revised Code; 2305

(3) Any person who is licensed to practice nursing as a 2306
licensed practical nurse by the board of nursing pursuant to 2307
Chapter 4723. of the Revised Code. 2308

(H) "Physician" means a person who is licensed pursuant to 2309
Chapter 4731. of the Revised Code to practice medicine and 2310
surgery or osteopathic medicine and surgery. 2311

(I) "County correctional officer" has the same meaning as 2312
in section 341.41 of the Revised Code. 2313

Sec. 109.73. (A) The Ohio peace officer training 2314
commission shall recommend rules to the attorney general with 2315
respect to all of the following: 2316

(1) The approval, or revocation of approval, of peace 2317
officer training schools administered by the state, counties, 2318
municipal corporations, public school districts, technical 2319

college districts, and the department of natural resources; 2320

(2) Minimum courses of study, attendance requirements, and 2321
equipment and facilities to be required at approved state, 2322
county, municipal, and department of natural resources peace 2323
officer training schools; 2324

(3) Minimum qualifications for instructors at approved 2325
state, county, municipal, and department of natural resources 2326
peace officer training schools; 2327

(4) The requirements of minimum basic training that peace 2328
officers appointed to probationary terms shall complete before 2329
being eligible for permanent appointment, which requirements 2330
shall include training in the handling of the offense of 2331
domestic violence, other types of domestic violence-related 2332
offenses and incidents, and protection orders and consent 2333
agreements issued or approved under section 2919.26 or 3113.31 2334
of the Revised Code; crisis intervention training; and training 2335
in the handling of missing children and child abuse and neglect 2336
cases; and training in handling violations of section 2905.32 of 2337
the Revised Code; and the time within which such basic training 2338
shall be completed following appointment to a probationary term; 2339

(5) The requirements of minimum basic training that peace 2340
officers not appointed for probationary terms but appointed on 2341
other than a permanent basis shall complete in order to be 2342
eligible for continued employment or permanent appointment, 2343
which requirements shall include training in the handling of the 2344
offense of domestic violence, other types of domestic violence- 2345
related offenses and incidents, and protection orders and 2346
consent agreements issued or approved under section 2919.26 or 2347
3113.31 of the Revised Code, crisis intervention training, and 2348
training in the handling of missing children and child abuse and 2349

neglect cases, and training in handling violations of section 2350
2905.32 of the Revised Code, and the time within which such 2351
basic training shall be completed following appointment on other 2352
than a permanent basis; 2353

(6) Categories or classifications of advanced in-service 2354
training programs for peace officers, including programs in the 2355
handling of the offense of domestic violence, other types of 2356
domestic violence-related offenses and incidents, and protection 2357
orders and consent agreements issued or approved under section 2358
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 2359
and in the handling of missing children and child abuse and 2360
neglect cases, and in handling violations of section 2905.32 of 2361
the Revised Code, and minimum courses of study and attendance 2362
requirements with respect to such categories or classifications; 2363

(7) Permitting persons, who are employed as members of a 2364
campus police department appointed under section 1713.50 of the 2365
Revised Code; who are employed as police officers by a qualified 2366
nonprofit corporation police department pursuant to section 2367
1702.80 of the Revised Code; who are appointed and commissioned 2368
as bank, savings and loan association, savings bank, credit 2369
union, or association of banks, savings and loan associations, 2370
savings banks, or credit unions police officers, as railroad 2371
police officers, or as hospital police officers pursuant to 2372
sections 4973.17 to 4973.22 of the Revised Code; or who are 2373
appointed and commissioned as amusement park police officers 2374
pursuant to section 4973.17 of the Revised Code, to attend 2375
approved peace officer training schools, including the Ohio 2376
peace officer training academy, and to receive certificates of 2377
satisfactory completion of basic training programs, if the 2378
private college or university that established the campus police 2379
department; qualified nonprofit corporation police department; 2380

bank, savings and loan association, savings bank, credit union, 2381
or association of banks, savings and loan associations, savings 2382
banks, or credit unions; railroad company; hospital; or 2383
amusement park sponsoring the police officers pays the entire 2384
cost of the training and certification and if trainee vacancies 2385
are available; 2386

(8) Permitting undercover drug agents to attend approved 2387
peace officer training schools, other than the Ohio peace 2388
officer training academy, and to receive certificates of 2389
satisfactory completion of basic training programs, if, for each 2390
undercover drug agent, the county, township, or municipal 2391
corporation that employs that undercover drug agent pays the 2392
entire cost of the training and certification; 2393

(9) (a) The requirements for basic training programs for 2394
bailiffs and deputy bailiffs of courts of record of this state 2395
and for criminal investigators employed by the state public 2396
defender that those persons shall complete before they may carry 2397
a firearm while on duty; 2398

(b) The requirements for any training received by a 2399
bailiff or deputy bailiff of a court of record of this state or 2400
by a criminal investigator employed by the state public defender 2401
prior to June 6, 1986, that is to be considered equivalent to 2402
the training described in division (A) (9) (a) of this section. 2403

(10) Establishing minimum qualifications and requirements 2404
for certification for dogs utilized by law enforcement agencies; 2405

(11) Establishing minimum requirements for certification 2406
of persons who are employed as correction officers in a full- 2407
service jail, five-day facility, or eight-hour holding facility 2408
or who provide correction services in such a jail or facility; 2409

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

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

(14) The requirements for training programs that tactical medical professionals shall complete to qualify them to carry firearms while on duty under section 109.771 of the Revised Code, which requirements shall include at least the firearms training specified in division (A) of section 109.748 of the Revised Code;

(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;

(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; 2440

(17) The requirements for basic training programs that 2441
county correctional officers shall complete to qualify them to 2442
carry firearms while on duty under section 109.772 of the 2443
Revised Code, which requirements shall include the firearms 2444
training specified in section 109.773 of the Revised Code. 2445

(B) The commission shall appoint an executive director, 2446
with the approval of the attorney general, who shall hold office 2447
during the pleasure of the commission. The executive director 2448
shall perform such duties assigned by the commission. The 2449
executive director shall receive a salary fixed pursuant to 2450
Chapter 124. of the Revised Code and reimbursement for expenses 2451
within the amounts available by appropriation. The executive 2452
director may appoint officers, employees, agents, and 2453
consultants as the executive director considers necessary, 2454
prescribe their duties, and provide for reimbursement of their 2455
expenses within the amounts available for reimbursement by 2456
appropriation and with the approval of the commission. 2457

(C) The commission may do all of the following: 2458

(1) Recommend studies, surveys, and reports to be made by 2459
the executive director regarding the carrying out of the 2460
objectives and purposes of sections 109.71 to 109.77 of the 2461
Revised Code; 2462

(2) Visit and inspect any peace officer training school 2463
that has been approved by the executive director or for which 2464
application for approval has been made; 2465

(3) Make recommendations, from time to time, to the 2466
executive director, the attorney general, and the general 2467
assembly regarding the carrying out of the purposes of sections 2468

109.71 to 109.77 of the Revised Code;	2469
(4) Report to the attorney general from time to time, and	2470
to the governor and the general assembly at least annually,	2471
concerning the activities of the commission;	2472
(5) Establish fees for the services the commission offers	2473
under sections 109.71 to 109.79 of the Revised Code, including,	2474
but not limited to, fees for training, certification, and	2475
testing;	2476
(6) Perform such other acts as are necessary or	2477
appropriate to carry out the powers and duties of the commission	2478
as set forth in sections 109.71 to 109.77 of the Revised Code.	2479
(D) In establishing the requirements, under division (A)	2480
(12) of this section, the commission may consider any portions	2481
of the curriculum for instruction on the topic of animal	2482
husbandry practices, if any, of the Ohio state university	2483
college of veterinary medicine. No person or entity that fails	2484
to provide instruction on traditional animal husbandry methods	2485
and training techniques, including customary owner-performed	2486
practices, shall qualify to train a humane society agent for	2487
appointment under section 1717.06 of the Revised Code.	2488
Sec. 109.75. The executive director of the Ohio peace	2489
officer training commission, on behalf of the commission, shall	2490
have the following powers and duties, which shall be exercised	2491
with the general advice of the commission and only in accordance	2492
with section 109.751 of the Revised Code and the rules adopted	2493
pursuant to that section, and with the rules adopted by the	2494
attorney general pursuant to sections 109.74, 109.741, 109.742,	2495
and 109.743 of the Revised Code:	2496
(A) To approve peace officer training schools and firearms	2497

requalification programs administered by the state, counties, 2498
municipal corporations, and the department of natural resources, 2499
to issue certificates of approval to approved schools, and to 2500
revoke an approval or certificate; 2501

(B) To certify, as qualified, instructors at approved 2502
peace officer training schools, to issue appropriate 2503
certificates to these instructors, and to revoke for good cause 2504
shown certificates of these instructors; 2505

(C) To certify, as qualified, commanders at approved peace 2506
officer training schools, to issue appropriate certificates to 2507
these commanders, and to revoke for good cause shown 2508
certificates of these commanders. As used in this division, 2509
"commander" means the director or other head of an approved 2510
peace officer training school. 2511

(D) To certify peace officers and sheriffs who have 2512
satisfactorily completed basic training programs and to issue 2513
appropriate certificates to these peace officers and sheriffs; 2514

(E) To cause studies and surveys to be made relating to 2515
the establishment, operation, and approval of state, county, and 2516
municipal peace officer training schools; 2517

(F) To consult and cooperate with state, county, and 2518
municipal peace officer training schools for the development of 2519
advanced in-service training programs for peace officers; 2520

(G) To consult and cooperate with universities, colleges, 2521
and institutes for the development of specialized courses of 2522
study in the state for peace officers in police science and 2523
police administration; 2524

(H) To consult and cooperate with other departments and 2525
agencies of the state and federal government concerned with 2526

peace officer training;	2527
(I) To perform any other acts that may be necessary or	2528
appropriate to carry out the executive director's powers and	2529
duties as set forth in sections 109.71 to 109.77 of the Revised	2530
Code;	2531
(J) To report to the commission at each regular meeting of	2532
the commission and at any other times that the commission may	2533
require;	2534
(K) To certify persons who have satisfactorily completed	2535
approved training programs for correction officers in full-	2536
service jails, five-day facilities, or eight-hour holding	2537
facilities or approved training programs for others who provide	2538
correction services in those jails or facilities and to issue	2539
appropriate certificates to those persons;	2540
(L) To maintain any records associated with the powers and	2541
duties set forth in this section. Certification examinations,	2542
either before or after completion, are not public records for	2543
purposes of section 149.43 of the Revised Code, but the results	2544
of such examinations are public records under that section;	2545
(M) To certify tactical medical professionals who have	2546
satisfactorily completed approved training programs that qualify	2547
them to carry firearms while on duty under section 109.771 of	2548
the Revised Code and to issue appropriate certificates to such	2549
professionals;	2550
<u>(N) To certify county correctional officers who have</u>	2551
<u>satisfactorily completed approved basic training programs that</u>	2552
<u>qualify them to carry firearms while on duty under section</u>	2553
<u>109.772 of the Revised Code and to issue appropriate</u>	2554
<u>certificates to such county correctional officers.</u>	2555

Sec. 109.772. (A) A county correctional officer may carry 2556
firearms while on duty in the same manner, to the same extent, 2557
and in the same areas as a law enforcement officer of the law 2558
enforcement agency with jurisdiction over the place at which the 2559
county jail, county workhouse, minimum security jail, joint city 2560
and county workhouse, municipal-county correctional center, 2561
multicounty-municipal correctional center, municipal-county jail 2562
or workhouse, or multicounty-municipal jail or workhouse is 2563
located, if all of the following apply: 2564

(1) The person in charge of the county jail, county 2565
workhouse, minimum security jail, joint city and county 2566
workhouse, municipal-county correctional center, multicounty- 2567
municipal correctional center, municipal-county jail or 2568
workhouse, or multicounty-municipal jail or workhouse has 2569
specifically authorized the county correctional officer to carry 2570
firearms while on duty. 2571

(2) The county correctional officer has done or received 2572
one of the following: 2573

(a) The county correctional officer has been awarded a 2574
certificate by the executive director of the Ohio peace officer 2575
training commission, which certificate attests to satisfactory 2576
completion of an approved state, county, or municipal basic 2577
training program or a program at the Ohio peace officer training 2578
academy that qualifies the county correctional officer to carry 2579
firearms while on duty and that conforms to the rules adopted 2580
under section 109.773 of the Revised Code. 2581

(b) Prior to or during employment as a county correctional 2582
officer and prior to the effective date of this section, the 2583
county correctional officer has successfully completed a 2584
firearms training program, other than one described in division 2585

(A) (2) (a) of this section, that was approved by the Ohio peace officer training commission. 2586
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(B) A county correctional officer to whom division (A) of this section applies and who is carrying one or more firearms under authority of that division has protection from potential civil or criminal liability for any conduct occurring while carrying the firearm or firearms to the same extent as a law enforcement officer of the law enforcement agency with jurisdiction over the place at which the 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 is located has such protection. 2588
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Sec. 109.773. The attorney general shall adopt, in accordance with Chapter 119. or pursuant to section 109.74 of the Revised Code, rules authorizing and governing the attendance of county correctional officers at approved peace officer training schools, including the Ohio peace officer training academy, to receive training to qualify them to carry firearms while on duty under section 109.771 of the Revised Code, and the certification of the county correctional officers upon their satisfactory completion of training programs providing that training. 2600
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Sec. 109.79. (A) The Ohio peace officer training commission shall establish and conduct a training school for law enforcement officers of any political subdivision of the state or of the state public defender's office. The school shall be known as the Ohio peace officer training academy. No bailiff or deputy bailiff of a court of record of this state and no 2610
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criminal investigator employed by the state public defender 2616
shall be permitted to attend the academy for training unless the 2617
employing court of the bailiff or deputy bailiff or the state 2618
public defender, whichever is applicable, has authorized the 2619
bailiff, deputy bailiff, or investigator to attend the academy. 2620

The Ohio peace officer training commission shall develop 2621
the training program, which shall include courses in both the 2622
civil and criminal functions of law enforcement officers, a 2623
course in crisis intervention with six or more hours of 2624
training, training in the handling of missing children and child 2625
abuse and neglect cases, and training on companion animal 2626
encounters and companion animal behavior, and shall establish 2627
rules governing qualifications for admission to the academy. The 2628
commission may require competitive examinations to determine 2629
fitness of prospective trainees, so long as the examinations or 2630
other criteria for admission to the academy are consistent with 2631
the provisions of Chapter 124. of the Revised Code. 2632

The Ohio peace officer training commission shall determine 2633
tuition costs sufficient in the aggregate to pay the costs of 2634
operating the academy. Tuition paid by a political subdivision 2635
of the state or by the state public defender's office shall be 2636
deposited into the state treasury to the credit of the peace 2637
officer training academy fee fund, which is hereby established. 2638
The attorney general shall use money in the fund to pay costs 2639
associated with operation of the academy. The costs of acquiring 2640
and equipping the academy shall be paid from appropriations made 2641
by the general assembly to the Ohio peace officer training 2642
commission for that purpose, from gifts or grants received for 2643
that purpose, or from fees for goods related to the academy. 2644

The Ohio peace officer training commission shall create a 2645

gaming-related curriculum for gaming agents. The Ohio peace 2646
officer training commission shall use money distributed to the 2647
Ohio peace officer training academy from the Ohio law 2648
enforcement training fund to first support the academy's 2649
training programs for gaming agents and gaming-related 2650
curriculum. The Ohio peace officer training commission may 2651
utilize existing training programs in other states that 2652
specialize in training gaming agents. 2653

The law enforcement officers, during the period of their 2654
training, shall receive compensation as determined by the 2655
political subdivision that sponsors them or, if the officer is a 2656
criminal investigator employed by the state public defender, as 2657
determined by the state public defender. The political 2658
subdivision may pay the tuition costs of the law enforcement 2659
officers they sponsor and the state public defender may pay the 2660
tuition costs of criminal investigators of that office who 2661
attend the academy. 2662

If trainee vacancies exist, the academy may train and 2663
issue certificates of satisfactory completion to peace officers 2664
who are employed by a campus police department pursuant to 2665
section 1713.50 of the Revised Code, by a qualified nonprofit 2666
corporation police department pursuant to section 1702.80 of the 2667
Revised Code, or by a railroad company, who are amusement park 2668
police officers appointed and commissioned by a judge of the 2669
appropriate municipal court or county court pursuant to section 2670
4973.17 of the Revised Code, or who are bank, savings and loan 2671
association, savings bank, credit union, or association of 2672
banks, savings and loan associations, savings banks, or credit 2673
unions, or hospital police officers appointed and commissioned 2674
by the secretary of state pursuant to sections 4973.17 to 2675
4973.22 of the Revised Code, provided that no such officer shall 2676

be trained at the academy unless the officer meets the 2677
qualifications established for admission to the academy and the 2678
qualified nonprofit corporation police department; bank, savings 2679
and loan association, savings bank, credit union, or association 2680
of banks, savings and loan associations, savings banks, or 2681
credit unions; railroad company; hospital; or amusement park or 2682
the private college or university that established the campus 2683
police department prepays the entire cost of the training. A 2684
qualified nonprofit corporation police department; bank, savings 2685
and loan association, savings bank, credit union, or association 2686
of banks, savings and loan associations, savings banks, or 2687
credit unions; railroad company; hospital; or amusement park or 2688
a private college or university that has established a campus 2689
police department is not entitled to reimbursement from the 2690
state for any amount paid for the cost of training the bank, 2691
savings and loan association, savings bank, credit union, or 2692
association of banks, savings and loan associations, savings 2693
banks, or credit unions peace officers; the railroad company's 2694
peace officers; or the peace officers of the qualified nonprofit 2695
corporation police department, campus police department, 2696
hospital, or amusement park. 2697

The academy shall permit investigators employed by the 2698
state medical board to take selected courses that the board 2699
determines are consistent with its responsibilities for initial 2700
and continuing training of investigators as required under 2701
sections 4730.26 and 4731.05 of the Revised Code. The board 2702
shall pay the entire cost of training that investigators receive 2703
at the academy. 2704

The academy shall permit tactical medical professionals to 2705
attend training courses at the academy that are designed to 2706
qualify the professionals to carry firearms while on duty under 2707

section 109.771 of the Revised Code and that provide training 2708
comparable to training mandated under the rules required by 2709
division (A) of section 109.748 of the Revised Code. The 2710
executive director of the Ohio peace officer training commission 2711
may certify tactical medical professionals who satisfactorily 2712
complete the training courses. The law enforcement agency served 2713
by a tactical medical professional who attends the academy may 2714
pay the tuition costs of the professional. 2715

The academy shall permit county correctional officers to 2716
attend training courses at the academy that are designed to 2717
qualify the county correctional officers to carry firearms while 2718
on duty under section 109.772 of the Revised Code and that 2719
provide training mandated under the rules required by section 2720
109.773 of the Revised Code. The executive director of the Ohio 2721
peace officer training commission may certify county 2722
correctional officers who satisfactorily complete the training 2723
courses. The county jail, county workhouse, minimum security 2724
jail, joint city and county workhouse, municipal-county 2725
correctional center, multicounty-municipal correctional center, 2726
municipal-county jail or workhouse, or multicounty-municipal 2727
jail or workhouse served by the county correctional officer who 2728
attends the academy may pay the tuition costs of the county 2729
correctional officer. 2730

(B) As used in this section: 2731

(1) "Law enforcement officers" include any undercover drug 2732
agent, any bailiff or deputy bailiff of a court of record, and 2733
any criminal investigator who is employed by the state public 2734
defender. 2735

(2) "Undercover drug agent" means any person who: 2736

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

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

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

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

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

Sec. 109.801. (A) (1) Each year, any of the following persons who are authorized to carry firearms in the course of their official duties shall complete successfully a firearms requalification program approved by the executive director of the Ohio peace officer training commission in accordance with rules adopted by the attorney general pursuant to section 109.743 of the Revised Code: any peace officer, sheriff, chief of police of an organized police department of a municipal corporation or township, chief of police of a township police district or joint police district police force, superintendent of the state highway patrol, state highway patrol trooper, or chief of police of a university or college police department; any parole or probation officer who carries a firearm in the

course of official duties; any ~~corrections-county correctional~~ 2766
~~officer of a multicounty correctional center, or of a municipal-~~ 2767
~~county or multicounty municipal correctional center, established~~ 2768
~~under section 307.93 of the Revised Code who carries a firearm-~~ 2769
~~in the course of official duties;~~ the house of representatives 2770
sergeant at arms if the house of representatives sergeant at 2771
arms has arrest authority pursuant to division (E) (1) of section 2772
101.311 of the Revised Code; any assistant house of 2773
representatives sergeant at arms; the senate sergeant at arms; 2774
any assistant senate sergeant at arms; any tactical medical 2775
professional; or any employee of the department of youth 2776
services who is designated pursuant to division (A) (2) of 2777
section 5139.53 of the Revised Code as being authorized to carry 2778
a firearm while on duty as described in that division. 2779

(2) No person listed in division (A) (1) of this section 2780
shall carry a firearm during the course of official duties if 2781
the person does not comply with division (A) (1) of this section. 2782

(B) The hours that a sheriff spends attending a firearms 2783
requalification program required by division (A) of this section 2784
are in addition to the sixteen hours of continuing education 2785
that are required by division (E) of section 311.01 of the 2786
Revised Code. 2787

(C) As used in this section, "firearm" has the same 2788
meaning as in section 2923.11 of the Revised Code. 2789

Sec. 149.43. (A) As used in this section: 2790

(1) "Public record" means records kept by any public 2791
office, including, but not limited to, state, county, city, 2792
village, township, and school district units, and records 2793
pertaining to the delivery of educational services by an 2794

alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to	2795
section 3313.533 of the Revised Code. "Public record" does not	2796
mean any of the following:	2797
(a) Medical records;	2798
(b) Records pertaining to probation and parole	2799
proceedings, to proceedings related to the imposition of	2800
community control sanctions and post-release control sanctions,	2801
or to proceedings related to determinations under section	2802
2967.271 of the Revised Code regarding the release or maintained	2803
incarceration of an offender to whom that section applies;	2804
(c) Records pertaining to actions under section 2151.85	2805
and division (C) of section 2919.121 of the Revised Code and to	2806
appeals of actions arising under those sections;	2807
(d) Records pertaining to adoption proceedings, including	2808
the contents of an adoption file maintained by the department of	2809
health under sections 3705.12 to 3705.124 of the Revised Code;	2810
(e) Information in a record contained in the putative	2811
father registry established by section 3107.062 of the Revised	2812
Code, regardless of whether the information is held by the	2813
department of job and family services or, pursuant to section	2814
3111.69 of the Revised Code, the office of child support in the	2815
department or a child support enforcement agency;	2816
(f) Records specified in division (A) of section 3107.52	2817
of the Revised Code;	2818
(g) Trial preparation records;	2819
(h) Confidential law enforcement investigatory records;	2820
(i) Records containing information that is confidential	2821
	2822

under section 2710.03 or 4112.05 of the Revised Code;	2823
(j) DNA records stored in the DNA database pursuant to	2824
section 109.573 of the Revised Code;	2825
(k) Inmate records released by the department of	2826
rehabilitation and correction to the department of youth	2827
services or a court of record pursuant to division (E) of	2828
section 5120.21 of the Revised Code;	2829
(l) Records maintained by the department of youth services	2830
pertaining to children in its custody released by the department	2831
of youth services to the department of rehabilitation and	2832
correction pursuant to section 5139.05 of the Revised Code;	2833
(m) Intellectual property records;	2834
(n) Donor profile records;	2835
(o) Records maintained by the department of job and family	2836
services pursuant to section 3121.894 of the Revised Code;	2837
(p) Designated public service worker residential and	2838
familial information;	2839
(q) In the case of a county hospital operated pursuant to	2840
Chapter 339. of the Revised Code or a municipal hospital	2841
operated pursuant to Chapter 749. of the Revised Code,	2842
information that constitutes a trade secret, as defined in	2843
section 1333.61 of the Revised Code;	2844
(r) Information pertaining to the recreational activities	2845
of a person under the age of eighteen;	2846
(s) In the case of a child fatality review board acting	2847
under sections 307.621 to 307.629 of the Revised Code or a	2848
review conducted pursuant to guidelines established by the	2849

director of health under section 3701.70 of the Revised Code, 2850
records provided to the board or director, statements made by 2851
board members during meetings of the board or by persons 2852
participating in the director's review, and all work products of 2853
the board or director, and in the case of a child fatality 2854
review board, child fatality review data submitted by the board 2855
to the department of health or a national child death review 2856
database, other than the report prepared pursuant to division 2857
(A) of section 307.626 of the Revised Code; 2858

(t) Records provided to and statements made by the 2859
executive director of a public children services agency or a 2860
prosecuting attorney acting pursuant to section 5153.171 of the 2861
Revised Code other than the information released under that 2862
section; 2863

(u) Test materials, examinations, or evaluation tools used 2864
in an examination for licensure as a nursing home administrator 2865
that the board of executives of long-term services and supports 2866
administers under section 4751.15 of the Revised Code or 2867
contracts under that section with a private or government entity 2868
to administer; 2869

(v) Records the release of which is prohibited by state or 2870
federal law; 2871

(w) Proprietary information of or relating to any person 2872
that is submitted to or compiled by the Ohio venture capital 2873
authority created under section 150.01 of the Revised Code; 2874

(x) Financial statements and data any person submits for 2875
any purpose to the Ohio housing finance agency or the 2876
controlling board in connection with applying for, receiving, or 2877
accounting for financial assistance from the agency, and 2878

information that identifies any individual who benefits directly	2879
or indirectly from financial assistance from the agency;	2880
(y) Records listed in section 5101.29 of the Revised Code;	2881
(z) Discharges recorded with a county recorder under	2882
section 317.24 of the Revised Code, as specified in division (B)	2883
(2) of that section;	2884
(aa) Usage information including names and addresses of	2885
specific residential and commercial customers of a municipally	2886
owned or operated public utility;	2887
(bb) Records described in division (C) of section 187.04	2888
of the Revised Code that are not designated to be made available	2889
to the public as provided in that division;	2890
(cc) Information and records that are made confidential,	2891
privileged, and not subject to disclosure under divisions (B)	2892
and (C) of section 2949.221 of the Revised Code;	2893
(dd) Personal information, as defined in section 149.45 of	2894
the Revised Code;	2895
(ee) The confidential name, address, and other personally	2896
identifiable information of a program participant in the address	2897
confidentiality program established under sections 111.41 to	2898
111.47 of the Revised Code, including the contents of any	2899
application for absent voter's ballots, absent voter's ballot	2900
identification envelope statement of voter, or provisional	2901
ballot affirmation completed by a program participant who has a	2902
confidential voter registration record; records or portions of	2903
records pertaining to that program that identify the number of	2904
program participants that reside within a precinct, ward,	2905
township, municipal corporation, county, or any other geographic	2906
area smaller than the state; and any real property	2907

confidentiality notice filed under section 111.431 of the Revised Code and the information described in division (C) of that section. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.

(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;

(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;

(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 claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;

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

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

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

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

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

(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;

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

(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the

board of embalmers and funeral directors under division (C) of 2966
section 4717.13, division (J) of section 4717.31, or section 2967
4717.41 of the Revised Code. 2968

(oo) Telephone numbers for a party to a motor vehicle 2969
accident subject to the requirements of section 5502.11 of the 2970
Revised Code that are listed on any law enforcement record or 2971
report, except that the telephone numbers described in this 2972
division are not excluded from the definition of "public record" 2973
under this division on and after the thirtieth day after the 2974
occurrence of the motor vehicle accident. 2975

(pp) Records pertaining to individuals who complete 2976
training under section 5502.703 of the Revised Code to be 2977
permitted by a school district board of education or governing 2978
body of a community school established under Chapter 3314. of 2979
the Revised Code, a STEM school established under Chapter 3326. 2980
of the Revised Code, or a chartered nonpublic school to convey 2981
deadly weapons or dangerous ordnance into a school safety zone. 2982

A record that is not a public record under division (A) (1) 2983
of this section and that, under law, is permanently retained 2984
becomes a public record on the day that is seventy-five years 2985
after the day on which the record was created, except for any 2986
record protected by the attorney-client privilege, a trial 2987
preparation record as defined in this section, a statement 2988
prohibiting the release of identifying information signed under 2989
section 3107.083 of the Revised Code, a denial of release form 2990
filed pursuant to section 3107.46 of the Revised Code, or any 2991
record that is exempt from release or disclosure under section 2992
149.433 of the Revised Code. If the record is a birth 2993
certificate and a biological parent's name redaction request 2994
form has been accepted under section 3107.391 of the Revised 2995

Code, the name of that parent shall be redacted from the birth certificate before it is released under this paragraph. If any other section of the Revised Code establishes a time period for disclosure of a record that conflicts with the time period specified in this section, the time period in the other section prevails.

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

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

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

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

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

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical

treatment. 3025

(4) "Trial preparation record" means any record that 3026
contains information that is specifically compiled in reasonable 3027
anticipation of, or in defense of, a civil or criminal action or 3028
proceeding, including the independent thought processes and 3029
personal trial preparation of an attorney. 3030

(5) "Intellectual property record" means a record, other 3031
than a financial or administrative record, that is produced or 3032
collected by or for faculty or staff of a state institution of 3033
higher learning in the conduct of or as a result of study or 3034
research on an educational, commercial, scientific, artistic, 3035
technical, or scholarly issue, regardless of whether the study 3036
or research was sponsored by the institution alone or in 3037
conjunction with a governmental body or private concern, and 3038
that has not been publicly released, published, or patented. 3039

(6) "Donor profile record" means all records about donors 3040
or potential donors to a public institution of higher education 3041
except the names and reported addresses of the actual donors and 3042
the date, amount, and conditions of the actual donation. 3043

(7) "Designated public service worker" means a peace 3044
officer, parole officer, probation officer, bailiff, prosecuting 3045
attorney, assistant prosecuting attorney, correctional employee, 3046
county or multicounty corrections officer, community-based 3047
correctional facility employee, designated Ohio national guard 3048
member, protective services worker, youth services employee, 3049
firefighter, EMT, medical director or member of a cooperating 3050
physician advisory board of an emergency medical service 3051
organization, state board of pharmacy employee, investigator of 3052
the bureau of criminal identification and investigation, 3053
emergency service telecommunicator, forensic mental health 3054

provider, mental health evaluation provider, regional 3055
psychiatric hospital employee, judge, magistrate, or federal law 3056
enforcement officer. 3057

(8) "Designated public service worker residential and 3058
familial information" means any information that discloses any 3059
of the following about a designated public service worker: 3060

(a) The address of the actual personal residence of a 3061
designated public service worker, except for the following 3062
information: 3063

(i) The address of the actual personal residence of a 3064
prosecuting attorney or judge; and 3065

(ii) The state or political subdivision in which a 3066
designated public service worker resides. 3067

(b) Information compiled from referral to or participation 3068
in an employee assistance program; 3069

(c) The social security number, the residential telephone 3070
number, any bank account, debit card, charge card, or credit 3071
card number, or the emergency telephone number of, or any 3072
medical information pertaining to, a designated public service 3073
worker; 3074

(d) The name of any beneficiary of employment benefits, 3075
including, but not limited to, life insurance benefits, provided 3076
to a designated public service worker by the designated public 3077
service worker's employer; 3078

(e) The identity and amount of any charitable or 3079
employment benefit deduction made by the designated public 3080
service worker's employer from the designated public service 3081
worker's compensation, unless the amount of the deduction is 3082

required by state or federal law; 3083

(f) The name, the residential address, the name of the 3084
employer, the address of the employer, the social security 3085
number, the residential telephone number, any bank account, 3086
debit card, charge card, or credit card number, or the emergency 3087
telephone number of the spouse, a former spouse, or any child of 3088
a designated public service worker; 3089

(g) A photograph of a peace officer who holds a position 3090
or has an assignment that may include undercover or plain 3091
clothes positions or assignments as determined by the peace 3092
officer's appointing authority. 3093

(9) As used in divisions (A) (7) and (15) to (17) of this 3094
section: 3095

"Peace officer" has the meaning defined in section 109.71 3096
of the Revised Code and also includes the superintendent and 3097
troopers of the state highway patrol; it does not include the 3098
sheriff of a county or a supervisory employee who, in the 3099
absence of the sheriff, is authorized to stand in for, exercise 3100
the authority of, and perform the duties of the sheriff. 3101

"Correctional employee" means any employee of the 3102
department of rehabilitation and correction who in the course of 3103
performing the employee's job duties has or has had contact with 3104
inmates and persons under supervision. 3105

"County or multicounty corrections officer" means any 3106
corrections officer employed by any county or multicounty 3107
correctional facility. 3108

"Designated Ohio national guard member" means a member of 3109
the Ohio national guard who is participating in duties related 3110
to remotely piloted aircraft, including, but not limited to, 3111

pilots, sensor operators, and mission intelligence personnel, 3112
duties related to special forces operations, or duties related 3113
to cybersecurity, and is designated by the adjutant general as a 3114
designated public service worker for those purposes. 3115

"Protective services worker" means any employee of a 3116
county agency who is responsible for child protective services, 3117
child support services, or adult protective services. 3118

"Youth services employee" means any employee of the 3119
department of youth services who in the course of performing the 3120
employee's job duties has or has had contact with children 3121
committed to the custody of the department of youth services. 3122

"Firefighter" means any regular, paid or volunteer, member 3123
of a lawfully constituted fire department of a municipal 3124
corporation, township, fire district, or village. 3125

"EMT" means EMTs-basic, EMTs-I, and paramedics that 3126
provide emergency medical services for a public emergency 3127
medical service organization. "Emergency medical service 3128
organization," "EMT-basic," "EMT-I," and "paramedic" have the 3129
meanings defined in section 4765.01 of the Revised Code. 3130

"Investigator of the bureau of criminal identification and 3131
investigation" has the meaning defined in section 2903.11 of the 3132
Revised Code. 3133

"Emergency service telecommunicator" has the meaning 3134
defined in section 4742.01 of the Revised Code. 3135

"Forensic mental health provider" means any employee of a 3136
community mental health service provider or local alcohol, drug 3137
addiction, and mental health services board who, in the course 3138
of the employee's duties, has contact with persons committed to 3139
a local alcohol, drug addiction, and mental health services 3140

board by a court order pursuant to section 2945.38, 2945.39, 3141
2945.40, or 2945.402 of the Revised Code. 3142

"Mental health evaluation provider" means an individual 3143
who, under Chapter 5122. of the Revised Code, examines a 3144
respondent who is alleged to be a mentally ill person subject to 3145
court order, as defined in section 5122.01 of the Revised Code, 3146
and reports to the probate court the respondent's mental 3147
condition. 3148

"Regional psychiatric hospital employee" means any 3149
employee of the department of mental health and addiction 3150
services who, in the course of performing the employee's duties, 3151
has contact with patients committed to the department of mental 3152
health and addiction services by a court order pursuant to 3153
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 3154
Code. 3155

"Federal law enforcement officer" has the meaning defined 3156
in section 9.88 of the Revised Code. 3157

(10) "Information pertaining to the recreational 3158
activities of a person under the age of eighteen" means 3159
information that is kept in the ordinary course of business by a 3160
public office, that pertains to the recreational activities of a 3161
person under the age of eighteen years, and that discloses any 3162
of the following: 3163

(a) The address or telephone number of a person under the 3164
age of eighteen or the address or telephone number of that 3165
person's parent, guardian, custodian, or emergency contact 3166
person; 3167

(b) The social security number, birth date, or 3168
photographic image of a person under the age of eighteen; 3169

- (c) Any medical record, history, or information pertaining to a person under the age of eighteen; 3170
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- (d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office. 3172
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- (11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code. 3178
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- (12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code. 3180
3181
- (13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code. 3182
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- (14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code. 3186
3187
- (15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of the peace officer's official duties. 3188
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- (16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties. 3193
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- (17) "Restricted portions of a body-worn camera or 3197

dashboard camera recording" means any visual or audio portion of 3198
a body-worn camera or dashboard camera recording that shows, 3199
communicates, or discloses any of the following: 3200

(a) The image or identity of a child or information that 3201
could lead to the identification of a child who is a primary 3202
subject of the recording when the department of rehabilitation 3203
and correction, department of youth services, or the law 3204
enforcement agency knows or has reason to know the person is a 3205
child based on the department's or law enforcement agency's 3206
records or the content of the recording; 3207

(b) The death of a person or a deceased person's body, 3208
unless the death was caused by a correctional employee, youth 3209
services employee, or peace officer or, subject to division (H) 3210
(1) of this section, the consent of the decedent's executor or 3211
administrator has been obtained; 3212

(c) The death of a correctional employee, youth services 3213
employee, peace officer, firefighter, paramedic, or other first 3214
responder, occurring while the decedent was engaged in the 3215
performance of official duties, unless, subject to division (H) 3216
(1) of this section, the consent of the decedent's executor or 3217
administrator has been obtained; 3218

(d) Grievous bodily harm, unless the injury was effected 3219
by a correctional employee, youth services employee, or peace 3220
officer or, subject to division (H) (1) of this section, the 3221
consent of the injured person or the injured person's guardian 3222
has been obtained; 3223

(e) An act of severe violence against a person that 3224
results in serious physical harm to the person, unless the act 3225
and injury was effected by a correctional employee, youth 3226

services employee, or peace officer or, subject to division (H) 3227
(1) of this section, the consent of the injured person or the 3228
injured person's guardian has been obtained; 3229

(f) Grievous bodily harm to a correctional employee, youth 3230
services employee, peace officer, firefighter, paramedic, or 3231
other first responder, occurring while the injured person was 3232
engaged in the performance of official duties, unless, subject 3233
to division (H) (1) of this section, the consent of the injured 3234
person or the injured person's guardian has been obtained; 3235

(g) An act of severe violence resulting in serious 3236
physical harm against a correctional employee, youth services 3237
employee, peace officer, firefighter, paramedic, or other first 3238
responder, occurring while the injured person was engaged in the 3239
performance of official duties, unless, subject to division (H) 3240
(1) of this section, the consent of the injured person or the 3241
injured person's guardian has been obtained; 3242

(h) A person's nude body, unless, subject to division (H) 3243
(1) of this section, the person's consent has been obtained; 3244

(i) Protected health information, the identity of a person 3245
in a health care facility who is not the subject of a law 3246
enforcement encounter, or any other information in a health care 3247
facility that could identify a person who is not the subject of 3248
a law enforcement encounter; 3249

(j) Information that could identify the alleged victim of 3250
a sex offense, menacing by stalking, or domestic violence; 3251

(k) Information, that does not constitute a confidential 3252
law enforcement investigatory record, that could identify a 3253
person who provides sensitive or confidential information to ~~a~~ 3254
the department of rehabilitation and correction, the department 3255

of youth services, or a law enforcement agency when the 3256
disclosure of the person's identity or the information provided 3257
could reasonably be expected to threaten or endanger the safety 3258
or property of the person or another person; 3259

(l) Personal information of a person who is not arrested, 3260
cited, charged, or issued a written warning by a peace officer; 3261

(m) Proprietary police contingency plans or tactics that 3262
are intended to prevent crime and maintain public order and 3263
safety; 3264

(n) A personal conversation unrelated to work between 3265
peace officers or between a peace officer and an employee of a 3266
law enforcement agency; 3267

(o) A conversation between a peace officer and a member of 3268
the public that does not concern law enforcement activities; 3269

(p) The interior of a residence, unless the interior of a 3270
residence is the location of an adversarial encounter with, or a 3271
use of force by, a peace officer; 3272

(q) Any portion of the interior of a private business that 3273
is not open to the public, unless an adversarial encounter with, 3274
or a use of force by, a peace officer occurs in that location. 3275

As used in division (A) (17) of this section: 3276

"Grievous bodily harm" has the same meaning as in section 3277
5924.120 of the Revised Code. 3278

"Health care facility" has the same meaning as in section 3279
1337.11 of the Revised Code. 3280

"Protected health information" has the same meaning as in 3281
45 C.F.R. 160.103. 3282

"Law enforcement agency" has the same meaning as in 3283
section 2925.61 of the Revised Code. 3284

"Personal information" means any government-issued 3285
identification number, date of birth, address, financial 3286
information, or criminal justice information from the law 3287
enforcement automated data system or similar databases. 3288

"Sex offense" has the same meaning as in section 2907.10 3289
of the Revised Code. 3290

"Firefighter," "paramedic," and "first responder" have the 3291
same meanings as in section 4765.01 of the Revised Code. 3292

(B) (1) Upon request by any person and subject to division 3293
(B) (8) of this section, all public records responsive to the 3294
request shall be promptly prepared and made available for 3295
inspection to the requester at all reasonable times during 3296
regular business hours. Subject to division (B) (8) of this 3297
section, upon request by any person, a public office or person 3298
responsible for public records shall make copies of the 3299
requested public record available to the requester at cost and 3300
within a reasonable period of time. If a public record contains 3301
information that is exempt from the duty to permit public 3302
inspection or to copy the public record, the public office or 3303
the person responsible for the public record shall make 3304
available all of the information within the public record that 3305
is not exempt. When making that public record available for 3306
public inspection or copying that public record, the public 3307
office or the person responsible for the public record shall 3308
notify the requester of any redaction or make the redaction 3309
plainly visible. A redaction shall be deemed a denial of a 3310
request to inspect or copy the redacted information, except if 3311
federal or state law authorizes or requires a public office to 3312

make the redaction. 3313

(2) To facilitate broader access to public records, a 3314
public office or the person responsible for public records shall 3315
organize and maintain public records in a manner that they can 3316
be made available for inspection or copying in accordance with 3317
division (B) of this section. A public office also shall have 3318
available a copy of its current records retention schedule at a 3319
location readily available to the public. If a requester makes 3320
an ambiguous or overly broad request or has difficulty in making 3321
a request for copies or inspection of public records under this 3322
section such that the public office or the person responsible 3323
for the requested public record cannot reasonably identify what 3324
public records are being requested, the public office or the 3325
person responsible for the requested public record may deny the 3326
request but shall provide the requester with an opportunity to 3327
revise the request by informing the requester of the manner in 3328
which records are maintained by the public office and accessed 3329
in the ordinary course of the public office's or person's 3330
duties. 3331

(3) If a request is ultimately denied, in part or in 3332
whole, the public office or the person responsible for the 3333
requested public record shall provide the requester with an 3334
explanation, including legal authority, setting forth why the 3335
request was denied. If the initial request was provided in 3336
writing, the explanation also shall be provided to the requester 3337
in writing. The explanation shall not preclude the public office 3338
or the person responsible for the requested public record from 3339
relying upon additional reasons or legal authority in defending 3340
an action commenced under division (C) of this section. 3341

(4) Unless specifically required or authorized by state or 3342

federal law or in accordance with division (B) of this section, 3343
no public office or person responsible for public records may 3344
limit or condition the availability of public records by 3345
requiring disclosure of the requester's identity or the intended 3346
use of the requested public record. Any requirement that the 3347
requester disclose the requester's identity or the intended use 3348
of the requested public record constitutes a denial of the 3349
request. 3350

(5) A public office or person responsible for public 3351
records may ask a requester to make the request in writing, may 3352
ask for the requester's identity, and may inquire about the 3353
intended use of the information requested, but may do so only 3354
after disclosing to the requester that a written request is not 3355
mandatory, that the requester may decline to reveal the 3356
requester's identity or the intended use, and when a written 3357
request or disclosure of the identity or intended use would 3358
benefit the requester by enhancing the ability of the public 3359
office or person responsible for public records to identify, 3360
locate, or deliver the public records sought by the requester. 3361

(6) If any person requests a copy of a public record in 3362
accordance with division (B) of this section, the public office 3363
or person responsible for the public record may require the 3364
requester to pay in advance the cost involved in providing the 3365
copy of the public record in accordance with the choice made by 3366
the requester under this division. The public office or the 3367
person responsible for the public record shall permit the 3368
requester to choose to have the public record duplicated upon 3369
paper, upon the same medium upon which the public office or 3370
person responsible for the public record keeps it, or upon any 3371
other medium upon which the public office or person responsible 3372
for the public record determines that it reasonably can be 3373

duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the requester. Nothing in this section requires a public office or person responsible for the public record to allow the requester of a copy of the public record to make the copies of the public record.

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

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

(c) In any policy and procedures adopted under division 3404
(B) (7) of this section: 3405

(i) A public office may limit the number of records 3406
requested by a person that the office will physically deliver by 3407
United States mail or by another delivery service to ten per 3408
month, unless the person certifies to the office in writing that 3409
the person does not intend to use or forward the requested 3410
records, or the information contained in them, for commercial 3411
purposes; 3412

(ii) A public office that chooses to provide some or all 3413
of its public records on a web site that is fully accessible to 3414
and searchable by members of the public at all times, other than 3415
during acts of God outside the public office's control or 3416
maintenance, and that charges no fee to search, access, 3417
download, or otherwise receive records provided on the web site, 3418
may limit to ten per month the number of records requested by a 3419
person that the office will deliver in a digital format, unless 3420
the requested records are not provided on the web site and 3421
unless the person certifies to the office in writing that the 3422
person does not intend to use or forward the requested records, 3423
or the information contained in them, for commercial purposes. 3424

(iii) For purposes of division (B) (7) of this section, 3425
"commercial" shall be narrowly construed and does not include 3426
reporting or gathering news, reporting or gathering information 3427
to assist citizen oversight or understanding of the operation or 3428
activities of government, or nonprofit educational research. 3429

(8) A public office or person responsible for public 3430
records is not required to permit a person who is incarcerated 3431
pursuant to a criminal conviction or a juvenile adjudication to 3432
inspect or to obtain a copy of any public record concerning a 3433

criminal investigation or prosecution or concerning what would 3434
be a criminal investigation or prosecution if the subject of the 3435
investigation or prosecution were an adult, unless the request 3436
to inspect or to obtain a copy of the record is for the purpose 3437
of acquiring information that is subject to release as a public 3438
record under this section and the judge who imposed the sentence 3439
or made the adjudication with respect to the person, or the 3440
judge's successor in office, finds that the information sought 3441
in the public record is necessary to support what appears to be 3442
a justiciable claim of the person. 3443

(9) (a) Upon written request made and signed by a 3444
journalist, a public office, or person responsible for public 3445
records, having custody of the records of the agency employing a 3446
specified designated public service worker shall disclose to the 3447
journalist the address of the actual personal residence of the 3448
designated public service worker and, if the designated public 3449
service worker's spouse, former spouse, or child is employed by 3450
a public office, the name and address of the employer of the 3451
designated public service worker's spouse, former spouse, or 3452
child. The request shall include the journalist's name and title 3453
and the name and address of the journalist's employer and shall 3454
state that disclosure of the information sought would be in the 3455
public interest. 3456

(b) Division (B) (9) (a) of this section also applies to 3457
journalist requests for: 3458

(i) Customer information maintained by a municipally owned 3459
or operated public utility, other than social security numbers 3460
and any private financial information such as credit reports, 3461
payment methods, credit card numbers, and bank account 3462
information; 3463

(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 3494
orders the public office or the person responsible for the 3495
public record to comply with division (B) of this section, that 3496
awards court costs and reasonable attorney's fees to the person 3497
that instituted the mandamus action, and, if applicable, that 3498
includes an order fixing statutory damages under division (C) (2) 3499
of this section. The mandamus action may be commenced in the 3500
court of common pleas of the county in which division (B) of 3501
this section allegedly was not complied with, in the supreme 3502
court pursuant to its original jurisdiction under Section 2 of 3503
Article IV, Ohio Constitution, or in the court of appeals for 3504
the appellate district in which division (B) of this section 3505
allegedly was not complied with pursuant to its original 3506
jurisdiction under Section 3 of Article IV, Ohio Constitution. 3507

(2) If a requester transmits a written request by hand 3508
delivery, electronic submission, or certified mail to inspect or 3509
receive copies of any public record in a manner that fairly 3510
describes the public record or class of public records to the 3511
public office or person responsible for the requested public 3512
records, except as otherwise provided in this section, the 3513
requester shall be entitled to recover the amount of statutory 3514
damages set forth in this division if a court determines that 3515
the public office or the person responsible for public records 3516
failed to comply with an obligation in accordance with division 3517
(B) of this section. 3518

The amount of statutory damages shall be fixed at one 3519
hundred dollars for each business day during which the public 3520
office or person responsible for the requested public records 3521
failed to comply with an obligation in accordance with division 3522
(B) of this section, beginning with the day on which the 3523
requester files a mandamus action to recover statutory damages, 3524

up to a maximum of one thousand dollars. The award of statutory 3525
damages shall not be construed as a penalty, but as compensation 3526
for injury arising from lost use of the requested information. 3527
The existence of this injury shall be conclusively presumed. The 3528
award of statutory damages shall be in addition to all other 3529
remedies authorized by this section. 3530

The court may reduce an award of statutory damages or not 3531
award statutory damages if the court determines both of the 3532
following: 3533

(a) That, based on the ordinary application of statutory 3534
law and case law as it existed at the time of the conduct or 3535
threatened conduct of the public office or person responsible 3536
for the requested public records that allegedly constitutes a 3537
failure to comply with an obligation in accordance with division 3538
(B) of this section and that was the basis of the mandamus 3539
action, a well-informed public office or person responsible for 3540
the requested public records reasonably would believe that the 3541
conduct or threatened conduct of the public office or person 3542
responsible for the requested public records did not constitute 3543
a failure to comply with an obligation in accordance with 3544
division (B) of this section; 3545

(b) That a well-informed public office or person 3546
responsible for the requested public records reasonably would 3547
believe that the conduct or threatened conduct of the public 3548
office or person responsible for the requested public records 3549
would serve the public policy that underlies the authority that 3550
is asserted as permitting that conduct or threatened conduct. 3551

(3) In a mandamus action filed under division (C) (1) of 3552
this section, the following apply: 3553

(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. 3554
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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. 3559
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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: 3563
3564
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3567

(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. 3568
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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. 3572
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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 3577
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(B) of this section. No discovery may be conducted on the issue 3583
of the alleged bad faith of the public office or person 3584
responsible for the public records. This division shall not be 3585
construed as creating a presumption that the public office or 3586
the person responsible for the public records acted in bad faith 3587
when the office or person voluntarily made the public records 3588
available to the relator for the first time after the relator 3589
commenced the mandamus action, but before the court issued any 3590
order described in this division. 3591

(c) The court shall not award attorney's fees to the 3592
relator if the court determines both of the following: 3593

(i) That, based on the ordinary application of statutory 3594
law and case law as it existed at the time of the conduct or 3595
threatened conduct of the public office or person responsible 3596
for the requested public records that allegedly constitutes a 3597
failure to comply with an obligation in accordance with division 3598
(B) of this section and that was the basis of the mandamus 3599
action, a well-informed public office or person responsible for 3600
the requested public records reasonably would believe that the 3601
conduct or threatened conduct of the public office or person 3602
responsible for the requested public records did not constitute 3603
a failure to comply with an obligation in accordance with 3604
division (B) of this section; 3605

(ii) That a well-informed public office or person 3606
responsible for the requested public records reasonably would 3607
believe that the conduct or threatened conduct of the public 3608
office or person responsible for the requested public records 3609
would serve the public policy that underlies the authority that 3610
is asserted as permitting that conduct or threatened conduct. 3611

(4) All of the following apply to any award of reasonable 3612

attorney's fees awarded under division (C) (3) (b) of this section: 3613
3614

(a) The fees shall be construed as remedial and not punitive. 3615
3616

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section. 3617
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(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. 3621
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(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C) (1) of this section. 3624
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(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court. 3630
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 3637
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(E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their 3639
3640
3641

appropriate designees shall attend training approved by the 3642
attorney general as provided in section 109.43 of the Revised 3643
Code. A future official may satisfy the requirements of this 3644
division by attending the training before taking office, 3645
provided that the future official may not send a designee in the 3646
future official's place. 3647

(2) All public offices shall adopt a public records policy 3648
in compliance with this section for responding to public records 3649
requests. In adopting a public records policy under this 3650
division, a public office may obtain guidance from the model 3651
public records policy developed and provided to the public 3652
office by the attorney general under section 109.43 of the 3653
Revised Code. Except as otherwise provided in this section, the 3654
policy may not limit the number of public records that the 3655
public office will make available to a single person, may not 3656
limit the number of public records that it will make available 3657
during a fixed period of time, and may not establish a fixed 3658
period of time before it will respond to a request for 3659
inspection or copying of public records, unless that period is 3660
less than eight hours. 3661

The public office shall distribute the public records 3662
policy adopted by the public office under this division to the 3663
employee of the public office who is the records custodian or 3664
records manager or otherwise has custody of the records of that 3665
office. The public office shall require that employee to 3666
acknowledge receipt of the copy of the public records policy. 3667
The public office shall create a poster that describes its 3668
public records policy and shall post the poster in a conspicuous 3669
place in the public office and in all locations where the public 3670
office has branch offices. The public office may post its public 3671
records policy on the internet web site of the public office if 3672

the public office maintains an internet web site. A public 3673
office that has established a manual or handbook of its general 3674
policies and procedures for all employees of the public office 3675
shall include the public records policy of the public office in 3676
the manual or handbook. 3677

(F) (1) The bureau of motor vehicles may adopt rules 3678
pursuant to Chapter 119. of the Revised Code to reasonably limit 3679
the number of bulk commercial special extraction requests made 3680
by a person for the same records or for updated records during a 3681
calendar year. The rules may include provisions for charges to 3682
be made for bulk commercial special extraction requests for the 3683
actual cost of the bureau, plus special extraction costs, plus 3684
ten per cent. The bureau may charge for expenses for redacting 3685
information, the release of which is prohibited by law. 3686

(2) As used in division (F) (1) of this section: 3687

(a) "Actual cost" means the cost of depleted supplies, 3688
records storage media costs, actual mailing and alternative 3689
delivery costs, or other transmitting costs, and any direct 3690
equipment operating and maintenance costs, including actual 3691
costs paid to private contractors for copying services. 3692

(b) "Bulk commercial special extraction request" means a 3693
request for copies of a record for information in a format other 3694
than the format already available, or information that cannot be 3695
extracted without examination of all items in a records series, 3696
class of records, or database by a person who intends to use or 3697
forward the copies for surveys, marketing, solicitation, or 3698
resale for commercial purposes. "Bulk commercial special 3699
extraction request" does not include a request by a person who 3700
gives assurance to the bureau that the person making the request 3701
does not intend to use or forward the requested copies for 3702

surveys, marketing, solicitation, or resale for commercial 3703
purposes. 3704

(c) "Commercial" means profit-seeking production, buying, 3705
or selling of any good, service, or other product. 3706

(d) "Special extraction costs" means the cost of the time 3707
spent by the lowest paid employee competent to perform the task, 3708
the actual amount paid to outside private contractors employed 3709
by the bureau, or the actual cost incurred to create computer 3710
programs to make the special extraction. "Special extraction 3711
costs" include any charges paid to a public agency for computer 3712
or records services. 3713

(3) For purposes of divisions (F) (1) and (2) of this 3714
section, "surveys, marketing, solicitation, or resale for 3715
commercial purposes" shall be narrowly construed and does not 3716
include reporting or gathering news, reporting or gathering 3717
information to assist citizen oversight or understanding of the 3718
operation or activities of government, or nonprofit educational 3719
research. 3720

(G) A request by a defendant, counsel of a defendant, or 3721
any agent of a defendant in a criminal action that public 3722
records related to that action be made available under this 3723
section shall be considered a demand for discovery pursuant to 3724
the Criminal Rules, except to the extent that the Criminal Rules 3725
plainly indicate a contrary intent. The defendant, counsel of 3726
the defendant, or agent of the defendant making a request under 3727
this division shall serve a copy of the request on the 3728
prosecuting attorney, director of law, or other chief legal 3729
officer responsible for prosecuting the action. 3730

(H) (1) Any portion of a body-worn camera or dashboard 3731

camera recording described in divisions (A) (17) (b) to (h) of 3732
this section may be released by consent of the subject of the 3733
recording or a representative of that person, as specified in 3734
those divisions, only if either of the following applies: 3735

(a) The recording will not be used in connection with any 3736
probable or pending criminal proceedings; 3737

(b) The recording has been used in connection with a 3738
criminal proceeding that was dismissed or for which a judgment 3739
has been entered pursuant to Rule 32 of the Rules of Criminal 3740
Procedure, and will not be used again in connection with any 3741
probable or pending criminal proceedings. 3742

(2) If a public office denies a request to release a 3743
restricted portion of a body-worn camera or dashboard camera 3744
recording, as defined in division (A) (17) of this section, any 3745
person may file a mandamus action pursuant to this section or a 3746
complaint with the clerk of the court of claims pursuant to 3747
section 2743.75 of the Revised Code, requesting the court to 3748
order the release of all or portions of the recording. If the 3749
court considering the request determines that the filing 3750
articulates by clear and convincing evidence that the public 3751
interest in the recording substantially outweighs privacy 3752
interests and other interests asserted to deny release, the 3753
court shall order the public office to release the recording. 3754

Sec. 307.93. ~~(A) (1)~~ (A) The boards of county commissioners 3755
of two or more adjacent counties may contract for the joint 3756
establishment of a multicounty correctional center, and the 3757
board of county commissioners of a county or the boards of two 3758
or more counties may contract with any municipal corporation or 3759
municipal corporations located in that county or those counties 3760
for the joint establishment of a municipal-county or 3761

multicounty-municipal correctional center. The center shall 3762
augment county and, where applicable, municipal jail programs 3763
and facilities by providing custody and rehabilitative programs 3764
for those persons under the charge of the sheriff of any of the 3765
contracting counties or of the officer or officers of the 3766
contracting municipal corporation or municipal corporations 3767
having charge of persons incarcerated in the municipal jail, 3768
workhouse, or other correctional facility who, in the opinion of 3769
the sentencing court, need programs of custody and 3770
rehabilitation not available at the county or municipal jail and 3771
by providing custody and rehabilitative programs in accordance 3772
with division (C) of this section, if applicable. The contract 3773
may include, but need not be limited to, provisions regarding 3774
the acquisition, construction, maintenance, repair, termination 3775
of operations, and administration of the center. The contract 3776
shall prescribe the manner of funding of, and debt assumption 3777
for, the center and the standards and procedures to be followed 3778
in the operation of the center. Except as provided in division 3779
(G) of this section, the contracting counties and municipal 3780
corporations shall form a corrections commission to oversee the 3781
administration of the center. Members of the commission shall 3782
consist of the sheriff of each participating county, a member of 3783
the board of county commissioners of each participating county, 3784
the chief of police of each participating municipal corporation, 3785
and the mayor or city manager of each participating municipal 3786
corporation. Any of the foregoing officers may appoint a 3787
designee to serve in the officer's place on the corrections 3788
commission. 3789

The standards and procedures prescribed under this 3790
division shall be formulated and agreed to by the commission and 3791
may be amended at any time during the life of the contract by 3792

agreement of a majority of the voting members of the commission 3793
or by other means set forth in the contract between the 3794
contracting counties and municipal corporations. The standards 3795
and procedures formulated by the commission and amendments to 3796
them shall include, but need not be limited to, designation of 3797
the person in charge of the center, designation of a fiscal 3798
agent, the categories of employees to be employed at the center, 3799
the appointing authority of the center, and the standards of 3800
treatment and security to be maintained at the center. The 3801
person in charge of, and all persons employed to work at, the 3802
center shall have all the powers of police officers that are 3803
necessary for the proper performance of the duties ~~and work~~ 3804
~~responsibilities of relating to their positions at the center,~~ 3805
~~provided that the corrections officers of the center may carry~~ 3806
~~firearms in the performance of those duties and responsibilities~~ 3807
~~only in accordance with division (A) (2) of this section.~~ 3808

~~(2) The person in charge of a multicounty correctional 3809
center, or of a municipal county or multicounty municipal 3810
correctional center, may grant permission to a corrections 3811
officer of the center to carry firearms when required in the 3812
discharge of official duties if the corrections officer has 3813
successfully completed a basic firearm training program that is 3814
approved by the executive director of the Ohio peace officer 3815
training commission. A corrections officer who has been granted 3816
permission to carry firearms in the discharge of official duties 3817
annually shall successfully complete a firearms requalification 3818
program in accordance with section 109.801 of the Revised Code. 3819
A corrections officer may carry firearms under authority of this 3820
division only while the officer is acting within the scope of 3821
the officer's official duties.~~ 3822

(B) (1) Upon the establishment of a corrections commission 3823

under division (A) of this section, the judges specified in this 3824
division shall form a judicial advisory board for the purpose of 3825
making recommendations to the corrections commission on issues 3826
of bed allocation, expansion of the center that the corrections 3827
commission oversees, and other issues concerning the 3828
administration of sentences or any other matter determined to be 3829
appropriate by the board. The judges who shall form the judicial 3830
advisory board for a corrections commission are the 3831
administrative judge of the general division of the court of 3832
common pleas of each county participating in the corrections 3833
center, the presiding judge of the municipal court of each 3834
municipal corporation participating in the corrections center, 3835
and the presiding judge of each county court of each county 3836
participating in the corrections center. If the number of the 3837
foregoing members of the board is even, the county auditor or 3838
the county auditor of the most populous county if the board 3839
serves more than one county shall also be a member of the board. 3840
Any of the foregoing judges may appoint a designee to serve in 3841
the judge's place on the judicial advisory board, provided that 3842
the designee shall be a judge of the same court as the judge who 3843
makes the appointment. The judicial advisory board for a 3844
corrections commission shall meet with the corrections 3845
commission at least once each year. 3846

(2) Each board of county commissioners that enters a 3847
contract under division (A) of this section may appoint a 3848
building commission pursuant to section 153.21 of the Revised 3849
Code. If any commissions are appointed, they shall function 3850
jointly in the construction of a multicounty or multicounty- 3851
municipal correctional center with all the powers and duties 3852
authorized by law. 3853

(C) Prior to the acceptance for custody and rehabilitation 3854

into a center established under this section of any persons who 3855
are designated by the department of rehabilitation and 3856
correction, who plead guilty to or are convicted of a felony of 3857
the fourth or fifth degree, and who satisfy the other 3858
requirements listed in section 5120.161 of the Revised Code, the 3859
corrections commission of a center established under this 3860
section shall enter into an agreement with the department of 3861
rehabilitation and correction under section 5120.161 of the 3862
Revised Code for the custody and rehabilitation in the center of 3863
persons who are designated by the department, who plead guilty 3864
to or are convicted of a felony of the fourth or fifth degree, 3865
and who satisfy the other requirements listed in that section, 3866
in exchange for a per diem fee per person. Persons incarcerated 3867
in the center pursuant to an agreement entered into under this 3868
division shall be subject to supervision and control in the 3869
manner described in section 5120.161 of the Revised Code. This 3870
division does not affect the authority of a court to directly 3871
sentence a person who is convicted of or pleads guilty to a 3872
felony to the center in accordance with section 2929.16 of the 3873
Revised Code. 3874

(D) Pursuant to section 2929.37 of the Revised Code, each 3875
board of county commissioners and the legislative authority of 3876
each municipal corporation that enters into a contract under 3877
division (A) of this section may require a person who was 3878
convicted of an offense, who is under the charge of the sheriff 3879
of their county or of the officer or officers of the contracting 3880
municipal corporation or municipal corporations having charge of 3881
persons incarcerated in the municipal jail, workhouse, or other 3882
correctional facility, and who is confined in the multicounty, 3883
municipal-county, or multicounty-municipal correctional center 3884
as provided in that division, to reimburse the applicable county 3885

or municipal corporation for its expenses incurred by reason of 3886
the person's confinement in the center. 3887

(E) Notwithstanding any contrary provision in this section 3888
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 3889
corrections commission of a center may establish a policy that 3890
complies with section 2929.38 of the Revised Code and that 3891
requires any person who is not indigent and who is confined in 3892
the multicounty, municipal-county, or multicounty-municipal 3893
correctional center to pay a reception fee, a fee for medical 3894
treatment or service requested by and provided to that person, 3895
or the fee for a random drug test assessed under division (E) of 3896
section 341.26 of the Revised Code. 3897

(F) (1) The corrections commission of a center established 3898
under this section may establish a commissary for the center. 3899
The commissary may be established either in-house or by another 3900
arrangement. If a commissary is established, all persons 3901
incarcerated in the center shall receive commissary privileges. 3902
A person's purchases from the commissary shall be deducted from 3903
the person's account record in the center's business office. The 3904
commissary shall provide for the distribution to indigent 3905
persons incarcerated in the center of necessary hygiene articles 3906
and writing materials. 3907

(2) If a commissary is established, the corrections 3908
commission of a center established under this section shall 3909
establish a commissary fund for the center. The management of 3910
funds in the commissary fund shall be strictly controlled in 3911
accordance with procedures adopted by the auditor of state. 3912
Commissary fund revenue over and above operating costs and 3913
reserve shall be considered profits. All profits from the 3914
commissary fund shall be used to purchase supplies and equipment 3915

for the benefit of persons incarcerated in the center and to pay 3916
salary and benefits for employees of the center, or for any 3917
other persons, who work in or are employed for the sole purpose 3918
of providing service to the commissary. The corrections 3919
commission shall adopt rules and regulations for the operation 3920
of any commissary fund it establishes. 3921

(G) In lieu of forming a corrections commission to 3922
administer a multicounty correctional center or a municipal- 3923
county or multicounty-municipal correctional center, the boards 3924
of county commissioners and the legislative authorities of the 3925
municipal corporations contracting to establish the center may 3926
also agree to contract for the private operation and management 3927
of the center as provided in section 9.06 of the Revised Code, 3928
but only if the center houses only misdemeanor inmates. In 3929
order to enter into a contract under section 9.06 of the Revised 3930
Code, all the boards and legislative authorities establishing 3931
the center shall approve and be parties to the contract. 3932

(H) If a person who is convicted of or pleads guilty to an 3933
offense is sentenced to a term in a multicounty correctional 3934
center or a municipal-county or multicounty-municipal 3935
correctional center or is incarcerated in the center in the 3936
manner described in division (C) of this section, or if a person 3937
who is arrested for an offense, and who has been denied bail or 3938
has had bail set and has not been released on bail is confined 3939
in a multicounty correctional center or a municipal-county or 3940
multicounty-municipal correctional center pending trial, at the 3941
time of reception and at other times the officer, officers, or 3942
other person in charge of the operation of the center determines 3943
to be appropriate, the officer, officers, or other person in 3944
charge of the operation of the center may cause the convicted or 3945
accused offender to be examined and tested for tuberculosis, HIV 3946

infection, hepatitis, including but not limited to hepatitis A, 3947
B, and C, and other contagious diseases. The officer, officers, 3948
or other person in charge of the operation of the center may 3949
cause a convicted or accused offender in the center who refuses 3950
to be tested or treated for tuberculosis, HIV infection, 3951
hepatitis, including but not limited to hepatitis A, B, and C, 3952
or another contagious disease to be tested and treated 3953
involuntarily. 3954

(I) As used in this section, "multicounty-municipal" means 3955
more than one county and a municipal corporation, or more than 3956
one municipal corporation and a county, or more than one 3957
municipal corporation and more than one county. 3958

Sec. 307.932. (A) As used in this section: 3959

(1) "Division of parole and community services" means the 3960
division of parole and community services of the department of 3961
rehabilitation and correction. 3962

(2) "Eligible offender" means, in relation to a particular 3963
community alternative sentencing center or district community 3964
alternative sentencing center established and operated under 3965
this section, an offender who has been convicted of or pleaded 3966
guilty to a qualifying felony offense or a qualifying 3967
misdemeanor offense, for whom no provision of the Revised Code 3968
or ordinance of a municipal corporation other than section 3969
4511.19 of the Revised Code, both sections 4510.14 and 4511.19 3970
of the Revised Code, or an ordinance or ordinances of a 3971
municipal corporation that provide the penalties for a municipal 3972
OVI offense or for both a municipal OVI ordinance and a 3973
municipal DUS ordinance of the municipal corporation requires 3974
the imposition of a mandatory jail term for that qualifying 3975
misdemeanor offense, and who is eligible to be sentenced 3976

directly to that center and admitted to it under rules adopted 3977
under division (G) of this section by the board of county 3978
commissioners, affiliated group of boards of county 3979
commissioners, or municipal corporation that established and 3980
operates that center. "Eligible offender" also means a person 3981
who has been convicted of or pleaded guilty to a qualifying 3982
felony offense. 3983

(3) "Municipal OVI offense" has the same meaning as in 3984
section 4511.181 of the Revised Code. 3985

(4) "OVI term of confinement" means a term of confinement 3986
imposed for a violation of section 4511.19 of the Revised Code 3987
or for a municipal OVI offense, including any mandatory jail 3988
term or mandatory term of local incarceration imposed for that 3989
violation or offense. "OVI term of confinement" does not include 3990
any prison term imposed on an offender for a qualifying felony 3991
offense. 3992

(5) "Community residential sanction" means a community 3993
residential sanction imposed under section 2929.26 of the 3994
Revised Code for a misdemeanor violation of a section of the 3995
Revised Code or a term of confinement imposed for a misdemeanor 3996
violation of a municipal ordinance that is not a jail term. 3997

(6) "Qualifying misdemeanor offense" means a violation of 3998
any section of the Revised Code that is a misdemeanor or a 3999
violation of any ordinance of a municipal corporation located in 4000
the county that is a misdemeanor. 4001

(7) "Municipal DUS offense" means a violation of a 4002
municipal ordinance that is substantially equivalent to section 4003
4510.14 of the Revised Code. 4004

(8) "Qualifying felony offense" means a violation of 4005

section 4511.19 of the Revised Code that is a felony of the 4006
fourth degree or a municipal OVI offense that is substantially 4007
equivalent to a fourth degree felony violation of section 4008
4511.19 of the Revised Code. 4009

(B) (1) The board of county commissioners of any county, in 4010
consultation with the sheriff of the county, may establish a 4011
community alternative sentencing center that, upon 4012
implementation by the county or being subcontracted to or 4013
operated by a nonprofit organization, shall be used for the 4014
confinement of eligible offenders sentenced directly to the 4015
center by a court located in any county pursuant to a community 4016
residential sanction of not more than ninety days or pursuant to 4017
an OVI term of confinement of not more than ~~ninety-one hundred~~ 4018
twenty days, and for the purpose of closely monitoring those 4019
eligible offenders' adjustment to community supervision. A board 4020
that establishes a center pursuant to this division shall do so 4021
by resolution. 4022

(2) The boards of county commissioners of two or more 4023
adjoining or neighboring counties, in consultation with the 4024
sheriffs of each of those counties, may affiliate and establish 4025
by resolution adopted by each of them a district community 4026
alternative sentencing center that, upon implementation by the 4027
counties or being subcontracted to or operated by a nonprofit 4028
organization, shall be used for the confinement of eligible 4029
offenders sentenced directly to the center by a court located in 4030
any county pursuant to a community residential sanction of not 4031
more than ninety days or pursuant to an OVI term of confinement 4032
of not more than ~~ninety-one hundred twenty~~ days, and for the 4033
purpose of closely monitoring those eligible offenders' 4034
adjustment to community supervision. Each board that affiliates 4035
with one or more other boards to establish a center pursuant to 4036

this division shall do so by resolution. 4037

(3) A municipal corporation may establish a community 4038
alternative sentencing center that, upon implementation by the 4039
municipal corporation or being subcontracted to or operated by a 4040
nonprofit organization, shall be used for the confinement of 4041
eligible offenders sentenced directly to the center by a court 4042
located in any county pursuant to a community residential 4043
sanction of not more than ninety days or pursuant to an OVI term 4044
of confinement of not more than ~~ninety-one hundred twenty~~ days, 4045
and for the purpose of closely monitoring those eligible 4046
offenders' adjustment to community supervision. A municipal 4047
corporation that establishes a center pursuant to this division 4048
shall do so by resolution. 4049

(C) Each resolution establishing a community alternative 4050
sentencing center or a district community alternative sentencing 4051
center under division (B) of this section shall include 4052
provisions for operation of the center and for criteria to 4053
define which offenders are eligible to be sentenced directly to 4054
the center and admitted to it. At a minimum, the criteria that 4055
define which offenders are eligible to be sentenced directly to 4056
the center and admitted to it shall provide that an offender is 4057
eligible to be sentenced directly to the center and admitted to 4058
it if the offender has been convicted of or pleaded guilty to 4059
either a qualifying felony offense or a qualifying misdemeanor 4060
offense and is sentenced directly to the center for the 4061
~~qualifying misdemeanor~~ offense pursuant to a community 4062
residential sanction of not more than ninety days or pursuant to 4063
an OVI term of confinement of not more than ~~ninety-one hundred~~ 4064
twenty days by a court that is located in any county. 4065

(D) If a community alternative sentencing center or a 4066

district community alternative sentencing center that is 4067
established under division (B) of this section contemplates the 4068
use of an existing facility, or a part of an existing facility, 4069
as the center, nothing in this section limits, restricts, or 4070
precludes the use of the facility, the part of the facility, or 4071
any other part of the facility for any purpose other than as a 4072
community alternative sentencing center or district community 4073
alternative sentencing center. 4074

(E) If a board of county commissioners, an affiliated 4075
group of boards of county commissioners, or municipal 4076
corporation establishes and operates or subcontracts with a 4077
nonprofit organization for the operation of a community 4078
alternative sentencing center or district community alternative 4079
sentencing center under this division, except as otherwise 4080
provided in this division, the center is not a minimum security 4081
jail under section 341.14, section 753.21, or any other 4082
provision of the Revised Code, is not a jail or alternative 4083
residential facility as defined in section 2929.01 of the 4084
Revised Code, is not required to satisfy or comply with minimum 4085
standards for minimum security jails or other jails that are 4086
promulgated under division (A) of section 5120.10 of the Revised 4087
Code, is not a local detention facility as defined in section 4088
2929.36 of the Revised Code, and is not a residential unit as 4089
defined in section 2950.01 of the Revised Code. The center is a 4090
detention facility as defined in sections 2921.01 and 2923.124 4091
of the Revised Code, and an eligible offender confined in the 4092
center is under detention as defined in section 2921.01 of the 4093
Revised Code. Regarding persons sentenced directly to the center 4094
under an OVI term of confinement or under both an OVI term of 4095
confinement and confinement for a violation of section 4510.14 4096
of the Revised Code or a municipal DUS offense, the center shall 4097

be considered a ~~"jail" or "jail,"~~ "local correctional facility," 4098
or "alternative residential facility" for purposes of division 4099
(G) of section 2929.13 of the Revised Code or of any provision 4100
in section 4510.14 or 4511.19 of the Revised Code or in an 4101
ordinance of a municipal corporation that requires a mandatory 4102
jail term or mandatory term of local incarceration for the 4103
violation of section 4511.19 of the Revised Code, the violation 4104
of both sections 4510.14 and 4511.19 of the Revised Code, the 4105
municipal OVI offense, or the municipal OVI offense and the 4106
municipal DUS offense, and a direct sentence of a person to the 4107
center under an OVI term of confinement or under both an OVI 4108
term of confinement and confinement for a violation of section 4109
4510.14 of the Revised Code or a municipal DUS offense shall be 4110
considered to be a sentence to a ~~"jail" or "jail,"~~ "local 4111
correctional facility," or "alternative residential facility" 4112
for purposes of any such provision in section 2929.13, 4510.14, 4113
or 4511.19 of the Revised Code or in an ordinance of a municipal 4114
corporation. 4115

(F) (1) If the board of county commissioners of a county 4116
that is being served by a community alternative sentencing 4117
center established pursuant to this section determines that it 4118
no longer wants to be served by the center, the board may 4119
dissolve the center by adopting a resolution evidencing the 4120
determination to dissolve the center. 4121

(2) If the boards of county commissioners of all of the 4122
counties served by any district community alternative sentencing 4123
center established pursuant to this section determine that they 4124
no longer want to be served by the center, the boards may 4125
dissolve the center by adopting in each county a resolution 4126
evidencing the determination to dissolve the center. 4127

(3) If at least one, but not all, of the boards of county commissioners of the counties being served by any district community alternative sentencing center established pursuant to this section determines that it no longer wants to be served by the center, the board may terminate its involvement with the center by adopting a resolution evidencing the determination to terminate its involvement with the center. If at least one, but not all, of the boards of county commissioners of the counties being served by any community alternative sentencing center terminates its involvement with the center in accordance with this division, the other boards of county commissioners of the counties being served by the center may continue to be served by the center.

(4) If a municipal corporation that is being served by a community alternative sentencing center established pursuant to this section determines that it no longer wants to be served by the center, the municipal corporation may dissolve the center by adopting a resolution evidencing the determination to dissolve the center.

(G) Prior to operating a community alternative sentencing center or a district community alternative sentencing center, the board of county commissioners, the affiliated group of boards of county commissioners, or municipal corporation that established the center shall adopt rules for the operation of the center. The rules shall include criteria that define which offenders are eligible to be sentenced directly to the center and admitted to it.

(H) If a board of county commissioners operates or subcontracts with a nonprofit organization for the operation of a community alternative sentencing center, an affiliated group

of boards of county commissioners operates or subcontracts with 4158
a nonprofit organization for the operation of a district 4159
community alternative sentencing center, or a municipal 4160
corporation operates or subcontracts with a nonprofit 4161
organization for the operation of a community alternative 4162
sentencing center under this section, all of the following 4163
apply: 4164

(1) With the approval of the operator of the center, a 4165
court located within any county may directly sentence eligible 4166
offenders to a community alternative sentencing center or 4167
district community alternative sentencing center pursuant to a 4168
community residential sanction of not more than ninety days or 4169
pursuant to an OVI term of confinement, a combination of an OVI 4170
term of confinement and confinement for a violation of section 4171
4510.14 of the Revised Code, or confinement for a municipal DUS 4172
offense of not more than ~~ninety~~ one hundred twenty days. 4173

(2) Each eligible offender who is sentenced to the center 4174
as described in division (H) (1) of this section and admitted to 4175
it shall be offered during the eligible offender's confinement 4176
at the center educational and vocational services and reentry 4177
planning and may be offered any other treatment and 4178
rehabilitative services that are available and that the court 4179
that sentenced the particular eligible offender to the center 4180
and the administrator of the center determine are appropriate 4181
based upon the offense for which the eligible offender was 4182
sentenced to the community residential sanction and the length 4183
of the sanction. 4184

(3) Before accepting an eligible offender sentenced to the 4185
center by a court, the board, the affiliated group of boards, or 4186
the municipal corporation shall enter into an agreement with a 4187

political subdivision that operates that court that addresses 4188
the cost and payment of medical treatment or services received 4189
by eligible offenders sentenced by that court while they are 4190
confined in the center. The agreement may provide for the 4191
payment of the costs by the particular eligible offender who 4192
receives the treatment or services, as described in division (I) 4193
of this section. 4194

(4) If an eligible offender a court sentences to the 4195
center is admitted to the center, all of the following apply: 4196

(a) The admission shall be under the terms and conditions 4197
established by the court and the administrator of the center, 4198
and the court and the administrator of the center shall provide 4199
for the confinement of the eligible offender and supervise the 4200
eligible offender as provided in divisions (H) (4) (b) to (f) of 4201
this section. 4202

(b) The eligible offender shall be confined in the center 4203
during any period of time that the eligible offender is not 4204
actually working at the eligible offender's approved work 4205
release described in division (H) (4) (c) of this section, engaged 4206
in community service activities described in division (H) (4) (d) 4207
of this section, engaged in authorized vocational training or 4208
another authorized educational program, engaged in another 4209
program designated by the administrator of the center, or 4210
engaged in other activities approved by the court and the 4211
administrator of the center. 4212

(c) If the court and the administrator of the center 4213
determine that work release is appropriate based upon the 4214
offense for which the eligible offender was sentenced to the 4215
community residential sanction or OVI term of confinement and 4216
the length of the sanction or term, the eligible offender may be 4217

offered work release from confinement at the center and be 4218
released from confinement while engaged in the work release. 4219

(d) An eligible offender may not participate in community 4220
service without the court's approval. If the administrator of 4221
the center determines that community service is appropriate and 4222
if the eligible offender will be confined for more than ten days 4223
at the center, the eligible offender may be required to 4224
participate in community service activities approved by the 4225
court and by the political subdivision served by the court. 4226
Community service activities that may be required under this 4227
division may take place in facilities of the political 4228
subdivision that operates the court, in the community, or in 4229
both such locales. The eligible offender shall be released from 4230
confinement while engaged in the community service activities. 4231
Community service activities required under this division shall 4232
be supervised by the court or an official designated by the 4233
board of county commissioners or affiliated group of boards of 4234
county commissioners that established and is operating the 4235
center. Community service activities required under this 4236
division shall not exceed in duration the period for which the 4237
eligible offender will be confined at the center under the 4238
community residential sanction or the OVI term of confinement. 4239

(e) The confinement of the eligible offender in the center 4240
shall be considered for purposes of this division and division 4241
(H) (4) (f) of this section as including any period of time 4242
described in division (H) (4) (b) of this section when the 4243
eligible offender may be outside of the center and shall 4244
continue until the expiration of the community residential 4245
sanction, the OVI term of confinement, or the combination of the 4246
OVI term of confinement and the confinement for the violation of 4247
section 4510.14 of the Revised Code or the municipal DUS 4248

ordinance that the eligible offender is serving upon admission 4249
to the center. 4250

(f) After the admission and until the expiration of the 4251
community residential sanction or OVI term of confinement that 4252
the eligible offender is serving upon admission to the center, 4253
the eligible offender shall be considered for purposes of any 4254
provision in Title XXIX of the Revised Code to be serving the 4255
community residential sanction or OVI term of confinement. 4256

(5) The administrator of the center, or the 4257
administrator's designee, shall post a sign as described in 4258
section 2923.1212 of the Revised Code in a conspicuous location 4259
at the center. 4260

(I) The board of county commissioners that establishes a 4261
community alternative sentencing center under this section, the 4262
affiliated group of boards of county commissioners that 4263
establishes a district community alternative sentencing center 4264
under this section, or the municipal corporation that 4265
establishes a community alternative sentencing center under this 4266
section, may require an eligible offender who is sentenced 4267
directly to the center and admitted to it to pay to the county 4268
served by the board, the counties served by the affiliated group 4269
of boards, the municipal corporation, or the entity operating 4270
the center the reasonable expenses incurred by the county, 4271
counties, municipal corporation, or entity, whichever is 4272
applicable, in supervising or confining the eligible offender 4273
after being sentenced to the center and admitted. Inability to 4274
pay those reasonable expenses shall not be grounds for refusing 4275
to admit an otherwise eligible offender to the center. 4276

(J) (1) If an eligible offender who is directly sentenced 4277
to a community alternative sentencing center or district 4278

community alternative sentencing center and admitted to the 4279
center successfully completes the service of the community 4280
residential sanction in the center, the administrator of the 4281
center shall notify the court that imposed the sentence, and the 4282
court shall enter into the journal that the eligible offender 4283
successfully completed the service of the sanction. 4284

(2) If an eligible offender who is directly sentenced to a 4285
community alternative sentencing center or district community 4286
alternative sentencing center and admitted to the center 4287
violates any rule established under this section by the board of 4288
county commissioners or the affiliated group of boards of county 4289
commissioners that establishes the center, violates any 4290
condition of the community residential sanction, the OVI term of 4291
confinement, or the combination of the OVI term of confinement 4292
and the confinement for the violation of section 4510.14 of the 4293
Revised Code or the municipal OVI ordinance imposed by the 4294
sentencing court, or otherwise does not successfully complete 4295
the service of the community residential sanction or OVI term of 4296
confinement in the center, the administrator of the center shall 4297
report the violation or failure to successfully complete the 4298
sanction or term directly to the court or to the probation 4299
department or probation officer with general control and 4300
supervision over the eligible offender. A failure to 4301
successfully complete the service of the community residential 4302
sanction, the OVI term of confinement, or the combination of the 4303
OVI term of confinement and the confinement for the violation of 4304
section 4510.14 of the Revised Code or the municipal OVI 4305
ordinance in the center shall be considered a violation of a 4306
condition of the community residential sanction or the OVI term 4307
of confinement. If the administrator reports the violation to 4308
the probation department or probation officer, the department or 4309

officer shall report the violation to the court. Upon its receipt under this division of a report of a violation or failure to complete the sanction by a person sentenced to the center under a community residential sanction, the court may proceed as specified in division (C) (2) of section 2929.25 of the Revised Code based on the violation or as provided by ordinance of the municipal corporation based on the violation, whichever is applicable. Upon its receipt under this division of a report of a violation or failure to complete the term by a person sentenced to the center under an OVI term of confinement, the court shall determine the place at which the offender is to serve the remainder of the term of confinement. The eligible offender shall receive credit towards completing the eligible offender's sentence for the time spent in the center after admission to it.

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

(2) Except as otherwise provided in division (D) or (E) of

this section, the following records in a coroner's office are 4341
not public records: 4342

(a) Preliminary autopsy and investigative notes and 4343
findings made by the coroner or by anyone acting under the 4344
coroner's direction or supervision; 4345

(b) Photographs of a decedent made by the coroner or by 4346
anyone acting under the coroner's direction or supervision; 4347

(c) Suicide notes; 4348

(d) Medical and psychiatric records provided to the 4349
coroner, a deputy coroner, or a representative of the coroner or 4350
a deputy coroner under section 313.091 of the Revised Code; 4351

(e) Records of a deceased individual that are confidential 4352
law enforcement investigatory records as defined in section 4353
149.43 of the Revised Code; 4354

(f) Laboratory reports generated from the analysis of 4355
physical evidence by the coroner's laboratory that is 4356
discoverable under Criminal Rule 16. 4357

(3) In the coroner's discretion, photographs of a decedent 4358
may be used for medical, legal, or educational purposes. 4359

(B) All records in the coroner's office that are public 4360
records are open to inspection by the public, and any person may 4361
receive a copy of any such record or part of it upon demand in 4362
writing, accompanied by payment of a record retrieval and 4363
copying fee, at the rate of twenty-five cents per page or a 4364
minimum fee of one dollar. 4365

(C) (1) The coroner shall provide a copy of the full and 4366
complete records of the coroner with respect to a decedent to a 4367
person who makes a written request as the next of kin of the 4368

decedent. The following persons may make a request pursuant to 4369
this division as the next of kin of a decedent: 4370

(a) The surviving spouse of the decedent; 4371

(b) If there is no surviving spouse, or if the surviving 4372
spouse has died without having made a request pursuant to this 4373
division, any child of the decedent over eighteen years of age, 4374
with each child over eighteen years of age having an independent 4375
right to make a request pursuant to this division; 4376

(c) If there is no surviving spouse or child over eighteen 4377
years of age, or if the surviving spouse and all children over 4378
eighteen years of age have died without having made a request 4379
pursuant to this division, the parents of the decedent, with 4380
each parent having an independent right to make a request 4381
pursuant to this division; 4382

(d) If there is no surviving spouse, child over eighteen 4383
years of age, or parents of the decedent, or if all have died 4384
without having made a request pursuant to this division, the 4385
brothers and sisters of the decedent, whether of the whole or 4386
the half blood, with each having an independent right to make a 4387
request pursuant to this division. 4388

(2) If there is no surviving person who may make a written 4389
request as next of kin for a copy of the full and complete 4390
records of the coroner pursuant to division (C)(1) of this 4391
section, or if all next of kin of the decedent have died without 4392
having made a request pursuant to that division, the coroner 4393
shall provide a copy of the full and complete records of the 4394
coroner with respect to a decedent to the representative of the 4395
estate of the decedent who is the subject of the records upon 4396
written request made by the representative. 4397

(D) A journalist may submit to the coroner a written 4398
request to view ~~preliminary autopsy and investigative notes and~~ 4399
~~findings~~, suicide notes, ~~or~~ photographs of the decedent made by 4400
the coroner or by anyone acting under the coroner's discretion 4401
or supervision, or preliminary autopsy and investigative notes 4402
and findings but not records of a deceased individual that are 4403
confidential law enforcement investigatory records as defined in 4404
section 149.43 of the Revised Code. The request shall include 4405
the journalist's name and title and the name and address of the 4406
journalist's employer and state that the granting of the request 4407
would be in the best interest of the public. If a journalist 4408
submits a written request to the coroner to view the records 4409
described in this division, the coroner shall grant the 4410
journalist's request. The journalist shall not copy the 4411
preliminary autopsy and investigative notes and findings, 4412
suicide notes, or photographs of the decedent. 4413

(E) (1) An insurer may submit to the coroner a written 4414
request to obtain a copy of the full and complete records of the 4415
coroner with respect to a deceased person. The request shall 4416
include the name of the deceased person, the type of policy to 4417
which the written request relates, and the name and address of 4418
the insurer. 4419

(2) If an insurer submits a written request to the coroner 4420
to obtain a copy of records pursuant to division (E) (1) of this 4421
section, the coroner shall grant that request. 4422

(3) Upon the granting of a written request to obtain a 4423
copy of records by the coroner, the insurer may utilize the 4424
records for the following purposes: 4425

(a) To investigate any first party claim or third party 4426
claim asserted under a policy of insurance issued by the insurer 4427

that arises from the death of the deceased person; 4428

(b) To determine coverage for any first party claim or 4429
third party claim asserted under a policy of insurance issued by 4430
the insurer that arises from the death of the deceased person; 4431

(c) To determine the insurer's liability for any first 4432
party claim or third party claim asserted under a policy of 4433
insurance issued by the insurer that arises from the death of 4434
the deceased person. 4435

(4) Prior to the delivery of records that are the subject 4436
of a request made pursuant to division (E) (1) of this section, 4437
the coroner may require the insurer who submitted the written 4438
request for the records to provide a payment to the coroner of a 4439
record retrieval and copying fee at the rate of twenty-five 4440
cents per page or a minimum fee of one dollar. 4441

(5) Any records produced by the coroner in response to a 4442
written request under division (E) (1) of this section shall 4443
remain in the care, custody, and control of the insurer and its 4444
employees or representatives at all times. The insurer may not 4445
release or disclose the records to any other person unless any 4446
of the following apply: 4447

(a) The release of the records is reasonably necessary to 4448
further a purpose described in division (E) (3) of this section. 4449

(b) A court of competent jurisdiction orders the insurer 4450
to produce the records. 4451

(c) The insurer is required to produce the records in 4452
response to a civil or criminal subpoena. 4453

(d) The insurer is responding to a request for the records 4454
from a law enforcement agency, the department of insurance or a 4455

department of insurance from another state, or another 4456
governmental authority. 4457

(F) The coroner may contact the decedent's next of kin to 4458
inform the next of kin that a journalist or an insurer has 4459
submitted a written request pursuant to division (D) or (E) of 4460
this section and whether the coroner has granted the 4461
journalist's or the insurer's request. 4462

(G) As used in this section: 4463

(1) "Full and complete records of the coroner" includes, 4464
but is not limited to, the following: 4465

(a) The detailed descriptions of the observations written 4466
by the coroner or by anyone acting under the coroner's direction 4467
or supervision during the progress of an autopsy and the 4468
conclusions drawn from those observations that are filed in the 4469
office of the coroner under division (A) of section 313.13 of 4470
the Revised Code; 4471

(b) Preliminary autopsy and investigative notes and 4472
findings made by the coroner or by anyone acting under the 4473
coroner's direction or supervision; 4474

(c) Photographs of a decedent made by the coroner or by 4475
anyone acting under the coroner's direction or supervision; 4476

(d) Suicide notes; 4477

(e) Medical and psychiatric records provided to the 4478
coroner, a deputy coroner, or a representative of the coroner or 4479
a deputy coroner under section 313.091 of the Revised Code; 4480

(f) Records of a deceased individual that are confidential 4481
law enforcement investigatory records as defined in section 4482
149.43 of the Revised Code; 4483

(g) Laboratory reports generated from the analysis of 4484
physical evidence by the coroner's laboratory that is 4485
discoverable under Criminal Rule 16. 4486

(2) "Insurer" has the same meaning as in section 3901.07 4487
of the Revised Code. 4488

(3) "Journalist" has the same meaning as in section 149.43 4489
of the Revised Code. 4490

Sec. 341.42. (A) As used in this section: 4491

(1) "County correctional officer" has the same meaning as 4492
in section 341.41 of the Revised Code. 4493

(2) "Computer," "computer network," "computer system," 4494
"computer services," "telecommunications service," and 4495
"information service" have the same meanings as in section 4496
2913.01 of the Revised Code. 4497

(3) "County correctional facility" means a county jail, 4498
county workhouse, minimum security jail, joint city and county 4499
workhouse, municipal-county correctional center, multicounty- 4500
municipal correctional center, municipal-county jail or 4501
workhouse, or multicounty-municipal jail or workhouse. 4502

(B) No county correctional officer shall provide a 4503
prisoner access to or permit a prisoner to have access to the 4504
internet through the use of a computer, computer network, 4505
computer system, computer services, telecommunications service, 4506
or information service unless both of the following apply: 4507

(1) The prisoner is ~~participating in an approved~~ 4508
~~educational program with direct supervision that requires the~~ 4509
~~use of the internet for training or research purposes~~accessing 4510
the internet solely for a use or purpose approved by the 4511

managing officer of that prisoner's county correctional facility 4512
or by the managing officer's designee. 4513

(2) The provision of and access to the internet is in 4514
accordance with rules promulgated by the department of 4515
rehabilitation and correction pursuant to section 5120.62 of the 4516
Revised Code. 4517

(C) (1) No prisoner in a county correctional facility under 4518
the control of a county shall access the internet through the 4519
use of a computer, computer network, computer system, computer 4520
services, telecommunications service, or information service 4521
unless both of the following apply: 4522

(a) The prisoner is ~~participating in an approved~~ 4523
~~educational program with direct supervision that requires the~~ 4524
~~use of the internet for training or research purposes~~accessing 4525
the internet solely for a use or purpose approved by the 4526
managing officer of that prisoner's county correctional facility 4527
or by the managing officer's designee. 4528

(b) The provision of and access to the internet is in 4529
accordance with rules promulgated by the department of 4530
rehabilitation and correction pursuant to section 5120.62 of the 4531
Revised Code. 4532

(2) Whoever violates division (C) (1) of this section is 4533
guilty of improper internet access, a misdemeanor of the first 4534
degree. 4535

Sec. 753.32. (A) As used in this section: 4536

(1) "Municipal correctional officer" has the same meaning 4537
as in section 753.31 of the Revised Code. 4538

(2) "Computer," "computer network," "computer system," 4539

"computer services," "telecommunications service," and 4540
"information service" have the same meanings as in section 4541
2913.01 of the Revised Code. 4542

(3) "Municipal correctional facility" means a municipal 4543
jail, municipal workhouse, minimum security jail, joint city and 4544
county workhouse, municipal-county correctional center, 4545
multicounty-municipal correctional center, municipal-county jail 4546
or workhouse, or multicounty-municipal jail or workhouse. 4547

(B) No municipal correctional officer shall provide a 4548
prisoner access to or permit a prisoner to have access to the 4549
internet through the use of a computer, computer network, 4550
computer system, computer services, telecommunications service, 4551
or information service unless both of the following apply: 4552

(1) The prisoner is ~~participating in an approved~~ 4553
~~educational program with direct supervision that requires the~~ 4554
~~use of the internet for training or research purposes~~accessing 4555
the internet solely for a use or purpose approved by the 4556
managing officer of that prisoner's municipal correctional 4557
facility or by the managing officer's designee. 4558

(2) The provision of and access to the internet is in 4559
accordance with rules promulgated by the department of 4560
rehabilitation and correction pursuant to section 5120.62 of the 4561
Revised Code. 4562

(C) (1) No prisoner in a municipal correctional facility 4563
under the control of a municipal corporation shall access the 4564
internet through the use of a computer, computer network, 4565
computer system, computer services, telecommunications service, 4566
or information service unless both of the following apply: 4567

(a) The prisoner is ~~participating in an approved~~ 4568

~~educational program with direct supervision that requires the~~ 4569
~~use of the internet for training or research purposes~~ 4570
accessing
the internet solely for a use or purpose approved by the 4571
managing officer of that prisoner's municipal correctional 4572
facility or by the managing officer's designee. 4573

(b) The provision of and access to the internet is in 4574
accordance with rules promulgated by the department of 4575
rehabilitation and correction pursuant to section 5120.62 of the 4576
Revised Code. 4577

(2) Whoever violates division (C) (1) of this section is 4578
guilty of improper internet access, a misdemeanor of the first 4579
degree. 4580

Sec. 1547.11. (A) No person shall operate or be in 4581
physical control of any vessel underway or shall manipulate any 4582
water skis, aquaplane, or similar device on the waters in this 4583
state if, at the time of the operation, control, or 4584
manipulation, any of the following applies: 4585

(1) The person is under the influence of alcohol, a drug 4586
of abuse, or a combination of them. 4587

(2) The person has a concentration of eight-hundredths of 4588
one per cent or more by weight of alcohol per unit volume in the 4589
person's whole blood. 4590

(3) The person has a concentration of ninety-six- 4591
thousandths of one per cent or more by weight per unit volume of 4592
alcohol in the person's blood serum or plasma. 4593

(4) The person has a concentration of eleven-hundredths of 4594
one gram or more by weight of alcohol per one hundred 4595
milliliters of the person's urine. 4596

(5) The person has a concentration of eight-hundredths of 4597
one gram or more by weight of alcohol per two hundred ten liters 4598
of the person's breath. 4599

(6) Except as provided in division (H) of this section, 4600
the person has a concentration of any of the following 4601
controlled substances or metabolites of a controlled substance 4602
in the person's whole blood, blood serum or plasma, or urine 4603
that equals or exceeds any of the following: 4604

(a) The person has a concentration of amphetamine in the 4605
person's urine of at least five hundred nanograms of amphetamine 4606
per milliliter of the person's urine or has a concentration of 4607
amphetamine in the person's whole blood or blood serum or plasma 4608
of at least one hundred nanograms of amphetamine per milliliter 4609
of the person's whole blood or blood serum or plasma. 4610

(b) The person has a concentration of cocaine in the 4611
person's urine of at least one hundred fifty nanograms of 4612
cocaine per milliliter of the person's urine or has a 4613
concentration of cocaine in the person's whole blood or blood 4614
serum or plasma of at least fifty nanograms of cocaine per 4615
milliliter of the person's whole blood or blood serum or plasma. 4616

(c) The person has a concentration of cocaine metabolite 4617
in the person's urine of at least one hundred fifty nanograms of 4618
cocaine metabolite per milliliter of the person's urine or has a 4619
concentration of cocaine metabolite in the person's whole blood 4620
or blood serum or plasma of at least fifty nanograms of cocaine 4621
metabolite per milliliter of the person's whole blood or blood 4622
serum or plasma. 4623

(d) The person has a concentration of heroin in the 4624
person's urine of at least two thousand nanograms of heroin per 4625

milliliter of the person's urine or has a concentration of 4626
heroin in the person's whole blood or blood serum or plasma of 4627
at least fifty nanograms of heroin per milliliter of the 4628
person's whole blood or blood serum or plasma. 4629

(e) The person has a concentration of heroin metabolite 4630
(6-monoacetyl morphine) in the person's urine of at least ten 4631
nanograms of heroin metabolite (6-monoacetyl morphine) per 4632
milliliter of the person's urine or has a concentration of 4633
heroin metabolite (6-monoacetyl morphine) in the person's whole 4634
blood or blood serum or plasma of at least ten nanograms of 4635
heroin metabolite (6-monoacetyl morphine) per milliliter of the 4636
person's whole blood or blood serum or plasma. 4637

(f) The person has a concentration of L.S.D. in the 4638
person's urine of at least twenty-five nanograms of L.S.D. per 4639
milliliter of the person's urine or has a concentration of 4640
L.S.D. in the person's whole blood or blood serum or plasma of 4641
at least ten nanograms of L.S.D. per milliliter of the person's 4642
whole blood or blood serum or plasma. 4643

(g) The person has a concentration of marihuana in the 4644
person's urine of at least ten nanograms of marihuana per 4645
milliliter of the person's urine or has a concentration of 4646
marihuana in the person's whole blood or blood serum or plasma 4647
of at least two nanograms of marihuana per milliliter of the 4648
person's whole blood or blood serum or plasma. 4649

(h) The state board of pharmacy has adopted a rule 4650
pursuant to section 4729.041 of the Revised Code that specifies 4651
the amount of salvia divinorum and the amount of salvinorin A 4652
that constitute concentrations of salvia divinorum and 4653
salvinorin A in a person's urine, in a person's whole blood, or 4654
in a person's blood serum or plasma at or above which the person 4655

is impaired for purposes of operating or being in physical 4656
control of any vessel underway or manipulating any water skis, 4657
aquaplane, or similar device on the waters of this state, the 4658
rule is in effect, and the person has a concentration of salvia 4659
divinorum or salvinorin A of at least that amount so specified 4660
by rule in the person's urine, in the person's whole blood, or 4661
in the person's blood serum or plasma. 4662

(i) Either of the following applies: 4663

(i) The person is under the influence of alcohol, a drug 4664
of abuse, or a combination of them, and, as measured by gas 4665
chromatography mass spectrometry, the person has a concentration 4666
of marihuana metabolite in the person's urine of at least 4667
fifteen nanograms of marihuana metabolite per milliliter of the 4668
person's urine or has a concentration of marihuana metabolite in 4669
the person's whole blood or blood serum or plasma of at least 4670
five nanograms of marihuana metabolite per milliliter of the 4671
person's whole blood or blood serum or plasma. 4672

(ii) As measured by gas chromatography mass spectrometry, 4673
the person has a concentration of marihuana metabolite in the 4674
person's urine of at least thirty-five nanograms of marihuana 4675
metabolite per milliliter of the person's urine or has a 4676
concentration of marihuana metabolite in the person's whole 4677
blood or blood serum or plasma of at least fifty nanograms of 4678
marihuana metabolite per milliliter of the person's whole blood 4679
or blood serum or plasma. 4680

(j) The person has a concentration of methamphetamine in 4681
the person's urine of at least five hundred nanograms of 4682
methamphetamine per milliliter of the person's urine or has a 4683
concentration of methamphetamine in the person's whole blood or 4684
blood serum or plasma of at least one hundred nanograms of 4685

methamphetamine per milliliter of the person's whole blood or 4686
blood serum or plasma. 4687

(k) The person has a concentration of phencyclidine in the 4688
person's urine of at least twenty-five nanograms of 4689
phencyclidine per milliliter of the person's urine or has a 4690
concentration of phencyclidine in the person's whole blood or 4691
blood serum or plasma of at least ten nanograms of phencyclidine 4692
per milliliter of the person's whole blood or blood serum or 4693
plasma. 4694

(B) No person under twenty-one years of age shall operate 4695
or be in physical control of any vessel underway or shall 4696
manipulate any water skis, aquaplane, or similar device on the 4697
waters in this state if, at the time of the operation, control, 4698
or manipulation, any of the following applies: 4699

(1) The person has a concentration of at least two- 4700
hundredths of one per cent, but less than eight-hundredths of 4701
one per cent by weight per unit volume of alcohol in the 4702
person's whole blood. 4703

(2) The person has a concentration of at least three- 4704
hundredths of one per cent but less than ninety-six-thousandths 4705
of one per cent by weight per unit volume of alcohol in the 4706
person's blood serum or plasma. 4707

(3) The person has a concentration of at least twenty- 4708
eight one-thousandths of one gram, but less than eleven- 4709
hundredths of one gram by weight of alcohol per one hundred 4710
milliliters of the person's urine. 4711

(4) The person has a concentration of at least two- 4712
hundredths of one gram, but less than eight-hundredths of one 4713
gram by weight of alcohol per two hundred ten liters of the 4714

person's breath. 4715

(C) In any proceeding arising out of one incident, a 4716
person may be charged with a violation of division (A) (1) and a 4717
violation of division (B) (1), (2), (3), or (4) of this section, 4718
but the person shall not be convicted of more than one violation 4719
of those divisions. 4720

(D) (1) (a) In any criminal prosecution or juvenile court 4721
proceeding for a violation of division (A) or (B) of this 4722
section or for an equivalent offense that is watercraft-related, 4723
the result of any test of any blood or urine withdrawn and 4724
analyzed at any health care provider, as defined in section 4725
2317.02 of the Revised Code, may be admitted with expert 4726
testimony to be considered with any other relevant and competent 4727
evidence in determining the guilt or innocence of the defendant. 4728

(b) In any criminal prosecution or juvenile court 4729
proceeding for a violation of division (A) or (B) of this 4730
section or for an equivalent offense that is watercraft-related, 4731
the court may admit evidence on the concentration of alcohol, 4732
drugs of abuse, controlled substances, metabolites of a 4733
controlled substance, or a combination of them in the 4734
defendant's or child's whole blood, blood serum or plasma, 4735
urine, or breath at the time of the alleged violation as shown 4736
by chemical analysis of the substance withdrawn, or specimen 4737
taken within three hours of the time of the alleged violation. 4738
The three-hour time limit specified in this division regarding 4739
the admission of evidence does not extend or affect the two-hour 4740
time limit specified in division (C) of section 1547.111 of the 4741
Revised Code as the maximum period of time during which a person 4742
may consent to a chemical test or tests as described in that 4743
section. The court may admit evidence on the concentration of 4744

alcohol, drugs of abuse, or a combination of them as described 4745
in this division when a person submits to a blood, breath, 4746
urine, or other bodily substance test at the request of a law 4747
enforcement officer under section 1547.111 of the Revised Code 4748
or a blood or urine sample is obtained pursuant to a search 4749
warrant. Only a physician, a registered nurse, an emergency 4750
medical technician-intermediate, an emergency medical 4751
technician-paramedic, or a qualified technician, chemist, or 4752
phlebotomist shall withdraw blood for the purpose of determining 4753
the alcohol, drug, controlled substance, metabolite of a 4754
controlled substance, or combination content of the whole blood, 4755
blood serum, or blood plasma. This limitation does not apply to 4756
the taking of breath or urine specimens. A person authorized to 4757
withdraw blood under this division may refuse to withdraw blood 4758
under this division if, in that person's opinion, the physical 4759
welfare of the defendant or child would be endangered by 4760
withdrawing blood. 4761

The whole blood, blood serum or plasma, urine, or breath 4762
withdrawn under division (D) (1) (b) of this section shall be 4763
analyzed in accordance with methods approved by the director of 4764
health by an individual possessing a valid permit issued by the 4765
director pursuant to section 3701.143 of the Revised Code. 4766

(2) In a criminal prosecution or juvenile court proceeding 4767
for a violation of division (A) of this section or for an 4768
equivalent offense that is watercraft-related, if there was at 4769
the time the bodily substance was taken a concentration of less 4770
than the applicable concentration of alcohol specified for a 4771
violation of division (A) (2), (3), (4), or (5) of this section 4772
or less than the applicable concentration of a listed controlled 4773
substance or a listed metabolite of a controlled substance 4774
specified for a violation of division (A) (6) of this section, 4775

that fact may be considered with other competent evidence in 4776
determining the guilt or innocence of the defendant or in making 4777
an adjudication for the child. This division does not limit or 4778
affect a criminal prosecution or juvenile court proceeding for a 4779
violation of division (B) of this section or for a violation of 4780
a prohibition that is substantially equivalent to that division. 4781

(3) Upon the request of the person who was tested, the 4782
results of the chemical test shall be made available to the 4783
person or the person's attorney immediately upon completion of 4784
the test analysis. 4785

If the chemical test was administered pursuant to division 4786
(D) (1) (b) of this section, the person tested may have a 4787
physician, a registered nurse, or a qualified technician, 4788
chemist, or phlebotomist of the person's own choosing administer 4789
a chemical test or tests in addition to any administered at the 4790
direction of a law enforcement officer, and shall be so advised. 4791
The failure or inability to obtain an additional test by a 4792
person shall not preclude the admission of evidence relating to 4793
the test or tests taken at the direction of a law enforcement 4794
officer. 4795

(E) (1) In any criminal prosecution or juvenile court 4796
proceeding for a violation of division (A) or (B) of this 4797
section, of a municipal ordinance relating to operating or being 4798
in physical control of any vessel underway or to manipulating 4799
any water skis, aquaplane, or similar device on the waters of 4800
this state while under the influence of alcohol, a drug of 4801
abuse, or a combination of them, or of a municipal ordinance 4802
relating to operating or being in physical control of any vessel 4803
underway or to manipulating any water skis, aquaplane, or 4804
similar device on the waters of this state with a prohibited 4805

concentration of alcohol, a controlled substance, or a 4806
metabolite of a controlled substance in the whole blood, blood 4807
serum or plasma, breath, or urine, if a law enforcement officer 4808
has administered a field sobriety test to the operator or person 4809
found to be in physical control of the vessel underway involved 4810
in the violation or the person manipulating the water skis, 4811
aquaplane, or similar device involved in the violation and if it 4812
is shown by clear and convincing evidence that the officer 4813
administered the test in substantial compliance with the testing 4814
standards for reliable, credible, and generally accepted field 4815
sobriety tests for vehicles that were in effect at the time the 4816
tests were administered, including, but not limited to, any 4817
testing standards then in effect that have been set by the 4818
national highway traffic safety administration, that by their 4819
nature are not clearly inapplicable regarding the operation or 4820
physical control of vessels underway or the manipulation of 4821
water skis, aquaplanes, or similar devices, all of the following 4822
apply: 4823

(a) The officer may testify concerning the results of the 4824
field sobriety test so administered. 4825

(b) The prosecution may introduce the results of the field 4826
sobriety test so administered as evidence in any proceedings in 4827
the criminal prosecution or juvenile court proceeding. 4828

(c) If testimony is presented or evidence is introduced 4829
under division (E) (1) (a) or (b) of this section and if the 4830
testimony or evidence is admissible under the Rules of Evidence, 4831
the court shall admit the testimony or evidence, and the trier 4832
of fact shall give it whatever weight the trier of fact 4833
considers to be appropriate. 4834

(2) Division (E) (1) of this section does not limit or 4835

preclude a court, in its determination of whether the arrest of 4836
a person was supported by probable cause or its determination of 4837
any other matter in a criminal prosecution or juvenile court 4838
proceeding of a type described in that division, from 4839
considering evidence or testimony that is not otherwise 4840
disallowed by division (E) (1) of this section. 4841

(F) (1) Subject to division (F) (3) of this section, in any 4842
criminal prosecution or juvenile court proceeding for a 4843
violation of division (A) or (B) of this section or for an 4844
equivalent offense that is substantially equivalent to either of 4845
those divisions, the court shall admit as prima-facie evidence a 4846
laboratory report from any laboratory personnel issued a permit 4847
by the department of health authorizing an analysis as described 4848
in this division that contains an analysis of the whole blood, 4849
blood serum or plasma, breath, urine, or other bodily substance 4850
tested and that contains all of the information specified in 4851
this division. The laboratory report shall contain all of the 4852
following: 4853

(a) The signature, under oath, of any person who performed 4854
the analysis; 4855

(b) Any findings as to the identity and quantity of 4856
alcohol, a drug of abuse, a controlled substance, a metabolite 4857
of a controlled substance, or a combination of them that was 4858
found; 4859

(c) A copy of a notarized statement by the laboratory 4860
director or a designee of the director that contains the name of 4861
each certified analyst or test performer involved with the 4862
report, the analyst's or test performer's employment 4863
relationship with the laboratory that issued the report, and a 4864
notation that performing an analysis of the type involved is 4865

part of the analyst's or test performer's regular duties; 4866

(d) An outline of the analyst's or test performer's 4867
education, training, and experience in performing the type of 4868
analysis involved and a certification that the laboratory 4869
satisfies appropriate quality control standards in general and, 4870
in this particular analysis, under rules of the department of 4871
health. 4872

(2) Notwithstanding any other provision of law regarding 4873
the admission of evidence, a report of the type described in 4874
division (F)(1) of this section is not admissible against the 4875
defendant or child to whom it pertains in any proceeding, other 4876
than a preliminary hearing or a grand jury proceeding, unless 4877
the prosecutor has served a copy of the report on the 4878
defendant's or child's attorney or, if the defendant or child 4879
has no attorney, on the defendant or child. 4880

(3) A report of the type described in division (F)(1) of 4881
this section shall not be prima-facie evidence of the contents, 4882
identity, or amount of any substance if, within seven days after 4883
the defendant or child to whom the report pertains or the 4884
defendant's or child's attorney receives a copy of the report, 4885
the defendant or child or the defendant's or child's attorney 4886
demands the testimony of the person who signed the report. The 4887
judge in the case may extend the seven-day time limit in the 4888
interest of justice. 4889

(G) Except as otherwise provided in this division, any 4890
physician, registered nurse, emergency medical technician- 4891
intermediate, emergency medical technician-paramedic, or 4892
qualified technician, chemist, or phlebotomist who withdraws 4893
blood from a person pursuant to this section or section 1547.111 4894
of the Revised Code, and a hospital, first-aid station, or 4895

clinic at which blood is withdrawn from a person pursuant to 4896
this section or section 1547.111 of the Revised Code, is immune 4897
from criminal and civil liability based upon a claim of assault 4898
and battery or any other claim that is not a claim of 4899
malpractice, for any act performed in withdrawing blood from the 4900
person. The immunity provided in this division also extends to 4901
an emergency medical service organization that employs an 4902
emergency medical technician-intermediate~~7~~ or an emergency 4903
medical technician-paramedic who withdraws blood under this 4904
section. The immunity provided in this division is not available 4905
to a person who withdraws blood if the person engages in willful 4906
or wanton misconduct. 4907

(H) Division (A) (6) of this section does not apply to a 4908
person who operates or is in physical control of a vessel 4909
underway or manipulates any water skis, aquaplane, or similar 4910
device while the person has a concentration of a listed 4911
controlled substance or a listed metabolite of a controlled 4912
substance in the person's whole blood, blood serum or plasma, or 4913
urine that equals or exceeds the amount specified in that 4914
division, if both of the following apply: 4915

(1) The person obtained the controlled substance pursuant 4916
to a prescription issued by a licensed health professional 4917
authorized to prescribe drugs. 4918

(2) The person injected, ingested, or inhaled the 4919
controlled substance in accordance with the health 4920
professional's directions. 4921

(I) As used in this section and section 1547.111 of the 4922
Revised Code: 4923

(1) "Equivalent offense" has the same meaning as in 4924

section 4511.181 of the Revised Code. 4925

(2) "National highway traffic safety administration" has 4926
the same meaning as in section 4511.19 of the Revised Code. 4927

(3) "Operate" means that a vessel is being used on the 4928
waters in this state when the vessel is not securely affixed to 4929
a dock or to shore or to any permanent structure to which the 4930
vessel has the right to affix or that a vessel is not anchored 4931
in a designated anchorage area or boat camping area that is 4932
established by the United States coast guard, this state, or a 4933
political subdivision and in which the vessel has the right to 4934
anchor. 4935

(4) "Controlled substance" and "marihuana" have the same 4936
meanings as in section 3719.01 of the Revised Code. 4937

(5) "Cocaine" and "L.S.D." have the same meanings as in 4938
section 2925.01 of the Revised Code. 4939

(6) "Equivalent offense that is watercraft-related" means 4940
an equivalent offense that is one of the following: 4941

(a) A violation of division (A) ~~or (B)~~ of this section; 4942

(b) A violation of a municipal ordinance prohibiting a 4943
person from operating or being in physical control of any vessel 4944
underway or from manipulating any water skis, aquaplane, or 4945
similar device on the waters of this state while under the 4946
influence of alcohol, a drug of abuse, or a combination of them 4947
or prohibiting a person from operating or being in physical 4948
control of any vessel underway or from manipulating any water 4949
skis, aquaplane, or similar device on the waters of this state 4950
with a prohibited concentration of alcohol, a controlled 4951
substance, or a metabolite of a controlled substance in the 4952
whole blood, blood serum or plasma, breath, or urine; 4953

(c) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) ~~or (B)~~ of this section;

(d) A violation of a former law of this state that was substantially equivalent to division (A) ~~or (B)~~ of this section.

(7) "Emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

Sec. 1547.111. (A) (1) (a) Any person who operates or is in physical control of a vessel or manipulates any water skis, aquaplane, or similar device upon any waters in this state shall be deemed to have given consent to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for operating or being in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance.

(b) The test or tests under division (A) (1) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance. The law enforcement agency by which the officer is employed shall designate which test or tests shall be administered.

(2) Any person who is dead or unconscious or who otherwise 4983
is in a condition rendering the person incapable of refusal 4984
shall be deemed to have consented as provided in division (A) (1) 4985
of this section, and the test or tests may be administered, 4986
subject to sections 313.12 to 313.16 of the Revised Code. 4987

(B) (1) If a law enforcement officer arrests a person for 4988
operating or being in physical control of a vessel or 4989
manipulating any water skis, aquaplane, or similar device in 4990
violation of section 1547.11 of the Revised Code or a 4991
substantially equivalent municipal ordinance and if the person 4992
previously has been convicted of or pleaded guilty to two or 4993
more violations of division (A) of section 1547.11 of the 4994
Revised Code or other equivalent offenses, the law enforcement 4995
officer shall request the person to submit, and the person shall 4996
submit, to a chemical test or tests of the person's whole blood, 4997
blood serum or plasma, breath, or urine for the purpose of 4998
determining the alcohol, drug of abuse, controlled substance, 4999
metabolite of a controlled substance, or combination content of 5000
the person's whole blood, blood serum or plasma, breath, or 5001
urine. A law enforcement officer who makes a request pursuant to 5002
this division that a person submit to a chemical test or tests 5003
is not required to advise the person of the consequences of 5004
refusing to submit to the test or tests and is not required to 5005
give the person the form described in division (C) of this 5006
section, but the officer shall advise the person at the time of 5007
the arrest that if the person refuses to take a chemical test 5008
the officer may employ whatever reasonable means are necessary 5009
to ensure that the person submits to a chemical test of the 5010
person's whole blood or blood serum or plasma. The officer shall 5011
also advise the person at the time of the arrest that the person 5012
may have an independent chemical test taken at the person's own 5013

expense. The advice shall be in written form prescribed by the 5014
chief of the division of parks and watercraft and shall be read 5015
to the person. The form shall contain a statement that the form 5016
was shown to the person under arrest and read to the person by 5017
the arresting officer. The reading of the form shall be 5018
witnessed by one or more persons, and the witnesses shall 5019
certify to this fact by signing the form. Divisions (A) (1) (b) 5020
and (A) (2) of this section apply to the administration of a 5021
chemical test or tests pursuant to this division. 5022

(2) If a person refuses to submit to a chemical test upon 5023
a request made pursuant to division (B) (1) of this section, the 5024
law enforcement officer who made the request may employ whatever 5025
reasonable means are necessary to ensure that the person submits 5026
to a chemical test of the person's whole blood or blood serum or 5027
plasma. A law enforcement officer who acts pursuant to this 5028
division to ensure that a person submits to a chemical test of 5029
the person's whole blood or blood serum or plasma is immune from 5030
criminal and civil liability based upon a claim for assault and 5031
battery or any other claim for the acts, unless the officer so 5032
acted with malicious purpose, in bad faith, or in a wanton or 5033
reckless manner. 5034

(C) Except as provided in division (B) of this section, 5035
any person under arrest for violating section 1547.11 of the 5036
Revised Code or a substantially equivalent municipal ordinance 5037
shall be advised of the consequences of refusing to submit to a 5038
chemical test or tests designated as provided in division (A) of 5039
this section. The advice shall be in a written form prescribed 5040
by the chief of the division of parks and watercraft and shall 5041
be read to the person. The form shall contain a statement that 5042
the form was shown to the person under arrest and read to the 5043
person by the arresting officer. The reading of the form shall 5044

be witnessed by one or more persons, and the witnesses shall 5045
certify to this fact by signing the form. The person must submit 5046
to the chemical test or tests, subsequent to the request of the 5047
arresting officer, within two hours of the time of the alleged 5048
violation, and if the person does not submit to the test or 5049
tests within that two-hour time limit, the failure to submit 5050
automatically constitutes a refusal to submit to the test or 5051
tests. 5052

(D) Except as provided in division (B) of this section, if 5053
a law enforcement officer asks a person under arrest for 5054
violating section 1547.11 of the Revised Code or a substantially 5055
equivalent municipal ordinance to submit to a chemical test or 5056
tests as provided in division (A) of this section, if the 5057
arresting officer advises the person of the consequences of the 5058
person's refusal as provided in division (C) of this section, 5059
and if the person refuses to submit, no chemical test shall be 5060
given. Upon receipt of a sworn statement of the officer that the 5061
arresting law enforcement officer had reasonable grounds to 5062
believe the arrested person violated section 1547.11 of the 5063
Revised Code or a substantially equivalent municipal ordinance 5064
and that the person refused to submit to the chemical test upon 5065
the request of the officer, and upon receipt of the form as 5066
provided in division (C) of this section certifying that the 5067
arrested person was advised of the consequences of the refusal, 5068
the chief of the division of parks and watercraft shall inform 5069
the person by written notice that the person is prohibited from 5070
operating or being in physical control of a vessel, from 5071
manipulating any water skis, aquaplane, or similar device, and 5072
from registering any watercraft in accordance with section 5073
1547.54 of the Revised Code, for one year following the date of 5074
the alleged violation. The suspension of these operation, 5075

physical control, manipulation, and registration privileges 5076
shall continue for the entire one-year period, subject to review 5077
as provided in this section. 5078

If the person under arrest is the owner of the vessel 5079
involved in the alleged violation, the law enforcement officer 5080
who arrested the person shall seize the watercraft registration 5081
certificate and tags from the vessel involved in the violation 5082
and forward them to the chief. The chief shall retain the 5083
impounded registration certificate and tags and shall impound 5084
all other registration certificates and tags issued to the 5085
person in accordance with sections 1547.54 and 1547.57 of the 5086
Revised Code, for a period of one year following the date of the 5087
alleged violation, subject to review as provided in this 5088
section. 5089

If the arrested person fails to surrender the registration 5090
certificate because it is not on the person of the arrested 5091
person or in the watercraft, the law enforcement officer who 5092
made the arrest shall order the person to surrender it within 5093
twenty-four hours to the law enforcement officer or the law 5094
enforcement agency that employs the law enforcement officer. If 5095
the person fails to do so, the law enforcement officer shall 5096
notify the chief of that fact in the statement the officer 5097
submits to the chief under this division. 5098

(E) Upon suspending a person's operation, physical 5099
control, manipulation, and registration privileges in accordance 5100
with division (D) of this section, the chief shall notify the 5101
person in writing, at the person's last known address, and 5102
inform the person that the person may petition for a hearing in 5103
accordance with division (F) of this section. If a person whose 5104
operation, physical control, manipulation, and registration 5105

privileges have been suspended petitions for a hearing or 5106
appeals any adverse decision, the suspension shall begin at the 5107
termination of any hearing or appeal unless the hearing or 5108
appeal results in a decision favorable to the person. 5109

(F) Any person who has been notified by the chief that the 5110
person is prohibited from operating or being in physical control 5111
of a vessel or manipulating any water skis, aquaplane, or 5112
similar device and from registering any watercraft in accordance 5113
with section 1547.54 of the Revised Code, or who has had the 5114
registration certificate and tags of the person's watercraft 5115
impounded pursuant to division (D) of this section, within 5116
twenty days of the notification or impoundment, may file a 5117
petition in the municipal court or the county court, or if the 5118
person is a minor in juvenile court, with jurisdiction over the 5119
place at which the arrest occurred, agreeing to pay the cost of 5120
the proceedings and alleging error in the action taken by the 5121
chief under division (D) of this section or alleging one or more 5122
of the matters within the scope of the hearing as provided in 5123
this section, or both. The petitioner shall notify the chief of 5124
the filing of the petition and send the chief a copy of the 5125
petition. 5126

The scope of the hearing is limited to the issues of 5127
whether the law enforcement officer had reasonable grounds to 5128
believe the petitioner was operating or in physical control of a 5129
vessel or manipulating any water skis, aquaplane, or similar 5130
device in violation of section 1547.11 of the Revised Code or a 5131
substantially equivalent municipal ordinance, whether the 5132
petitioner was placed under arrest, whether the petitioner 5133
refused to submit to the chemical test upon request of the 5134
officer, and whether the petitioner was advised of the 5135
consequences of the petitioner's refusal. 5136

(G) (1) The chief shall furnish the court a copy of the affidavit as provided in division (C) of this section and any other relevant information requested by the court.

(2) In hearing the matter and in determining whether the person has shown error in the decision taken by the chief as provided in division (D) of this section, the court shall decide the issue upon the relevant, competent, and material evidence submitted by the chief or the person whose operation, physical control, manipulation, and registration privileges have been suspended.

In the proceedings, the chief shall be represented by the prosecuting attorney of the county in which the petition is filed if the petition is filed in a county court or juvenile court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the chief. If the petition is filed in the municipal court, the chief shall be represented as provided in section 1901.34 of the Revised Code.

(3) If the court finds from the evidence submitted that the person has failed to show error in the action taken by the chief under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, the court shall assess the cost of the proceeding against the person and shall uphold the suspension of the operation, physical control, use, and registration privileges provided in division (D) of this section. If the court finds that the person has shown error in the action taken by the chief under division (D) of this section or in one or more of the matters within the scope of the hearing

as provided in division (F) of this section, or both, the cost 5167
of the proceedings shall be paid out of the county treasury of 5168
the county in which the proceedings were held, the chief shall 5169
reinstate the operation, physical control, manipulation, and 5170
registration privileges of the person without charge, and the 5171
chief shall return the registration certificate and tags, if 5172
impounded, without charge. 5173

(4) The court shall give information in writing of any 5174
action taken under this section to the chief. 5175

(H) At the end of any period of suspension or impoundment 5176
imposed under this section, and upon request of the person whose 5177
operation, physical control, use, and registration privileges 5178
were suspended or whose registration certificate and tags were 5179
impounded, the chief shall reinstate the person's operation, 5180
physical control, manipulation, and registration privileges by 5181
written notice and return the certificate and tags. 5182

(I) No person who has received written notice from the 5183
chief that the person is prohibited from operating or being in 5184
physical control of a vessel, from manipulating any water skis, 5185
aquaplane, or similar device, and from registering a watercraft, 5186
or who has had the registration certificate and tags of the 5187
person's watercraft impounded, in accordance with division (D) 5188
of this section, shall operate or be in physical control of a 5189
vessel or manipulate any water skis, aquaplane, or similar 5190
device for a period of one year following the date of the 5191
person's alleged violation of section 1547.11 of the Revised 5192
Code or the substantially equivalent municipal ordinance. 5193

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 5194
Revised Code is guilty of a felony of the fourth degree. 5195

(B) Whoever violates division (F) of section 1547.08, 5196
section 1547.10, division (I) of section 1547.111, section 5197
1547.13, or section 1547.66 of the Revised Code is guilty of a 5198
misdemeanor of the first degree. 5199

(C) Whoever violates a provision of this chapter or a 5200
rule, for which no penalty is otherwise provided, is guilty of a 5201
minor misdemeanor. 5202

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 5203
of the Revised Code without causing injury to persons or damage 5204
to property is guilty of a misdemeanor of the fourth degree. 5205

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 5206
of the Revised Code causing injury to persons or damage to 5207
property is guilty of a misdemeanor of the third degree. 5208

(F) Whoever violates division (N) of section 1547.54, 5209
division (G) of section 1547.30, or section 1547.131, 1547.25, 5210
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 5211
of the Revised Code or a rule is guilty of a misdemeanor of the 5212
fourth degree. 5213

(G) Whoever violates section 1547.11 of the Revised Code 5214
is guilty of a misdemeanor of the first degree and shall be 5215
punished as provided in division (G) (1), (2), or (3) of this 5216
section. 5217

(1) Except as otherwise provided in division (G) (2) or (3) 5218
of this section, the court shall sentence the offender to a jail 5219
term of three consecutive days and may sentence the offender 5220
pursuant to section 2929.24 of the Revised Code to a longer jail 5221
term. In addition, the court shall impose upon the offender a 5222
fine of not less than one hundred fifty nor more than one 5223
thousand dollars. 5224

The court may suspend the execution of the mandatory jail 5225
term of three consecutive days that it is required to impose by 5226
division (G) (1) of this section if the court, in lieu of the 5227
suspended jail term, places the offender under a community 5228
control sanction pursuant to section 2929.25 of the Revised Code 5229
and requires the offender to attend, for three consecutive days, 5230
a drivers' intervention program that is certified pursuant to 5231
section 5119.38 of the Revised Code. The court also may suspend 5232
the execution of any part of the mandatory jail term of three 5233
consecutive days that it is required to impose by division (G) 5234
(1) of this section if the court places the offender under a 5235
community control sanction pursuant to section 2929.25 of the 5236
Revised Code for part of the three consecutive days; requires 5237
the offender to attend, for that part of the three consecutive 5238
days, a drivers' intervention program that is certified pursuant 5239
to section 5119.38 of the Revised Code; and sentences the 5240
offender to a jail term equal to the remainder of the three 5241
consecutive days that the offender does not spend attending the 5242
drivers' intervention program. The court may require the 5243
offender, as a condition of community control, to attend and 5244
satisfactorily complete any treatment or education programs, in 5245
addition to the required attendance at a drivers' intervention 5246
program, that the operators of the drivers' intervention program 5247
determine that the offender should attend and to report 5248
periodically to the court on the offender's progress in the 5249
programs. The court also may impose any other conditions of 5250
community control on the offender that it considers necessary. 5251

(2) If, within ten years of the offense, the offender has 5252
been convicted of or pleaded guilty to one violation of division 5253
(A) of section 1547.11 of the Revised Code or one other 5254
equivalent offense, the court shall sentence the offender to a 5255

jail term of ten consecutive days and may sentence the offender 5256
pursuant to section 2929.24 of the Revised Code to a longer jail 5257
term. In addition, the court shall impose upon the offender a 5258
fine of not less than one hundred fifty nor more than one 5259
thousand dollars. 5260

In addition to any other sentence that it imposes upon the 5261
offender, the court may require the offender to attend a 5262
drivers' intervention program that is certified pursuant to 5263
section 5119.38 of the Revised Code. 5264

(3) If, within ten years of the offense, the offender has 5265
been convicted of or pleaded guilty to more than one violation 5266
or offense identified in division (G)(2) of this section, the 5267
court shall sentence the offender to a jail term of thirty 5268
consecutive days and may sentence the offender to a longer jail 5269
term of not more than one year. In addition, the court shall 5270
impose upon the offender a fine of not less than one hundred 5271
fifty nor more than one thousand dollars. 5272

In addition to any other sentence that it imposes upon the 5273
offender, the court may require the offender to attend a 5274
drivers' intervention program that is certified pursuant to 5275
section 5119.38 of the Revised Code. 5276

(4) Upon a showing that serving a jail term would 5277
seriously affect the ability of an offender sentenced pursuant 5278
to division (G)(1), (2), or (3) of this section to continue the 5279
offender's employment, the court may authorize that the offender 5280
be granted work release after the offender has served the 5281
mandatory jail term of three, ten, or thirty consecutive days 5282
that the court is required by division (G)(1), (2), or (3) of 5283
this section to impose. No court shall authorize work release 5284
during the mandatory jail term of three, ten, or thirty 5285

consecutive days that the court is required by division (G) (1), 5286
(2), or (3) of this section to impose. The duration of the work 5287
release shall not exceed the time necessary each day for the 5288
offender to commute to and from the place of employment and the 5289
place in which the jail term is served and the time actually 5290
spent under employment. 5291

(5) Notwithstanding any section of the Revised Code that 5292
authorizes the suspension of the imposition or execution of a 5293
sentence or the placement of an offender in any treatment 5294
program in lieu of being imprisoned or serving a jail term, no 5295
court shall suspend the mandatory jail term of ten or thirty 5296
consecutive days required to be imposed by division (G) (2) or 5297
(3) of this section or place an offender who is sentenced 5298
pursuant to division (G) (2) or (3) of this section in any 5299
treatment program in lieu of being imprisoned or serving a jail 5300
term until after the offender has served the mandatory jail term 5301
of ten or thirty consecutive days required to be imposed 5302
pursuant to division (G) (2) or (3) of this section. 5303
Notwithstanding any section of the Revised Code that authorizes 5304
the suspension of the imposition or execution of a sentence or 5305
the placement of an offender in any treatment program in lieu of 5306
being imprisoned or serving a jail term, no court, except as 5307
specifically authorized by division (G) (1) of this section, 5308
shall suspend the mandatory jail term of three consecutive days 5309
required to be imposed by division (G) (1) of this section or 5310
place an offender who is sentenced pursuant to division (G) (1) 5311
of this section in any treatment program in lieu of imprisonment 5312
until after the offender has served the mandatory jail term of 5313
three consecutive days required to be imposed pursuant to 5314
division (G) (1) of this section. 5315

(6) As used in division (G) of this section: 5316

(a) "Equivalent offense" has the same meaning as in section 4511.181 of the Revised Code. 5317
5318

(b) "Jail term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code. 5319
5320

(H) Whoever violates section 1547.304 of the Revised Code is guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the state or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the state, county, township, municipal corporation, or other political subdivision from that disposal. 5321
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(I) Whoever violates division (B) or (C) of section 1547.49 of the Revised Code is guilty of a minor misdemeanor. 5328
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(J) Whoever violates section 1547.31 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree. 5330
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(K) Whoever violates section 1547.05 or 1547.051 of the Revised Code is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property. 5334
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(L) The sentencing court, in addition to the penalty provided under this section for a violation of this chapter or a rule that involves a powercraft powered by more than ten horsepower and that, in the opinion of the court, involves a threat to the safety of persons or property, shall order the offender to complete successfully a boating course approved by 5340
5341
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5345

the national association of state boating law administrators 5346
before the offender is allowed to operate a powercraft powered 5347
by more than ten horsepower on the waters in this state. 5348
Violation of a court order entered under this division is 5349
punishable as contempt under Chapter 2705. of the Revised Code. 5350

Sec. 2151.23. (A) The juvenile court has exclusive 5351
original jurisdiction under the Revised Code as follows: 5352

(1) Concerning any child who on or about the date 5353
specified in the complaint, indictment, or information is 5354
alleged to have violated section 2151.87 of the Revised Code or 5355
an order issued under that section or to be a juvenile traffic 5356
offender or a delinquent, unruly, abused, neglected, or 5357
dependent child and, based on and in relation to the allegation 5358
pertaining to the child, concerning the parent, guardian, or 5359
other person having care of a child who is alleged to be an 5360
unruly child for being an habitual truant or who is alleged to 5361
be a delinquent child for violating a court order regarding the 5362
child's prior adjudication as an unruly child for being an 5363
habitual truant; 5364

(2) Subject to divisions (G), (I), (K), and (V) of section 5365
2301.03 of the Revised Code, to determine the custody of any 5366
child not a ward of another court of this state; 5367

(3) To hear and determine any application for a writ of 5368
habeas corpus involving the custody of a child; 5369

(4) To exercise the powers and jurisdiction given the 5370
probate division of the court of common pleas in Chapter 5122. 5371
of the Revised Code, if the court has probable cause to believe 5372
that a child otherwise within the jurisdiction of the court is a 5373
mentally ill person subject to court order, as defined in 5374

section 5122.01 of the Revised Code;	5375
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	5376 5377
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B) (1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B) (1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	5378 5379 5380 5381 5382 5383 5384 5385 5386 5387 5388
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	5389 5390
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	5391 5392 5393 5394
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	5395 5396 5397 5398
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	5399 5400
(11) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request	5401 5402 5403

is not ancillary to an action for divorce, dissolution of 5404
marriage, annulment, or legal separation, a criminal or civil 5405
action involving an allegation of domestic violence, or an 5406
action for support brought under Chapter 3115. of the Revised 5407
Code; 5408

(12) Concerning an action commenced under section 121.38 5409
of the Revised Code; 5410

(13) To hear and determine violations of section 3321.38 5411
of the Revised Code; 5412

(14) To exercise jurisdiction and authority over the 5413
parent, guardian, or other person having care of a child alleged 5414
to be a delinquent child, unruly child, or juvenile traffic 5415
offender, based on and in relation to the allegation pertaining 5416
to the child; 5417

(15) To conduct the hearings, and to make the 5418
determinations, adjudications, and orders authorized or required 5419
under sections 2152.82 to 2152.86 and Chapter 2950. of the 5420
Revised Code regarding a child who has been adjudicated a 5421
delinquent child and to refer the duties conferred upon the 5422
juvenile court judge under sections 2152.82 to 2152.86 and 5423
Chapter 2950. of the Revised Code to magistrates appointed by 5424
the juvenile court judge in accordance with Juvenile Rule 40; 5425

(16) To hear and determine a petition for a protection 5426
order against a child under section 2151.34 or 3113.31 of the 5427
Revised Code and to enforce a protection order issued or a 5428
consent agreement approved under either section against a child 5429
until a date certain but not later than the date the child 5430
attains nineteen years of age; 5431

(17) Concerning emancipated young adults under sections 5432

2151.45 to 2151.455 of the Revised Code;	5433
(18) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child under section 2151.25 of the Revised Code.	5434 5435 5436
(B) Except as provided in divisions (G), (I), and (P) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	5437 5438 5439
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	5440 5441 5442 5443
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	5444 5445 5446
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	5447 5448
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	5449 5450 5451
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	5452 5453
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	5454 5455
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	5456 5457 5458
(8) To enforce an order for the return of a child made	5459

under the Hague Convention on the Civil Aspects of International 5460
Child Abduction pursuant to section 3127.32 of the Revised Code; 5461

(9) To grant any relief normally available under the laws 5462
of this state to enforce a child custody determination made by a 5463
court of another state and registered in accordance with section 5464
3127.35 of the Revised Code. 5465

(C) The juvenile court, except as to juvenile courts that 5466
are a separate division of the court of common pleas or a 5467
separate and independent juvenile court, has jurisdiction to 5468
hear, determine, and make a record of any action for divorce or 5469
legal separation that involves the custody or care of children 5470
and that is filed in the court of common pleas and certified by 5471
the court of common pleas with all the papers filed in the 5472
action to the juvenile court for trial, provided that no 5473
certification of that nature shall be made to any juvenile court 5474
unless the consent of the juvenile judge first is obtained. 5475
After a certification of that nature is made and consent is 5476
obtained, the juvenile court shall proceed as if the action 5477
originally had been begun in that court, except as to awards for 5478
spousal support or support due and unpaid at the time of 5479
certification, over which the juvenile court has no 5480
jurisdiction. 5481

(D) The juvenile court, except as provided in division (I) 5482
of section 2301.03 of the Revised Code, has jurisdiction to hear 5483
and determine all matters as to custody and support of children 5484
duly certified by the court of common pleas to the juvenile 5485
court after a divorce decree has been granted, including 5486
jurisdiction to modify the judgment and decree of the court of 5487
common pleas as the same relate to the custody and support of 5488
children. 5489

(E) The juvenile court, except as provided in division (I) 5490
of section 2301.03 of the Revised Code, has jurisdiction to hear 5491
and determine the case of any child certified to the court by 5492
any court of competent jurisdiction if the child comes within 5493
the jurisdiction of the juvenile court as defined by this 5494
section. 5495

(F) (1) The juvenile court shall exercise its jurisdiction 5496
in child custody matters in accordance with sections 3109.04 and 5497
3127.01 to 3127.53 of the Revised Code and, as applicable, 5498
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 5499
Revised Code. 5500

(2) The juvenile court shall exercise its jurisdiction in 5501
child support matters in accordance with section 3109.05 of the 5502
Revised Code. 5503

(G) Any juvenile court that makes or modifies an order for 5504
child support shall comply with Chapters 3119., 3121., 3123., 5505
and 3125. of the Revised Code. If any person required to pay 5506
child support under an order made by a juvenile court on or 5507
after April 15, 1985, or modified on or after December 1, 1986, 5508
is found in contempt of court for failure to make support 5509
payments under the order, the court that makes the finding, in 5510
addition to any other penalty or remedy imposed, shall assess 5511
all court costs arising out of the contempt proceeding against 5512
the person and require the person to pay any reasonable 5513
attorney's fees of any adverse party, as determined by the 5514
court, that arose in relation to the act of contempt. 5515

(H) If a child who is charged with an act that would be an 5516
offense if committed by an adult was fourteen years of age or 5517
older and under eighteen years of age at the time of the alleged 5518
act and if the case is transferred for criminal prosecution 5519

pursuant to section 2152.12 of the Revised Code, except as 5520
provided in section 2152.121 of the Revised Code, the juvenile 5521
court does not have jurisdiction to hear or determine the case 5522
subsequent to the transfer. The court to which the case is 5523
transferred for criminal prosecution pursuant to that section 5524
has jurisdiction subsequent to the transfer to hear and 5525
determine the case in the same manner as if the case originally 5526
had been commenced in that court, subject to section 2152.121 of 5527
the Revised Code, including, but not limited to, jurisdiction to 5528
accept a plea of guilty or another plea authorized by Criminal 5529
Rule 11 or another section of the Revised Code and jurisdiction 5530
to accept a verdict and to enter a judgment of conviction 5531
pursuant to the Rules of Criminal Procedure against the child 5532
for the commission of the offense that was the basis of the 5533
transfer of the case for criminal prosecution, whether the 5534
conviction is for the same degree or a lesser degree of the 5535
offense charged, for the commission of a lesser-included 5536
offense, or for the commission of another offense that is 5537
different from the offense charged. Section 2152.022 of the 5538
Revised Code applies with respect to the transfer of a case for 5539
criminal prosecution as described in this division and the 5540
determination of jurisdiction after the transfer and, as 5541
described in division (B) of that section, the juvenile court 5542
retains jurisdiction over charges included in the complaint or 5543
complaints containing the allegation that is the basis of the 5544
transfer that are not transferred. 5545

(I) If a person under eighteen years of age allegedly 5546
commits an act that would be a felony if committed by an adult 5547
and if the person is not taken into custody or apprehended for 5548
that act until after the person attains twenty-one years of age, 5549
the juvenile court does not have jurisdiction to hear or 5550

determine any portion of the case charging the person with 5551
committing that act. In those circumstances, divisions (A) and 5552
(B) of section 2152.12 of the Revised Code do not apply 5553
regarding the act, and the case charging the person with 5554
committing the act shall be a criminal prosecution commenced and 5555
heard in the appropriate court having jurisdiction of the 5556
offense as if the person had been eighteen years of age or older 5557
when the person committed the act. All proceedings pertaining to 5558
the act shall be within the jurisdiction of the court having 5559
jurisdiction of the offense, and that court has all the 5560
authority and duties in the case that it has in other criminal 5561
cases in that court. 5562

(J) In exercising its exclusive original jurisdiction 5563
under division (A) (16) of this section with respect to any 5564
proceedings brought under section 2151.34 or 3113.31 of the 5565
Revised Code in which the respondent is a child, the juvenile 5566
court retains all dispositional powers consistent with existing 5567
rules of juvenile procedure and may also exercise its discretion 5568
to adjudicate proceedings as provided in sections 2151.34 and 5569
3113.31 of the Revised Code, including the issuance of 5570
protection orders or the approval of consent agreements under 5571
those sections. 5572

Sec. 2151.34. (A) As used in this section: 5573

(1) "Court" means the juvenile division of the court of 5574
common pleas of the county in which the person to be protected 5575
by the protection order resides. 5576

(2) "Victim advocate" means a person who provides support 5577
and assistance for a person who files a petition under this 5578
section. 5579

- (3) "Family or household member" has the same meaning as
in section 3113.31 of the Revised Code. 5580
5581
- (4) "Protection order issued by a court of another state"
has the same meaning as in section 2919.27 of the Revised Code. 5582
5583
- (5) "Petitioner" means a person who files a petition under
this section and includes a person on whose behalf a petition
under this section is filed. 5584
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- (6) "Respondent" means a person who is under eighteen
years of age and against whom a petition is filed under this
section. 5587
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5589
- (7) "Sexually oriented offense" has the same meaning as in
section 2950.01 of the Revised Code. 5590
5591
- (8) "Electronic monitoring" has the same meaning as in
section 2929.01 of the Revised Code. 5592
5593
- (9) "Companion animal" has the same meaning as in section
959.131 of the Revised Code. 5594
5595
- (B) The court has jurisdiction over all proceedings under
this section. 5596
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- (C) (1) Any of the following persons may seek relief under
this section by filing a petition with the court: 5598
5599
- (a) Any person on behalf of that person; 5600
- (b) Any parent or adult family or household member on
behalf of any other family or household member; 5601
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- (c) Any person who is determined by the court in its
discretion as an appropriate person to seek relief under this
section on behalf of any child. 5603
5604
5605
- (2) The petition shall contain or state all of the 5606

following: 5607

(a) An allegation that the respondent engaged in a 5608
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 5609
2903.211, 2903.22, or 2911.211 of the Revised Code, committed a 5610
sexually oriented offense, or engaged in a violation of any 5611
municipal ordinance that is substantially equivalent to any of 5612
those offenses against the person to be protected by the 5613
protection order, including a description of the nature and 5614
extent of the violation; 5615

(b) If the petitioner seeks relief in the form of 5616
electronic monitoring of the respondent, an allegation that at 5617
any time preceding the filing of the petition the respondent 5618
engaged in conduct that would cause a reasonable person to 5619
believe that the health, welfare, or safety of the person to be 5620
protected was at risk, a description of the nature and extent of 5621
that conduct, and an allegation that the respondent presents a 5622
continuing danger to the person to be protected; 5623

(c) A request for relief under this section. 5624

(3) The court in its discretion may determine whether or 5625
not to give notice that a petition has been filed under division 5626
(C) (1) of this section on behalf of a child to any of the 5627
following: 5628

(a) A parent of the child if the petition was filed by any 5629
person other than a parent of the child; 5630

(b) Any person who is determined by the court to be an 5631
appropriate person to receive notice of the filing of the 5632
petition. 5633

(D) (1) If a person who files a petition pursuant to this 5634
section requests an ex parte order, the court shall hold an ex 5635

parte hearing as soon as possible after the petition is filed, 5636
but not later than the next day after the court is in session 5637
after the petition is filed. The court, for good cause shown at 5638
the ex parte hearing, may enter any temporary orders, with or 5639
without bond, that the court finds necessary for the safety and 5640
protection of the person to be protected by the order. Immediate 5641
and present danger to the person to be protected by the 5642
protection order constitutes good cause for purposes of this 5643
section. Immediate and present danger includes, but is not 5644
limited to, situations in which the respondent has threatened 5645
the person to be protected by the protection order with bodily 5646
harm or in which the respondent previously has been convicted 5647
of, pleaded guilty to, or been adjudicated a delinquent child 5648
for committing a violation of section 2903.11, 2903.12, 2903.13, 5649
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 5650
sexually oriented offense, or a violation of any municipal 5651
ordinance that is substantially equivalent to any of those 5652
offenses against the person to be protected by the protection 5653
order. 5654

(2) (a) If the court, after an ex parte hearing, issues a 5655
protection order described in division (E) of this section, the 5656
court shall schedule a full hearing for a date that is within 5657
ten court days after the ex parte hearing. The court shall give 5658
the respondent notice of, and an opportunity to be heard at, the 5659
full hearing. The court also shall give notice of the full 5660
hearing to the parent, guardian, or legal custodian of the 5661
respondent. The court shall hold the full hearing on the date 5662
scheduled under this division unless the court grants a 5663
continuance of the hearing in accordance with this division. 5664
Under any of the following circumstances or for any of the 5665
following reasons, the court may grant a continuance of the full 5666

hearing to a reasonable time determined by the court: 5667

(i) Prior to the date scheduled for the full hearing under 5668
this division, the respondent has not been served with the 5669
petition filed pursuant to this section and notice of the full 5670
hearing. 5671

(ii) The parties consent to the continuance. 5672

(iii) The continuance is needed to allow a party to obtain 5673
counsel. 5674

(iv) The continuance is needed for other good cause. 5675

(b) An ex parte order issued under this section does not 5676
expire because of a failure to serve notice of the full hearing 5677
upon the respondent before the date set for the full hearing 5678
under division (D) (2) (a) of this section or because the court 5679
grants a continuance under that division. 5680

(3) If a person who files a petition pursuant to this 5681
section does not request an ex parte order, or if a person 5682
requests an ex parte order but the court does not issue an ex 5683
parte order after an ex parte hearing, the court shall proceed 5684
as in a normal civil action and grant a full hearing on the 5685
matter. 5686

(E) (1) (a) After an ex parte or full hearing, the court may 5687
issue any protection order, with or without bond, that contains 5688
terms designed to ensure the safety and protection of the person 5689
to be protected by the protection order. The court may include 5690
within a protection order issued under this section a term 5691
requiring that the respondent not remove, damage, hide, harm, or 5692
dispose of any companion animal owned or possessed by the person 5693
to be protected by the order, and may include within the order a 5694
term authorizing the person to be protected by the order to 5695

remove a companion animal owned by the person to be protected by 5696
the order from the possession of the respondent. 5697

(b) After a full hearing, if the court considering a 5698
petition that includes an allegation of the type described in 5699
division (C) (2) (b) of this section or the court, upon its own 5700
motion, finds upon clear and convincing evidence that the 5701
petitioner reasonably believed that the respondent's conduct at 5702
any time preceding the filing of the petition endangered the 5703
health, welfare, or safety of the person to be protected and 5704
that the respondent presents a continuing danger to the person 5705
to be protected and if division (N) of this section does not 5706
prohibit the issuance of an order that the respondent be 5707
electronically monitored, the court may order that the 5708
respondent be electronically monitored for a period of time and 5709
under the terms and conditions that the court determines are 5710
appropriate. Electronic monitoring shall be in addition to any 5711
other relief granted to the petitioner. 5712

(2) (a) Any protection order issued pursuant to this 5713
section shall be valid until a date certain but not later than 5714
the date the respondent attains nineteen years of age. 5715

(b) Any protection order issued pursuant to this section 5716
may be renewed in the same manner as the original order was 5717
issued. 5718

(3) A court may not issue a protection order that requires 5719
a petitioner to do or to refrain from doing an act that the 5720
court may require a respondent to do or to refrain from doing 5721
under division (E) (1) of this section unless all of the 5722
following apply: 5723

(a) The respondent files a separate petition for a 5724

protection order in accordance with this section. 5725

(b) The petitioner is served with notice of the 5726
respondent's petition at least forty-eight hours before the 5727
court holds a hearing with respect to the respondent's petition, 5728
or the petitioner waives the right to receive this notice. 5729

(c) If the petitioner has requested an ex parte order 5730
pursuant to division (D) of this section, the court does not 5731
delay any hearing required by that division beyond the time 5732
specified in that division in order to consolidate the hearing 5733
with a hearing on the petition filed by the respondent. 5734

(d) After a full hearing at which the respondent presents 5735
evidence in support of the request for a protection order and 5736
the petitioner is afforded an opportunity to defend against that 5737
evidence, the court determines that the petitioner has committed 5738
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 5739
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 5740
oriented offense, or a violation of any municipal ordinance that 5741
is substantially equivalent to any of those offenses against the 5742
person to be protected by the protection order issued pursuant 5743
to division (E) (3) of this section, or has violated a protection 5744
order issued pursuant to this section or section 2903.213 of the 5745
Revised Code relative to the person to be protected by the 5746
protection order issued pursuant to division (E) (3) of this 5747
section. 5748

(4) No protection order issued pursuant to this section 5749
shall in any manner affect title to any real property. 5750

(5) (a) A protection order issued under this section shall 5751
clearly state that the person to be protected by the order 5752
cannot waive or nullify by invitation or consent any requirement 5753

in the order. 5754

(b) Division (E) (5) (a) of this section does not limit any 5755
discretion of a court to determine that a respondent alleged to 5756
have violated section 2919.27 of the Revised Code, violated a 5757
municipal ordinance substantially equivalent to that section, or 5758
committed contempt of court, which allegation is based on an 5759
alleged violation of a protection order issued under this 5760
section, did not commit the violation or was not in contempt of 5761
court. 5762

(6) Any protection order issued pursuant to this section 5763
shall include a provision that the court will automatically seal 5764
all of the records of the proceeding in which the order is 5765
issued on the date the respondent attains the age of nineteen 5766
years unless the petitioner provides the court with evidence 5767
that the respondent has not complied with all of the terms of 5768
the protection order. The protection order shall specify the 5769
date when the respondent attains the age of nineteen years. 5770

(F) (1) The court shall cause the delivery of a copy of any 5771
protection order that is issued under this section to the 5772
petitioner, to the respondent, and to all law enforcement 5773
agencies that have jurisdiction to enforce the order. The court 5774
shall direct that a copy of the order be delivered to the 5775
respondent and the parent, guardian, or legal custodian of the 5776
respondent on the same day that the order is entered. 5777

(2) Upon the issuance of a protection order under this 5778
section, the court shall provide the parties to the order with 5779
the following notice orally or by form: 5780

"NOTICE 5781

As a result of this order, it may be unlawful for you to 5782

possess or purchase a firearm, including a rifle, pistol, or 5783
revolver, or ammunition pursuant to federal law under 18 U.S.C. 5784
922(g) (8) for the duration of this order. If you have any 5785
questions whether this law makes it illegal for you to possess 5786
or purchase a firearm or ammunition, you should consult an 5787
attorney." 5788

(3) All law enforcement agencies shall establish and 5789
maintain an index for the protection orders delivered to the 5790
agencies pursuant to division (F) (1) of this section. With 5791
respect to each order delivered, each agency shall note on the 5792
index the date and time that it received the order. 5793

(4) Regardless of whether the petitioner has registered 5794
the protection order in the county in which the officer's agency 5795
has jurisdiction pursuant to division (M) of this section, any 5796
officer of a law enforcement agency shall enforce a protection 5797
order issued pursuant to this section by any court in this state 5798
in accordance with the provisions of the order, including 5799
removing the respondent from the premises, if appropriate. 5800

(G) (1) Any proceeding under this section shall be 5801
conducted in accordance with the Rules of Civil Procedure, 5802
except that a protection order may be obtained under this 5803
section with or without bond. An order issued under this 5804
section, other than an ex parte order, that grants a protection 5805
order, or that refuses to grant a protection order, is a final, 5806
appealable order. The remedies and procedures provided in this 5807
section are in addition to, and not in lieu of, any other 5808
available civil or criminal remedies or any other available 5809
remedies under Chapter 2151. or 2152. of the Revised Code. 5810

(2) If as provided in division (G) (1) of this section an 5811
order issued under this section, other than an ex parte order, 5812

refuses to grant a protection order, the court, on its own 5813
motion, shall order that the ex parte order issued under this 5814
section and all of the records pertaining to that ex parte order 5815
be sealed after either of the following occurs: 5816

(a) No party has exercised the right to appeal pursuant to 5817
Rule 4 of the Rules of Appellate Procedure. 5818

(b) All appellate rights have been exhausted. 5819

(H) The filing of proceedings under this section does not 5820
excuse a person from filing any report or giving any notice 5821
required by section 2151.421 of the Revised Code or by any other 5822
law. 5823

(I) Any law enforcement agency that investigates an 5824
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 5825
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 5826
commission of a sexually oriented offense, or an alleged 5827
violation of a municipal ordinance that is substantially 5828
equivalent to any of those offenses shall provide information to 5829
the victim and the family or household members of the victim 5830
regarding the relief available under this section. 5831

(J) (1) Subject to division (J) (2) of this section and 5832
regardless of whether a protection order is issued or a consent 5833
agreement is approved by a court of another county or by a court 5834
of another state, no court or unit of state or local government 5835
shall charge the petitioner any fee, cost, deposit, or money in 5836
connection with the filing of a petition pursuant to this 5837
section, in connection with the filing, issuance, registration, 5838
modification, enforcement, dismissal, withdrawal, or service of 5839
a protection order, consent agreement, or witness subpoena or 5840
for obtaining a certified copy of a protection order or consent 5841

agreement. 5842

(2) Regardless of whether a protection order is issued or 5843
a consent agreement is approved pursuant to this section, the 5844
court may assess costs against the respondent in connection with 5845
the filing, issuance, registration, modification, enforcement, 5846
dismissal, withdrawal, or service of a protection order, consent 5847
agreement, or witness subpoena or for obtaining a certified copy 5848
of a protection order or consent agreement. 5849

(K) (1) A person who violates a protection order issued 5850
under this section is subject to the following sanctions: 5851

(a) A delinquent child proceeding or a criminal 5852
prosecution for a violation of section 2919.27 of the Revised 5853
Code, if the violation of the protection order constitutes a 5854
violation of that section; 5855

(b) Punishment for contempt of court. 5856

(2) The punishment of a person for contempt of court for 5857
violation of a protection order issued under this section does 5858
not bar criminal prosecution of the person or a delinquent child 5859
proceeding concerning the person for a violation of section 5860
2919.27 of the Revised Code. However, a person punished for 5861
contempt of court is entitled to credit for the punishment 5862
imposed upon conviction of or adjudication as a delinquent child 5863
for a violation of that section, and a person convicted of or 5864
adjudicated a delinquent child for a violation of that section 5865
shall not subsequently be punished for contempt of court arising 5866
out of the same activity. 5867

(L) In all stages of a proceeding under this section, a 5868
petitioner may be accompanied by a victim advocate. 5869

(M) (1) A petitioner who obtains a protection order under 5870

this section may provide notice of the issuance or approval of 5871
the order to the judicial and law enforcement officials in any 5872
county other than the county in which the order is issued by 5873
registering that order in the other county pursuant to division 5874
(M) (2) of this section and filing a copy of the registered order 5875
with a law enforcement agency in the other county in accordance 5876
with that division. A person who obtains a protection order 5877
issued by a court of another state may provide notice of the 5878
issuance of the order to the judicial and law enforcement 5879
officials in any county of this state by registering the order 5880
in that county pursuant to section 2919.272 of the Revised Code 5881
and filing a copy of the registered order with a law enforcement 5882
agency in that county. 5883

(2) A petitioner may register a protection order issued 5884
pursuant to this section in a county other than the county in 5885
which the court that issued the order is located in the 5886
following manner: 5887

(a) The petitioner shall obtain a certified copy of the 5888
order from the clerk of the court that issued the order and 5889
present that certified copy to the clerk of the court of common 5890
pleas or the clerk of a municipal court or county court in the 5891
county in which the order is to be registered. 5892

(b) Upon accepting the certified copy of the order for 5893
registration, the clerk of the court of common pleas, municipal 5894
court, or county court shall place an endorsement of 5895
registration on the order and give the petitioner a copy of the 5896
order that bears that proof of registration. 5897

(3) The clerk of each court of common pleas, municipal 5898
court, or county court shall maintain a registry of certified 5899
copies of protection orders that have been issued by courts in 5900

other counties pursuant to this section and that have been 5901
registered with the clerk. 5902

(N) If the court orders electronic monitoring of the 5903
respondent under this section, the court shall direct the 5904
sheriff's office or any other appropriate law enforcement agency 5905
to install the electronic monitoring device and to monitor the 5906
respondent. Unless the court determines that the respondent is 5907
indigent, the court shall order the respondent to pay the cost 5908
of the installation and monitoring of the electronic monitoring 5909
device. ~~If the court determines that the respondent is indigent-~~ 5910
~~and subject to the maximum amount allowable to be paid in any-~~ 5911
~~year from the fund and the rules promulgated by the attorney-~~ 5912
~~general under section 2903.214 of the Revised Code, the cost of-~~ 5913
~~the installation and monitoring of the electronic monitoring-~~ 5914
~~device may be paid out of funds from the reparations fund-~~ 5915
~~created pursuant to section 2743.191 of the Revised Code. The-~~ 5916
~~total amount paid from the reparations fund created pursuant to-~~ 5917
~~section 2743.191 of the Revised Code for electronic monitoring-~~ 5918
~~under this section and sections 2903.214 and 2919.27 of the-~~ 5919
~~Revised Code shall not exceed three hundred thousand dollars per-~~ 5920
~~year. When the total amount paid from the reparations fund in-~~ 5921
~~any year for electronic monitoring under those sections equals-~~ 5922
~~or exceeds three hundred thousand dollars, the court shall not-~~ 5923
~~order pursuant to this section that an indigent respondent be-~~ 5924
~~electronically monitored.~~ 5925

(O) The court, in its discretion, may determine if the 5926
respondent is entitled to court-appointed counsel in a 5927
proceeding under this section. 5928

Sec. 2151.358. (A) The juvenile court shall expunge all 5929
records sealed under section 2151.356 of the Revised Code five 5930

years after the court issues a sealing order or upon the twenty- 5931
third birthday of the person who is the subject of the sealing 5932
order, whichever date is earlier. 5933

(B) Notwithstanding division (A) of this section, upon 5934
application by the person who has had a record sealed under 5935
section 2151.356 of the Revised Code, the juvenile court may 5936
expunge a record sealed under section 2151.356 of the Revised 5937
Code. In making the determination whether to expunge records, 5938
all of the following apply: 5939

(1) The court may require a person filing an application 5940
for expungement to submit any relevant documentation to support 5941
the application. 5942

(2) The court may cause an investigation to be made to 5943
determine if the person who is the subject of the proceedings 5944
has been rehabilitated to a satisfactory degree. 5945

(3) The court shall promptly notify the prosecuting 5946
attorney of any proceedings to expunge records. 5947

(4) (a) The prosecuting attorney may file a response with 5948
the court within thirty days of receiving notice of the 5949
expungement proceedings. 5950

(b) If the prosecuting attorney does not file a response 5951
with the court or if the prosecuting attorney files a response 5952
but indicates that the prosecuting attorney does not object to 5953
the expungement of the records, the court may order the records 5954
of the person that are under consideration to be expunged 5955
without conducting a hearing on the application. If the court 5956
decides in its discretion to conduct a hearing on the 5957
application, the court shall conduct the hearing within thirty 5958
days after making that decision and shall give notice, by 5959

regular mail, of the date, time, and location of the hearing to 5960
the prosecuting attorney and to the person who is the subject of 5961
the records under consideration. 5962

(c) If the prosecuting attorney files a response with the 5963
court that indicates that the prosecuting attorney objects to 5964
the expungement of the records, the court shall conduct a 5965
hearing on the application within thirty days after the court 5966
receives the response. The court shall give notice, by regular 5967
mail, of the date, time, and location of the hearing to the 5968
prosecuting attorney and to the person who is the subject of the 5969
records under consideration. 5970

(5) After conducting a hearing in accordance with division 5971
(B) (4) of this section or after due consideration when a hearing 5972
is not conducted, the court may order the records of the person 5973
that are the subject of the application to be expunged if it 5974
finds that the person has been rehabilitated to a satisfactory 5975
degree. In determining whether the person has been rehabilitated 5976
to a satisfactory degree, the court may consider all of the 5977
following: 5978

(a) The age of the person; 5979

(b) The nature of the case; 5980

(c) The cessation or continuation of delinquent, unruly, 5981
or criminal behavior; 5982

(d) The education and employment history of the person; 5983

(e) Any other circumstances that may relate to the 5984
rehabilitation of the person who is the subject of the records 5985
under consideration. 5986

(C) If the juvenile court is notified by any party in a 5987

civil action that a civil action has been filed based on a case 5988
the records for which are the subject of a sealing order, the 5989
juvenile court shall not expunge a record sealed under section 5990
2151.356 of the Revised Code until the civil action has been 5991
resolved and is not subject to further appellate review, at 5992
which time the records shall be expunged pursuant to division 5993
(A) of this section. 5994

(D) (1) A juvenile court that issues a protection order or 5995
approves a consent agreement under section 2151.34 or 3113.31 of 5996
the Revised Code shall automatically seal all of the records of 5997
the proceeding in which the order was issued or agreement 5998
approved on the date the person against whom the protection 5999
order was issued or the consent agreement approved attains the 6000
age of nineteen years if the court determines that the person 6001
has complied with all of the terms of the protection order or 6002
consent agreement. 6003

(2) In a proceeding under section 2151.34 of the Revised 6004
Code, if the juvenile court does not issue any protection order 6005
under division (E) of that section, the court shall 6006
automatically seal all of the records in that proceeding. In a 6007
proceeding under section 3113.31 of the Revised Code, if the 6008
juvenile court does not issue any protection order or approve 6009
any consent agreement under division (E) of that section, the 6010
court shall automatically seal all of the records in that 6011
proceeding. 6012

(3) (a) If a juvenile court that issues a protection order 6013
or approves a consent agreement under section 2151.34 or 3113.31 6014
of the Revised Code determines that the person against whom the 6015
protection order was issued or the consent agreement approved 6016
has not complied with all of the terms of the protection order 6017

or consent agreement, the court shall consider sealing all of 6018
the records of the proceeding in which the order was issued or 6019
agreement approved upon the court's own motion or upon the 6020
application of a person. The court may make the motion or the 6021
person who is the subject of the records under consideration may 6022
apply for an order sealing the records of the proceeding at any 6023
time after two years after the expiration of the protection 6024
order or consent agreement. 6025

(b) In making a determination whether to seal records 6026
pursuant to division (D) (3) of this section, all of the 6027
following apply: 6028

(i) The court may require a person filing an application 6029
under division (D) (3) of this section to submit any relevant 6030
documentation to support the application. 6031

(ii) The court shall promptly notify the victim or the 6032
victim's attorney of any proceedings to seal records initiated 6033
pursuant to division (D) (3) of this section. 6034

(iii) The victim or the victim's attorney may file a 6035
response with the court within thirty days of receiving notice 6036
of the sealing proceedings. 6037

If the victim or the victim's attorney does not file a 6038
response with the court or if the victim or the victim's 6039
attorney files a response but indicates that the victim or the 6040
victim's attorney does not object to the sealing of the records, 6041
the court may order the records of the person that are under 6042
consideration to be sealed without conducting a hearing on the 6043
motion or application. If the court decides in its discretion to 6044
conduct a hearing on the motion or application, the court shall 6045
conduct the hearing within thirty days after making that 6046

decision and shall give notice, by regular mail, of the date, 6047
time, and location of the hearing to the victim or the victim's 6048
attorney and to the person who is the subject of the records 6049
under consideration. 6050

If the victim or the victim's attorney files a response 6051
with the court that indicates that the victim or the victim's 6052
attorney objects to the sealing of the records, the court shall 6053
conduct a hearing on the motion or application within thirty 6054
days after the court receives the response. The court shall give 6055
notice, by regular mail, of the date, time, and location of the 6056
hearing to the victim or the victim's attorney and to the person 6057
who is the subject of the records under consideration. 6058

(iv) After conducting a hearing in accordance with 6059
division (D) (3) (b) (iii) of this section or after due 6060
consideration when a hearing is not conducted, the court may 6061
order the records of the person that are the subject of the 6062
motion or application to be sealed. 6063

(4) Inspection of the records sealed pursuant to division 6064
(D) (1), (2), or (3) of this section may be made only by the 6065
following persons or for the following purposes: 6066

(a) By a law enforcement officer or prosecutor, or the 6067
assistants of either, to determine whether the nature and 6068
character of the offense with which a person is to be charged 6069
would be affected by virtue of the person's previously having 6070
been convicted of a crime; 6071

(b) By the parole or probation officer of the person who 6072
is the subject of the records, for the exclusive use of the 6073
officer in supervising the person while on parole or under a 6074
community control sanction or a post-release control sanction, 6075

and in making inquiries and written reports as requested by the 6076
court or adult parole authority; 6077

(c) Upon application by the person who is the subject of 6078
the records, by the persons named in the application; 6079

(d) By a law enforcement officer who was involved in the 6080
case, for use in the officer's defense of a civil action arising 6081
out of the officer's involvement in that case; 6082

(e) By a prosecuting attorney or the prosecuting 6083
attorney's assistants, to determine a defendant's eligibility to 6084
enter a pre-trial diversion program established pursuant to 6085
section 2935.36 of the Revised Code; 6086

(f) By any law enforcement agency or any authorized 6087
employee of a law enforcement agency or by the department of 6088
rehabilitation and correction as part of a background 6089
investigation of a person who applies for employment with the 6090
agency as a law enforcement officer or with the department as a 6091
corrections officer; 6092

(g) By any law enforcement agency or any authorized 6093
employee of a law enforcement agency, for the purposes set forth 6094
in, and in the manner provided in, division (I) of section 6095
~~2953.321~~2953.34 of the Revised Code; 6096

(h) By the bureau of criminal identification and 6097
investigation or any authorized employee of the bureau for the 6098
purpose of providing information to a board or person pursuant 6099
to division (F) or (G) of section 109.57 of the Revised Code; 6100

(i) By the bureau of criminal identification and 6101
investigation or any authorized employee of the bureau for the 6102
purpose of performing a criminal history records check on a 6103
person to whom a certificate as prescribed in section 109.77 of 6104

the Revised Code is to be awarded; 6105

(j) By the bureau of criminal identification and 6106
investigation or any authorized employee of the bureau for the 6107
purpose of conducting a criminal records check of an individual 6108
pursuant to division (B) of section 109.572 of the Revised Code 6109
that was requested pursuant to any of the sections identified in 6110
division (B)(1) of that section; 6111

(k) By the bureau of criminal identification and 6112
investigation, an authorized employee of the bureau, a sheriff, 6113
or an authorized employee of a sheriff in connection with a 6114
criminal records check described in section 311.41 of the 6115
Revised Code; 6116

(l) By the attorney general or an authorized employee of 6117
the attorney general or a court for purposes of determining a 6118
person's classification pursuant to Chapter 2950. of the Revised 6119
Code. 6120

When the nature and character of the offense with which a 6121
person is to be charged would be affected by the information, it 6122
may be used for the purpose of charging the person with an 6123
offense. 6124

(E) In addition to the methods of expungement provided for 6125
in divisions (A) and (B) of this section, a person who has been 6126
adjudicated a delinquent child for having committed an act that 6127
would be a violation of section 2907.24, 2907.241, or 2907.25 of 6128
the Revised Code if the child were an adult may apply to the 6129
adjudicating court for the expungement of the record of 6130
adjudication if the person's participation in the act was a 6131
result of the person having been a victim of human trafficking. 6132
The application shall be made in the same manner as an 6133

application for expungement under section ~~2953.38~~2953.36 of the 6134
Revised Code, and all of the provisions of that section shall 6135
apply to the expungement procedure. 6136

(F) After the records have been expunged under this 6137
section, the person who is the subject of the expunged records 6138
properly may, and the court shall, reply that no record exists 6139
with respect to the person upon any inquiry in the matter. 6140

Sec. 2152.02. As used in this chapter: 6141

(A) "Act charged" means the act that is identified in a 6142
complaint, indictment, or information alleging that a child is a 6143
delinquent child. 6144

(B) "Admitted to a department of youth services facility" 6145
includes admission to a facility operated, or contracted for, by 6146
the department and admission to a comparable facility outside 6147
this state by another state or the United States. 6148

(C) (1) "Child" means a person who is under eighteen years 6149
of age, except as otherwise provided in divisions (C) (2) to (8) 6150
of this section. 6151

(2) Subject to division (C) (3) of this section, any person 6152
who violates a federal or state law or a municipal ordinance 6153
prior to attaining eighteen years of age shall be deemed a 6154
"child" irrespective of that person's age at the time the 6155
complaint with respect to that violation is filed or the hearing 6156
on the complaint is held. 6157

(3) Any person who, while under eighteen years of age, 6158
commits an act that would be a felony if committed by an adult 6159
and who is not taken into custody or apprehended for that act 6160
until after the person attains twenty-one years of age is not a 6161
child in relation to that act. 6162

(4) Except as otherwise provided in divisions (C) (5) and 6163
(7) of this section, any person whose case is transferred for 6164
criminal prosecution pursuant to section 2152.12 of the Revised 6165
Code shall be deemed after the transfer not to be a child in the 6166
transferred case. 6167

(5) Any person whose case is transferred for criminal 6168
prosecution pursuant to section 2152.12 of the Revised Code and 6169
who subsequently is convicted of or pleads guilty to a felony in 6170
that case, unless a serious youthful offender dispositional 6171
sentence is imposed on the child for that offense under division 6172
(B) (2) or (3) of section 2152.121 of the Revised Code and the 6173
adult portion of that sentence is not invoked pursuant to 6174
section 2152.14 of the Revised Code, and any person who is 6175
adjudicated a delinquent child for the commission of an act, who 6176
has a serious youthful offender dispositional sentence imposed 6177
for the act pursuant to section 2152.13 of the Revised Code, and 6178
whose adult portion of the dispositional sentence is invoked 6179
pursuant to section 2152.14 of the Revised Code, shall be deemed 6180
after the conviction, plea, or invocation not to be a child in 6181
any case in which a complaint is filed against the person. 6182

(6) The juvenile court has jurisdiction over a person who 6183
is adjudicated a delinquent child or juvenile traffic offender 6184
prior to attaining eighteen years of age until the person 6185
attains twenty-one years of age, and, for purposes of that 6186
jurisdiction related to that adjudication, except as otherwise 6187
provided in this division, a person who is so adjudicated a 6188
delinquent child or juvenile traffic offender shall be deemed a 6189
"child" until the person attains twenty-one years of age. If a 6190
person is so adjudicated a delinquent child or juvenile traffic 6191
offender and the court makes a disposition of the person under 6192
this chapter, at any time after the person attains twenty-one 6193

years of age, the places at which the person may be held under 6194
that disposition are not limited to places authorized under this 6195
chapter solely for confinement of children, and the person may 6196
be confined under that disposition, in accordance with division 6197
(F) (2) of section 2152.26 of the Revised Code, in places other 6198
than those authorized under this chapter solely for confinement 6199
of children. 6200

(7) The juvenile court has jurisdiction over any person 6201
whose case is transferred for criminal prosecution solely for 6202
the purpose of detaining the person as authorized in division 6203
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 6204
person is convicted of or pleads guilty to a felony in the adult 6205
court. 6206

(8) Any person who, while eighteen years of age, violates 6207
division (A) (1) or (2) of section 2919.27 of the Revised Code by 6208
violating a protection order issued or consent agreement 6209
approved under section 2151.34 or 3113.31 of the Revised Code 6210
shall be considered a child for the purposes of that violation 6211
of section 2919.27 of the Revised Code. 6212

(D) "Community corrections facility," "public safety 6213
beds," "release authority," and "supervised release" have the 6214
same meanings as in section 5139.01 of the Revised Code. 6215

(E) "Delinquent child" includes any of the following: 6216

(1) Any child, except a juvenile traffic offender, who 6217
violates any law of this state or the United States, or any 6218
ordinance of a political subdivision of the state, that would be 6219
an offense if committed by an adult; 6220

(2) Any child who violates any lawful order of the court 6221
made under this chapter, including a child who violates a court 6222

order regarding the child's prior adjudication as an unruly 6223
child for being an habitual truant; 6224

(3) Any child who violates any lawful order of the court 6225
made under Chapter 2151. of the Revised Code other than an order 6226
issued under section 2151.87 of the Revised Code; 6227

(4) Any child who violates division (C) of section 6228
2907.39, division (A) of section 2923.211, or division (C) (1) or 6229
(D) of section 2925.55 of the Revised Code. 6230

(F) "Discretionary serious youthful offender" means a 6231
person who is eligible for a discretionary SYO and who is not 6232
transferred to adult court under a mandatory or discretionary 6233
transfer. 6234

(G) "Discretionary SYO" means a case in which the juvenile 6235
court, in the juvenile court's discretion, may impose a serious 6236
youthful offender disposition under section 2152.13 of the 6237
Revised Code. 6238

(H) "Discretionary transfer" means that the juvenile court 6239
has discretion to transfer a case for criminal prosecution under 6240
division (B) of section 2152.12 of the Revised Code. 6241

(I) "Drug abuse offense," "felony drug abuse offense," and 6242
"minor drug possession offense" have the same meanings as in 6243
section 2925.01 of the Revised Code. 6244

(J) "Electronic monitoring" and "electronic monitoring 6245
device" have the same meanings as in section 2929.01 of the 6246
Revised Code. 6247

(K) "Economic loss" means any economic detriment suffered 6248
by a victim of a delinquent act or juvenile traffic offense as a 6249
direct and proximate result of the delinquent act or juvenile 6250

traffic offense and includes any loss of income due to lost time 6251
at work because of any injury caused to the victim and any 6252
property loss, medical cost, or funeral expense incurred as a 6253
result of the delinquent act or juvenile traffic offense. 6254
"Economic loss" does not include non-economic loss or any 6255
punitive or exemplary damages. 6256

(L) "Firearm" has the same meaning as in section 2923.11 6257
of the Revised Code. 6258

(M) "Intellectual disability" has the same meaning as in 6259
section 5123.01 of the Revised Code. 6260

(N) "Juvenile traffic offender" means any child who 6261
violates any traffic law, traffic ordinance, or traffic 6262
regulation of this state, the United States, or any political 6263
subdivision of this state, other than a resolution, ordinance, 6264
or regulation of a political subdivision of this state the 6265
violation of which is required to be handled by a parking 6266
violations bureau or a joint parking violations bureau pursuant 6267
to Chapter 4521. of the Revised Code. 6268

(O) A "legitimate excuse for absence from the public 6269
school the child is supposed to attend" has the same meaning as 6270
in section 2151.011 of the Revised Code. 6271

(P) "Mandatory serious youthful offender" means a person 6272
who is eligible for a mandatory SYO and who is not transferred 6273
to adult court under a mandatory or discretionary transfer and 6274
also includes, for purposes of imposition of a mandatory serious 6275
youthful dispositional sentence under section 2152.13 of the 6276
Revised Code, a person upon whom a juvenile court is required to 6277
impose such a sentence under division (B) (3) of section 2152.121 6278
of the Revised Code. 6279

(Q) "Mandatory SYO" means a case in which the juvenile 6280
court is required to impose a mandatory serious youthful 6281
offender disposition under section 2152.13 of the Revised Code. 6282

(R) "Mandatory transfer" means that a case is required to 6283
be transferred for criminal prosecution under division (A) of 6284
section 2152.12 of the Revised Code. 6285

(S) "Mental illness" has the same meaning as in section 6286
5122.01 of the Revised Code. 6287

(T) "Monitored time" and "repeat violent offender" have 6288
the same meanings as in section 2929.01 of the Revised Code. 6289

(U) "Of compulsory school age" has the same meaning as in 6290
section 3321.01 of the Revised Code. 6291

(V) "Public record" has the same meaning as in section 6292
149.43 of the Revised Code. 6293

(W) "Serious youthful offender" means a person who is 6294
eligible for a mandatory SYO or discretionary SYO but who is not 6295
transferred to adult court under a mandatory or discretionary 6296
transfer and also includes, for purposes of imposition of a 6297
mandatory serious youthful dispositional sentence under section 6298
2152.13 of the Revised Code, a person upon whom a juvenile court 6299
is required to impose such a sentence under division (B) (3) of 6300
section 2152.121 of the Revised Code. 6301

(X) "Sexually oriented offense," "juvenile offender 6302
registrant," "child-victim oriented offense," "tier I sex 6303
offender/child-victim offender," "tier II sex offender/child- 6304
victim offender," "tier III sex offender/child-victim offender," 6305
and "public registry-qualified juvenile offender registrant" 6306
have the same meanings as in section 2950.01 of the Revised 6307
Code. 6308

(Y) "Traditional juvenile" means a case that is not 6309
transferred to adult court under a mandatory or discretionary 6310
transfer, that is eligible for a disposition under sections 6311
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 6312
that is not eligible for a disposition under section 2152.13 of 6313
the Revised Code. 6314

(Z) "Transfer" means, except with respect to a transfer 6315
from a criminal court to a juvenile court under section 2152.03 6316
or 2152.121 of the Revised Code, the transfer for criminal 6317
prosecution of a case ~~involving the alleged commission by that~~ 6318
includes a charge alleging that a child ~~of~~ is a delinquent child 6319
for committing an act that would be an offense if committed by 6320
an adult from the juvenile court to the appropriate court that 6321
has jurisdiction of the offense. 6322

(AA) "Category one offense" means any of the following: 6323

(1) A violation of section 2903.01 or 2903.02 of the 6324
Revised Code; 6325

(2) A violation of section 2923.02 of the Revised Code 6326
involving an attempt to commit aggravated murder or murder. 6327

(BB) "Category two offense" means any of the following: 6328

(1) A violation of section 2903.03, 2905.01, 2907.02, 6329
2909.02, 2911.01, or 2911.11 of the Revised Code; 6330

(2) A violation of section 2903.04 of the Revised Code 6331
that is a felony of the first degree; 6332

(3) A violation of section 2907.12 of the Revised Code as 6333
it existed prior to September 3, 1996. 6334

(CC) "Non-economic loss" means nonpecuniary harm suffered 6335
by a victim of a delinquent act or juvenile traffic offense as a 6336

result of or related to the delinquent act or juvenile traffic 6337
offense, including, but not limited to, pain and suffering; loss 6338
of society, consortium, companionship, care, assistance, 6339
attention, protection, advice, guidance, counsel, instruction, 6340
training, or education; mental anguish; and any other intangible 6341
loss. 6342

Sec. 2152.022. (A) If a complaint or multiple complaints 6343
have been filed in juvenile court alleging that a child is a 6344
delinquent child for committing an act that would be a felony if 6345
committed by an adult and if the juvenile court under section 6346
2152.10 and division (A) (1) or (B) of section 2152.12 of the 6347
Revised Code is required to transfer the "case" or is authorized 6348
to transfer the "case" and decides to do so, as used in all 6349
provisions of the Revised Code that apply with respect to the 6350
transfer, "case" means all charges that are included in the 6351
complaint or complaints containing the allegation that is the 6352
basis of the transfer under division (A) (1) or (B) of section 6353
2152.12 of the Revised Code and for which the court found 6354
probable cause to believe that the child committed the act 6355
charged, regardless of whether the complaint or complaints are 6356
filed under the same case number or different case numbers. 6357

(B) If a complaint or multiple complaints have been filed 6358
in juvenile court alleging that a child is a delinquent child 6359
for committing an act that would be a felony if committed by an 6360
adult, if the juvenile court, as described in division (A) of 6361
this section, is required to transfer the case or is authorized 6362
to transfer the case and decides to do so, and if the complaint 6363
or complaints containing the allegation that is the basis of the 6364
transfer under division (A) (1) or (B) of section 2152.12 of the 6365
Revised Code include one or more other counts alleging that the 6366
child committed an act that would be an offense if committed by 6367

an adult, both of the following apply: 6368

(1) Each count included in the complaint or complaints with respect to which the court found probable cause to believe that the child committed the act charged shall be transferred and the court to which the case is transferred has jurisdiction over all of the counts so transferred as provided in division (H) of section 2151.23 of the Revised Code. 6369
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(2) Each count included in the complaint or complaints that is not transferred as described in division (B)(1) of this section shall remain within the jurisdiction of the juvenile court, to be handled by that court in an appropriate manner. 6375
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Sec. 2152.10. (A) A child who is alleged to be a delinquent child is eligible for mandatory transfer and the child's case shall be transferred as provided in section 2152.12 of the Revised Code in any of the following circumstances: 6379
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(1) The child is charged with a category one offense and either of the following apply: 6383
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(a) The child was sixteen years of age or older at the time of the act charged. 6385
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(b) The child was fourteen or fifteen years of age at the time of the act charged and previously was adjudicated a delinquent child for committing an act that is a category one or category two offense and was committed to the legal custody of the department of youth services upon the basis of that adjudication. 6387
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(2) The child is charged with a category two offense, other than a violation of section 2905.01 of the Revised Code, the child was sixteen years of age or older at the time of the commission of the act charged, and either or both of the 6393
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6395
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following apply: 6397

(a) The child previously was adjudicated a delinquent 6398
child for committing an act that is a category one or a category 6399
two offense and was committed to the legal custody of the 6400
department of youth services on the basis of that adjudication. 6401

(b) The child is alleged to have had a firearm on or about 6402
the child's person or under the child's control while committing 6403
the act charged and to have displayed the firearm, brandished 6404
the firearm, indicated possession of the firearm, or used the 6405
firearm to facilitate the commission of the act charged. 6406

(3) Division (A) (2) of section 2152.12 of the Revised Code 6407
applies. 6408

(B) Unless the child is subject to mandatory transfer, if 6409
a child is fourteen years of age or older at the time of the act 6410
charged and if the child is charged with an act that would be a 6411
felony if committed by an adult, the child is eligible for 6412
discretionary transfer, and for transfer of the child's case, to 6413
the appropriate court for criminal prosecution. In determining 6414
whether to transfer the child for criminal prosecution, the 6415
juvenile court shall follow the procedures in section 2152.12 of 6416
the Revised Code. If the court does not transfer the child and 6417
if the court adjudicates the child to be a delinquent child for 6418
the act charged, the court shall issue an order of disposition 6419
in accordance with section 2152.11 of the Revised Code. 6420

Sec. 2152.11. (A) A child who is adjudicated a delinquent 6421
child for committing an act that would be a felony if committed 6422
by an adult is eligible for a particular type of disposition 6423
under this section if the ~~child~~ child's case was not transferred 6424
under section 2152.12 of the Revised Code. If the complaint, 6425

indictment, or information charging the act includes one or more 6426
of the following factors, the act is considered to be enhanced, 6427
and the child is eligible for a more restrictive disposition 6428
under this section; 6429

(1) The act charged against the child would be an offense 6430
of violence if committed by an adult. 6431

(2) During the commission of the act charged, the child 6432
used a firearm, displayed a firearm, brandished a firearm, or 6433
indicated that the child possessed a firearm and actually 6434
possessed a firearm. 6435

(3) The child previously was admitted to a department of 6436
youth services facility for the commission of an act that would 6437
have been aggravated murder, murder, a felony of the first or 6438
second degree if committed by an adult, or an act that would 6439
have been a felony of the third degree and an offense of 6440
violence if committed by an adult. 6441

(B) If a child is adjudicated a delinquent child for 6442
committing an act that would be aggravated murder or murder if 6443
committed by an adult, the child is eligible for whichever of 6444
the following is appropriate: 6445

(1) Mandatory SYO, if the act allegedly was committed when 6446
the child was fourteen or fifteen years of age; 6447

(2) Discretionary SYO, if the act was committed when the 6448
child was ten, eleven, twelve, or thirteen years of age; 6449

(3) Traditional juvenile, if divisions (B)(1) and (2) of 6450
this section do not apply. 6451

(C) If a child is adjudicated a delinquent child for 6452
committing an act that would be attempted aggravated murder or 6453

attempted murder if committed by an adult, the child is eligible 6454
for whichever of the following is appropriate: 6455

(1) Mandatory SYO, if the act allegedly was committed when 6456
the child was fourteen or fifteen years of age; 6457

(2) Discretionary SYO, if the act was committed when the 6458
child was ten, eleven, twelve, or thirteen years of age; 6459

(3) Traditional juvenile, if divisions (C)(1) and (2) of 6460
this section do not apply. 6461

(D) If a child is adjudicated a delinquent child for 6462
committing an act that would be a felony of the first degree if 6463
committed by an adult, the child is eligible for whichever of 6464
the following is appropriate: 6465

(1) Mandatory SYO, if the act allegedly was committed when 6466
the child was sixteen or seventeen years of age, and the act is 6467
enhanced by the factors described in division (A)(1) and either 6468
division (A)(2) or (3) of this section; 6469

(2) Discretionary SYO, if any of the following applies: 6470

(a) The act was committed when the child was sixteen or 6471
seventeen years of age, and division (D)(1) of this section does 6472
not apply. 6473

(b) The act was committed when the child was fourteen or 6474
fifteen years of age. 6475

(c) The act was committed when the child was twelve or 6476
thirteen years of age, and the act is enhanced by any factor 6477
described in division (A)(1), (2), or (3) of this section. 6478

(d) The act was committed when the child was ten or eleven 6479
years of age, and the act is enhanced by the factors described 6480

in division (A) (1) and either division (A) (2) or (3) of this 6481
section. 6482

(3) Traditional juvenile, if divisions (D) (1) and (2) of 6483
this section do not apply. 6484

(E) If a child is adjudicated a delinquent child for 6485
committing an act that would be a felony of the second degree if 6486
committed by an adult, the child is eligible for whichever of 6487
the following is appropriate: 6488

(1) Discretionary SYO, if the act was committed when the 6489
child was fourteen, fifteen, sixteen, or seventeen years of age; 6490

(2) Discretionary SYO, if the act was committed when the 6491
child was twelve or thirteen years of age, and the act is 6492
enhanced by any factor described in division (A) (1), (2), or (3) 6493
of this section; 6494

(3) Traditional juvenile, if divisions (E) (1) and (2) of 6495
this section do not apply. 6496

(F) If a child is adjudicated a delinquent child for 6497
committing an act that would be a felony of the third degree if 6498
committed by an adult, the child is eligible for whichever of 6499
the following is appropriate: 6500

(1) Discretionary SYO, if the act was committed when the 6501
child was sixteen or seventeen years of age; 6502

(2) Discretionary SYO, if the act was committed when the 6503
child was fourteen or fifteen years of age, and the act is 6504
enhanced by any factor described in division (A) (1), (2), or (3) 6505
of this section; 6506

(3) Traditional juvenile, if divisions (F) (1) and (2) of 6507
this section do not apply. 6508

(G) If a child is adjudicated a delinquent child for committing an act that would be a felony of the fourth or fifth degree if committed by an adult, the child is eligible for whichever of the following dispositions is appropriate:

(1) Discretionary SYO, if the act was committed when the child was sixteen or seventeen years of age, and the act is enhanced by any factor described in division (A) (1), (2), or (3) of this section;

(2) Traditional juvenile, if division (G)(1) of this section does not apply.

(H) The following table describes the dispositions that a juvenile court may impose on a delinquent child:

	1	2	3	4	5
A	OFFENSE CATEGORY	AGE	AGE	AGE	AGE
B	(Enhancement factors)	16 & 17	14 & 15	12 & 13	10 & 11
C	Murder/aggravated murder	N/A	MSYO, TJ	DSYO, TJ	DSYO, TJ
D	Attempted murder/attempted aggravated murder	N/A	MSYO, TJ	DSYO, TJ	DSYO, TJ
E	F1 (Enhanced by offense of violence factor and either disposition firearm factor or previous DYS admission factor)	MSYO, TJ	DSYO, TJ	DSYO, TJ	DSYO, TJ

F	F1 (Enhanced by any single or other combination of enhancement factors)	DSYO, TJ	DSYO, TJ	DSYO, TJ	TJ
G	F1 (Not enhanced)	DSYO, TJ	DSYO, TJ	TJ	TJ
H	F2 (Enhanced by any enhancement factor)	DSYO, TJ	DSYO, TJ	DSYO, TJ	TJ
I	F2 (Not enhanced)	DSYO, TJ	DSYO, TJ	TJ	TJ
J	F3 (Enhanced by any enhancement factor)	DSYO, TJ	DSYO, TJ	TJ	TJ
K	F3 (Not enhanced)	DSYO, TJ	TJ	TJ	TJ
L	F4 (Enhanced by any enhancement factor)	DSYO, TJ	TJ	TJ	TJ
M	F4 (Not enhanced)	TJ	TJ	TJ	TJ
N	F5 (Enhanced by any enhancement factor)	DSYO, TJ	TJ	TJ	TJ
O	F5 (Not enhanced)	TJ	TJ	TJ	TJ

(I) The table in division (H) of this section is for illustrative purposes only. If the table conflicts with any provision of divisions (A) to (G) of this section, divisions (A) to (G) of this section shall control.

(J) Key for table in division (H) of this section:

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- (1) "Any enhancement factor" applies when the criteria described in division (A) (1), (2), or (3) of this section apply. 6527
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- (2) The "disposition firearm factor" applies when the criteria described in division (A) (2) of this section apply. 6529
6530
- (3) "DSYO" refers to discretionary serious youthful offender disposition. 6531
6532
- (4) "F1" refers to an act that would be a felony of the first degree if committed by an adult. 6533
6534
- (5) "F2" refers to an act that would be a felony of the second degree if committed by an adult. 6535
6536
- (6) "F3" refers to an act that would be a felony of the third degree if committed by an adult. 6537
6538
- (7) "F4" refers to an act that would be a felony of the fourth degree if committed by an adult. 6539
6540
- (8) "F5" refers to an act that would be a felony of the fifth degree if committed by an adult. 6541
6542
- (9) "MSYO" refers to mandatory serious youthful offender disposition. 6543
6544
- (10) The "offense of violence factor" applies when the criteria described in division (A) (1) of this section apply. 6545
6546
- (11) The "previous DYS admission factor" applies when the criteria described in division (A) (3) of this section apply. 6547
6548
- (12) "TJ" refers to traditional juvenile. 6549
- Sec. 2152.12.** (A) (1) (a) After a complaint has been filed alleging that a child is a delinquent child for committing ~~an~~ act that one or more acts that would be an offense if committed by an adult, if any of those acts would be aggravated murder, 6550
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murder, attempted aggravated murder, or attempted murder if 6554
committed by an adult, the juvenile court at a hearing shall 6555
transfer the case if either of the following applies: 6556

(i) The child was sixteen or seventeen years of age at the 6557
time of the act charged that would be aggravated murder, murder, 6558
attempted aggravated murder, or attempted murder and there is 6559
probable cause to believe that the child committed the act 6560
charged. 6561

(ii) The child was fourteen or fifteen years of age at the 6562
time of the act charged that would be aggravated murder, murder, 6563
attempted aggravated murder, or attempted murder, section 6564
2152.10 of the Revised Code provides that the child is eligible 6565
for mandatory transfer, and there is probable cause to believe 6566
that the child committed the act charged. 6567

(b) After a complaint has been filed alleging that a child 6568
is a delinquent child by reason of committing one or more acts 6569
that would be an offense if committed by an adult, if any of 6570
those acts is a category two offense, the juvenile court at a 6571
hearing shall transfer the case if the child was sixteen or 6572
seventeen years of age at the time of the act charged that is a 6573
category two offense and either of the following applies: 6574

(i) Division (A) (2) (a) of section 2152.10 of the Revised 6575
Code requires the mandatory transfer of the case, and there is 6576
probable cause to believe that the child committed the act 6577
charged that is a category two offense. 6578

(ii) Division (A) (2) (b) of section 2152.10 of the Revised 6579
Code requires the mandatory transfer of the case, and there is 6580
probable cause to believe that the child committed the act 6581
charged that is a category two offense. 6582

(2) The juvenile court also shall transfer a case in the 6583
circumstances described in division (C) (5) of section 2152.02 of 6584
the Revised Code or if either of the following applies: 6585

(a) A complaint is filed against a child who is eligible 6586
for a discretionary transfer under section 2152.10 of the 6587
Revised Code and who previously was convicted of or pleaded 6588
guilty to a felony in a case that was transferred to a criminal 6589
court. 6590

(b) A complaint is filed against a child who is domiciled 6591
in another state alleging that the child is a delinquent child 6592
for committing an act that would be a felony if committed by an 6593
adult, and, if the act charged had been committed in that other 6594
state, the child would be subject to criminal prosecution as an 6595
adult under the law of that other state without the need for a 6596
transfer of jurisdiction from a juvenile, family, or similar 6597
noncriminal court to a criminal court. 6598

(3) If a complaint is filed against a child alleging that 6599
the child is a delinquent child and the case is transferred 6600
pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of this 6601
section and if the child subsequently is convicted of or pleads 6602
guilty to an offense in that case, the sentence to be imposed or 6603
disposition to be made of the child shall be determined in 6604
accordance with section 2152.121 of the Revised Code. 6605

(B) Except as provided in division (A) of this section, 6606
after a complaint has been filed alleging that a child is a 6607
delinquent child ~~for by reason of committing an act that one or~~ 6608
more acts that would be an offense if committed by an adult and 6609
if any of those acts would be a felony if committed by an adult, 6610
the juvenile court at a hearing may transfer the case if the 6611
court finds all of the following with respect to an act charged 6612

that would be a felony:

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(1) The child was fourteen years of age or older at the
time of the act charged.

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6615

(2) There is probable cause to believe that the child
committed the act charged.

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(3) The child is not amenable to care or rehabilitation
within the juvenile system, and the safety of the community may
require that the child be subject to adult sanctions. In making
its decision under this division, the court shall consider
whether the applicable factors under division (D) of this
section indicating that the case should be transferred outweigh
the applicable factors under division (E) of this section
indicating that the case should not be transferred. The record
shall indicate the specific factors that were applicable and
that the court weighed.

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(C) Before considering a transfer under division (B) of
this section, the juvenile court shall order an investigation
into the child's social history, education, family situation,
and any other factor bearing on whether the child is amenable to
juvenile rehabilitation, including a mental examination of the
child by a public or private agency or a person qualified to
make the examination. The investigation shall be completed and a
report on the investigation shall be submitted to the court as
soon as possible but not more than forty-five calendar days
after the court orders the investigation. The court may grant
one or more extensions for a reasonable length of time. The
child may waive the examination required by this division if the
court finds that the waiver is competently and intelligently
made. Refusal to submit to a mental examination by the child
constitutes a waiver of the examination.

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(D) In considering whether to transfer a child under 6643
division (B) of this section based on an act charged that would 6644
be a felony if committed by an adult, the juvenile court shall 6645
consider the following relevant factors, and any other relevant 6646
factors, in favor of a transfer under that division: 6647

(1) The victim of the act charged suffered physical or 6648
psychological harm, or serious economic harm, as a result of the 6649
alleged act. 6650

(2) The physical or psychological harm suffered by the 6651
victim due to the alleged act of the child was exacerbated 6652
because of the physical or psychological vulnerability or the 6653
age of the victim. 6654

(3) The child's relationship with the victim facilitated 6655
the act charged. 6656

(4) The child allegedly committed the act charged for hire 6657
or as a part of a gang or other organized criminal activity. 6658

(5) The child had a firearm on or about the child's person 6659
or under the child's control at the time of the act charged, the 6660
act charged is not a violation of section 2923.12 of the Revised 6661
Code, and the child, during the commission of the act charged, 6662
allegedly used or displayed the firearm, brandished the firearm, 6663
or indicated that the child possessed a firearm. 6664

(6) At the time of the act charged, the child was awaiting 6665
adjudication or disposition as a delinquent child, was under a 6666
community control sanction, or was on parole for a prior 6667
delinquent child adjudication or conviction. 6668

(7) The results of any previous juvenile sanctions and 6669
programs indicate that rehabilitation of the child will not 6670
occur in the juvenile system. 6671

- (8) The child is emotionally, physically, or psychologically mature enough for the transfer. 6672
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- (9) There is not sufficient time to rehabilitate the child within the juvenile system. 6674
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- (E) In considering whether to transfer a child under division (B) of this section based on an act charged that would be a felony if committed by an adult, the juvenile court shall consider the following relevant factors, and any other relevant factors, against a transfer under that division: 6676
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- (1) The victim induced or facilitated the act charged. 6681
- (2) The child acted under provocation in allegedly committing the act charged. 6682
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- (3) The child was not the principal actor in the act charged, or, at the time of the act charged, the child was under the negative influence or coercion of another person. 6684
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- (4) The child did not cause physical harm to any person or property, or have reasonable cause to believe that harm of that nature would occur, in allegedly committing the act charged. 6687
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- (5) The child previously has not been adjudicated a delinquent child. 6690
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- (6) The child is not emotionally, physically, or psychologically mature enough for the transfer. 6692
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- (7) The child has a mental illness or intellectual disability. 6694
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- (8) There is sufficient time to rehabilitate the child within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public 6696
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safety.

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(F) If one or more complaints are filed alleging that a child is a delinquent child for committing two or more acts that would be offenses if committed by an adult, if a motion is made alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, and if a motion also is made requesting that the case or cases involving one or more of the acts charged be transferred pursuant to division (B) of this section, the juvenile court, in deciding the motions, shall proceed in the following manner:

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(1) Initially, the court shall decide the motion alleging that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred.

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(2) If the court determines that division (A) of this section applies and requires that the case or cases involving one or more of the acts charged be transferred, the court shall transfer the case or cases in accordance with that division—~~After the transfer pursuant to division (A) of this section, the court shall decide, in accordance with,~~ and that transfer also automatically requires the transfer of the case or cases for which the transfer request was made under division (B) of this section, ~~whether to grant the motion requesting that the case or cases involving one or more of the acts charged be transferred pursuant to~~ without any action taken or finding made under that division, provided that as described in section 2152.022 of the Revised Code no count shall be transferred with the case unless the court finds probable cause to believe that the child committed the act charged in the count. Notwithstanding division

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(B) of this section, prior to transferring a case pursuant to 6729
division (A) of this section, the court is not required to 6730
consider any factor specified in division (D) or (E) of this 6731
section or to conduct an investigation under division (C) of 6732
this section. 6733

(3) If the court determines that division (A) of this 6734
section does not require that the case or cases involving one or 6735
more of the acts charged be transferred, the court shall decide 6736
in accordance with division (B) of this section whether to grant 6737
the motion requesting that the case or cases involving one or 6738
more of the acts charged be transferred pursuant to that 6739
division. 6740

(4) No report on an investigation conducted pursuant to 6741
division (C) of this section shall include details of the 6742
alleged offense as reported by the child. 6743

(G) The court shall give notice in writing of the time, 6744
place, and purpose of any hearing held pursuant to division (A) 6745
or (B) of this section to the child's parents, guardian, or 6746
other custodian and to the child's counsel at least three days 6747
prior to the hearing. 6748

(H) No person, either before or after reaching eighteen 6749
years of age, shall be prosecuted as an adult for an offense 6750
committed prior to becoming eighteen years of age, unless the 6751
person has been transferred as provided in division (A) or (B) 6752
of this section or unless division (J) of this section applies. 6753
Any prosecution that is had in a criminal court on the mistaken 6754
belief that the person who is the subject of the case was 6755
eighteen years of age or older at the time of the commission of 6756
the offense shall be deemed a nullity, and the person shall not 6757
be considered to have been in jeopardy on the offense. 6758

~~(I)~~ (I) (1) Section 2152.022 of the Revised Code applies 6759
with respect to the transfer of a case made under division (A) 6760
(1) or (B) of this section. Section 2152.022 of the Revised Code 6761
applies with respect to the transfer of a case made under 6762
division (A) (2) of this section in the same manner as if the 6763
transfer was made under division (A) (1) of this section. 6764

(2) Upon the transfer of a case under division (A) or (B) 6765
of this section, the juvenile court shall state the reasons for 6766
the transfer on the record, and shall order the child to enter 6767
into a recognizance with good and sufficient surety for the 6768
child's appearance before the appropriate court for any 6769
disposition that the court is authorized to make for a similar 6770
act committed by an adult. ~~The~~ Except as otherwise provided in 6771
division (B) of section 2152.022 of the Revised Code, all of the 6772
following apply with respect to the transfer: 6773

(a) The transfer abates the jurisdiction of the juvenile 6774
court with respect to the delinquent acts alleged in the 6775
complaint, ~~and, upon~~ in the case; 6776

(b) Upon the transfer, all further proceedings pertaining 6777
to the ~~act~~ acts charged in the complaint in the case shall be 6778
discontinued in the juvenile court, ~~and the;~~ 6779

(c) Upon the transfer, the case then shall be within the 6780
jurisdiction of the court to which it is transferred as 6781
described in division (H) of section 2151.23 of the Revised 6782
Code. 6783

(J) If a person under eighteen years of age allegedly 6784
commits an act that would be a felony if committed by an adult 6785
and if the person is not taken into custody or apprehended for 6786
that act until after the person attains twenty-one years of age, 6787

the juvenile court does not have jurisdiction to hear or 6788
determine that act, any other charge included in the case 6789
charging the person with committing that act, or any portion of 6790
~~the that case charging the person with committing that act.~~ In 6791
those circumstances, divisions (A) and (B) of this section do 6792
not apply regarding the act, and the case ~~charging that includes~~ 6793
the charge that the person with committing committed the act, 6794
and all other charges in the case, shall be a criminal 6795
prosecution commenced and heard in the appropriate court having 6796
jurisdiction of the offense as if the person had been eighteen 6797
years of age or older when the person committed the act. All 6798
proceedings pertaining to the ~~act~~ acts charged in the case shall 6799
be within the jurisdiction of the court having jurisdiction of 6800
the offense, and that court has all the authority and duties in 6801
the case as it has in other criminal cases in that court. 6802

Sec. 2152.121. (A) If a complaint is filed against a child 6803
alleging that the child is a delinquent child and the case is 6804
transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) 6805
of section 2152.12 of the Revised Code, the juvenile court that 6806
transferred the case shall retain jurisdiction for purposes of 6807
making disposition of the child when required under division (B) 6808
of this section. 6809

(B) If a complaint is filed against a child alleging that 6810
the child is a delinquent child, if the case is transferred 6811
pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 6812
2152.12 of the Revised Code, and if the child subsequently is 6813
convicted of or pleads guilty to ~~an offense~~ one or more offenses 6814
in that case, the sentence to be imposed or disposition to be 6815
made of the child with respect to each of the offenses shall be 6816
determined as follows: 6817

(1) The court in which the child is convicted of or pleads 6818
guilty to the ~~offense~~offenses shall determine whether, had a 6819
complaint been filed in juvenile court alleging that the child 6820
was a delinquent child for committing an act that would be ~~that~~
~~offense~~any of the offenses if committed by an adult, division 6821
(A) of section 2152.12 of the Revised Code would have required 6822
mandatory transfer of the case or division (B) of that section 6823
would have allowed discretionary transfer of the case. The court 6824
shall not consider the factor specified in division (B) (3) of 6825
section 2152.12 of the Revised Code in making its determination 6826
under this division. 6827
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(2) If the court in which the child is convicted of or 6829
pleads guilty to the ~~offense~~offenses determines under division 6830
(B) (1) of this section that, had a complaint been filed in 6831
juvenile court alleging that the child was a delinquent child 6832
for committing an act that would be ~~that offense~~any of the
offenses if committed by an adult, division (A) of section 6833
2152.12 of the Revised Code would not have required mandatory 6834
transfer of the case, and division (B) of that section would not 6835
have allowed discretionary transfer of the case, the court shall 6836
transfer jurisdiction of the case back to the juvenile court 6837
that initially transferred the case, the court and all other 6838
agencies that have any record of the conviction of the child or 6839
the child's guilty plea shall expunge all of the conviction or
convictions and guilty plea pleas and all records of ~~it~~ them, 6840
the ~~conviction or convictions and guilty plea pleas~~ shall be 6841
considered and treated for all purposes other than as provided 6842
in this section to have never occurred, the ~~conviction or~~
convictions and guilty plea pleas shall be considered and 6843
treated for all purposes other than as provided in this section 6844
to have been a delinquent child ~~adjudication~~adjudications of 6845
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the child, and the juvenile court shall impose one or more 6849
traditional juvenile dispositions ~~upon~~on the child under 6850
sections 2152.19 and 2152.20 of the Revised Code for each of the 6851
offenses. 6852

(3) If the court in which the child is convicted of or 6853
pleads guilty to the ~~offense~~offenses determines under division 6854
(B) (1) of this section that, had a complaint been filed in 6855
juvenile court alleging that the child was a delinquent child 6856
for committing an act that would be ~~that offense~~any of the 6857
offenses if committed by an adult, division (A) of section 6858
2152.12 of the Revised Code would not have required mandatory 6859
transfer of the case but division (B) of that section would have 6860
allowed discretionary transfer of the case, the court shall 6861
determine the sentence it believes should be imposed ~~upon~~on the 6862
child under Chapter 2929. of the Revised Code for each of the 6863
offenses, shall impose that sentence ~~upon~~on the child, and 6864
shall stay that sentence pending completion of the procedures 6865
specified in this division. Upon imposition and staying of the 6866
sentence, the court shall transfer jurisdiction of the case back 6867
to the juvenile court that initially transferred the case and 6868
the juvenile court shall proceed in accordance with this 6869
division. In no case may the child waive a right to a hearing of 6870
the type described in division (B) (3) (b) of this section, 6871
regarding a motion filed as described in that division by the 6872
prosecuting attorney in the case. Upon transfer of jurisdiction 6873
of the case back to the juvenile court, both of the following 6874
apply: 6875

(a) Except as otherwise provided in division (B) (3) (b) of 6876
this section, for each of the offenses, the juvenile court shall 6877
impose a serious youthful offender dispositional sentence ~~upon~~ 6878
on the child under division (D) (1) of section 2152.13 of the 6879

Revised Code. In imposing the adult portion of ~~that the serious~~ 6880
youthful offender dispositional sentence, the juvenile court 6881
shall consider and give preference to the sentence imposed ~~upon~~ 6882
on the child by the court in which the child was convicted of or 6883
pleaded guilty to the offense. Upon imposing a serious youthful 6884
offender dispositional sentence ~~upon or traditional juvenile~~ 6885
disposition on the child as described in this division, the 6886
juvenile court shall notify the court in which the child was 6887
convicted of or pleaded guilty to the offense, the sentence 6888
imposed ~~upon on~~ the child by that court shall terminate, the 6889
court and all other agencies that have any record of the 6890
conviction of the child or the child's guilty plea shall expunge 6891
the conviction or guilty plea and all records of it, the 6892
conviction or guilty plea shall be considered and treated for 6893
all purposes other than as provided in this section to have 6894
never occurred, and the conviction or guilty plea shall be 6895
considered and treated for all purposes other than as provided 6896
in this section to have been a delinquent child adjudication of 6897
the child. 6898

(b) Within fourteen days after the filing of the journal 6899
entry regarding the transfer, the prosecuting attorney in the 6900
case may file a motion in the juvenile court that objects to the 6901
imposition of ~~a serious youthful offender dispositional sentence~~ 6902
~~upon sentences on~~ the child for the offenses and requests that 6903
the ~~sentence sentences~~ imposed ~~upon on~~ the child by the court in 6904
which the child was convicted of or pleaded guilty to the 6905
~~offense offenses~~ be invoked. Upon the filing of a motion under 6906
this division, the juvenile court shall hold a hearing to 6907
determine whether the child is not amenable to care or 6908
rehabilitation within the juvenile system and whether the safety 6909
of the community may require that the child be subject solely to 6910

adult sanctions. If the juvenile court at the hearing finds that 6911
the child is not amenable to care or rehabilitation within the 6912
juvenile system or that the safety of the community may require 6913
that the child be subject solely to adult sanctions, the court 6914
shall grant the motion. Absent such a finding, the juvenile 6915
court shall deny the motion. In making its decision under this 6916
division, the juvenile court shall consider the factors listed 6917
in division (D) of section 2152.12 of the Revised Code as 6918
factors indicating that the motion should be granted, shall 6919
consider the factors listed in division (E) of that section as 6920
factors indicating that the motion should not be granted, and 6921
shall consider whether the applicable factors listed in division 6922
(D) of that section outweigh the applicable factors listed in 6923
division (E) of that section. 6924

If the juvenile court grants the motion of the prosecuting 6925
attorney under this division, the juvenile court shall transfer 6926
jurisdiction of the case back to the court in which the child 6927
was convicted of or pleaded guilty to the ~~offense~~offenses, and 6928
the ~~sentence~~sentences imposed by that court shall be invoked. 6929
If the juvenile court denies the motion of the prosecuting 6930
attorney under this section, for each of the offenses, the 6931
juvenile court shall impose a serious youthful offender 6932
dispositional sentence ~~upon~~on the child in accordance with 6933
division (B) (3) (a) of this section. 6934

(4) If the court in which the child is convicted of or 6935
pleads guilty to the ~~offense~~offenses determines under division 6936
(B) (1) of this section that, had a complaint been filed in 6937
juvenile court alleging that the child was a delinquent child 6938
for committing an act that would be ~~that offense~~any of the 6939
offenses if committed by an adult, division (A) of section 6940
2152.12 of the Revised Code would have required mandatory 6941

transfer of the case, for each of the offenses, the court shall 6942
impose sentence ~~upon~~on the child under Chapter 2929. of the 6943
Revised Code. 6944

Sec. 2305.118. (A) As used in this section "health care 6945
professional" has the same meaning as in section 2907.13 of the 6946
Revised Code. 6947

(B) Except as provided in division (C) of this section, an 6948
action under section 4731.861 or 4731.864 of the Revised Code 6949
for an assisted reproduction procedure performed without consent 6950
shall be brought within ten years after the procedure was 6951
performed. 6952

(C) (1) An action that would otherwise be barred under 6953
division (B) of this section, may be brought not later than five 6954
years after the latest any of the following occurs: 6955

(a) The discovery of evidence based on deoxyribonucleic 6956
acid analysis sufficient to bring the action against the health 6957
care professional. 6958

(b) The discovery of a recording providing evidence 6959
sufficient to bring the action against the health care 6960
professional. 6961

(c) The health care professional confesses and the 6962
confession is known to the plaintiff. 6963

(2) If a person born as a result of an assisted 6964
reproduction procedure discovers any of the evidence listed in 6965
division (C) (1) of this section before the person reaches the 6966
age of twenty-one, the five-year period does not begin to run 6967
until the person reaches the age of twenty-one. 6968

Sec. 2501.03. The judges of the court of appeals shall 6969

meet annually at such time and place within the state as may be 6970
set by the chief ~~judge~~justice of the court of appeals to 6971
organize and to choose one of their members as chief ~~judge~~ 6972
justice and one as secretary for the next judicial year, which 6973
shall commence on the first day of January. The judges may adopt 6974
rules to govern their organization, the purpose of which is the 6975
implementation of the goals of the Ohio judicial conference as 6976
set forth in section 105.91 of the Revised Code. 6977

The judges of the court of appeals, or committees composed 6978
of those judges, may meet at such other times and places within 6979
this state as may be designated by the chief ~~judge~~justice to 6980
carry out the purposes of the organization. Annual dues in a 6981
reasonable amount may be assessed each member of the 6982
organization. Annual dues and the actual and necessary expenses 6983
incurred by each judge in attending meetings of the organization 6984
shall be reimbursed by the state in the same manner as provided 6985
in section 141.10 of the Revised Code. 6986

Sec. 2501.14. When the presiding judge of a district 6987
requests that judges of the court of appeals be assigned to hold 6988
court with the judges of such district or to hold an additional 6989
court in such district, the chief ~~judge~~justice of the court of 6990
appeals, upon being satisfied that the business of such district 6991
requires it, shall assign such judges, as in the chief ~~judge's~~ 6992
justice's opinion can be assigned without impairing the business 6993
of the district from which such assigned judges are selected, to 6994
hold court in such district. 6995

Sec. 2501.15. A judge assigned under section 2501.14 of 6996
the Revised Code shall be paid the judge's actual expenses for 6997
each day the judge performs judicial duties, including the time 6998
necessarily devoted to going to, and returning from, such 6999

assignment, and to the examination and decision of cases heard 7000
by the judge while engaged outside the district for which the 7001
judge was elected. Such expenses shall be paid from 7002
appropriations made for this purpose pursuant to the certificate 7003
of the chief ~~judge~~ justice of the court of appeals, or the judge 7004
making the assignment. 7005

Sec. 2743.191. (A) (1) There is hereby created in the state 7006
treasury the reparations fund, which shall be used only for the 7007
following purposes: 7008

(a) The payment of awards of reparations that are granted 7009
by the attorney general; 7010

(b) The compensation of any personnel needed by the 7011
attorney general to administer sections 2743.51 to 2743.72 of 7012
the Revised Code; 7013

(c) The compensation of witnesses as provided in division 7014
(J) of section 2743.65 of the Revised Code; 7015

(d) Other administrative costs of hearing and determining 7016
claims for an award of reparations by the attorney general; 7017

(e) The costs of administering sections 2907.28 and 7018
2969.01 to 2969.06 of the Revised Code; 7019

(f) The costs of investigation and decision-making as 7020
certified by the attorney general; 7021

(g) The provision of state financial assistance to victim 7022
assistance programs in accordance with sections 109.91 and 7023
109.92 of the Revised Code; 7024

(h) The costs of paying the expenses of sex offense- 7025
related examinations, antibiotics, and HIV post-exposure 7026
prophylaxis pursuant to section 2907.28 of the Revised Code; 7027

(i) The cost of printing and distributing the pamphlet 7028
prepared by the attorney general pursuant to section 109.42 of 7029
the Revised Code; 7030

(j) Subject to division (D) of section 2743.71 of the 7031
Revised Code, the costs associated with the printing and 7032
providing of information cards or other printed materials to law 7033
enforcement agencies and prosecuting authorities and with 7034
publicizing the availability of awards of reparations pursuant 7035
to section 2743.71 of the Revised Code; 7036

(k) The payment of costs of administering a DNA specimen 7037
collection procedure pursuant to sections 2152.74 and 2901.07 of 7038
the Revised Code, of performing DNA analysis of those DNA 7039
specimens, and of entering the resulting DNA records regarding 7040
those analyses into the DNA database pursuant to section 109.573 7041
of the Revised Code; 7042

(l) The payment of actual costs associated with 7043
initiatives by the attorney general for the apprehension, 7044
prosecution, and accountability of offenders, and the enhancing 7045
of services to crime victims. The amount of payments made 7046
pursuant to division (A) (1) (1) of this section during any given 7047
fiscal year shall not exceed five per cent of the balance of the 7048
reparations fund at the close of the immediately previous fiscal 7049
year; 7050

(m) The costs of administering the adult parole 7051
authority's supervision pursuant to division (E) of section 7052
2971.05 of the Revised Code of sexually violent predators who 7053
are sentenced to a prison term pursuant to division (A) (3) of 7054
section 2971.03 of the Revised Code and of offenders who are 7055
sentenced to a prison term pursuant to division (B) (1) (a), (b), 7056
or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) 7057

of that section 7058

~~(n) Subject to the limit set forth in those sections, the 7059
costs of the installation and monitoring of an electronic 7060
monitoring device used in the monitoring of a respondent 7061
pursuant to an electronic monitoring order issued by a court 7062
under division (E) (1) (b) of section 2151.34 or division (E) (1) 7063
(b) of section 2903.214 of the Revised Code if the court 7064
determines that the respondent is indigent or used in the 7065
monitoring of an offender pursuant to an electronic monitoring 7066
order issued under division (B) (5) of section 2919.27 of the 7067
Revised Code if the court determines that the offender is 7068
indigent. 7069~~

(2) All costs paid pursuant to section 2743.70 of the 7070
Revised Code, the portions of license reinstatement fees 7071
mandated by division (F) (2) (b) of section 4511.191 of the 7072
Revised Code to be credited to the fund, the portions of the 7073
proceeds of the sale of a forfeited vehicle specified in 7074
division (C) (2) of section 4503.234 of the Revised Code, 7075
payments collected by the department of rehabilitation and 7076
correction from prisoners who voluntarily participate in an 7077
approved work and training program pursuant to division (C) (8) 7078
(b) (ii) of section 5145.16 of the Revised Code, and all moneys 7079
collected by the state pursuant to its right of subrogation 7080
provided in section 2743.72 of the Revised Code shall be 7081
deposited in the fund. 7082

(B) In making an award of reparations, the attorney 7083
general shall render the award against the state. The award 7084
shall be accomplished only through the following procedure, and 7085
the following procedure may be enforced by writ of mandamus 7086
directed to the appropriate official: 7087

(1) The attorney general shall provide for payment of the 7088
claimant or providers in the amount of the award only if the 7089
amount of the award is fifty dollars or more. 7090

(2) The expense shall be charged against all available 7091
unencumbered moneys in the fund. 7092

(3) If sufficient unencumbered moneys do not exist in the 7093
fund, the attorney general shall make application for payment of 7094
the award out of the emergency purposes account or any other 7095
appropriation for emergencies or contingencies, and payment out 7096
of this account or other appropriation shall be authorized if 7097
there are sufficient moneys greater than the sum total of then 7098
pending emergency purposes account requests or requests for 7099
releases from the other appropriations. 7100

(4) If sufficient moneys do not exist in the account or 7101
any other appropriation for emergencies or contingencies to pay 7102
the award, the attorney general shall request the general 7103
assembly to make an appropriation sufficient to pay the award, 7104
and no payment shall be made until the appropriation has been 7105
made. The attorney general shall make this appropriation request 7106
during the current biennium and during each succeeding biennium 7107
until a sufficient appropriation is made. If, prior to the time 7108
that an appropriation is made by the general assembly pursuant 7109
to this division, the fund has sufficient unencumbered funds to 7110
pay the award or part of the award, the available funds shall be 7111
used to pay the award or part of the award, and the 7112
appropriation request shall be amended to request only 7113
sufficient funds to pay that part of the award that is unpaid. 7114

(C) The attorney general shall not make payment on a 7115
decision or order granting an award until all appeals have been 7116
determined and all rights to appeal exhausted, except as 7117

otherwise provided in this section. If any party to a claim for 7118
an award of reparations appeals from only a portion of an award, 7119
and a remaining portion provides for the payment of money by the 7120
state, that part of the award calling for the payment of money 7121
by the state and not a subject of the appeal shall be processed 7122
for payment as described in this section. 7123

(D) The attorney general shall prepare itemized bills for 7124
the costs of printing and distributing the pamphlet the attorney 7125
general prepares pursuant to section 109.42 of the Revised Code. 7126
The itemized bills shall set forth the name and address of the 7127
persons owed the amounts set forth in them. 7128

(E) Interest earned on the moneys in the fund shall be 7129
credited to the fund. 7130

(F) As used in this section, "DNA analysis" and "DNA 7131
specimen" have the same meanings as in section 109.573 of the 7132
Revised Code. 7133

Sec. 2743.671. (A) As used in this section, "funeral 7134
expenses" means the payment of cremation or burial services of 7135
the decedent. 7136

(B) Before acting on an application for an award of 7137
reparations that has been filed pursuant to section 2743.56 of 7138
the Revised Code, the attorney general may make an emergency 7139
award for funeral expenses if at the time the application for 7140
emergency funeral expenses is made the claimant is the party 7141
responsible for the victim's funeral expenses and the 7142
information that is then available to the attorney general 7143
supports a finding of reasonable belief that all of the 7144
following criteria are met: 7145

(1) That the requirements for a final award under division 7146

<u>(C) of section 2743.59 of the Revised Code may be satisfied;</u>	7147
<u>(2) The decedent and the claimant are indigent;</u>	7148
<u>(3) The claimant will suffer undue hardship if immediate economic relief is not obtained.</u>	7149 7150
<u>(C) An emergency award for funeral expenses under this section may only be made before cremation or burial of the decedent. Payment for funeral expenses under this section shall be the full award for such expenses arising from the death of the victim. No additional payment for funeral expenses shall be made to the funeral home, to the claimant applicant, or to any other claimant. A determination under this section does not preclude the attorney general from determining eligibility and awarding reparations for any expenses other than those related to the funeral.</u>	7151 7152 7153 7154 7155 7156 7157 7158 7159 7160
<u>(D) If, after a payment of emergency funeral expenses is awarded under this section, a final determination is made that no compensation on the application for an award of reparations will be made, the claimant or victim may be required to repay the entire emergency award.</u>	7161 7162 7163 7164 7165
Sec. 2746.02. A court of record of this state shall tax as costs or otherwise require the payment of fees for the following services rendered, as compensation for the following persons, or as part of the sentence imposed by the court, or any other of the following fees that are applicable in a particular case:	7166 7167 7168 7169 7170
(A) In a felony case, financial sanctions, as provided in section 2929.18 of the Revised Code;	7171 7172
(B) In any criminal case, the costs of prosecution, as provided in section 2947.23 of the Revised Code;	7173 7174

(C) In a misdemeanor case in which the offender is 7175
sentenced to a jail term, the local detention facility is 7176
covered by a policy adopted by the facility's governing 7177
authority requiring reimbursement for the costs of confinement, 7178
and the offender is presented with an itemized bill pursuant to 7179
section 2929.37 of the Revised Code for such costs, the costs of 7180
confinement, as provided in section 2929.24 of the Revised Code; 7181

(D) In a case in which an offender is sentenced for 7182
endangering children in violation of section 2919.22 of the 7183
Revised Code, the costs of the offender's supervised community 7184
service work, as provided in section 2919.22 of the Revised 7185
Code; 7186

(E) In a case in which a defendant is charged with any of 7187
certain sexual assault or prostitution-related offenses and is 7188
found to be suffering from a venereal disease in an infectious 7189
stage, the cost of medical treatment, as provided in section 7190
2907.27 of the Revised Code; 7191

(F) In a case in which a defendant is charged with 7192
harassment with a bodily substance, the cost of medical testing, 7193
as provided in section 2921.38 of the Revised Code; 7194

(G) In a case in which a defendant is charged with 7195
violating a protection order in violation of section 2919.27 of 7196
the Revised Code or of a municipal ordinance that is 7197
substantially similar to that section, the costs of any 7198
evaluation and preceding examination of the defendant, as 7199
provided in section 2919.271 of the Revised Code; 7200

(H) Presentence psychological or psychiatric reports, as 7201
provided in section 2947.06 of the Revised Code; 7202

(I) In a criminal proceeding, the taking of a deposition 7203

of a person who is imprisoned in a detention facility or state 7204
correctional institution within this state or who is in the 7205
custody of the department of youth services, as provided in 7206
section 2945.47 of the Revised Code; 7207

(J) In a case in which a person is convicted of or pleads 7208
guilty to any offense other than a parking violation or in which 7209
a child is found to be a delinquent child or a juvenile traffic 7210
offender for an act that, if committed by an adult, would be an 7211
offense other than a parking violation, additional costs and 7212
bail, if applicable, as provided in sections 2743.70 and 7213
2949.091 of the Revised Code, but subject to waiver as provided 7214
in section 2949.092 of the Revised Code; 7215

(K) In a case in which a person is convicted of or pleads 7216
guilty to a moving violation or in which a child is found to be 7217
a juvenile traffic offender for an act which, if committed by an 7218
adult, would be a moving violation, additional costs and bail, 7219
if applicable, as provided in sections 2949.093 and 2949.094 of 7220
the Revised Code, but subject to waiver as provided in section 7221
2949.092 of the Revised Code; 7222

(L) In a case in which a defendant is convicted of 7223
abandoning a junk vessel or outboard motor without notifying the 7224
appropriate law enforcement officer, the cost incurred by the 7225
state or a political subdivision in disposing of the vessel or 7226
motor, as provided in section 1547.99 of the Revised Code; 7227

(M) The costs of electronic monitoring in the following 7228
cases: 7229

(1) In a misdemeanor case in which the offender is 7230
convicted of any of certain prostitution-related offenses and a 7231
specification under section 2941.1421 of the Revised Code, as 7232

provided in section 2929.24 of the Revised Code;	7233
(2) In a case in which the court issues a criminal protection order against a minor upon a petition alleging that the respondent committed any of certain assault, menacing, or trespass offenses, a sexually oriented offense, or an offense under a municipal ordinance that is substantially equivalent to any of those offenses, as provided in section 2151.34 of the Revised Code;	7234 7235 7236 7237 7238 7239 7240
(3) In a case in which the court issues a protection order against an adult upon a petition alleging that the respondent committed menacing by stalking or a sexually oriented offense, as provided in section 2903.214 of the Revised Code;	7241 7242 7243 7244
(4) In a case in which an offender is convicted of violating a protection order, as provided in section 2919.27 of the Revised Code;	7245 7246 7247
(5) In a case in which the offender is convicted of any sexually oriented offense and is a tier III sex offender/child-victim offender relative to that offense, as provided in section 2929.13 of the Revised Code.	7248 7249 7250 7251
(N) In a proceeding for post-conviction relief, a transcript, as provided in section 2953.21 of the Revised Code;	7252 7253
(O) In a proceeding for the <u>sealing or expungement</u> of a conviction record, the fees provided for in section 2953.32 <u>or 2953.39</u> of the Revised Code.	7254 7255 7256
Sec. 2901.01. (A) As used in the Revised Code:	7257
(1) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.	7258 7259 7260

(2) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person.

(3) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

(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.

(5) "Serious physical harm to persons" means any of the following:

(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;

(b) Any physical harm that carries a substantial risk of death;

(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;

(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;

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

(6) "Serious physical harm to property" means any physical

harm to property that does either of the following:	7289
(a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;	7290 7291 7292
(b) Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time.	7293 7294 7295
(7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.	7296 7297 7298
(8) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.	7299 7300 7301 7302
(9) "Offense of violence" means any of the following:	7303
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, <u>2903.18</u> , 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 2923.161, of division (A) (1) of section 2903.34, of division (A) (1), (2), or (3) of section 2911.12, or of division (B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;	7304 7305 7306 7307 7308 7309 7310 7311 7312 7313
(b) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offense listed in division (A) (9) (a) of this section;	7314 7315 7316 7317

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

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

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

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

(c) As used in divisions (A) (10) and (13) of this section,

"cable television service," "computer," "computer software," 7348
"computer system," "computer network," "data," and 7349
"telecommunications device" have the same meanings as in section 7350
2913.01 of the Revised Code. 7351

(11) "Law enforcement officer" means any of the following: 7352

(a) A sheriff, deputy sheriff, constable, police officer 7353
of a township or joint police district, marshal, deputy marshal, 7354
municipal police officer, member of a police force employed by a 7355
metropolitan housing authority under division (D) of section 7356
3735.31 of the Revised Code, or state highway patrol trooper; 7357

(b) An officer, agent, or employee of the state or any of 7358
its agencies, instrumentalities, or political subdivisions, upon 7359
whom, by statute, a duty to conserve the peace or to enforce all 7360
or certain laws is imposed and the authority to arrest violators 7361
is conferred, within the limits of that statutory duty and 7362
authority; 7363

(c) A mayor, in the mayor's capacity as chief conservator 7364
of the peace within the mayor's municipal corporation; 7365

(d) A member of an auxiliary police force organized by 7366
county, township, or municipal law enforcement authorities, 7367
within the scope of the member's appointment or commission; 7368

(e) A person lawfully called pursuant to section 311.07 of 7369
the Revised Code to aid a sheriff in keeping the peace, for the 7370
purposes and during the time when the person is called; 7371

(f) A person appointed by a mayor pursuant to section 7372
~~737.01~~737.10 of the Revised Code as a special patrolling 7373
officer during riot or emergency, for the purposes and during 7374
the time when the person is appointed; 7375

(g) A member of the organized militia of this state or the	7376
armed forces of the United States, lawfully called to duty to	7377
aid civil authorities in keeping the peace or protect against	7378
domestic violence;	7379
(h) A prosecuting attorney, assistant prosecuting	7380
attorney, secret service officer, or municipal prosecutor;	7381
(i) A veterans' home police officer appointed under	7382
section 5907.02 of the Revised Code;	7383
(j) A member of a police force employed by a regional	7384
transit authority under division (Y) of section 306.35 of the	7385
Revised Code;	7386
(k) A special police officer employed by a port authority	7387
under section 4582.04 or 4582.28 of the Revised Code;	7388
(l) The house of representatives sergeant at arms if the	7389
house of representatives sergeant at arms has arrest authority	7390
pursuant to division (E) (1) of section 101.311 of the Revised	7391
Code and an assistant house of representatives sergeant at arms;	7392
(m) The senate sergeant at arms and an assistant senate	7393
sergeant at arms;	7394
(n) A special police officer employed by a municipal	7395
corporation at a municipal airport, or other municipal air	7396
navigation facility, that has scheduled operations, as defined	7397
in section 119.3 of Title 14 of the Code of Federal Regulations,	7398
14 C.F.R. 119.3, as amended, and that is required to be under a	7399
security program and is governed by aviation security rules of	7400
the transportation security administration of the United States	7401
department of transportation as provided in Parts 1542. and	7402
1544. of Title 49 of the Code of Federal Regulations, as	7403
amended.	7404

(12) "Privilege" means an immunity, license, or right 7405
conferred by law, bestowed by express or implied grant, arising 7406
out of status, position, office, or relationship, or growing out 7407
of necessity. 7408

(13) "Contraband" means any property that is illegal for a 7409
person to acquire or possess under a statute, ordinance, or 7410
rule, or that a trier of fact lawfully determines to be illegal 7411
to possess by reason of the property's involvement in an 7412
offense. "Contraband" includes, but is not limited to, all of 7413
the following: 7414

(a) Any controlled substance, as defined in section 7415
3719.01 of the Revised Code, or any device or paraphernalia; 7416

(b) Any unlawful gambling device or paraphernalia; 7417

(c) Any dangerous ordinance or obscene material. 7418

(14) A person is "not guilty by reason of insanity" 7419
relative to a charge of an offense only if the person proves, in 7420
the manner specified in section 2901.05 of the Revised Code, 7421
that at the time of the commission of the offense, the person 7422
did not know, as a result of a severe mental disease or defect, 7423
the wrongfulness of the person's acts. 7424

(B) (1) (a) Subject to division (B) (2) of this section, as 7425
used in any section contained in Title XXIX of the Revised Code 7426
that sets forth a criminal offense, "person" includes all of the 7427
following: 7428

(i) An individual, corporation, business trust, estate, 7429
trust, partnership, and association; 7430

(ii) An unborn human who is viable. 7431

(b) As used in any section contained in Title XXIX of the 7432

Revised Code that does not set forth a criminal offense, 7433
"person" includes an individual, corporation, business trust, 7434
estate, trust, partnership, and association. 7435

(c) As used in division (B)(1)(a) of this section: 7436

(i) "Unborn human" means an individual organism of the 7437
species *Homo sapiens* from fertilization until live birth. 7438

(ii) "Viable" means the stage of development of a human 7439
fetus at which there is a realistic possibility of maintaining 7440
and nourishing of a life outside the womb with or without 7441
temporary artificial life-sustaining support. 7442

(2) Notwithstanding division (B)(1)(a) of this section, in 7443
no case shall the portion of the definition of the term "person" 7444
that is set forth in division (B)(1)(a)(ii) of this section be 7445
applied or construed in any section contained in Title XXIX of 7446
the Revised Code that sets forth a criminal offense in any of 7447
the following manners: 7448

(a) Except as otherwise provided in division (B)(2)(a) of 7449
this section, in a manner so that the offense prohibits or is 7450
construed as prohibiting any pregnant woman or her physician 7451
from performing an abortion with the consent of the pregnant 7452
woman, with the consent of the pregnant woman implied by law in 7453
a medical emergency, or with the approval of one otherwise 7454
authorized by law to consent to medical treatment on behalf of 7455
the pregnant woman. An abortion that violates the conditions 7456
described in the immediately preceding sentence may be punished 7457
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 7458
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 7459
2903.21, or 2903.22 of the Revised Code, as applicable. An 7460
abortion that does not violate the conditions described in the 7461

second immediately preceding sentence, but that does violate 7462
section 2919.12, division (B) of section 2919.13, or section 7463
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 7464
be punished as a violation of section 2919.12, division (B) of 7465
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 7466
2919.18 of the Revised Code, as applicable. Consent is 7467
sufficient under this division if it is of the type otherwise 7468
adequate to permit medical treatment to the pregnant woman, even 7469
if it does not comply with section 2919.12 of the Revised Code. 7470

(b) In a manner so that the offense is applied or is 7471
construed as applying to a woman based on an act or omission of 7472
the woman that occurs while she is or was pregnant and that 7473
results in any of the following: 7474

(i) Her delivery of a stillborn baby; 7475

(ii) Her causing, in any other manner, the death in utero 7476
of a viable, unborn human that she is carrying; 7477

(iii) Her causing the death of her child who is born alive 7478
but who dies from one or more injuries that are sustained while 7479
the child is a viable, unborn human; 7480

(iv) Her causing her child who is born alive to sustain 7481
one or more injuries while the child is a viable, unborn human; 7482

(v) Her causing, threatening to cause, or attempting to 7483
cause, in any other manner, an injury, illness, or other 7484
physiological impairment, regardless of its duration or gravity, 7485
or a mental illness or condition, regardless of its duration or 7486
gravity, to a viable, unborn human that she is carrying. 7487

(C) As used in Title XXIX of the Revised Code: 7488

(1) "School safety zone" consists of a school, school 7489

building, school premises, school activity, and school bus. 7490

(2) "School," "school building," and "school premises" 7491
have the same meanings as in section 2925.01 of the Revised 7492
Code. 7493

(3) "School activity" means any activity held under the 7494
auspices of a board of education of a city, local, exempted 7495
village, joint vocational, or cooperative education school 7496
district; a governing authority of a community school 7497
established under Chapter 3314. of the Revised Code; a governing 7498
board of an educational service center, or the governing body of 7499
a school for which the state board of education prescribes 7500
minimum standards under section 3301.07 of the Revised Code. 7501

(4) "School bus" has the same meaning as in section 7502
4511.01 of the Revised Code. 7503

Sec. 2901.011. The amendments to sections 109.42, 121.22, 7504
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 7505
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 7506
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 7507
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 7508
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 7509
2967.03, 2967.13, ~~2967.19~~, 2967.191, 2967.193, 2967.26, 2967.28, 7510
2971.03, 3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 and to 7511
former section 2967.19 and the enactment of sections 2901.011, 7512
2929.144, 2967.271, and 5120.038 of the Revised Code by S.B. 201 7513
of the 132nd general assembly constitute the Reagan Tokes Law. 7514

Sec. 2901.13. (A) (1) Except as provided in division (A) 7515
(2), (3), ~~or~~ (4), or (5) of this section or as otherwise 7516
provided in this section, a prosecution shall be barred unless 7517
it is commenced within the following periods after an offense is 7518

committed:	7519
(a) For a felony, six years;	7520
(b) For a misdemeanor other than a minor misdemeanor, two years;	7521 7522
(c) For a minor misdemeanor, six months.	7523
(2) There is no period of limitation for the prosecution of a violation of section 2903.01 or 2903.02 of the Revised Code <u>or for the prosecution of a conspiracy to commit, attempt to</u> <u>commit, or complicity in committing a violation of section</u> <u>2903.01 or 2903.02 of the Revised Code.</u>	7524 7525 7526 7527 7528
(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:	7529 7530 7531 7532
(a) A violation of section 2903.03, 2903.04, 2905.01, 2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, 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;	7533 7534 7535 7536 7537 7538 7539 7540
(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A) (3) (a) of this section.	7541 7542 7543
(4) Except as otherwise provided in divisions (D) to (L) of this section, a prosecution of a violation of section 2907.02 or 2907.03 of the Revised Code or a conspiracy to commit,	7544 7545 7546

attempt to commit, or complicity in committing a violation of 7547
either section shall be barred unless it is commenced within 7548
twenty-five years after the offense is committed. 7549

(5) (a) Except as otherwise provided in divisions (A) (5) (b) 7550
and (E) to (I) of this section, a prosecution of a violation of 7551
section 2907.13 of the Revised Code shall be barred unless it is 7552
commenced within five years after the offense is committed. 7553

(b) Prosecution that would otherwise be barred under 7554
division (A) (5) (a) of this section may be commenced within five 7555
years after the date of the discovery of the offense by either 7556
an aggrieved person or the aggrieved person's legal 7557
representative who is not a party to the offense. 7558

(c) As used in division (B) (5) (b) of this section, 7559
"aggrieved person" includes any of the following individuals 7560
with regard to a violation of section 2907.13 of the Revised 7561
Code: 7562

(i) A patient who was the victim of the violation; 7563

(ii) The spouse or surviving spouse of a patient who was 7564
the victim of the violation; 7565

(iii) Any child born as a result of the violation. 7566

(B) (1) Except as otherwise provided in division (B) (2) of 7567
this section, if the period of limitation provided in division 7568
(A) (1) or (3) of this section has expired, prosecution shall be 7569
commenced for an offense of which an element is fraud or breach 7570
of a fiduciary duty, within one year after discovery of the 7571
offense either by an aggrieved person, or by the aggrieved 7572
person's legal representative who is not a party to the offense. 7573

(2) If the period of limitation provided in division (A) 7574

(1) or (3) of this section has expired, prosecution for a 7575
violation of section 2913.49 of the Revised Code shall be 7576
commenced within five years after discovery of the offense 7577
either by an aggrieved person or the aggrieved person's legal 7578
representative who is not a party to the offense. 7579

(C) (1) If the period of limitation provided in division 7580
(A) (1) or (3) of this section has expired, prosecution shall be 7581
commenced for the following offenses during the following 7582
specified periods of time: 7583

(a) For an offense involving misconduct in office by a 7584
public servant, at any time while the accused remains a public 7585
servant, or within two years thereafter; 7586

(b) For an offense by a person who is not a public servant 7587
but whose offense is directly related to the misconduct in 7588
office of a public servant, at any time while that public 7589
servant remains a public servant, or within two years 7590
thereafter. 7591

(2) As used in this division: 7592

(a) An "offense is directly related to the misconduct in 7593
office of a public servant" includes, but is not limited to, a 7594
violation of section 101.71, 101.91, 121.61 or 2921.13, division 7595
(F) or (H) of section 102.03, division (A) of section 2921.02, 7596
division (A) or (B) of section 2921.43, or division (F) or (G) 7597
of section 3517.13 of the Revised Code, that is directly related 7598
to an offense involving misconduct in office of a public 7599
servant. 7600

(b) "Public servant" has the same meaning as in section 7601
2921.01 of the Revised Code. 7602

(D) (1) If a DNA record made in connection with the 7603

criminal investigation of the commission of a violation of 7604
section 2907.02 or 2907.03 of the Revised Code is determined to 7605
match another DNA record that is of an identifiable person and 7606
if the time of the determination is later than twenty-five years 7607
after the offense is committed, prosecution of that person for a 7608
violation of the section may be commenced within five years 7609
after the determination is complete. 7610

(2) If a DNA record made in connection with the criminal 7611
investigation of the commission of a violation of section 7612
2907.02 or 2907.03 of the Revised Code is determined to match 7613
another DNA record that is of an identifiable person and if the 7614
time of the determination is within twenty-five years after the 7615
offense is committed, prosecution of that person for a violation 7616
of the section may be commenced within the longer of twenty-five 7617
years after the offense is committed or five years after the 7618
determination is complete. 7619

(3) As used in this division, "DNA record" has the same 7620
meaning as in section 109.573 of the Revised Code. 7621

(E) An offense is committed when every element of the 7622
offense occurs. In the case of an offense of which an element is 7623
a continuing course of conduct, the period of limitation does 7624
not begin to run until such course of conduct or the accused's 7625
accountability for it terminates, whichever occurs first. 7626

(F) A prosecution is commenced on the date an indictment 7627
is returned or an information filed, or on the date a lawful 7628
arrest without a warrant is made, or on the date a warrant, 7629
summons, citation, or other process is issued, whichever occurs 7630
first. A prosecution is not commenced by the return of an 7631
indictment or the filing of an information unless reasonable 7632
diligence is exercised to issue and execute process on the same. 7633

A prosecution is not commenced upon issuance of a warrant, 7634
summons, citation, or other process, unless reasonable diligence 7635
is exercised to execute the same. 7636

(G) The period of limitation shall not run during any time 7637
when the corpus delicti remains undiscovered. 7638

(H) The period of limitation shall not run during any time 7639
when the accused purposely avoids prosecution. Proof that the 7640
accused departed this state or concealed the accused's identity 7641
or whereabouts is prima-facie evidence of the accused's purpose 7642
to avoid prosecution. 7643

(I) The period of limitation shall not run during any time 7644
a prosecution against the accused based on the same conduct is 7645
pending in this state, even though the indictment, information, 7646
or process that commenced the prosecution is quashed or the 7647
proceedings on the indictment, information, or process are set 7648
aside or reversed on appeal. 7649

(J) The period of limitation for a violation of any 7650
provision of Title XXIX of the Revised Code that involves a 7651
physical or mental wound, injury, disability, or condition of a 7652
nature that reasonably indicates abuse or neglect of a child 7653
under eighteen years of age or of a child with a developmental 7654
disability or physical impairment under twenty-one years of age 7655
shall not begin to run until either of the following occurs: 7656

(1) The victim of the offense reaches the age of majority. 7657

(2) A public children services agency, or a municipal or 7658
county peace officer that is not the parent or guardian of the 7659
child, in the county in which the child resides or in which the 7660
abuse or neglect is occurring or has occurred has been notified 7661
that abuse or neglect is known, suspected, or believed to have 7662

occurred. 7663

(K) As used in this section, "peace officer" has the same 7664
meaning as in section 2935.01 of the Revised Code. 7665

~~(L)~~(L) (1) The amendments to divisions (A) and (D) of this 7666
section that took effect on July 16, 2015, apply to a violation 7667
of section 2907.02 or 2907.03 of the Revised Code committed on 7668
and after July 16, 2015, and apply to a violation of either of 7669
those sections committed prior to July 16, 2015, if prosecution 7670
for that violation was not barred under this section as it 7671
existed on the day prior to July 16, 2015. 7672

(2) The amendment to division (A) (2) of this section that 7673
takes effect on the effective date of this amendment applies to 7674
a conspiracy to commit, attempt to commit, or complicity in 7675
committing a violation of section 2903.01 or 2903.02 of the 7676
Revised Code if the conspiracy, attempt, or complicity is 7677
committed on or after the effective date of this amendment and 7678
applies to a conspiracy to commit, attempt to commit, or 7679
complicity in committing a violation of either of those sections 7680
if the conspiracy, attempt, or complicity was committed prior to 7681
that effective date and prosecution for that conspiracy, 7682
attempt, or complicity was not barred under this section as it 7683
existed on the day prior to that effective date. 7684

Sec. 2903.06. (A) No person, while operating or 7685
participating in the operation of a motor vehicle, motorcycle, 7686
snowmobile, locomotive, watercraft, or aircraft, shall cause the 7687
death of another or the unlawful termination of another's 7688
pregnancy in any of the following ways: 7689

(1) (a) As the proximate result of committing a violation 7690
of division (A) of section 4511.19 of the Revised Code or of a 7691

substantially equivalent municipal ordinance; 7692

(b) As the proximate result of committing a violation of 7693
division (A) of section 1547.11 of the Revised Code or of a 7694
substantially equivalent municipal ordinance; 7695

(c) As the proximate result of committing a violation of 7696
division (A) (3) of section 4561.15 of the Revised Code or of a 7697
substantially equivalent municipal ordinance. 7698

(2) In one of the following ways: 7699

(a) Recklessly; 7700

(b) As the proximate result of committing, while operating 7701
or participating in the operation of a motor vehicle or 7702
motorcycle in a construction zone, a reckless operation offense, 7703
provided that this division applies only if the person whose 7704
death is caused or whose pregnancy is unlawfully terminated is 7705
in the construction zone at the time of the offender's 7706
commission of the reckless operation offense in the construction 7707
zone and does not apply as described in division (F) of this 7708
section. 7709

(3) In one of the following ways: 7710

(a) Negligently; 7711

(b) As the proximate result of committing, while operating 7712
or participating in the operation of a motor vehicle or 7713
motorcycle in a construction zone, a speeding offense, provided 7714
that this division applies only if the person whose death is 7715
caused or whose pregnancy is unlawfully terminated is in the 7716
construction zone at the time of the offender's commission of 7717
the speeding offense in the construction zone and does not apply 7718
as described in division (F) of this section. 7719

(4) As the proximate result of committing a violation of 7720
any provision of any section contained in Title XLV of the 7721
Revised Code that is a minor misdemeanor or of a municipal 7722
ordinance that, regardless of the penalty set by ordinance for 7723
the violation, is substantially equivalent to any provision of 7724
any section contained in Title XLV of the Revised Code that is a 7725
minor misdemeanor. 7726

(B) (1) Whoever violates division (A) (1) or (2) of this 7727
section is guilty of aggravated vehicular homicide and shall be 7728
punished as provided in divisions (B) (2) and (3) of this 7729
section. 7730

(2) (a) Except as otherwise provided in division (B) (2) (b) 7731
or (c) of this section, aggravated vehicular homicide committed 7732
in violation of division (A) (1) of this section is a felony of 7733
the second degree and the court shall impose a mandatory prison 7734
term on the offender as described in division (E) of this 7735
section. 7736

(b) Except as otherwise provided in division (B) (2) (c) of 7737
this section, aggravated vehicular homicide committed in 7738
violation of division (A) (1) of this section is a felony of the 7739
first degree, and the court shall impose a mandatory prison term 7740
on the offender as described in division (E) of this section, if 7741
any of the following apply: 7742

(i) At the time of the offense, the offender was driving 7743
under a suspension or cancellation imposed under Chapter 4510. 7744
or any other provision of the Revised Code or was operating a 7745
motor vehicle or motorcycle, did not have a valid driver's 7746
license, commercial driver's license, temporary instruction 7747
permit, probationary license, or nonresident operating 7748
privilege, and was not eligible for renewal of the offender's 7749

driver's license or commercial driver's license without 7750
examination under section 4507.10 of the Revised Code. 7751

(ii) The offender previously has been convicted of or 7752
pleaded guilty to a violation of this section. 7753

(iii) The offender previously has been convicted of or 7754
pleaded guilty to any traffic-related homicide, manslaughter, or 7755
assault offense. 7756

(c) Aggravated vehicular homicide committed in violation 7757
of division (A) (1) of this section is a felony of the first 7758
degree, and the court shall sentence the offender to a mandatory 7759
prison term as provided in section 2929.142 of the Revised Code 7760
and described in division (E) of this section if any of the 7761
following apply: 7762

(i) The offender previously has been convicted of or 7763
pleaded guilty to three or more prior violations of division (A) 7764
of section 4511.19 of the Revised Code or of a substantially 7765
equivalent municipal ordinance within the previous ten years. 7766

(ii) The offender previously has been convicted of or 7767
pleaded guilty to three or more prior violations of division (A) 7768
of section 1547.11 of the Revised Code or of a substantially 7769
equivalent municipal ordinance within the previous ten years. 7770

(iii) The offender previously has been convicted of or 7771
pleaded guilty to three or more prior violations of division (A) 7772
(3) of section 4561.15 of the Revised Code or of a substantially 7773
equivalent municipal ordinance within the previous ten years. 7774

(iv) The offender previously has been convicted of or 7775
pleaded guilty to three or more prior violations of division (A) 7776
(1) of this section within the previous ten years. 7777

(v) The offender previously has been convicted of or 7778
pleaded guilty to three or more prior violations of division (A) 7779
(1) of section 2903.08 of the Revised Code within the previous 7780
ten years. 7781

(vi) The offender previously has been convicted of or 7782
pleaded guilty to three or more prior violations of section 7783
2903.04 of the Revised Code within the previous ten years in 7784
circumstances in which division (D) of that section applied 7785
regarding the violations. 7786

(vii) The offender previously has been convicted of or 7787
pleaded guilty to three or more violations of any combination of 7788
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 7789
(v), or (vi) of this section within the previous ten years. 7790

(viii) The offender previously has been convicted of or 7791
pleaded guilty to a second or subsequent felony violation of 7792
division (A) of section 4511.19 of the Revised Code. 7793

(d) In addition to any other sanctions imposed pursuant to 7794
division (B) (2) (a), (b), or (c) of this section for aggravated 7795
vehicular homicide committed in violation of division (A) (1) of 7796
this section, the court shall impose upon the offender a class 7797
one suspension of the offender's driver's license, commercial 7798
driver's license, temporary instruction permit, probationary 7799
license, or nonresident operating privilege as specified in 7800
division (A) (1) of section 4510.02 of the Revised Code. 7801

Divisions (A) (1) to (3) of section 4510.54 of the Revised 7802
Code apply to a suspension imposed under division (B) (2) (d) of 7803
this section. 7804

(3) Except as otherwise provided in this division, 7805
aggravated vehicular homicide committed in violation of division 7806

(A) (2) of this section is a felony of the third degree. 7807
Aggravated vehicular homicide committed in violation of division 7808
(A) (2) of this section is a felony of the second degree if, at 7809
the time of the offense, the offender was driving under a 7810
suspension or cancellation imposed under Chapter 4510. or any 7811
other provision of the Revised Code or was operating a motor 7812
vehicle or motorcycle, did not have a valid driver's license, 7813
commercial driver's license, temporary instruction permit, 7814
probationary license, or nonresident operating privilege, and 7815
was not eligible for renewal of the offender's driver's license 7816
or commercial driver's license without examination under section 7817
4507.10 of the Revised Code or if the offender previously has 7818
been convicted of or pleaded guilty to a violation of this 7819
section or any traffic-related homicide, manslaughter, or 7820
assault offense. The court shall impose a mandatory prison term 7821
on the offender when required by division (E) of this section. 7822

In addition to any other sanctions imposed pursuant to 7823
this division for a violation of division (A) (2) of this 7824
section, the court shall impose upon the offender a class two 7825
suspension of the offender's driver's license, commercial 7826
driver's license, temporary instruction permit, probationary 7827
license, or nonresident operating privilege from the range 7828
specified in division (A) (2) of section 4510.02 of the Revised 7829
Code or, if the offender previously has been convicted of or 7830
pleaded guilty to a traffic-related murder, felonious assault, 7831
or attempted murder offense, a class one suspension of the 7832
offender's driver's license, commercial driver's license, 7833
temporary instruction permit, probationary license, or 7834
nonresident operating privilege as specified in division (A) (1) 7835
of that section. 7836

(C) Whoever violates division (A) (3) of this section is 7837

guilty of vehicular homicide. Except as otherwise provided in 7838
this division, vehicular homicide is a misdemeanor of the first 7839
degree. Vehicular homicide committed in violation of division 7840
(A) (3) of this section is a felony of the fourth degree if, at 7841
the time of the offense, the offender was driving under a 7842
suspension or cancellation imposed under Chapter 4510. or any 7843
other provision of the Revised Code or was operating a motor 7844
vehicle or motorcycle, did not have a valid driver's license, 7845
commercial driver's license, temporary instruction permit, 7846
probationary license, or nonresident operating privilege, and 7847
was not eligible for renewal of the offender's driver's license 7848
or commercial driver's license without examination under section 7849
4507.10 of the Revised Code or if the offender previously has 7850
been convicted of or pleaded guilty to a violation of this 7851
section or any traffic-related homicide, manslaughter, or 7852
assault offense. The court shall impose a mandatory jail term or 7853
a mandatory prison term on the offender when required by 7854
division (E) of this section. 7855

In addition to any other sanctions imposed pursuant to 7856
this division, the court shall impose upon the offender a class 7857
four suspension of the offender's driver's license, commercial 7858
driver's license, temporary instruction permit, probationary 7859
license, or nonresident operating privilege from the range 7860
specified in division (A) (4) of section 4510.02 of the Revised 7861
Code, or, if the offender previously has been convicted of or 7862
pleaded guilty to a violation of this section or any traffic- 7863
related homicide, manslaughter, or assault offense, a class 7864
three suspension of the offender's driver's license, commercial 7865
driver's license, temporary instruction permit, probationary 7866
license, or nonresident operating privilege from the range 7867
specified in division (A) (3) of that section, or, if the 7868

offender previously has been convicted of or pleaded guilty to a 7869
traffic-related murder, felonious assault, or attempted murder 7870
offense, a class two suspension of the offender's driver's 7871
license, commercial driver's license, temporary instruction 7872
permit, probationary license, or nonresident operating privilege 7873
as specified in division (A) (2) of that section. 7874

(D) Whoever violates division (A) (4) of this section is 7875
guilty of vehicular manslaughter. Except as otherwise provided 7876
in this division, vehicular manslaughter is a misdemeanor of the 7877
second degree. Vehicular manslaughter is a misdemeanor of the 7878
first degree if, at the time of the offense, the offender was 7879
driving under a suspension or cancellation imposed under Chapter 7880
4510. or any other provision of the Revised Code or was 7881
operating a motor vehicle or motorcycle, did not have a valid 7882
driver's license, commercial driver's license, temporary 7883
instruction permit, probationary license, or nonresident 7884
operating privilege, and was not eligible for renewal of the 7885
offender's driver's license or commercial driver's license 7886
without examination under section 4507.10 of the Revised Code or 7887
if the offender previously has been convicted of or pleaded 7888
guilty to a violation of this section or any traffic-related 7889
homicide, manslaughter, or assault offense. 7890

In addition to any other sanctions imposed pursuant to 7891
this division, the court shall impose upon the offender a class 7892
six suspension of the offender's driver's license, commercial 7893
driver's license, temporary instruction permit, probationary 7894
license, or nonresident operating privilege from the range 7895
specified in division (A) (6) of section 4510.02 of the Revised 7896
Code or, if the offender previously has been convicted of or 7897
pleaded guilty to a violation of this section, any traffic- 7898
related homicide, manslaughter, or assault offense, or a 7899

traffic-related murder, felonious assault, or attempted murder 7900
offense, a class four suspension of the offender's driver's 7901
license, commercial driver's license, temporary instruction 7902
permit, probationary license, or nonresident operating privilege 7903
from the range specified in division (A) (4) of that section. 7904

(E) (1) The court shall impose a mandatory prison term on 7905
an offender who is convicted of or pleads guilty to a violation 7906
of division (A) (1) of this section. Except as otherwise provided 7907
in this division, the mandatory prison term shall be a definite 7908
term from the range of prison terms provided in division (A) (1) 7909
(b) of section 2929.14 of the Revised Code for a felony of the 7910
first degree or from division (A) (2) (b) of that section for a 7911
felony of the second degree, whichever is applicable, except 7912
that if the violation is committed on or after ~~the effective~~ 7913
~~date of this amendment~~ March 22, 2019, the court shall impose as 7914
the minimum prison term for the offense a mandatory prison term 7915
that is one of the minimum terms prescribed for a felony of the 7916
first degree in division (A) (1) (a) of section 2929.14 of the 7917
Revised Code or one of the terms prescribed for a felony of the 7918
second degree in division (A) (2) (a) of that section, whichever 7919
is applicable. If division (B) (2) (c) (i), (ii), (iii), (iv), (v), 7920
(vi), (vii), or (viii) of this section applies to an offender 7921
who is convicted of or pleads guilty to the violation of 7922
division (A) (1) of this section, the court shall impose the 7923
mandatory prison term pursuant to division (B) of section 7924
2929.142 of the Revised Code. The court shall impose a mandatory 7925
jail term of at least fifteen days on an offender who is 7926
convicted of or pleads guilty to a misdemeanor violation of 7927
division (A) (3) (b) of this section and may impose upon the 7928
offender a longer jail term as authorized pursuant to section 7929
2929.24 of the Revised Code. 7930

(2) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A) (2) or (3) (a) of this section or a felony violation of division (A) (3) (b) of this section if either division (E) (2) (a) or (b) of this section applies. The mandatory prison term 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 or from division (A) (4) of that section for a felony of the fourth degree, whichever is applicable. The court shall impose a mandatory prison term on an offender in a category described in this division if either of the following applies:

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

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

(F) Divisions (A) (2) (b) and (3) (b) of this section do not apply in a particular construction zone unless signs of the type described in section 2903.081 of the Revised Code are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under section 5501.27 of the Revised Code. The

failure to erect signs of the type described in section 2903.081 7961
of the Revised Code in a particular construction zone in 7962
accordance with those guidelines and design specifications does 7963
not limit or affect the application of division (A) (1), (A) (2) 7964
(a), (A) (3) (a), or (A) (4) of this section in that construction 7965
zone or the prosecution of any person who violates any of those 7966
divisions in that construction zone. 7967

(G) (1) As used in this section: 7968

(a) "Mandatory prison term" and "mandatory jail term" have 7969
the same meanings as in section 2929.01 of the Revised Code. 7970

(b) "Traffic-related homicide, manslaughter, or assault 7971
offense" means a violation of section 2903.04 of the Revised 7972
Code in circumstances in which division (D) of that section 7973
applies, a violation of section 2903.06 or 2903.08 of the 7974
Revised Code, or a violation of section 2903.06, 2903.07, or 7975
2903.08 of the Revised Code as they existed prior to March 23, 7976
2000. 7977

(c) "Construction zone" has the same meaning as in section 7978
5501.27 of the Revised Code. 7979

(d) "Reckless operation offense" means a violation of 7980
section 4511.20 of the Revised Code or a municipal ordinance 7981
substantially equivalent to section 4511.20 of the Revised Code. 7982

(e) "Speeding offense" means a violation of section 7983
4511.21 of the Revised Code or a municipal ordinance pertaining 7984
to speed. 7985

(f) "Traffic-related murder, felonious assault, or 7986
attempted murder offense" means a violation of section 2903.01 7987
or 2903.02 of the Revised Code in circumstances in which the 7988
offender used a motor vehicle as the means to commit the 7989

violation, a violation of division (A) (2) of section 2903.11 of 7990
the Revised Code in circumstances in which the deadly weapon 7991
used in the commission of the violation is a motor vehicle, or 7992
an attempt to commit aggravated murder or murder in violation of 7993
section 2923.02 of the Revised Code in circumstances in which 7994
the offender used a motor vehicle as the means to attempt to 7995
commit the aggravated murder or murder. 7996

(g) "Motor vehicle" has the same meaning as in section 7997
4501.01 of the Revised Code. 7998

(2) For the purposes of this section, when a penalty or 7999
suspension is enhanced because of a prior or current violation 8000
of a specified law or a prior or current specified offense, the 8001
reference to the violation of the specified law or the specified 8002
offense includes any violation of any substantially equivalent 8003
municipal ordinance, former law of this state, or current or 8004
former law of another state or the United States. 8005

Sec. 2903.08. (A) No person, while operating or 8006
participating in the operation of a motor vehicle, motorcycle, 8007
snowmobile, locomotive, watercraft, or aircraft, shall cause 8008
serious physical harm to another person or another's unborn in 8009
any of the following ways: 8010

(1) (a) As the proximate result of committing a violation 8011
of division (A) of section 4511.19 of the Revised Code or of a 8012
substantially equivalent municipal ordinance; 8013

(b) As the proximate result of committing a violation of 8014
division (A) of section 1547.11 of the Revised Code or of a 8015
substantially equivalent municipal ordinance; 8016

(c) As the proximate result of committing a violation of 8017
division (A) (3) of section 4561.15 of the Revised Code or of a 8018

substantially equivalent municipal ordinance. 8019

(2) In one of the following ways: 8020

(a) As the proximate result of committing, while operating 8021
or participating in the operation of a motor vehicle or 8022
motorcycle in a construction zone, a reckless operation offense, 8023
provided that this division applies only if the person to whom 8024
the serious physical harm is caused or to whose unborn the 8025
serious physical harm is caused is in the construction zone at 8026
the time of the offender's commission of the reckless operation 8027
offense in the construction zone and does not apply as described 8028
in division (E) of this section; 8029

(b) Recklessly. 8030

(3) As the proximate result of committing, while operating 8031
or participating in the operation of a motor vehicle or 8032
motorcycle in a construction zone, a speeding offense, provided 8033
that this division applies only if the person to whom the 8034
serious physical harm is caused or to whose unborn the serious 8035
physical harm is caused is in the construction zone at the time 8036
of the offender's commission of the speeding offense in the 8037
construction zone and does not apply as described in division 8038
(E) of this section. 8039

(B) (1) Whoever violates division (A) (1) of this section is 8040
guilty of aggravated vehicular assault. Except as otherwise 8041
provided in this division, aggravated vehicular assault is a 8042
felony of the third degree. Aggravated vehicular assault is a 8043
felony of the second degree if any of the following apply: 8044

(a) At the time of the offense, the offender was driving 8045
under a suspension imposed under Chapter 4510. or any other 8046
provision of the Revised Code. 8047

(b) The offender previously has been convicted of or 8048
pleaded guilty to a violation of this section. 8049

(c) The offender previously has been convicted of or 8050
pleaded guilty to any traffic-related homicide, manslaughter, or 8051
assault offense. 8052

(d) The offender previously has been convicted of or 8053
pleaded guilty to three or more prior violations of division (A) 8054
of section 4511.19 of the Revised Code or a substantially 8055
equivalent municipal ordinance within the previous ten years. 8056

(e) The offender previously has been convicted of or 8057
pleaded guilty to three or more prior violations of division (A) 8058
of section 1547.11 of the Revised Code or of a substantially 8059
equivalent municipal ordinance within the previous ten years. 8060

(f) The offender previously has been convicted of or 8061
pleaded guilty to three or more prior violations of division (A) 8062
(3) of section 4561.15 of the Revised Code or of a substantially 8063
equivalent municipal ordinance within the previous ten years. 8064

(g) The offender previously has been convicted of or 8065
pleaded guilty to three or more prior violations of any 8066
combination of the offenses listed in division (B) (1) (d), (e), 8067
or (f) of this section. 8068

(h) The offender previously has been convicted of or 8069
pleaded guilty to a second or subsequent felony violation of 8070
division (A) of section 4511.19 of the Revised Code. 8071

(2) In addition to any other sanctions imposed pursuant to 8072
division (B) (1) of this section, except as otherwise provided in 8073
this division, the court shall impose upon the offender a class 8074
three suspension of the offender's driver's license, commercial 8075
driver's license, temporary instruction permit, probationary 8076

license, or nonresident operating privilege from the range 8077
specified in division (A) (3) of section 4510.02 of the Revised 8078
Code. If the offender previously has been convicted of or 8079
pleaded guilty to a violation of this section, any traffic- 8080
related homicide, manslaughter, or assault offense, or any 8081
traffic-related murder, felonious assault, or attempted murder 8082
offense, the court shall impose either a class two suspension of 8083
the offender's driver's license, commercial driver's license, 8084
temporary instruction permit, probationary license, or 8085
nonresident operating privilege from the range specified in 8086
division (A) (2) of that section or a class one suspension as 8087
specified in division (A) (1) of that section. 8088

(C) (1) Whoever violates division (A) (2) or (3) of this 8089
section is guilty of vehicular assault and shall be punished as 8090
provided in divisions (C) (2) and (3) of this section. 8091

(2) Except as otherwise provided in this division, 8092
vehicular assault committed in violation of division (A) (2) of 8093
this section is a felony of the fourth degree. Vehicular assault 8094
committed in violation of division (A) (2) of this section is a 8095
felony of the third degree if, at the time of the offense, the 8096
offender was driving under a suspension imposed under Chapter 8097
4510. or any other provision of the Revised Code, if the 8098
offender previously has been convicted of or pleaded guilty to a 8099
violation of this section or any traffic-related homicide, 8100
manslaughter, or assault offense, or if, in the same course of 8101
conduct that resulted in the violation of division (A) (2) of 8102
this section, the offender also violated section 4549.02, 8103
4549.021, or 4549.03 of the Revised Code. 8104

In addition to any other sanctions imposed, the court 8105
shall impose upon the offender a class four suspension of the 8106

offender's driver's license, commercial driver's license, 8107
temporary instruction permit, probationary license, or 8108
nonresident operating privilege from the range specified in 8109
division (A) (4) of section 4510.02 of the Revised Code or, if 8110
the offender previously has been convicted of or pleaded guilty 8111
to a violation of this section, any traffic-related homicide, 8112
manslaughter, or assault offense, or any traffic-related murder, 8113
felonious assault, or attempted murder offense, a class three 8114
suspension of the offender's driver's license, commercial 8115
driver's license, temporary instruction permit, probationary 8116
license, or nonresident operating privilege from the range 8117
specified in division (A) (3) of that section. 8118

(3) Except as otherwise provided in this division, 8119
vehicular assault committed in violation of division (A) (3) of 8120
this section is a misdemeanor of the first degree. Vehicular 8121
assault committed in violation of division (A) (3) of this 8122
section is a felony of the fourth degree if, at the time of the 8123
offense, the offender was driving under a suspension imposed 8124
under Chapter 4510. or any other provision of the Revised Code 8125
or if the offender previously has been convicted of or pleaded 8126
guilty to a violation of this section or any traffic-related 8127
homicide, manslaughter, or assault offense. 8128

In addition to any other sanctions imposed, the court 8129
shall impose upon the offender a class four suspension of the 8130
offender's driver's license, commercial driver's license, 8131
temporary instruction permit, probationary license, or 8132
nonresident operating privilege from the range specified in 8133
division (A) (4) of section 4510.02 of the Revised Code or, if 8134
the offender previously has been convicted of or pleaded guilty 8135
to a violation of this section, any traffic-related homicide, 8136
manslaughter, or assault offense, or any traffic-related murder, 8137

felonious assault, or attempted murder offense, a class three 8138
suspension of the offender's driver's license, commercial 8139
driver's license, temporary instruction permit, probationary 8140
license, or nonresident operating privilege from the range 8141
specified in division (A) (3) of section 4510.02 of the Revised 8142
Code. 8143

(D) (1) The court shall impose a mandatory prison term, as 8144
described in division (D) (4) of this section, on an offender who 8145
is convicted of or pleads guilty to a violation of division (A) 8146
(1) of this section. 8147

(2) The court shall impose a mandatory prison term, as 8148
described in division (D) (4) of this section, on an offender who 8149
is convicted of or pleads guilty to a violation of division (A) 8150
(2) of this section or a felony violation of division (A) (3) of 8151
this section if either of the following applies: 8152

(a) The offender previously has been convicted of or 8153
pleaded guilty to a violation of this section or section 2903.06 8154
of the Revised Code. 8155

(b) At the time of the offense, the offender was driving 8156
under suspension under Chapter 4510. or any other provision of 8157
the Revised Code. 8158

(3) The court shall impose a mandatory jail term of at 8159
least seven days on an offender who is convicted of or pleads 8160
guilty to a misdemeanor violation of division (A) (3) of this 8161
section and may impose upon the offender a longer jail term as 8162
authorized pursuant to section 2929.24 of the Revised Code. 8163

(4) A mandatory prison term required under division (D) (1) 8164
or (2) of this section shall be a definite term from the range 8165
of prison terms provided in division (A) (2) (b) of section 8166

2929.14 of the Revised Code for a felony of the second degree, 8167
from division (A) (3) (a) of that section for a felony of the 8168
third degree, or from division (A) (4) of that section for a 8169
felony of the fourth degree, whichever is applicable, except 8170
that if the violation is a felony of the second degree committed 8171
on or after ~~the effective date of this amendment~~ March 22, 2019, 8172
the court shall impose as the minimum prison term for the 8173
offense a mandatory prison term that is one of the minimum terms 8174
prescribed for a felony of the second degree in division (A) (2) 8175
(a) of section 2929.14 of the Revised Code. 8176

(E) Divisions (A) (2) (a) and (3) of this section do not 8177
apply in a particular construction zone unless signs of the type 8178
described in section 2903.081 of the Revised Code are erected in 8179
that construction zone in accordance with the guidelines and 8180
design specifications established by the director of 8181
transportation under section 5501.27 of the Revised Code. The 8182
failure to erect signs of the type described in section 2903.081 8183
of the Revised Code in a particular construction zone in 8184
accordance with those guidelines and design specifications does 8185
not limit or affect the application of division (A) (1) or (2) (b) 8186
of this section in that construction zone or the prosecution of 8187
any person who violates either of those divisions in that 8188
construction zone. 8189

(F) As used in this section: 8190

(1) "Mandatory prison term" and "mandatory jail term" have 8191
the same meanings as in section 2929.01 of the Revised Code. 8192

(2) "Traffic-related homicide, manslaughter, or assault 8193
offense" and "traffic-related murder, felonious assault, or 8194
attempted murder offense" have the same meanings as in section 8195
2903.06 of the Revised Code. 8196

(3) "Construction zone" has the same meaning as in section 8197
5501.27 of the Revised Code. 8198

(4) "Reckless operation offense" and "speeding offense" 8199
have the same meanings as in section 2903.06 of the Revised 8200
Code. 8201

(G) For the purposes of this section, when a penalty or 8202
suspension is enhanced because of a prior or current violation 8203
of a specified law or a prior or current specified offense, the 8204
reference to the violation of the specified law or the specified 8205
offense includes any violation of any substantially equivalent 8206
municipal ordinance, former law of this state, or current or 8207
former law of another state or the United States. 8208

Sec. 2903.13. (A) No person shall knowingly cause or 8209
attempt to cause physical harm to another or to another's 8210
unborn. 8211

(B) No person shall recklessly cause serious physical harm 8212
to another or to another's unborn. 8213

(C) (1) Whoever violates this section is guilty of assault, 8214
and the court shall sentence the offender as provided in this 8215
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 8216
(8), (9), and (10) of this section. Except as otherwise provided 8217
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 8218
section, assault is a misdemeanor of the first degree. 8219

(2) Except as otherwise provided in this division, if the 8220
offense is committed by a caretaker against a functionally 8221
impaired person under the caretaker's care, assault is a felony 8222
of the fourth degree. If the offense is committed by a caretaker 8223
against a functionally impaired person under the caretaker's 8224
care, if the offender previously has been convicted of or 8225

pleaded guilty to a violation of this section or section 2903.11 8226
or 2903.16 of the Revised Code, and if in relation to the 8227
previous conviction the offender was a caretaker and the victim 8228
was a functionally impaired person under the offender's care, 8229
assault is a felony of the third degree. 8230

(3) If the offense occurs in or on the grounds of a state 8231
correctional institution or an institution of the department of 8232
youth services, the victim of the offense is an employee of the 8233
department of rehabilitation and correction or the department of 8234
youth services, and the offense is committed by a person 8235
incarcerated in the state correctional institution or by a 8236
person institutionalized in the department of youth services 8237
institution pursuant to a commitment to the department of youth 8238
services, assault is a felony of the third degree. 8239

(4) If the offense is committed in any of the following 8240
circumstances, assault is a felony of the fifth degree: 8241

(a) The offense occurs in or on the grounds of a local 8242
correctional facility, the victim of the offense is an employee 8243
of the local correctional facility or a probation department or 8244
is on the premises of the facility for business purposes or as a 8245
visitor, and the offense is committed by a person who is under 8246
custody in the facility subsequent to the person's arrest for 8247
any crime or delinquent act, subsequent to the person's being 8248
charged with or convicted of any crime, or subsequent to the 8249
person's being alleged to be or adjudicated a delinquent child. 8250

(b) The offense occurs off the grounds of a state 8251
correctional institution and off the grounds of an institution 8252
of the department of youth services, the victim of the offense 8253
is an employee of the department of rehabilitation and 8254
correction, the department of youth services, or a probation 8255

department, the offense occurs during the employee's official 8256
work hours and while the employee is engaged in official work 8257
responsibilities, and the offense is committed by a person 8258
incarcerated in a state correctional institution or 8259
institutionalized in the department of youth services who 8260
temporarily is outside of the institution for any purpose, by a 8261
parolee, by an offender under transitional control, under a 8262
community control sanction, or on an escorted visit, by a person 8263
under post-release control, or by an offender under any other 8264
type of supervision by a government agency. 8265

(c) The offense occurs off the grounds of a local 8266
correctional facility, the victim of the offense is an employee 8267
of the local correctional facility or a probation department, 8268
the offense occurs during the employee's official work hours and 8269
while the employee is engaged in official work responsibilities, 8270
and the offense is committed by a person who is under custody in 8271
the facility subsequent to the person's arrest for any crime or 8272
delinquent act, subsequent to the person being charged with or 8273
convicted of any crime, or subsequent to the person being 8274
alleged to be or adjudicated a delinquent child and who 8275
temporarily is outside of the facility for any purpose or by a 8276
parolee, by an offender under transitional control, under a 8277
community control sanction, or on an escorted visit, by a person 8278
under post-release control, or by an offender under any other 8279
type of supervision by a government agency. 8280

(d) The victim of the offense is a school teacher or 8281
administrator or a school bus operator, and the offense occurs 8282
in a school, on school premises, in a school building, on a 8283
school bus, or while the victim is outside of school premises or 8284
a school bus and is engaged in duties or official 8285
responsibilities associated with the victim's employment or 8286

position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.

(5) If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties, assault is a felony of the fourth degree.

(6) 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 as a result of the commission of the offense, assault is a felony of the fourth degree, and the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the fourth degree that is at least twelve months in duration.

(7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, assault is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official

responsibilities or duties, a felony of the fourth degree. 8317

(8) If the victim of the offense is a health care 8318
professional of a hospital, a health care worker of a hospital, 8319
or a security officer of a hospital whom the offender knows or 8320
has reasonable cause to know is a health care professional of a 8321
hospital, a health care worker of a hospital, or a security 8322
officer of a hospital, if the victim is engaged in the 8323
performance of the victim's duties, and if the hospital offers 8324
de-escalation or crisis intervention training for such 8325
professionals, workers, or officers, assault is one of the 8326
following: 8327

(a) Except as otherwise provided in division (C) (8) (b) of 8328
this section, assault committed in the specified circumstances 8329
is a misdemeanor of the first degree. Notwithstanding the fine 8330
specified in division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of 8331
the Revised Code for a misdemeanor of the first degree, in 8332
sentencing the offender under this division and if the court 8333
decides to impose a fine, the court may impose upon the offender 8334
a fine of not more than five thousand dollars. 8335

(b) If the offender previously has been convicted of or 8336
pleaded guilty to one or more assault or homicide offenses 8337
committed against hospital personnel, assault committed in the 8338
specified circumstances is a felony of the fifth degree. 8339

(9) If the victim of the offense is a judge, magistrate, 8340
prosecutor, or court official or employee whom the offender 8341
knows or has reasonable cause to know is a judge, magistrate, 8342
prosecutor, or court official or employee, and if the victim is 8343
engaged in the performance of the victim's duties, assault is 8344
one of the following: 8345

(a) Except as otherwise provided in division ~~(C) (8) (b)~~ (C) (9) (b) of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. In sentencing the offender under this division, if the court decides to impose a fine, notwithstanding the fine specified in division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of the Revised Code for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than five thousand dollars.

(b) If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against justice system personnel, assault committed in the specified circumstances is a felony of the fifth degree.

(10) If an offender who is convicted of or pleads guilty to assault when it is a misdemeanor 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, the court shall sentence the offender to a mandatory jail term as provided in division ~~(G)~~ (F) of section 2929.24 of the Revised Code.

If an offender who is convicted of or pleads guilty to assault when it is a felony 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 division (C) (6) of this section, 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.

(D) As used in this section:

- (1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 8376
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- (2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code. 8378
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- (3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code. 8380
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- (4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child. 8382
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- (5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility. 8391
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- (6) "School teacher or administrator" means either of the following: 8396
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- (a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code. 8398
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- (b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards 8403
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under section 3301.07 of the Revised Code and who is 8405
certificated in accordance with section 3301.071 of the Revised 8406
Code. 8407

(7) "Community control sanction" has the same meaning as 8408
in section 2929.01 of the Revised Code. 8409

(8) "Escorted visit" means an escorted visit granted under 8410
section 2967.27 of the Revised Code. 8411

(9) "Post-release control" and "transitional control" have 8412
the same meanings as in section 2967.01 of the Revised Code. 8413

(10) "Investigator of the bureau of criminal 8414
identification and investigation" has the same meaning as in 8415
section 2903.11 of the Revised Code. 8416

(11) "Health care professional" and "health care worker" 8417
have the same meanings as in section 2305.234 of the Revised 8418
Code. 8419

(12) "Assault or homicide offense committed against 8420
hospital personnel" means a violation of this section or of 8421
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 8422
2903.12, or 2903.14 of the Revised Code committed in 8423
circumstances in which all of the following apply: 8424

(a) The victim of the offense was a health care 8425
professional of a hospital, a health care worker of a hospital, 8426
or a security officer of a hospital. 8427

(b) The offender knew or had reasonable cause to know that 8428
the victim was a health care professional of a hospital, a 8429
health care worker of a hospital, or a security officer of a 8430
hospital. 8431

(c) The victim was engaged in the performance of the 8432

victim's duties. 8433

(d) The hospital offered de-escalation or crisis 8434
intervention training for such professionals, workers, or 8435
officers. 8436

(13) "De-escalation or crisis intervention training" means 8437
de-escalation or crisis intervention training for health care 8438
professionals of a hospital, health care workers of a hospital, 8439
and security officers of a hospital to facilitate interaction 8440
with patients, members of a patient's family, and visitors, 8441
including those with mental impairments. 8442

(14) "Assault or homicide offense committed against 8443
justice system personnel" means a violation of this section or 8444
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 8445
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 8446
circumstances in which the victim of the offense was a judge, 8447
magistrate, prosecutor, or court official or employee whom the 8448
offender knew or had reasonable cause to know was a judge, 8449
magistrate, prosecutor, or court official or employee, and the 8450
victim was engaged in the performance of the victim's duties. 8451

(15) "Court official or employee" means any official or 8452
employee of a court created under the constitution or statutes 8453
of this state or of a United States court located in this state. 8454

(16) "Judge" means a judge of a court created under the 8455
constitution or statutes of this state or of a United States 8456
court located in this state. 8457

(17) "Magistrate" means an individual who is appointed by 8458
a court of record of this state and who has the powers and may 8459
perform the functions specified in Civil Rule 53, Criminal Rule 8460
19, or Juvenile Rule 40, or an individual who is appointed by a 8461

United States court located in this state who has similar powers 8462
and functions. 8463

(18) "Prosecutor" has the same meaning as in section 8464
2935.01 of the Revised Code. 8465

(19) (a) "Hospital" means, subject to division (D) (19) (b) 8466
of this section, an institution classified as a hospital under 8467
section 3701.01 of the Revised Code in which are provided to 8468
patients diagnostic, medical, surgical, obstetrical, 8469
psychiatric, or rehabilitation care or a hospital operated by a 8470
health maintenance organization. 8471

(b) "Hospital" does not include any of the following: 8472

(i) A facility licensed under Chapter 3721. of the Revised 8473
Code, a health care facility operated by the department of 8474
mental health or the department of developmental disabilities, a 8475
health maintenance organization that does not operate a 8476
hospital, or the office of any private, licensed health care 8477
professional, whether organized for individual or group 8478
practice; 8479

(ii) An institution for the sick that is operated 8480
exclusively for patients who use spiritual means for healing and 8481
for whom the acceptance of medical care is inconsistent with 8482
their religious beliefs, accredited by a national accrediting 8483
organization, exempt from federal income taxation under section 8484
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 8485
U.S.C. 1, as amended, and providing twenty-four-hour nursing 8486
care pursuant to the exemption in division (E) of section 8487
4723.32 of the Revised Code from the licensing requirements of 8488
Chapter 4723. of the Revised Code. 8489

(20) "Health maintenance organization" has the same 8490

meaning as in section 3727.01 of the Revised Code. 8491

Sec. 2903.18. (A) As used in this section: 8492

(1) "Strangulation or suffocation" means any act that 8493
impedes the normal breathing or circulation of the blood by 8494
applying pressure to the throat or neck, or by covering the nose 8495
and mouth. 8496

(2) "Dating relationship" has the same meaning as in 8497
section 3113.31 of the Revised Code. 8498

(3) "Family or household member" has the same meaning as 8499
in section 2919.25 of the Revised Code. 8500

(4) "Person with whom the offender is or was in a dating 8501
relationship" means a person who at the time of the conduct in 8502
question is in a dating relationship with the defendant or who, 8503
within the twelve months preceding the conduct in question, has 8504
had a dating relationship with the defendant. 8505

(B) No person shall knowingly do any of the following: 8506

(1) Cause serious physical harm to another by means of 8507
strangulation or suffocation; 8508

(2) Create a substantial risk of serious physical harm to 8509
another by means of strangulation or suffocation; 8510

(3) Cause or create a substantial risk of physical harm to 8511
another by means of strangulation or suffocation. 8512

(C) Whoever violates this section is guilty of 8513
strangulation. 8514

(1) A violation of division (B)(1) of this section is a 8515
felony of the second degree. 8516

(2) A violation of division (B)(2) of this section is a 8517

felony of the third degree. 8518

(3) A violation of division (B) (3) of this section is a 8519
felony of the fifth degree. If the victim of the violation of 8520
division (B) (3) of this section is a family or household member, 8521
or is a person with whom the offender is or was in a dating 8522
relationship, a violation of division (B) (3) of this section is 8523
a felony of the fourth degree. If the victim of the offense is a 8524
family or household member, or is a person with whom the 8525
offender is or was in a dating relationship, and the offender 8526
previously has been convicted of or pleaded guilty to a felony 8527
offense of violence, or if the offender knew that the victim of 8528
the violation was pregnant at the time of the violation, a 8529
violation of division (B) (3) of this section is a felony of the 8530
third degree. 8531

(D) It is an affirmative defense to a charge under 8532
division (B) of this section that the act was done as part of a 8533
medical or other procedure undertaken to aid or benefit the 8534
victim. 8535

Sec. 2903.214. (A) As used in this section: 8536

(1) "Court" means the court of common pleas of the county 8537
in which the person to be protected by the protection order 8538
resides. 8539

(2) "Victim advocate" means a person who provides support 8540
and assistance for a person who files a petition under this 8541
section. 8542

(3) "Family or household member" ~~has the same meaning as~~ 8543
~~in section 3113.31 of the Revised Code~~ means any of the 8544
following: 8545

(a) Any of the following who is residing with or has 8546

resided with the petitioner: 8547

(i) A spouse, a person living as a spouse, or a former spouse of the petitioner; 8548
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(ii) A parent, a foster parent, or a child of the petitioner, or another person related by consanguinity or affinity to the petitioner; 8550
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(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the petitioner, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the petitioner. 8553
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(b) The natural parent of any child of whom the petitioner is the other natural parent or is the putative other natural parent. 8557
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(4) "Person living as a spouse" means a person who is living or has lived with the petitioner in a common law marital relationship, who otherwise is cohabiting with the petitioner, or who otherwise has cohabited with the petitioner within five years prior to the date of the alleged occurrence of the act in question. 8560
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(5) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. 8566
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~~(5)~~(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 8568
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~~(6)~~(7) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. 8570
8571

~~(7)~~(8) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 8572
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(B) The court has jurisdiction over all proceedings under this section. 8574
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(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief 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: 8576
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(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; 8581
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(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; 8588
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(3) A request for relief under this section. 8596

(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 8597
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without bond, that the court finds necessary for the safety and 8603
protection of the person to be protected by the order. Immediate 8604
and present danger to the person to be protected by the 8605
protection order constitutes good cause for purposes of this 8606
section. Immediate and present danger includes, but is not 8607
limited to, situations in which the respondent has threatened 8608
the person to be protected by the protection order with bodily 8609
harm or in which the respondent previously has been convicted of 8610
or pleaded guilty to a violation of section 2903.211 of the 8611
Revised Code or a sexually oriented offense against the person 8612
to be protected by the protection order. 8613

(2) (a) If the court, after an ex parte hearing, issues a 8614
protection order described in division (E) of this section, the 8615
court shall schedule a full hearing for a date that is within 8616
ten court days after the ex parte hearing. The court shall give 8617
the respondent notice of, and an opportunity to be heard at, the 8618
full hearing. The court shall hold the full hearing on the date 8619
scheduled under this division unless the court grants a 8620
continuance of the hearing in accordance with this division. 8621
Under any of the following circumstances or for any of the 8622
following reasons, the court may grant a continuance of the full 8623
hearing to a reasonable time determined by the court: 8624

(i) Prior to the date scheduled for the full hearing under 8625
this division, the respondent has not been served with the 8626
petition filed pursuant to this section and notice of the full 8627
hearing. 8628

(ii) The parties consent to the continuance. 8629

(iii) The continuance is needed to allow a party to obtain 8630
counsel. 8631

(iv) The continuance is needed for other good cause. 8632

(b) An ex parte order issued under this section does not 8633
expire because of a failure to serve notice of the full hearing 8634
upon the respondent before the date set for the full hearing 8635
under division (D) (2) (a) of this section or because the court 8636
grants a continuance under that division. 8637

(3) If a person who files a petition pursuant to this 8638
section does not request an ex parte order, or if a person 8639
requests an ex parte order but the court does not issue an ex 8640
parte order after an ex parte hearing, the court shall proceed 8641
as in a normal civil action and grant a full hearing on the 8642
matter. 8643

(E) (1) (a) After an ex parte or full hearing, the court may 8644
issue any protection order, with or without bond, that contains 8645
terms designed to ensure the safety and protection of the person 8646
to be protected by the protection order, including, but not 8647
limited to, a requirement that the respondent refrain from 8648
entering the residence, school, business, or place of employment 8649
of the petitioner or family or household member. If the court 8650
includes a requirement that the respondent refrain from entering 8651
the residence, school, business, or place of employment of the 8652
petitioner or family or household member in the order, it also 8653
shall include in the order provisions of the type described in 8654
division (E) (5) of this section. The court may include within a 8655
protection order issued under this section a term requiring that 8656
the respondent not remove, damage, hide, harm, or dispose of any 8657
companion animal owned or possessed by the person to be 8658
protected by the order, and may include within the order a term 8659
authorizing the person to be protected by the order to remove a 8660
companion animal owned by the person to be protected by the 8661

order from the possession of the respondent. 8662

(b) After a full hearing, if the court considering a 8663
petition that includes an allegation of the type described in 8664
division (C) (2) of this section, or the court upon its own 8665
motion, finds upon clear and convincing evidence that the 8666
petitioner reasonably believed that the respondent's conduct at 8667
any time preceding the filing of the petition endangered the 8668
health, welfare, or safety of the person to be protected and 8669
that the respondent presents a continuing danger to the person 8670
to be protected, the court may order that the respondent be 8671
electronically monitored for a period of time and under the 8672
terms and conditions that the court determines are appropriate. 8673
Electronic monitoring shall be in addition to any other relief 8674
granted to the petitioner. 8675

(2) (a) Any protection order issued pursuant to this 8676
section shall be valid until a date certain but not later than 8677
five years from the date of its issuance. 8678

(b) Any protection order issued pursuant to this section 8679
may be renewed in the same manner as the original order was 8680
issued. 8681

(3) A court may not issue a protection order that requires 8682
a petitioner to do or to refrain from doing an act that the 8683
court may require a respondent to do or to refrain from doing 8684
under division (E) (1) of this section unless all of the 8685
following apply: 8686

(a) The respondent files a separate petition for a 8687
protection order in accordance with this section. 8688

(b) The petitioner is served with notice of the 8689
respondent's petition at least forty-eight hours before the 8690

court holds a hearing with respect to the respondent's petition, 8691
or the petitioner waives the right to receive this notice. 8692

(c) If the petitioner has requested an ex parte order 8693
pursuant to division (D) of this section, the court does not 8694
delay any hearing required by that division beyond the time 8695
specified in that division in order to consolidate the hearing 8696
with a hearing on the petition filed by the respondent. 8697

(d) After a full hearing at which the respondent presents 8698
evidence in support of the request for a protection order and 8699
the petitioner is afforded an opportunity to defend against that 8700
evidence, the court determines that the petitioner has committed 8701
a violation of section 2903.211 of the Revised Code against the 8702
person to be protected by the protection order issued pursuant 8703
to division (E) (3) of this section, has committed a sexually 8704
oriented offense against the person to be protected by the 8705
protection order issued pursuant to division (E) (3) of this 8706
section, or has violated a protection order issued pursuant to 8707
section 2903.213 of the Revised Code relative to the person to 8708
be protected by the protection order issued pursuant to division 8709
(E) (3) of this section. 8710

(4) No protection order issued pursuant to this section 8711
shall in any manner affect title to any real property. 8712

(5) (a) If the court issues a protection order under this 8713
section that includes a requirement that the alleged offender 8714
refrain from entering the residence, school, business, or place 8715
of employment of the petitioner or a family or household member, 8716
the order shall clearly state that the order cannot be waived or 8717
nullified by an invitation to the alleged offender from the 8718
complainant to enter the residence, school, business, or place 8719
of employment or by the alleged offender's entry into one of 8720

those places otherwise upon the consent of the petitioner or 8721
family or household member. 8722

(b) Division (E) (5) (a) of this section does not limit any 8723
discretion of a court to determine that an alleged offender 8724
charged with a violation of section 2919.27 of the Revised Code, 8725
with a violation of a municipal ordinance substantially 8726
equivalent to that section, or with contempt of court, which 8727
charge is based on an alleged violation of a protection order 8728
issued under this section, did not commit the violation or was 8729
not in contempt of court. 8730

(F) (1) The court shall cause the delivery of a copy of any 8731
protection order that is issued under this section to the 8732
petitioner, to the respondent, and to all law enforcement 8733
agencies that have jurisdiction to enforce the order. The court 8734
shall direct that a copy of the order be delivered to the 8735
respondent on the same day that the order is entered. 8736

(2) Upon the issuance of a protection order under this 8737
section, the court shall provide the parties to the order with 8738
the following notice orally or by form: 8739

"NOTICE 8740

As a result of this order, it may be unlawful for you to 8741
possess or purchase a firearm, including a rifle, pistol, or 8742
revolver, or ammunition pursuant to federal law under 18 U.S.C. 8743
922(g) (8) for the duration of this order. If you have any 8744
questions whether this law makes it illegal for you to possess 8745
or purchase a firearm or ammunition, you should consult an 8746
attorney." 8747

(3) All law enforcement agencies shall establish and 8748
maintain an index for the protection orders delivered to the 8749

agencies pursuant to division (F) (1) of this section. With 8750
respect to each order delivered, each agency shall note on the 8751
index the date and time that it received the order. 8752

(4) Regardless of whether the petitioner has registered 8753
the protection order in the county in which the officer's agency 8754
has jurisdiction pursuant to division (M) of this section, any 8755
officer of a law enforcement agency shall enforce a protection 8756
order issued pursuant to this section by any court in this state 8757
in accordance with the provisions of the order, including 8758
removing the respondent from the premises, if appropriate. 8759

(G) (1) Any proceeding under this section shall be 8760
conducted in accordance with the Rules of Civil Procedure, 8761
except that a protection order may be obtained under this 8762
section with or without bond. An order issued under this 8763
section, other than an ex parte order, that grants a protection 8764
order, or that refuses to grant a protection order, is a final, 8765
appealable order. The remedies and procedures provided in this 8766
section are in addition to, and not in lieu of, any other 8767
available civil or criminal remedies. 8768

(2) If as provided in division (G) (1) of this section an 8769
order issued under this section, other than an ex parte order, 8770
refuses to grant a protection order, the court, on its own 8771
motion, shall order that the ex parte order issued under this 8772
section and all of the records pertaining to that ex parte order 8773
be sealed after either of the following occurs: 8774

(a) No party has exercised the right to appeal pursuant to 8775
Rule 4 of the Rules of Appellate Procedure. 8776

(b) All appellate rights have been exhausted. 8777

(H) The filing of proceedings under this section does not 8778

excuse a person from filing any report or giving any notice 8779
required by section 2151.421 of the Revised Code or by any other 8780
law. 8781

(I) Any law enforcement agency that investigates an 8782
alleged violation of section 2903.211 of the Revised Code or an 8783
alleged commission of a sexually oriented offense shall provide 8784
information to the victim and the family or household members of 8785
the victim regarding the relief available under this section and 8786
section 2903.213 of the Revised Code. 8787

(J) (1) Subject to division (J) (2) of this section and 8788
regardless of whether a protection order is issued or a consent 8789
agreement is approved by a court of another county or by a court 8790
of another state, no court or unit of state or local government 8791
shall charge the petitioner any fee, cost, deposit, or money in 8792
connection with the filing of a petition pursuant to this 8793
section, in connection with the filing, issuance, registration, 8794
modification, enforcement, dismissal, withdrawal, or service of 8795
a protection order, consent agreement, or witness subpoena or 8796
for obtaining a certified copy of a protection order or consent 8797
agreement. 8798

(2) Regardless of whether a protection order is issued or 8799
a consent agreement is approved pursuant to this section, the 8800
court may assess costs against the respondent in connection with 8801
the filing, issuance, registration, modification, enforcement, 8802
dismissal, withdrawal, or service of a protection order, consent 8803
agreement, or witness subpoena or for obtaining a certified copy 8804
of a protection order or consent agreement. 8805

(K) (1) A person who violates a protection order issued 8806
under this section is subject to the following sanctions: 8807

(a) Criminal prosecution for a violation of section 8808
2919.27 of the Revised Code, if the violation of the protection 8809
order constitutes a violation of that section; 8810

(b) Punishment for contempt of court. 8811

(2) The punishment of a person for contempt of court for 8812
violation of a protection order issued under this section does 8813
not bar criminal prosecution of the person for a violation of 8814
section 2919.27 of the Revised Code. However, a person punished 8815
for contempt of court is entitled to credit for the punishment 8816
imposed upon conviction of a violation of that section, and a 8817
person convicted of a violation of that section shall not 8818
subsequently be punished for contempt of court arising out of 8819
the same activity. 8820

(L) In all stages of a proceeding under this section, a 8821
petitioner may be accompanied by a victim advocate. 8822

(M) (1) A petitioner who obtains a protection order under 8823
this section or a protection order under section 2903.213 of the 8824
Revised Code may provide notice of the issuance or approval of 8825
the order to the judicial and law enforcement officials in any 8826
county other than the county in which the order is issued by 8827
registering that order in the other county pursuant to division 8828
(M) (2) of this section and filing a copy of the registered order 8829
with a law enforcement agency in the other county in accordance 8830
with that division. A person who obtains a protection order 8831
issued by a court of another state may provide notice of the 8832
issuance of the order to the judicial and law enforcement 8833
officials in any county of this state by registering the order 8834
in that county pursuant to section 2919.272 of the Revised Code 8835
and filing a copy of the registered order with a law enforcement 8836
agency in that county. 8837

(2) A petitioner may register a protection order issued 8838
pursuant to this section or section 2903.213 of the Revised Code 8839
in a county other than the county in which the court that issued 8840
the order is located in the following manner: 8841

(a) The petitioner shall obtain a certified copy of the 8842
order from the clerk of the court that issued the order and 8843
present that certified copy to the clerk of the court of common 8844
pleas or the clerk of a municipal court or county court in the 8845
county in which the order is to be registered. 8846

(b) Upon accepting the certified copy of the order for 8847
registration, the clerk of the court of common pleas, municipal 8848
court, or county court shall place an endorsement of 8849
registration on the order and give the petitioner a copy of the 8850
order that bears that proof of registration. 8851

(3) The clerk of each court of common pleas, municipal 8852
court, or county court shall maintain a registry of certified 8853
copies of protection orders that have been issued by courts in 8854
other counties pursuant to this section or section 2903.213 of 8855
the Revised Code and that have been registered with the clerk. 8856

~~(N)(1)(N) If the court orders electronic monitoring of 8857
the respondent under this section, the court shall direct the 8858
sheriff's office or any other appropriate law enforcement agency 8859
to install the electronic monitoring device and to monitor the 8860
respondent. Unless the court determines that the respondent is 8861
indigent, the court shall order the respondent to pay the cost 8862
of the installation and monitoring of the electronic monitoring 8863
device. If the court determines that the respondent is indigent- 8864
and subject to the maximum amount allowable to be paid in any- 8865
year from the fund and the rules promulgated by the attorney- 8866
general under division (N)(2) of this section, the cost of the- 8867~~

~~installation and monitoring of the electronic monitoring device~~ 8868
~~may be paid out of funds from the reparations fund created~~ 8869
~~pursuant to section 2743.191 of the Revised Code. The total~~ 8870
~~amount of costs for the installation and monitoring of~~ 8871
~~electronic monitoring devices paid pursuant to this division and~~ 8872
~~sections 2151.34 and 2919.27 of the Revised Code from the~~ 8873
~~reparations fund shall not exceed three hundred thousand dollars~~ 8874
~~per year.~~ 8875

~~(2) The attorney general may promulgate rules pursuant to~~ 8876
~~section 111.15 of the Revised Code to govern payments made from~~ 8877
~~the reparations fund pursuant to this division and sections~~ 8878
~~2151.34 and 2919.27 of the Revised Code. The rules may include~~ 8879
~~reasonable limits on the total cost paid pursuant to this~~ 8880
~~division and sections 2151.34 and 2919.27 of the Revised Code~~ 8881
~~per respondent, the amount of the three hundred thousand dollars~~ 8882
~~allocated to each county, and how invoices may be submitted by a~~ 8883
~~county, court, or other entity.~~ 8884

Sec. 2907.05. (A) No person shall have sexual contact with 8885
another, not the spouse of the offender; cause another, not the 8886
spouse of the offender, to have sexual contact with the 8887
offender; or cause two or more other persons to have sexual 8888
contact when any of the following applies: 8889

(1) The offender purposely compels the other person, or 8890
one of the other persons, to submit by force or threat of force. 8891

(2) For the purpose of preventing resistance, the offender 8892
substantially impairs the judgment or control of the other 8893
person or of one of the other persons by administering any drug, 8894
intoxicant, or controlled substance to the other person 8895
surreptitiously or by force, threat of force, or deception. 8896

(3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.

(4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.

(5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.

(B) No person shall knowingly touch the genitalia of another, when the touching is not through clothing, the other person is less than twelve years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(C) Whoever violates this section is guilty of gross sexual imposition.

(1) Except as otherwise provided in this section, gross sexual imposition committed in violation of division (A) (1), (2), (3), or (5) of this section is a felony of the fourth degree. If the offender under division (A) (2) of this section

substantially impairs the judgment or control of the other 8926
person or one of the other persons by administering any 8927
controlled substance, as defined in section 3719.01 of the 8928
Revised Code, to the person surreptitiously or by force, threat 8929
of force, or deception, gross sexual imposition committed in 8930
violation of division (A) (2) of this section is a felony of the 8931
third degree. 8932

(2) Gross sexual imposition committed in violation of 8933
division (A) (4) or (B) of this section is a felony of the third 8934
degree. Except as otherwise provided in this division, for gross 8935
sexual imposition committed in violation of division (A) (4) or 8936
(B) of this section there is a presumption that a prison term 8937
shall be imposed for the offense. The court shall impose on an 8938
offender convicted of gross sexual imposition in violation of 8939
division (A) (4) or (B) of this section a mandatory prison term, 8940
as described in division (C) (3) of this section, for a felony of 8941
the third degree if ~~either of the following applies:~~ 8942

~~(a) Evidence other than the testimony of the victim was~~ 8943
~~admitted in the case corroborating the violation;~~ 8944

~~(b) The the offender previously was convicted of or~~ 8945
pleaded guilty to a violation of this section, rape, the former 8946
offense of felonious sexual penetration, or sexual battery, and 8947
the victim of the previous offense was less than thirteen years 8948
of age. 8949

(3) A mandatory prison term required under division (C) (2) 8950
of this section shall be a definite term from the range of 8951
prison terms provided in division (A) (3) (a) of section 2929.14 8952
of the Revised Code for a felony of the third degree. 8953

(D) A victim need not prove physical resistance to the 8954

offender in prosecutions under this section. 8955

(E) Evidence of specific instances of the victim's sexual 8956
activity, opinion evidence of the victim's sexual activity, and 8957
reputation evidence of the victim's sexual activity shall not be 8958
admitted under this section unless it involves evidence of the 8959
origin of semen, pregnancy, or disease, or the victim's past 8960
sexual activity with the offender, and only to the extent that 8961
the court finds that the evidence is material to a fact at issue 8962
in the case and that its inflammatory or prejudicial nature does 8963
not outweigh its probative value. 8964

Evidence of specific instances of the defendant's sexual 8965
activity, opinion evidence of the defendant's sexual activity, 8966
and reputation evidence of the defendant's sexual activity shall 8967
not be admitted under this section unless it involves evidence 8968
of the origin of semen, pregnancy, or disease, the defendant's 8969
past sexual activity with the victim, or is admissible against 8970
the defendant under section 2945.59 of the Revised Code, and 8971
only to the extent that the court finds that the evidence is 8972
material to a fact at issue in the case and that its 8973
inflammatory or prejudicial nature does not outweigh its 8974
probative value. 8975

(F) Prior to taking testimony or receiving evidence of any 8976
sexual activity of the victim or the defendant in a proceeding 8977
under this section, the court shall resolve the admissibility of 8978
the proposed evidence in a hearing in chambers, which shall be 8979
held at or before preliminary hearing and not less than three 8980
days before trial, or for good cause shown during the trial. 8981

(G) Upon approval by the court, the victim may be 8982
represented by counsel in any hearing in chambers or other 8983
proceeding to resolve the admissibility of evidence. If the 8984

victim is indigent or otherwise is unable to obtain the services 8985
of counsel, the court, upon request, may appoint counsel to 8986
represent the victim without cost to the victim. 8987

Sec. 2907.13. (A) As used in this section: 8988

(1) "Human reproductive material" means: 8989

(a) Human spermatozoa or ova; 8990

(b) A human organism at any stage of development from 8991
fertilized ovum to embryo. 8992

(2) "Assisted reproduction" means a method of causing 8993
pregnancy other than through sexual intercourse including all of 8994
the following: 8995

(a) Intrauterine insemination; 8996

(b) Human reproductive material donation; 8997

(c) In vitro fertilization and transfer of embryos; 8998

(d) Intracytoplasmic sperm injection. 8999

(3) "Donor" means an individual who provides human 9000
reproductive material to a health care professional to be used 9001
for assisted reproduction, regardless of whether the human 9002
reproductive material is provided for consideration. The term 9003
does not include any of the following: 9004

(a) A husband or a wife who provides human reproductive 9005
material to be used for assisted reproduction by the wife; 9006

(b) A woman who gives birth to a child by means of 9007
assisted reproduction; 9008

(c) An unmarried man who, with the intent to be the father 9009
of the resulting child, provides human reproductive material to 9010

be used for assisted reproduction by an unmarried woman. 9011

(4) "Health care professional" means any of the following: 9012

(a) A physician; 9013

(b) An advanced practice registered nurse; 9014

(c) A certified nurse practitioner; 9015

(d) A clinical nurse specialist; 9016

(e) A physician's assistant; 9017

(f) A certified nurse-midwife. 9018

(B) No health care professional shall, in connection with 9019
an assisted reproduction procedure, knowingly do any of the 9020
following: 9021

(1) Use human reproductive material from the health care 9022
provider, donor, or any other person while performing the 9023
procedure if the patient receiving the procedure has not 9024
expressly consented to the use of that material. 9025

(2) Fail to comply with the standards or requirements of 9026
sections 3111.88 to 3111.96 of the Revised Code, including the 9027
terms of the required written consent form; 9028

(3) Misrepresent to the patient receiving the procedure 9029
any material information about the donor's profile, including 9030
the types of information listed in division (A) (2) of section 9031
3111.93 of the Revised Code, or the manner or extent to which 9032
the material will be used. 9033

(C) Whoever violates this section is guilty of fraudulent 9034
assisted reproduction, a felony of the third degree. If an 9035
offender commits a violation of division (B) of this section and 9036
the violation occurs as part of a course of conduct involving 9037

other violations of division (B) of this section, a violation of 9038
this section is a felony of the second degree. The course of 9039
conduct may involve one victim or more than one victim. 9040

(D) Patient consent to the use of human reproductive 9041
material from an anonymous donor is not effective to provide 9042
consent for use of human reproductive material of the health 9043
care professional performing the procedure. 9044

(E) It is not a defense to a violation of this section 9045
that a patient expressly consented in writing, or by any other 9046
means, to the use of human reproductive material from an 9047
anonymous donor. 9048

Sec. 2907.14. If a health care professional is convicted 9049
of, or pleads guilty to, fraudulent assisted reproduction under 9050
section 2907.13 of the Revised Code, the court in which the 9051
conviction or plea of guilty occurs shall notify the appropriate 9052
professional licensing board of the health care professional's 9053
conviction or guilty plea. 9054

Sec. 2907.231. (A) As used in this section, ~~"sexual~~: 9055

(1) "Person with a developmental disability" has the same 9056
meaning as in section 2905.32 of the Revised Code. 9057

(2) "Sexual activity for hire" means an implicit or 9058
explicit agreement to provide sexual activity in exchange for 9059
anything of value paid to the person engaging in such sexual 9060
activity, to any person trafficking that person, or to any 9061
person associated with either such person. 9062

(B) No person shall recklessly induce, entice, or procure 9063
another to engage in sexual activity for hire in exchange for 9064
the person giving anything of value to the other person. 9065

(C) No person shall recklessly induce, entice, or procure another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person if the other person is a person with a developmental disability and the offender knows or has reasonable cause to believe that the other person is a person with a developmental disability. 9066
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(D) Whoever violates division (B) of this section is guilty of engaging in prostitution, a misdemeanor of the first degree. Whoever violates division (C) of this section is guilty of engaging in prostitution with a person with a developmental disability, a felony of the third degree. In sentencing the offender under this division, the court shall require the offender to attend an education or treatment program aimed at preventing persons from inducing, enticing, or procuring another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person and, notwithstanding the fine specified in division (A) (2) (a) of section 2929.28 of the Revised Code for a misdemeanor of the first degree, the court may impose upon the offender a fine of not more than one thousand five hundred dollars. 9072
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Sec. 2913.02. (A) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways: 9086
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(1) Without the consent of the owner or person authorized to give consent; 9090
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(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent; 9092
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(3) By deception; 9094

(4) By threat;	9095
(5) By intimidation.	9096
(B) (1) Whoever violates this section is guilty of theft.	9097
(2) Except as otherwise provided in this division or	9098
division (B) (3), (4), (5), (6), (7), (8), or (9) of this	9099
section, a violation of this section is petty misdemeanor theft,	9100
a misdemeanor of the first degree. If the value of the property	9101
or services stolen is one thousand dollars or more and is less	9102
than seven thousand five hundred dollars or if the property	9103
stolen is any of the property listed in section 2913.71 of the	9104
Revised Code, a violation of this section is theft, a felony of	9105
the fifth degree. If the value of the property or services	9106
stolen is seven thousand five hundred dollars or more and is	9107
less than one hundred fifty thousand dollars, a violation of	9108
this section is grand theft, a felony of the fourth degree. If	9109
the value of the property or services stolen is one hundred	9110
fifty thousand dollars or more and is less than seven hundred	9111
fifty thousand dollars, a violation of this section is	9112
aggravated theft, a felony of the third degree. If the value of	9113
the property or services is seven hundred fifty thousand dollars	9114
or more and is less than one million five hundred thousand	9115
dollars, a violation of this section is aggravated theft, a	9116
felony of the second degree. If the value of the property or	9117
services stolen is one million five hundred thousand dollars or	9118
more, a violation of this section is aggravated theft of one	9119
million five hundred thousand dollars or more, a felony of the	9120
first degree.	9121
(3) Except as otherwise provided in division (B) (4), (5),	9122
(6), (7), (8), or (9) of this section, if the victim of the	9123
offense is an elderly person, disabled adult, active duty	9124

service member, or spouse of an active duty service member, a 9125
violation of this section is theft from a person in a protected 9126
class, and division (B) (3) of this section applies. Except as 9127
otherwise provided in this division, theft from a person in a 9128
protected class is a felony of the fifth degree. If the value of 9129
the property or services stolen is one thousand dollars or more 9130
and is less than seven thousand five hundred dollars, theft from 9131
a person in a protected class is a felony of the fourth degree. 9132
If the value of the property or services stolen is seven 9133
thousand five hundred dollars or more and is less than thirty- 9134
seven thousand five hundred dollars, theft from a person in a 9135
protected class is a felony of the third degree. If the value of 9136
the property or services stolen is thirty-seven thousand five 9137
hundred dollars or more and is less than one hundred fifty 9138
thousand dollars, theft from a person in a protected class is a 9139
felony of the second degree. If the value of the property or 9140
services stolen is one hundred fifty thousand dollars or more, 9141
theft from a person in a protected class is a felony of the 9142
first degree. If the victim of the offense is an elderly person, 9143
in addition to any other penalty imposed for the offense, the 9144
offender shall be required to pay full restitution to the victim 9145
and to pay a fine of up to fifty thousand dollars. The clerk of 9146
court shall forward all fines collected under division (B) (3) of 9147
this section to the county department of job and family services 9148
to be used for the reporting and investigation of elder abuse, 9149
neglect, and exploitation or for the provision or arrangement of 9150
protective services under sections 5101.61 to 5101.71 of the 9151
Revised Code. 9152

(4) If the property stolen is a firearm or dangerous 9153
ordnance, a violation of this section is grand theft. Except as 9154
otherwise provided in this division, grand theft when the 9155

property stolen is a firearm or dangerous ordnance is a felony 9156
of the third degree, and there is a presumption in favor of the 9157
court imposing a prison term for the offense. If the firearm or 9158
dangerous ordnance was stolen from a federally licensed firearms 9159
dealer, grand theft when the property stolen is a firearm or 9160
dangerous ordnance is a felony of the first degree. The offender 9161
shall serve a prison term imposed for grand theft when the 9162
property stolen is a firearm or dangerous ordnance consecutively 9163
to any other prison term or mandatory prison term previously or 9164
subsequently imposed upon the offender. 9165

(5) If the property stolen is a motor vehicle, a violation 9166
of this section is grand theft of a motor vehicle, a felony of 9167
the fourth degree. 9168

(6) If the property stolen is any dangerous drug, a 9169
violation of this section is theft of drugs, a felony of the 9170
fourth degree, or, if the offender previously has been convicted 9171
of a felony drug abuse offense, a felony of the third degree. 9172

(7) If the property stolen is a police dog or horse or an 9173
assistance dog and the offender knows or should know that the 9174
property stolen is a police dog or horse or an assistance dog, a 9175
violation of this section is theft of a police dog or horse or 9176
an assistance dog, a felony of the third degree. 9177

(8) If the property stolen is anhydrous ammonia, a 9178
violation of this section is theft of anhydrous ammonia, a 9179
felony of the third degree. 9180

(9) Except as provided in division (B) (2) of this section 9181
with respect to property with a value of seven thousand five 9182
hundred dollars or more and division (B) (3) of this section with 9183
respect to property with a value of one thousand dollars or 9184

more, if the property stolen is a special purpose article as 9185
defined in section 4737.04 of the Revised Code or is a bulk 9186
merchandise container as defined in section 4737.012 of the 9187
Revised Code, a violation of this section is theft of a special 9188
purpose article or articles or theft of a bulk merchandise 9189
container or containers, a felony of the fifth degree. 9190

(10) In addition to the penalties described in division 9191
(B) (2) of this section, if the offender committed the violation 9192
by causing a motor vehicle to leave the premises of an 9193
establishment at which gasoline is offered for retail sale 9194
without the offender making full payment for gasoline that was 9195
dispensed into the fuel tank of the motor vehicle or into 9196
another container, the court may do one of the following: 9197

(a) Unless division (B) (10) (b) of this section applies, 9198
suspend for not more than six months the offender's driver's 9199
license, probationary driver's license, commercial driver's 9200
license, temporary instruction permit, or nonresident operating 9201
privilege; 9202

(b) If the offender's driver's license, probationary 9203
driver's license, commercial driver's license, temporary 9204
instruction permit, or nonresident operating privilege has 9205
previously been suspended pursuant to division (B) (10) (a) of 9206
this section, impose a class seven suspension of the offender's 9207
license, permit, or privilege from the range specified in 9208
division (A) (7) of section 4510.02 of the Revised Code, provided 9209
that the suspension shall be for at least six months. 9210

(c) The court, in lieu of suspending the offender's 9211
driver's or commercial driver's license, probationary driver's 9212
license, temporary instruction permit, or nonresident operating 9213
privilege pursuant to division (B) (10) (a) or (b) of this 9214

section, instead may require the offender to perform community 9215
service for a number of hours determined by the court. 9216

(11) In addition to the penalties described in division 9217
(B) (2) of this section, if the offender committed the violation 9218
by stealing rented property or rental services, the court may 9219
order that the offender make restitution pursuant to section 9220
2929.18 or 2929.28 of the Revised Code. Restitution may include, 9221
but is not limited to, the cost of repairing or replacing the 9222
stolen property, or the cost of repairing the stolen property 9223
and any loss of revenue resulting from deprivation of the 9224
property due to theft of rental services that is less than or 9225
equal to the actual value of the property at the time it was 9226
rented. Evidence of intent to commit theft of rented property or 9227
rental services shall be determined pursuant to the provisions 9228
of section 2913.72 of the Revised Code. 9229

(C) The sentencing court that suspends an offender's 9230
license, permit, or nonresident operating privilege under 9231
division (B) (10) of this section may grant the offender limited 9232
driving privileges during the period of the suspension in 9233
accordance with Chapter 4510. of the Revised Code. 9234

Sec. 2917.12. (A) No person, with purpose to prevent or 9235
disrupt a lawful meeting, procession, or gathering, shall do 9236
either of the following: 9237

(1) Do any act which obstructs or interferes with the due 9238
conduct of such meeting, procession, or gathering; 9239

(2) Make any utterance, gesture, or display which outrages 9240
the sensibilities of the group. 9241

(B) Whoever violates this section is guilty of disturbing 9242
a lawful meeting. Except as otherwise provided in this 9243

division, disturbing a lawful meeting is a misdemeanor of the 9244
fourth degree. Disturbing a lawful meeting is a misdemeanor of 9245
the first degree if either of the following applies: 9246

(1) The violation is committed with the intent to disturb 9247
or disquiet any assemblage of people met for religious worship 9248
at a tax-exempt place of worship, regardless of whether the 9249
conduct is within the place at which the assemblage is held or 9250
is on the property on which that place is located and disturbs 9251
the order and solemnity of the assemblage. 9252

(2) The violation is committed with the intent to prevent, 9253
disrupt, or interfere with a virtual meeting or gathering of 9254
people for religious worship, through use of a computer, 9255
computer system, telecommunications device, or other electronic 9256
device or system, or in any other manner. 9257

(C) As used in this section: 9258

(1) "Computer," "computer system," and "telecommunications 9259
device" have the same meanings as in section 2913.01 of the 9260
Revised Code. 9261

(2) "Virtual meeting or gathering" means a meeting or 9262
gathering by interactive video conference or teleconference, or 9263
by a combination thereof. 9264

Sec. 2919.27. (A) No person shall recklessly violate the 9265
terms of any of the following: 9266

(1) A protection order issued or consent agreement 9267
approved pursuant to section 2919.26 or 3113.31 of the Revised 9268
Code; 9269

(2) A protection order issued pursuant to section 2151.34, 9270
2903.213, or 2903.214 of the Revised Code; 9271

(3) A protection order issued by a court of another state.	9272
(B) (1) Whoever violates this section is guilty of violating a protection order.	9273 9274
(2) Except as otherwise provided in division (B) (3) or (4) of this section, violating a protection order is a misdemeanor of the first degree.	9275 9276 9277
(3) Violating a protection order is a felony of the fifth degree if the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for any of the following:	9278 9279 9280 9281
(a) A violation of a protection order issued or consent agreement approved pursuant to section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised Code;	9282 9283 9284
(b) Two or more violations of section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or any combination of those offenses, that involved the same person who is the subject of the protection order or consent agreement;	9285 9286 9287 9288
(c) One or more violations of this section.	9289
(4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony of the third degree.	9290 9291 9292
(5) If the protection order violated by the offender was an order issued pursuant to section 2151.34 or 2903.214 of the Revised Code that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If	9293 9294 9295 9296 9297 9298 9299

the court requires under this division that the offender be 9300
electronically monitored, unless the court determines that the 9301
offender is indigent, the court shall order that the offender 9302
pay the costs of the installation of the electronic monitoring 9303
device and the cost of monitoring the electronic monitoring 9304
device. ~~If the court determines that the offender is indigent-~~ 9305
~~and subject to the maximum amount allowable and the rules-~~ 9306
~~promulgated by the attorney general under section 2903.214 of-~~ 9307
~~the Revised Code, the costs of the installation of the-~~ 9308
~~electronic monitoring device and the cost of monitoring the-~~ 9309
~~electronic monitoring device may be paid out of funds from the-~~ 9310
~~reparations fund created pursuant to section 2743.191 of the-~~ 9311
~~Revised Code. The total amount paid from the reparations fund-~~ 9312
~~created pursuant to section 2743.191 of the Revised Code for-~~ 9313
~~electronic monitoring under this section and sections 2151.34-~~ 9314
~~and 2903.214 of the Revised Code shall not exceed three hundred-~~ 9315
~~thousand dollars per year.~~ 9316

(C) It is an affirmative defense to a charge under 9317
division (A) (3) of this section that the protection order issued 9318
by a court of another state does not comply with the 9319
requirements specified in 18 U.S.C. 2265(b) for a protection 9320
order that must be accorded full faith and credit by a court of 9321
this state or that it is not entitled to full faith and credit 9322
under 18 U.S.C. 2265(c) . 9323

(D) In a prosecution for a violation of this section, it 9324
is not necessary for the prosecution to prove that the 9325
protection order or consent agreement was served on the 9326
defendant if the prosecution proves that the defendant was shown 9327
the protection order or consent agreement or a copy of either or 9328
a judge, magistrate, or law enforcement officer informed the 9329
defendant that a protection order or consent agreement had been 9330

issued, and proves that the defendant recklessly violated the 9331
terms of the order or agreement. 9332

(E) As used in this section, "protection order issued by a 9333
court of another state" means an injunction or another order 9334
issued by a criminal court of another state for the purpose of 9335
preventing violent or threatening acts or harassment against, 9336
contact or communication with, or physical proximity to another 9337
person, including a temporary order, and means an injunction or 9338
order of that nature issued by a civil court of another state, 9339
including a temporary order and a final order issued in an 9340
independent action or as a pendente lite order in a proceeding 9341
for other relief, if the court issued it in response to a 9342
complaint, petition, or motion filed by or on behalf of a person 9343
seeking protection. "Protection order issued by a court of 9344
another state" does not include an order for support or for 9345
custody of a child issued pursuant to the divorce and child 9346
custody laws of another state, except to the extent that the 9347
order for support or for custody of a child is entitled to full 9348
faith and credit under the laws of the United States. 9349

Sec. 2923.12. (A) No person shall knowingly carry or have, 9350
concealed on the person's person or concealed ready at hand, any 9351
of the following: 9352

(1) A deadly weapon other than a handgun; 9353

(2) A handgun other than a dangerous ordnance; 9354

(3) A dangerous ordnance. 9355

(B) No person who has been issued a concealed handgun 9356
license shall do any of the following: 9357

(1) If the person is stopped for a law enforcement purpose 9358
and is carrying a concealed handgun, before or at the time a law 9359

enforcement officer asks if the person is carrying a concealed 9360
handgun, knowingly fail to disclose that the person then is 9361
carrying a concealed handgun, provided that it is not a 9362
violation of this division if the person fails to disclose that 9363
fact to an officer during the stop and the person already has 9364
notified another officer of that fact during the same stop; 9365

(2) If the person is stopped for a law enforcement purpose 9366
and is carrying a concealed handgun, knowingly fail to keep the 9367
person's hands in plain sight at any time after any law 9368
enforcement officer begins approaching the person while stopped 9369
and before the law enforcement officer leaves, unless the 9370
failure is pursuant to and in accordance with directions given 9371
by a law enforcement officer; 9372

(3) If the person is stopped for a law enforcement 9373
purpose, if the person is carrying a concealed handgun, and if 9374
the person is approached by any law enforcement officer while 9375
stopped, knowingly remove or attempt to remove the loaded 9376
handgun from the holster, pocket, or other place in which the 9377
person is carrying it, knowingly grasp or hold the loaded 9378
handgun, or knowingly have contact with the loaded handgun by 9379
touching it with the person's hands or fingers at any time after 9380
the law enforcement officer begins approaching and before the 9381
law enforcement officer leaves, unless the person removes, 9382
attempts to remove, grasps, holds, or has contact with the 9383
loaded handgun pursuant to and in accordance with directions 9384
given by the law enforcement officer; 9385

(4) If the person is stopped for a law enforcement purpose 9386
and is carrying a concealed handgun, knowingly disregard or fail 9387
to comply with any lawful order of any law enforcement officer 9388
given while the person is stopped, including, but not limited 9389

to, a specific order to the person to keep the person's hands in plain sight. 9390
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(C) (1) This section does not apply to any of the following: 9392
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(a) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties; 9394
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(b) Any person who is employed in this state, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (C) (1) (b) of this section does not apply to the person; 9399
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(c) A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of section 2923.11 of the Revised Code, in a motor vehicle for any lawful purpose if the firearm is not on the actor's person; 9406
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(d) A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of section 2923.11 of the Revised Code, in the actor's own home for any lawful purpose. 9410
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(2) Division (A) (2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, is an active duty member of the armed 9414
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forces of the United States and is carrying a valid military 9419
identification card and documentation of successful completion 9420
of firearms training that meets or exceeds the training 9421
requirements described in division (G) (1) of section 2923.125 of 9422
the Revised Code, unless the person knowingly is in a place 9423
described in division (B) of section 2923.126 of the Revised 9424
Code. 9425

(D) It is an affirmative defense to a charge under 9426
division (A) (1) of this section of carrying or having control of 9427
a weapon other than a handgun and other than a dangerous 9428
ordnance that the actor was not otherwise prohibited by law from 9429
having the weapon and that any of the following applies: 9430

(1) The weapon was carried or kept ready at hand by the 9431
actor for defensive purposes while the actor was engaged in or 9432
was going to or from the actor's lawful business or occupation, 9433
which business or occupation was of a character or was 9434
necessarily carried on in a manner or at a time or place as to 9435
render the actor particularly susceptible to criminal attack, 9436
such as would justify a prudent person in going armed. 9437

(2) The weapon was carried or kept ready at hand by the 9438
actor for defensive purposes while the actor was engaged in a 9439
lawful activity and had reasonable cause to fear a criminal 9440
attack upon the actor, a member of the actor's family, or the 9441
actor's home, such as would justify a prudent person in going 9442
armed. 9443

(3) The weapon was carried or kept ready at hand by the 9444
actor for any lawful purpose and while in the actor's own home. 9445

(E) (1) No person who is charged with a violation of this 9446
section shall be required to obtain a concealed handgun license 9447

as a condition for the dismissal of the charge. 9448

(2) If a person is convicted of, was convicted of, pleads 9449
guilty to, or has pleaded guilty to a violation of division (B) 9450
(1) of this section as it existed prior to ~~the effective date of~~ 9451
~~this amendment~~ June 13, 2022, the person may file an application 9452
under section ~~2953.37~~ 2953.35 of the Revised Code requesting the 9453
expungement of the record of conviction. 9454

(F)(1) Whoever violates this section is guilty of carrying 9455
concealed weapons. Except as otherwise provided in this division 9456
or divisions (F)(2), (6), and (7) of this section, carrying 9457
concealed weapons in violation of division (A) of this section 9458
is a misdemeanor of the first degree. Except as otherwise 9459
provided in this division or divisions (F)(2), (6), and (7) of 9460
this section, if the offender previously has been convicted of a 9461
violation of this section or of any offense of violence, if the 9462
weapon involved is a firearm that is either loaded or for which 9463
the offender has ammunition ready at hand, or if the weapon 9464
involved is dangerous ordnance, carrying concealed weapons in 9465
violation of division (A) of this section is a felony of the 9466
fourth degree. Except as otherwise provided in divisions (F)(2) 9467
and (6) of this section, if the offense is committed aboard an 9468
aircraft, or with purpose to carry a concealed weapon aboard an 9469
aircraft, regardless of the weapon involved, carrying concealed 9470
weapons in violation of division (A) of this section is a felony 9471
of the third degree. 9472

(2) A person shall not be arrested for a violation of 9473
division (A)(2) of this section solely because the person does 9474
not promptly produce a valid concealed handgun license. If a 9475
person is arrested for a violation of division (A)(2) of this 9476
section and is convicted of or pleads guilty to the violation, 9477

the offender shall be punished as follows: 9478

(a) The offender shall be guilty of a minor misdemeanor if 9479
both of the following apply: 9480

(i) Within ten days after the arrest, the offender 9481
presents a concealed handgun license, which license was valid at 9482
the time of the arrest, to the law enforcement agency that 9483
employs the arresting officer. 9484

(ii) At the time of the arrest, the offender was not 9485
knowingly in a place described in division (B) of section 9486
2923.126 of the Revised Code. 9487

(b) The offender shall be guilty of a misdemeanor and 9488
shall be fined five hundred dollars if all of the following 9489
apply: 9490

(i) The offender previously had been issued a concealed 9491
handgun license, and that license expired within the two years 9492
immediately preceding the arrest. 9493

(ii) Within forty-five days after the arrest, the offender 9494
presents a concealed handgun license to the law enforcement 9495
agency that employed the arresting officer, and the offender 9496
waives in writing the offender's right to a speedy trial on the 9497
charge of the violation that is provided in section 2945.71 of 9498
the Revised Code. 9499

(iii) At the time of the commission of the offense, the 9500
offender was not knowingly in a place described in division (B) 9501
of section 2923.126 of the Revised Code. 9502

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 9503
section do not apply, the offender shall be punished under 9504
division (F) (1) or (7) of this section. 9505

(3) Carrying concealed weapons in violation of division 9506
(B) (1) of this section is a misdemeanor of the second degree. 9507

(4) Carrying concealed weapons in violation of division 9508
(B) (2) or (4) of this section is a misdemeanor of the first 9509
degree or, if the offender previously has been convicted of or 9510
pleaded guilty to a violation of division (B) (2) or (4) of this 9511
section, a felony of the fifth degree. In addition to any other 9512
penalty or sanction imposed for a misdemeanor violation of 9513
division (B) (2) or (4) of this section, the offender's concealed 9514
handgun license shall be suspended pursuant to division (A) (2) 9515
of section 2923.128 of the Revised Code. 9516

(5) Carrying concealed weapons in violation of division 9517
(B) (3) of this section is a felony of the fifth degree. 9518

(6) If a person being arrested for a violation of division 9519
(A) (2) of this section is an active duty member of the armed 9520
forces of the United States and is carrying a valid military 9521
identification card and documentation of successful completion 9522
of firearms training that meets or exceeds the training 9523
requirements described in division (G) (1) of section 2923.125 of 9524
the Revised Code, and if at the time of the violation the person 9525
was not knowingly in a place described in division (B) of 9526
section 2923.126 of the Revised Code, the officer shall not 9527
arrest the person for a violation of that division. If the 9528
person is not able to promptly produce a valid military 9529
identification card and documentation of successful completion 9530
of firearms training that meets or exceeds the training 9531
requirements described in division (G) (1) of section 2923.125 of 9532
the Revised Code and if the person is not in a place described 9533
in division (B) of section 2923.126 of the Revised Code, the 9534
officer shall issue a citation and the offender shall be 9535

assessed a civil penalty of not more than five hundred dollars. 9536
The citation shall be automatically dismissed and the civil 9537
penalty shall not be assessed if both of the following apply: 9538

(a) Within ten days after the issuance of the citation, 9539
the offender presents a valid military identification card and 9540
documentation of successful completion of firearms training that 9541
meets or exceeds the training requirements described in division 9542
(G) (1) of section 2923.125 of the Revised Code, which were both 9543
valid at the time of the issuance of the citation to the law 9544
enforcement agency that employs the citing officer. 9545

(b) At the time of the citation, the offender was not 9546
knowingly in a place described in division (B) of section 9547
2923.126 of the Revised Code. 9548

(7) If a person being arrested for a violation of division 9549
(A) (2) of this section is knowingly in a place described in 9550
division (B) (5) of section 2923.126 of the Revised Code and is 9551
not authorized to carry a handgun or have a handgun concealed on 9552
the person's person or concealed ready at hand under that 9553
division, the penalty shall be as follows: 9554

(a) Except as otherwise provided in this division, if the 9555
person produces a valid concealed handgun license within ten 9556
days after the arrest and has not previously been convicted or 9557
pleaded guilty to a violation of division (A) (2) of this 9558
section, the person is guilty of a minor misdemeanor; 9559

(b) Except as otherwise provided in this division, if the 9560
person has previously been convicted of or pleaded guilty to a 9561
violation of division (A) (2) of this section, the person is 9562
guilty of a misdemeanor of the fourth degree; 9563

(c) Except as otherwise provided in this division, if the 9564

person has previously been convicted of or pleaded guilty to two 9565
violations of division (A) (2) of this section, the person is 9566
guilty of a misdemeanor of the third degree; 9567

(d) Except as otherwise provided in this division, if the 9568
person has previously been convicted of or pleaded guilty to 9569
three or more violations of division (A) (2) of this section, or 9570
convicted of or pleaded guilty to any offense of violence, if 9571
the weapon involved is a firearm that is either loaded or for 9572
which the offender has ammunition ready at hand, or if the 9573
weapon involved is a dangerous ordnance, the person is guilty of 9574
a misdemeanor of the second degree. 9575

(G) If a law enforcement officer stops a person to 9576
question the person regarding a possible violation of this 9577
section, for a traffic stop, or for any other law enforcement 9578
purpose, if the person surrenders a firearm to the officer, 9579
either voluntarily or pursuant to a request or demand of the 9580
officer, and if the officer does not charge the person with a 9581
violation of this section or arrest the person for any offense, 9582
the person is not otherwise prohibited by law from possessing 9583
the firearm, and the firearm is not contraband, the officer 9584
shall return the firearm to the person at the termination of the 9585
stop. If a court orders a law enforcement officer to return a 9586
firearm to a person pursuant to the requirement set forth in 9587
this division, division (B) of section 2923.163 of the Revised 9588
Code applies. 9589

(H) For purposes of this section, "deadly weapon" or 9590
"weapon" does not include any knife, razor, or cutting 9591
instrument if the instrument was not used as a weapon. 9592

Sec. 2923.125. It is the intent of the general assembly 9593
that Ohio concealed handgun license law be compliant with the 9594

national instant criminal background check system, that the 9595
bureau of alcohol, tobacco, firearms, and explosives is able to 9596
determine that Ohio law is compliant with the national instant 9597
criminal background check system, and that no person shall be 9598
eligible to receive a concealed handgun license permit under 9599
section 2923.125 or 2923.1213 of the Revised Code unless the 9600
person is eligible lawfully to receive or possess a firearm in 9601
the United States. 9602

(A) This section applies with respect to the application 9603
for and issuance by this state of concealed handgun licenses 9604
other than concealed handgun licenses on a temporary emergency 9605
basis that are issued under section 2923.1213 of the Revised 9606
Code. Upon the request of a person who wishes to obtain a 9607
concealed handgun license with respect to which this section 9608
applies or to renew a concealed handgun license with respect to 9609
which this section applies, a sheriff, as provided in division 9610
(I) of this section, shall provide to the person free of charge 9611
an application form and the web site address at which a 9612
printable version of the application form that can be downloaded 9613
and the pamphlet described in division (B) of section 109.731 of 9614
the Revised Code may be found. A sheriff shall accept a 9615
completed application form and the fee, items, materials, and 9616
information specified in divisions (B) (1) to (5) of this section 9617
at the times and in the manners described in division (I) of 9618
this section. 9619

(B) An applicant for a concealed handgun license who is a 9620
resident of this state shall submit a completed application form 9621
and all of the material and information described in divisions 9622
(B) (1) to (6) of this section to the sheriff of the county in 9623
which the applicant resides or to the sheriff of any county 9624
adjacent to the county in which the applicant resides. An 9625

applicant for a license who resides in another state shall 9626
submit a completed application form and all of the material and 9627
information described in divisions (B) (1) to (7) of this section 9628
to the sheriff of the county in which the applicant is employed 9629
or to the sheriff of any county adjacent to the county in which 9630
the applicant is employed: 9631

(1) (a) A nonrefundable license fee as described in either 9632
of the following: 9633

(i) For an applicant who has been a resident of this state 9634
for five or more years, a fee of sixty-seven dollars; 9635

(ii) For an applicant who has been a resident of this 9636
state for less than five years or who is not a resident of this 9637
state, but who is employed in this state, a fee of sixty-seven 9638
dollars plus the actual cost of having a background check 9639
performed by the federal bureau of investigation. 9640

(b) No sheriff shall require an applicant to pay for the 9641
cost of a background check performed by the bureau of criminal 9642
identification and investigation. 9643

(c) A sheriff shall waive the payment of the license fee 9644
described in division (B) (1) (a) of this section in connection 9645
with an initial or renewal application for a license that is 9646
submitted by an applicant who is an active or reserve member of 9647
the armed forces of the United States or has retired from or was 9648
honorably discharged from military service in the active or 9649
reserve armed forces of the United States, a retired peace 9650
officer, a retired person described in division (B) (1) (b) of 9651
section 109.77 of the Revised Code, or a retired federal law 9652
enforcement officer who, prior to retirement, was authorized 9653
under federal law to carry a firearm in the course of duty, 9654

unless the retired peace officer, person, or federal law enforcement officer retired as the result of a mental disability. 9655
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(d) The sheriff shall deposit all fees paid by an applicant under division (B) (1) (a) of this section into the sheriff's concealed handgun license issuance fund established pursuant to section 311.42 of the Revised Code. The county shall distribute the fees in accordance with section 311.42 of the Revised Code. 9658
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(2) A color photograph of the applicant that was taken within thirty days prior to the date of the application; 9664
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(3) One or more of the following competency certifications, each of which shall reflect that, regarding a certification described in division (B) (3) (a), (b), (c), (e), or (f) of this section, within the three years immediately preceding the application the applicant has performed that to which the competency certification relates and that, regarding a certification described in division (B) (3) (d) of this section, the applicant currently is an active or reserve member of the armed forces of the United States, the applicant has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, or within the ten years immediately preceding the application the retirement of the peace officer, person described in division (B) (1) (b) of section 109.77 of the Revised Code, or federal law enforcement officer to which the competency certification relates occurred: 9666
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(a) An original or photocopy of a certificate of completion of a firearms safety, training, or requalification or firearms safety instructor course, class, or program that was 9682
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offered by or under the auspices of a national gun advocacy 9685
organization and that complies with the requirements set forth 9686
in division (G) of this section; 9687

(b) An original or photocopy of a certificate of 9688
completion of a firearms safety, training, or requalification or 9689
firearms safety instructor course, class, or program that 9690
satisfies all of the following criteria: 9691

(i) It was open to members of the general public. 9692

(ii) It utilized qualified instructors who were certified 9693
by a national gun advocacy organization, the executive director 9694
of the Ohio peace officer training commission pursuant to 9695
section 109.75 or 109.78 of the Revised Code, or a governmental 9696
official or entity of another state. 9697

(iii) It was offered by or under the auspices of a law 9698
enforcement agency of this or another state or the United 9699
States, a public or private college, university, or other 9700
similar postsecondary educational institution located in this or 9701
another state, a firearms training school located in this or 9702
another state, or another type of public or private entity or 9703
organization located in this or another state. 9704

(iv) It complies with the requirements set forth in 9705
division (G) of this section. 9706

(c) An original or photocopy of a certificate of 9707
completion of a state, county, municipal, or department of 9708
natural resources peace officer training school that is approved 9709
by the executive director of the Ohio peace officer training 9710
commission pursuant to section 109.75 of the Revised Code and 9711
that complies with the requirements set forth in division (G) of 9712
this section, or the applicant has satisfactorily completed and 9713

been issued a certificate of completion of a basic firearms 9714
training program, a firearms requalification training program, 9715
or another basic training program described in section 109.78 or 9716
109.801 of the Revised Code that complies with the requirements 9717
set forth in division (G) of this section; 9718

(d) A document that evidences both of the following: 9719

(i) That the applicant is an active or reserve member of 9720
the armed forces of the United States, has retired from or was 9721
honorably discharged from military service in the active or 9722
reserve armed forces of the United States, is a retired trooper 9723
of the state highway patrol, or is a retired peace officer or 9724
federal law enforcement officer described in division (B) (1) of 9725
this section or a retired person described in division (B) (1) (b) 9726
of section 109.77 of the Revised Code and division (B) (1) of 9727
this section; 9728

(ii) That, through participation in the military service 9729
or through the former employment described in division (B) (3) (d) 9730
(i) of this section, the applicant acquired experience with 9731
handling handguns or other firearms, and the experience so 9732
acquired was equivalent to training that the applicant could 9733
have acquired in a course, class, or program described in 9734
division (B) (3) (a), (b), or (c) of this section. 9735

(e) A certificate or another similar document that 9736
evidences satisfactory completion of a firearms training, 9737
safety, or requalification or firearms safety instructor course, 9738
class, or program that is not otherwise described in division 9739
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 9740
by an instructor who was certified by an official or entity of 9741
the government of this or another state or the United States or 9742
by a national gun advocacy organization, and that complies with 9743

the requirements set forth in division (G) of this section; 9744

(f) An affidavit that attests to the applicant's 9745
satisfactory completion of a course, class, or program described 9746
in division (B) (3) (a), (b), (c), or (e) of this section and that 9747
is subscribed by the applicant's instructor or an authorized 9748
representative of the entity that offered the course, class, or 9749
program or under whose auspices the course, class, or program 9750
was offered; 9751

(g) A document that evidences that the applicant has 9752
successfully completed the Ohio peace officer training program 9753
described in section 109.79 of the Revised Code. 9754

(4) A certification by the applicant that the applicant 9755
has read the pamphlet prepared by the Ohio peace officer 9756
training commission pursuant to section 109.731 of the Revised 9757
Code that reviews firearms, dispute resolution, and use of 9758
deadly force matters. 9759

(5) A set of fingerprints of the applicant provided as 9760
described in section 311.41 of the Revised Code through use of 9761
an electronic fingerprint reading device or, if the sheriff to 9762
whom the application is submitted does not possess and does not 9763
have ready access to the use of such a reading device, on a 9764
standard impression sheet prescribed pursuant to division (C) (2) 9765
of section 109.572 of the Revised Code. 9766

(6) If the applicant is not a citizen or national of the 9767
United States, the name of the applicant's country of 9768
citizenship and the applicant's alien registration number issued 9769
by the United States citizenship and immigration services 9770
agency. 9771

(7) If the applicant resides in another state, adequate 9772

proof of employment in Ohio. 9773

(C) Upon receipt of the completed application form, 9774
supporting documentation, and, if not waived, license fee of an 9775
applicant under this section, a sheriff, in the manner specified 9776
in section 311.41 of the Revised Code, shall conduct or cause to 9777
be conducted the criminal records check and the incompetency 9778
records check described in section 311.41 of the Revised Code. 9779

(D) (1) Except as provided in division (D) (3) of this 9780
section, within forty-five days after a sheriff's receipt of an 9781
applicant's completed application form for a concealed handgun 9782
license under this section, the supporting documentation, and, 9783
if not waived, the license fee, the sheriff shall make available 9784
through the law enforcement automated data system in accordance 9785
with division (H) of this section the information described in 9786
that division and, upon making the information available through 9787
the system, shall issue to the applicant a concealed handgun 9788
license that shall expire as described in division (D) (2) (a) of 9789
this section if all of the following apply: 9790

(a) The applicant is legally living in the United States. 9791
For purposes of division (D) (1) (a) of this section, if a person 9792
is absent from the United States in compliance with military or 9793
naval orders as an active or reserve member of the armed forces 9794
of the United States and if prior to leaving the United States 9795
the person was legally living in the United States, the person, 9796
solely by reason of that absence, shall not be considered to 9797
have lost the person's status as living in the United States. 9798

(b) The applicant is at least twenty-one years of age. 9799

(c) The applicant is not a fugitive from justice. 9800

(d) The applicant is not under indictment for or otherwise 9801

charged with a felony; an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 or 2923.1211 of the Revised Code.

(e) Except as otherwise provided in division (D) (4) or (5) of this section, the applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony or would be an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, regardless of whether the applicant was sentenced under division (C) (4) of that section; and has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing any other offense that is not previously described in this division that is a misdemeanor punishable by imprisonment for a term exceeding one year.

(f) Except as otherwise provided in division (D) (4) or (5) of this section, the applicant, within three years of the date of the application, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the

violation is a peace officer, or a misdemeanor violation of 9833
section 2923.1211 of the Revised Code; and has not been 9834
adjudicated a delinquent child for committing an act that if 9835
committed by an adult would be a misdemeanor offense of violence 9836
other than a misdemeanor violation of section 2921.33 of the 9837
Revised Code or a violation of section 2903.13 of the Revised 9838
Code when the victim of the violation is a peace officer or for 9839
committing an act that if committed by an adult would be a 9840
misdemeanor violation of section 2923.1211 of the Revised Code. 9841

(g) Except as otherwise provided in division (D) (1) (e) of 9842
this section, the applicant, within five years of the date of 9843
the application, has not been convicted of, pleaded guilty to, 9844
or adjudicated a delinquent child for committing two or more 9845
violations of section 2903.13 or 2903.14 of the Revised Code. 9846

(h) Except as otherwise provided in division (D) (4) or (5) 9847
of this section, the applicant, within ten years of the date of 9848
the application, has not been convicted of, pleaded guilty to, 9849
or adjudicated a delinquent child for committing a violation of 9850
section 2921.33 of the Revised Code. 9851

(i) The applicant has not been adjudicated as a mental 9852
defective, has not been committed to any mental institution, is 9853
not under adjudication of mental incompetence, has not been 9854
found by a court to be a mentally ill person subject to court 9855
order, and is not an involuntary patient other than one who is a 9856
patient only for purposes of observation. As used in this 9857
division, "mentally ill person subject to court order" and 9858
"patient" have the same meanings as in section 5122.01 of the 9859
Revised Code. 9860

(j) The applicant is not currently subject to a civil 9861
protection order, a temporary protection order, or a protection 9862

order issued by a court of another state. 9863

(k) The applicant certifies that the applicant desires a 9864
legal means to carry a concealed handgun for defense of the 9865
applicant or a member of the applicant's family while engaged in 9866
lawful activity. 9867

(l) The applicant submits a competency certification of 9868
the type described in division (B) (3) of this section and 9869
submits a certification of the type described in division (B) (4) 9870
of this section regarding the applicant's reading of the 9871
pamphlet prepared by the Ohio peace officer training commission 9872
pursuant to section 109.731 of the Revised Code. 9873

(m) The applicant currently is not subject to a suspension 9874
imposed under division (A) (2) of section 2923.128 of the Revised 9875
Code of a concealed handgun license that previously was issued 9876
to the applicant under this section or section 2923.1213 of the 9877
Revised Code or a similar suspension imposed by another state 9878
regarding a concealed handgun license issued by that state. 9879

(n) If the applicant resides in another state, the 9880
applicant is employed in this state. 9881

(o) The applicant certifies that the applicant is not an 9882
unlawful user of or addicted to any controlled substance as 9883
defined in 21 U.S.C. 802. 9884

(p) If the applicant is not a United States citizen, the 9885
applicant is an alien and has not been admitted to the United 9886
States under a nonimmigrant visa, as defined in the "Immigration 9887
and Nationality Act," 8 U.S.C. 1101(a) (26). 9888

(q) The applicant has not been discharged from the armed 9889
forces of the United States under dishonorable conditions. 9890

(r) The applicant certifies that the applicant has not 9891
renounced the applicant's United States citizenship, if 9892
applicable. 9893

(s) The applicant has not been convicted of, pleaded 9894
guilty to, or adjudicated a delinquent child for committing a 9895
violation of section 2919.25 of the Revised Code or a similar 9896
violation in another state. 9897

(2) (a) A concealed handgun license that a sheriff issues 9898
under division (D) (1) of this section shall expire five years 9899
after the date of issuance. 9900

If a sheriff issues a license under this section, the 9901
sheriff shall place on the license a unique combination of 9902
letters and numbers identifying the license in accordance with 9903
the procedure prescribed by the Ohio peace officer training 9904
commission pursuant to section 109.731 of the Revised Code. 9905

(b) If a sheriff denies an application under this section 9906
because the applicant does not satisfy the criteria described in 9907
division (D) (1) of this section, the sheriff shall specify the 9908
grounds for the denial in a written notice to the applicant. The 9909
applicant may appeal the denial pursuant to section 119.12 of 9910
the Revised Code in the county served by the sheriff who denied 9911
the application. If the denial was as a result of the criminal 9912
records check conducted pursuant to section 311.41 of the 9913
Revised Code and if, pursuant to section 2923.127 of the Revised 9914
Code, the applicant challenges the criminal records check 9915
results using the appropriate challenge and review procedure 9916
specified in that section, the time for filing the appeal 9917
pursuant to section 119.12 of the Revised Code and this division 9918
is tolled during the pendency of the request or the challenge 9919
and review. 9920

(c) If the court in an appeal under section 119.12 of the Revised Code and division (D) (2) (b) of this section enters a judgment sustaining the sheriff's refusal to grant to the applicant a concealed handgun license, the applicant may file a new application beginning one year after the judgment is entered. If the court enters a judgment in favor of the applicant, that judgment shall not restrict the authority of a sheriff to suspend or revoke the license pursuant to section 2923.128 or 2923.1213 of the Revised Code or to refuse to renew the license for any proper cause that may occur after the date the judgment is entered. In the appeal, the court shall have full power to dispose of all costs.

(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, or section 2953.39 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, 9952
guilty plea, or adjudication in making a determination under 9953
division (D) (1) or (F) of this section or, in relation to an 9954
application for a concealed handgun license on a temporary 9955
emergency basis submitted under section 2923.1213 of the Revised 9956
Code, in making a determination under division (B) (2) of that 9957
section. 9958

(5) If an applicant has been convicted of or pleaded 9959
guilty to a minor misdemeanor offense or has been adjudicated a 9960
delinquent child for committing an act or violation that is a 9961
minor misdemeanor offense, the sheriff with whom the application 9962
was submitted shall not consider the conviction, guilty plea, or 9963
adjudication in making a determination under division (D) (1) or 9964
(F) of this section or, in relation to an application for a 9965
concealed handgun license on a temporary basis submitted under 9966
section 2923.1213 of the Revised Code, in making a determination 9967
under division (B) (2) of that section. 9968

(E) If a concealed handgun license issued under this 9969
section is lost or is destroyed, the licensee may obtain from 9970
the sheriff who issued that license a duplicate license upon the 9971
payment of a fee of fifteen dollars and the submission of an 9972
affidavit attesting to the loss or destruction of the license. 9973
The sheriff, in accordance with the procedures prescribed in 9974
section 109.731 of the Revised Code, shall place on the 9975
replacement license a combination of identifying numbers 9976
different from the combination on the license that is being 9977
replaced. 9978

(F) (1) (a) Except as provided in division (F) (1) (b) of this 9979
section, a licensee who wishes to renew a concealed handgun 9980
license issued under this section may do so at any time before 9981

the expiration date of the license or at any time after the 9982
expiration date of the license by filing with the sheriff of the 9983
county in which the applicant resides or with the sheriff of an 9984
adjacent county, or in the case of an applicant who resides in 9985
another state with the sheriff of the county that issued the 9986
applicant's previous concealed handgun license an application 9987
for renewal of the license obtained pursuant to division (D) of 9988
this section, a certification by the applicant that, subsequent 9989
to the issuance of the license, the applicant has reread the 9990
pamphlet prepared by the Ohio peace officer training commission 9991
pursuant to section 109.731 of the Revised Code that reviews 9992
firearms, dispute resolution, and use of deadly force matters, 9993
and a nonrefundable license renewal fee in an amount determined 9994
pursuant to division (F) (4) of this section unless the fee is 9995
waived. 9996

(b) A person on active duty in the armed forces of the 9997
United States or in service with the peace corps, volunteers in 9998
service to America, or the foreign service of the United States 9999
is exempt from the license requirements of this section for the 10000
period of the person's active duty or service and for six months 10001
thereafter, provided the person was a licensee under this 10002
section at the time the person commenced the person's active 10003
duty or service or had obtained a license while on active duty 10004
or service. The spouse or a dependent of any such person on 10005
active duty or in service also is exempt from the license 10006
requirements of this section for the period of the person's 10007
active duty or service and for six months thereafter, provided 10008
the spouse or dependent was a licensee under this section at the 10009
time the person commenced the active duty or service or had 10010
obtained a license while the person was on active duty or 10011
service, and provided further that the person's active duty or 10012

service resulted in the spouse or dependent relocating outside 10013
of this state during the period of the active duty or service. 10014
This division does not prevent such a person or the person's 10015
spouse or dependent from making an application for the renewal 10016
of a concealed handgun license during the period of the person's 10017
active duty or service. 10018

(2) A sheriff shall accept a completed renewal 10019
application, the license renewal fee, and the information 10020
specified in division (F) (1) of this section at the times and in 10021
the manners described in division (I) of this section. Upon 10022
receipt of a completed renewal application, of certification 10023
that the applicant has reread the specified pamphlet prepared by 10024
the Ohio peace officer training commission, and of a license 10025
renewal fee unless the fee is waived, a sheriff, in the manner 10026
specified in section 311.41 of the Revised Code shall conduct or 10027
cause to be conducted the criminal records check and the 10028
incompetency records check described in section 311.41 of the 10029
Revised Code. The sheriff shall renew the license if the sheriff 10030
determines that the applicant continues to satisfy the 10031
requirements described in division (D) (1) of this section, 10032
except that the applicant is not required to meet the 10033
requirements of division (D) (1) (1) of this section. A renewed 10034
license shall expire five years after the date of issuance. A 10035
renewed license is subject to division (E) of this section and 10036
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 10037
shall comply with divisions (D) (2) and (3) of this section when 10038
the circumstances described in those divisions apply to a 10039
requested license renewal. If a sheriff denies the renewal of a 10040
concealed handgun license, the applicant may appeal the denial, 10041
or challenge the criminal record check results that were the 10042
basis of the denial if applicable, in the same manner as 10043

specified in division (D) (2) (b) of this section and in section 10044
2923.127 of the Revised Code, regarding the denial of a license 10045
under this section. 10046

(3) A renewal application submitted pursuant to division 10047
(F) of this section shall only require the licensee to list on 10048
the application form information and matters occurring since the 10049
date of the licensee's last application for a license pursuant 10050
to division (B) or (F) of this section. A sheriff conducting the 10051
criminal records check and the incompetency records check 10052
described in section 311.41 of the Revised Code shall conduct 10053
the check only from the date of the licensee's last application 10054
for a license pursuant to division (B) or (F) of this section 10055
through the date of the renewal application submitted pursuant 10056
to division (F) of this section. 10057

(4) An applicant for a renewal concealed handgun license 10058
under this section shall submit to the sheriff of the county in 10059
which the applicant resides or to the sheriff of any county 10060
adjacent to the county in which the applicant resides, or in the 10061
case of an applicant who resides in another state to the sheriff 10062
of the county that issued the applicant's previous concealed 10063
handgun license, a nonrefundable license fee as described in 10064
either of the following: 10065

(a) For an applicant who has been a resident of this state 10066
for five or more years, a fee of fifty dollars; 10067

(b) For an applicant who has been a resident of this state 10068
for less than five years or who is not a resident of this state 10069
but who is employed in this state, a fee of fifty dollars plus 10070
the actual cost of having a background check performed by the 10071
federal bureau of investigation. 10072

(5) The concealed handgun license of a licensee who is no longer a resident of this state or no longer employed in this state, as applicable, is valid until the date of expiration on the license, and the licensee is prohibited from renewing the concealed handgun license.

(G) (1) Each course, class, or program described in division (B) (3) (a), (b), (c), or (e) of this section shall provide to each person who takes the course, class, or program the web site address at which 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 may be found. Each such course, class, or program described in one of those divisions shall include at least eight hours of training in the safe handling and use of a firearm that shall include training, provided as described in division (G) (3) of this section, on all of the following:

(a) The ability to name, explain, and demonstrate the rules for safe handling of a handgun and proper storage practices for handguns and ammunition;

(b) The ability to demonstrate and explain how to handle ammunition in a safe manner;

(c) The ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner;

(d) Gun handling training;

(e) A minimum of two hours of in-person training that consists of range time and live-fire training.

(2) To satisfactorily complete the course, class, or program described in division (B) (3) (a), (b), (c), or (e) of

this section, the applicant shall pass a competency examination 10102
that shall include both of the following: 10103

(a) A written section, provided as described in division 10104
(G) (3) of this section, on the ability to name and explain the 10105
rules for the safe handling of a handgun and proper storage 10106
practices for handguns and ammunition; 10107

(b) An in-person physical demonstration of competence in 10108
the use of a handgun and in the rules for safe handling and 10109
storage of a handgun and a physical demonstration of the 10110
attitude necessary to shoot a handgun in a safe manner. 10111

(3) (a) Except as otherwise provided in this division, the 10112
training specified in division (G) (1) (a) of this section shall 10113
be provided to the person receiving the training in person by an 10114
instructor. If the training specified in division (G) (1) (a) of 10115
this section is provided by a course, class, or program 10116
described in division (B) (3) (a) of this section, or it is 10117
provided by a course, class, or program described in division 10118
(B) (3) (b), (c), or (e) of this section and the instructor is a 10119
qualified instructor certified by a national gun advocacy 10120
organization, the training so specified, other than the training 10121
that requires the person receiving the training to demonstrate 10122
handling abilities, may be provided online or as a combination 10123
of in-person and online training, as long as the online training 10124
includes an interactive component that regularly engages the 10125
person. 10126

(b) Except as otherwise provided in this division, the 10127
written section of the competency examination specified in 10128
division (G) (2) (a) of this section shall be administered to the 10129
person taking the competency examination in person by an 10130
instructor. If the training specified in division (G) (1) (a) of 10131

this section is provided to the person receiving the training by 10132
a course, class, or program described in division (B) (3) (a) of 10133
this section, or it is provided by a course, class, or program 10134
described in division (B) (3) (b), (c), or (e) of this section and 10135
the instructor is a qualified instructor certified by a national 10136
gun advocacy organization, the written section of the competency 10137
examination specified in division (G) (2) (a) of this section may 10138
be administered online, as long as the online training includes 10139
an interactive component that regularly engages the person. 10140

(4) The competency certification described in division (B) 10141
(3) (a), (b), (c), or (e) of this section shall be dated and 10142
shall attest that the course, class, or program the applicant 10143
successfully completed met the requirements described in 10144
division (G) (1) of this section and that the applicant passed 10145
the competency examination described in division (G) (2) of this 10146
section. 10147

(H) Upon deciding to issue a concealed handgun license, 10148
deciding to issue a replacement concealed handgun license, or 10149
deciding to renew a concealed handgun license pursuant to this 10150
section, and before actually issuing or renewing the license, 10151
the sheriff shall make available through the law enforcement 10152
automated data system all information contained on the license. 10153
If the license subsequently is suspended under division (A) (1) 10154
or (2) of section 2923.128 of the Revised Code, revoked pursuant 10155
to division (B) (1) of section 2923.128 of the Revised Code, or 10156
lost or destroyed, the sheriff also shall make available through 10157
the law enforcement automated data system a notation of that 10158
fact. The superintendent of the state highway patrol shall 10159
ensure that the law enforcement automated data system is so 10160
configured as to permit the transmission through the system of 10161
the information specified in this division. 10162

(I) (1) A sheriff shall accept a completed application form 10163
or renewal application, and the fee, items, materials, and 10164
information specified in divisions (B) (1) to (5) or division (F) 10165
of this section, whichever is applicable, and shall provide an 10166
application form or renewal application to any person during at 10167
least fifteen hours a week and shall provide the web site 10168
address at which a printable version of the application form 10169
that can be downloaded and the pamphlet described in division 10170
(B) of section 109.731 of the Revised Code may be found at any 10171
time, upon request. The sheriff shall post notice of the hours 10172
during which the sheriff is available to accept or provide the 10173
information described in this division. 10174

(2) A sheriff shall transmit a notice to the attorney 10175
general, in a manner determined by the attorney general, every 10176
time a license is issued that waived payment under division (B) 10177
(1) (c) of this section for an applicant who is an active or 10178
reserve member of the armed forces of the United States or has 10179
retired from or was honorably discharged from military service 10180
in the active or reserve armed forces of the United States. The 10181
attorney general shall monitor and inform sheriffs issuing 10182
licenses under this section when the amount of license fee 10183
payments waived and transmitted to the attorney general reach 10184
one million five hundred thousand dollars each year. Once a 10185
sheriff is informed that the payments waived reached one million 10186
five hundred thousand dollars in any year, a sheriff shall no 10187
longer waive payment of a license fee for an applicant who is an 10188
active or reserve member of the armed forces of the United 10189
States or has retired from or was honorably discharged from 10190
military service in the active or reserve armed forces of the 10191
United States for the remainder of that year. 10192

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 10193

concealed handgun license is arrested for or otherwise charged 10194
with an offense described in division (D) (1) (d) of section 10195
2923.125 of the Revised Code or with a violation of section 10196
2923.15 of the Revised Code or becomes subject to a temporary 10197
protection order or to a protection order issued by a court of 10198
another state that is substantially equivalent to a temporary 10199
protection order, the sheriff who issued the license shall 10200
suspend it and shall comply with division (A) (3) of this section 10201
upon becoming aware of the arrest, charge, or protection order. 10202
Upon suspending the license, the sheriff also shall comply with 10203
division (H) of section 2923.125 of the Revised Code. 10204

(b) A suspension under division (A) (1) (a) of this section 10205
shall be considered as beginning on the date that the licensee 10206
is arrested for or otherwise charged with an offense described 10207
in that division or on the date the appropriate court issued the 10208
protection order described in that division, irrespective of 10209
when the sheriff notifies the licensee under division (A) (3) of 10210
this section. The suspension shall end on the date on which the 10211
charges are dismissed or the licensee is found not guilty of the 10212
offense described in division (A) (1) (a) of this section or, 10213
subject to division (B) of this section, on the date the 10214
appropriate court terminates the protection order described in 10215
that division. If the suspension so ends, the sheriff shall 10216
return the license or temporary emergency license to the 10217
licensee. 10218

(2) (a) If a licensee holding a valid concealed handgun 10219
license is convicted of or pleads guilty to a misdemeanor 10220
violation of division (B) (2) or (4) of section 2923.12 of the 10221
Revised Code or of division (E) (3) or (5) of section 2923.16 of 10222
the Revised Code, subject to division (C) of this section, the 10223
sheriff who issued the license shall suspend it and shall comply 10224

with division (A) (3) of this section upon becoming aware of the 10225
conviction or guilty plea. Upon suspending the license, the 10226
sheriff also shall comply with division (H) of section 2923.125 10227
of the Revised Code. 10228

(b) A suspension under division (A) (2) (a) of this section 10229
shall be considered as beginning on the date that the licensee 10230
is convicted of or pleads guilty to the offense described in 10231
that division, irrespective of when the sheriff notifies the 10232
licensee under division (A) (3) of this section. If the 10233
suspension is imposed for a misdemeanor violation of division 10234
(B) (2) of section 2923.12 of the Revised Code or of division (E) 10235
(3) of section 2923.16 of the Revised Code, it shall end on the 10236
date that is one year after the date that the licensee is 10237
convicted of or pleads guilty to that violation. If the 10238
suspension is imposed for a misdemeanor violation of division 10239
(B) (4) of section 2923.12 of the Revised Code or of division (E) 10240
(5) of section 2923.16 of the Revised Code, it shall end on the 10241
date that is two years after the date that the licensee is 10242
convicted of or pleads guilty to that violation. If the 10243
licensee's license was issued under section 2923.125 of the 10244
Revised Code and the license remains valid after the suspension 10245
ends as described in this division, when the suspension ends, 10246
the sheriff shall return the license to the licensee. If the 10247
licensee's license was issued under section 2923.125 of the 10248
Revised Code and the license expires before the suspension ends 10249
as described in this division, or if the licensee's license was 10250
issued under section 2923.1213 of the Revised Code, the licensee 10251
is not eligible to apply for a new license under section 10252
2923.125 or 2923.1213 of the Revised Code or to renew the 10253
license under section 2923.125 of the Revised Code until after 10254
the suspension ends as described in this division. 10255

(3) Upon becoming aware of an arrest, charge, or protection order described in division (A) (1) (a) of this section with respect to a licensee who was issued a concealed handgun license, or a conviction of or plea of guilty to a misdemeanor offense described in division (A) (2) (a) of this section with respect to a licensee who was issued a concealed handgun license, subject to division (C) of this section, the sheriff who issued the licensee's license shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license has been suspended and that the licensee is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed. If the suspension is pursuant to division (A) (2) of this section, the notice shall identify the date on which the suspension ends.

(B) (1) A sheriff who issues a concealed handgun license to a licensee shall revoke the license in accordance with division (B) (2) of this section upon becoming aware that the licensee satisfies any of the following:

(a) The licensee is under twenty-one years of age.

(b) Subject to division (C) of this section, at the time of the issuance of the license, the licensee did not satisfy the eligibility requirements of division (D) (1) (c), (d), (e), (f), (g), or (h) of section 2923.125 of the Revised Code.

(c) Subject to division (C) of this section, on or after the date on which the license was issued, the licensee is convicted of or pleads guilty to a violation of section 2923.15 of the Revised Code or an offense described in division (D) (1) (e), (f), (g), or (h) of section 2923.125 of the Revised Code.

(d) On or after the date on which the license was issued, 10285
the licensee becomes subject to a civil protection order or to a 10286
protection order issued by a court of another state that is 10287
substantially equivalent to a civil protection order. 10288

(e) The licensee knowingly carries a concealed handgun 10289
into a place that the licensee knows is an unauthorized place 10290
specified in division (B) of section 2923.126 of the Revised 10291
Code. 10292

(f) On or after the date on which the license was issued, 10293
the licensee is adjudicated as a mental defective or is 10294
committed to a mental institution. 10295

(g) At the time of the issuance of the license, the 10296
licensee did not meet the residency requirements described in 10297
division (D)(1) of section 2923.125 of the Revised Code and 10298
currently does not meet the residency requirements described in 10299
that division. 10300

(h) Regarding a license issued under section 2923.125 of 10301
the Revised Code, the competency certificate the licensee 10302
submitted was forged or otherwise was fraudulent. 10303

(2) Upon becoming aware of any circumstance listed in 10304
division (B)(1) of this section that applies to a particular 10305
licensee who was issued a concealed handgun license, subject to 10306
division (C) of this section, the sheriff who issued the license 10307
to the licensee shall notify the licensee, by certified mail, 10308
return receipt requested, at the licensee's last known residence 10309
address that the license is subject to revocation and that the 10310
licensee may come to the sheriff's office and contest the 10311
sheriff's proposed revocation within fourteen days of the date 10312
on which the notice was mailed. After the fourteen-day period 10313

and after consideration of any information that the licensee 10314
provides during that period, if the sheriff determines on the 10315
basis of the information of which the sheriff is aware that the 10316
licensee is described in division (B) (1) of this section and no 10317
longer satisfies the requirements described in division (D) (1) 10318
of section 2923.125 of the Revised Code that are applicable to 10319
the licensee's type of license, the sheriff shall revoke the 10320
license, notify the licensee of that fact, and require the 10321
licensee to surrender the license. Upon revoking the license, 10322
the sheriff also shall comply with division (H) of section 10323
2923.125 of the Revised Code. 10324

(C) If a sheriff who issues a concealed handgun license to 10325
a licensee becomes aware that at the time of the issuance of the 10326
license the licensee had been convicted of or pleaded guilty to 10327
an offense identified in division (D) (1) (e), (f), or (h) of 10328
section 2923.125 of the Revised Code or had been adjudicated a 10329
delinquent child for committing an act or violation identified 10330
in any of those divisions or becomes aware that on or after the 10331
date on which the license was issued the licensee has been 10332
convicted of or pleaded guilty to an offense identified in 10333
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 10334
shall not consider that conviction, guilty plea, or adjudication 10335
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 10336
(1), and (B) (2) of this section if a court has ordered the 10337
sealing or expungement of the records of that conviction, guilty 10338
plea, or adjudication pursuant to sections 2151.355 to 2151.358 10339
~~or~~, sections 2953.31 to ~~2953.36~~ 2953.35, or section 2953.39 of 10340
the Revised Code or the licensee has been relieved under 10341
operation of law or legal process from the disability imposed 10342
pursuant to section 2923.13 of the Revised Code relative to that 10343
conviction, guilty plea, or adjudication. 10344

(D) As used in this section, "motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code. 10345
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Sec. 2923.1213. (A) As used in this section: 10348

(1) "Evidence of imminent danger" means any of the following: 10349
10350

(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; 10351
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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. 10356
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(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 10366
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(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: 10368
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(a) Evidence of imminent danger to the person or a member 10373

of the person's family; 10374

(b) A sworn affidavit that contains all of the information 10375
required to be on the license and attesting that the person is 10376
legally living in the United States; is at least twenty-one 10377
years of age; is not a fugitive from justice; is not under 10378
indictment for or otherwise charged with an offense identified 10379
in division (D) (1) (d) of section 2923.125 of the Revised Code; 10380
has not been convicted of or pleaded guilty to an offense, and 10381
has not been adjudicated a delinquent child for committing an 10382
act, identified in division (D) (1) (e) of that section and to 10383
which division (B) (3) of this section does not apply; within 10384
three years of the date of the submission, has not been 10385
convicted of or pleaded guilty to an offense, and has not been 10386
adjudicated a delinquent child for committing an act, identified 10387
in division (D) (1) (f) of that section and to which division (B) 10388
(3) of this section does not apply; within five years of the 10389
date of the submission, has not been convicted of, pleaded 10390
guilty, or adjudicated a delinquent child for committing two or 10391
more violations identified in division (D) (1) (g) of that 10392
section; within ten years of the date of the submission, has not 10393
been convicted of, pleaded guilty, or adjudicated a delinquent 10394
child for committing a violation identified in division (D) (1) 10395
(h) of that section and to which division (B) (3) of this section 10396
does not apply; has not been adjudicated as a mental defective, 10397
has not been committed to any mental institution, is not under 10398
adjudication of mental incompetence, has not been found by a 10399
court to be a mentally ill person subject to court order, and is 10400
not an involuntary patient other than one who is a patient only 10401
for purposes of observation, as described in division (D) (1) (i) 10402
of that section; is not currently subject to a civil protection 10403
order, a temporary protection order, or a protection order 10404

issued by a court of another state, as described in division (D) 10405
(1)(j) of that section; is not currently subject to a suspension 10406
imposed under division (A)(2) of section 2923.128 of the Revised 10407
Code of a concealed handgun license that previously was issued 10408
to the person or a similar suspension imposed by another state 10409
regarding a concealed handgun license issued by that state; is 10410
not an unlawful user of or addicted to any controlled substance 10411
as defined in 21 U.S.C. 802; if applicable, is an alien and has 10412
not been admitted to the United States under a nonimmigrant 10413
visa, as defined in the "Immigration and Nationality Act," 8 10414
U.S.C. 1101(a)(26); has not been discharged from the armed 10415
forces of the United States under dishonorable conditions; if 10416
applicable, has not renounced the applicant's United States 10417
citizenship; and has not been convicted of, pleaded guilty to, 10418
or been adjudicated a delinquent child for committing a 10419
violation identified in division (D)(1)(s) of section 2923.125 10420
of the Revised Code; 10421

(c) A nonrefundable temporary emergency license fee as 10422
described in either of the following: 10423

(i) For an applicant who has been a resident of this state 10424
for five or more years, a fee of fifteen dollars plus the actual 10425
cost of having a background check performed by the bureau of 10426
criminal identification and investigation pursuant to section 10427
311.41 of the Revised Code; 10428

(ii) For an applicant who has been a resident of this 10429
state for less than five years or who is not a resident of this 10430
state, but is temporarily staying in this state, a fee of 10431
fifteen dollars plus the actual cost of having background checks 10432
performed by the federal bureau of investigation and the bureau 10433
of criminal identification and investigation pursuant to section 10434

311.41 of the Revised Code. 10435

(d) A set of fingerprints of the applicant provided as 10436
described in section 311.41 of the Revised Code through use of 10437
an electronic fingerprint reading device or, if the sheriff to 10438
whom the application is submitted does not possess and does not 10439
have ready access to the use of an electronic fingerprint 10440
reading device, on a standard impression sheet prescribed 10441
pursuant to division (C) (2) of section 109.572 of the Revised 10442
Code. If the fingerprints are provided on a standard impression 10443
sheet, the person also shall provide the person's social 10444
security number to the sheriff. 10445

(2) A sheriff shall accept the evidence of imminent 10446
danger, the sworn affidavit, the fee, and the set of 10447
fingerprints required under division (B) (1) of this section at 10448
the times and in the manners described in division (I) of this 10449
section. Upon receipt of the evidence of imminent danger, the 10450
sworn affidavit, the fee, and the set of fingerprints required 10451
under division (B) (1) of this section, the sheriff, in the 10452
manner specified in section 311.41 of the Revised Code, 10453
immediately shall conduct or cause to be conducted the criminal 10454
records check and the incompetency records check described in 10455
section 311.41 of the Revised Code. Immediately upon receipt of 10456
the results of the records checks, the sheriff shall review the 10457
information and shall determine whether the criteria set forth 10458
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 10459
of the Revised Code apply regarding the person. If the sheriff 10460
determines that all of the criteria set forth in divisions (D) 10461
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 10462
Code apply regarding the person, the sheriff shall immediately 10463
make available through the law enforcement automated data system 10464
all information that will be contained on the temporary 10465

emergency license for the person if one is issued, and the 10466
superintendent of the state highway patrol shall ensure that the 10467
system is so configured as to permit the transmission through 10468
the system of that information. Upon making that information 10469
available through the law enforcement automated data system, the 10470
sheriff shall immediately issue to the person a concealed 10471
handgun license on a temporary emergency basis. 10472

If the sheriff denies the issuance of a license on a 10473
temporary emergency basis to the person, the sheriff shall 10474
specify the grounds for the denial in a written notice to the 10475
person. The person may appeal the denial, or challenge criminal 10476
records check results that were the basis of the denial if 10477
applicable, in the same manners specified in division (D) (2) of 10478
section 2923.125 and in section 2923.127 of the Revised Code, 10479
regarding the denial of an application for a concealed handgun 10480
license under that section. 10481

The license on a temporary emergency basis issued under 10482
this division shall be in the form, and shall include all of the 10483
information, described in divisions (A) (2) (a) and (d) of section 10484
109.731 of the Revised Code, and also shall include a unique 10485
combination of identifying letters and numbers in accordance 10486
with division (A) (2) (c) of that section. 10487

The license on a temporary emergency basis issued under 10488
this division is valid for ninety days and may not be renewed. A 10489
person who has been issued a license on a temporary emergency 10490
basis under this division shall not be issued another license on 10491
a temporary emergency basis unless at least four years has 10492
expired since the issuance of the prior license on a temporary 10493
emergency basis. 10494

(3) If a person seeking a concealed handgun license on a 10495

temporary emergency basis has been convicted of or pleaded 10496
guilty to an offense identified in division (D) (1) (e), (f), or 10497
(h) of section 2923.125 of the Revised Code or has been 10498
adjudicated a delinquent child for committing an act or 10499
violation identified in any of those divisions, and if a court 10500
has ordered the sealing or expungement of the records of that 10501
conviction, guilty plea, or adjudication pursuant to sections 10502
2151.355 to 2151.358 ~~or~~, sections 2953.31 to ~~2953.36~~ 2953.35, or 10503
section 2953.39 of the Revised Code or the applicant has been 10504
relieved under operation of law or legal process from the 10505
disability imposed pursuant to section 2923.13 of the Revised 10506
Code relative to that conviction, guilty plea, or adjudication, 10507
the conviction, guilty plea, or adjudication shall not be 10508
relevant for purposes of the sworn affidavit described in 10509
division (B) (1) (b) of this section, and the person may complete, 10510
and swear to the truth of, the affidavit as if the conviction, 10511
guilty plea, or adjudication never had occurred. 10512

(4) The sheriff shall waive the payment pursuant to 10513
division (B) (1) (c) of this section of the license fee in 10514
connection with an application that is submitted by an applicant 10515
who is a retired peace officer, a retired person described in 10516
division (B) (1) (b) of section 109.77 of the Revised Code, or a 10517
retired federal law enforcement officer who, prior to 10518
retirement, was authorized under federal law to carry a firearm 10519
in the course of duty, unless the retired peace officer, person, 10520
or federal law enforcement officer retired as the result of a 10521
mental disability. 10522

The sheriff shall deposit all fees paid by an applicant 10523
under division (B) (1) (c) of this section into the sheriff's 10524
concealed handgun license issuance fund established pursuant to 10525
section 311.42 of the Revised Code. 10526

(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 10558
(H) of section 2923.125 of the Revised Code applies regarding 10559
any suspension or revocation of a concealed handgun license on a 10560
temporary emergency basis. 10561

(E) A sheriff who issues a concealed handgun license on a 10562
temporary emergency basis under this section shall retain, for 10563
the entire period during which the license is in effect, the 10564
evidence of imminent danger that the person submitted to the 10565
sheriff and that was the basis for the license, or a copy of 10566
that evidence, as appropriate. 10567

(F) If a concealed handgun license on a temporary 10568
emergency basis issued under this section is lost or is 10569
destroyed, the licensee may obtain from the sheriff who issued 10570
that license a duplicate license upon the payment of a fee of 10571
fifteen dollars and the submission of an affidavit attesting to 10572
the loss or destruction of the license. The sheriff, in 10573
accordance with the procedures prescribed in section 109.731 of 10574
the Revised Code, shall place on the replacement license a 10575
combination of identifying numbers different from the 10576
combination on the license that is being replaced. 10577

(G) The attorney general shall prescribe, and shall make 10578
available to sheriffs, a standard form to be used under division 10579
(B) of this section by a person who applies for a concealed 10580
handgun license on a temporary emergency basis on the basis of 10581
imminent danger of a type described in division (A) (1) (a) of 10582
this section. The attorney general shall design the form to 10583
enable applicants to provide the information that is required by 10584
law to be collected, and shall update the form as necessary. 10585
Burdens or restrictions to obtaining a concealed handgun license 10586
that are not expressly prescribed in law shall not be 10587

incorporated into the form. The attorney general shall post a 10588
printable version of the form on the web site of the attorney 10589
general and shall provide the address of the web site to any 10590
person who requests the form. 10591

(H) A sheriff who receives any fees paid by a person under 10592
this section shall deposit all fees so paid into the sheriff's 10593
concealed handgun license issuance expense fund established 10594
under section 311.42 of the Revised Code. 10595

(I) A sheriff shall accept evidence of imminent danger, a 10596
sworn affidavit, the fee, and the set of fingerprints specified 10597
in division (B)(1) of this section at any time during normal 10598
business hours. In no case shall a sheriff require an 10599
appointment, or designate a specific period of time, for the 10600
submission or acceptance of evidence of imminent danger, a sworn 10601
affidavit, the fee, and the set of fingerprints specified in 10602
division (B)(1) of this section, or for the provision to any 10603
person of a standard form to be used for a person to apply for a 10604
concealed handgun license on a temporary emergency basis. 10605

Sec. 2923.16. (A) No person shall knowingly discharge a 10606
firearm while in or on a motor vehicle. 10607

(B) No person shall knowingly transport or have a loaded 10608
firearm in a motor vehicle in such a manner that the firearm is 10609
accessible to the operator or any passenger without leaving the 10610
vehicle. 10611

(C) No person shall knowingly transport or have a firearm 10612
in a motor vehicle, unless the person may lawfully possess that 10613
firearm under applicable law of this state or the United States, 10614
the firearm is unloaded, and the firearm is carried in one of 10615
the following ways: 10616

- (1) In a closed package, box, or case; 10617
- (2) In a compartment that can be reached only by leaving
the vehicle; 10618
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- (3) In plain sight and secured in a rack or holder made
for the purpose; 10620
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- (4) If the firearm is at least twenty-four inches in
overall length as measured from the muzzle to the part of the
stock furthest from the muzzle and if the barrel is at least
eighteen inches in length, either in plain sight with the action
open or the weapon stripped, or, if the firearm is of a type on
which the action will not stay open or which cannot easily be
stripped, in plain sight. 10622
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- (D) No person shall knowingly transport or have a loaded
handgun in a motor vehicle if, at the time of that
transportation or possession, any of the following applies: 10629
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- (1) The person is under the influence of alcohol, a drug
of abuse, or a combination of them. 10632
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- (2) The person's whole blood, blood serum or plasma,
breath, or urine contains a concentration of alcohol, a listed
controlled substance, or a listed metabolite of a controlled
substance prohibited for persons operating a vehicle, as
specified in division (A) of section 4511.19 of the Revised
Code, regardless of whether the person at the time of the
transportation or possession as described in this division is
the operator of or a passenger in the motor vehicle. 10634
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- (E) No person who has been issued a concealed handgun
license or who is an active duty member of the armed forces of
the United States and is carrying a valid military
identification card and documentation of successful completion 10642
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of firearms training that meets or exceeds the training 10646
requirements described in division (G) (1) of section 2923.125 of 10647
the Revised Code, who is the driver or an occupant of a motor 10648
vehicle that is stopped as a result of a traffic stop or a stop 10649
for another law enforcement purpose or is the driver or an 10650
occupant of a commercial motor vehicle that is stopped by an 10651
employee of the motor carrier enforcement unit for the purposes 10652
defined in section 5503.34 of the Revised Code, and who is 10653
transporting or has a loaded handgun in the motor vehicle or 10654
commercial motor vehicle in any manner, shall do any of the 10655
following: 10656

(1) Before or at the time a law enforcement officer asks 10657
if the person is carrying a concealed handgun, knowingly fail to 10658
disclose that the person then possesses or has a loaded handgun 10659
in the motor vehicle, provided that it is not a violation of 10660
this division if the person fails to disclose that fact to an 10661
officer during the stop and the person already has notified 10662
another officer of that fact during the same stop; 10663

(2) Before or at the time an employee of the motor carrier 10664
enforcement unit asks if the person is carrying a concealed 10665
handgun, knowingly fail to disclose that the person then 10666
possesses or has a loaded handgun in the commercial motor 10667
vehicle, provided that it is not a violation of this division if 10668
the person fails to disclose that fact to an employee of the 10669
unit during the stop and the person already has notified another 10670
employee of the unit of that fact during the same stop; 10671

(3) Knowingly fail to remain in the motor vehicle while 10672
stopped or knowingly fail to keep the person's hands in plain 10673
sight at any time after any law enforcement officer begins 10674
approaching the person while stopped and before the law 10675

enforcement officer leaves, unless the failure is pursuant to 10676
and in accordance with directions given by a law enforcement 10677
officer; 10678

(4) Knowingly have contact with the loaded handgun by 10679
touching it with the person's hands or fingers in the motor 10680
vehicle at any time after the law enforcement officer begins 10681
approaching and before the law enforcement officer leaves, 10682
unless the person has contact with the loaded handgun pursuant 10683
to and in accordance with directions given by the law 10684
enforcement officer; 10685

(5) Knowingly disregard or fail to comply with any lawful 10686
order of any law enforcement officer given while the motor 10687
vehicle is stopped, including, but not limited to, a specific 10688
order to the person to keep the person's hands in plain sight. 10689

(F) (1) Divisions (A), (B), (C), and (E) of this section do 10690
not apply to any of the following: 10691

(a) An officer, agent, or employee of this or any other 10692
state or the United States, or a law enforcement officer, when 10693
authorized to carry or have loaded or accessible firearms in 10694
motor vehicles and acting within the scope of the officer's, 10695
agent's, or employee's duties; 10696

(b) Any person who is employed in this state, who is 10697
authorized to carry or have loaded or accessible firearms in 10698
motor vehicles, and who is subject to and in compliance with the 10699
requirements of section 109.801 of the Revised Code, unless the 10700
appointing authority of the person has expressly specified that 10701
the exemption provided in division (F) (1) (b) of this section 10702
does not apply to the person. 10703

(2) Division (A) of this section does not apply to a 10704

person if all of the following circumstances apply: 10705

(a) The person discharges a firearm from a motor vehicle 10706
at a coyote or groundhog, the discharge is not during the deer 10707
gun hunting season as set by the chief of the division of 10708
wildlife of the department of natural resources, and the 10709
discharge at the coyote or groundhog, but for the operation of 10710
this section, is lawful. 10711

(b) The motor vehicle from which the person discharges the 10712
firearm is on real property that is located in an unincorporated 10713
area of a township and that either is zoned for agriculture or 10714
is used for agriculture. 10715

(c) The person owns the real property described in 10716
division (F) (2) (b) of this section, is the spouse or a child of 10717
another person who owns that real property, is a tenant of 10718
another person who owns that real property, or is the spouse or 10719
a child of a tenant of another person who owns that real 10720
property. 10721

(d) The person does not discharge the firearm in any of 10722
the following manners: 10723

(i) While under the influence of alcohol, a drug of abuse, 10724
or alcohol and a drug of abuse; 10725

(ii) In the direction of a street, highway, or other 10726
public or private property used by the public for vehicular 10727
traffic or parking; 10728

(iii) At or into an occupied structure that is a permanent 10729
or temporary habitation; 10730

(iv) In the commission of any violation of law, including, 10731
but not limited to, a felony that includes, as an essential 10732

element, purposely or knowingly causing or attempting to cause 10733
the death of or physical harm to another and that was committed 10734
by discharging a firearm from a motor vehicle. 10735

(3) Division (A) of this section does not apply to a 10736
person if all of the following apply: 10737

(a) The person possesses a valid all-purpose vehicle 10738
permit issued under section 1533.103 of the Revised Code by the 10739
chief of the division of wildlife. 10740

(b) The person discharges a firearm at a wild quadruped or 10741
game bird as defined in section 1531.01 of the Revised Code 10742
during the open hunting season for the applicable wild quadruped 10743
or game bird. 10744

(c) The person discharges a firearm from a stationary all- 10745
purpose vehicle as defined in section 1531.01 of the Revised 10746
Code from private or publicly owned lands or from a motor 10747
vehicle that is parked on a road that is owned or administered 10748
by the division of wildlife. 10749

(d) The person does not discharge the firearm in any of 10750
the following manners: 10751

(i) While under the influence of alcohol, a drug of abuse, 10752
or alcohol and a drug of abuse; 10753

(ii) In the direction of a street, a highway, or other 10754
public or private property that is used by the public for 10755
vehicular traffic or parking; 10756

(iii) At or into an occupied structure that is a permanent 10757
or temporary habitation; 10758

(iv) In the commission of any violation of law, including, 10759
but not limited to, a felony that includes, as an essential 10760

element, purposely or knowingly causing or attempting to cause 10761
the death of or physical harm to another and that was committed 10762
by discharging a firearm from a motor vehicle. 10763

(4) Divisions (B) and (C) of this section do not apply to 10764
a person if all of the following circumstances apply: 10765

(a) At the time of the alleged violation of either of 10766
those divisions, the person is the operator of or a passenger in 10767
a motor vehicle. 10768

(b) The motor vehicle is on real property that is located 10769
in an unincorporated area of a township and that either is zoned 10770
for agriculture or is used for agriculture. 10771

(c) The person owns the real property described in 10772
division (F) (4) (b) of this section, is the spouse or a child of 10773
another person who owns that real property, is a tenant of 10774
another person who owns that real property, or is the spouse or 10775
a child of a tenant of another person who owns that real 10776
property. 10777

(d) The person, prior to arriving at the real property 10778
described in division (F) (4) (b) of this section, did not 10779
transport or possess a firearm in the motor vehicle in a manner 10780
prohibited by division (B) or (C) of this section while the 10781
motor vehicle was being operated on a street, highway, or other 10782
public or private property used by the public for vehicular 10783
traffic or parking. 10784

(5) Divisions (B) and (C) of this section do not apply to 10785
a person who transports or possesses a handgun in a motor 10786
vehicle if, at the time of that transportation or possession, 10787
both of the following apply: 10788

(a) The person transporting or possessing the handgun has 10789

been issued a concealed handgun license that is valid at the 10790
time in question or the person is an active duty member of the 10791
armed forces of the United States and is carrying a valid 10792
military identification card and documentation of successful 10793
completion of firearms training that meets or exceeds the 10794
training requirements described in division (G)(1) of section 10795
2923.125 of the Revised Code. 10796

(b) The person transporting or possessing the handgun is 10797
not knowingly in a place described in division (B) of section 10798
2923.126 of the Revised Code. 10799

(6) Divisions (B) and (C) of this section do not apply to 10800
a person if all of the following apply: 10801

(a) The person possesses a valid all-purpose vehicle 10802
permit issued under section 1533.103 of the Revised Code by the 10803
chief of the division of wildlife. 10804

(b) The person is on or in an all-purpose vehicle as 10805
defined in section 1531.01 of the Revised Code or a motor 10806
vehicle during the open hunting season for a wild quadruped or 10807
game bird. 10808

(c) The person is on or in an all-purpose vehicle as 10809
defined in section 1531.01 of the Revised Code on private or 10810
publicly owned lands or on or in a motor vehicle that is parked 10811
on a road that is owned or administered by the division of 10812
wildlife. 10813

(7) Nothing in this section prohibits or restricts a 10814
person from possessing, storing, or leaving a firearm in a 10815
locked motor vehicle that is parked in the state underground 10816
parking garage at the state capitol building or in the parking 10817
garage at the Riffe center for government and the arts in 10818

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,
provided that this affirmative defense is not available unless
the person, immediately prior to arriving at the actor's own
property, did not transport or possess the firearm in a motor
vehicle in a manner prohibited by division (B) or (C) of this
section while the motor vehicle was being operated on a street,
highway, or other public or private property used by the public
for vehicular traffic.

(H) (1) No person who is charged with a violation of
division (B), (C), or (D) of this section shall be required to
obtain a concealed handgun license as a condition for the
dismissal of the charge.

(2) (a) If a person is convicted of, was convicted of,
pleads guilty to, or has pleaded guilty to a violation of
division (E) of this section as it existed prior to September
30, 2011, and the conduct that was the basis of the violation no
longer would be a violation of division (E) of this section on
or after September 30, 2011, or if a person is convicted of, was

convicted of, pleads guilty to, or has pleaded guilty to a 10849
violation of division (E) (1) or (2) of this section as it 10850
existed prior to ~~the effective date of this amendment~~ June 13, 10851
2022, the person may file an application under section ~~2953.37~~ 10852
2953.35 of the Revised Code requesting the expungement of the 10853
record of conviction. 10854

If a person is convicted of, was convicted of, pleads 10855
guilty to, or has pleaded guilty to a violation of division (B) 10856
or (C) of this section as the division existed prior to 10857
September 30, 2011, and if the conduct that was the basis of the 10858
violation no longer would be a violation of division (B) or (C) 10859
of this section on or after September 30, 2011, due to the 10860
application of division (F) (5) of this section as it exists on 10861
and after September 30, 2011, the person may file an application 10862
under section ~~2953.37~~ 2953.35 of the Revised Code requesting the 10863
expungement of the record of conviction. 10864

(b) The attorney general shall develop a public media 10865
advisory that summarizes the expungement procedure established 10866
under section ~~2953.37~~ 2953.35 of the Revised Code and the 10867
offenders identified in division (H) (2) (a) of this section and 10868
those identified in division (E) (2) of section 2923.12 of the 10869
Revised Code who are authorized to apply for the expungement. 10870
Within thirty days after September 30, 2011, with respect to 10871
violations of division (B), (C), or (E) of this section as they 10872
existed prior to that date, and within thirty days after ~~the~~ 10873
~~effective date of this amendment~~ June 13, 2022, with respect to 10874
a violation of division (E) (1) or (2) of this section or 10875
division (B) (1) of section 2923.12 of the Revised Code as they 10876
existed prior to ~~the effective date of this amendment~~ June 13, 10877
2022, the attorney general shall provide a copy of the advisory 10878
to each daily newspaper published in this state and each 10879

television station that broadcasts in this state. The attorney 10880
general may provide the advisory in a tangible form, an 10881
electronic form, or in both tangible and electronic forms. 10882

(I) Whoever violates this section is guilty of improperly 10883
handling firearms in a motor vehicle. A violation of division 10884
(A) of this section is a felony of the fourth degree. A 10885
violation of division (C) of this section is a misdemeanor of 10886
the fourth degree. A violation of division (D) of this section 10887
is a felony of the fifth degree or, if the loaded handgun is 10888
concealed on the person's person, a felony of the fourth degree. 10889
A violation of division (E) (1) or (2) of this section is a 10890
misdemeanor of the second degree. A violation of division (E) (4) 10891
of this section is a felony of the fifth degree. A violation of 10892
division (E) (3) or (5) of this section is a misdemeanor of the 10893
first degree or, if the offender previously has been convicted 10894
of or pleaded guilty to a violation of division (E) (3) or (5) of 10895
this section, a felony of the fifth degree. In addition to any 10896
other penalty or sanction imposed for a misdemeanor violation of 10897
division (E) (3) or (5) of this section, the offender's concealed 10898
handgun license shall be suspended pursuant to division (A) (2) 10899
of section 2923.128 of the Revised Code. A violation of division 10900
(B) of this section is a felony of the fourth degree. 10901

(J) If a law enforcement officer stops a motor vehicle for 10902
a traffic stop or any other purpose, if any person in the motor 10903
vehicle surrenders a firearm to the officer, either voluntarily 10904
or pursuant to a request or demand of the officer, and if the 10905
officer does not charge the person with a violation of this 10906
section or arrest the person for any offense, the person is not 10907
otherwise prohibited by law from possessing the firearm, and the 10908
firearm is not contraband, the officer shall return the firearm 10909
to the person at the termination of the stop. If a court orders 10910

a law enforcement officer to return a firearm to a person 10911
pursuant to the requirement set forth in this division, division 10912
(B) of section 2923.163 of the Revised Code applies. 10913

(K) As used in this section: 10914

(1) "Motor vehicle," "street," and "highway" have the same 10915
meanings as in section 4511.01 of the Revised Code. 10916

(2) "Occupied structure" has the same meaning as in 10917
section 2909.01 of the Revised Code. 10918

(3) "Agriculture" has the same meaning as in section 10919
519.01 of the Revised Code. 10920

(4) "Tenant" has the same meaning as in section 1531.01 of 10921
the Revised Code. 10922

(5) (a) "Unloaded" means, with respect to a firearm other 10923
than a firearm described in division (K) (6) of this section, 10924
that no ammunition is in the firearm in question, no magazine or 10925
speed loader containing ammunition is inserted into the firearm 10926
in question, and one of the following applies: 10927

(i) There is no ammunition in a magazine or speed loader 10928
that is in the vehicle in question and that may be used with the 10929
firearm in question. 10930

(ii) Any magazine or speed loader that contains ammunition 10931
and that may be used with the firearm in question is stored in a 10932
compartment within the vehicle in question that cannot be 10933
accessed without leaving the vehicle or is stored in a container 10934
that provides complete and separate enclosure. 10935

(b) For the purposes of division (K) (5) (a) (ii) of this 10936
section, a "container that provides complete and separate 10937
enclosure" includes, but is not limited to, any of the 10938

following: 10939

(i) A package, box, or case with multiple compartments, as 10940
long as the loaded magazine or speed loader and the firearm in 10941
question either are in separate compartments within the package, 10942
box, or case, or, if they are in the same compartment, the 10943
magazine or speed loader is contained within a separate 10944
enclosure in that compartment that does not contain the firearm 10945
and that closes using a snap, button, buckle, zipper, hook and 10946
loop closing mechanism, or other fastener that must be opened to 10947
access the contents or the firearm is contained within a 10948
separate enclosure of that nature in that compartment that does 10949
not contain the magazine or speed loader; 10950

(ii) A pocket or other enclosure on the person of the 10951
person in question that closes using a snap, button, buckle, 10952
zipper, hook and loop closing mechanism, or other fastener that 10953
must be opened to access the contents. 10954

(c) For the purposes of divisions (K) (5) (a) and (b) of 10955
this section, ammunition held in stripper-clips or in en-bloc 10956
clips is not considered ammunition that is loaded into a 10957
magazine or speed loader. 10958

(6) "Unloaded" means, with respect to a firearm employing 10959
a percussion cap, flintlock, or other obsolete ignition system, 10960
when the weapon is uncapped or when the priming charge is 10961
removed from the pan. 10962

(7) "Commercial motor vehicle" has the same meaning as in 10963
division (A) of section 4506.25 of the Revised Code. 10964

(8) "Motor carrier enforcement unit" means the motor 10965
carrier enforcement unit in the department of public safety, 10966
division of state highway patrol, that is created by section 10967

5503.34 of the Revised Code. 10968

(L) Divisions (K) (5) (a) and (b) of this section do not 10969
affect the authority of a person who has been issued a concealed 10970
handgun license that is valid at the time in question to have 10971
one or more magazines or speed loaders containing ammunition 10972
anywhere in a vehicle, without being transported as described in 10973
those divisions, as long as no ammunition is in a firearm, other 10974
than a handgun, in the vehicle other than as permitted under any 10975
other provision of this chapter. A person who has been issued a 10976
concealed handgun license that is valid at the time in question 10977
may have one or more magazines or speed loaders containing 10978
ammunition anywhere in a vehicle without further restriction, as 10979
long as no ammunition is in a firearm, other than a handgun, in 10980
the vehicle other than as permitted under any provision of this 10981
chapter. 10982

Sec. 2925.11. (A) No person shall knowingly obtain, 10983
possess, or use a controlled substance or a controlled substance 10984
analog. 10985

(B) (1) This section does not apply to any of the 10986
following: 10987

(a) Manufacturers, licensed health professionals 10988
authorized to prescribe drugs, pharmacists, owners of 10989
pharmacies, and other persons whose conduct was in accordance 10990
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 10991
4741. of the Revised Code; 10992

(b) If the offense involves an anabolic steroid, any 10993
person who is conducting or participating in a research project 10994
involving the use of an anabolic steroid if the project has been 10995
approved by the United States food and drug administration; 10996

(c) Any person who sells, offers for sale, prescribes, 10997
dispenses, or administers for livestock or other nonhuman 10998
species an anabolic steroid that is expressly intended for 10999
administration through implants to livestock or other nonhuman 11000
species and approved for that purpose under the "Federal Food, 11001
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 11002
as amended, and is sold, offered for sale, prescribed, 11003
dispensed, or administered for that purpose in accordance with 11004
that act; 11005

(d) Any person who obtained the controlled substance 11006
pursuant to a prescription issued by a licensed health 11007
professional authorized to prescribe drugs if the prescription 11008
was issued for a legitimate medical purpose and not altered, 11009
forged, or obtained through deception or commission of a theft 11010
offense. 11011

As used in division (B) (1) (d) of this section, "deception" 11012
and "theft offense" have the same meanings as in section 2913.01 11013
of the Revised Code. 11014

(2) (a) As used in division (B) (2) of this section: 11015

(i) "Community addiction services provider" has the same 11016
meaning as in section 5119.01 of the Revised Code. 11017

(ii) "Community control sanction" and "drug treatment 11018
program" have the same meanings as in section 2929.01 of the 11019
Revised Code. 11020

(iii) "Health care facility" has the same meaning as in 11021
section 2919.16 of the Revised Code. 11022

(iv) "Minor drug possession offense" means a violation of 11023
this section that is a misdemeanor or a felony of the fifth 11024
degree. 11025

(v) "Post-release control sanction" has the same meaning 11026
as in section 2967.28 of the Revised Code. 11027

(vi) "Peace officer" has the same meaning as in section 11028
2935.01 of the Revised Code. 11029

(vii) "Public agency" has the same meaning as in section 11030
2930.01 of the Revised Code. 11031

(viii) "Qualified individual" means a person who is ~~not on~~ 11032
~~community control or post-release control and is a person acting~~ 11033
in good faith who seeks or obtains medical assistance for 11034
another person who is experiencing a drug overdose, a person who 11035
experiences a drug overdose and who seeks medical assistance for 11036
that overdose, or a person who is the subject of another person 11037
seeking or obtaining medical assistance for that overdose as 11038
described in division (B) (2) (b) of this section. 11039

(ix) "Seek or obtain medical assistance" includes, but is 11040
not limited to making a 9-1-1 call, contacting in person or by 11041
telephone call an on-duty peace officer, or transporting or 11042
presenting a person to a health care facility. 11043

(b) Subject to division ~~(B) (2) (f)~~ (B) (2) (e) of this 11044
section, a qualified individual shall not be arrested, charged, 11045
prosecuted, convicted, or penalized pursuant to this chapter for 11046
a minor drug possession offense or a violation of section 11047
2925.12, division (C) (1) of section 2925.14, or section 2925.141 11048
of the Revised Code if all of the following apply: 11049

(i) The evidence of the obtaining, possession, or use of 11050
the controlled substance or controlled substance analog, drug 11051
abuse instruments, or drug paraphernalia that would be the basis 11052
of the offense was obtained as a result of the qualified 11053
individual seeking the medical assistance or experiencing an 11054

overdose and needing medical assistance. 11055

(ii) Subject to division ~~(B) (2) (g)~~ (B) (2) (f) of this 11056
section, within thirty days after seeking or obtaining the 11057
medical assistance, the qualified individual seeks and obtains a 11058
screening and receives a referral for treatment from a community 11059
addiction services provider or a properly credentialed addiction 11060
treatment professional. 11061

(iii) Subject to division ~~(B) (2) (g)~~ (B) (2) (f) of this 11062
section, the qualified individual who obtains a screening and 11063
receives a referral for treatment under division (B) (2) (b) (ii) 11064
of this section, upon the request of any prosecuting attorney, 11065
submits documentation to the prosecuting attorney that verifies 11066
that the qualified individual satisfied the requirements of that 11067
division. The documentation shall be limited to the date and 11068
time of the screening obtained and referral received. 11069

~~(c) If a person is found to be in violation of any 11070
community control sanction and if the violation is a result of 11071
either of the following, the court shall first consider ordering 11072
the person's participation or continued participation in a drug 11073
treatment program or mitigating the penalty specified in section 11074
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 11075
applicable, after which the court has the discretion either to 11076
order the person's participation or continued participation in a 11077
drug treatment program or to impose the penalty with the 11078
mitigating factor specified in any of those applicable sections:~~ 11079

~~(i) Seeking or obtaining medical assistance in good faith 11080
for another person who is experiencing a drug overdose;~~ 11081

~~(ii) Experiencing a drug overdose and seeking medical 11082
assistance for that overdose or being the subject of another 11083~~

~~person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.~~ 11084
11085

~~(d) If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in section 2929.141 or 2967.28 of the Revised Code, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:~~ 11086
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~~(i) Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;~~ 11097
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~~(ii) Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section~~ 11099
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If a person who is serving a community control sanction or is under a sanction on post-release control acts pursuant to division (B) (2) (b) of this section, then division (B) of section 2929.141, division (B) (2) of section 2929.15, division (D) (3) of section 2929.25, or division (F) (3) of section 2967.28 of the Revised Code applies to the person with respect to any violation of the sanction or post-release control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, or a violation of section 2925.12, division (C) (1) of section 2925.14, or section 2925.141 of the Revised Code.

~~(e)~~(d) Nothing in division (B) (2) (b) of this section shall 11113

be construed to do any of the following: 11114

(i) Limit the admissibility of any evidence in connection 11115
with the investigation or prosecution of a crime with regards to 11116
a defendant who does not qualify for the protections of division 11117
(B) (2) (b) of this section or with regards to any crime other 11118
than a minor drug possession offense or a violation of section 11119
2925.12, division (C) (1) of section 2925.14, or section 2925.141 11120
of the Revised Code committed by a person who qualifies for 11121
protection pursuant to division (B) (2) (b) of this section ~~for a~~ 11122
~~minor drug possession offense;~~ 11123

(ii) Limit any seizure of evidence or contraband otherwise 11124
permitted by law; 11125

(iii) Limit or abridge the authority of a peace officer to 11126
detain or take into custody a person in the course of an 11127
investigation or to effectuate an arrest for any offense except 11128
as provided in that division; 11129

(iv) Limit, modify, or remove any immunity from liability 11130
available pursuant to law in effect prior to September 13, 2016, 11131
to any public agency or to an employee of any public agency. 11132

~~(f)~~ (e) Division (B) (2) (b) of this section does not apply 11133
to any person who twice previously has been granted an immunity 11134
under division (B) (2) (b) of this section. No person shall be 11135
granted an immunity under division (B) (2) (b) of this section 11136
more than two times. 11137

~~(g)~~ (f) Nothing in this section shall compel any qualified 11138
individual to disclose protected health information in a way 11139
that conflicts with the requirements of the "Health Insurance 11140
Portability and Accountability Act of 1996," 104 Pub. L. No. 11141
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 11142

regulations promulgated by the United States department of 11143
health and human services to implement the act or the 11144
requirements of 42 C.F.R. Part 2. 11145

(C) Whoever violates division (A) of this section is 11146
guilty of one of the following: 11147

(1) If the drug involved in the violation is a compound, 11148
mixture, preparation, or substance included in schedule I or II, 11149
with the exception of marihuana, cocaine, L.S.D., heroin, any 11150
fentanyl-related compound, hashish, and any controlled substance 11151
analog, whoever violates division (A) of this section is guilty 11152
of aggravated possession of drugs. The penalty for the offense 11153
shall be determined as follows: 11154

(a) Except as otherwise provided in division (C) (1) (b), 11155
(c), (d), or (e) of this section, aggravated possession of drugs 11156
is a felony of the fifth degree, and division (B) of section 11157
2929.13 of the Revised Code applies in determining whether to 11158
impose a prison term on the offender. 11159

(b) If the amount of the drug involved equals or exceeds 11160
the bulk amount but is less than five times the bulk amount, 11161
aggravated possession of drugs is a felony of the third degree, 11162
and there is a presumption for a prison term for the offense. 11163

(c) If the amount of the drug involved equals or exceeds 11164
five times the bulk amount but is less than fifty times the bulk 11165
amount, aggravated possession of drugs is a felony of the second 11166
degree, and the court shall impose as a mandatory prison term a 11167
second degree felony mandatory prison term. 11168

(d) If the amount of the drug involved equals or exceeds 11169
fifty times the bulk amount but is less than one hundred times 11170
the bulk amount, aggravated possession of drugs is a felony of 11171

the first degree, and the court shall impose as a mandatory 11172
prison term a first degree felony mandatory prison term. 11173

(e) If the amount of the drug involved equals or exceeds 11174
one hundred times the bulk amount, aggravated possession of 11175
drugs is a felony of the first degree, the offender is a major 11176
drug offender, and the court shall impose as a mandatory prison 11177
term a maximum first degree felony mandatory prison term. 11178

(2) If the drug involved in the violation is a compound, 11179
mixture, preparation, or substance included in schedule III, IV, 11180
or V, whoever violates division (A) of this section is guilty of 11181
possession of drugs. The penalty for the offense shall be 11182
determined as follows: 11183

(a) Except as otherwise provided in division (C) (2) (b), 11184
(c), or (d) of this section, possession of drugs is a 11185
misdemeanor of the first degree or, if the offender previously 11186
has been convicted of a drug abuse offense, a felony of the 11187
fifth degree. 11188

(b) If the amount of the drug involved equals or exceeds 11189
the bulk amount but is less than five times the bulk amount, 11190
possession of drugs is a felony of the fourth degree, and 11191
division (C) of section 2929.13 of the Revised Code applies in 11192
determining whether to impose a prison term on the offender. 11193

(c) If the amount of the drug involved equals or exceeds 11194
five times the bulk amount but is less than fifty times the bulk 11195
amount, possession of drugs is a felony of the third degree, and 11196
there is a presumption for a prison term for the offense. 11197

(d) If the amount of the drug involved equals or exceeds 11198
fifty times the bulk amount, possession of drugs is a felony of 11199
the second degree, and the court shall impose upon the offender 11200

as a mandatory prison term a second degree felony mandatory
prison term. 11201
11202

(3) If the drug involved in the violation is marihuana or 11203
a compound, mixture, preparation, or substance containing 11204
marihuana other than hashish, whoever violates division (A) of 11205
this section is guilty of possession of marihuana. The penalty 11206
for the offense shall be determined as follows: 11207

(a) Except as otherwise provided in division (C) (3) (b), 11208
(c), (d), (e), (f), or (g) of this section, possession of 11209
marihuana is a minor misdemeanor. 11210

(b) If the amount of the drug involved equals or exceeds 11211
one hundred grams but is less than two hundred grams, possession 11212
of marihuana is a misdemeanor of the fourth degree. 11213

(c) If the amount of the drug involved equals or exceeds 11214
two hundred grams but is less than one thousand grams, 11215
possession of marihuana is a felony of the fifth degree, and 11216
division (B) of section 2929.13 of the Revised Code applies in 11217
determining whether to impose a prison term on the offender. 11218

(d) If the amount of the drug involved equals or exceeds 11219
one thousand grams but is less than five thousand grams, 11220
possession of marihuana is a felony of the third degree, and 11221
division (C) of section 2929.13 of the Revised Code applies in 11222
determining whether to impose a prison term on the offender. 11223

(e) If the amount of the drug involved equals or exceeds 11224
five thousand grams but is less than twenty thousand grams, 11225
possession of marihuana is a felony of the third degree, and 11226
there is a presumption that a prison term shall be imposed for 11227
the offense. 11228

(f) If the amount of the drug involved equals or exceeds 11229

twenty thousand grams but is less than forty thousand grams, 11230
possession of marihuana is a felony of the second degree, and 11231
the court shall impose as a mandatory prison term a second 11232
degree felony mandatory prison term of five, six, seven, or 11233
eight years. 11234

(g) If the amount of the drug involved equals or exceeds 11235
forty thousand grams, possession of marihuana is a felony of the 11236
second degree, and the court shall impose as a mandatory prison 11237
term a maximum second degree felony mandatory prison term. 11238

(4) If the drug involved in the violation is cocaine or a 11239
compound, mixture, preparation, or substance containing cocaine, 11240
whoever violates division (A) of this section is guilty of 11241
possession of cocaine. The penalty for the offense shall be 11242
determined as follows: 11243

(a) Except as otherwise provided in division (C) (4) (b), 11244
(c), (d), (e), or (f) of this section, possession of cocaine is 11245
a felony of the fifth degree, and division (B) of section 11246
2929.13 of the Revised Code applies in determining whether to 11247
impose a prison term on the offender. 11248

(b) If the amount of the drug involved equals or exceeds 11249
five grams but is less than ten grams of cocaine, possession of 11250
cocaine is a felony of the fourth degree, and division (B) of 11251
section 2929.13 of the Revised Code applies in determining 11252
whether to impose a prison term on the offender. 11253

(c) If the amount of the drug involved equals or exceeds 11254
ten grams but is less than twenty grams of cocaine, possession 11255
of cocaine is a felony of the third degree, and, except as 11256
otherwise provided in this division, there is a presumption for 11257
a prison term for the offense. If possession of cocaine is a 11258

felony of the third degree under this division and if the 11259
offender two or more times previously has been convicted of or 11260
pleaded guilty to a felony drug abuse offense, the court shall 11261
impose as a mandatory prison term one of the prison terms 11262
prescribed for a felony of the third degree. 11263

(d) If the amount of the drug involved equals or exceeds 11264
twenty grams but is less than twenty-seven grams of cocaine, 11265
possession of cocaine is a felony of the second degree, and the 11266
court shall impose as a mandatory prison term a second degree 11267
felony mandatory prison term. 11268

(e) If the amount of the drug involved equals or exceeds 11269
twenty-seven grams but is less than one hundred grams of 11270
cocaine, possession of cocaine is a felony of the first degree, 11271
and the court shall impose as a mandatory prison term a first 11272
degree felony mandatory prison term. 11273

(f) If the amount of the drug involved equals or exceeds 11274
one hundred grams of cocaine, possession of cocaine is a felony 11275
of the first degree, the offender is a major drug offender, and 11276
the court shall impose as a mandatory prison term a maximum 11277
first degree felony mandatory prison term. 11278

(5) If the drug involved in the violation is L.S.D., 11279
whoever violates division (A) of this section is guilty of 11280
possession of L.S.D. The penalty for the offense shall be 11281
determined as follows: 11282

(a) Except as otherwise provided in division (C) (5) (b), 11283
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 11284
felony of the fifth degree, and division (B) of section 2929.13 11285
of the Revised Code applies in determining whether to impose a 11286
prison term on the offender. 11287

(b) If the amount of L.S.D. involved equals or exceeds ten 11288
unit doses but is less than fifty unit doses of L.S.D. in a 11289
solid form or equals or exceeds one gram but is less than five 11290
grams of L.S.D. in a liquid concentrate, liquid extract, or 11291
liquid distillate form, possession of L.S.D. is a felony of the 11292
fourth degree, and division (C) of section 2929.13 of the 11293
Revised Code applies in determining whether to impose a prison 11294
term on the offender. 11295

(c) If the amount of L.S.D. involved equals or exceeds 11296
fifty unit doses, but is less than two hundred fifty unit doses 11297
of L.S.D. in a solid form or equals or exceeds five grams but is 11298
less than twenty-five grams of L.S.D. in a liquid concentrate, 11299
liquid extract, or liquid distillate form, possession of L.S.D. 11300
is a felony of the third degree, and there is a presumption for 11301
a prison term for the offense. 11302

(d) If the amount of L.S.D. involved equals or exceeds two 11303
hundred fifty unit doses but is less than one thousand unit 11304
doses of L.S.D. in a solid form or equals or exceeds twenty-five 11305
grams but is less than one hundred grams of L.S.D. in a liquid 11306
concentrate, liquid extract, or liquid distillate form, 11307
possession of L.S.D. is a felony of the second degree, and the 11308
court shall impose as a mandatory prison term a second degree 11309
felony mandatory prison term. 11310

(e) If the amount of L.S.D. involved equals or exceeds one 11311
thousand unit doses but is less than five thousand unit doses of 11312
L.S.D. in a solid form or equals or exceeds one hundred grams 11313
but is less than five hundred grams of L.S.D. in a liquid 11314
concentrate, liquid extract, or liquid distillate form, 11315
possession of L.S.D. is a felony of the first degree, and the 11316
court shall impose as a mandatory prison term a first degree 11317

felony mandatory prison term. 11318

(f) If the amount of L.S.D. involved equals or exceeds 11319
five thousand unit doses of L.S.D. in a solid form or equals or 11320
exceeds five hundred grams of L.S.D. in a liquid concentrate, 11321
liquid extract, or liquid distillate form, possession of L.S.D. 11322
is a felony of the first degree, the offender is a major drug 11323
offender, and the court shall impose as a mandatory prison term 11324
a maximum first degree felony mandatory prison term. 11325

(6) If the drug involved in the violation is heroin or a 11326
compound, mixture, preparation, or substance containing heroin, 11327
whoever violates division (A) of this section is guilty of 11328
possession of heroin. The penalty for the offense shall be 11329
determined as follows: 11330

(a) Except as otherwise provided in division (C) (6) (b), 11331
(c), (d), (e), or (f) of this section, possession of heroin is a 11332
felony of the fifth degree, and division (B) of section 2929.13 11333
of the Revised Code applies in determining whether to impose a 11334
prison term on the offender. 11335

(b) If the amount of the drug involved equals or exceeds 11336
ten unit doses but is less than fifty unit doses or equals or 11337
exceeds one gram but is less than five grams, possession of 11338
heroin is a felony of the fourth degree, and division (C) of 11339
section 2929.13 of the Revised Code applies in determining 11340
whether to impose a prison term on the offender. 11341

(c) If the amount of the drug involved equals or exceeds 11342
fifty unit doses but is less than one hundred unit doses or 11343
equals or exceeds five grams but is less than ten grams, 11344
possession of heroin is a felony of the third degree, and there 11345
is a presumption for a prison term for the offense. 11346

(d) If the amount of the drug involved equals or exceeds 11347
one hundred unit doses but is less than five hundred unit doses 11348
or equals or exceeds ten grams but is less than fifty grams, 11349
possession of heroin is a felony of the second degree, and the 11350
court shall impose as a mandatory prison term a second degree 11351
felony mandatory prison term. 11352

(e) If the amount of the drug involved equals or exceeds 11353
five hundred unit doses but is less than one thousand unit doses 11354
or equals or exceeds fifty grams but is less than one hundred 11355
grams, possession of heroin is a felony of the first degree, and 11356
the court shall impose as a mandatory prison term a first degree 11357
felony mandatory prison term. 11358

(f) If the amount of the drug involved equals or exceeds 11359
one thousand unit doses or equals or exceeds one hundred grams, 11360
possession of heroin is a felony of the first degree, the 11361
offender is a major drug offender, and the court shall impose as 11362
a mandatory prison term a maximum first degree felony mandatory 11363
prison term. 11364

(7) If the drug involved in the violation is hashish or a 11365
compound, mixture, preparation, or substance containing hashish, 11366
whoever violates division (A) of this section is guilty of 11367
possession of hashish. The penalty for the offense shall be 11368
determined as follows: 11369

(a) Except as otherwise provided in division (C) (7) (b), 11370
(c), (d), (e), (f), or (g) of this section, possession of 11371
hashish is a minor misdemeanor. 11372

(b) If the amount of the drug involved equals or exceeds 11373
five grams but is less than ten grams of hashish in a solid form 11374
or equals or exceeds one gram but is less than two grams of 11375

hashish in a liquid concentrate, liquid extract, or liquid 11376
distillate form, possession of hashish is a misdemeanor of the 11377
fourth degree. 11378

(c) If the amount of the drug involved equals or exceeds 11379
ten grams but is less than fifty grams of hashish in a solid 11380
form or equals or exceeds two grams but is less than ten grams 11381
of hashish in a liquid concentrate, liquid extract, or liquid 11382
distillate form, possession of hashish is a felony of the fifth 11383
degree, and division (B) of section 2929.13 of the Revised Code 11384
applies in determining whether to impose a prison term on the 11385
offender. 11386

(d) If the amount of the drug involved equals or exceeds 11387
fifty grams but is less than two hundred fifty grams of hashish 11388
in a solid form or equals or exceeds ten grams but is less than 11389
fifty grams of hashish in a liquid concentrate, liquid extract, 11390
or liquid distillate form, possession of hashish is a felony of 11391
the third degree, and division (C) of section 2929.13 of the 11392
Revised Code applies in determining whether to impose a prison 11393
term on the offender. 11394

(e) If the amount of the drug involved equals or exceeds 11395
two hundred fifty grams but is less than one thousand grams of 11396
hashish in a solid form or equals or exceeds fifty grams but is 11397
less than two hundred grams of hashish in a liquid concentrate, 11398
liquid extract, or liquid distillate form, possession of hashish 11399
is a felony of the third degree, and there is a presumption that 11400
a prison term shall be imposed for the offense. 11401

(f) If the amount of the drug involved equals or exceeds 11402
one thousand grams but is less than two thousand grams of 11403
hashish in a solid form or equals or exceeds two hundred grams 11404
but is less than four hundred grams of hashish in a liquid 11405

concentrate, liquid extract, or liquid distillate form, 11406
possession of hashish is a felony of the second degree, and the 11407
court shall impose as a mandatory prison term a second degree 11408
felony mandatory prison term of five, six, seven, or eight 11409
years. 11410

(g) If the amount of the drug involved equals or exceeds 11411
two thousand grams of hashish in a solid form or equals or 11412
exceeds four hundred grams of hashish in a liquid concentrate, 11413
liquid extract, or liquid distillate form, possession of hashish 11414
is a felony of the second degree, and the court shall impose as 11415
a mandatory prison term a maximum second degree felony mandatory 11416
prison term. 11417

(8) If the drug involved is a controlled substance analog 11418
or compound, mixture, preparation, or substance that contains a 11419
controlled substance analog, whoever violates division (A) of 11420
this section is guilty of possession of a controlled substance 11421
analog. The penalty for the offense shall be determined as 11422
follows: 11423

(a) Except as otherwise provided in division (C) (8) (b), 11424
(c), (d), (e), or (f) of this section, possession of a 11425
controlled substance analog is a felony of the fifth degree, and 11426
division (B) of section 2929.13 of the Revised Code applies in 11427
determining whether to impose a prison term on the offender. 11428

(b) If the amount of the drug involved equals or exceeds 11429
ten grams but is less than twenty grams, possession of a 11430
controlled substance analog is a felony of the fourth degree, 11431
and there is a presumption for a prison term for the offense. 11432

(c) If the amount of the drug involved equals or exceeds 11433
twenty grams but is less than thirty grams, possession of a 11434

controlled substance analog is a felony of the third degree, and 11435
there is a presumption for a prison term for the offense. 11436

(d) If the amount of the drug involved equals or exceeds 11437
thirty grams but is less than forty grams, possession of a 11438
controlled substance analog is a felony of the second degree, 11439
and the court shall impose as a mandatory prison term a second 11440
degree felony mandatory prison term. 11441

(e) If the amount of the drug involved equals or exceeds 11442
forty grams but is less than fifty grams, possession of a 11443
controlled substance analog is a felony of the first degree, and 11444
the court shall impose as a mandatory prison term a first degree 11445
felony mandatory prison term. 11446

(f) If the amount of the drug involved equals or exceeds 11447
fifty grams, possession of a controlled substance analog is a 11448
felony of the first degree, the offender is a major drug 11449
offender, and the court shall impose as a mandatory prison term 11450
a maximum first degree felony mandatory prison term. 11451

(9) If the drug involved in the violation is a compound, 11452
mixture, preparation, or substance that is a combination of a 11453
fentanyl-related compound and marihuana, one of the following 11454
applies: 11455

(a) Except as otherwise provided in division (C) (9) (b) of 11456
this section, the offender is guilty of possession of marihuana 11457
and shall be punished as provided in division (C) (3) of this 11458
section. Except as otherwise provided in division (C) (9) (b) of 11459
this section, the offender is not guilty of possession of a 11460
fentanyl-related compound under division (C) (11) of this section 11461
and shall not be charged with, convicted of, or punished under 11462
division (C) (11) of this section for possession of a fentanyl- 11463

related compound. 11464

(b) If the offender knows or has reason to know that the 11465
compound, mixture, preparation, or substance that is the drug 11466
involved contains a fentanyl-related compound, the offender is 11467
guilty of possession of a fentanyl-related compound and shall be 11468
punished under division (C)(11) of this section. 11469

(10) If the drug involved in the violation is a compound, 11470
mixture, preparation, or substance that is a combination of a 11471
fentanyl-related compound and any schedule III, schedule IV, or 11472
schedule V controlled substance that is not a fentanyl-related 11473
compound, one of the following applies: 11474

(a) Except as otherwise provided in division (C)(10)(b) of 11475
this section, the offender is guilty of possession of drugs and 11476
shall be punished as provided in division (C)(2) of this 11477
section. Except as otherwise provided in division (C)(10)(b) of 11478
this section, the offender is not guilty of possession of a 11479
fentanyl-related compound under division (C)(11) of this section 11480
and shall not be charged with, convicted of, or punished under 11481
division (C)(11) of this section for possession of a fentanyl- 11482
related compound. 11483

(b) If the offender knows or has reason to know that the 11484
compound, mixture, preparation, or substance that is the drug 11485
involved contains a fentanyl-related compound, the offender is 11486
guilty of possession of a fentanyl-related compound and shall be 11487
punished under division (C)(11) of this section. 11488

(11) If the drug involved in the violation is a fentanyl- 11489
related compound and neither division (C)(9)(a) nor division (C) 11490
(10)(a) of this section applies to the drug involved, or is a 11491
compound, mixture, preparation, or substance that contains a 11492

fentanyl-related compound or is a combination of a fentanyl- 11493
related compound and any other controlled substance and neither 11494
division (C) (9) (a) nor division (C) (10) (a) of this section 11495
applies to the drug involved, whoever violates division (A) of 11496
this section is guilty of possession of a fentanyl-related 11497
compound. The penalty for the offense shall be determined as 11498
follows: 11499

(a) Except as otherwise provided in division (C) (11) (b), 11500
(c), (d), (e), (f), or (g) of this section, possession of a 11501
fentanyl-related compound is a felony of the fifth degree, and 11502
division (B) of section 2929.13 of the Revised Code applies in 11503
determining whether to impose a prison term on the offender. 11504

(b) If the amount of the drug involved equals or exceeds 11505
ten unit doses but is less than fifty unit doses or equals or 11506
exceeds one gram but is less than five grams, possession of a 11507
fentanyl-related compound is a felony of the fourth degree, and 11508
division (C) of section 2929.13 of the Revised Code applies in 11509
determining whether to impose a prison term on the offender. 11510

(c) If the amount of the drug involved equals or exceeds 11511
fifty unit doses but is less than one hundred unit doses or 11512
equals or exceeds five grams but is less than ten grams, 11513
possession of a fentanyl-related compound is a felony of the 11514
third degree, and there is a presumption for a prison term for 11515
the offense. 11516

(d) If the amount of the drug involved equals or exceeds 11517
one hundred unit doses but is less than two hundred unit doses 11518
or equals or exceeds ten grams but is less than twenty grams, 11519
possession of a fentanyl-related compound is a felony of the 11520
second degree, and the court shall impose as a mandatory prison 11521
term one of the prison terms prescribed for a felony of the 11522

second degree. 11523

(e) If the amount of the drug involved equals or exceeds 11524
two hundred unit doses but is less than five hundred unit doses 11525
or equals or exceeds twenty grams but is less than fifty grams, 11526
possession of a fentanyl-related compound is a felony of the 11527
first degree, and the court shall impose as a mandatory prison 11528
term one of the prison terms prescribed for a felony of the 11529
first degree. 11530

(f) If the amount of the drug involved equals or exceeds 11531
five hundred unit doses but is less than one thousand unit doses 11532
or equals or exceeds fifty grams but is less than one hundred 11533
grams, possession of a fentanyl-related compound is a felony of 11534
the first degree, and the court shall impose as a mandatory 11535
prison term the maximum prison term prescribed for a felony of 11536
the first degree. 11537

(g) If the amount of the drug involved equals or exceeds 11538
one thousand unit doses or equals or exceeds one hundred grams, 11539
possession of a fentanyl-related compound is a felony of the 11540
first degree, the offender is a major drug offender, and the 11541
court shall impose as a mandatory prison term the maximum prison 11542
term prescribed for a felony of the first degree. 11543

(D) Arrest or conviction for a minor misdemeanor violation 11544
of this section does not constitute a criminal record and need 11545
not be reported by the person so arrested or convicted in 11546
response to any inquiries about the person's criminal record, 11547
including any inquiries contained in any application for 11548
employment, license, or other right or privilege, or made in 11549
connection with the person's appearance as a witness. 11550

(E) In addition to any prison term or jail term authorized 11551

or required by division (C) of this section and sections 11552
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 11553
Code and in addition to any other sanction that is imposed for 11554
the offense under this section, sections 2929.11 to 2929.18, or 11555
sections 2929.21 to 2929.28 of the Revised Code, the court that 11556
sentences an offender who is convicted of or pleads guilty to a 11557
violation of division (A) of this section may suspend the 11558
offender's driver's or commercial driver's license or permit for 11559
not more than five years. However, if the offender pleaded 11560
guilty to or was convicted of a violation of section 4511.19 of 11561
the Revised Code or a substantially similar municipal ordinance 11562
or the law of another state or the United States arising out of 11563
the same set of circumstances as the violation, the court shall 11564
suspend the offender's driver's or commercial driver's license 11565
or permit for not more than five years. If applicable, the court 11566
also shall do the following: 11567

(1) (a) If the violation is a felony of the first, second, 11568
or third degree, the court shall impose upon the offender the 11569
mandatory fine specified for the offense under division (B) (1) 11570
of section 2929.18 of the Revised Code unless, as specified in 11571
that division, the court determines that the offender is 11572
indigent. 11573

(b) Notwithstanding any contrary provision of section 11574
3719.21 of the Revised Code, the clerk of the court shall pay a 11575
mandatory fine or other fine imposed for a violation of this 11576
section pursuant to division (A) of section 2929.18 of the 11577
Revised Code in accordance with and subject to the requirements 11578
of division (F) of section 2925.03 of the Revised Code. The 11579
agency that receives the fine shall use the fine as specified in 11580
division (F) of section 2925.03 of the Revised Code. 11581

(c) If a person is charged with a violation of this 11582
section that is a felony of the first, second, or third degree, 11583
posts bail, and forfeits the bail, the clerk shall pay the 11584
forfeited bail pursuant to division (E) (1) (b) of this section as 11585
if it were a mandatory fine imposed under division (E) (1) (a) of 11586
this section. 11587

(2) If the offender is a professionally licensed person, 11588
in addition to any other sanction imposed for a violation of 11589
this section, the court immediately shall comply with section 11590
2925.38 of the Revised Code. 11591

(F) It is an affirmative defense, as provided in section 11592
2901.05 of the Revised Code, to a charge of a fourth degree 11593
felony violation under this section that the controlled 11594
substance that gave rise to the charge is in an amount, is in a 11595
form, is prepared, compounded, or mixed with substances that are 11596
not controlled substances in a manner, or is possessed under any 11597
other circumstances, that indicate that the substance was 11598
possessed solely for personal use. Notwithstanding any contrary 11599
provision of this section, if, in accordance with section 11600
2901.05 of the Revised Code, an accused who is charged with a 11601
fourth degree felony violation of division (C) (2), (4), (5), or 11602
(6) of this section sustains the burden of going forward with 11603
evidence of and establishes by a preponderance of the evidence 11604
the affirmative defense described in this division, the accused 11605
may be prosecuted for and may plead guilty to or be convicted of 11606
a misdemeanor violation of division (C) (2) of this section or a 11607
fifth degree felony violation of division (C) (4), (5), or (6) of 11608
this section respectively. 11609

(G) When a person is charged with possessing a bulk amount 11610
or multiple of a bulk amount, division (E) of section 2925.03 of 11611

the Revised Code applies regarding the determination of the 11612
amount of the controlled substance involved at the time of the 11613
offense. 11614

(H) It is an affirmative defense to a charge of possession 11615
of a controlled substance analog under division (C) (8) of this 11616
section that the person charged with violating that offense 11617
obtained, possessed, or used one of the following items that are 11618
excluded from the meaning of "controlled substance analog" under 11619
section 3719.01 of the Revised Code: 11620

(1) A controlled substance; 11621

(2) Any substance for which there is an approved new drug 11622
application; 11623

(3) With respect to a particular person, any substance if 11624
an exemption is in effect for investigational use for that 11625
person pursuant to federal law to the extent that conduct with 11626
respect to that substance is pursuant to that exemption. 11627

(I) Any offender who received a mandatory suspension of 11628
the offender's driver's or commercial driver's license or permit 11629
under this section prior to September 13, 2016, may file a 11630
motion with the sentencing court requesting the termination of 11631
the suspension. However, an offender who pleaded guilty to or 11632
was convicted of a violation of section 4511.19 of the Revised 11633
Code or a substantially similar municipal ordinance or law of 11634
another state or the United States that arose out of the same 11635
set of circumstances as the violation for which the offender's 11636
license or permit was suspended under this section shall not 11637
file such a motion. 11638

Upon the filing of a motion under division (I) of this 11639
section, the sentencing court, in its discretion, may terminate 11640

the suspension. 11641

Sec. 2925.12. (A) No person shall knowingly make, obtain, 11642
possess, or use any instrument, article, or thing the customary 11643
and primary purpose of which is for the administration or use of 11644
a dangerous drug, other than marihuana, when the instrument 11645
involved is a hypodermic or syringe, whether or not of crude or 11646
extemporized manufacture or assembly, and the instrument, 11647
article, or thing involved has been used by the offender to 11648
unlawfully administer or use a dangerous drug, other than 11649
marihuana, or to prepare a dangerous drug, other than marihuana, 11650
for unlawful administration or use. 11651

~~(B)~~ (B) (1) This section does not apply to manufacturers, 11652
licensed health professionals authorized to prescribe drugs, 11653
pharmacists, owners of pharmacies, and other persons whose 11654
conduct was in accordance with Chapters 3719., 4715., 4723., 11655
4729., 4730., 4731., and 4741. of the Revised Code. 11656

(2) Division (B) (2) of section 2925.11 of the Revised Code 11657
applies with respect to a violation of this section when a 11658
person seeks or obtains medical assistance for another person 11659
who is experiencing a drug overdose, a person experiences a drug 11660
overdose and seeks medical assistance for that overdose, or a 11661
person is the subject of another person seeking or obtaining 11662
medical assistance for that overdose. 11663

(C) Whoever violates this section is guilty of possessing 11664
drug abuse instruments, a misdemeanor of the second degree. If 11665
the offender previously has been convicted of a drug abuse 11666
offense, a violation of this section is a misdemeanor of the 11667
first degree. 11668

(D) (1) In addition to any other sanction imposed upon an 11669

offender for a violation of this section, the court may suspend 11670
for not more than five years the offender's driver's or 11671
commercial driver's license or permit. However, if the offender 11672
pleaded guilty to or was convicted of a violation of section 11673
4511.19 of the Revised Code or a substantially similar municipal 11674
ordinance or the law of another state or the United States 11675
arising out of the same set of circumstances as the violation, 11676
the court shall suspend the offender's driver's or commercial 11677
driver's license or permit for not more than five years. If the 11678
offender is a professionally licensed person, in addition to any 11679
other sanction imposed for a violation of this section, the 11680
court immediately shall comply with section 2925.38 of the 11681
Revised Code. 11682

(2) Any offender who received a mandatory suspension of 11683
the offender's driver's or commercial driver's license or permit 11684
under this section prior to ~~the effective date of this amendment~~ 11685
September 13, 2016, may file a motion with the sentencing court 11686
requesting the termination of the suspension. However, an 11687
offender who pleaded guilty to or was convicted of a violation 11688
of section 4511.19 of the Revised Code or a substantially 11689
similar municipal ordinance or law of another state or the 11690
United States that arose out of the same set of circumstances as 11691
the violation for which the offender's license or permit was 11692
suspended under this section shall not file such a motion. 11693

Upon the filing of a motion under division (D)(2) of this 11694
section, the sentencing court, in its discretion, may terminate 11695
the suspension. 11696

Sec. 2925.14. (A) As used in this section, "drug 11697
paraphernalia" means any equipment, product, or material of any 11698
kind that is used by the offender, intended by the offender for 11699

use, or designed for use, in propagating, cultivating, growing, 11700
harvesting, manufacturing, compounding, converting, producing, 11701
processing, preparing, testing, analyzing, packaging, 11702
repackaging, storing, containing, concealing, injecting, 11703
ingesting, inhaling, or otherwise introducing into the human 11704
body, a controlled substance in violation of this chapter. "Drug 11705
paraphernalia" includes, but is not limited to, any of the 11706
following equipment, products, or materials that are used by the 11707
offender, intended by the offender for use, or designed by the 11708
offender for use, in any of the following manners: 11709

(1) A kit for propagating, cultivating, growing, or 11710
harvesting any species of a plant that is a controlled substance 11711
or from which a controlled substance can be derived; 11712

(2) A kit for manufacturing, compounding, converting, 11713
producing, processing, or preparing a controlled substance; 11714

(3) Any object, instrument, or device for manufacturing, 11715
compounding, converting, producing, processing, or preparing 11716
methamphetamine; 11717

(4) An isomerization device for increasing the potency of 11718
any species of a plant that is a controlled substance; 11719

(5) Testing equipment for identifying, or analyzing the 11720
strength, effectiveness, or purity of, a controlled substance, 11721
except for those exempted in division (D) (4) of this section; 11722

(6) A scale or balance for weighing or measuring a 11723
controlled substance; 11724

(7) A diluent or adulterant, such as quinine 11725
hydrochloride, mannitol, mannite, dextrose, or lactose, for 11726
cutting a controlled substance; 11727

- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana; 11728
11729
- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 11730
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- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 11732
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- (11) A container or device for storing or concealing a controlled substance; 11734
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- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 11736
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- (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 metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 11739
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- (B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following: 11750
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- (1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use; 11753
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- (2) The proximity in time or space of the equipment, 11755

product, or material, or of the act relating to the equipment, 11756
product, or material, to a violation of any provision of this 11757
chapter; 11758

(3) The proximity of the equipment, product, or material 11759
to any controlled substance; 11760

(4) The existence of any residue of a controlled substance 11761
on the equipment, product, or material; 11762

(5) Direct or circumstantial evidence of the intent of the 11763
owner, or of anyone in control, of the equipment, product, or 11764
material, to deliver it to any person whom the owner or person 11765
in control of the equipment, product, or material knows intends 11766
to use the object to facilitate a violation of any provision of 11767
this chapter. A finding that the owner, or anyone in control, of 11768
the equipment, product, or material, is not guilty of a 11769
violation of any other provision of this chapter does not 11770
prevent a finding that the equipment, product, or material was 11771
intended or designed by the offender for use as drug 11772
paraphernalia. 11773

(6) Any oral or written instruction provided with the 11774
equipment, product, or material concerning its use; 11775

(7) Any descriptive material accompanying the equipment, 11776
product, or material and explaining or depicting its use; 11777

(8) National or local advertising concerning the use of 11778
the equipment, product, or material; 11779

(9) The manner and circumstances in which the equipment, 11780
product, or material is displayed for sale; 11781

(10) Direct or circumstantial evidence of the ratio of the 11782
sales of the equipment, product, or material to the total sales 11783

of the business enterprise; 11784

(11) The existence and scope of legitimate uses of the 11785
equipment, product, or material in the community; 11786

(12) Expert testimony concerning the use of the equipment, 11787
product, or material. 11788

(C) (1) Subject to ~~division~~ divisions (D) (2) ~~-, (3), and (4)~~ 11789
of this section, no person shall knowingly use, or possess with 11790
purpose to use, drug paraphernalia. 11791

(2) No person shall knowingly sell, or possess or 11792
manufacture with purpose to sell, drug paraphernalia, if the 11793
person knows or reasonably should know that the equipment, 11794
product, or material will be used as drug paraphernalia. 11795

(3) No person shall place an advertisement in any 11796
newspaper, magazine, handbill, or other publication that is 11797
published and printed and circulates primarily within this 11798
state, if the person knows that the purpose of the advertisement 11799
is to promote the illegal sale in this state of the equipment, 11800
product, or material that the offender intended or designed for 11801
use as drug paraphernalia. 11802

(D) (1) This section does not apply to manufacturers, 11803
licensed health professionals authorized to prescribe drugs, 11804
pharmacists, owners of pharmacies, and other persons whose 11805
conduct is in accordance with Chapters 3719., 4715., 4723., 11806
4729., 4730., 4731., and 4741. of the Revised Code. This section 11807
shall not be construed to prohibit the possession or use of a 11808
hypodermic as authorized by section 3719.172 of the Revised 11809
Code. 11810

(2) Division (C) (1) of this section does not apply to a 11811
person's use, or possession with purpose to use, any drug 11812

paraphernalia that is equipment, a product, or material of any 11813
kind that is used by the person, intended by the person for use, 11814
or designed for use in storing, containing, concealing, 11815
injecting, ingesting, inhaling, or otherwise introducing into 11816
the human body marihuana. 11817

(3) Division (B) (2) of section 2925.11 of the Revised Code 11818
applies with respect to a violation of division (C) (1) of this 11819
section when a person seeks or obtains medical assistance for 11820
another person who is experiencing a drug overdose, a person 11821
experiences a drug overdose and seeks medical assistance for 11822
that overdose, or a person is the subject of another person 11823
seeking or obtaining medical assistance for that overdose. 11824

(4) Division (C) (1) of this section does not apply to a 11825
person's use, or possession with purpose to use, any drug 11826
testing strips to determine the presence of fentanyl or a 11827
fentanyl-related compound. 11828

(E) Notwithstanding Chapter 2981. of the Revised Code, any 11829
drug paraphernalia that was used, possessed, sold, or 11830
manufactured in a violation of this section shall be seized, 11831
after a conviction for that violation shall be forfeited, and 11832
upon forfeiture shall be disposed of pursuant to division (B) of 11833
section 2981.12 of the Revised Code. 11834

(F) (1) Whoever violates division (C) (1) of this section is 11835
guilty of illegal use or possession of drug paraphernalia, a 11836
misdemeanor of the fourth degree. 11837

(2) Except as provided in division (F) (3) of this section, 11838
whoever violates division (C) (2) of this section is guilty of 11839
dealing in drug paraphernalia, a misdemeanor of the second 11840
degree. 11841

(3) Whoever violates division (C) (2) of this section by 11842
selling drug paraphernalia to a juvenile is guilty of selling 11843
drug paraphernalia to juveniles, a misdemeanor of the first 11844
degree. 11845

(4) Whoever violates division (C) (3) of this section is 11846
guilty of illegal advertising of drug paraphernalia, a 11847
misdemeanor of the second degree. 11848

(G) (1) In addition to any other sanction imposed upon an 11849
offender for a violation of this section, the court may suspend 11850
for not more than five years the offender's driver's or 11851
commercial driver's license or permit. However, if the offender 11852
pleaded guilty to or was convicted of a violation of section 11853
4511.19 of the Revised Code or a substantially similar municipal 11854
ordinance or the law of another state or the United States 11855
arising out of the same set of circumstances as the violation, 11856
the court shall suspend the offender's driver's or commercial 11857
driver's license or permit for not more than five years. If the 11858
offender is a professionally licensed person, in addition to any 11859
other sanction imposed for a violation of this section, the 11860
court immediately shall comply with section 2925.38 of the 11861
Revised Code. 11862

(2) Any offender who received a mandatory suspension of 11863
the offender's driver's or commercial driver's license or permit 11864
under this section prior to ~~the effective date of this amendment~~ 11865
September 13, 2016, may file a motion with the sentencing court 11866
requesting the termination of the suspension. However, an 11867
offender who pleaded guilty to or was convicted of a violation 11868
of section 4511.19 of the Revised Code or a substantially 11869
similar municipal ordinance or law of another state or the 11870
United States that arose out of the same set of circumstances as 11871

the violation for which the offender's license or permit was 11872
suspended under this section shall not file such a motion. 11873

Upon the filing of a motion under division (G) (2) of this 11874
section, the sentencing court, in its discretion, may terminate 11875
the suspension. 11876

Sec. 2925.141. (A) As used in this section, "drug 11877
paraphernalia" has the same meaning as in section 2925.14 of the 11878
Revised Code. 11879

(B) In determining if any equipment, product, or material 11880
is drug paraphernalia, a court or law enforcement officer shall 11881
consider, in addition to other relevant factors, all factors 11882
identified in division (B) of section 2925.14 of the Revised 11883
Code. 11884

(C) No person shall knowingly use, or possess with purpose 11885
to use, any drug paraphernalia that is equipment, a product, or 11886
material of any kind that is used by the person, intended by the 11887
person for use, or designed for use in storing, containing, 11888
concealing, injecting, ingesting, inhaling, or otherwise 11889
introducing into the human body marihuana. 11890

(D) This section does not apply to any person identified 11891
in division (D) (1) of section 2925.14 of the Revised Code, and 11892
it shall not be construed to prohibit the possession or use of a 11893
hypodermic as authorized by section 3719.172 of the Revised 11894
Code. 11895

~~(E)~~ (E) (1) Division (E) of section 2925.14 of the Revised 11896
Code applies with respect to any drug paraphernalia that was 11897
used or possessed in violation of this section. 11898

(2) Division (B) (2) of section 2925.11 of the Revised Code 11899
applies with respect to a violation of this section when a 11900

person seeks or obtains medical assistance for another person 11901
who is experiencing a drug overdose, a person experiences a drug 11902
overdose and seeks medical assistance for that overdose, or a 11903
person is the subject of another person seeking or obtaining 11904
medical assistance for that overdose. 11905

~~(F)~~ (F) (1) Whoever violates division (C) of this section is 11906
guilty of illegal use or possession of marihuana drug 11907
paraphernalia, a minor misdemeanor. 11908

(2) Arrest or conviction for a violation of division (C) 11909
of this section does not constitute a criminal record and need 11910
not be reported by the person so arrested or convicted in 11911
response to any inquiries about the person's criminal record, 11912
including any inquiries contained in any application for 11913
employment, license, or other right or privilege, or made in 11914
connection with the person's appearance as a witness. 11915

(G) (1) In addition to any other sanction imposed upon an 11916
offender for a violation of this section, the court ~~may suspend~~ 11917
~~for not more than five years the offender's driver's or~~ 11918
~~commercial driver's license or permit. However, if shall do the~~ 11919
following, if applicable: 11920

(a) If the offender pleaded guilty to or was convicted of 11921
a violation of section 4511.19 of the Revised Code or a 11922
substantially similar municipal ordinance or the law of another 11923
state or the United States arising out of the same set of 11924
circumstances as the violation, the court shall suspend the 11925
offender's driver's or commercial driver's license or permit for 11926
not more than five years.~~If~~ 11927

(b) If the offender is a professionally licensed person, 11928
~~in addition to any other sanction imposed for a violation of~~ 11929

~~this section,~~ the court immediately shall comply with section 11930
2925.38 of the Revised Code. 11931

(2) Any offender who received a mandatory suspension of 11932
the offender's driver's or commercial driver's license or permit 11933
under this section prior to ~~the effective date of this amendment~~ 11934
September 13, 2016, may file a motion with the sentencing court 11935
requesting the termination of the suspension. However, an 11936
offender who pleaded guilty to or was convicted of a violation 11937
of section 4511.19 of the Revised Code or a substantially 11938
similar municipal ordinance or law of another state or the 11939
United States that arose out of the same set of circumstances as 11940
the violation for which the offender's license or permit was 11941
suspended under this section shall not file such a motion. 11942

Upon the filing of a motion under division (G) (2) of this 11943
section, the sentencing court, in its discretion, may terminate 11944
the suspension. 11945

Sec. 2929.01. As used in this chapter: 11946

(A) (1) "Alternative residential facility" means, subject 11947
to ~~division~~ divisions (A) (2) and (3) of this section, any 11948
facility other than an offender's home or residence in which an 11949
offender is assigned to live and that satisfies all of the 11950
following criteria: 11951

(a) It provides programs through which the offender may 11952
seek or maintain employment or may receive education, training, 11953
treatment, or habilitation. 11954

(b) It has received the appropriate license or certificate 11955
for any specialized education, training, treatment, 11956
habilitation, or other service that it provides from the 11957
government agency that is responsible for licensing or 11958

certifying that type of education, training, treatment, 11959
habilitation, or service. 11960

(2) "Alternative residential facility" does not include a 11961
community-based correctional facility, jail, halfway house, or 11962
prison. 11963

(3) "Alternative residential facility" includes a 11964
community alternative sentencing center or district community 11965
alternative sentencing center when authorized by section 307.932 11966
of the Revised Code and when the center is being used for an OVI 11967
term of confinement, as defined by that section. 11968

(B) "Basic probation supervision" means a requirement that 11969
the offender maintain contact with a person appointed to 11970
supervise the offender in accordance with sanctions imposed by 11971
the court or imposed by the parole board pursuant to section 11972
2967.28 of the Revised Code. "Basic probation supervision" 11973
includes basic parole supervision and basic post-release control 11974
supervision. 11975

(C) "Cocaine," "fentanyl-related compound," "hashish," 11976
"L.S.D.," and "unit dose" have the same meanings as in section 11977
2925.01 of the Revised Code. 11978

(D) "Community-based correctional facility" means a 11979
community-based correctional facility and program or district 11980
community-based correctional facility and program developed 11981
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 11982

(E) "Community control sanction" means a sanction that is 11983
not a prison term and that is described in section 2929.15, 11984
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 11985
that is not a jail term and that is described in section 11986
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 11987

control sanction" includes probation if the sentence involved 11988
was imposed for a felony that was committed prior to July 1, 11989
1996, or if the sentence involved was imposed for a misdemeanor 11990
that was committed prior to January 1, 2004. 11991

(F) "Controlled substance," "marihuana," "schedule I," and 11992
"schedule II" have the same meanings as in section 3719.01 of 11993
the Revised Code. 11994

(G) "Curfew" means a requirement that an offender during a 11995
specified period of time be at a designated place. 11996

(H) "Day reporting" means a sanction pursuant to which an 11997
offender is required each day to report to and leave a center or 11998
other approved reporting location at specified times in order to 11999
participate in work, education or training, treatment, and other 12000
approved programs at the center or outside the center. 12001

(I) "Deadly weapon" has the same meaning as in section 12002
2923.11 of the Revised Code. 12003

(J) "Drug and alcohol use monitoring" means a program 12004
under which an offender agrees to submit to random chemical 12005
analysis of the offender's blood, breath, or urine to determine 12006
whether the offender has ingested any alcohol or other drugs. 12007

(K) "Drug treatment program" means any program under which 12008
a person undergoes assessment and treatment designed to reduce 12009
or completely eliminate the person's physical or emotional 12010
reliance upon alcohol, another drug, or alcohol and another drug 12011
and under which the person may be required to receive assessment 12012
and treatment on an outpatient basis or may be required to 12013
reside at a facility other than the person's home or residence 12014
while undergoing assessment and treatment. 12015

(L) "Economic loss" means any economic detriment suffered 12016

by a victim as a direct and proximate result of the commission 12017
of an offense and includes any loss of income due to lost time 12018
at work because of any injury caused to the victim, any property 12019
loss, medical cost, or funeral expense incurred as a result of 12020
the commission of the offense, and the cost of any accounting or 12021
auditing done to determine the extent of loss if the cost is 12022
incurred and payable by the victim. "Economic loss" does not 12023
include non-economic loss or any punitive or exemplary damages. 12024

(M) "Education or training" includes study at, or in 12025
conjunction with a program offered by, a university, college, or 12026
technical college or vocational study and also includes the 12027
completion of primary school, secondary school, and literacy 12028
curricula or their equivalent. 12029

(N) "Firearm" has the same meaning as in section 2923.11 12030
of the Revised Code. 12031

(O) "Halfway house" means a facility licensed by the 12032
division of parole and community services of the department of 12033
rehabilitation and correction pursuant to section 2967.14 of the 12034
Revised Code as a suitable facility for the care and treatment 12035
of adult offenders. 12036

(P) "House arrest" means a period of confinement of an 12037
offender that is in the offender's home or in other premises 12038
specified by the sentencing court or by the parole board 12039
pursuant to section 2967.28 of the Revised Code and during which 12040
all of the following apply: 12041

(1) The offender is required to remain in the offender's 12042
home or other specified premises for the specified period of 12043
confinement, except for periods of time during which the 12044
offender is at the offender's place of employment or at other 12045

premises as authorized by the sentencing court or by the parole board. 12046
12047

(2) The offender is required to report periodically to a person designated by the court or parole board. 12048
12049

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board. 12050
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(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision. 12053
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(R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state. 12063
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(S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction. 12068
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(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) 12073
12074

of section 1547.99 of the Revised Code, division (E) of section 12075
2903.06 or division (D) of section 2903.08 of the Revised Code, 12076
division ~~(E) or (G)~~ (F) of section 2929.24 of the Revised Code, 12077
division (B) of section 4510.14 of the Revised Code, or division 12078
(G) of section 4511.19 of the Revised Code or pursuant to any 12079
other provision of the Revised Code that requires a term in a 12080
jail for a misdemeanor conviction. 12081

(U) "Delinquent child" has the same meaning as in section 12082
2152.02 of the Revised Code. 12083

(V) "License violation report" means a report that is made 12084
by a sentencing court, or by the parole board pursuant to 12085
section 2967.28 of the Revised Code, to the regulatory or 12086
licensing board or agency that issued an offender a professional 12087
license or a license or permit to do business in this state and 12088
that specifies that the offender has been convicted of or 12089
pleaded guilty to an offense that may violate the conditions 12090
under which the offender's professional license or license or 12091
permit to do business in this state was granted or an offense 12092
for which the offender's professional license or license or 12093
permit to do business in this state may be revoked or suspended. 12094

(W) "Major drug offender" means an offender who is 12095
convicted of or pleads guilty to the possession of, sale of, or 12096
offer to sell any drug, compound, mixture, preparation, or 12097
substance that consists of or contains at least one thousand 12098
grams of hashish; at least one hundred grams of cocaine; at 12099
least one thousand unit doses or one hundred grams of heroin; at 12100
least five thousand unit doses of L.S.D. or five hundred grams 12101
of L.S.D. in a liquid concentrate, liquid extract, or liquid 12102
distillate form; at least fifty grams of a controlled substance 12103
analog; at least one thousand unit doses or one hundred grams of 12104

a fentanyl-related compound; or at least one hundred times the amount of any other schedule I or II controlled substance other than marihuana that is necessary to commit a felony of the third degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised Code that is based on the possession of, sale of, or offer to sell the controlled substance.

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

(1) Subject to division (X)(2) of this section, the term in prison that must be imposed for the offenses or circumstances set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 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.

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

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

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

(a) A stated prison term;

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

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

indefinite term. 12164

(CC) "Repeat violent offender" means a person about whom 12165
both of the following apply: 12166

(1) The person is being sentenced for committing or for 12167
complicity in committing any of the following: 12168

(a) Aggravated murder, murder, any felony of the first or 12169
second degree that is an offense of violence, or an attempt to 12170
commit any of these offenses if the attempt is a felony of the 12171
first or second degree; 12172

(b) An offense under an existing or former law of this 12173
state, another state, or the United States that is or was 12174
substantially equivalent to an offense described in division 12175
(CC) (1) (a) of this section. 12176

(2) The person previously was convicted of or pleaded 12177
guilty to an offense described in division (CC) (1) (a) or (b) of 12178
this section. 12179

(DD) "Sanction" means any penalty imposed upon an offender 12180
who is convicted of or pleads guilty to an offense, as 12181
punishment for the offense. "Sanction" includes any sanction 12182
imposed pursuant to any provision of sections 2929.14 to 2929.18 12183
or 2929.24 to 2929.28 of the Revised Code. 12184

(EE) "Sentence" means the sanction or combination of 12185
sanctions imposed by the sentencing court on an offender who is 12186
convicted of or pleads guilty to an offense. 12187

(FF) (1) "Stated prison term" means the prison term, 12188
mandatory prison term, or combination of all prison terms and 12189
mandatory prison terms imposed by the sentencing court pursuant 12190
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 12191

under section 2919.25 of the Revised Code. "Stated prison term" 12192
includes any credit received by the offender for time spent in 12193
jail awaiting trial, sentencing, or transfer to prison for the 12194
offense and any time spent under house arrest or house arrest 12195
with electronic monitoring imposed after earning credits 12196
pursuant to section 2967.193 or 2967.194 of the Revised Code. If 12197
an offender is serving a prison term as a risk reduction 12198
sentence under sections 2929.143 and 5120.036 of the Revised 12199
Code, "stated prison term" includes any period of time by which 12200
the prison term imposed upon the offender is shortened by the 12201
offender's successful completion of all assessment and treatment 12202
or programming pursuant to those sections. 12203

(2) As used in the definition of "stated prison term" set 12204
forth in division (FF)(1) of this section, a prison term is a 12205
definite prison term imposed under section 2929.14 of the 12206
Revised Code or any other provision of law, is the minimum and 12207
maximum prison terms under a non-life felony indefinite prison 12208
term, or is a term of life imprisonment except to the extent 12209
that the use of that definition in a section of the Revised Code 12210
clearly is not intended to include a term of life imprisonment. 12211
With respect to an offender sentenced to a non-life felony 12212
indefinite prison term, references in section 2967.191 ~~or,~~ 12213
2967.193, or 2967.194 of the Revised Code or any other provision 12214
of law to a reduction of, or deduction from, the offender's 12215
stated prison term or to release of the offender before the 12216
expiration of the offender's stated prison term mean a reduction 12217
in, or deduction from, the minimum term imposed as part of the 12218
indefinite term or a release of the offender before the 12219
expiration of that minimum term, references in section 2929.19 12220
or 2967.28 of the Revised Code to a stated prison term with 12221
respect to a prison term imposed for a violation of a post- 12222

release control sanction mean the minimum term so imposed, and 12223
references in any provision of law to an offender's service of 12224
the offender's stated prison term or the expiration of the 12225
offender's stated prison term mean service or expiration of the 12226
minimum term so imposed plus any additional period of 12227
incarceration under the sentence that is required under section 12228
2967.271 of the Revised Code. 12229

(GG) "Victim-offender mediation" means a reconciliation or 12230
mediation program that involves an offender and the victim of 12231
the offense committed by the offender and that includes a 12232
meeting in which the offender and the victim may discuss the 12233
offense, discuss restitution, and consider other sanctions for 12234
the offense. 12235

(HH) "Fourth degree felony OVI offense" means a violation 12236
of division (A) of section 4511.19 of the Revised Code that, 12237
under division (G) of that section, is a felony of the fourth 12238
degree. 12239

(II) "Mandatory term of local incarceration" means the 12240
term of sixty or one hundred twenty days in a jail, a community- 12241
based correctional facility, a halfway house, or an alternative 12242
residential facility that a sentencing court may impose upon a 12243
person who is convicted of or pleads guilty to a fourth degree 12244
felony OVI offense pursuant to division (G)(1) of section 12245
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 12246
section 4511.19 of the Revised Code. 12247

(JJ) "Designated homicide, assault, or kidnapping 12248
offense," "violent sex offense," "sexual motivation 12249
specification," "sexually violent offense," "sexually violent 12250
predator," and "sexually violent predator specification" have 12251
the same meanings as in section 2971.01 of the Revised Code. 12252

(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code. 12253
12254
12255

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense. 12256
12257
12258
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12263

(MM) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code. 12264
12265

(NN) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code. 12266
12267

(OO) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code. 12268
12269

(PP) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree. 12270
12271
12272
12273

(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code. 12274
12275

(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code. 12276
12277

(SS) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code. 12278
12279

(TT) "Electronic monitoring" means monitoring through the 12280

use of an electronic monitoring device. 12281

(UU) "Electronic monitoring device" means any of the 12282
following: 12283

(1) Any device that can be operated by electrical or 12284
battery power and that conforms with all of the following: 12285

(a) The device has a transmitter that can be attached to a 12286
person, that will transmit a specified signal to a receiver of 12287
the type described in division (UU)(1)(b) of this section if the 12288
transmitter is removed from the person, turned off, or altered 12289
in any manner without prior court approval in relation to 12290
electronic monitoring or without prior approval of the 12291
department of rehabilitation and correction in relation to the 12292
use of an electronic monitoring device for an inmate on 12293
transitional control or otherwise is tampered with, that can 12294
transmit continuously and periodically a signal to that receiver 12295
when the person is within a specified distance from the 12296
receiver, and that can transmit an appropriate signal to that 12297
receiver if the person to whom it is attached travels a 12298
specified distance from that receiver. 12299

(b) The device has a receiver that can receive 12300
continuously the signals transmitted by a transmitter of the 12301
type described in division (UU)(1)(a) of this section, can 12302
transmit continuously those signals by a wireless or landline 12303
telephone connection to a central monitoring computer of the 12304
type described in division (UU)(1)(c) of this section, and can 12305
transmit continuously an appropriate signal to that central 12306
monitoring computer if the device has been turned off or altered 12307
without prior court approval or otherwise tampered with. The 12308
device is designed specifically for use in electronic 12309
monitoring, is not a converted wireless phone or another 12310

tracking device that is clearly not designed for electronic 12311
monitoring, and provides a means of text-based or voice 12312
communication with the person. 12313

(c) The device has a central monitoring computer that can 12314
receive continuously the signals transmitted by a wireless or 12315
landline telephone connection by a receiver of the type 12316
described in division (UU) (1) (b) of this section and can monitor 12317
continuously the person to whom an electronic monitoring device 12318
of the type described in division (UU) (1) (a) of this section is 12319
attached. 12320

(2) Any device that is not a device of the type described 12321
in division (UU) (1) of this section and that conforms with all 12322
of the following: 12323

(a) The device includes a transmitter and receiver that 12324
can monitor and determine the location of a subject person at 12325
any time, or at a designated point in time, through the use of a 12326
central monitoring computer or through other electronic means. 12327

(b) The device includes a transmitter and receiver that 12328
can determine at any time, or at a designated point in time, 12329
through the use of a central monitoring computer or other 12330
electronic means the fact that the transmitter is turned off or 12331
altered in any manner without prior approval of the court in 12332
relation to the electronic monitoring or without prior approval 12333
of the department of rehabilitation and correction in relation 12334
to the use of an electronic monitoring device for an inmate on 12335
transitional control or otherwise is tampered with. 12336

(3) Any type of technology that can adequately track or 12337
determine the location of a subject person at any time and that 12338
is approved by the director of rehabilitation and correction, 12339

including, but not limited to, any satellite technology, voice 12340
tracking system, or retinal scanning system that is so approved. 12341

(VV) "Non-economic loss" means nonpecuniary harm suffered 12342
by a victim of an offense as a result of or related to the 12343
commission of the offense, including, but not limited to, pain 12344
and suffering; loss of society, consortium, companionship, care, 12345
assistance, attention, protection, advice, guidance, counsel, 12346
instruction, training, or education; mental anguish; and any 12347
other intangible loss. 12348

(WW) "Prosecutor" has the same meaning as in section 12349
2935.01 of the Revised Code. 12350

(XX) "Continuous alcohol monitoring" means the ability to 12351
automatically test and periodically transmit alcohol consumption 12352
levels and tamper attempts at least every hour, regardless of 12353
the location of the person who is being monitored. 12354

(YY) A person is "adjudicated a sexually violent predator" 12355
if the person is convicted of or pleads guilty to a violent sex 12356
offense and also is convicted of or pleads guilty to a sexually 12357
violent predator specification that was included in the 12358
indictment, count in the indictment, or information charging 12359
that violent sex offense or if the person is convicted of or 12360
pleads guilty to a designated homicide, assault, or kidnapping 12361
offense and also is convicted of or pleads guilty to both a 12362
sexual motivation specification and a sexually violent predator 12363
specification that were included in the indictment, count in the 12364
indictment, or information charging that designated homicide, 12365
assault, or kidnapping offense. 12366

(ZZ) An offense is "committed in proximity to a school" if 12367
the offender commits the offense in a school safety zone or 12368

within five hundred feet of any school building or the 12369
boundaries of any school premises, regardless of whether the 12370
offender knows the offense is being committed in a school safety 12371
zone or within five hundred feet of any school building or the 12372
boundaries of any school premises. 12373

(AAA) "Human trafficking" means a scheme or plan to which 12374
all of the following apply: 12375

(1) Its object is one or both of the following: 12376

(a) To subject a victim or victims to involuntary 12377
servitude, as defined in section 2905.31 of the Revised Code or 12378
to compel a victim or victims to engage in sexual activity for 12379
hire, to engage in a performance that is obscene, sexually 12380
oriented, or nudity oriented, or to be a model or participant in 12381
the production of material that is obscene, sexually oriented, 12382
or nudity oriented; 12383

(b) To facilitate, encourage, or recruit a victim who is a 12384
minor or is a person with a developmental disability, or victims 12385
who are minors or are persons with developmental disabilities, 12386
for any purpose listed in divisions (A) (2) (a) to (c) of section 12387
2905.32 of the Revised Code. 12388

(2) It involves at least two felony offenses, whether or 12389
not there has been a prior conviction for any of the felony 12390
offenses, to which all of the following apply: 12391

(a) Each of the felony offenses is a violation of section 12392
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 12393
division (A) (1) or (2) of section 2907.323, or division (B) (1), 12394
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 12395
is a violation of a law of any state other than this state that 12396
is substantially similar to any of the sections or divisions of 12397

the Revised Code identified in this division. 12398

(b) At least one of the felony offenses was committed in 12399
this state. 12400

(c) The felony offenses are related to the same scheme or 12401
plan and are not isolated instances. 12402

(BBB) "Material," "nudity," "obscene," "performance," and 12403
"sexual activity" have the same meanings as in section 2907.01 12404
of the Revised Code. 12405

(CCC) "Material that is obscene, sexually oriented, or 12406
nudity oriented" means any material that is obscene, that shows 12407
a person participating or engaging in sexual activity, 12408
masturbation, or bestiality, or that shows a person in a state 12409
of nudity. 12410

(DDD) "Performance that is obscene, sexually oriented, or 12411
nudity oriented" means any performance that is obscene, that 12412
shows a person participating or engaging in sexual activity, 12413
masturbation, or bestiality, or that shows a person in a state 12414
of nudity. 12415

(EEE) "Accelerant" means a fuel or oxidizing agent, such 12416
as an ignitable liquid, used to initiate a fire or increase the 12417
rate of growth or spread of a fire. 12418

(FFF) "Permanent disabling harm" means serious physical 12419
harm that results in permanent injury to the intellectual, 12420
physical, or sensory functions and that permanently and 12421
substantially impairs a person's ability to meet one or more of 12422
the ordinary demands of life, including the functions of caring 12423
for one's self, performing manual tasks, walking, seeing, 12424
hearing, speaking, breathing, learning, and working. 12425

(GGG) "Non-life felony indefinite prison term" means a 12426
prison term imposed under division (A) (1) (a) or (2) (a) of 12427
section 2929.14 and section 2929.144 of the Revised Code for a 12428
felony of the first or second degree committed on or after March 12429
22, 2019. 12430

Sec. 2929.13. (A) Except as provided in division (E), (F), 12431
or (G) of this section and unless a specific sanction is 12432
required to be imposed or is precluded from being imposed 12433
pursuant to law, a court that imposes a sentence upon an 12434
offender for a felony may impose any sanction or combination of 12435
sanctions on the offender that are provided in sections 2929.14 12436
to 2929.18 of the Revised Code. 12437

If the offender is eligible to be sentenced to community 12438
control sanctions, the court shall consider the appropriateness 12439
of imposing a financial sanction pursuant to section 2929.18 of 12440
the Revised Code or a sanction of community service pursuant to 12441
section 2929.17 of the Revised Code as the sole sanction for the 12442
offense. Except as otherwise provided in this division, if the 12443
court is required to impose a mandatory prison term for the 12444
offense for which sentence is being imposed, the court also 12445
shall impose any financial sanction pursuant to section 2929.18 12446
of the Revised Code that is required for the offense and may 12447
impose any other financial sanction pursuant to that section but 12448
may not impose any additional sanction or combination of 12449
sanctions under section 2929.16 or 2929.17 of the Revised Code. 12450

If the offender is being sentenced for a fourth degree 12451
felony OVI offense or for a third degree felony OVI offense, in 12452
addition to the mandatory term of local incarceration or the 12453
mandatory prison term required for the offense by division (G) 12454
(1) or (2) of this section, the court shall impose upon the 12455

offender a mandatory fine in accordance with division (B)(3) of 12456
section 2929.18 of the Revised Code and may impose whichever of 12457
the following is applicable: 12458

(1) For a fourth degree felony OVI offense for which 12459
sentence is imposed under division (G)(1) of this section, an 12460
additional community control sanction or combination of 12461
community control sanctions under section 2929.16 or 2929.17 of 12462
the Revised Code. If the court imposes upon the offender a 12463
community control sanction and the offender violates any 12464
condition of the community control sanction, the court may take 12465
any action prescribed in division (B) of section 2929.15 of the 12466
Revised Code relative to the offender, including imposing a 12467
prison term on the offender pursuant to that division. 12468

(2) For a third or fourth degree felony OVI offense for 12469
which sentence is imposed under division (G)(2) of this section, 12470
an additional prison term as described in division (B)(4) of 12471
section 2929.14 of the Revised Code or a community control 12472
sanction as described in division (G)(2) of this section. 12473

(B)(1)(a) Except as provided in division (B)(1)(b) of this 12474
section, if an offender is convicted of or pleads guilty to a 12475
felony of the fourth or fifth degree that is not an offense of 12476
violence or that is a qualifying assault offense, the court 12477
shall sentence the offender to a community control sanction or 12478
combination of community control sanctions if all of the 12479
following apply: 12480

(i) The offender previously has not been convicted of or 12481
pleaded guilty to a felony offense. 12482

(ii) The most serious charge against the offender at the 12483
time of sentencing is a felony of the fourth or fifth degree. 12484

(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.

(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:

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

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

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

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

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

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

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

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

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

(x) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.

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

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

(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term

as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(D) (1) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree, for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, and for a violation of division (A) (4) or (B) of section 2907.05 of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Division (D) (2) of this section does not apply to a presumption established under this division for a violation of division (A) (4) of section 2907.05 of the Revised Code.

(2) Notwithstanding the presumption established under division (D) (1) of this section for the offenses listed in that division other than a violation of division (A) (4) or (B) of section 2907.05 of the Revised Code, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being

applicable if it makes both of the following findings: 12574

(a) A community control sanction or a combination of 12575
community control sanctions would adequately punish the offender 12576
and protect the public from future crime, because the applicable 12577
factors under section 2929.12 of the Revised Code indicating a 12578
lesser likelihood of recidivism outweigh the applicable factors 12579
under that section indicating a greater likelihood of 12580
recidivism. 12581

(b) A community control sanction or a combination of 12582
community control sanctions would not demean the seriousness of 12583
the offense, because one or more factors under section 2929.12 12584
of the Revised Code that indicate that the offender's conduct 12585
was less serious than conduct normally constituting the offense 12586
are applicable, and they outweigh the applicable factors under 12587
that section that indicate that the offender's conduct was more 12588
serious than conduct normally constituting the offense. 12589

(E) (1) Except as provided in division (F) of this section, 12590
for any drug offense that is a violation of any provision of 12591
Chapter 2925. of the Revised Code and that is a felony of the 12592
third, fourth, or fifth degree, the applicability of a 12593
presumption under division (D) of this section in favor of a 12594
prison term or of division (B) or (C) of this section in 12595
determining whether to impose a prison term for the offense 12596
shall be determined as specified in section 2925.02, 2925.03, 12597
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 12598
2925.36, or 2925.37 of the Revised Code, whichever is applicable 12599
regarding the violation. 12600

(2) If an offender who was convicted of or pleaded guilty 12601
to a felony violates the conditions of a community control 12602
sanction imposed for the offense solely by reason of producing 12603

positive results on a drug test ~~or by acting pursuant to~~ 12604
~~division (B) (2) (b) of section 2925.11 of the Revised Code with~~ 12605
~~respect to a minor drug possession offense,~~ the court, as 12606
punishment for the violation of the sanction, shall not order 12607
that the offender be imprisoned unless the court determines on 12608
the record either of the following: 12609

(a) The offender had been ordered as a sanction for the 12610
felony to participate in a drug treatment program, in a drug 12611
education program, or in narcotics anonymous or a similar 12612
program, and the offender continued to use illegal drugs after a 12613
reasonable period of participation in the program. 12614

(b) The imprisonment of the offender for the violation is 12615
consistent with the purposes and principles of sentencing set 12616
forth in section 2929.11 of the Revised Code. 12617

(3) A court that sentences an offender for a drug abuse 12618
offense that is a felony of the third, fourth, or fifth degree 12619
may require that the offender be assessed by a properly 12620
credentialed professional within a specified period of time. The 12621
court shall require the professional to file a written 12622
assessment of the offender with the court. If the offender is 12623
eligible for a community control sanction and after considering 12624
the written assessment, the court may impose a community control 12625
sanction that includes addiction services and recovery supports 12626
included in a community-based continuum of care established 12627
under section 340.032 of the Revised Code. If the court imposes 12628
addiction services and recovery supports as a community control 12629
sanction, the court shall direct the level and type of addiction 12630
services and recovery supports after considering the assessment 12631
and recommendation of community addiction services providers. 12632

(F) Notwithstanding divisions (A) to (E) of this section, 12633

the court shall impose a prison term or terms under sections 12634
2929.02 to 2929.06, section 2929.14, section 2929.142, or 12635
section 2971.03 of the Revised Code and except as specifically 12636
provided in section 2929.20, ~~divisions (C) to (I) of section~~ 12637
~~2967.19,~~ or section 2967.191 of the Revised Code or when parole 12638
is authorized for the offense under section 2967.13 of the 12639
Revised Code shall not reduce the term or terms pursuant to 12640
section 2929.20, ~~section 2967.19,~~ division (A) (2) or (3) of 12641
section 2967.193 or 2967.194, or any other provision of Chapter 12642
2967. or Chapter 5120. of the Revised Code for any of the 12643
following offenses: 12644

(1) Aggravated murder when death is not imposed or murder; 12645

(2) Any rape, regardless of whether force was involved and 12646
regardless of the age of the victim, or an attempt to commit 12647
rape if, had the offender completed the rape that was attempted, 12648
the offender would have been guilty of a violation of division 12649
(A) (1) (b) of section 2907.02 of the Revised Code and would be 12650
sentenced under section 2971.03 of the Revised Code; 12651

(3) Gross sexual imposition or sexual battery, if the 12652
victim is less than thirteen years of age and if any of the 12653
following applies: 12654

(a) Regarding gross sexual imposition, the offender 12655
previously was convicted of or pleaded guilty to rape, the 12656
former offense of felonious sexual penetration, gross sexual 12657
imposition, or sexual battery, and the victim of the previous 12658
offense was less than thirteen years of age; 12659

(b) Regarding gross sexual imposition, the offense was 12660
committed on or after August 3, 2006, and evidence other than 12661
the testimony of the victim was admitted in the case 12662

corroborating the violation. 12663

(c) Regarding sexual battery, either of the following 12664
applies: 12665

(i) The offense was committed prior to August 3, 2006, the 12666
offender previously was convicted of or pleaded guilty to rape, 12667
the former offense of felonious sexual penetration, or sexual 12668
battery, and the victim of the previous offense was less than 12669
thirteen years of age. 12670

(ii) The offense was committed on or after August 3, 2006. 12671

(4) A felony violation of section 2903.04, 2903.06, 12672
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 12673
or 2923.132 of the Revised Code if the section requires the 12674
imposition of a prison term; 12675

(5) A first, second, or third degree felony drug offense 12676
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 12677
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 12678
or 4729.99 of the Revised Code, whichever is applicable 12679
regarding the violation, requires the imposition of a mandatory 12680
prison term; 12681

(6) Any offense that is a first or second degree felony 12682
and that is not set forth in division (F) (1), (2), (3), or (4) 12683
of this section, if the offender previously was convicted of or 12684
pleaded guilty to aggravated murder, murder, any first or second 12685
degree felony, or an offense under an existing or former law of 12686
this state, another state, or the United States that is or was 12687
substantially equivalent to one of those offenses; 12688

(7) Any offense that is a third degree felony and either 12689
is a violation of section 2903.04 of the Revised Code or an 12690
attempt to commit a felony of the second degree that is an 12691

offense of violence and involved an attempt to cause serious 12692
physical harm to a person or that resulted in serious physical 12693
harm to a person if the offender previously was convicted of or 12694
pleaded guilty to any of the following offenses: 12695

(a) Aggravated murder, murder, involuntary manslaughter, 12696
rape, felonious sexual penetration as it existed under section 12697
2907.12 of the Revised Code prior to September 3, 1996, a felony 12698
of the first or second degree that resulted in the death of a 12699
person or in physical harm to a person, or complicity in or an 12700
attempt to commit any of those offenses; 12701

(b) An offense under an existing or former law of this 12702
state, another state, or the United States that is or was 12703
substantially equivalent to an offense listed in division (F) (7) 12704
(a) of this section that resulted in the death of a person or in 12705
physical harm to a person. 12706

(8) Any offense, other than a violation of section 2923.12 12707
of the Revised Code, that is a felony, if the offender had a 12708
firearm on or about the offender's person or under the 12709
offender's control while committing the felony, with respect to 12710
a portion of the sentence imposed pursuant to division (B) (1) (a) 12711
of section 2929.14 of the Revised Code for having the firearm; 12712

(9) Any offense of violence that is a felony, if the 12713
offender wore or carried body armor while committing the felony 12714
offense of violence, with respect to the portion of the sentence 12715
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 12716
Revised Code for wearing or carrying the body armor; 12717

(10) Corrupt activity in violation of section 2923.32 of 12718
the Revised Code when the most serious offense in the pattern of 12719
corrupt activity that is the basis of the offense is a felony of 12720

the first degree; 12721

(11) Any violent sex offense or designated homicide, 12722
assault, or kidnapping offense if, in relation to that offense, 12723
the offender is adjudicated a sexually violent predator; 12724

(12) A violation of division (A) (1) or (2) of section 12725
2921.36 of the Revised Code, or a violation of division (C) of 12726
that section involving an item listed in division (A) (1) or (2) 12727
of that section, if the offender is an officer or employee of 12728
the department of rehabilitation and correction; 12729

(13) A violation of division (A) (1) or (2) of section 12730
2903.06 of the Revised Code if the victim of the offense is a 12731
peace officer, as defined in section 2935.01 of the Revised 12732
Code, or an investigator of the bureau of criminal 12733
identification and investigation, as defined in section 2903.11 12734
of the Revised Code, with respect to the portion of the sentence 12735
imposed pursuant to division (B) (5) of section 2929.14 of the 12736
Revised Code; 12737

(14) A violation of division (A) (1) or (2) of section 12738
2903.06 of the Revised Code if the offender has been convicted 12739
of or pleaded guilty to three or more violations of division (A) 12740
~~or (B)~~ of section 4511.19 of the Revised Code or an equivalent 12741
offense, as defined in section 2941.1415 of the Revised Code, or 12742
three or more violations of any combination of those ~~divisions~~ 12743
~~and~~ offenses, with respect to the portion of the sentence 12744
imposed pursuant to division (B) (6) of section 2929.14 of the 12745
Revised Code; 12746

(15) Kidnapping, in the circumstances specified in section 12747
2971.03 of the Revised Code and when no other provision of 12748
division (F) of this section applies; 12749

(16) Kidnapping, abduction, compelling prostitution, 12750
promoting prostitution, engaging in a pattern of corrupt 12751
activity, a violation of division (A) (1) or (2) of section 12752
2907.323 of the Revised Code that involves a minor, or 12753
endangering children in violation of division (B) (1), (2), (3), 12754
(4), or (5) of section 2919.22 of the Revised Code, if the 12755
offender is convicted of or pleads guilty to a specification as 12756
described in section 2941.1422 of the Revised Code that was 12757
included in the indictment, count in the indictment, or 12758
information charging the offense; 12759

(17) A felony violation of division (A) or (B) of section 12760
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 12761
that section, and division (D) (6) of that section, require the 12762
imposition of a prison term; 12763

(18) A felony violation of section 2903.11, 2903.12, or 12764
2903.13 of the Revised Code, if the victim of the offense was a 12765
woman that the offender knew was pregnant at the time of the 12766
violation, with respect to a portion of the sentence imposed 12767
pursuant to division (B) (8) of section 2929.14 of the Revised 12768
Code; 12769

(19) (a) Any violent felony offense if the offender is a 12770
violent career criminal and had a firearm on or about the 12771
offender's person or under the offender's control during the 12772
commission of the violent felony offense and displayed or 12773
brandished the firearm, indicated that the offender possessed a 12774
firearm, or used the firearm to facilitate the offense, with 12775
respect to the portion of the sentence imposed under division 12776
(K) of section 2929.14 of the Revised Code. 12777

(b) As used in division (F) (19) (a) of this section, 12778
"violent career criminal" and "violent felony offense" have the 12779

same meanings as in section 2923.132 of the Revised Code~~r~~. 12780

(20) Any violation of division (A) (1) of section 2903.11 12781
of the Revised Code if the offender used an accelerant in 12782
committing the violation and the serious physical harm to 12783
another or another's unborn caused by the violation resulted in 12784
a permanent, serious disfigurement or permanent, substantial 12785
incapacity or any violation of division (A) (2) of that section 12786
if the offender used an accelerant in committing the violation, 12787
the violation caused physical harm to another or another's 12788
unborn, and the physical harm resulted in a permanent, serious 12789
disfigurement or permanent, substantial incapacity, with respect 12790
to a portion of the sentence imposed pursuant to division (B) (9) 12791
of section 2929.14 of the Revised Code. The provisions of this 12792
division and of division (D) (2) of section 2903.11, divisions 12793
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 12794
the Revised Code shall be known as "Judy's Law." 12795

(21) Any violation of division (A) of section 2903.11 of 12796
the Revised Code if the victim of the offense suffered permanent 12797
disabling harm as a result of the offense and the victim was 12798
under ten years of age at the time of the offense, with respect 12799
to a portion of the sentence imposed pursuant to division (B) 12800
(10) of section 2929.14 of the Revised Code. 12801

(22) A felony violation of section 2925.03, 2925.05, or 12802
2925.11 of the Revised Code, if the drug involved in the 12803
violation is a fentanyl-related compound or a compound, mixture, 12804
preparation, or substance containing a fentanyl-related compound 12805
and the offender is convicted of or pleads guilty to a 12806
specification of the type described in division (B) of section 12807
2941.1410 of the Revised Code that was included in the 12808
indictment, count in the indictment, or information charging the 12809

offense, with respect to the portion of the sentence imposed 12810
under division (B) (11) of section 2929.14 of the Revised Code. 12811

(G) Notwithstanding divisions (A) to (E) of this section, 12812
if an offender is being sentenced for a fourth degree felony OVI 12813
offense or for a third degree felony OVI offense, the court 12814
shall impose upon the offender a mandatory term of local 12815
incarceration or a mandatory prison term in accordance with the 12816
following: 12817

(1) If the offender is being sentenced for a fourth degree 12818
felony OVI offense and if the offender has not been convicted of 12819
and has not pleaded guilty to a specification of the type 12820
described in section 2941.1413 of the Revised Code, the court 12821
may impose upon the offender a mandatory term of local 12822
incarceration of sixty days or one hundred twenty days as 12823
specified in division (G) (1) (d) of section 4511.19 of the 12824
Revised Code. The court shall not reduce the term pursuant to 12825
section 2929.20, division (A) (2) or (3) of section 2967.193 or 12826
2967.194, or any other provision of the Revised Code. The court 12827
that imposes a mandatory term of local incarceration under this 12828
division shall specify whether the term is to be served in a 12829
jail, a community-based correctional facility, a halfway house, 12830
or an alternative residential facility, and the offender shall 12831
serve the term in the type of facility specified by the court. A 12832
mandatory term of local incarceration imposed under division (G) 12833
(1) of this section is not subject to any other Revised Code 12834
provision that pertains to a prison term except as provided in 12835
division (A) (1) of this section. 12836

(2) If the offender is being sentenced for a third degree 12837
felony OVI offense, or if the offender is being sentenced for a 12838
fourth degree felony OVI offense and the court does not impose a 12839

mandatory term of local incarceration under division (G) (1) of 12840
this section, the court shall impose upon the offender a 12841
mandatory prison term of one, two, three, four, or five years if 12842
the offender also is convicted of or also pleads guilty to a 12843
specification of the type described in section 2941.1413 of the 12844
Revised Code or shall impose upon the offender a mandatory 12845
prison term of sixty days or one hundred twenty days as 12846
specified in division (G) (1) (d) or (e) of section 4511.19 of the 12847
Revised Code if the offender has not been convicted of and has 12848
not pleaded guilty to a specification of that type. ~~Subject to~~ 12849
~~divisions (C) to (I) of section 2967.19 of the Revised Code, the~~ 12850
The court shall not reduce the term pursuant to section 2929.20, 12851
~~2967.19, division (A) (2) or (3) of section 2967.193 or 2967.194,~~ 12852
or any other provision of the Revised Code. The offender shall 12853
serve the one-, two-, three-, four-, or five-year mandatory 12854
prison term consecutively to and prior to the prison term 12855
imposed for the underlying offense and consecutively to any 12856
other mandatory prison term imposed in relation to the offense. 12857
In no case shall an offender who once has been sentenced to a 12858
mandatory term of local incarceration pursuant to division (G) 12859
(1) of this section for a fourth degree felony OVI offense be 12860
sentenced to another mandatory term of local incarceration under 12861
that division for any violation of division (A) of section 12862
4511.19 of the Revised Code. In addition to the mandatory prison 12863
term described in division (G) (2) of this section, the court may 12864
sentence the offender to a community control sanction under 12865
section 2929.16 or 2929.17 of the Revised Code, but the offender 12866
shall serve the prison term prior to serving the community 12867
control sanction. The department of rehabilitation and 12868
correction may place an offender sentenced to a mandatory prison 12869
term under this division in an intensive program prison 12870
established pursuant to section 5120.033 of the Revised Code if 12871

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 sentence a summary of the offender's duties imposed under

sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A)(2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

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

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

(K) As used in this section:

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

(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 12932
12933

(3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code. 12934
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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. 12936
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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. 12940
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Sec. 2929.14. (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), (B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a prison term that shall be one of the following: 12949
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(1) (a) For a felony of the first degree committed on or after ~~the effective date of this amendment~~ March 22, 2019, the 12959
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prison term shall be an indefinite prison term with a stated 12961
minimum term selected by the court of three, four, five, six, 12962
seven, eight, nine, ten, or eleven years and a maximum term that 12963
is determined pursuant to section 2929.144 of the Revised Code, 12964
except that if the section that criminalizes the conduct 12965
constituting the felony specifies a different minimum term or 12966
penalty for the offense, the specific language of that section 12967
shall control in determining the minimum term or otherwise 12968
sentencing the offender but the minimum term or sentence imposed 12969
under that specific language shall be considered for purposes of 12970
the Revised Code as if it had been imposed under this division. 12971

(b) For a felony of the first degree committed prior to 12972
~~the effective date of this amendment~~ March 22, 2019, the prison 12973
term shall be a definite prison term of three, four, five, six, 12974
seven, eight, nine, ten, or eleven years. 12975

(2) (a) For a felony of the second degree committed on or 12976
~~after the effective date of this amendment~~ March 22, 2019, the 12977
prison term shall be an indefinite prison term with a stated 12978
minimum term selected by the court of two, three, four, five, 12979
six, seven, or eight years and a maximum term that is determined 12980
pursuant to section 2929.144 of the Revised Code, except that if 12981
the section that criminalizes the conduct constituting the 12982
felony specifies a different minimum term or penalty for the 12983
offense, the specific language of that section shall control in 12984
determining the minimum term or otherwise sentencing the 12985
offender but the minimum term or sentence imposed under that 12986
specific language shall be considered for purposes of the 12987
Revised Code as if it had been imposed under this division. 12988

(b) For a felony of the second degree committed prior to 12989
~~the effective date of this amendment~~ March 22, 2019, the prison 12990

term shall be a definite term of two, three, four, five, six, 12991
seven, or eight years. 12992

(3) (a) For a felony of the third degree that is a 12993
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 12994
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 12995
Code, that is a violation of division (A) of section 4511.19 of 12996
the Revised Code if the offender previously has been convicted 12997
of or pleaded guilty to a violation of division (A) of that 12998
section that was a felony, or that is a violation of section 12999
2911.02 or 2911.12 of the Revised Code if the offender 13000
previously has been convicted of or pleaded guilty in two or 13001
more separate proceedings to two or more violations of section 13002
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 13003
prison term shall be a definite term of twelve, eighteen, 13004
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 13005
four, or sixty months. 13006

(b) For a felony of the third degree that is not an 13007
offense for which division (A) (3) (a) of this section applies, 13008
the prison term shall be a definite term of nine, twelve, 13009
eighteen, twenty-four, thirty, or thirty-six months. 13010

(4) For a felony of the fourth degree, the prison term 13011
shall be a definite term of six, seven, eight, nine, ten, 13012
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 13013
or eighteen months. 13014

(5) For a felony of the fifth degree, the prison term 13015
shall be a definite term of six, seven, eight, nine, ten, 13016
eleven, or twelve months. 13017

(B) (1) (a) Except as provided in division (B) (1) (e) of this 13018
section, if an offender who is convicted of or pleads guilty to 13019

a felony also is convicted of or pleads guilty to a 13020
specification of the type described in section 2941.141, 13021
2941.144, or 2941.145 of the Revised Code, the court shall 13022
impose on the offender one of the following prison terms: 13023

(i) A prison term of six years if the specification is of 13024
the type described in division (A) of section 2941.144 of the 13025
Revised Code that charges the offender with having a firearm 13026
that is an automatic firearm or that was equipped with a firearm 13027
muffler or suppressor on or about the offender's person or under 13028
the offender's control while committing the offense; 13029

(ii) A prison term of three years if the specification is 13030
of the type described in division (A) of section 2941.145 of the 13031
Revised Code that charges the offender with having a firearm on 13032
or about the offender's person or under the offender's control 13033
while committing the offense and displaying the firearm, 13034
brandishing the firearm, indicating that the offender possessed 13035
the firearm, or using it to facilitate the offense; 13036

(iii) A prison term of one year if the specification is of 13037
the type described in division (A) of section 2941.141 of the 13038
Revised Code that charges the offender with having a firearm on 13039
or about the offender's person or under the offender's control 13040
while committing the offense; 13041

(iv) A prison term of nine years if the specification is 13042
of the type described in division (D) of section 2941.144 of the 13043
Revised Code that charges the offender with having a firearm 13044
that is an automatic firearm or that was equipped with a firearm 13045
muffler or suppressor on or about the offender's person or under 13046
the offender's control while committing the offense and 13047
specifies that the offender previously has been convicted of or 13048
pleaded guilty to a specification of the type described in 13049

section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 13050
the Revised Code; 13051

(v) A prison term of fifty-four months if the 13052
specification is of the type described in division (D) of 13053
section 2941.145 of the Revised Code that charges the offender 13054
with having a firearm on or about the offender's person or under 13055
the offender's control while committing the offense and 13056
displaying the firearm, brandishing the firearm, indicating that 13057
the offender possessed the firearm, or using the firearm to 13058
facilitate the offense and that the offender previously has been 13059
convicted of or pleaded guilty to a specification of the type 13060
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 13061
2941.1412 of the Revised Code; 13062

(vi) A prison term of eighteen months if the specification 13063
is of the type described in division (D) of section 2941.141 of 13064
the Revised Code that charges the offender with having a firearm 13065
on or about the offender's person or under the offender's 13066
control while committing the offense and that the offender 13067
previously has been convicted of or pleaded guilty to a 13068
specification of the type described in section 2941.141, 13069
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 13070

(b) If a court imposes a prison term on an offender under 13071
division (B)(1)(a) of this section, the prison term shall not be 13072
reduced pursuant to ~~section 2967.19~~, section 2929.20, division 13073
(A)(2) or (3) of section 2967.193 or 2967.194, or any other 13074
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 13075
Except as provided in division (B)(1)(g) of this section, a 13076
court shall not impose more than one prison term on an offender 13077
under division (B)(1)(a) of this section for felonies committed 13078
as part of the same act or transaction. 13079

(c) (i) Except as provided in division (B) (1) (e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of five years upon the offender that shall not be reduced pursuant to section 2929.20, ~~section 2967.19, division (A) (2) or (3) of section 2967.193 or 2967.194,~~ or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(ii) Except as provided in division (B) (1) (e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in division (C) of section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code,

the court, after imposing a prison term on the offender for the 13111
violation of section 2923.161 of the Revised Code or for the 13112
other felony offense under division (A), (B) (2), or (3) of this 13113
section, shall impose an additional prison term of ninety months 13114
upon the offender that shall not be reduced pursuant to section 13115
2929.20, ~~2967.19~~, division (A) (2) or (3) of section 2967.193 or 13116
2967.194, or any other provision of Chapter 2967. or Chapter 13117
5120. of the Revised Code. 13118

(iii) A court shall not impose more than one additional 13119
prison term on an offender under division (B) (1) (c) of this 13120
section for felonies committed as part of the same act or 13121
transaction. If a court imposes an additional prison term on an 13122
offender under division (B) (1) (c) of this section relative to an 13123
offense, the court also shall impose a prison term under 13124
division (B) (1) (a) of this section relative to the same offense, 13125
provided the criteria specified in that division for imposing an 13126
additional prison term are satisfied relative to the offender 13127
and the offense. 13128

(d) If an offender who is convicted of or pleads guilty to 13129
an offense of violence that is a felony also is convicted of or 13130
pleads guilty to a specification of the type described in 13131
section 2941.1411 of the Revised Code that charges the offender 13132
with wearing or carrying body armor while committing the felony 13133
offense of violence, the court shall impose on the offender an 13134
additional prison term of two years. The prison term so imposed, ~~—~~ 13135
~~subject to divisions (C) to (I) of section 2967.19 of the~~ 13136
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, 13137
~~section 2967.19,~~ division (A) (2) or (3) of section 2967.193 or 13138
2967.194, or any other provision of Chapter 2967. or Chapter 13139
5120. of the Revised Code. A court shall not impose more than 13140
one prison term on an offender under division (B) (1) (d) of this 13141

section for felonies committed as part of the same act or 13142
transaction. If a court imposes an additional prison term under 13143
division (B) (1) (a) or (c) of this section, the court is not 13144
precluded from imposing an additional prison term under division 13145
(B) (1) (d) of this section. 13146

(e) The court shall not impose any of the prison terms 13147
described in division (B) (1) (a) of this section or any of the 13148
additional prison terms described in division (B) (1) (c) of this 13149
section upon an offender for a violation of section 2923.12 or 13150
2923.123 of the Revised Code. The court shall not impose any of 13151
the prison terms described in division (B) (1) (a) or (b) of this 13152
section upon an offender for a violation of section 2923.122 13153
that involves a deadly weapon that is a firearm other than a 13154
dangerous ordnance, section 2923.16, or section 2923.121 of the 13155
Revised Code. The court shall not impose any of the prison terms 13156
described in division (B) (1) (a) of this section or any of the 13157
additional prison terms described in division (B) (1) (c) of this 13158
section upon an offender for a violation of section 2923.13 of 13159
the Revised Code unless all of the following apply: 13160

(i) The offender previously has been convicted of 13161
aggravated murder, murder, or any felony of the first or second 13162
degree. 13163

(ii) Less than five years have passed since the offender 13164
was released from prison or post-release control, whichever is 13165
later, for the prior offense. 13166

(f) (i) If an offender is convicted of or pleads guilty to 13167
a felony that includes, as an essential element, causing or 13168
attempting to cause the death of or physical harm to another and 13169
also is convicted of or pleads guilty to a specification of the 13170
type described in division (A) of section 2941.1412 of the 13171

Revised Code that charges the offender with committing the 13172
offense by discharging a firearm at a peace officer as defined 13173
in section 2935.01 of the Revised Code or a corrections officer, 13174
as defined in section 2941.1412 of the Revised Code, the court, 13175
after imposing a prison term on the offender for the felony 13176
offense under division (A), (B) (2), or (B) (3) of this section, 13177
shall impose an additional prison term of seven years upon the 13178
offender that shall not be reduced pursuant to section 2929.20, 13179
~~section 2967.19, division (A) (2) or (3) of section 2967.193 or~~ 13180
2967.194, or any other provision of Chapter 2967. or Chapter 13181
5120. of the Revised Code. 13182

(ii) If an offender is convicted of or pleads guilty to a 13183
felony that includes, as an essential element, causing or 13184
attempting to cause the death of or physical harm to another and 13185
also is convicted of or pleads guilty to a specification of the 13186
type described in division (B) of section 2941.1412 of the 13187
Revised Code that charges the offender with committing the 13188
offense by discharging a firearm at a peace officer, as defined 13189
in section 2935.01 of the Revised Code, or a corrections 13190
officer, as defined in section 2941.1412 of the Revised Code, 13191
and that the offender previously has been convicted of or 13192
pleaded guilty to a specification of the type described in 13193
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 13194
the Revised Code, the court, after imposing a prison term on the 13195
offender for the felony offense under division (A), (B) (2), or 13196
(3) of this section, shall impose an additional prison term of 13197
one hundred twenty-six months upon the offender that shall not 13198
be reduced pursuant to section 2929.20, ~~2967.19, division (A) (2)~~ 13199
or (3) of section 2967.193 or 2967.194, or any other provision 13200
of Chapter 2967. or 5120. of the Revised Code. 13201

(iii) If an offender is convicted of or pleads guilty to 13202

two or more felonies that include, as an essential element, 13203
causing or attempting to cause the death or physical harm to 13204
another and also is convicted of or pleads guilty to a 13205
specification of the type described under division (B) (1) (f) of 13206
this section in connection with two or more of the felonies of 13207
which the offender is convicted or to which the offender pleads 13208
guilty, the sentencing court shall impose on the offender the 13209
prison term specified under division (B) (1) (f) of this section 13210
for each of two of the specifications of which the offender is 13211
convicted or to which the offender pleads guilty and, in its 13212
discretion, also may impose on the offender the prison term 13213
specified under that division for any or all of the remaining 13214
specifications. If a court imposes an additional prison term on 13215
an offender under division (B) (1) (f) of this section relative to 13216
an offense, the court shall not impose a prison term under 13217
division (B) (1) (a) or (c) of this section relative to the same 13218
offense. 13219

(g) If an offender is convicted of or pleads guilty to two 13220
or more felonies, if one or more of those felonies are 13221
aggravated murder, murder, attempted aggravated murder, 13222
attempted murder, aggravated robbery, felonious assault, or 13223
rape, and if the offender is convicted of or pleads guilty to a 13224
specification of the type described under division (B) (1) (a) of 13225
this section in connection with two or more of the felonies, the 13226
sentencing court shall impose on the offender the prison term 13227
specified under division (B) (1) (a) of this section for each of 13228
the two most serious specifications of which the offender is 13229
convicted or to which the offender pleads guilty and, in its 13230
discretion, also may impose on the offender the prison term 13231
specified under that division for any or all of the remaining 13232
specifications. 13233

(2) (a) If division (B) (2) (b) of this section does not 13234
apply, the court may impose on an offender, in addition to the 13235
longest prison term authorized or required for the offense or, 13236
for offenses for which division (A) (1) (a) or (2) (a) of this 13237
section applies, in addition to the longest minimum prison term 13238
authorized or required for the offense, an additional definite 13239
prison term of one, two, three, four, five, six, seven, eight, 13240
nine, or ten years if all of the following criteria are met: 13241

(i) The offender is convicted of or pleads guilty to a 13242
specification of the type described in section 2941.149 of the 13243
Revised Code that the offender is a repeat violent offender. 13244

(ii) The offense of which the offender currently is 13245
convicted or to which the offender currently pleads guilty is 13246
aggravated murder and the court does not impose a sentence of 13247
death or life imprisonment without parole, murder, terrorism and 13248
the court does not impose a sentence of life imprisonment 13249
without parole, any felony of the first degree that is an 13250
offense of violence and the court does not impose a sentence of 13251
life imprisonment without parole, or any felony of the second 13252
degree that is an offense of violence and the trier of fact 13253
finds that the offense involved an attempt to cause or a threat 13254
to cause serious physical harm to a person or resulted in 13255
serious physical harm to a person. 13256

(iii) The court imposes the longest prison term for the 13257
offense or the longest minimum prison term for the offense, 13258
whichever is applicable, that is not life imprisonment without 13259
parole. 13260

(iv) The court finds that the prison terms imposed 13261
pursuant to division (B) (2) (a) (iii) of this section and, if 13262
applicable, division (B) (1) or (3) of this section are 13263

inadequate to punish the offender and protect the public from 13264
future crime, because the applicable factors under section 13265
2929.12 of the Revised Code indicating a greater likelihood of 13266
recidivism outweigh the applicable factors under that section 13267
indicating a lesser likelihood of recidivism. 13268

(v) The court finds that the prison terms imposed pursuant 13269
to division (B) (2) (a) (iii) of this section and, if applicable, 13270
division (B) (1) or (3) of this section are demeaning to the 13271
seriousness of the offense, because one or more of the factors 13272
under section 2929.12 of the Revised Code indicating that the 13273
offender's conduct is more serious than conduct normally 13274
constituting the offense are present, and they outweigh the 13275
applicable factors under that section indicating that the 13276
offender's conduct is less serious than conduct normally 13277
constituting the offense. 13278

(b) The court shall impose on an offender the longest 13279
prison term authorized or required for the offense or, for 13280
offenses for which division (A) (1) (a) or (2) (a) of this section 13281
applies, the longest minimum prison term authorized or required 13282
for the offense, and shall impose on the offender an additional 13283
definite prison term of one, two, three, four, five, six, seven, 13284
eight, nine, or ten years if all of the following criteria are 13285
met: 13286

(i) The offender is convicted of or pleads guilty to a 13287
specification of the type described in section 2941.149 of the 13288
Revised Code that the offender is a repeat violent offender. 13289

(ii) The offender within the preceding twenty years has 13290
been convicted of or pleaded guilty to three or more offenses 13291
described in division (CC) (1) of section 2929.01 of the Revised 13292
Code, including all offenses described in that division of which 13293

the offender is convicted or to which the offender pleads guilty 13294
in the current prosecution and all offenses described in that 13295
division of which the offender previously has been convicted or 13296
to which the offender previously pleaded guilty, whether 13297
prosecuted together or separately. 13298

(iii) The offense or offenses of which the offender 13299
currently is convicted or to which the offender currently pleads 13300
guilty is aggravated murder and the court does not impose a 13301
sentence of death or life imprisonment without parole, murder, 13302
terrorism and the court does not impose a sentence of life 13303
imprisonment without parole, any felony of the first degree that 13304
is an offense of violence and the court does not impose a 13305
sentence of life imprisonment without parole, or any felony of 13306
the second degree that is an offense of violence and the trier 13307
of fact finds that the offense involved an attempt to cause or a 13308
threat to cause serious physical harm to a person or resulted in 13309
serious physical harm to a person. 13310

(c) For purposes of division (B) (2) (b) of this section, 13311
two or more offenses committed at the same time or as part of 13312
the same act or event shall be considered one offense, and that 13313
one offense shall be the offense with the greatest penalty. 13314

(d) A sentence imposed under division (B) (2) (a) or (b) of 13315
this section shall not be reduced pursuant to section 2929.20, 13316
~~section 2967.19, or division (A) (2) or (3) of section 2967.193~~ 13317
~~or 2967.194,~~ or any other provision of Chapter 2967. or Chapter 13318
5120. of the Revised Code. The offender shall serve an 13319
additional prison term imposed under division (B) (2) (a) or (b) 13320
of this section consecutively to and prior to the prison term 13321
imposed for the underlying offense. 13322

(e) When imposing a sentence pursuant to division (B) (2) 13323

(a) or (b) of this section, the court shall state its findings 13324
explaining the imposed sentence. 13325

(3) Except when an offender commits a violation of section 13326
2903.01 or 2907.02 of the Revised Code and the penalty imposed 13327
for the violation is life imprisonment or commits a violation of 13328
section 2903.02 of the Revised Code, if the offender commits a 13329
violation of section 2925.03 or 2925.11 of the Revised Code and 13330
that section classifies the offender as a major drug offender, 13331
if the offender commits a violation of section 2925.05 of the 13332
Revised Code and division (E)(1) of that section classifies the 13333
offender as a major drug offender, if the offender commits a 13334
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 13335
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 13336
division (C) or (D) of section 3719.172, division (E) of section 13337
4729.51, or division (J) of section 4729.54 of the Revised Code 13338
that includes the sale, offer to sell, or possession of a 13339
schedule I or II controlled substance, with the exception of 13340
marihuana, and the court imposing sentence upon the offender 13341
finds that the offender is guilty of a specification of the type 13342
described in division (A) of section 2941.1410 of the Revised 13343
Code charging that the offender is a major drug offender, if the 13344
court imposing sentence upon an offender for a felony finds that 13345
the offender is guilty of corrupt activity with the most serious 13346
offense in the pattern of corrupt activity being a felony of the 13347
first degree, or if the offender is guilty of an attempted 13348
violation of section 2907.02 of the Revised Code and, had the 13349
offender completed the violation of section 2907.02 of the 13350
Revised Code that was attempted, the offender would have been 13351
subject to a sentence of life imprisonment or life imprisonment 13352
without parole for the violation of section 2907.02 of the 13353
Revised Code, the court shall impose upon the offender for the 13354

felony violation a mandatory prison term determined as described 13355
in this division that, ~~subject to divisions (C) to (I) of~~ 13356
~~section 2967.19 of the Revised Code,~~ cannot be reduced pursuant 13357
to section 2929.20, ~~section 2967.19,~~ division (A) (2) or (3) of 13358
section 2967.193 or 2967.194, or any other provision of Chapter 13359
2967. or 5120. of the Revised Code. The mandatory prison term 13360
shall be the maximum definite prison term prescribed in division 13361
(A) (1) (b) of this section for a felony of the first degree, 13362
except that for offenses for which division (A) (1) (a) of this 13363
section applies, the mandatory prison term shall be the longest 13364
minimum prison term prescribed in that division for the offense. 13365

(4) If the offender is being sentenced for a third or 13366
fourth degree felony OVI offense under division (G) (2) of 13367
section 2929.13 of the Revised Code, the sentencing court shall 13368
impose upon the offender a mandatory prison term in accordance 13369
with that division. In addition to the mandatory prison term, if 13370
the offender is being sentenced for a fourth degree felony OVI 13371
offense, the court, notwithstanding division (A) (4) of this 13372
section, may sentence the offender to a definite prison term of 13373
not less than six months and not more than thirty months, and if 13374
the offender is being sentenced for a third degree felony OVI 13375
offense, the sentencing court may sentence the offender to an 13376
additional prison term of any duration specified in division (A) 13377
(3) of this section. In either case, the additional prison term 13378
imposed shall be reduced by the sixty or one hundred twenty days 13379
imposed upon the offender as the mandatory prison term. The 13380
total of the additional prison term imposed under division (B) 13381
(4) of this section plus the sixty or one hundred twenty days 13382
imposed as the mandatory prison term shall equal a definite term 13383
in the range of six months to thirty months for a fourth degree 13384
felony OVI offense and shall equal one of the authorized prison 13385

terms specified in division (A) (3) of this section for a third 13386
degree felony OVI offense. If the court imposes an additional 13387
prison term under division (B) (4) of this section, the offender 13388
shall serve the additional prison term after the offender has 13389
served the mandatory prison term required for the offense. In 13390
addition to the mandatory prison term or mandatory and 13391
additional prison term imposed as described in division (B) (4) 13392
of this section, the court also may sentence the offender to a 13393
community control sanction under section 2929.16 or 2929.17 of 13394
the Revised Code, but the offender shall serve all of the prison 13395
terms so imposed prior to serving the community control 13396
sanction. 13397

If the offender is being sentenced for a fourth degree 13398
felony OVI offense under division (G) (1) of section 2929.13 of 13399
the Revised Code and the court imposes a mandatory term of local 13400
incarceration, the court may impose a prison term as described 13401
in division (A) (1) of that section. 13402

(5) If an offender is convicted of or pleads guilty to a 13403
violation of division (A) (1) or (2) of section 2903.06 of the 13404
Revised Code and also is convicted of or pleads guilty to a 13405
specification of the type described in section 2941.1414 of the 13406
Revised Code that charges that the victim of the offense is a 13407
peace officer, as defined in section 2935.01 of the Revised 13408
Code, ~~or~~ an investigator of the bureau of criminal 13409
identification and investigation, as defined in section 2903.11 13410
of the Revised Code, or a firefighter or emergency medical 13411
worker, both as defined in section 4123.026 of the Revised Code, 13412
the court shall impose on the offender a prison term of five 13413
years. If a court imposes a prison term on an offender under 13414
division (B) (5) of this section, the prison term, ~~subject to~~ 13415
~~divisions (C) to (I) of section 2967.19 of the Revised Code,~~ 13416

shall not be reduced pursuant to section 2929.20, ~~section-~~ 13417
~~2967.19, division (A) (2) or (3) of section 2967.193 or 2967.194,~~ 13418
or any other provision of Chapter 2967. or Chapter 5120. of the 13419
Revised Code. A court shall not impose more than one prison term 13420
on an offender under division (B) (5) of this section for 13421
felonies committed as part of the same act. 13422

(6) If an offender is convicted of or pleads guilty to a 13423
violation of division (A) (1) or (2) of section 2903.06 of the 13424
Revised Code and also is convicted of or pleads guilty to a 13425
specification of the type described in section 2941.1415 of the 13426
Revised Code that charges that the offender previously has been 13427
convicted of or pleaded guilty to three or more violations of 13428
division (A) ~~or (B)~~ of section 4511.19 of the Revised Code or an 13429
equivalent offense, as defined in section 2941.1415 of the 13430
Revised Code, or three or more violations of any combination of 13431
those ~~divisions and~~ offenses, the court shall impose on the 13432
offender a prison term of three years. If a court imposes a 13433
prison term on an offender under division (B) (6) of this 13434
section, the prison term, ~~subject to divisions (C) to (I) of-~~ 13435
~~section 2967.19 of the Revised Code,~~ shall not be reduced 13436
pursuant to section 2929.20, ~~section 2967.19, division (A) (2) or~~ 13437
(3) of section 2967.193 or 2967.194, or any other provision of 13438
Chapter 2967. or Chapter 5120. of the Revised Code. A court 13439
shall not impose more than one prison term on an offender under 13440
division (B) (6) of this section for felonies committed as part 13441
of the same act. 13442

(7) (a) If an offender is convicted of or pleads guilty to 13443
a felony violation of section 2905.01, 2905.02, 2907.21, 13444
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 13445
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 13446
section 2919.22 of the Revised Code and also is convicted of or 13447

pleads guilty to a specification of the type described in 13448
section 2941.1422 of the Revised Code that charges that the 13449
offender knowingly committed the offense in furtherance of human 13450
trafficking, the court shall impose on the offender a mandatory 13451
prison term that is one of the following: 13452

(i) If the offense is a felony of the first degree, a 13453
definite prison term of not less than five years and not greater 13454
than eleven years, except that if the offense is a felony of the 13455
first degree committed on or after ~~the effective date of this~~ 13456
~~amendment~~ March 22, 2019, the court shall impose as the minimum 13457
prison term a mandatory term of not less than five years and not 13458
greater than eleven years; 13459

(ii) If the offense is a felony of the second or third 13460
degree, a definite prison term of not less than three years and 13461
not greater than the maximum prison term allowed for the offense 13462
by division (A) (2) (b) or (3) of this section, except that if the 13463
offense is a felony of the second degree committed on or after 13464
~~the effective date of this amendment~~ March 22, 2019, the court 13465
shall impose as the minimum prison term a mandatory term of not 13466
less than three years and not greater than eight years; 13467

(iii) If the offense is a felony of the fourth or fifth 13468
degree, a definite prison term that is the maximum prison term 13469
allowed for the offense by division (A) of section 2929.14 of 13470
the Revised Code. 13471

~~(b) Subject to divisions (C) to (I) of section 2967.19 of~~ 13472
~~the Revised Code, the~~ The prison term imposed under division (B) 13473
(7) (a) of this section shall not be reduced pursuant to section 13474
2929.20, ~~section 2967.19~~, division (A) (2) or (3) of section 13475
2967.193 or 2967.194, or any other provision of Chapter 2967. of 13476
the Revised Code. A court shall not impose more than one prison 13477

term on an offender under division (B) (7) (a) of this section for 13478
felonies committed as part of the same act, scheme, or plan. 13479

(8) If an offender is convicted of or pleads guilty to a 13480
felony violation of section 2903.11, 2903.12, or 2903.13 of the 13481
Revised Code and also is convicted of or pleads guilty to a 13482
specification of the type described in section 2941.1423 of the 13483
Revised Code that charges that the victim of the violation was a 13484
woman whom the offender knew was pregnant at the time of the 13485
violation, notwithstanding the range prescribed in division (A) 13486
of this section as the definite prison term or minimum prison 13487
term for felonies of the same degree as the violation, the court 13488
shall impose on the offender a mandatory prison term that is 13489
either a definite prison term of six months or one of the prison 13490
terms prescribed in division (A) of this section for felonies of 13491
the same degree as the violation, except that if the violation 13492
is a felony of the first or second degree committed on or after 13493
~~the effective date of this amendment~~ March 22, 2019, the court 13494
shall impose as the minimum prison term under division (A) (1) (a) 13495
or (2) (a) of this section a mandatory term that is one of the 13496
terms prescribed in that division, whichever is applicable, for 13497
the offense. 13498

(9) (a) If an offender is convicted of or pleads guilty to 13499
a violation of division (A) (1) or (2) of section 2903.11 of the 13500
Revised Code and also is convicted of or pleads guilty to a 13501
specification of the type described in section 2941.1425 of the 13502
Revised Code, the court shall impose on the offender a mandatory 13503
prison term of six years if either of the following applies: 13504

(i) The violation is a violation of division (A) (1) of 13505
section 2903.11 of the Revised Code and the specification 13506
charges that the offender used an accelerant in committing the 13507

violation and the serious physical harm to another or to 13508
another's unborn caused by the violation resulted in a 13509
permanent, serious disfigurement or permanent, substantial 13510
incapacity; 13511

(ii) The violation is a violation of division (A) (2) of 13512
section 2903.11 of the Revised Code and the specification 13513
charges that the offender used an accelerant in committing the 13514
violation, that the violation caused physical harm to another or 13515
to another's unborn, and that the physical harm resulted in a 13516
permanent, serious disfigurement or permanent, substantial 13517
incapacity. 13518

(b) If a court imposes a prison term on an offender under 13519
division (B) (9) (a) of this section, the prison term shall not be 13520
reduced pursuant to section 2929.20, ~~section 2967.19, division~~ 13521
(A) (2) or (3) of section 2967.193 or 2967.194, or any other 13522
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 13523
A court shall not impose more than one prison term on an 13524
offender under division (B) (9) of this section for felonies 13525
committed as part of the same act. 13526

(c) The provisions of divisions (B) (9) and (C) (6) of this 13527
section and of division (D) (2) of section 2903.11, division (F) 13528
(20) of section 2929.13, and section 2941.1425 of the Revised 13529
Code shall be known as "Judy's Law." 13530

(10) If an offender is convicted of or pleads guilty to a 13531
violation of division (A) of section 2903.11 of the Revised Code 13532
and also is convicted of or pleads guilty to a specification of 13533
the type described in section 2941.1426 of the Revised Code that 13534
charges that the victim of the offense suffered permanent 13535
disabling harm as a result of the offense and that the victim 13536
was under ten years of age at the time of the offense, 13537

regardless of whether the offender knew the age of the victim, 13538
the court shall impose upon the offender an additional definite 13539
prison term of six years. A prison term imposed on an offender 13540
under division (B) (10) of this section shall not be reduced 13541
pursuant to section 2929.20, division (A) (2) or (3) of section 13542
2967.193 or 2967.194, or any other provision of Chapter 2967. or 13543
Chapter 5120. of the Revised Code. If a court imposes an 13544
additional prison term on an offender under this division 13545
relative to a violation of division (A) of section 2903.11 of 13546
the Revised Code, the court shall not impose any other 13547
additional prison term on the offender relative to the same 13548
offense. 13549

(11) If an offender is convicted of or pleads guilty to a 13550
felony violation of section 2925.03 or 2925.05 of the Revised 13551
Code or a felony violation of section 2925.11 of the Revised 13552
Code for which division (C) (11) of that section applies in 13553
determining the sentence for the violation, if the drug involved 13554
in the violation is a fentanyl-related compound or a compound, 13555
mixture, preparation, or substance containing a fentanyl-related 13556
compound, and if the offender also is convicted of or pleads 13557
guilty to a specification of the type described in division (B) 13558
of section 2941.1410 of the Revised Code that charges that the 13559
offender is a major drug offender, in addition to any other 13560
penalty imposed for the violation, the court shall impose on the 13561
offender a mandatory prison term of three, four, five, six, 13562
seven, or eight years. If a court imposes a prison term on an 13563
offender under division (B) (11) of this section, the prison 13564
term, ~~subject to divisions (C) to (I) of section 2967.19 of the~~ 13565
~~Revised Code,~~ shall not be reduced pursuant to section 2929.20, 13566
2967.19, or division (A) (2) or (3) of section 2967.193 or 13567
2967.194, or any other provision of Chapter 2967. or 5120. of 13568

the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (1) of this section for felonies committed as part of the same act.

(C) (1) (a) Subject to division (C) (1) (b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division consecutively to any other mandatory prison term imposed under either division or under division (B) (1) (d) of this section, consecutively to and prior to any prison term imposed for the underlying felony pursuant to division (A), (B) (2), or (B) (3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(b) If a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (d) of this section for wearing or carrying body armor while committing an offense of violence that is a felony, the offender shall serve the mandatory term so imposed consecutively to any other mandatory prison term imposed under that division or under division (B) (1) (a) or (c) of this section, consecutively to and prior to any prison term imposed for the underlying felony under division (A), (B) (2), or (B) (3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(c) If a mandatory prison term is imposed upon an offender 13600
pursuant to division (B) (1) (f) of this section, the offender 13601
shall serve the mandatory prison term so imposed consecutively 13602
to and prior to any prison term imposed for the underlying 13603
felony under division (A), (B) (2), or (B) (3) of this section or 13604
any other section of the Revised Code, and consecutively to any 13605
other prison term or mandatory prison term previously or 13606
subsequently imposed upon the offender. 13607

(d) If a mandatory prison term is imposed upon an offender 13608
pursuant to division (B) (7) or (8) of this section, the offender 13609
shall serve the mandatory prison term so imposed consecutively 13610
to any other mandatory prison term imposed under that division 13611
or under any other provision of law and consecutively to any 13612
other prison term or mandatory prison term previously or 13613
subsequently imposed upon the offender. 13614

(e) If a mandatory prison term is imposed upon an offender 13615
pursuant to division (B) (11) of this section, the offender shall 13616
serve the mandatory prison term consecutively to any other 13617
mandatory prison term imposed under that division, consecutively 13618
to and prior to any prison term imposed for the underlying 13619
felony, and consecutively to any other prison term or mandatory 13620
prison term previously or subsequently imposed upon the 13621
offender. 13622

(2) If an offender who is an inmate in a jail, prison, or 13623
other residential detention facility violates section 2917.02, 13624
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 13625
(2) of section 2921.34 of the Revised Code, if an offender who 13626
is under detention at a detention facility commits a felony 13627
violation of section 2923.131 of the Revised Code, or if an 13628
offender who is an inmate in a jail, prison, or other 13629

residential detention facility or is under detention at a 13630
detention facility commits another felony while the offender is 13631
an escapee in violation of division (A) (1) or (2) of section 13632
2921.34 of the Revised Code, any prison term imposed upon the 13633
offender for one of those violations shall be served by the 13634
offender consecutively to the prison term or term of 13635
imprisonment the offender was serving when the offender 13636
committed that offense and to any other prison term previously 13637
or subsequently imposed upon the offender. 13638

(3) If a prison term is imposed for a violation of 13639
division (B) of section 2911.01 of the Revised Code, a violation 13640
of division (A) of section 2913.02 of the Revised Code in which 13641
the stolen property is a firearm or dangerous ordnance, or a 13642
felony violation of division (B) of section 2921.331 of the 13643
Revised Code, the offender shall serve that prison term 13644
consecutively to any other prison term or mandatory prison term 13645
previously or subsequently imposed upon the offender. 13646

(4) If multiple prison terms are imposed on an offender 13647
for convictions of multiple offenses, the court may require the 13648
offender to serve the prison terms consecutively if the court 13649
finds that the consecutive service is necessary to protect the 13650
public from future crime or to punish the offender and that 13651
consecutive sentences are not disproportionate to the 13652
seriousness of the offender's conduct and to the danger the 13653
offender poses to the public, and if the court also finds any of 13654
the following: 13655

(a) The offender committed one or more of the multiple 13656
offenses while the offender was awaiting trial or sentencing, 13657
was under a sanction imposed pursuant to section 2929.16, 13658
2929.17, or 2929.18 of the Revised Code, or was under post- 13659

release control for a prior offense. 13660

(b) At least two of the multiple offenses were committed 13661
as part of one or more courses of conduct, and the harm caused 13662
by two or more of the multiple offenses so committed was so 13663
great or unusual that no single prison term for any of the 13664
offenses committed as part of any of the courses of conduct 13665
adequately reflects the seriousness of the offender's conduct. 13666

(c) The offender's history of criminal conduct 13667
demonstrates that consecutive sentences are necessary to protect 13668
the public from future crime by the offender. 13669

(5) If a mandatory prison term is imposed upon an offender 13670
pursuant to division (B) (5) or (6) of this section, the offender 13671
shall serve the mandatory prison term consecutively to and prior 13672
to any prison term imposed for the underlying violation of 13673
division (A) (1) or (2) of section 2903.06 of the Revised Code 13674
pursuant to division (A) of this section or section 2929.142 of 13675
the Revised Code. If a mandatory prison term is imposed upon an 13676
offender pursuant to division (B) (5) of this section, and if a 13677
mandatory prison term also is imposed upon the offender pursuant 13678
to division (B) (6) of this section in relation to the same 13679
violation, the offender shall serve the mandatory prison term 13680
imposed pursuant to division (B) (5) of this section 13681
consecutively to and prior to the mandatory prison term imposed 13682
pursuant to division (B) (6) of this section and consecutively to 13683
and prior to any prison term imposed for the underlying 13684
violation of division (A) (1) or (2) of section 2903.06 of the 13685
Revised Code pursuant to division (A) of this section or section 13686
2929.142 of the Revised Code. 13687

(6) If a mandatory prison term is imposed on an offender 13688
pursuant to division (B) (9) of this section, the offender shall 13689

serve the mandatory prison term consecutively to and prior to 13690
any prison term imposed for the underlying violation of division 13691
(A) (1) or (2) of section 2903.11 of the Revised Code and 13692
consecutively to and prior to any other prison term or mandatory 13693
prison term previously or subsequently imposed on the offender. 13694

(7) If a mandatory prison term is imposed on an offender 13695
pursuant to division (B) (10) of this section, the offender shall 13696
serve that mandatory prison term consecutively to and prior to 13697
any prison term imposed for the underlying felonious assault. 13698
Except as otherwise provided in division (C) of this section, 13699
any other prison term or mandatory prison term previously or 13700
subsequently imposed upon the offender may be served 13701
concurrently with, or consecutively to, the prison term imposed 13702
pursuant to division (B) (10) of this section. 13703

(8) Any prison term imposed for a violation of section 13704
2903.04 of the Revised Code that is based on a violation of 13705
section 2925.03 or 2925.11 of the Revised Code or on a violation 13706
of section 2925.05 of the Revised Code that is not funding of 13707
marihuana trafficking shall run consecutively to any prison term 13708
imposed for the violation of section 2925.03 or 2925.11 of the 13709
Revised Code or for the violation of section 2925.05 of the 13710
Revised Code that is not funding of marihuana trafficking. 13711

(9) When consecutive prison terms are imposed pursuant to 13712
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 13713
division (H) (1) or (2) of this section, subject to division (C) 13714
(10) of this section, the term to be served is the aggregate of 13715
all of the terms so imposed. 13716

(10) When a court sentences an offender to a non-life 13717
felony indefinite prison term, any definite prison term or 13718
mandatory definite prison term previously or subsequently 13719

imposed on the offender in addition to that indefinite sentence 13720
that is required to be served consecutively to that indefinite 13721
sentence shall be served prior to the indefinite sentence. 13722

(11) If a court is sentencing an offender for a felony of 13723
the first or second degree, if division (A) (1) (a) or (2) (a) of 13724
this section applies with respect to the sentencing for the 13725
offense, and if the court is required under the Revised Code 13726
section that sets forth the offense or any other Revised Code 13727
provision to impose a mandatory prison term for the offense, the 13728
court shall impose the required mandatory prison term as the 13729
minimum term imposed under division (A) (1) (a) or (2) (a) of this 13730
section, whichever is applicable. 13731

(D) (1) If a court imposes a prison term, other than a term 13732
of life imprisonment, for a felony of the first degree, for a 13733
felony of the second degree, for a felony sex offense, or for a 13734
felony of the third degree that is an offense of violence and 13735
that is not a felony sex offense, it shall include in the 13736
sentence a requirement that the offender be subject to a period 13737
of post-release control after the offender's release from 13738
imprisonment, in accordance with section 2967.28 of the Revised 13739
Code. If a court imposes a sentence including a prison term of a 13740
type described in this division on or after July 11, 2006, the 13741
failure of a court to include a post-release control requirement 13742
in the sentence pursuant to this division does not negate, 13743
limit, or otherwise affect the mandatory period of post-release 13744
control that is required for the offender under division (B) of 13745
section 2967.28 of the Revised Code. Section 2929.191 of the 13746
Revised Code applies if, prior to July 11, 2006, a court imposed 13747
a sentence including a prison term of a type described in this 13748
division and failed to include in the sentence pursuant to this 13749
division a statement regarding post-release control. 13750

(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-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. 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.

(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.

(2) A person is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows:

(i) Subject to division (H) (2) (a) (ii) of this section, an additional prison term of one, two, three, four, five, or six months;

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of

the Revised Code and also was convicted of or pleaded guilty to 13841
a specification of the type described in section 2941.1421 of 13842
the Revised Code regarding one or more of those violations, an 13843
additional prison term of one, two, three, four, five, six, 13844
seven, eight, nine, ten, eleven, or twelve months. 13845

(b) In lieu of imposing an additional prison term under 13846
division (H)(2)(a) of this section, the court may directly 13847
impose on the offender a sanction that requires the offender to 13848
wear a real-time processing, continual tracking electronic 13849
monitoring device during the period of time specified by the 13850
court. The period of time specified by the court shall equal the 13851
duration of an additional prison term that the court could have 13852
imposed upon the offender under division (H)(2)(a) of this 13853
section. A sanction imposed under this division shall commence 13854
on the date specified by the court, provided that the sanction 13855
shall not commence until after the offender has served the 13856
prison term imposed for the felony violation of section 2907.22, 13857
2907.24, 2907.241, or 2907.25 of the Revised Code and any 13858
residential sanction imposed for the violation under section 13859
2929.16 of the Revised Code. A sanction imposed under this 13860
division shall be considered to be a community control sanction 13861
for purposes of section 2929.15 of the Revised Code, and all 13862
provisions of the Revised Code that pertain to community control 13863
sanctions shall apply to a sanction imposed under this division, 13864
except to the extent that they would by their nature be clearly 13865
inapplicable. The offender shall pay all costs associated with a 13866
sanction imposed under this division, including the cost of the 13867
use of the monitoring device. 13868

(I) At the time of sentencing, the court may recommend the 13869
offender for placement in a program of shock incarceration under 13870
section 5120.031 of the Revised Code or for placement in an 13871

intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature,

the department shall screen the offender and determine if there 13902
is an available program of shock incarceration or an intensive 13903
program prison for which the offender is suited. If there is an 13904
available program of shock incarceration or an intensive program 13905
prison for which the offender is suited, the department shall 13906
notify the court of the proposed placement of the offender as 13907
specified in section 5120.031 or 5120.032 of the Revised Code 13908
and shall include with the notice a brief description of the 13909
placement. The court shall have ten days from receipt of the 13910
notice to disapprove the placement. 13911

(J) If a person is convicted of or pleads guilty to 13912
aggravated vehicular homicide in violation of division (A) (1) of 13913
section 2903.06 of the Revised Code and division (B) (2) (c) of 13914
that section applies, the person shall be sentenced pursuant to 13915
section 2929.142 of the Revised Code. 13916

(K) (1) The court shall impose an additional mandatory 13917
prison term of two, three, four, five, six, seven, eight, nine, 13918
ten, or eleven years on an offender who is convicted of or 13919
pleads guilty to a violent felony offense if the offender also 13920
is convicted of or pleads guilty to a specification of the type 13921
described in section 2941.1424 of the Revised Code that charges 13922
that the offender is a violent career criminal and had a firearm 13923
on or about the offender's person or under the offender's 13924
control while committing the presently charged violent felony 13925
offense and displayed or brandished the firearm, indicated that 13926
the offender possessed a firearm, or used the firearm to 13927
facilitate the offense. The offender shall serve the prison term 13928
imposed under this division consecutively to and prior to the 13929
prison term imposed for the underlying offense. The prison term 13930
shall not be reduced pursuant to section 2929.20 ~~or 2967.19~~, 13931
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 13932

other provision of Chapter 2967. or 5120. of the Revised Code. A 13933
court may not impose more than one sentence under division (B) 13934
(2) (a) of this section and this division for acts committed as 13935
part of the same act or transaction. 13936

(2) As used in division (K) (1) of this section, "violent 13937
career criminal" and "violent felony offense" have the same 13938
meanings as in section 2923.132 of the Revised Code. 13939

(L) If an offender receives or received a sentence of life 13940
imprisonment without parole, a sentence of life imprisonment, a 13941
definite sentence, or a sentence to an indefinite prison term 13942
under this chapter for a felony offense that was committed when 13943
the offender was under eighteen years of age, the offender's 13944
parole eligibility shall be determined under section 2967.132 of 13945
the Revised Code. 13946

Sec. 2929.141. (A) Upon the conviction of or plea of 13947
guilty to a felony by a person on post-release control at the 13948
time of the commission of the felony, the court may terminate 13949
the term of post-release control, and the court may do either of 13950
the following regardless of whether the sentencing court or 13951
another court of this state imposed the original prison term for 13952
which the person is on post-release control: 13953

(1) In addition to any prison term for the new felony, 13954
impose a prison term for the post-release control violation. The 13955
maximum prison term for the violation shall be the greater of 13956
twelve months or the period of post-release control for the 13957
earlier felony minus any time the person has spent under post- 13958
release control for the earlier felony. In all cases, any prison 13959
term imposed for the violation shall be reduced by any prison 13960
term that is administratively imposed by the parole board as a 13961
post-release control sanction. A prison term imposed for the 13962

violation shall be served consecutively to any prison term 13963
imposed for the new felony. The imposition of a prison term for 13964
the post-release control violation shall terminate the period of 13965
post-release control for the earlier felony. 13966

(2) Impose a sanction under sections 2929.15 to 2929.18 of 13967
the Revised Code for the violation that shall be served 13968
concurrently or consecutively, as specified by the court, with 13969
any community control sanctions for the new felony. 13970

(B) If a person on post-release control was acting 13971
pursuant to division (B) (2) (b) of section 2925.11 or a related 13972
provision under section 2925.12, 2925.14, or 2925.141 of the 13973
Revised Code and in so doing violated the conditions of a post- 13974
release control sanction based on a minor drug possession 13975
offense, as defined in section 2925.11 of the Revised Code, or 13976
violated section 2925.12, division (C) (1) of section 2925.14, or 13977
section 2925.141 of the Revised Code, the court ~~may consider the~~ 13978
~~person's conduct in seeking or obtaining medical assistance for~~ 13979
~~another in good faith or for self or may consider the person~~ 13980
~~being the subject of another person seeking or obtaining medical~~ 13981
~~assistance in accordance with that division as a mitigating~~ 13982
~~factor before imposing shall not impose any of the penalties~~ 13983
described in division (A) of this section based on the 13984
violation. 13985

(C) Upon the conviction of or plea of guilty to a felony 13986
by a person on transitional control under section 2967.26 of the 13987
Revised Code at the time of the commission of the felony, the 13988
court may, in addition to any prison term for the new felony, 13989
impose a prison term not exceeding twelve months for having 13990
committed the felony while on transitional control. An 13991
additional prison term imposed pursuant to this section shall be 13992

served consecutively to any prison term imposed for the new 13993
felony. The sentencing court may impose the additional prison 13994
term authorized by this section regardless of whether the 13995
sentencing court or another court of this state imposed the 13996
original prison term for which the person is on transitional 13997
control. 13998

Sec. 2929.142. (A) Notwithstanding the definite prison 13999
terms and minimum prison terms specified in divisions (A) (1) (a) 14000
and (b) of section 2929.14 of the Revised Code for a felony of 14001
the first degree, if an offender is convicted of or pleads 14002
guilty to aggravated vehicular homicide in violation of division 14003
(A) (1) of section 2903.06 of the Revised Code, the court shall 14004
impose upon the offender a mandatory prison term of ten, eleven, 14005
twelve, thirteen, fourteen, or fifteen years, determined as 14006
specified in division (B) of this section, if any of the 14007
following apply: 14008

(1) The offender previously has been convicted of or 14009
pleaded guilty to three or more prior violations of division (A) 14010
of section 4511.19 of the Revised Code or of a substantially 14011
equivalent municipal ordinance within the previous ten years. 14012

(2) The offender previously has been convicted of or 14013
pleaded guilty to three or more prior violations of division (A) 14014
of section 1547.11 of the Revised Code or of a substantially 14015
equivalent municipal ordinance within the previous ten years. 14016

(3) The offender previously has been convicted of or 14017
pleaded guilty to three or more prior violations of division (A) 14018
(3) of section 4561.15 of the Revised Code or of a substantially 14019
equivalent municipal ordinance within the previous ten years. 14020

(4) The offender previously has been convicted of or 14021

pleaded guilty to three or more prior violations of division (A) 14022
(1) of section 2903.06 of the Revised Code. 14023

(5) The offender previously has been convicted of or 14024
pleaded guilty to three or more prior violations of division (A) 14025
(1) of section 2903.08 of the Revised Code. 14026

(6) The offender previously has been convicted of or 14027
pleaded guilty to three or more prior violations of section 14028
2903.04 of the Revised Code in circumstances in which division 14029
(D) of that section applied regarding the violations. 14030

(7) The offender previously has been convicted of or 14031
pleaded guilty to three or more violations of any combination of 14032
the offenses listed in division (A) (1), (2), (3), (4), (5), or 14033
(6) of this section. 14034

(8) The offender previously has been convicted of or 14035
pleaded guilty to a second or subsequent felony violation of 14036
division (A) of section 4511.19 of the Revised Code. 14037

(B) The mandatory prison term required under division (A) 14038
of this section shall be a definite term of ten, eleven, twelve, 14039
thirteen, fourteen, or fifteen years, except that if the 14040
aggravated vehicular homicide is committed on or after ~~the~~ 14041
~~effective date of this amendment~~ March 22, 2019, the court shall 14042
impose as the minimum prison term for the offense under division 14043
(A) (1) (a) of section 2929.14 of the Revised Code a mandatory 14044
prison term that is ten, eleven, twelve, thirteen, fourteen, or 14045
fifteen years. 14046

Sec. 2929.143. (A) When a court sentences an offender who 14047
is convicted of a felony to a term of incarceration in a state 14048
correctional institution, the court may recommend that the 14049
offender serve a risk reduction sentence under section 5120.036 14050

of the Revised Code if the court determines that a risk 14051
reduction sentence is appropriate, and all of the following 14052
apply: 14053

(1) The offense for which the offender is being sentenced 14054
is not aggravated murder, murder, complicity in committing 14055
aggravated murder or murder, an offense of violence that is a 14056
felony of the first or second degree, a sexually oriented 14057
offense, or an attempt or conspiracy to commit or complicity in 14058
committing any offense otherwise identified in this division if 14059
the attempt, conspiracy, or complicity is a felony of the first 14060
or second degree. 14061

(2) The offender's sentence to the term of incarceration 14062
does not consist solely of one or more mandatory prison terms. 14063

(3) The offender agrees to cooperate with an assessment of 14064
the offender's needs and risk of reoffending that the department 14065
of rehabilitation and correction conducts under section 5120.036 14066
of the Revised Code. 14067

(4) The offender agrees to participate in any programming 14068
or treatment that the department of rehabilitation and 14069
correction orders to address any issues raised in the assessment 14070
described in division (A) (3) of this section. 14071

(B) An offender who is serving a risk reduction sentence 14072
is not entitled to any earned credit under division (A) (2) or 14073
(3) of section 2967.193 or 2967.194 of the Revised Code. 14074

Sec. 2929.15. (A) (1) If in sentencing an offender for a 14075
felony the court is not required to impose a prison term, a 14076
mandatory prison term, or a term of life imprisonment upon the 14077
offender, the court may directly impose a sentence that consists 14078
of one or more community control sanctions authorized pursuant 14079

to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 14080
the court is sentencing an offender for a fourth degree felony 14081
OVI offense under division (G) (1) of section 2929.13 of the 14082
Revised Code, in addition to the mandatory term of local 14083
incarceration imposed under that division and the mandatory fine 14084
required by division (B) (3) of section 2929.18 of the Revised 14085
Code, the court may impose upon the offender a community control 14086
sanction or combination of community control sanctions in 14087
accordance with sections 2929.16 and 2929.17 of the Revised 14088
Code. If the court is sentencing an offender for a third or 14089
fourth degree felony OVI offense under division (G) (2) of 14090
section 2929.13 of the Revised Code, in addition to the 14091
mandatory prison term or mandatory prison term and additional 14092
prison term imposed under that division, the court also may 14093
impose upon the offender a community control sanction or 14094
combination of community control sanctions under section 2929.16 14095
or 2929.17 of the Revised Code, but the offender shall serve all 14096
of the prison terms so imposed prior to serving the community 14097
control sanction. 14098

The duration of all community control sanctions imposed on 14099
an offender under this division shall not exceed five years. If 14100
the offender absconds or otherwise leaves the jurisdiction of 14101
the court in which the offender resides without obtaining 14102
permission from the court or the offender's probation officer to 14103
leave the jurisdiction of the court, or if the offender is 14104
confined in any institution for the commission of any offense 14105
while under a community control sanction, the period of the 14106
community control sanction ceases to run until the offender is 14107
brought before the court for its further action. If the court 14108
sentences the offender to one or more nonresidential sanctions 14109
under section 2929.17 of the Revised Code, the court shall 14110

impose as a condition of the nonresidential sanctions that, 14111
during the period of the sanctions, the offender must abide by 14112
the law and must not leave the state without the permission of 14113
the court or the offender's probation officer. The court may 14114
impose any other conditions of release under a community control 14115
sanction that the court considers appropriate, including, but 14116
not limited to, requiring that the offender not ingest or be 14117
injected with a drug of abuse and submit to random drug testing 14118
as provided in division (D) of this section to determine whether 14119
the offender ingested or was injected with a drug of abuse and 14120
requiring that the results of the drug test indicate that the 14121
offender did not ingest or was not injected with a drug of 14122
abuse. 14123

(2) (a) If a court sentences an offender to any community 14124
control sanction or combination of community control sanctions 14125
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 14126
the Revised Code, the court shall place the offender under the 14127
general control and supervision of a department of probation in 14128
the county that serves the court for purposes of reporting to 14129
the court a violation of any condition of the sanctions, any 14130
condition of release under a community control sanction imposed 14131
by the court, a violation of law, or the departure of the 14132
offender from this state without the permission of the court or 14133
the offender's probation officer. Alternatively, if the offender 14134
resides in another county and a county department of probation 14135
has been established in that county or that county is served by 14136
a multicounty probation department established under section 14137
2301.27 of the Revised Code, the court may request the court of 14138
common pleas of that county to receive the offender into the 14139
general control and supervision of that county or multicounty 14140
department of probation for purposes of reporting to the court a 14141

violation of any condition of the sanctions, any condition of 14142
release under a community control sanction imposed by the court, 14143
a violation of law, or the departure of the offender from this 14144
state without the permission of the court or the offender's 14145
probation officer, subject to the jurisdiction of the trial 14146
judge over and with respect to the person of the offender, and 14147
to the rules governing that department of probation. 14148

If there is no department of probation in the county that 14149
serves the court, the court shall place the offender, regardless 14150
of the offender's county of residence, under the general control 14151
and supervision of the adult parole authority, unless the court 14152
has entered into an agreement with the authority as described in 14153
division (B) or (C) of section 2301.32 of the Revised Code, or 14154
under an entity authorized under division (B) of section 2301.27 14155
of the Revised Code to provide probation and supervisory 14156
services to counties for purposes of reporting to the court a 14157
violation of any of the sanctions, any condition of release 14158
under a community control sanction imposed by the court, a 14159
violation of law, or the departure of the offender from this 14160
state without the permission of the court or the offender's 14161
probation officer. 14162

(b) If the court imposing sentence on an offender 14163
sentences the offender to any community control sanction or 14164
combination of community control sanctions authorized pursuant 14165
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 14166
if the offender violates any condition of the sanctions, 14167
violates any condition of release under a community control 14168
sanction imposed by the court, violates any law, or departs the 14169
state without the permission of the court or the offender's 14170
probation officer, the public or private person or entity that 14171
operates or administers the sanction or the program or activity 14172

that comprises the sanction shall report the violation or 14173
departure directly to the sentencing court, or shall report the 14174
violation or departure to the county or multicounty department 14175
of probation with general control and supervision over the 14176
offender under division (A) (2) (a) of this section or the officer 14177
of that department who supervises the offender, or, if there is 14178
no such department with general control and supervision over the 14179
offender under that division, to the adult parole authority 14180
unless the court has entered into an agreement with the 14181
authority as described in division (B) or (C) of section 2301.32 14182
of the Revised Code, or to an entity authorized under division 14183
(B) of section 2301.27 of the Revised Code to provide probation 14184
and supervisory services to the county. If the public or private 14185
person or entity that operates or administers the sanction or 14186
the program or activity that comprises the sanction reports the 14187
violation or departure to the county or multicounty department 14188
of probation, the adult parole authority, or any other entity 14189
providing probation and supervisory services to the county, the 14190
department's, authority's, or other entity's officers may treat 14191
the offender as if the offender were on probation and in 14192
violation of the probation, and shall report the violation of 14193
the condition of the sanction, any condition of release under a 14194
community control sanction imposed by the court, the violation 14195
of law, or the departure from the state without the required 14196
permission to the sentencing court. 14197

(3) If an offender who is eligible for community control 14198
sanctions under this section admits to being drug addicted or 14199
the court has reason to believe that the offender is drug 14200
addicted, and if the offense for which the offender is being 14201
sentenced was related to the addiction, the court may require 14202
that the offender be assessed by a properly credentialed 14203

professional within a specified period of time and shall require 14204
the professional to file a written assessment of the offender 14205
with the court. If a court imposes treatment and recovery 14206
support services as a community control sanction, the court 14207
shall direct the level and type of treatment and recovery 14208
support services after consideration of the written assessment, 14209
if available at the time of sentencing, and recommendations of 14210
the professional and other treatment and recovery support 14211
services providers. 14212

(4) If an assessment completed pursuant to division (A) (3) 14213
of this section indicates that the offender is addicted to drugs 14214
or alcohol, the court may include in any community control 14215
sanction imposed for a violation of section 2925.02, 2925.03, 14216
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 14217
2925.36, or 2925.37 of the Revised Code a requirement that the 14218
offender participate in alcohol and drug addiction services and 14219
recovery supports certified under section 5119.36 of the Revised 14220
Code or offered by a properly credentialed community addiction 14221
services provider. 14222

(B) (1) If Except as provided in division (B) (2) of this 14223
section, if the conditions of a community control sanction 14224
imposed for a felony are violated or if the offender violates a 14225
law or leaves the state without the permission of the court or 14226
the offender's probation officer, the sentencing court may 14227
impose on the violator one or more of the following penalties: 14228

(a) A longer time under the same sanction if the total 14229
time under the sanctions does not exceed the five-year limit 14230
specified in division (A) of this section; 14231

(b) A more restrictive sanction under section 2929.16, 14232
2929.17, or 2929.18 of the Revised Code, including but not 14233

limited to, a new term in a community-based correctional 14234
facility, halfway house, or jail pursuant to division (A)(6) of 14235
section 2929.16 of the Revised Code; 14236

(c) A prison term on the offender pursuant to section 14237
2929.14 of the Revised Code and division (B)(3) of this section, 14238
provided that a prison term imposed under this division is 14239
subject to the following limitations and rules, as applicable: 14240

(i) If the prison term is imposed for any technical 14241
violation of the conditions of a community control sanction 14242
imposed for a felony of the fifth degree, the prison term shall 14243
not exceed ninety days, provided that if the remaining period of 14244
community control at the time of the violation or the remaining 14245
period of the reserved prison sentence at that time is less than 14246
ninety days, the prison term shall not exceed the length of the 14247
remaining period of community control or the remaining period of 14248
the reserved prison sentence. If the court imposes a prison term 14249
as described in this division, division (B)(2)(b) of this 14250
section applies. 14251

(ii) If the prison term is imposed for any technical 14252
violation of the conditions of a community control sanction 14253
imposed for a felony of the fourth degree that is not an offense 14254
of violence and is not a sexually oriented offense, the prison 14255
term shall not exceed one hundred eighty days, provided that if 14256
the remaining period of the community control at the time of the 14257
violation or the remaining period of the reserved prison 14258
sentence at that time is less than one hundred eighty days, the 14259
prison term shall not exceed the length of the remaining period 14260
of community control or the remaining period of the reserved 14261
prison sentence. If the court imposes a prison term as described 14262
in this division, division (B)(2)(b) of this section applies. 14263

(iii) A court is not limited in the number of times it may sentence an offender to a prison term under division (B)(1)(c) of this section for a violation of the conditions of a community control sanction or for a violation of a law or leaving the state without the permission of the court or the offender's probation officer. If an offender who is under a community control sanction violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, is sentenced to a prison term for the violation or conduct, is released from the term after serving it, and subsequently violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, the court may impose a new prison term sanction on the offender under division (B)(1)(c) of this section for the subsequent violation or conduct.

(2) (a) If an offender was acting pursuant to division (B)(2) (b) of section 2925.11 or a related provision of section 2925.12, 2925.14, or 2925.141 of the Revised Code and in so doing violated the conditions of a community control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, or violated section 2925.12, division (C) (1) of section 2925.14, or section 2925.141 of the Revised Code, the sentencing court ~~may consider the offender's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the offender being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing~~ shall not impose any of the penalties described in division (B)(1) of this section based on the violation.

(b) If a court imposes a prison term on an offender under 14295
division (B)(1)(c)(i) or (ii) of this section for a technical 14296
violation of the conditions of a community control sanction, one 14297
of the following is applicable with respect to the time that the 14298
offender spends in prison under the term: 14299

(i) Subject to division (B)(2)(b)(ii) of this section, it 14300
shall be credited against the offender's community control 14301
sanction that was being served at the time of the violation, and 14302
the remaining time under that community control sanction shall 14303
be reduced by the time that the offender spends in prison under 14304
the prison term. By determination of the court, the offender 14305
upon release from the prison term either shall continue serving 14306
the remaining time under the community control sanction, as 14307
reduced under this division, or shall have the community control 14308
sanction terminated. 14309

(ii) If, at the time a prison term is imposed for a 14310
technical violation, the offender was serving a residential 14311
community control sanction imposed under section 2929.16 of the 14312
Revised Code, the time spent serving the residential community 14313
control sanction shall be credited against the offender's 14314
reserved prison sentence, and the remaining time under that 14315
residential community control sanction and under the reserved 14316
prison sentence shall be reduced by the time that the offender 14317
spends in prison under the prison term. By determination of the 14318
court, the offender upon release from the prison term either 14319
shall continue serving the remaining time under the residential 14320
community control sanction, as reduced under this division, or 14321
shall have the residential community control sanction 14322
terminated. 14323

(3) The prison term, if any, imposed on a violator 14324

pursuant to this division and division (B) (1) of this section 14325
shall be within the range of prison terms described in this 14326
division and shall not exceed a prison term from the range of 14327
terms specified in the notice provided to the offender at the 14328
sentencing hearing pursuant to division (B) (4) of section 14329
2929.19 of the Revised Code. The court may reduce the longer 14330
period of time that the offender is required to spend under the 14331
longer sanction, the more restrictive sanction, or a prison term 14332
imposed pursuant to division (B) (1) of this section by the time 14333
the offender successfully spent under the sanction that was 14334
initially imposed. Except as otherwise specified in this 14335
division, the prison term imposed under this division and 14336
division (B) (1) of this section shall be within the range of 14337
prison terms available as a definite term for the offense for 14338
which the sanction that was violated was imposed. If the offense 14339
for which the sanction that was violated was imposed is a felony 14340
of the first or second degree committed on or after March 22, 14341
2019, the prison term so imposed under this division shall be 14342
within the range of prison terms available as a minimum term for 14343
the offense under division (A) (1) (a) or (2) (a) of section 14344
2929.14 of the Revised Code. 14345

(C) If an offender, for a significant period of time, 14346
fulfills the conditions of a sanction imposed pursuant to 14347
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 14348
exemplary manner, the court may reduce the period of time under 14349
the sanction or impose a less restrictive sanction, but the 14350
court shall not permit the offender to violate any law or permit 14351
the offender to leave the state without the permission of the 14352
court or the offender's probation officer. 14353

(D) (1) If a court under division (A) (1) of this section 14354
imposes a condition of release under a community control 14355

sanction that requires the offender to submit to random drug 14356
testing, the department of probation, the adult parole 14357
authority, or any other entity that has general control and 14358
supervision of the offender under division (A)(2)(a) of this 14359
section may cause the offender to submit to random drug testing 14360
performed by a laboratory or entity that has entered into a 14361
contract with any of the governmental entities or officers 14362
authorized to enter into a contract with that laboratory or 14363
entity under section 341.26, 753.33, or 5120.63 of the Revised 14364
Code. 14365

(2) If no laboratory or entity described in division (D) 14366
(1) of this section has entered into a contract as specified in 14367
that division, the department of probation, the adult parole 14368
authority, or any other entity that has general control and 14369
supervision of the offender under division (A)(2)(a) of this 14370
section shall cause the offender to submit to random drug 14371
testing performed by a reputable public laboratory to determine 14372
whether the individual who is the subject of the drug test 14373
ingested or was injected with a drug of abuse. 14374

(3) A laboratory or entity that has entered into a 14375
contract pursuant to section 341.26, 753.33, or 5120.63 of the 14376
Revised Code shall perform the random drug tests under division 14377
(D)(1) of this section in accordance with the applicable 14378
standards that are included in the terms of that contract. A 14379
public laboratory shall perform the random drug tests under 14380
division (D)(2) of this section in accordance with the standards 14381
set forth in the policies and procedures established by the 14382
department of rehabilitation and correction pursuant to section 14383
5120.63 of the Revised Code. An offender who is required under 14384
division (A)(1) of this section to submit to random drug testing 14385
as a condition of release under a community control sanction and 14386

whose test results indicate that the offender ingested or was 14387
injected with a drug of abuse shall pay the fee for the drug 14388
test if the department of probation, the adult parole authority, 14389
or any other entity that has general control and supervision of 14390
the offender requires payment of a fee. A laboratory or entity 14391
that performs the random drug testing on an offender under 14392
division (D) (1) or (2) of this section shall transmit the 14393
results of the drug test to the appropriate department of 14394
probation, the adult parole authority, or any other entity that 14395
has general control and supervision of the offender under 14396
division (A) (2) (a) of this section. 14397

(E) As used in this section, "technical violation" means a 14398
violation of the conditions of a community control sanction 14399
imposed for a felony of the fifth degree, or for a felony of the 14400
fourth degree that is not an offense of violence and is not a 14401
sexually oriented offense, and to which neither of the following 14402
applies: 14403

(1) The violation consists of a new criminal offense that 14404
is a felony or that is a misdemeanor other than a minor 14405
misdemeanor, and the violation is committed while under the 14406
community control sanction. 14407

(2) The violation consists of or includes the offender's 14408
articulated or demonstrated refusal to participate in the 14409
community control sanction imposed on the offender or any of its 14410
conditions, and the refusal demonstrates to the court that the 14411
offender has abandoned the objects of the community control 14412
sanction or condition. 14413

Sec. 2929.20. (A) As used in this section: 14414

(1) (a) Except as provided in division (A) (1) (b) of this 14415

section, "eligible offender" means any person who, on or after 14416
April 7, 2009, is serving a stated prison term that includes one 14417
or more nonmandatory prison terms. A person may be an eligible 14418
offender and also may be an eighty per cent-qualifying offender 14419
or, during a declared state of emergency, a state of emergency- 14420
qualifying offender. 14421

(b) "Eligible offender" does not include any person who, 14422
on or after April 7, 2009, is serving a stated prison term for 14423
any of the following criminal offenses that was a felony and was 14424
committed while the person held a public office in this state: 14425

(i) A violation of section 2921.02, 2921.03, 2921.05, 14426
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 14427
Code; 14428

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 14429
2921.12 of the Revised Code, when the conduct constituting the 14430
violation was related to the duties of the offender's public 14431
office or to the offender's actions as a public official holding 14432
that public office; 14433

(iii) A violation of an existing or former municipal 14434
ordinance or law of this or any other state or the United States 14435
that is substantially equivalent to any violation listed in 14436
division (A) (1) (b) (i) of this section; 14437

(iv) A violation of an existing or former municipal 14438
ordinance or law of this or any other state or the United States 14439
that is substantially equivalent to any violation listed in 14440
division (A) (1) (b) (ii) of this section, when the conduct 14441
constituting the violation was related to the duties of the 14442
offender's public office or to the offender's actions as a 14443
public official holding that public office; 14444

(v) A conspiracy to commit, attempt to commit, or 14445
complicity in committing any offense listed in division (A) (1) 14446
(b) (i) or described in division (A) (1) (b) (iii) of this section; 14447

(vi) A conspiracy to commit, attempt to commit, or 14448
complicity in committing any offense listed in division (A) (1) 14449
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 14450
if the conduct constituting the offense that was the subject of 14451
the conspiracy, that would have constituted the offense 14452
attempted, or constituting the offense in which the offender was 14453
complicit was or would have been related to the duties of the 14454
offender's public office or to the offender's actions as a 14455
public official holding that public office. 14456

(2) "State of emergency-qualifying offender" means any 14457
inmate to whom all of the following apply: 14458

(a) The inmate is serving a stated prison term during a 14459
state of emergency that is declared by the governor as a direct 14460
response to a pandemic or public health emergency. 14461

(b) The geographical area covered by the declared state of 14462
emergency includes the location at which the inmate is serving 14463
the stated prison term described in division (A) (2) (a) of this 14464
section. 14465

(c) There is a direct nexus between the emergency that is 14466
the basis of the governor's declaration of the state of 14467
emergency and the circumstances of, and need for release of, the 14468
inmate. 14469

(3) (a) "Eighty per cent-qualifying offender" means an 14470
offender who is serving a stated prison term of one year or 14471
more, who has commenced service of that stated prison term, who 14472
is not serving a stated prison term that includes a 14473

disqualifying prison term or a stated prison term that consists 14474
solely of one or more restricting prison terms, and to whom 14475
either of the following applies: 14476

(i) If the offender is serving a stated prison term of one 14477
year or more that includes one or more restricting prison terms 14478
and one or more eligible prison terms, the offender has fully 14479
served all restricting prison terms and has served eighty per 14480
cent of that stated prison term that remains to be served after 14481
all restricting prison terms have been fully served; 14482

(ii) If the offender is serving a stated prison term of 14483
one year or more that consists solely of one or more eligible 14484
prison terms, the offender has served eighty per cent of that 14485
stated prison term. 14486

(b) For purposes of determining whether an offender is an 14487
eighty per cent-qualifying offender under division (A) (3) (a) of 14488
this section: 14489

(i) If the offender's stated prison term includes 14490
consecutive prison terms, any restricting prison terms shall be 14491
deemed served prior to any eligible prison terms that run 14492
consecutively to the restricting prison terms, and the eligible 14493
prison terms are deemed to commence after all of the restricting 14494
prison terms have been fully served. 14495

(ii) An offender serving a stated prison term of one year 14496
or more that includes a mandatory prison term that is not a 14497
disqualifying prison term and is not a restricting prison term 14498
is not automatically disqualified from being an eighty per cent- 14499
qualifying offender as a result of the offender's service of 14500
that mandatory term for release from prison under this section, 14501
and the offender may be eligible for release from prison in 14502

<u>accordance with this division and division (O) of this section.</u>	14503
<u>(4) "Nonmandatory prison term" means a prison term that is</u>	14504
not a mandatory prison term.	14505
(3) <u>(5) "Public office" means any elected federal, state,</u>	14506
or local government office in this state.	14507
(4) <u>(6) "Victim's representative" has the same meaning as</u>	14508
in section 2930.01 of the Revised Code.	14509
(5) <u>(7) "Imminent danger of death," "medically</u>	14510
incapacitated," and "terminal illness" have the same meanings as	14511
in section 2967.05 of the Revised Code.	14512
(6) <u>(8) "Aggregated nonmandatory prison term or terms"</u>	14513
means the aggregate of the following:	14514
(a) All nonmandatory definite prison terms;	14515
(b) With respect to any non-life felony indefinite prison	14516
term, all nonmandatory minimum prison terms imposed as part of	14517
the non-life felony indefinite prison term or terms.	14518
<u>(9) "Deadly weapon" and "dangerous ordnance" have the same</u>	14519
<u>meanings as in section 2923.11 of the Revised Code.</u>	14520
<u>(10) "Disqualifying prison term" means any of the</u>	14521
<u>following:</u>	14522
<u>(a) A prison term imposed for aggravated murder, murder,</u>	14523
<u>voluntary manslaughter, involuntary manslaughter, felonious</u>	14524
<u>assault, kidnapping, rape, aggravated arson, aggravated</u>	14525
<u>burglary, or aggravated robbery;</u>	14526
<u>(b) A prison term imposed for complicity in, an attempt to</u>	14527
<u>commit, or conspiracy to commit any offense listed in division</u>	14528
<u>(A)(10)(a) of this section;</u>	14529

(c) A prison term of life imprisonment, including any term of life imprisonment that has parole eligibility; 14530
14531

(d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance; 14532
14533
14534
14535

(e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree; 14536
14537
14538

(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code; 14539
14540
14541

(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 14542
14543

(h) A prison term imposed for any sexually oriented offense. 14544
14545

(11) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 14546
14547
14548

(12) "Restricting prison term" means any of the following: 14549

(a) A mandatory prison term imposed under division (B)(1)(a), (B)(1)(c), (B)(1)(f), (B)(1)(g), (B)(2), or (B)(7) of section 2929.14 of the Revised Code for a specification of the type described in that division; 14550
14551
14552
14553

(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A)(12)(a) of this section, the prison term imposed for the felony offense for which the specification was stated at 14554
14555
14556
14557

the end of the body of the indictment, count in the indictment, 14558
or information charging the offense; 14559

(c) A prison term imposed for trafficking in persons; 14560

(d) A prison term imposed for any offense that is 14561
described in division (A) (12) (d) (i) of this section if division 14562
(A) (12) (d) (ii) of this section applies to the offender: 14563

(i) The offense is a felony of the first or second degree 14564
that is an offense of violence and that is not described in 14565
division (A) (10) (a) or (b) of this section, an attempt to commit 14566
a felony of the first or second degree that is an offense of 14567
violence and that is not described in division (A) (10) (a) or (b) 14568
of this section if the attempt is a felony of the first or 14569
second degree, or an offense under an existing or former law of 14570
this state, another state, or the United States that is or was 14571
substantially equivalent to any other offense described in this 14572
division. 14573

(ii) The offender previously was convicted of or pleaded 14574
guilty to any offense listed in division (A) (10) or (A) (12) (d) 14575
(i) of this section. 14576

(13) "Sexually oriented offense" has the same meaning as 14577
in section 2950.01 of the Revised Code. 14578

(14) "Stated prison term of one year or more" means a 14579
definite prison term of one year or more imposed as a stated 14580
prison term, or a minimum prison term of one year or more 14581
imposed as part of a stated prison term that is a non-life 14582
felony indefinite prison term. 14583

(B) On the motion of an eligible offender, on the motion 14584
of a state of emergency-qualifying offender made during the 14585
declared state of emergency, or ~~upon~~ on its own motion with 14586

respect to an eligible offender or with respect to a state of 14587
emergency-qualifying offender during the declared state of 14588
emergency, the sentencing court may reduce the ~~eligible~~ 14589
offender's aggregated nonmandatory prison term or terms through 14590
a judicial release under this section. 14591

~~(C) An~~ (C) (1) Subject to division (C) (2) of this section, 14592
an eligible offender may file a motion for judicial release with 14593
the sentencing court, or a state of emergency-qualifying 14594
offender may file a motion for judicial release with the 14595
sentencing court during the declared state of emergency, within 14596
the following applicable periods: 14597

~~(1) (a)~~ If the aggregated nonmandatory prison term or 14598
terms is less than two years, the eligible offender or state of 14599
emergency-qualifying offender may file the motion at any time 14600
after the offender is delivered to a state correctional 14601
institution or, if the prison term includes a mandatory prison 14602
term or terms, at any time after the expiration of all mandatory 14603
prison terms. 14604

~~(2) (b)~~ If the aggregated nonmandatory prison term or 14605
terms is at least two years but less than five years, the 14606
eligible offender or state of emergency-qualifying offender may 14607
file the motion not earlier than one hundred eighty days after 14608
the offender is delivered to a state correctional institution 14609
or, if the prison term includes a mandatory prison term or 14610
terms, not earlier than one hundred eighty days after the 14611
expiration of all mandatory prison terms. 14612

~~(3) (c)~~ If the aggregated nonmandatory prison term or 14613
terms is five years, the eligible offender or state of 14614
emergency-qualifying offender may file the motion not earlier 14615
than the date on which the eligible offender has served four 14616

years of the offender's stated prison term or, if the prison 14617
term includes a mandatory prison term or terms, not earlier than 14618
four years after the expiration of all mandatory prison terms. 14619

~~(4)~~-(d) If the aggregated nonmandatory prison term or 14620
terms is more than five years but not more than ten years, the 14621
eligible offender or state of emergency-qualifying offender may 14622
file the motion not earlier than the date on which the ~~eligible~~- 14623
offender has served five years of the offender's stated prison 14624
term or, if the prison term includes a mandatory prison term or 14625
terms, not earlier than five years after the expiration of all 14626
mandatory prison terms. 14627

~~(5)~~-(e) If the aggregated nonmandatory prison term or 14628
terms is more than ten years, the eligible offender or state of 14629
emergency-qualifying offender may file the motion not earlier 14630
than the later of the date on which the offender has served one- 14631
half of the offender's stated prison term or the date specified 14632
in division ~~(C)~~-(4)-(C)(1)(d) of this section. 14633

~~(D)~~-(f) With respect to a state of emergency-qualifying 14634
offender, if the offender's prison term does not include a 14635
mandatory prison term or terms, or if the offender's prison term 14636
includes one or more mandatory prison terms and the offender has 14637
completed the mandatory prison term or terms, the state of 14638
emergency-qualifying offender may file the motion at any time 14639
during the offender's aggregated nonmandatory prison term or 14640
terms, provided that time also is during the declared state of 14641
emergency. 14642

(2) A state of emergency-qualifying offender may only file 14643
a motion for judicial release with the sentencing court during 14644
the declared state of emergency once every six months. 14645

(D) (1) (a) Upon receipt of a timely motion for judicial 14646
release filed by an eligible offender or a state of emergency- 14647
qualifying offender under division (C) of this section, or upon 14648
the sentencing court's own motion made within the appropriate 14649
time specified in that division, the court may deny the motion 14650
without a hearing or schedule a hearing on the motion. The court 14651
may grant the motion without a hearing for an offender under 14652
consideration for judicial release as a state of emergency- 14653
qualifying offender, but the court shall not grant the motion 14654
without a hearing for an offender under consideration as an 14655
eligible offender. If a court denies a motion without a hearing, 14656
the court later may consider judicial release for that eligible 14657
offender or that state of emergency-qualifying offender on a 14658
subsequent motion ~~filed by that eligible offender unless~~. For 14659
an offender under consideration for judicial release as an 14660
eligible offender, but not for one under consideration as a 14661
state of emergency-qualifying offender, the court denies ~~may~~ 14662
deny the motion with prejudice. If a court denies a motion with 14663
prejudice, the court may later consider judicial release on its 14664
own motion. ~~If~~ For an offender under consideration for judicial 14665
release as a state of emergency-qualifying offender, the court 14666
shall not deny a motion with prejudice. For an offender under 14667
consideration for judicial release as an eligible offender, but 14668
not for one under consideration as a state of emergency- 14669
qualifying offender, if a court denies a motion after a hearing, 14670
the court shall not consider a subsequent motion for that 14671
offender based on the offender's classification as an eligible 14672
offender. The court may hold multiple hearings for any offender 14673
under consideration for judicial release as a state of 14674
emergency-qualifying offender, but shall hold only one hearing 14675
for any offender under consideration as an eligible offender. 14676

A-(b) If an offender is under consideration for judicial release as an eligible offender and the motion is denied, and if the offender at that time also is or subsequently becomes a state of emergency-qualifying offender, the denial does not limit or affect any right of the offender to file a motion under this section for consideration for judicial release as a state of emergency-qualifying offender or for the court on its own motion to consider the offender for judicial release as a state of emergency-qualifying offender. 14677
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If an offender is under consideration for judicial release as a state of emergency-qualifying offender and the motion is denied, and if the offender at that time also is or subsequently becomes an eligible offender, the denial does not limit or affect any right of the offender to file a motion under this section for consideration for judicial release as an eligible offender or for the court on its own motion to consider the offender for judicial release as an eligible offender. 14686
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(2) (a) With respect to a motion for judicial release filed by an offender as an eligible offender or made by the court on its own motion for an offender as an eligible offender, a hearing under this section shall be conducted in open court not less than thirty or more than sixty days after the motion is filed, provided that the court may delay the hearing for one hundred eighty additional days. If the court holds a hearing, the court shall enter a ruling on the motion within ten days after the hearing. If the court denies the motion without a hearing, the court shall enter its ruling on the motion within sixty days after the motion is filed. 14694
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(b) With respect to a motion for judicial release filed by an offender as a state of emergency-qualifying offender or made 14705
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by the court on its own motion for an offender as a state of 14707
emergency-qualifying offender, the court shall notify the 14708
prosecuting attorney of the county in which the offender was 14709
indicted and may order the prosecuting attorney to respond to 14710
the motion in writing within ten days. The prosecuting attorney 14711
shall notify the victim pursuant to the Ohio Constitution. The 14712
prosecuting attorney shall include in the response any statement 14713
that the victim wants to be represented to the court. The court 14714
shall consider any response from the prosecuting attorney and 14715
any statement from the victim in its ruling on the motion. After 14716
receiving the response from the prosecuting attorney, the court 14717
either shall order a hearing consistent with divisions (E) to 14718
(I) of this section as soon as possible, or shall enter its 14719
ruling on the motion for judicial release as soon as possible. 14720
If the court conducts a hearing, the hearing shall be conducted 14721
in open court or by a virtual, telephonic, or other form of 14722
remote hearing. If the court holds a hearing, the court shall 14723
enter a ruling on the motion within ten days after the hearing. 14724
If the court denies the motion without a hearing, the court 14725
shall enter its ruling on the motion within ten days after the 14726
motion is filed or after it receives the response from the 14727
prosecuting attorney. 14728

(E) If a court schedules a hearing under ~~division (D)~~ 14729
divisions (D) (1) and (2) (a) of this section or under divisions 14730
(D) (1) and (2) (b) of this section, the court shall notify the 14731
subject eligible offender or state of emergency-qualifying 14732
offender and the head of the state correctional institution in 14733
which the eligible that subject offender is confined prior to 14734
the hearing. The head of the state correctional institution 14735
immediately shall notify the appropriate person at the 14736
department of rehabilitation and correction of the hearing, and 14737

the department within twenty-four hours after receipt of the 14738
notice, shall post on the database it maintains pursuant to 14739
section 5120.66 of the Revised Code the subject offender's name 14740
and all of the information specified in division (A) (1) (c) (i) of 14741
that section. If the court schedules a hearing for judicial 14742
release, the court promptly shall give notice of the hearing to 14743
the prosecuting attorney of the county in which the subject 14744
eligible offender or state of emergency-qualifying offender was 14745
indicted. Upon receipt of the notice from the court, the 14746
prosecuting attorney shall do whichever of the following is 14747
applicable: 14748

(1) Subject to division (E) (2) of this section, notify the 14749
victim of the offense or the victim's representative pursuant to 14750
the Ohio Constitution and division (B) of section 2930.16 of 14751
the Revised Code; 14752

(2) If the offense was an offense of violence that is a 14753
felony of the first, second, or third degree, except as 14754
otherwise provided in this division, pursuant to the Ohio 14755
Constitution, notify the victim or the victim's representative 14756
of the hearing regardless of whether the victim or victim's 14757
representative has requested the notification. ~~The~~ Except when 14758
notice to the victim is required under the Ohio Constitution, 14759
the notice of the hearing shall not be given under this division 14760
to a victim or victim's representative if the victim or victim's 14761
representative has requested pursuant to division (B) (2) of 14762
section 2930.03 of the Revised Code that the victim or the 14763
victim's representative not be provided the notice. If notice is 14764
to be provided to a victim or victim's representative under this 14765
division, the prosecuting attorney may give the notice by any 14766
reasonable means, including regular mail, telephone, and 14767
electronic mail, in accordance with division (D) (1) of section 14768

2930.16 of the Revised Code. If the notice is based on an 14769
offense committed prior to March 22, 2013, the notice also shall 14770
include the opt-out information described in division (D) (1) of 14771
section 2930.16 of the Revised Code. The prosecuting attorney, 14772
in accordance with division (D) (2) of section 2930.16 of the 14773
Revised Code, shall keep a record of all attempts to provide the 14774
notice, and of all notices provided, under this division. 14775
Division (E) (2) of this section, and the notice-related 14776
provisions of division (K) of this section, division (D) (1) of 14777
section 2930.16, division (H) of section 2967.12, division (E) 14778
(1) (b) of section 2967.19 as it existed prior to the effective 14779
date of this amendment, division (A) (3) (b) of section 2967.26, 14780
division (D) (1) of section 2967.28, and division (A) (2) of 14781
section 5149.101 of the Revised Code enacted in the act in which 14782
division (E) (2) of this section was enacted, shall be known as 14783
"Roberta's Law." 14784

(F) Upon an offender's successful completion of 14785
rehabilitative activities, the head of the state correctional 14786
institution may notify the sentencing court of the successful 14787
completion of the activities. 14788

(G) Prior to the date of the hearing on a motion for 14789
judicial release made by an eligible offender, by a state of 14790
emergency-qualifying offender, or by a court on its own under 14791
this section, the head of the state correctional institution in 14792
which the ~~eligible~~-subject offender is confined shall send to 14793
the court an institutional summary report on the ~~eligible~~ 14794
offender's conduct in the institution and in any institution 14795
from which the ~~eligible~~-offender may have been transferred. Upon 14796
the request of the prosecuting attorney of the county in which 14797
the ~~eligible~~-subject offender was indicted or of any law 14798
enforcement agency, the head of the state correctional 14799

institution, at the same time the person sends the institutional 14800
summary report to the court, also shall send a copy of the 14801
report to the requesting prosecuting attorney and law 14802
enforcement agencies. The institutional summary report shall 14803
cover the ~~eligible-subject~~ offender's participation in school, 14804
vocational training, work, treatment, and other rehabilitative 14805
activities and any disciplinary action taken against the 14806
~~eligible-subject~~ offender. The report shall be made part of the 14807
record of the hearing. A presentence investigation report is not 14808
required for judicial release. 14809

(H) If the court grants a hearing on a motion for judicial 14810
release made by an eligible offender, by a state of emergency- 14811
qualifying offender, or by a court on its own under this 14812
section, the ~~eligible-subject~~ offender shall attend the hearing 14813
if ordered to do so by the court. Upon receipt of a copy of the 14814
journal entry containing the order, the head of the state 14815
correctional institution in which the ~~eligible-subject~~ offender 14816
is incarcerated shall deliver the ~~eligible-subject~~ offender to 14817
the sheriff of the county in which the hearing is to be held. 14818
The sheriff shall convey the ~~eligible-subject~~ offender to and 14819
from the hearing. 14820

(I) At the hearing on a motion for judicial release under 14821
this section made by an eligible offender, by a state of 14822
emergency-qualifying offender, or by a court on its own, the 14823
court shall afford the ~~eligible-subject~~ offender and the 14824
~~eligible~~-offender's attorney an opportunity to present written 14825
and, if present, oral information relevant to the motion. The 14826
court shall afford a similar opportunity to the prosecuting 14827
attorney, the victim or the victim's representative, and any 14828
other person the court determines is likely to present 14829
additional relevant information. The court shall consider any 14830

statement of a victim made pursuant to section 2930.14 or 14831
2930.17 of the Revised Code, any victim impact statement 14832
prepared pursuant to section 2947.051 of the Revised Code, and 14833
any report made under division (G) of this section. The court 14834
may consider any written statement of any person submitted to 14835
the court pursuant to division (L) of this section. 14836

If the motion alleges that the offender who is the subject 14837
of the motion is an eligible offender and the court makes an 14838
initial determination that the offender satisfies the criteria 14839
for being an eligible offender, or if the motion alleges that 14840
the offender who is the subject of the motion is a state of 14841
emergency-qualifying offender and the court makes an initial 14842
determination that the offender satisfies the criteria for being 14843
a state of emergency-qualifying offender, the court shall 14844
determine whether to grant the motion. After ruling on the 14845
motion, the ~~court~~ prosecuting attorney shall notify the victim 14846
of the ruling in accordance with sections 2930.03 and 2930.16 of 14847
the Revised Code. 14848

(J) (1) A court shall not grant a judicial release under 14849
this section to an ~~eligible~~ offender who is imprisoned for a 14850
felony of the first or second degree and who is under 14851
consideration as an eligible offender, or to an ~~eligible~~ 14852
offender who committed an offense under Chapter 2925. or 3719. 14853
of the Revised Code, who is under consideration as an eligible 14854
offender, and for whom there was a presumption under section 14855
2929.13 of the Revised Code in favor of a prison term, unless 14856
the court, with reference to factors under section 2929.12 of 14857
the Revised Code, finds both of the following: 14858

(a) That a sanction other than a prison term would 14859
adequately punish the offender and protect the public from 14860

future criminal violations by the ~~eligible~~-offender because the 14861
applicable factors indicating a lesser likelihood of recidivism 14862
outweigh the applicable factors indicating a greater likelihood 14863
of recidivism; 14864

(b) That a sanction other than a prison term would not 14865
demean the seriousness of the offense because factors indicating 14866
that the ~~eligible~~-offender's conduct in committing the offense 14867
was less serious than conduct normally constituting the offense 14868
outweigh factors indicating that the eligible offender's conduct 14869
was more serious than conduct normally constituting the offense. 14870

(2) A court that grants a judicial release ~~to an eligible-~~ 14871
~~offender~~ under division (J) (1) of this section to an offender 14872
who is under consideration as an eligible offender shall specify 14873
on the record both findings required in that division and also 14874
shall list all the factors described in that division that were 14875
presented at the hearing. 14876

(3) (a) Subject to division (J) (3) (b) of this section, a 14877
court shall grant a judicial release under this section to an 14878
offender who is under consideration as a state of emergency- 14879
qualifying offender if the court determines that the risks posed 14880
by incarceration to the health and safety of the offender, 14881
because of the nature of the declared state of emergency, 14882
outweigh the risk to public safety if the offender were to be 14883
released from incarceration. 14884

(b) A court shall not grant a judicial release under this 14885
section to an offender who is imprisoned for a felony of the 14886
first or second degree and is under consideration for judicial 14887
release as a state of emergency-qualifying offender unless the 14888
court, with reference to the factors specified under section 14889
2929.12 of the Revised Code, finds both of the criteria set 14890

forth in divisions (J) (1) (a) and (b) of this section. 14891

(K) If the court grants a motion for judicial release 14892
under this section, the court shall order the release of the 14893
eligible offender or state of emergency-qualifying offender, 14894
shall place the ~~eligible~~-offender under an appropriate community 14895
control sanction, under appropriate conditions, and under the 14896
supervision of the department of probation serving the court and 14897
shall reserve the right to reimpose the sentence that it reduced 14898
if the offender violates the sanction. If the court reimposes 14899
the reduced sentence, it may do so either concurrently with, or 14900
consecutive to, any new sentence imposed ~~upon~~ on the eligible 14901
offender or state of emergency-qualifying offender as a result 14902
of the violation that is a new offense. Except as provided in 14903
division ~~(R) (2)~~ (N) (5) (b) of this section, the period of 14904
community control shall be no longer than five years. The court, 14905
in its discretion, may reduce the period of community control by 14906
the amount of time the ~~eligible~~-offender spent in jail or prison 14907
for the offense and in prison. If the court made any findings 14908
pursuant to division (J) (1) of this section, the court shall 14909
serve a copy of the findings upon counsel for the parties within 14910
fifteen days after the date on which the court grants the motion 14911
for judicial release. 14912

If the court grants a motion for judicial release, the 14913
court shall notify the appropriate person at the department of 14914
rehabilitation and correction, and the department shall post 14915
notice of the release on the database it maintains pursuant to 14916
section 5120.66 of the Revised Code. The court also shall notify 14917
the prosecuting attorney of the county in which the eligible 14918
offender or state of emergency-qualifying offender was indicted 14919
that the motion has been granted. ~~Unless~~ When notice to the 14920
victim is required under the Ohio Constitution, the prosecuting 14921

attorney shall notify the victim of the judicial release. In all 14922
other cases, unless the victim or the victim's representative 14923
has requested pursuant to division (B) (2) of section 2930.03 of 14924
the Revised Code that the victim or victim's representative not 14925
be provided the notice, the prosecuting attorney shall notify 14926
the victim or the victim's representative of the judicial 14927
release in any manner, and in accordance with the same 14928
procedures, pursuant to which the prosecuting attorney is 14929
authorized to provide notice of the hearing pursuant to division 14930
(E) (2) of this section. If the notice is based on an offense 14931
committed prior to March 22, 2013, the notice to the victim or 14932
victim's representative also shall include the opt-out 14933
information described in division (D) (1) of section 2930.16 of 14934
the Revised Code. 14935

(L) In addition to and independent of the right of a 14936
victim to make a statement pursuant to section 2930.14, 2930.17, 14937
or 2946.051 of the Revised Code and any right of a person to 14938
present written information or make a statement pursuant to 14939
division (I) of this section, any person may submit to the 14940
court, at any time prior to the hearing on the ~~offender's~~ motion 14941
for judicial release of the eligible offender or state of 14942
emergency-qualifying offender, a written statement concerning 14943
the effects of the offender's crime or crimes, the circumstances 14944
surrounding the crime or crimes, the manner in which the crime 14945
or crimes were perpetrated, and the person's opinion as to 14946
whether the offender should be released. 14947

~~(M)~~ (M) (1) The changes to this section that are made on 14948
September 30, 2011, apply to any judicial release decision made 14949
on or after September 30, 2011, for any eligible offender, 14950
subject to division (M) (2) of this section. 14951

~~(N)~~(2) The changes to this section that are made on the effective date of this amendment apply to any judicial release application, and any judicial release decision, made on or after the effective date of this amendment for any eligible offender or state of emergency-qualifying offender. 14952
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(N) (1) Notwithstanding the eligibility requirements specified in ~~division (A)~~divisions (A) (1) and (2) of this section and the filing time frames specified in division (C) of this section and notwithstanding the findings required under ~~division (J)~~(J) (1) and the eligibility criteria specified in division (J) (3) of this section, the sentencing court, upon the court's own motion and after considering whether the release of the offender into society would create undue risk to public safety, may grant a judicial release to an offender who is not serving a life sentence at any time during the offender's imposed sentence when the director of rehabilitation and correction certifies to the sentencing court through the chief medical officer for the department of rehabilitation and correction that the offender is in imminent danger of death, is medically incapacitated, or is suffering from a terminal illness. 14957
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~~(O)~~(2) The director of rehabilitation and correction shall not certify any offender under division ~~(N)~~(N) (1) of this section who is serving a death sentence. 14973
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~~(P)~~(3) A motion made by the court under division ~~(N)~~(N) (1) of this section is subject to the notice, hearing, and other procedural requirements specified in divisions (D), (E), (G), (H), (I), (K), and (L) of this section, including notice to the victim, except for the following: 14976
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~~(1)~~(a) The court may waive the offender's appearance at 14981

any hearing scheduled by the court if the offender's condition 14982
makes it impossible for the offender to participate meaningfully 14983
in the proceeding. 14984

~~(2)~~(b) The court may grant the motion without a hearing, 14985
provided that the prosecuting attorney and victim or victim's 14986
representative to whom notice of the hearing was provided under 14987
division (E) of this section indicate that they do not wish to 14988
participate in the hearing or present information relevant to 14989
the motion. 14990

~~(Q)~~(4) The court may request health care records from the 14991
department of rehabilitation and correction to verify the 14992
certification made under division ~~(N)~~(N) (1) of this section. 14993

~~(R)~~(1)(5) (a) If the court grants judicial release under 14994
division ~~(N)~~(N) (1) of this section, the court shall do all of 14995
the following: 14996

~~(a)~~(i) Order the release of the offender; 14997

~~(b)~~(ii) Place the offender under an appropriate community 14998
control sanction, under appropriate conditions; 14999

~~(c)~~(iii) Place the offender under the supervision of the 15000
department of probation serving the court or under the 15001
supervision of the adult parole authority. 15002

~~(2)~~(b) The court, in its discretion, may revoke the 15003
judicial release if the offender violates the community control 15004
sanction described in division ~~(R)~~(1)(N) (5) (a) of this section. 15005
The period of that community control is not subject to the five- 15006
year limitation described in division (K) of this section and 15007
shall not expire earlier than the date on which all of the 15008
offender's mandatory prison terms expire. 15009

~~(S)~~(6) If the health of an offender who is released under 15010
division ~~(N)~~(N) (1) of this section improves so that the offender 15011
is no longer terminally ill, medically incapacitated, or in 15012
imminent danger of death, the court shall, upon the court's own 15013
motion, revoke the judicial release. The court shall not grant 15014
the motion without a hearing unless the offender waives a 15015
hearing. If a hearing is held, the court shall afford the 15016
offender and the offender's attorney an opportunity to present 15017
written and, if the offender or the offender's attorney is 15018
present, oral information relevant to the motion. The court 15019
shall afford a similar opportunity to the prosecuting attorney, 15020
the victim or the victim's representative, and any other person 15021
the court determines is likely to present additional relevant 15022
information. If a hearing is held, the prosecuting attorney 15023
shall notify the victim pursuant to the Ohio Constitution. A 15024
court that grants a motion under this division shall specify its 15025
findings on the record. 15026

(O) (1) Separate from and independent of the provisions of 15027
divisions (A) to (N) of this section, the director of the 15028
department of rehabilitation and correction may recommend in 15029
writing to the sentencing court that the court consider 15030
releasing from prison, through a judicial release, any offender 15031
who is confined in a state correctional institution and who is 15032
an eighty per cent-qualifying offender. The director may file 15033
such a recommendation for judicial release by submitting to the 15034
sentencing court a notice, in writing, of the recommendation 15035
within the applicable period specified in division (A) (3) of 15036
this section for qualifying as an eighty per cent-qualifying 15037
offender. 15038

The director shall include with any notice submitted to 15039
the sentencing court under this division an institutional 15040

summary report that covers the offender's participation while 15041
confined in a state correctional institution in school, 15042
training, work, treatment, and other rehabilitative activities 15043
and any disciplinary action taken against the offender while so 15044
confined. The director shall include with the notice any other 15045
documentation requested by the court, if available. 15046

If the director submits a notice under this division 15047
recommending judicial release, the department promptly shall 15048
provide to the prosecuting attorney of the county in which the 15049
offender was indicted a copy of the written notice and 15050
recommendation, a copy of the institutional summary report, and 15051
any other information provided to the court, and shall provide a 15052
copy of the institutional summary report to any law enforcement 15053
agency that requests the report. The department also shall 15054
provide written notice of the submission of the director's 15055
notice to any victim of the offender or victim's representative, 15056
in the same manner as is specified in divisions (E) (1) and (2) 15057
of this section with respect to notices of hearings. 15058

(2) A recommendation for judicial release in a notice 15059
submitted by the director under division (O) (1) of this section 15060
is subject to the notice, hearing, and other procedural 15061
requirements specified in divisions (E), (H), (I), and (L) of 15062
this section, including notice to the victim pursuant to the 15063
Ohio Constitution, except as otherwise specified in divisions 15064
(O) (3) to (5) of this section, provided that references in 15065
divisions (E), (H), (I), (K), and (L) of this section to "the 15066
motion" shall be construed for purposes of division (O) of this 15067
section as being references to the notice and recommendation 15068
specified in division (O) (1) of this section. 15069

(3) The director's submission of a notice under division 15070

(O) (1) of this section constitutes a recommendation by the 15071
director that the court strongly consider a judicial release of 15072
the offender consistent with the purposes and principles of 15073
sentencing set forth in sections 2929.11 and 2929.13 of the 15074
Revised Code and establishes a rebuttable presumption that the 15075
offender shall be released through a judicial release in 15076
accordance with the recommendation. The presumption of release 15077
may be rebutted only as described in division (O) (6) of this 15078
section. Only an offender recommended by the director under 15079
division (O) (1) of this section may be considered for a judicial 15080
release under division (O) of this section. 15081

(4) Upon receipt of a notice recommending judicial release 15082
submitted by the director under division (O) (1) of this section, 15083
the court shall schedule a hearing to consider the 15084
recommendation for the judicial release of the offender who is 15085
the subject of the notice. The hearing shall be conducted in 15086
open court not less than thirty or more than sixty days after 15087
the notice is submitted. The court shall inform the department 15088
and the prosecuting attorney of the county in which the offender 15089
who is the subject of the notice was indicted of the date, time, 15090
and location of the hearing. Upon receipt of the notice from the 15091
court, the prosecuting attorney shall comply with division (E) 15092
of this section, including providing notice to the victim 15093
pursuant to the Ohio Constitution, and the department shall post 15094
the information specified in that division. 15095

(5) When a court schedules a hearing under division (O) (4) 15096
of this section, at the hearing, the court shall consider all of 15097
the following in determining whether to grant the offender 15098
judicial release under division (O) of this section: 15099

(a) The institutional summary report submitted under 15100

<u>division (O) (1) of this section;</u>	15101
<u>(b) The inmate's academic, vocational education programs,</u>	15102
<u>or alcohol or drug treatment programs; or involvement in</u>	15103
<u>meaningful activity;</u>	15104
<u>(c) The inmate's assignments and whether the inmate</u>	15105
<u>consistently performed each work assignment to the satisfaction</u>	15106
<u>of the department staff responsible for supervising the inmate's</u>	15107
<u>work;</u>	15108
<u>(d) The inmate transferred to and actively participated in</u>	15109
<u>core curriculum programming at a reintegration center prison;</u>	15110
<u>(e) The inmate's disciplinary history;</u>	15111
<u>(f) The inmate's security level;</u>	15112
<u>(g) All other information, statements, reports, and</u>	15113
<u>documentation described in division (I) of this section.</u>	15114
<u>(6) If the court that receives a notice recommending</u>	15115
<u>judicial release submitted by the director under division (O) (1)</u>	15116
<u>of this section makes an initial determination that the offender</u>	15117
<u>satisfies the criteria for being an eighty per cent-qualifying</u>	15118
<u>offender, the court then shall determine whether to grant the</u>	15119
<u>offender judicial release. In making the second determination,</u>	15120
<u>the court shall grant the offender judicial release unless the</u>	15121
<u>prosecuting attorney proves to the court, by a preponderance of</u>	15122
<u>the evidence, that the legitimate interests of the government in</u>	15123
<u>maintaining the offender's confinement outweigh the interests of</u>	15124
<u>the offender in being released from that confinement. If the</u>	15125
<u>court grants a judicial release under this division, division</u>	15126
<u>(K) of this section applies regarding the judicial release,</u>	15127
<u>including notice to the victim pursuant to the Ohio</u>	15128
<u>Constitution, provided that references in division (K) of this</u>	15129

section to "the motion" shall be construed for purposes of the 15130
judicial release granted under this division as being references 15131
to the notice and recommendation specified in division (O) (1) of 15132
this section. 15133

The court shall enter its ruling on the notice 15134
recommending judicial release submitted by the director under 15135
division (O) (1) of this section within ten days after the 15136
hearing is conducted. After ruling on whether to grant the 15137
offender judicial release under division (O) of this section, 15138
the court shall notify the offender, the prosecuting attorney, 15139
and the department of rehabilitation and correction of its 15140
decision, and shall notify the victim of its decision in 15141
accordance with the Ohio Constitution and sections 2930.03 and 15142
2930.16 of the Revised Code. If the court does not enter a 15143
ruling on the notice within ten days after the hearing is 15144
conducted as required under this division, the division of 15145
parole and community services of the department of 15146
rehabilitation and correction may release the offender. 15147

(P) All notices to a victim of an offense provided under 15148
division (D), (E), (K), (N), or (O) of this section shall be 15149
provided in accordance with the Ohio Constitution. 15150

Sec. 2929.24. (A) Except as provided in section 2929.22 or 15151
2929.23 of the Revised Code or division (E) ~~or (F)~~ of this 15152
section and unless another term is required or authorized 15153
pursuant to law, if the sentencing court imposing a sentence 15154
upon an offender for a misdemeanor elects or is required to 15155
impose a jail term on the offender pursuant to this chapter, the 15156
court shall impose a definite jail term that shall be one of the 15157
following: 15158

(1) For a misdemeanor of the first degree, not more than 15159

one hundred eighty days; 15160

(2) For a misdemeanor of the second degree, not more than 15161
ninety days; 15162

(3) For a misdemeanor of the third degree, not more than 15163
sixty days; 15164

(4) For a misdemeanor of the fourth degree, not more than 15165
thirty days. 15166

(B) (1) A court that sentences an offender to a jail term 15167
under this section may permit the offender to serve the sentence 15168
in intermittent confinement or may authorize a limited release 15169
of the offender as provided in division (B) of section 2929.26 15170
of the Revised Code. The court retains jurisdiction over every 15171
offender sentenced to jail to modify the jail sentence imposed 15172
at any time, but the court shall not reduce any mandatory jail 15173
term. 15174

(2) (a) If a prosecutor, as defined in section 2935.01 of 15175
the Revised Code, has filed a notice with the court that the 15176
prosecutor wants to be notified about a particular case and if 15177
the court is considering modifying the jail sentence of the 15178
offender in that case, the court shall notify the prosecutor 15179
that the court is considering modifying the jail sentence of the 15180
offender in that case. The prosecutor may request a hearing 15181
regarding the court's consideration of modifying the jail 15182
sentence of the offender in that case, and, if the prosecutor 15183
requests a hearing, the court shall notify the eligible offender 15184
of the hearing. 15185

(b) If the prosecutor requests a hearing regarding the 15186
court's consideration of modifying the jail sentence of the 15187
offender in that case, the court shall hold the hearing before 15188

considering whether or not to release the offender from the 15189
offender's jail sentence. 15190

(C) If a court sentences an offender to a jail term under 15191
this section and the court assigns the offender to a county jail 15192
that has established a county jail industry program pursuant to 15193
section 5147.30 of the Revised Code, the court shall specify, as 15194
part of the sentence, whether the offender may be considered for 15195
participation in the program. During the offender's term in the 15196
county jail, the court retains jurisdiction to modify its 15197
specification regarding the offender's participation in the 15198
county jail industry program. 15199

(D) If a person is sentenced to a jail term pursuant to 15200
this section, the court may impose as part of the sentence 15201
pursuant to section 2929.28 of the Revised Code a reimbursement 15202
sanction, and, if the local detention facility in which the term 15203
is to be served is covered by a policy adopted pursuant to 15204
section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 15205
753.16, 2301.56, or 2947.19 of the Revised Code and section 15206
2929.37 of the Revised Code, both of the following apply: 15207

(1) The court shall specify both of the following as part 15208
of the sentence: 15209

(a) If the person is presented with an itemized bill 15210
pursuant to section 2929.37 of the Revised Code for payment of 15211
the costs of confinement, the person is required to pay the bill 15212
in accordance with that section. 15213

(b) If the person does not dispute the bill described in 15214
division (D)(1)(a) of this section and does not pay the bill by 15215
the times specified in section 2929.37 of the Revised Code, the 15216
clerk of the court may issue a certificate of judgment against 15217

the person as described in that section. 15218

(2) The sentence automatically includes any certificate of 15219
judgment issued as described in division (D)(1)(b) of this 15220
section. 15221

~~(E) If an offender who is convicted of or pleads guilty to 15222
a violation of division (B) of section 4511.19 of the Revised 15223
Code also is convicted of or also pleads guilty to a 15224
specification of the type described in section 2941.1416 of the 15225
Revised Code and if the court imposes a jail term on the 15226
offender for the underlying offense, the court shall impose upon 15227
the offender an additional definite jail term of not more than 15228
six months. The additional jail term shall not be reduced 15229
pursuant to any provision of the Revised Code. The offender 15230
shall serve the additional jail term consecutively to and prior 15231
to the jail term imposed for the underlying offense and 15232
consecutively to any other mandatory term imposed in relation to 15233
the offense. 15234~~

~~(F)(1)~~ (E)(1) If an offender is convicted of or pleads 15235
guilty to a misdemeanor violation of section 2907.23, 2907.24, 15236
2907.241, or 2907.25 of the Revised Code and to a specification 15237
of the type described in section 2941.1421 of the Revised Code 15238
and if the court imposes a jail term on the offender for the 15239
misdemeanor violation, the court may impose upon the offender an 15240
additional definite jail term as follows: 15241

(a) Subject to division ~~(F)(1)(b)~~ (E)(1)(b) of this 15242
section, an additional definite jail term of not more than sixty 15243
days; 15244

(b) If the offender previously has been convicted of or 15245
pleaded guilty to one or more misdemeanor or felony violations 15246

of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 15247
the Revised Code and also was convicted of or pleaded guilty to 15248
a specification of the type described in section 2941.1421 of 15249
the Revised Code regarding one or more of those violations, an 15250
additional definite jail term of not more than one hundred 15251
twenty days. 15252

(2) In lieu of imposing an additional definite jail term 15253
under division ~~(F)(1)~~ (E)(1) of this section, the court may 15254
directly impose on the offender a sanction that requires the 15255
offender to wear a real-time processing, continual tracking 15256
electronic monitoring device during the period of time specified 15257
by the court. The period of time specified by the court shall 15258
equal the duration of an additional jail term that the court 15259
could have imposed upon the offender under division ~~(F)(1)~~ (E) 15260
(1) of this section. A sanction imposed under this division 15261
shall commence on the date specified by the court, provided that 15262
the sanction shall not commence until after the offender has 15263
served the jail term imposed for the misdemeanor violation of 15264
section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised 15265
Code and any residential sanction imposed for the violation 15266
under section 2929.26 of the Revised Code. A sanction imposed 15267
under this division shall be considered to be a community 15268
control sanction for purposes of section 2929.25 of the Revised 15269
Code, and all provisions of the Revised Code that pertain to 15270
community control sanctions shall apply to a sanction imposed 15271
under this division, except to the extent that they would by 15272
their nature be clearly inapplicable. The offender shall pay all 15273
costs associated with a sanction imposed under this division, 15274
including the cost of the use of the monitoring device. 15275

~~(G)~~ (F) If an offender is convicted of or pleads guilty to 15276
a misdemeanor violation of section 2903.13 of the Revised Code 15277

and also is convicted of or pleads guilty to a specification of 15278
the type described in section 2941.1423 of the Revised Code that 15279
charges that the victim of the violation was a woman whom the 15280
offender knew was pregnant at the time of the violation, the 15281
court shall impose on the offender a mandatory jail term that is 15282
a definite term of at least thirty days. 15283

~~(H)~~ (G) If a court sentences an offender to a jail term 15284
under this section, the sentencing court retains jurisdiction 15285
over the offender and the jail term. Upon motion of either party 15286
or upon the court's own motion, the court, in the court's sole 15287
discretion and as the circumstances warrant, may substitute one 15288
or more community control sanctions under section 2929.26 or 15289
2929.27 of the Revised Code for any jail days that are not 15290
mandatory jail days. 15291

Sec. 2929.25. (A) (1) Except as provided in sections 15292
2929.22 and 2929.23 of the Revised Code or when a jail term is 15293
required by law, in sentencing an offender for a misdemeanor, 15294
other than a minor misdemeanor, the sentencing court may do 15295
either of the following: 15296

(a) Directly impose a sentence that consists of one or 15297
more community control sanctions authorized by section 2929.26, 15298
2929.27, or 2929.28 of the Revised Code. The court may impose 15299
any other conditions of release under a community control 15300
sanction that the court considers appropriate. If the court 15301
imposes a jail term upon the offender, the court may impose any 15302
community control sanction or combination of community control 15303
sanctions in addition to the jail term. 15304

(b) Impose a jail term under section 2929.24 of the 15305
Revised Code from the range of jail terms authorized under that 15306
section for the offense, suspend all or a portion of the jail 15307

term imposed, and place the offender under a community control 15308
sanction or combination of community control sanctions 15309
authorized under section 2929.26, 2929.27, or 2929.28 of the 15310
Revised Code. 15311

(2) The duration of all community control sanctions 15312
imposed upon an offender and in effect for an offender at any 15313
time shall not exceed five years. 15314

(3) At sentencing, if a court directly imposes a community 15315
control sanction or combination of community control sanctions 15316
pursuant to division (A)(1)(a) or (B) of this section, the court 15317
shall state the duration of the community control sanctions 15318
imposed and shall notify the offender that if any of the 15319
conditions of the community control sanctions are violated the 15320
court may do any of the following: 15321

(a) Impose a longer time under the same community control 15322
sanction if the total time under all of the offender's community 15323
control sanctions does not exceed the five-year limit specified 15324
in division (A)(2) of this section; 15325

(b) Impose a more restrictive community control sanction 15326
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 15327
but the court is not required to impose any particular sanction 15328
or sanctions; 15329

(c) Impose a definite jail term from the range of jail 15330
terms authorized for the offense under section 2929.24 of the 15331
Revised Code. 15332

(B) If a court sentences an offender to any community 15333
control sanction or combination of community control sanctions 15334
pursuant to division (A)(1)(a) of this section, the sentencing 15335
court retains jurisdiction over the offender and the period of 15336

community control for the duration of the period of community control. Upon the motion of either party or on the court's own motion, the court, in the court's sole discretion and as the circumstances warrant, may modify the community control sanctions or conditions of release previously imposed, substitute a community control sanction or condition of release for another community control sanction or condition of release previously imposed, or impose an additional community control sanction or condition of release.

(C) (1) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code, the court shall place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the municipal court or county court in that jurisdiction, the sentencing court may request the municipal court or the county court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing court retains jurisdiction over any offender whom it sentences for the duration of the sanction or sanctions imposed.

(2) The sentencing court shall require as a condition of any community control sanction that the offender abide by the law and not leave the state without the permission of the court or the offender's probation officer. In the interests of doing justice, rehabilitating the offender, and ensuring the

offender's good behavior, the court may impose additional 15368
requirements on the offender. The offender's compliance with the 15369
additional requirements also shall be a condition of the 15370
community control sanction imposed upon the offender. 15371

(D) (1) If the court imposing sentence upon an offender 15372
sentences the offender to any community control sanction or 15373
combination of community control sanctions authorized under 15374
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 15375
the offender violates any of the conditions of the sanctions, 15376
the public or private person or entity that supervises or 15377
administers the program or activity that comprises the sanction 15378
shall report the violation directly to the sentencing court or 15379
to the department of probation or probation officer with general 15380
control and supervision over the offender. If the public or 15381
private person or entity reports the violation to the department 15382
of probation or probation officer, the department or officer 15383
shall report the violation to the sentencing court. 15384

(2) ~~If Except as provided in division (D) (3) of this~~ 15385
section, if an offender violates any condition of a community 15386
control sanction, the sentencing court may impose upon the 15387
violation one or more of the following penalties: 15388

(a) A longer time under the same community control 15389
sanction if the total time under all of the community control 15390
sanctions imposed on the violator does not exceed the five-year 15391
limit specified in division (A) (2) of this section; 15392

(b) A more restrictive community control sanction; 15393

(c) A combination of community control sanctions, 15394
including a jail term. 15395

(3) If an offender was acting pursuant to division (B) (2) 15396

(b) of section 2925.11 or a related provision under section 15397
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 15398
doing violated the conditions of a community control sanction 15399
based on a minor drug possession offense, as defined in section 15400
2925.11 of the Revised Code, or violated section 2925.12, 15401
division (C) (1) of section 2925.14, or section 2925.141 of the 15402
Revised Code, the sentencing court ~~may consider the offender's~~ 15403
~~conduct in seeking or obtaining medical assistance for another~~ 15404
~~in good faith or for self or may consider the offender being the~~ 15405
~~subject of another person seeking or obtaining medical~~ 15406
~~assistance in accordance with that division as a mitigating~~ 15407
~~factor before imposing~~ shall not impose any of the penalties 15408
described in division (D) (2) of this section based on the 15409
violation. 15410

(4) If the court imposes a jail term upon a violator 15411
pursuant to division (D) (2) of this section, the total time 15412
spent in jail for the misdemeanor offense and the violation of a 15413
condition of the community control sanction shall not exceed the 15414
maximum jail term available for the offense for which the 15415
sanction that was violated was imposed. The court may reduce the 15416
longer period of time that the violator is required to spend 15417
under the longer sanction or the more restrictive sanction 15418
imposed under division (D) (2) of this section by all or part of 15419
the time the violator successfully spent under the sanction that 15420
was initially imposed. 15421

(E) Except as otherwise provided in this division, if an 15422
offender, for a significant period of time, fulfills the 15423
conditions of a community control sanction imposed pursuant to 15424
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 15425
exemplary manner, the court may reduce the period of time under 15426
the community control sanction or impose a less restrictive 15427

community control sanction. Fulfilling the conditions of a 15428
community control sanction does not relieve the offender of a 15429
duty to make restitution under section 2929.28 of the Revised 15430
Code. 15431

Sec. 2930.03. (A) A person or entity required or 15432
authorized under this chapter to give notice to a victim shall 15433
give the notice to the victim by any means reasonably calculated 15434
to provide prompt actual notice. Except when a provision 15435
requires that notice is to be given in a specific manner, a 15436
notice may be oral or written. 15437

(B) (1) Except for receipt of the initial information and 15438
notice required to be given to a victim under divisions (A) and 15439
(B) of section 2930.04, section 2930.05, and divisions (A) and 15440
(B) of section 2930.06 of the Revised Code and the notice 15441
required to be given to a victim under division (D) of section 15442
2930.16 of the Revised Code, a victim who wishes to receive any 15443
notice authorized by this chapter shall make a request for the 15444
notice to the prosecutor or the custodial agency that is to 15445
provide the notice, as specified in this chapter. If the victim 15446
does not make a request as described in this division, the 15447
prosecutor or custodial agency is not required to provide any 15448
notice described in this chapter other than the initial 15449
information and notice required to be given to a victim under 15450
divisions (A) and (B) of section 2930.04, section 2930.05, and 15451
divisions (A) and (B) of section 2930.06 of the Revised Code and 15452
the notice required to be given to a victim under division (D) 15453
of section 2930.16 of the Revised Code. 15454

(2) A victim who does not wish to receive any of the 15455
notices required to be given to a victim under division (E) (2) 15456
or (K) of section 2929.20, division (D) of section 2930.16, 15457

division (H) of section 2967.12, ~~division (E) (1) (b) of section~~ 15458
~~2967.19,~~ division (A) (3) (b) of section 2967.26, division (D) (1) 15459
of section 2967.28, or division (A) (2) of section 5149.101 of 15460
the Revised Code shall make a request to the prosecutor or 15461
custodial agency that is to provide the particular notice that 15462
the notice not be provided to the victim. Unless the victim 15463
makes a request as described in this division, the prosecutor or 15464
custodial agency shall provide the notices required to be given 15465
to a victim under division (E) (2) or (K) of section 2929.20, 15466
division (D) of section 2930.16, division (H) of section 15467
2967.12, ~~division (E) (1) (b) of section 2967.19,~~ division (A) (3) 15468
(b) of section 2967.26, division (D) (1) of section 2967.28, or 15469
division (A) (2) of section 5149.101 of the Revised Code in any 15470
manner, and in accordance with the procedures, specified in the 15471
particular division. This division also applies to a victim's 15472
representative or a member of a victim's immediate family that 15473
is authorized to receive any of the notices specified in this 15474
division. 15475

(C) A person or agency that is required to furnish notice 15476
under this chapter shall give the notice to the victim at the 15477
address or telephone number provided to the person or agency by 15478
the victim. A victim who requests to receive notice under this 15479
chapter as described in division (B) of this section shall 15480
inform the person or agency of the name, address, or telephone 15481
number of the victim and of any change to that information. 15482

(D) A person or agency that has furnished information to a 15483
victim in accordance with any requirement or authorization under 15484
this chapter shall notify the victim promptly of any significant 15485
changes to that information. 15486

(E) Divisions (A) to (D) of this section do not apply 15487

regarding a notice that a prosecutor is required to provide 15488
under section 2930.061 of the Revised Code. A prosecutor 15489
required to provide notice under that section shall provide the 15490
notice as specified in that section. 15491

Sec. 2930.06. (A) The prosecutor in a case, to the extent 15492
practicable, shall confer with the victim in the case before 15493
pretrial diversion is granted to the defendant or alleged 15494
juvenile offender in the case, before amending or dismissing an 15495
indictment, information, or complaint against that defendant or 15496
alleged juvenile offender, before agreeing to a negotiated plea 15497
for that defendant or alleged juvenile offender, before a trial 15498
of that defendant by judge or jury, or before the juvenile court 15499
conducts an adjudicatory hearing for that alleged juvenile 15500
offender. If the juvenile court disposes of a case prior to the 15501
prosecutor's involvement in the case, the court or a court 15502
employee shall notify the victim in the case that the alleged 15503
juvenile offender will be granted pretrial diversion, the 15504
complaint against that alleged juvenile offender will be amended 15505
or dismissed, or the court will conduct an adjudicatory hearing 15506
for that alleged juvenile offender. If the prosecutor fails to 15507
confer with the victim at any of those times, the court, if 15508
informed of the failure, shall note on the record the failure 15509
and the prosecutor's reasons for the failure. A prosecutor's 15510
failure to confer with a victim as required by this division and 15511
a court's failure to provide the notice as required by this 15512
division do not affect the validity of an agreement between the 15513
prosecutor and the defendant or alleged juvenile offender in the 15514
case, a pretrial diversion of the defendant or alleged juvenile 15515
offender, an amendment or dismissal of an indictment, 15516
information, or complaint filed against the defendant or alleged 15517
juvenile offender, a plea entered by the defendant or alleged 15518

juvenile defender, an admission entered by the defendant or 15519
alleged juvenile offender, or any other disposition in the case. 15520
A court shall not dismiss a criminal complaint, charge, 15521
information, or indictment or a delinquent child complaint 15522
solely at the request of the victim and over the objection of 15523
the prosecuting attorney, village solicitor, city director of 15524
law, or other chief legal officer responsible for the 15525
prosecution of the case. 15526

(B) After a prosecution in a case has been commenced, the 15527
prosecutor or a designee of the prosecutor other than a court or 15528
court employee, to the extent practicable, promptly shall give 15529
the victim all of the following information, except that, if the 15530
juvenile court disposes of a case prior to the prosecutor's 15531
involvement in the case, the court or a court employee, to the 15532
extent practicable, promptly shall give the victim all of the 15533
following information: 15534

(1) The name of the crime or specified delinquent act with 15535
which the defendant or alleged juvenile offender in the case has 15536
been charged and the name of the defendant or alleged juvenile 15537
offender; 15538

(2) The file number of the case; 15539

(3) A brief statement regarding the procedural steps in a 15540
criminal prosecution or delinquency proceeding involving a crime 15541
or specified delinquent act similar to the crime or specified 15542
delinquent act with which the defendant or alleged juvenile 15543
offender has been charged and the right of the victim to be 15544
present during all proceedings held throughout the prosecution 15545
of the case; 15546

(4) A summary of the rights of a victim under this 15547

chapter;	15548
(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;	15549 15550 15551
(6) The name and business telephone number of a person to contact for further information with respect to the case;	15552 15553
(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;	15554 15555 15556 15557
(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) 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.	15558 15559 15560 15561 15562 15563 15564 15565 15566 15567 15568
(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.	15569 15570 15571 15572 15573 15574
(D) A victim who requests notice under division (C) of this section and who elects pursuant to division (B) of section	15575 15576

2930.03 of the Revised Code to receive any further notice from 15577
the prosecutor or, if it is a delinquency proceeding and a 15578
prosecutor is not involved in the case, the court under this 15579
chapter shall keep the prosecutor or the court informed of the 15580
victim's current address and telephone number until the case is 15581
dismissed or terminated, the defendant is acquitted or 15582
sentenced, the delinquent child complaint is dismissed, the 15583
defendant is adjudicated a delinquent child, or the appellate 15584
process is completed, whichever is the final disposition in the 15585
case. 15586

(E) If a defendant is charged with the commission of a 15587
misdemeanor offense that is not identified in division (A) (2) of 15588
section 2930.01 of the Revised Code and if a police report or a 15589
complaint, indictment, or information that charges the 15590
commission of that offense and provides the basis for a criminal 15591
prosecution of that defendant identifies one or more individuals 15592
as individuals against whom that offense was committed, after a 15593
prosecution in the case has been commenced, the prosecutor or a 15594
designee of the prosecutor other than a court or court employee, 15595
to the extent practicable, promptly shall notify each of the 15596
individuals so identified in the report, complaint, indictment, 15597
or information that, if the defendant is convicted of or pleads 15598
guilty to the offense, the individual may make an oral or 15599
written statement to the court hearing the case regarding the 15600
sentence to be imposed upon the defendant and that the court 15601
must consider any statement so made that is relevant. Before 15602
imposing sentence in the case, the court shall permit the 15603
individuals so identified in the report, complaint, indictment, 15604
or information to make an oral or written statement. Division 15605
(A) of section 2930.14 of the Revised Code applies regarding any 15606
statement so made. The court shall consider a statement so made, 15607

in accordance with division (B) of that section and division (D) 15608
of section 2929.22 of the Revised Code. 15609

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 15610
in a case who has requested to receive notice under this section 15611
shall be given notice of the incarceration of the defendant. If 15612
an alleged juvenile offender is committed to the temporary 15613
custody of a school, camp, institution, or other facility 15614
operated for the care of delinquent children or to the legal 15615
custody of the department of youth services, a victim in a case 15616
who has requested to receive notice under this section shall be 15617
given notice of the commitment. Promptly after sentence is 15618
imposed upon the defendant or the commitment of the alleged 15619
juvenile offender is ordered, the prosecutor in the case shall 15620
notify the victim of the date on which the defendant will be 15621
released, or initially will be eligible for release, from 15622
confinement or the prosecutor's reasonable estimate of that date 15623
or the date on which the alleged juvenile offender will have 15624
served the minimum period of commitment or the prosecutor's 15625
reasonable estimate of that date. The prosecutor also shall 15626
notify the victim of the name of the custodial agency of the 15627
defendant or alleged juvenile offender and tell the victim how 15628
to contact that custodial agency. If the custodial agency is the 15629
department of rehabilitation and correction, the prosecutor 15630
shall notify the victim of the services offered by the office of 15631
victims' services pursuant to section 5120.60 of the Revised 15632
Code. If the custodial agency is the department of youth 15633
services, the prosecutor shall notify the victim of the services 15634
provided by the office of victims' services within the release 15635
authority of the department pursuant to section 5139.55 of the 15636
Revised Code and the victim's right pursuant to section 5139.56 15637
of the Revised Code to submit a written request to the release 15638

authority to be notified of actions the release authority takes 15639
with respect to the alleged juvenile offender. The victim shall 15640
keep the custodial agency informed of the victim's current 15641
address and telephone number. 15642

(B) (1) Upon the victim's request or in accordance with 15643
division (D) of this section, the prosecutor promptly shall 15644
notify the victim of any hearing for judicial release of the 15645
defendant pursuant to section 2929.20 of the Revised Code, ~~of~~ 15646
~~any hearing for release of the defendant pursuant to section~~ 15647
~~2967.19 of the Revised Code,~~ or of any hearing for judicial 15648
release or early release of the alleged juvenile offender 15649
pursuant to section 2151.38 of the Revised Code and of the 15650
victim's right to make a statement under those sections. The 15651
court shall notify the victim of its ruling in each of those 15652
hearings and on each of those applications. 15653

(2) If an offender is sentenced to a prison term pursuant 15654
to division (A) (3) or (B) of section 2971.03 of the Revised 15655
Code, upon the request of the victim of the crime or in 15656
accordance with division (D) of this section, the prosecutor 15657
promptly shall notify the victim of any hearing to be conducted 15658
pursuant to section 2971.05 of the Revised Code to determine 15659
whether to modify the requirement that the offender serve the 15660
entire prison term in a state correctional facility in 15661
accordance with division (C) of that section, whether to 15662
continue, revise, or revoke any existing modification of that 15663
requirement, or whether to terminate the prison term in 15664
accordance with division (D) of that section. The court shall 15665
notify the victim of any order issued at the conclusion of the 15666
hearing. 15667

(C) Upon the victim's request made at any time before the 15668

particular notice would be due or in accordance with division 15669
(D) of this section, the custodial agency of a defendant or 15670
alleged juvenile offender shall give the victim any of the 15671
following notices that is applicable: 15672

(1) At least sixty days before the adult parole authority 15673
recommends a pardon or commutation of sentence for the defendant 15674
or at least sixty days prior to a hearing before the adult 15675
parole authority regarding a grant of parole to the defendant, 15676
notice of the victim's right to submit a statement regarding the 15677
impact of the defendant's release in accordance with section 15678
2967.12 of the Revised Code and, if applicable, of the victim's 15679
right to appear at a full board hearing of the parole board to 15680
give testimony as authorized by section 5149.101 of the Revised 15681
Code; and at least sixty days prior to a hearing before the 15682
department regarding a determination of whether the inmate must 15683
be released under division (C) or (D) (2) of section 2967.271 of 15684
the Revised Code if the inmate is serving a non-life felony 15685
indefinite prison term, notice of the fact that the inmate will 15686
be having a hearing regarding a possible grant of release, the 15687
date of any hearing regarding a possible grant of release, and 15688
the right of any person to submit a written statement regarding 15689
the pending action; 15690

(2) At least sixty days before the defendant is 15691
transferred to transitional control under section 2967.26 of the 15692
Revised Code, notice of the pendency of the transfer and of the 15693
victim's right under that section to submit a statement 15694
regarding the impact of the transfer; 15695

(3) At least sixty days before the release authority of 15696
the department of youth services holds a release review, release 15697
hearing, or discharge review for the alleged juvenile offender, 15698

notice of the pendency of the review or hearing, of the victim's 15699
right to make an oral or written statement regarding the impact 15700
of the crime upon the victim or regarding the possible release 15701
or discharge, and, if the notice pertains to a hearing, of the 15702
victim's right to attend and make statements or comments at the 15703
hearing as authorized by section 5139.56 of the Revised Code; 15704

(4) Prompt notice of the defendant's or alleged juvenile 15705
offender's escape from a facility of the custodial agency in 15706
which the defendant was incarcerated or in which the alleged 15707
juvenile offender was placed after commitment, of the 15708
defendant's or alleged juvenile offender's absence without leave 15709
from a mental health or developmental disabilities facility or 15710
from other custody, and of the capture of the defendant or 15711
alleged juvenile offender after an escape or absence; 15712

(5) Notice of the defendant's or alleged juvenile 15713
offender's death while in confinement or custody; 15714

(6) Notice of the filing of a petition by the director of 15715
rehabilitation and correction pursuant to section ~~2967.19~~ 15716
2929.20 of the Revised Code requesting the early release of the 15717
defendant pursuant to a judicial release under that section ~~of~~ 15718
~~the defendant~~; 15719

(7) Notice of the defendant's or alleged juvenile 15720
offender's release from confinement or custody and the terms and 15721
conditions of the release. 15722

(D) (1) If a defendant is incarcerated for the commission 15723
of aggravated murder, murder, or an offense of violence that is 15724
a felony of the first, second, or third degree or is under a 15725
sentence of life imprisonment or if an alleged juvenile offender 15726
has been charged with the commission of an act that would be 15727

aggravated murder, murder, or an offense of violence that is a 15728
felony of the first, second, or third degree or be subject to a 15729
sentence of life imprisonment if committed by an adult, except 15730
as otherwise provided in this division, the notices described in 15731
divisions (B) and (C) of this section shall be given regardless 15732
of whether the victim has requested the notification. The 15733
notices described in divisions (B) and (C) of this section shall 15734
not be given under this division to a victim if the victim has 15735
requested pursuant to division (B)(2) of section 2930.03 of the 15736
Revised Code that the victim not be provided the notice. 15737
Regardless of whether the victim has requested that the notices 15738
described in division (C) of this section be provided or not be 15739
provided, the custodial agency shall give notice similar to 15740
those notices to the prosecutor in the case, to the sentencing 15741
court, to the law enforcement agency that arrested the defendant 15742
or alleged juvenile offender if any officer of that agency was a 15743
victim of the offense, and to any member of the victim's 15744
immediate family who requests notification. If the notice given 15745
under this division to the victim is based on an offense 15746
committed prior to March 22, 2013, and if the prosecutor or 15747
custodial agency has not previously successfully provided any 15748
notice to the victim under this division or division (B) or (C) 15749
of this section with respect to that offense and the offender 15750
who committed it, the notice also shall inform the victim that 15751
the victim may request that the victim not be provided any 15752
further notices with respect to that offense and the offender 15753
who committed it and shall describe the procedure for making 15754
that request. If the notice given under this division to the 15755
victim pertains to a hearing regarding a grant of a parole to 15756
the defendant, the notice also shall inform the victim that the 15757
victim, a member of the victim's immediate family, or the 15758
victim's representative may request a victim conference, as 15759

described in division (E) of this section, and shall provide an explanation of a victim conference.

The prosecutor or custodial agency may give the notices to which this division applies by any reasonable means, including regular mail, telephone, and electronic mail. If the prosecutor or custodial agency attempts to provide notice to a victim under this division but the attempt is unsuccessful because the prosecutor or custodial agency is unable to locate the victim, is unable to provide the notice by its chosen method because it cannot determine the mailing address, telephone number, or electronic mail address at which to provide the notice, or, if the notice is sent by mail, the notice is returned, the prosecutor or custodial agency shall make another attempt to provide the notice to the victim. If the second attempt is unsuccessful, the prosecutor or custodial agency shall make at least one more attempt to provide the notice. If the notice is based on an offense committed prior to March 22, 2013, in each attempt to provide the notice to the victim, the notice shall include the opt-out information described in the preceding paragraph. The prosecutor or custodial agency, in accordance with division (D) (2) of this section, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (D) (1) of this section, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19 as it existed prior to the effective date of this amendment, division (A) (3) (b) of section 2967.26, division (D) (1) of section 2967.28, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which division (D) (1) of this section was enacted, shall be known as "Roberta's Law."

(2) Each prosecutor and custodial agency that attempts to give any notice to which division (D)(1) of this section applies shall keep a record of all attempts to give the notice. The record shall indicate the person who was to be the recipient of the notice, the date on which the attempt was made, the manner in which the attempt was made, and the person who made the attempt. If the attempt is successful and the notice is given, the record shall indicate that fact. The record shall be kept in a manner that allows public inspection of attempts and notices given to persons other than victims without revealing the names, addresses, or other identifying information relating to victims. The record of attempts and notices given to victims is not a public record, but the prosecutor or custodial agency shall provide upon request a copy of that record to a prosecuting attorney, judge, law enforcement agency, or member of the general assembly. The record of attempts and notices given to persons other than victims is a public record. A record kept under this division may be indexed by offender name, or in any other manner determined by the prosecutor or the custodial agency. Each prosecutor or custodial agency that is required to keep a record under this division shall determine the procedures for keeping the record and the manner in which it is to be kept, subject to the requirements of this division.

(E) The adult parole authority shall adopt rules under Chapter 119. of the Revised Code providing for a victim conference, upon request of the victim, a member of the victim's immediate family, or the victim's representative, prior to a parole hearing in the case of a prisoner who 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 is under a sentence of life imprisonment. The rules shall

provide for, but not be limited to, all of the following: 15822

(1) Subject to division (E) (3) of this section, attendance 15823
by the victim, members of the victim's immediate family, the 15824
victim's representative, and, if practicable, other individuals; 15825

(2) Allotment of up to one hour for the conference; 15826

(3) A specification of the number of persons specified in 15827
division (E) (1) of this section who may be present at any single 15828
victim conference, if limited by the department pursuant to 15829
division (F) of this section. 15830

(F) The department may limit the number of persons 15831
specified in division (E) (1) of this section who may be present 15832
at any single victim conference, provided that the department 15833
shall not limit the number of persons who may be present at any 15834
single conference to fewer than three. If the department limits 15835
the number of persons who may be present at any single victim 15836
conference, the department shall permit and schedule, upon 15837
request of the victim, a member of the victim's immediate 15838
family, or the victim's representative, multiple victim 15839
conferences for the persons specified in division (E) (1) of this 15840
section. 15841

(G) As used in this section, "victim's immediate family" 15842
has the same meaning as in section 2967.12 of the Revised Code. 15843

Sec. 2930.17. (A) In determining whether to grant a 15844
judicial release to a defendant from a prison term pursuant to 15845
section 2929.20 of the Revised Code at a time before the 15846
defendant's stated prison term expires, ~~in determining whether~~ 15847
~~to grant a release to an offender from a prison term pursuant to~~ 15848
~~section 2967.19 of the Revised Code at a time before the~~ 15849
~~offender's stated prison term expires,~~ or in determining whether 15850

to grant a judicial release or early release to an alleged 15851
juvenile offender from a commitment to the department of youth 15852
services pursuant to section 2151.38 of the Revised Code, the 15853
court shall permit a victim of a crime or specified delinquent 15854
act for which the defendant or alleged juvenile offender was 15855
incarcerated or committed to make a statement, in addition to 15856
any other statement made under this chapter, concerning the 15857
effects of that crime or specified delinquent act on the victim, 15858
the circumstances surrounding the crime or specified delinquent 15859
act, the manner in which the crime or specified delinquent act 15860
was perpetrated, and the victim's opinion whether the defendant 15861
or alleged juvenile offender should be released. The victim may 15862
make the statement in writing or orally, at the court's 15863
discretion. The court shall give the defendant or alleged 15864
juvenile offender and either the adult parole authority or the 15865
department of youth services, whichever is applicable, a copy of 15866
any written impact statement made by the victim under this 15867
division. 15868

(B) In deciding whether to grant a judicial release or 15869
early release to the defendant or alleged juvenile offender, the 15870
court shall consider a statement made by the victim under 15871
division (A) of this section or section 2930.14 or 2947.051 of 15872
the Revised Code. 15873

Sec. 2930.20. No victim of rape, attempted rape, domestic 15874
violence, dating violence, abuse, or a sexually oriented offense 15875
or any owner of property where such a victim resides shall be 15876
required to pay reimbursement, either fully or partially, for 15877
the cost of any assistance that a law enforcement officer 15878
provides in relation to the rape, attempted rape, domestic 15879
violence, dating violence, abuse, or sexually oriented offense. 15880

Sec. 2933.82. (A) As used in this section:	15881
(1) (a) "Biological evidence" means any of the following:	15882
(i) The contents of a sexual assault examination kit;	15883
(ii) Any item that contains blood, semen, hair, saliva,	15884
skin tissue, fingernail scrapings, bone, bodily fluids, or any	15885
other identifiable biological material that was collected as	15886
part of a criminal investigation or delinquent child	15887
investigation and that reasonably may be used to incriminate or	15888
exculpate any person for an offense or delinquent act.	15889
(b) The definition of "biological evidence" set forth in	15890
division (A) (1) (a) of this section applies whether the material	15891
in question is cataloged separately, such as on a slide or swab	15892
or in a test tube, or is present on other evidence, including,	15893
but not limited to, clothing, ligatures, bedding or other	15894
household material, drinking cups or containers, or cigarettes.	15895
(2) "Biological material" has the same meaning as in	15896
section 2953.71 of the Revised Code.	15897
(3) "DNA," "DNA analysis," "DNA database," "DNA record,"	15898
and "DNA specimen" have the same meanings as in section 109.573	15899
of the Revised Code.	15900
(4) "Prosecutor" has the same meaning as in section	15901
2935.01 of the Revised Code.	15902
(5) "Governmental evidence-retention entity" means all of	15903
the following:	15904
(a) Any law enforcement agency, prosecutor's office,	15905
court, public hospital, crime laboratory, or other governmental	15906
or public entity or individual within this state that is charged	15907
with the collection, storage, or retrieval of biological	15908

evidence; 15909

(b) Any official or employee of any entity or individual 15910
described in division (A) (5) (a) of this section. 15911

(B) (1) Each governmental evidence-retention entity that 15912
secures any sexual assault examination kit in relation to an 15913
investigation or prosecution of a criminal offense or delinquent 15914
act that is a violation of section 2905.32 of the Revised Code, 15915
or any biological evidence in relation to an investigation or 15916
prosecution of a criminal offense or delinquent act that is a 15917
violation of section 2903.01, 2903.02, or 2903.03, a violation 15918
of section 2903.04 or 2903.06 that is a felony of the first or 15919
second degree, a violation of section 2907.02 or 2907.03 or 15920
division (A) (4) or (B) of section 2907.05 of the Revised Code, 15921
or an attempt to commit a violation of section 2907.02 of the 15922
Revised Code shall secure the biological evidence for whichever 15923
of the following periods of time is applicable: 15924

(a) For a violation of section 2903.01 or 2903.02 of the 15925
Revised Code, for the period of time that the offense or act 15926
remains unsolved; 15927

(b) For a violation of section 2903.03 or 2905.32, a 15928
violation of section 2903.04 or 2903.06 that is a felony of the 15929
first or second degree, a violation of section 2907.02 or 15930
2907.03 or of division (A) (4) or (B) of section 2907.05 of the 15931
Revised Code, or an attempt to commit a violation of section 15932
2907.02 of the Revised Code, for a period of thirty years if the 15933
offense or act remains unsolved; 15934

(c) If any person is convicted of or pleads guilty to the 15935
offense, or is adjudicated a delinquent child for committing the 15936
delinquent act, for the earlier of the following: (i) the 15937

expiration of the latest of the following periods of time that 15938
apply to the person: the period of time that the person is 15939
incarcerated, is in a department of youth services institution 15940
or other juvenile facility, is under a community control 15941
sanction for that offense, is under any order of disposition for 15942
that act, is on probation or parole for that offense, is under 15943
judicial release or supervised release for that act, is under 15944
post-release control for that offense, is involved in civil 15945
litigation in connection with that offense or act, or is subject 15946
to registration and other duties imposed for that offense or act 15947
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 15948
Revised Code or (ii) thirty years. If after the period of thirty 15949
years the person remains incarcerated, then the governmental 15950
evidence-retention entity shall secure the biological evidence 15951
until the person is released from incarceration or dies. 15952

(2) (a) A law enforcement agency shall review all of its 15953
records and reports pertaining to its investigation of any 15954
offense specified in division (B) (1) of this section, except a 15955
violation of section 2905.32 of the Revised Code, as soon as 15956
possible after March 23, 2015. A law enforcement agency shall 15957
review all of its records and reports pertaining to its 15958
investigation of any violation of section 2905.32 of the Revised 15959
Code as soon as possible after the effective date of this 15960
amendment. If the law enforcement agency's review determines 15961
that one or more persons may have committed or participated in 15962
an offense specified in division (B) (1) of this section or 15963
another offense committed during the course of an offense 15964
specified in division (B) (1) of this section and the agency is 15965
in possession of a sexual assault examination kit secured during 15966
the course of the agency's investigation, as soon as possible, 15967
but not later than one year after March 23, 2015, or, in the 15968

case of a violation of section 2905.32 of the Revised Code, not 15969
later than one year after the effective date of this amendment, 15970
the agency shall forward the contents of the kit to the bureau 15971
of criminal identification and investigation or another crime 15972
laboratory for a DNA analysis of the contents of the kit if a 15973
DNA analysis has not previously been performed on the contents 15974
of the kit. The law enforcement agency shall consider the period 15975
of time remaining under section 2901.13 of the Revised Code for 15976
commencing the prosecution of a criminal offense related to the 15977
DNA specimens from the kit as well as other relevant factors in 15978
prioritizing the forwarding of the contents of sexual assault 15979
examination kits. 15980

(b) If an investigation is initiated on or after March 23, 15981
2015, or, in the case of a violation of section 2905.32 of the 15982
Revised Code, on or after the effective date of this amendment, 15983
and if a law enforcement agency investigating an offense 15984
specified in division (B) (1) of this section determines that one 15985
or more persons may have committed or participated in an offense 15986
specified in division (B) (1) of this section or another offense 15987
committed during the course of an offense specified in division 15988
(B) (1) of this section, the law enforcement agency shall forward 15989
the contents of a sexual assault examination kit in the agency's 15990
possession to the bureau or another crime laboratory within 15991
thirty days for a DNA analysis of the contents of the kit. 15992

(c) A law enforcement agency shall be considered in the 15993
possession of a sexual assault examination kit that is not in 15994
the law enforcement agency's possession for purposes of 15995
divisions (B) (2) (a) and (b) of this section if the sexual 15996
assault examination kit contains biological evidence related to 15997
the law enforcement agency's investigation of an offense 15998
specified in division (B) (1) of this section and is in the 15999

possession of another government evidence-retention entity. The 16000
law enforcement agency shall be responsible for retrieving the 16001
sexual assault examination kit from the government evidence- 16002
retention entity and forwarding the contents of the kit to the 16003
bureau or another crime laboratory as required under divisions 16004
(B) (2) (a) and (b) of this section. 16005

(d) (i) The bureau or a laboratory under contract with the 16006
bureau pursuant to division (B) (5) of section 109.573 of the 16007
Revised Code shall perform a DNA analysis of the contents of any 16008
sexual assault examination kit forwarded to the bureau pursuant 16009
to division (B) (2) (a) or (b) of this section as soon as possible 16010
after the bureau receives the contents of the kit. The bureau 16011
shall enter the resulting DNA record into a DNA database. If the 16012
DNA analysis is performed by a laboratory under contract with 16013
the bureau, the laboratory shall forward the biological evidence 16014
to the bureau immediately after the laboratory performs the DNA 16015
analysis. A crime laboratory shall perform a DNA analysis of the 16016
contents of any sexual assault examination kit forwarded to the 16017
crime laboratory pursuant to division (B) (2) (a) or (b) of this 16018
section as soon as possible after the crime laboratory receives 16019
the contents of the kit and shall enter the resulting DNA record 16020
into a DNA database subject to the applicable DNA index system 16021
standards. 16022

(ii) Upon the completion of the DNA analysis by the bureau 16023
or a crime laboratory under contract with the bureau under this 16024
division, the bureau shall return the contents of the sexual 16025
assault examination kit to the law enforcement agency. The law 16026
enforcement agency shall secure the contents of the sexual 16027
assault examination kit in accordance with division (B) (1) of 16028
this section, as applicable. 16029

(e) The failure of any law enforcement agency to comply 16030
with any time limit specified in this section shall not create, 16031
and shall not be construed as creating, any basis or right to 16032
appeal, claim for or right to postconviction relief, or claim 16033
for or right to a new trial or any other claim or right to 16034
relief by any person. 16035

(3) This section applies to sexual assault examination 16036
kits in the possession of any governmental evidence-retention 16037
entity during an investigation or prosecution of a criminal 16038
offense or delinquent act that is a violation of section 2905.32 16039
of the Revised Code, and any evidence likely to contain 16040
biological material that was in the possession of any 16041
governmental evidence-retention entity during the investigation 16042
and prosecution of a criminal case or delinquent child case 16043
involving a violation of section 2903.01, 2903.02, or 2903.03, a 16044
violation of section 2903.04 or 2903.06 that is a felony of the 16045
first or second degree, a violation of section 2907.02 or 16046
2907.03 or of division (A) (4) or (B) of section 2907.05 of the 16047
Revised Code, or an attempt to commit a violation of section 16048
2907.02 of the Revised Code. 16049

(4) A governmental evidence-retention entity that 16050
possesses biological evidence shall retain the biological 16051
evidence in the amount and manner sufficient to develop a DNA 16052
record from the biological material contained in or included on 16053
the evidence. 16054

(5) Upon written request by the defendant in a criminal 16055
case or the alleged delinquent child in a delinquent child case 16056
involving a violation of section 2903.01, 2903.02, ~~or~~ 2903.03, 16057
or 2905.32, a violation of section 2903.04 or 2903.06 that is a 16058
felony of the first or second degree, a violation of section 16059

2907.02 or 2907.03 or of division (A) (4) or (B) of section 16060
2907.05 of the Revised Code, or an attempt to commit a violation 16061
of section 2907.02 of the Revised Code, a governmental evidence- 16062
retention entity that possesses biological evidence shall 16063
prepare an inventory of the biological evidence that has been 16064
preserved in connection with the defendant's criminal case or 16065
the alleged delinquent child's delinquent child case. 16066

(6) Except as otherwise provided in division (B) (8) of 16067
this section, a governmental evidence-retention entity that 16068
possesses biological evidence that includes biological material 16069
may destroy the evidence before the expiration of the applicable 16070
period of time specified in division (B) (1) of this section if 16071
all of the following apply: 16072

(a) No other provision of federal or state law requires 16073
the state to preserve the evidence. 16074

(b) The governmental evidence-retention entity, by 16075
certified mail, return receipt requested, provides notice of 16076
intent to destroy the evidence to all of the following: 16077

(i) All persons who remain in custody, incarcerated, in a 16078
department of youth services institution or other juvenile 16079
facility, under a community control sanction, under any order of 16080
disposition, on probation or parole, under judicial release or 16081
supervised release, under post-release control, involved in 16082
civil litigation, or subject to registration and other duties 16083
imposed for that offense or act under sections 2950.04, 16084
2950.041, 2950.05, and 2950.06 of the Revised Code as a result 16085
of a criminal conviction, delinquency adjudication, or 16086
commitment related to the evidence in question; 16087

(ii) The attorney of record for each person who is in 16088

custody in any circumstance described in division (B) (6) (b) (i) 16089
of this section if the attorney of record can be located; 16090

(iii) The state public defender; 16091

(iv) The office of the prosecutor of record in the case 16092
that resulted in the custody of the person in custody in any 16093
circumstance described in division (B) (6) (b) (i) of this section; 16094

(v) The attorney general. 16095

(c) No person who is notified under division (B) (6) (b) of 16096
this section does either of the following within one year after 16097
the date on which the person receives the notice: 16098

(i) Files a motion for testing of evidence under sections 16099
2953.71 to 2953.81 or section 2953.82 of the Revised Code; 16100

(ii) Submits a written request for retention of evidence 16101
to the governmental evidence-retention entity that provided 16102
notice of its intent to destroy evidence under division (B) (6) 16103
(b) of this section. 16104

(7) Except as otherwise provided in division (B) (8) of 16105
this section, if, after providing notice under division (B) (6) 16106
(b) of this section of its intent to destroy evidence, a 16107
governmental evidence-retention entity receives a written 16108
request for retention of the evidence from any person to whom 16109
the notice is provided, the governmental evidence-retention 16110
entity shall retain the evidence while the person referred to in 16111
division (B) (6) (b) (i) of this section remains in custody, 16112
incarcerated, in a department of youth services institution or 16113
other juvenile facility, under a community control sanction, 16114
under any order of disposition, on probation or parole, under 16115
judicial release or supervised release, under post-release 16116
control, involved in civil litigation, or subject to 16117

registration and other duties imposed for that offense or act 16118
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 16119
Revised Code as a result of a criminal conviction, delinquency 16120
adjudication, or commitment related to the evidence in question. 16121

(8) A governmental evidence-retention entity that 16122
possesses biological evidence that includes biological material 16123
may destroy the evidence five years after a person pleads guilty 16124
or no contest to a violation of section 2903.01, 2903.02, ~~or~~ 16125
2903.03, or 2905.32, a violation of section 2903.04 or 2903.06 16126
that is a felony of the first or second degree, a violation of 16127
section 2907.02, 2907.03, division (A) (4) or (B) of section 16128
2907.05, or an attempt to commit a violation of section 2907.02 16129
of the Revised Code and all appeals have been exhausted unless, 16130
upon a motion to the court by the person who pleaded guilty or 16131
no contest or the person's attorney and notice to those persons 16132
described in division (B) (6) (b) of this section requesting that 16133
the evidence not be destroyed, the court finds good cause as to 16134
why that evidence must be retained. 16135

(9) A governmental evidence-retention entity shall not be 16136
required to preserve physical evidence pursuant to this section 16137
that is of such a size, bulk, or physical character as to render 16138
retention impracticable. When retention of physical evidence 16139
that otherwise would be required to be retained pursuant to this 16140
section is impracticable as described in this division, the 16141
governmental evidence-retention entity that otherwise would be 16142
required to retain the physical evidence shall remove and 16143
preserve portions of the material evidence likely to contain 16144
biological evidence related to the offense, in a quantity 16145
sufficient to permit future DNA testing before returning or 16146
disposing of that physical evidence. 16147

(C) The office of the attorney general shall administer 16148
and conduct training programs for law enforcement officers and 16149
other relevant employees who are charged with preserving and 16150
cataloging biological evidence regarding the methods and 16151
procedures referenced in this section. 16152

Sec. 2935.01. As used in this chapter: 16153

(A) "Magistrate" has the same meaning as in section 16154
2931.01 of the Revised Code. 16155

(B) "Peace officer" includes, except as provided in 16156
section 2935.081 of the Revised Code, a sheriff; deputy sheriff; 16157
marshal; deputy marshal; member of the organized police 16158
department of any municipal corporation, including a member of 16159
the organized police department of a municipal corporation in an 16160
adjoining state serving in Ohio under a contract pursuant to 16161
section 737.04 of the Revised Code; member of a police force 16162
employed by a metropolitan housing authority under division (D) 16163
of section 3735.31 of the Revised Code; member of a police force 16164
employed by a regional transit authority under division (Y) of 16165
section ~~306.05~~306.35 of the Revised Code; state university law 16166
enforcement officer appointed under section 3345.04 of the 16167
Revised Code; enforcement agent of the department of public 16168
safety designated under section 5502.14 of the Revised Code; 16169
employee of the department of taxation to whom investigation 16170
powers have been delegated under section 5743.45 of the Revised 16171
Code; employee of the department of natural resources who is a 16172
natural resources law enforcement staff officer designated 16173
pursuant to section 1501.013 of the Revised Code, a forest-fire 16174
investigator appointed pursuant to section 1503.09 of the 16175
Revised Code, a natural resources officer appointed pursuant to 16176
section 1501.24 of the Revised Code, or a wildlife officer 16177

designated pursuant to section 1531.13 of the Revised Code; 16178
individual designated to perform law enforcement duties under 16179
section 511.232, 1545.13, or 6101.75 of the Revised Code; 16180
veterans' home police officer appointed under section 5907.02 of 16181
the Revised Code; special police officer employed by a port 16182
authority under section 4582.04 or 4582.28 of the Revised Code; 16183
police constable of any township; police officer of a township 16184
or joint police district; a special police officer employed by a 16185
municipal corporation at a municipal airport, or other municipal 16186
air navigation facility, that has scheduled operations, as 16187
defined in section 119.3 of Title 14 of the Code of Federal 16188
Regulations, 14 C.F.R. 119.3, as amended, and that is required 16189
to be under a security program and is governed by aviation 16190
security rules of the transportation security administration of 16191
the United States department of transportation as provided in 16192
Parts 1542. and 1544. of Title 49 of the Code of Federal 16193
Regulations, as amended; the house of representatives sergeant 16194
at arms if the house of representatives sergeant at arms has 16195
arrest authority pursuant to division (E) (1) of section 101.311 16196
of the Revised Code; an assistant house of representatives 16197
sergeant at arms; the senate sergeant at arms; an assistant 16198
senate sergeant at arms; officer or employee of the bureau of 16199
criminal identification and investigation established pursuant 16200
to section 109.51 of the Revised Code who has been awarded a 16201
certificate by the executive director of the Ohio peace officer 16202
training commission attesting to the officer's or employee's 16203
satisfactory completion of an approved state, county, municipal, 16204
or department of natural resources peace officer basic training 16205
program and who is providing assistance upon request to a law 16206
enforcement officer or emergency assistance to a peace officer 16207
pursuant to section 109.54 or 109.541 of the Revised Code; a 16208
state fire marshal law enforcement officer described in division 16209

(A) (23) of section 109.71 of the Revised Code; a gaming agent, 16210
as defined in section 3772.01 of the Revised Code; and, for the 16211
purpose of arrests within those areas, for the purposes of 16212
Chapter 5503. of the Revised Code, and the filing of and service 16213
of process relating to those offenses witnessed or investigated 16214
by them, the superintendent and troopers of the state highway 16215
patrol. 16216

(C) "Prosecutor" includes the county prosecuting attorney 16217
and any assistant prosecutor designated to assist the county 16218
prosecuting attorney, and, in the case of courts inferior to 16219
courts of common pleas, includes the village solicitor, city 16220
director of law, or similar chief legal officer of a municipal 16221
corporation, any such officer's assistants, or any attorney 16222
designated by the prosecuting attorney of the county to appear 16223
for the prosecution of a given case. 16224

(D) "Offense," except where the context specifically 16225
indicates otherwise, includes felonies, misdemeanors, and 16226
violations of ordinances of municipal corporations and other 16227
public bodies authorized by law to adopt penal regulations. 16228

(E) "Tier one offense" means a violation of section 16229
2903.01, 2903.02, 2903.03, 2903.04, 2903.06, 2903.11, 2903.12, 16230
2903.21, 2903.211, 2905.01, 2905.02, 2905.32, 2907.02, 2907.03, 16231
2907.04, 2907.05, 2907.321, 2907.322, 2907.323, 2909.02, 16232
2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2919.25, 2921.34, 16233
2923.161, 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 16234
Code. 16235

Sec. 2935.10. (A) Upon the filing of an affidavit or 16236
complaint as provided by section 2935.09 of the Revised Code, if 16237
it charges the commission of a felony, such judge, clerk, or 16238
magistrate, ~~unless~~ he the judge, clerk, or magistrate has reason 16239

to believe that it was not filed in good faith, or the claim is 16240
not meritorious, shall forthwith issue a warrant for the arrest 16241
of the person charged in the affidavit, and directed to a peace 16242
officer; otherwise ~~he~~ the judge, clerk, or magistrate shall 16243
forthwith refer the matter to the prosecuting attorney or other 16244
attorney charged by law with prosecution for investigation prior 16245
to the issuance of warrant. 16246

(B) If the offense charged is a misdemeanor or violation 16247
of a municipal ordinance, such judge, clerk, or magistrate may: 16248

(1) Issue a warrant for the arrest of such person, 16249
directed to any officer named in section 2935.03 of the Revised 16250
Code but in cases of ordinance violation only to a police 16251
officer or marshal or deputy marshal of the municipal 16252
corporation; 16253

(2) Issue summons, to be served by a peace officer, 16254
bailiff, or court constable, commanding the person against whom 16255
the affidavit or complaint was filed to appear forthwith, or at 16256
a fixed time in the future, before such court or magistrate. 16257
Such summons shall be served in the same manner as in civil 16258
cases. 16259

(C) If the affidavit is filed by, or the complaint is 16260
filed pursuant to an affidavit executed by, a peace officer who 16261
has, at ~~his~~ the officer's discretion, at the time of commission 16262
of the alleged offense, notified the person to appear before the 16263
court or magistrate at a specific time set by such officer, no 16264
process need be issued unless the defendant fails to appear at 16265
the scheduled time. 16266

(D) Any person charged with a misdemeanor or violation of 16267
a municipal ordinance may give bail as provided in sections 16268

2937.22 to 2937.46 of the Revised Code, for ~~his~~ the person's appearance, regardless of whether a warrant, summons, or notice to appear has been issued. 16269
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(E) Any warrant, summons, or any notice issued by the peace officer shall state the substance of the charge against the person arrested or directed to appear. 16272
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(F) When the offense charged is a misdemeanor, and the warrant or summons issued pursuant to this section is not served within two years of the date of issue, a judge or magistrate may order such warrant or summons withdrawn and the case closed, when it does not appear that the ends of justice require keeping the case open. 16275
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(G) (1) Any warrant issued for a tier one offense shall be entered, by the law enforcement agency requesting the warrant and within forty-eight hours of receipt of the warrant, into the law enforcement automated data system created by section 5503.10 of the Revised Code, and known as LEADS, and the appropriate database of the national crime information center (NCIC) maintained by the federal bureau of investigation. 16281
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(2) All warrants issued for tier one offenses shall be entered, by the law enforcement agency that receives the warrant with a nationwide extradition radius, into the law enforcement automated data system created by section 5503.10 of the Revised Code, and known as LEADS. 16288
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(3) If a law enforcement agency discovers that a warrant entered pursuant to section (G) (1) of this section into the law enforcement automated data system and the appropriate database of the national crime information center (NCIC) maintained by the federal bureau of investigation was entered in error, the 16293
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law enforcement agency shall remove the warrant from the law 16298
enforcement automated data system and the appropriate database 16299
of the national crime information center (NCIC) maintained by 16300
the federal bureau of investigation within forty-eight hours 16301
following the discovery of the error. 16302

(4) A law enforcement agency shall remove a warrant from 16303
the law enforcement automated data system and the national crime 16304
information center (NCIC) maintained by the federal bureau of 16305
investigation within forty-eight hours of warrant service or 16306
dismissal or recall by the issuing court. 16307

Sec. 2939.21. (A) Once every three months, the grand 16308
jurors shall visit the county jail, examine its condition, and 16309
inquire into the discipline and treatment of the prisoners, 16310
their habits, diet, and accommodations. ~~They~~ 16311

(B) (1) If a multicounty correctional center or 16312
multicounty-municipal correctional center is established as 16313
described in section 307.93 of the Revised Code to serve two or 16314
more counties, once every three months, the grand jurors of any 16315
or all of the counties served by the center may visit the 16316
facility, examine its contents, and inquire into the discipline 16317
and treatment of the prisoners, their habits, diet, and 16318
accommodations. Only one visit by grand jurors may be made under 16319
this division during any three-month period. 16320

(2) If a municipal-county correctional center is 16321
established as described in section 307.93 of the Revised Code 16322
to serve a county, once every three months, the grand jurors of 16323
the county may visit the facility, examine its contents, and 16324
inquire into the discipline and treatment of the prisoners, 16325
their habits, diet, and accommodations. 16326

(C) When grand jurors visit a jail under division (A), (B) 16327
(1), or (B) (2) of this section, they shall report on these—the 16328
matters specified in the particular division to the court of 16329
common pleas of the county served by the grand jurors in 16330
writing. The clerk of the court of common pleas shall forward a 16331
copy of the report to the department of rehabilitation and 16332
correction. 16333

Sec. 2941.1413. (A) Imposition of a mandatory additional 16334
prison term of one, two, three, four, or five years upon an 16335
offender under division (G) (2) of section 2929.13 of the Revised 16336
Code is precluded unless the indictment, count in the 16337
indictment, or information charging a felony violation of 16338
division (A) of section 4511.19 of the Revised Code specifies 16339
that ~~the~~ either: 16340

(1) The offender, within twenty years of the offense, 16341
previously has been convicted of or pleaded guilty to five or 16342
more equivalent offenses; 16343

(2) The offender previously has been convicted of or 16344
pleaded guilty to a specification of the type described in this 16345
section. The 16346

(B) The specification shall be stated at the end of the 16347
body of the indictment, count, or information and shall be 16348
stated in substantially the following form: 16349

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 16350
Grand Jurors (or insert the person's or the prosecuting 16351
attorney's name when appropriate) further find and specify that 16352
(set forth that the offender, within twenty years of committing 16353
the offense, previously had been convicted of or pleaded guilty 16354
to five or more equivalent offenses or previously has been 16355

convicted of or pleaded guilty to a specification of the type 16356
described in section 2941.1413 of the Revised Code)." 16357

~~(B)~~ (C) As used in ~~division (A)~~ of this section, 16358
"equivalent offense" has the same meaning as in section 4511.181 16359
of the Revised Code. 16360

Sec. 2941.1414. (A) Imposition of a five-year mandatory 16361
prison term upon an offender under division (B) (5) of section 16362
2929.14 of the Revised Code is precluded unless the offender is 16363
convicted of or pleads guilty to violating division (A) (1) or 16364
(2) of section 2903.06 of the Revised Code and unless the 16365
indictment, count in the indictment, or information charging the 16366
offense specifies that the victim of the offense is a peace 16367
officer ~~or,~~ an investigator of the bureau of criminal 16368
identification and investigation, a firefighter, or an emergency 16369
medical worker. The specification shall be stated at the end of 16370
the body of the indictment, count, or information and shall be 16371
stated in substantially the following form: 16372

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 16373
Grand Jurors (or insert the person's or the prosecuting 16374
attorney's name when appropriate) further find and specify that 16375
(set forth that the victim of the offense is a peace officer ~~or,~~ 16376
an investigator of the bureau of criminal identification and 16377
investigation, a firefighter, or an emergency medical worker)." 16378

(B) The specification described in division (A) of this 16379
section may be used in a delinquent child proceeding in the 16380
manner and for the purpose described in section 2152.17 of the 16381
Revised Code. 16382

(C) As used in this section: 16383

(1) "Peace officer" has the same meaning as in section 16384

2935.01 of the Revised Code. 16385

(2) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code. 16386
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(3) "Firefighter" and "emergency medical worker" have the same meanings as in section 4123.026 of the Revised Code. 16389
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Sec. 2941.1415. (A) Imposition of a three-year mandatory prison term upon an offender under division (B) (6) of section 2929.14 of the Revised Code is precluded unless the offender is convicted of or pleads guilty to violating division (A) (1) or (2) of section 2903.06 of the Revised Code and unless the indictment, count in the indictment, or information charging the offense specifies that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) ~~or (B)~~ of section 4511.19 of the Revised Code or an equivalent offense, or three or more violations of any combination of those ~~divisions and~~ offenses. The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form: 16391
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"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 previously has been convicted of or pleaded guilty to three or more violations of division (A) ~~or (B)~~ of section 4511.19 of the Revised Code or an equivalent offense, or three or more violations of any combination of those ~~divisions and~~ offenses)." 16405
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(B) The specification described in division (A) of this 16413

section may be used in a delinquent child proceeding in the 16414
manner and for the purpose described in section 2152.17 of the 16415
Revised Code. 16416

(C) As used in this section, "equivalent offense" has the 16417
same meaning as in section 4511.181 of the Revised Code. 16418

Sec. 2941.1421. (A) Imposition of an additional prison 16419
term of one, two, three, four, five, or six months under 16420
division (H) (2) (a) (i) of section 2929.14 of the Revised Code, an 16421
additional prison term of one, two, three, four, five, six, 16422
seven, eight, nine, ten, eleven, or twelve months under division 16423
(H) (2) (a) (ii) of section 2929.14 of the Revised Code, an 16424
additional definite jail term of not more than sixty days under 16425
division ~~(F) (1) (a)~~ (E) (1) (a) of section 2929.24 of the Revised 16426
Code, or an additional definite jail term of not more than one 16427
hundred twenty days under division ~~(F) (1) (b)~~ (E) (1) (b) of 16428
section 2929.24 of the Revised Code is precluded unless the 16429
indictment, count in the indictment, or information charging a 16430
felony violation of section 2907.22, 2907.24, 2907.241, or 16431
2907.25 of the Revised Code or a misdemeanor violation of 16432
section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised 16433
Code, whichever is applicable, specifies that the violation was 16434
committed in proximity to a school. The specification shall be 16435
stated at the end of the body of the indictment, count, or 16436
information and shall be in substantially the following form: 16437

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 16438
Grand Jurors (or insert the person's or the prosecuting 16439
attorney's name when appropriate) further find and specify that 16440
(set forth that the specified offense was committed in proximity 16441
to a school). 16442

(B) As used in this section, "committed in proximity to a 16443

school" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 2941.1423. Imposition of a mandatory prison term under division (B) (8) of section 2929.14 of the Revised Code or a mandatory jail term under division ~~(F)~~ (E) of section 2929.24 of the Revised Code is precluded unless the offender is convicted of or pleads guilty to a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and unless the indictment, count in the indictment, or information charging the offense specifies the victim of the offense was a woman whom the offender knew was pregnant at the time of the offense. The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the victim of the offense was a woman whom the defendant knew was pregnant at the time of the offense)."

Sec. 2945.71. (A) Subject to division (D) of this section, a person against whom a charge is pending in a court not of record, or against whom a charge of minor misdemeanor is pending in a court of record, shall be brought to trial within thirty days after the person's arrest or the service of summons.

(B) Subject to division (D) of this section, a person 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 16473
of the third or fourth degree, or other misdemeanor for which 16474
the maximum penalty is imprisonment for not more than sixty 16475
days; 16476

(2) Within ninety days after the person's arrest or the 16477
service of summons, if the offense charged is a misdemeanor of 16478
the first or second degree, or other misdemeanor for which the 16479
maximum penalty is imprisonment for more than sixty days. 16480

(C) A person against whom a charge of felony is pending: 16481

(1) Notwithstanding any provisions to the contrary in 16482
Criminal Rule 5(B), shall be accorded a preliminary hearing 16483
within fifteen consecutive days after the person's arrest if the 16484
accused is not held in jail in lieu of bail on the pending 16485
charge or within ten consecutive days after the person's arrest 16486
if the accused is held in jail in lieu of bail on the pending 16487
charge; 16488

(2) ~~Shall Except as provided in division (C) of section~~ 16489
2945.73 of the Revised Code, shall be brought to trial within 16490
two hundred seventy days after the person's arrest. 16491

(D) A person against whom one or more charges of different 16492
degrees, whether felonies, misdemeanors, or combinations of 16493
felonies and misdemeanors, all of which arose out of the same 16494
act or transaction, are pending shall be brought to trial on all 16495
of the charges within the time period required for the highest 16496
degree of offense charged, as determined under divisions (A), 16497
(B), and (C) of this section. 16498

(E) For purposes of computing time under divisions (A), 16499
(B), (C) (2), and (D) of this section, each day during which the 16500
accused is held in jail in lieu of bail on the pending charge 16501

shall be counted as three days. This division does not apply for 16502
purposes of computing time under division (C) (1) of this section 16503
or for purposes of computing the fourteen-day period specified 16504
in section 2945.73 of the Revised Code. 16505

(F) This section shall not be construed to modify in any 16506
way section 2941.401 or sections 2963.30 to 2963.35 of the 16507
Revised Code. 16508

Sec. 2945.73. (A) A charge of felony shall be dismissed if 16509
the accused is not accorded a preliminary hearing within the 16510
time required by sections 2945.71 and 2945.72 of the Revised 16511
Code. Such a dismissal has the same effect as a nolle prosequi. 16512

(B) (1) Upon motion made at or prior to the commencement of 16513
trial, a person charged with ~~an offense~~ a misdemeanor shall be 16514
discharged if ~~he~~ the person is not brought to trial within the 16515
time required by sections 2945.71 and 2945.72 of the Revised 16516
Code. Such a discharge is a bar to any further criminal 16517
proceedings against the person based on the same conduct. 16518

~~(C)~~ (2) Regardless of whether a longer time limit may be 16519
provided by sections 2945.71 and 2945.72 of the Revised Code, a 16520
person charged with misdemeanor shall be discharged if ~~he~~ the 16521
person is held in jail in lieu of bond awaiting trial on the 16522
pending charge: 16523

~~(1)~~ (a) For a total period equal to the maximum term of 16524
imprisonment which may be imposed for the most serious 16525
misdemeanor charged; 16526

~~(2)~~ (b) For a total period equal to the term of 16527
imprisonment allowed in lieu of payment of the maximum fine 16528
which may be imposed for the most serious misdemeanor charged, 16529
when the offense or offenses charged constitute minor 16530

misdemeanors. 16531

~~(D) When a charge of~~ (3) A discharge under division (B) (2) 16532
of this section is a bar to any further criminal proceedings 16533
against the person based on the same conduct. 16534

~~(C) (1) A person charged with a felony is dismissed~~ 16535
~~pursuant to division (A) of this section, such dismissal has the~~ 16536
~~same effect as a nolle prosequi. When an accused is discharged~~ 16537
~~pursuant to division (B) or (C) of this section, such discharge~~ 16538
~~is a bar to any further criminal proceedings against him based~~ 16539
~~on the same conduct, who is not brought to trial within the time~~ 16540
required by sections 2945.71 and 2945.72 of the Revised Code, is 16541
eligible for release from detention. The court may release the 16542
person from any detention in connection with the charges pending 16543
trial and may impose any terms or conditions on the release that 16544
the court considers appropriate. 16545

(2) Upon motion made at or before the commencement of 16546
trial, but not sooner than fourteen days before the day the 16547
person would become eligible for release pursuant to division 16548
(C) (1) of this section, the charges shall be dismissed with 16549
prejudice unless the person is brought to trial on those charges 16550
within fourteen days after the motion is filed and served on the 16551
prosecuting attorney. If no motion is filed, the charges shall 16552
be dismissed with prejudice unless the person is brought to 16553
trial on those charges within fourteen days after it is 16554
determined by the court that the time for trial required by 16555
sections 2945.71 and 2945.72 of the Revised Code has expired. If 16556
it is determined by the court that the time for trial required 16557
by sections 2945.71 and 2945.72 of the Revised Code has expired, 16558
no additional charges arising from the same facts and 16559
circumstances as the original charges may be added during the 16560

fourteen-day period specified under this division. The fourteen- 16561
day period specified under this division may be extended at the 16562
request of the accused or on account of the fault or misconduct 16563
of the accused. 16564

Sec. 2950.151. (A) As used in this section, "eligible 16565
offender" means either of the following: 16566

(1) An offender who was convicted of or pleaded guilty to 16567
a violation of section 2907.04 of the Revised Code to whom all 16568
of the following apply: 16569

(a) The sentencing court found the offender to be at low 16570
risk of reoffending based on a presentence investigation report 16571
that included a risk assessment, assessed by the single 16572
validated risk assessment tool selected by the department of 16573
rehabilitation and correction under section 5120.114 of the 16574
Revised Code; 16575

(b) The sentencing court imposed a community control 16576
sanction or combination of community control sanctions instead 16577
of a prison term and the offender has fulfilled every condition 16578
of every community control sanction imposed by the sentencing 16579
court; 16580

(c) The offender was under twenty-one years of age at the 16581
time of committing the offense; 16582

(d) The offender has not otherwise been convicted of or 16583
pleaded guilty to another violation of section 2907.04 of the 16584
Revised Code or any sexually oriented offense or child-victim 16585
oriented offense other than the violation of section 2907.04 of 16586
the Revised Code; 16587

(e) The minor with whom the offender engaged in sexual 16588
conduct was at least fourteen years of age at the time of the 16589

offense and consented to the sexual conduct, with no evidence of 16590
coercion, force, or threat of force; 16591

(f) The offender was not in a position of authority, 16592
including a position of a type described in divisions (A) (5) to 16593
(13) of section 2907.03 of the Revised Code, over the minor with 16594
whom the offender engaged in sexual conduct. 16595

(2) An offender who was convicted of or pleaded guilty to 16596
a violation of any former law of this state, any existing or 16597
former municipal ordinance or law of another state or the United 16598
States, any existing or former law applicable in a military 16599
court or in an Indian trial court, or any existing or former law 16600
of any nation other than the United States that is or was 16601
substantially equivalent to a violation of section 2907.04 of 16602
the Revised Code and to whom all of the factors described in 16603
divisions (A) (1) (a) to (f) of this section apply. For purposes 16604
of this division: 16605

(a) The reference in division (A) (1) (b) of this section to 16606
a community control sanction shall be construed as including ~~non-~~ 16607
~~prison~~ nonprison sanctions under the law of the jurisdiction in 16608
which the offender was convicted of or pleaded guilty to the 16609
violation that is or was substantially equivalent to a violation 16610
of section 2907.04 of the Revised Code; 16611

(b) The reference in division (A) (1) (d) of this section to 16612
the violations specified in that division shall be construed as 16613
including substantially equivalent violations under the law of 16614
the jurisdiction in which the offender was convicted of or 16615
pleaded guilty to the violation that is or was substantially 16616
equivalent to a violation of section 2907.04 of the Revised 16617
Code. 16618

(B) Upon completion of all community control sanctions 16619
imposed by the sentencing court for the violation of section 16620
2907.04 of the Revised Code or the violation of the 16621
substantially equivalent law or ordinance, whichever is 16622
applicable, an eligible offender may petition the appropriate 16623
court specified in division (C) of this section to review the 16624
effectiveness of the offender's participation in community 16625
control sanctions and to determine whether to terminate the 16626
offender's duty to comply with sections 2950.04, 2950.05, and 16627
2950.06 of the Revised Code, reclassify the offender as a tier I 16628
sex offender/child-victim offender, or continue the offender's 16629
current classification. 16630

(C) Except as otherwise provided in this division, the 16631
eligible offender shall file the petition described in division 16632
(B) of this section in the court in which the eligible offender 16633
was convicted of or pleaded guilty to the offense. If the 16634
eligible offender was convicted of or pleaded guilty to the 16635
offense in a jurisdiction other than this state, the eligible 16636
offender shall file the petition in whichever of the following 16637
courts is applicable: 16638

(1) If the eligible offender is a resident of this state, 16639
in the court of common pleas of the county in which the offender 16640
resides; 16641

(2) If the eligible offender is not a resident of this 16642
state, in the court of common pleas of the county in which the 16643
offender has registered pursuant to section 2950.04 of the 16644
Revised Code. If the offender has registered addresses of that 16645
nature in more than one county, the offender may file a petition 16646
in the court of only one of those counties. 16647

(D) An eligible offender who files a petition under 16648

division (B) of this section shall include all of the following 16649
with the petition: 16650

(1) A certified copy of the judgment entry and any other 16651
documentation of the sentence given for the offense for which 16652
the eligible offender was convicted or pleaded guilty; 16653

(2) Documentation of the date of discharge from probation 16654
supervision or other supervision, if applicable; 16655

(3) Evidence that the eligible offender has completed a 16656
sex offender treatment program certified by the department of 16657
rehabilitation and correction pursuant to section 2950.16 of the 16658
Revised Code in the county where the offender was sentenced if 16659
the completion of such a program is ordered by the court, or, if 16660
completion of such a program is ordered by the court and such a 16661
program is not available in the county of sentencing, in another 16662
county; 16663

(4) Any other evidence necessary to show that the offender 16664
meets the qualifications listed in division (A) of this section; 16665

(5) Evidence that the eligible offender has been 16666
rehabilitated to a satisfactory degree by successful completion 16667
of community control sanctions. 16668

(E) An eligible offender may obtain, at the offender's 16669
expense, a risk assessment or professional opinion, recommending 16670
relief under this section, from a licensed clinical 16671
psychologist, social worker, or other professional certified in 16672
sex offender treatment. The professional opinion or risk 16673
assessment may be submitted with the petition as additional 16674
evidence of rehabilitation. 16675

(F) Upon the filing of a petition under division (B) of 16676
this section, the court shall schedule a hearing to review the 16677

eligible offender's petition and all evidence of rehabilitation 16678
accompanying the petition. The court shall notify the offender 16679
and the prosecutor of the county in which the petition is filed 16680
of the date, time, and place of the hearing. Upon receipt of the 16681
notice, the prosecutor shall notify the victim of the date, 16682
time, and place of the hearing. The victim may submit a written 16683
statement to the prosecutor regarding any knowledge the victim 16684
has of the eligible offender's conduct while subject to the 16685
duties imposed by sections 2950.04, 2950.05, and 2950.06 of the 16686
Revised Code. At least seven days before the hearing date, the 16687
prosecutor may file an objection to the petition with the court 16688
and serve a copy of the objection to the petition on the 16689
eligible offender or the eligible offender's attorney. In 16690
addition to considering the evidence and information included 16691
with the petition as described in division (D) of this section 16692
and any risk assessment or professional opinion submitted as 16693
described in division (E) of this section, in determining the 16694
type of order to enter in response to the petition, the court 16695
shall consider any objections submitted by the prosecutor and 16696
any written statement submitted by the victim. After the 16697
hearing, the court shall enter one of the following orders: 16698

(1) An order to terminate the offender's duty to comply 16699
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 16700

(2) If the offender is classified a tier II sex 16701
offender/child-victim offender, an order to reclassify the 16702
offender from a tier II sex offender/child-victim offender 16703
classification to a tier I sex offender/child-victim offender 16704
classification; 16705

(3) If the offender is classified a tier I sex 16706
offender/child-victim offender or a tier II sex offender/child- 16707

victim offender, an order to continue the offender's 16708
classification as a tier I sex offender/child-victim offender or 16709
tier II sex offender/child-victim offender, whichever is 16710
applicable, required to comply with sections 2950.04, 2950.05, 16711
and 2950.06 of the Revised Code. 16712

(G) After issuing an order pursuant to division (F) of 16713
this section, the court shall provide a copy of the order to the 16714
eligible offender and the bureau of criminal identification and 16715
investigation. The bureau, upon receipt of the copy, shall 16716
promptly notify the sheriff with whom the offender most recently 16717
registered under section 2950.04 or 2950.05 of the Revised Code 16718
of the court's order. 16719

(H) (1) An order issued under division (F) (2) or (3) of 16720
this section shall remain in effect for the duration of the 16721
eligible offender's duty to comply with sections 2950.04, 16722
2950.05, and 2950.06 of the Revised Code under the 16723
reclassification or continuation, whichever is applicable, as 16724
specified in section 2950.07 of the Revised Code, except that an 16725
eligible offender may refile a petition under this section at 16726
the time prescribed under division (H) (2) of this section. An 16727
order issued under division (F) (2) or (3) of this section shall 16728
not increase the duration of the offender's duty to comply with 16729
sections 2950.04, 2950.05, and 2950.06 of the Revised Code. 16730

(2) After the eligible offender's initial petition filed 16731
under this section, if the court entered an order continuing the 16732
offender's classification or reclassifying the offender, the 16733
offender may file a second petition not earlier than three years 16734
after the court entered the first order. After the second 16735
petition, the offender may file one subsequent petition not 16736
earlier than five years after the most recent order continuing 16737

the offender's classification or reclassifying the offender. A 16738
petition filed under this division shall comply with the 16739
requirements described in divisions (C), (D), and (E) of this 16740
section. 16741

(3) Upon the filing of a second or subsequent petition by 16742
an eligible offender pursuant to division (H) (2) of this 16743
section, the court shall schedule a hearing to review any 16744
previous order entered under this section, consider all of the 16745
documents previously submitted, and evaluate any new evidence of 16746
rehabilitation presented with the petition. The court shall 16747
notify the offender and the prosecutor of the county in which 16748
the petition is filed of the date, time, and place of the 16749
hearing. Upon receipt of the notice, the prosecutor shall notify 16750
the victim of the date, time, and place of the hearing. The 16751
victim may submit a written statement to the prosecutor 16752
regarding any knowledge the victim has of the eligible 16753
offender's conduct while subject to the duties imposed by 16754
sections 2950.04, 2950.05, and 2950.06 of the Revised Code. At 16755
least seven days before the hearing date, the prosecutor may 16756
file an objection to the petition with the court and serve a 16757
copy of the objection to the petition on the eligible offender 16758
or the eligible offender's attorney. In addition to reviewing 16759
any previous order, considering the documents previously 16760
submitted, and evaluating any new evidence of rehabilitation 16761
presented with the petition as described in this division, in 16762
determining whether to deny the petition or the type of order to 16763
enter in response to the petition, the court shall consider any 16764
objections submitted by the prosecutor and any written statement 16765
submitted by the victim. After the hearing on the petition, the 16766
court may deny the petition or enter either of the following 16767
orders: 16768

(a) If the previous order continued the offender's classification as a tier II sex offender/child-victim offender, an order to reclassify the offender as a tier I sex offender/child-victim offender or terminate the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code;

(b) If the previous order reclassified the offender as a tier I sex offender/child-victim offender or continued the offender's classification as a tier I sex offender/child-victim offender, an order to terminate the offender's duty to comply with sections 2950.04, 2950.05, and 2950.06 of the Revised Code.

Sec. 2950.99. (A) (1) (a) Except as otherwise provided in division (A) (1) (b) of this section, whoever violates a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code shall be punished as follows:

(i) If the most serious sexually 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 aggravated murder or murder if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the first degree.

(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, third, or fourth 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 16799
serious sexually oriented offense or child-victim oriented 16800
offense that was the basis of the registration, notice of intent 16801
to reside, change of address, or address verification 16802
requirement that was violated under the prohibition, or, if the 16803
most serious sexually oriented offense or child-victim oriented 16804
offense that was the basis of the registration, notice of intent 16805
to reside, change of address, or address verification 16806
requirement that was violated under the prohibition is a 16807
comparable category of offense committed in another 16808
jurisdiction, the offender is guilty of a felony of the same 16809
degree as that offense committed in the other jurisdiction would 16810
constitute if committed in this state. 16811

(iii) If the most serious sexually oriented offense or 16812
child-victim oriented offense that was the basis of the 16813
registration, notice of intent to reside, change of address 16814
notification, or address verification requirement that was 16815
violated under the prohibition is a felony of the fifth degree 16816
or a misdemeanor if committed by an adult or a comparable 16817
category of offense committed in another jurisdiction, the 16818
offender is guilty of a felony of the fourth degree. 16819

(b) If the offender previously has been convicted of or 16820
pleaded guilty to, or previously has been adjudicated a 16821
delinquent child for committing, a violation of a prohibition in 16822
section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 16823
Code, whoever violates a prohibition in section 2950.04, 16824
2950.041, 2950.05, or 2950.06 of the Revised Code shall be 16825
punished as follows: 16826

(i) If the most serious sexually oriented offense that was 16827
the basis of the registration, notice of intent to reside, 16828

change of address notification, or address verification 16829
requirement that was violated under the prohibition is 16830
aggravated murder or murder if committed by an adult or a 16831
comparable category of offense committed in another 16832
jurisdiction, the offender is guilty of a felony of the first 16833
degree. 16834

(ii) If the most serious sexually oriented offense or 16835
child-victim oriented offense that was the basis of the 16836
registration, notice of intent to reside, change of address 16837
notification, or address verification requirement that was 16838
violated under the prohibition is a felony of the first, second, 16839
or third degree if committed by an adult or a comparable 16840
category of offense committed in another jurisdiction, the 16841
offender is guilty of a felony of the same degree as the most 16842
serious sexually oriented offense or child-victim oriented 16843
offense that was the basis of the registration, notice of intent 16844
to reside, change of address, or address verification 16845
requirement that was violated under the prohibition, or, if the 16846
most serious sexually oriented offense or child-victim oriented 16847
offense that was the basis of the registration, notice of intent 16848
to reside, change of address, or address verification 16849
requirement that was violated under the prohibition is a 16850
comparable category of offense committed in another 16851
jurisdiction, the offender is guilty of a felony of the same 16852
degree as that offense committed in the other jurisdiction would 16853
constitute if committed in this state. 16854

(iii) If the most serious sexually oriented offense or 16855
child-victim oriented offense that was the basis of the 16856
registration, notice of intent to reside, change of address 16857
notification, or address verification requirement that was 16858
violated under the prohibition is a felony of the fourth or 16859

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 violated under the prohibition is a misdemeanor if committed by an adult or a comparable category of offense committed in another jurisdiction, the offender is guilty of a felony of the fourth degree.

(2) (a) In addition to any penalty or sanction imposed under division (A) (1) of this section or any other provision of law for a violation of a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the offender or delinquent child is subject to a community control sanction, is on 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, parole, post-release control sanction, or other type of supervised release.

(b) In addition to any penalty or sanction imposed under division (A) (1) (b) (i), (ii), or (iii) of this section or any other provision of law for a violation of a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the offender previously has been convicted of or pleaded guilty to, or previously has been adjudicated a delinquent child for committing, a violation of a prohibition in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised

Code when the most serious sexually oriented offense or child- 16890
victim oriented offense that was the basis of the requirement 16891
that was violated under the prohibition is a felony if committed 16892
by an adult or a comparable category of offense committed in 16893
another jurisdiction, the court imposing a sentence upon the 16894
offender shall impose a definite prison term of no less than 16895
three years. The definite prison term imposed under this 16896
section, ~~subject to divisions (C) to (I) of section 2967.19 of~~ 16897
~~the Revised Code,~~ shall not be reduced to less than three years 16898
pursuant to any provision of Chapter 2967. or any other 16899
provision of the Revised Code. 16900

(3) As used in division (A)(1) of this section, 16901
"comparable category of offense committed in another 16902
jurisdiction" means a sexually oriented offense or child-victim 16903
oriented offense that was the basis of the registration, notice 16904
of intent to reside, change of address notification, or address 16905
verification requirement that was violated, that is a violation 16906
of an existing or former law of another state or the United 16907
States, an existing or former law applicable in a military court 16908
or in an Indian tribal court, or an existing or former law of 16909
any nation other than the United States, and that, if it had 16910
been committed in this state, would constitute or would have 16911
constituted aggravated murder or murder for purposes of division 16912
(A)(1)(a)(i) of this section, a felony of the first, second, 16913
third, or fourth degree for purposes of division (A)(1)(a)(ii) 16914
of this section, a felony of the fifth degree or a misdemeanor 16915
for purposes of division (A)(1)(a)(iii) of this section, 16916
aggravated murder or murder for purposes of division (A)(1)(b) 16917
(i) of this section, a felony of the first, second, or third 16918
degree for purposes of division (A)(1)(b)(ii) of this section, a 16919
felony of the fourth or fifth degree for purposes of division 16920

(A) (1) (b) (iii) of this section, or a misdemeanor for purposes of 16921
division (A) (1) (b) (iv) of this section. 16922

(B) If a person violates a prohibition in section 2950.04, 16923
2950.041, 2950.05, or 2950.06 of the Revised Code that applies 16924
to the person as a result of the person being adjudicated a 16925
delinquent child and being classified a juvenile offender 16926
registrant or an out-of-state juvenile offender registrant, both 16927
of the following apply: 16928

(1) If the violation occurs while the person is under 16929
eighteen years of age, the person is subject to proceedings 16930
under Chapter 2152. of the Revised Code based on the violation. 16931

(2) If the violation occurs while the person is eighteen 16932
years of age or older, the person is subject to criminal 16933
prosecution based on the violation. 16934

(C) Whoever violates division (C) of section 2950.13 of 16935
the Revised Code is guilty of a misdemeanor of the first degree. 16936

Sec. 2951.02. ~~(A)~~ (A) (1) During the period of a misdemeanor 16937
offender's community control sanction or during the period of a 16938
felony offender's nonresidential sanction, authorized probation 16939
officers who are engaged within the scope of their supervisory 16940
duties or responsibilities may search, with or without a 16941
warrant, the person of the offender, the place of residence of 16942
the offender, and a motor vehicle, another item of tangible or 16943
intangible personal property, or other real property in which 16944
the offender has a right, title, or interest or for which the 16945
offender has the express or implied permission of a person with 16946
a right, title, or interest to use, occupy, or possess if ~~the~~ 16947
any of the following apply: 16948

(a) The probation officers have reasonable grounds to 16949

believe that the offender is not abiding by the law or otherwise 16950
is not complying with the conditions of the misdemeanor 16951
offender's community control sanction or the conditions of the 16952
felony offender's nonresidential sanction. ~~If~~ 16953

(b) If the offender is a felony offender, the court 16954
requires the offender's consent to searches as part of the terms 16955
and conditions of community control, and the offender agreed to 16956
those terms and conditions. 16957

(c) If the offender is a felony offender, the offender 16958
otherwise provides consent for the search. 16959

(2) If a felony offender who is sentenced to a 16960
nonresidential sanction is under the general control and 16961
supervision of the adult parole authority, as described in 16962
division (A) (2) (a) of section 2929.15 of the Revised Code, adult 16963
parole authority field officers with supervisory 16964
responsibilities over the felony offender shall have the same 16965
search authority relative to the felony offender during the 16966
period of the sanction that is described under ~~this~~ division (A) 16967
(1) of this section for probation officers. ~~The court that~~ 16968
~~places the~~ 16969

(3) If a misdemeanor offender is placed under a community 16970
control sanction pursuant to section 2929.25 of the Revised Code 16971
or ~~that sentences the~~ if a felony offender is sentenced to a 16972
nonresidential sanction pursuant to section 2929.17 of the 16973
Revised Code, the court that places the misdemeanor offender 16974
under the sanction or sentences the felony offender to the 16975
sanction shall provide the offender with a written notice that 16976
informs the offender that authorized probation officers or adult 16977
parole authority field officers with supervisory 16978
responsibilities over the offender who are engaged within the 16979

scope of their supervisory duties or responsibilities may 16980
conduct ~~those~~ the types of searches described in divisions (A) 16981
(1) and (2) of this section during the period of community 16982
control sanction or the nonresidential sanction if ~~they~~ any of 16983
the following apply: 16984

(a) The officers have reasonable grounds to believe that 16985
the offender is not abiding by the law or otherwise is not 16986
complying with the conditions of the offender's community 16987
control sanction or nonresidential sanction. 16988

(b) If the offender is a felony offender, the court 16989
requires the offender's consent to searches as part of the terms 16990
and conditions of community control, and the offender agreed to 16991
those terms and conditions. 16992

(c) If the offender is a felony offender, the offender 16993
otherwise provides consent for the search. 16994

(B) If an offender is convicted of or pleads guilty to a 16995
misdemeanor, the court may require the offender, as a condition 16996
of the offender's sentence of a community control sanction, to 16997
perform supervised community service work in accordance with 16998
this division. If an offender is convicted of or pleads guilty 16999
to a felony, the court, pursuant to sections 2929.15 and 2929.17 17000
of the Revised Code, may impose a sanction that requires the 17001
offender to perform supervised community service work in 17002
accordance with this division. The supervised community service 17003
work shall be under the authority of health districts, park 17004
districts, counties, municipal corporations, townships, other 17005
political subdivisions of the state, or agencies of the state or 17006
any of its political subdivisions, or under the authority of 17007
charitable organizations that render services to the community 17008
or its citizens, in accordance with this division. The court may 17009

require an offender who is ordered to perform the work to pay to 17010
it a reasonable fee to cover the costs of the offender's 17011
participation in the work, including, but not limited to, the 17012
costs of procuring a policy or policies of liability insurance 17013
to cover the period during which the offender will perform the 17014
work. 17015

A court may permit any offender convicted of a felony or a 17016
misdemeanor to satisfy the payment of a fine imposed for the 17017
offense pursuant to section 2929.18 or 2929.28 of the Revised 17018
Code by performing supervised community service work as 17019
described in this division if the offender requests an 17020
opportunity to satisfy the payment by this means and if the 17021
court determines that the offender is financially unable to pay 17022
the fine. 17023

After imposing a term of community service, the court may 17024
modify the sentence to authorize a reasonable contribution to 17025
the appropriate general fund as provided in division (B) of 17026
section 2929.27 of the Revised Code. 17027

The supervised community service work that may be imposed 17028
under this division shall be subject to the following 17029
limitations: 17030

(1) The court shall fix the period of the work and, if 17031
necessary, shall distribute it over weekends or over other 17032
appropriate times that will allow the offender to continue at 17033
the offender's occupation or to care for the offender's family. 17034
The period of the work as fixed by the court shall not exceed in 17035
the aggregate the number of hours of community service imposed 17036
by the court pursuant to section 2929.17 or 2929.27 of the 17037
Revised Code. 17038

(2) An agency, political subdivision, or charitable organization must agree to accept the offender for the work before the court requires the offender to perform the work for the entity. A court shall not require an offender to perform supervised community service work for an agency, political subdivision, or charitable organization at a location that is an unreasonable distance from the offender's residence or domicile, unless the offender is provided with transportation to the location where the work is to be performed.

(3) A court may enter into an agreement with a county department of job and family services for the management, placement, and supervision of offenders eligible for community service work in work activities, developmental activities, and alternative work activities under sections 5107.40 to 5107.69 of the Revised Code. If a court and a county department of job and family services have entered into an agreement of that nature, the clerk of that court is authorized to pay directly to the county department all or a portion of the fees collected by the court pursuant to this division in accordance with the terms of its agreement.

(4) Community service work that a court requires under this division shall be supervised by an official of the agency, political subdivision, or charitable organization for which the work is performed or by a person designated by the agency, political subdivision, or charitable organization. The official or designated person shall be qualified for the supervision by education, training, or experience, and periodically shall report, in writing, to the court and to the offender's probation officer concerning the conduct of the offender in performing the work.

(5) The total of any period of supervised community service work imposed on an offender under division (B) of this section plus the period of all other sanctions imposed pursuant to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code for a felony, or pursuant to sections 2929.25, 2929.26, 2929.27, and 2929.28 of the Revised Code for a misdemeanor, shall not exceed five years.

(C) (1) If an offender is convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, the court may require, as a condition of a community control sanction, that the offender operate only a motor vehicle equipped with an ignition interlock device that is certified pursuant to section 4510.43 of the Revised Code.

(2) If a court requires an offender, as a condition of a community control sanction pursuant to division (C) (1) of this section, to operate only a motor vehicle equipped with an ignition interlock device that is certified pursuant to section 4510.43 of the Revised Code, the offender immediately shall surrender the offender's driver's or commercial driver's license or permit to the court. Upon the receipt of the offender's license or permit, the court shall issue an order authorizing the offender to operate a motor vehicle equipped with a certified ignition interlock device and deliver the offender's license or permit to the registrar of motor vehicles. The court also shall give the offender a copy of its order for purposes of obtaining a restricted license.

(3) An offender shall present to the registrar or to a deputy registrar the copy of the order issued under division (C) of this section and a certificate affirming the installation of an ignition interlock device that is in a form established by

the director of public safety and that is signed by the person 17099
who installed the device. Upon presentation of the order and 17100
certificate, the registrar or deputy registrar shall issue a 17101
restricted license to the offender, unless the offender's 17102
driver's license or commercial driver's license or permit is 17103
suspended under any other provision of law and limited driving 17104
privileges have not been granted with regard to that suspension. 17105
The restricted license shall be identical to the surrendered 17106
license, except that it shall have printed on its face a 17107
statement that the offender is prohibited from operating a motor 17108
vehicle that is not equipped with an ignition interlock device 17109
that is certified pursuant to section 4510.43 of the Revised 17110
Code. The registrar shall deliver the offender's surrendered 17111
license or permit to the court upon receipt of a court order 17112
requiring it to do so, or reissue the offender's license or 17113
permit under section 4510.52 of the Revised Code if the 17114
registrar destroyed the offender's license or permit under that 17115
section. The offender shall surrender the restricted license to 17116
the court upon receipt of the offender's surrendered license or 17117
permit. 17118

(4) If an offender violates a requirement of the court 17119
imposed under division (C)(1) of this section, the court may 17120
impose a class seven suspension of the offender's driver's or 17121
commercial driver's license or permit or nonresident operating 17122
privilege from the range specified in division (A)(7) of section 17123
4510.02 of the Revised Code. On a second or subsequent 17124
violation, the court may impose a class four suspension of the 17125
offender's driver's or commercial driver's license or permit or 17126
nonresident operating privilege from the range specified in 17127
division (A)(4) of section 4510.02 of the Revised Code. 17128

Sec. 2951.041. (A)(1) If an offender is charged with a 17129

criminal offense, including but not limited to a violation of 17130
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 17131
of the Revised Code, and the court has reason to believe that 17132
drug or alcohol usage by the offender was a factor leading to 17133
the criminal offense with which the offender is charged or that, 17134
at the time of committing that offense, the offender had a 17135
mental illness, was a person with an intellectual disability, or 17136
was a victim of a violation of section 2905.32 or 2907.21 of the 17137
Revised Code and that the mental illness, status as a person 17138
with an intellectual disability, or fact that the offender was a 17139
victim of a violation of section 2905.32 or 2907.21 of the 17140
Revised Code was a factor leading to the offender's criminal 17141
behavior, the court may accept, prior to the entry of a guilty 17142
plea, the offender's request for intervention in lieu of 17143
conviction. The request shall include a statement from the 17144
offender as to whether the offender is alleging that drug or 17145
alcohol usage by the offender was a factor leading to the 17146
criminal offense with which the offender is charged or is 17147
alleging that, at the time of committing that offense, the 17148
offender had a mental illness, was a person with an intellectual 17149
disability, or was a victim of a violation of section 2905.32 or 17150
2907.21 of the Revised Code and that the mental illness, status 17151
as a person with an intellectual disability, or fact that the 17152
offender was a victim of a violation of section 2905.32 or 17153
2907.21 of the Revised Code was a factor leading to the criminal 17154
offense with which the offender is charged. The request also 17155
shall include a waiver of the defendant's right to a speedy 17156
trial, the preliminary hearing, the time period within which the 17157
grand jury may consider an indictment against the offender, and 17158
arraignment, unless the hearing, indictment, or arraignment has 17159
already occurred. Unless an offender alleges that drug or 17160
alcohol usage by the offender was a factor leading to the 17161

criminal offense with which the offender is charged, the court 17162
may reject an offender's request without a hearing. If the court 17163
elects to consider an offender's request or the offender alleges 17164
that drug or alcohol usage by the offender was a factor leading 17165
to the criminal offense with which the offender is charged, the 17166
court shall conduct a hearing to determine whether the offender 17167
is eligible under this section for intervention in lieu of 17168
conviction and shall stay all criminal proceedings pending the 17169
outcome of the hearing. If the court schedules a hearing, the 17170
court shall order an assessment of the offender for the purpose 17171
of determining the offender's program eligibility for 17172
intervention in lieu of conviction and recommending an 17173
appropriate intervention plan. 17174

If the offender alleges that drug or alcohol usage by the 17175
offender was a factor leading to the criminal offense with which 17176
the offender is charged, the court may order that the offender 17177
be assessed by a community addiction services provider or a 17178
properly credentialed professional for the purpose of 17179
determining the offender's program eligibility for intervention 17180
in lieu of conviction and recommending an appropriate 17181
intervention plan. The community addiction services provider or 17182
the properly credentialed professional shall provide a written 17183
assessment of the offender to the court. 17184

(2) The victim notification provisions of division (C) of 17185
section 2930.06 of the Revised Code apply in relation to any 17186
hearing held under division (A) (1) of this section. 17187

(B) An offender is eligible for intervention in lieu of 17188
conviction if the court finds all of the following: 17189

(1) The offender previously has not been convicted of or 17190
pleaded guilty to any felony offense of violence. 17191

(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.

(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.

(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 credentialed professional has filed the written assessment of the offender with the court.

(5) If an offender alleges that, at the time of committing the criminal offense with which the offender is charged, the

offender had a mental illness, was a person with an intellectual 17222
disability, or was a victim of a violation of section 2905.32 or 17223
2907.21 of the Revised Code and that the mental illness, status 17224
as a person with an intellectual disability, or fact that the 17225
offender was a victim of a violation of section 2905.32 or 17226
2907.21 of the Revised Code was a factor leading to that 17227
offense, the offender has been assessed by a psychiatrist, 17228
psychologist, independent social worker, licensed professional 17229
clinical counselor, or independent marriage and family therapist 17230
for the purpose of determining the offender's program 17231
eligibility for intervention in lieu of conviction and 17232
recommending an appropriate intervention plan. 17233

(6) The offender's drug usage, alcohol usage, mental 17234
illness, or intellectual disability, or the fact that the 17235
offender was a victim of a violation of section 2905.32 or 17236
2907.21 of the Revised Code, whichever is applicable, was a 17237
factor leading to the criminal offense with which the offender 17238
is charged, intervention in lieu of conviction would not demean 17239
the seriousness of the offense, and intervention would 17240
substantially reduce the likelihood of any future criminal 17241
activity. 17242

(7) The alleged victim of the offense was not sixty-five 17243
years of age or older, permanently and totally disabled, under 17244
thirteen years of age, or a peace officer engaged in the 17245
officer's official duties at the time of the alleged offense. 17246

(8) If the offender is charged with a violation of section 17247
2925.24 of the Revised Code, the alleged violation did not 17248
result in physical harm to any person. 17249

(9) The offender is willing to comply with all terms and 17250
conditions imposed by the court pursuant to division (D) of this 17251

section. 17252

(10) The offender is not charged with an offense that 17253
would result in the offender being disqualified under Chapter 17254
4506. of the Revised Code from operating a commercial motor 17255
vehicle or would subject the offender to any other sanction 17256
under that chapter. 17257

(C) At the conclusion of a hearing held pursuant to 17258
division (A) of this section, the court shall determine whether 17259
the offender will be granted intervention in lieu of conviction. 17260
In making this determination, the court shall presume that 17261
intervention in lieu of conviction is appropriate. If the court 17262
finds under this division and division (B) of this section that 17263
the offender is eligible for intervention in lieu of conviction, 17264
the court shall grant the offender's request unless the court 17265
finds specific reasons to believe that the candidate's 17266
participation in intervention in lieu of conviction would be 17267
inappropriate. 17268

If the court denies an eligible offender's request for 17269
intervention in lieu of conviction, the court shall state the 17270
reasons for the denial, with particularity, in a written entry. 17271

If the court grants the offender's request, the court 17272
shall accept the offender's plea of guilty and waiver of the 17273
defendant's right to a speedy trial, the preliminary hearing, 17274
the time period within which the grand jury may consider an 17275
indictment against the offender, and arraignment, unless the 17276
hearing, indictment, or arraignment has already occurred. In 17277
addition, the court then may stay all criminal proceedings and 17278
order the offender to comply with all terms and conditions 17279
imposed by the court pursuant to division (D) of this section. 17280
If the court finds that the offender is not eligible or does not 17281

grant the offender's request, the criminal proceedings against 17282
the offender shall proceed as if the offender's request for 17283
intervention in lieu of conviction had not been made. 17284

(D) If the court grants an offender's request for 17285
intervention in lieu of conviction, ~~the~~all of the following 17286
apply: 17287

(1) The court shall place the offender under the general 17288
control and supervision of the county probation department, the 17289
adult parole authority, or another appropriate local probation- 17290
or court services agency, if one existsone of the following, as 17291
if the offender was subject to a community control sanction 17292
imposed under section 2929.15, 2929.18, or 2929.25 of the 17293
Revised Code. 17294

~~The~~(a) The county probation department, the adult parole 17295
authority, or another appropriate local probation or court 17296
services agency, if one exists; 17297

(b) If the court grants the request for intervention in 17298
lieu of conviction during the period commencing on the effective 17299
date of this amendment and ending two years after that effective 17300
date, a community-based correctional facility. 17301

(2) The court shall establish an intervention plan for the 17302
offender.~~The~~ 17303

(3) The terms and conditions of the intervention plan 17304
required under division (D)(2) of this section shall require the 17305
offender, for at least one year, but not more than five years, 17306
from the date on which the court grants the order of 17307
intervention in lieu of conviction, to abstain from the use of 17308
illegal drugs and alcohol, to participate in treatment and 17309
recovery support services, and to submit to regular random 17310

testing for drug and alcohol use and may include any other 17311
treatment terms and conditions, or terms and conditions similar 17312
to community control sanctions, which may include community 17313
service or restitution, that are ordered by the court. 17314

(E) If the court grants an offender's request for 17315
intervention in lieu of conviction and the court finds that the 17316
offender has successfully completed the intervention plan for 17317
the offender, including the requirement that the offender 17318
abstain from using illegal drugs and alcohol for a period of at 17319
least one year, but not more than five years, from the date on 17320
which the court granted the order of intervention in lieu of 17321
conviction, the requirement that the offender participate in 17322
treatment and recovery support services, and all other terms and 17323
conditions ordered by the court, the court shall dismiss the 17324
proceedings against the offender. Successful completion of the 17325
intervention plan and period of abstinence under this section 17326
shall be without adjudication of guilt and is not a criminal 17327
conviction for purposes of any disqualification or disability 17328
imposed by law and upon conviction of a crime, and the court may 17329
order the sealing or expungement of records related to the 17330
offense in question, as a dismissal of the charges, in the 17331
manner provided in sections ~~2953.51 to 2953.56~~ 2953.31, 2953.33, 17332
2953.37, and 2953.521 of the Revised Code and divisions (H), 17333
(K), and (L) of section 2953.34 of the Revised Code. 17334

(F) If the court grants an offender's request for 17335
intervention in lieu of conviction and the offender fails to 17336
comply with any term or condition imposed as part of the 17337
intervention plan for the offender, the supervising authority 17338
for the offender promptly shall advise the court of this 17339
failure, and the court shall hold a hearing to determine whether 17340
the offender failed to comply with any term or condition imposed 17341

as part of the plan. If the court determines that the offender 17342
has failed to comply with any of those terms and conditions, it 17343
may continue the offender on intervention in lieu of conviction, 17344
continue the offender on intervention in lieu of conviction with 17345
additional terms, conditions, and sanctions, or enter a finding 17346
of guilty and impose an appropriate sanction under Chapter 2929. 17347
of the Revised Code. If the court sentences the offender to a 17348
prison term, the court, after consulting with the department of 17349
rehabilitation and correction regarding the availability of 17350
services, may order continued court-supervised activity and 17351
treatment of the offender during the prison term and, upon 17352
consideration of reports received from the department concerning 17353
the offender's progress in the program of activity and 17354
treatment, may consider judicial release under section 2929.20 17355
of the Revised Code. 17356

(G) As used in this section: 17357

(1) "Community addiction services provider" has the same 17358
meaning as in section 5119.01 of the Revised Code. 17359

(2) "Community control sanction" has the same meaning as 17360
in section 2929.01 of the Revised Code. 17361

(3) "Intervention in lieu of conviction" means any court- 17362
supervised activity that complies with this section. 17363

(4) "Intellectual disability" has the same meaning as in 17364
section 5123.01 of the Revised Code. 17365

(5) "Peace officer" has the same meaning as in section 17366
2935.01 of the Revised Code. 17367

(6) "Mental illness" and "psychiatrist" have the same 17368
meanings as in section 5122.01 of the Revised Code. 17369

(7) "Psychologist" has the same meaning as in section 17370
4732.01 of the Revised Code. 17371

(8) "Felony sex offense" means a violation of a section 17372
contained in Chapter 2907. of the Revised Code that is a felony. 17373

Sec. 2953.25. (A) As used in this section: 17374

(1) "Collateral sanction" means a penalty, disability, or 17375
disadvantage that is related to employment or occupational 17376
licensing, however denominated, as a result of the individual's 17377
conviction of or plea of guilty to an offense and that applies 17378
by operation of law in this state whether or not the penalty, 17379
disability, or disadvantage is included in the sentence or 17380
judgment imposed. 17381

"Collateral sanction" does not include imprisonment, 17382
probation, parole, supervised release, forfeiture, restitution, 17383
fine, assessment, or costs of prosecution. 17384

(2) "Decision-maker" includes, but is not limited to, the 17385
state acting through a department, agency, board, commission, or 17386
instrumentality established by the law of this state for the 17387
exercise of any function of government, a political subdivision, 17388
an educational institution, or a government contractor or 17389
subcontractor made subject to this section by contract, law, or 17390
ordinance. 17391

(3) "Department-funded program" means a residential or 17392
nonresidential program that is not a term in a state 17393
correctional institution, that is funded in whole or part by the 17394
department of rehabilitation and correction, and that is imposed 17395
as a sanction for an offense, as part of a sanction that is 17396
imposed for an offense, or as a term or condition of any 17397
sanction that is imposed for an offense. 17398

(4) "Designee" means the person designated by the deputy director of the division of parole and community services to perform the duties designated in division (B) of this section.

(5) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction.

(6) "Offense" means any felony or misdemeanor under the laws of this state.

(7) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code.

(8) "Discretionary civil impact," "licensing agency," and "mandatory civil impact" have the same meanings as in section 2961.21 of the Revised Code.

(B) (1) An individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who either has served a term in a state correctional institution for any offense or has spent time in a department-funded program for any offense may file a petition with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment.

(2) An individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who is not in a category described in division (B) (1) of this section may file for a certificate of qualification for employment by doing either of the following:

(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 17428
services; 17429

(b) In the case of an individual who resides outside of 17430
this state, filing a petition with the court of common pleas of 17431
any county in which any conviction or plea of guilty from which 17432
the individual seeks relief was entered or with the designee of 17433
the deputy director of the division of parole and community 17434
services. 17435

(3) A petition under division (B) (1) or (2) of this 17436
section shall be made on a copy of the form prescribed by the 17437
division of parole and community services under division (J) of 17438
this section, shall contain all of the information described in 17439
division (F) of this section, and, except as provided in 17440
division (B) (6) of this section, shall be accompanied by an 17441
application fee of not more than fifty dollars, including local 17442
court fees. 17443

(4) (a) Except as provided in division (B) (4) (b) of this 17444
section, an individual may file a petition under division (B) (1) 17445
or (2) of this section at any time after the expiration of 17446
whichever of the following is applicable: 17447

(i) If the offense that resulted in the collateral 17448
sanction from which the individual seeks relief is a felony, at 17449
any time after the expiration of one year from the date of 17450
release of the individual from any period of incarceration in a 17451
state or local correctional facility that was imposed for that 17452
offense and all periods of supervision imposed after release 17453
from the period of incarceration or, if the individual was not 17454
incarcerated for that offense, at any time after the expiration 17455
of one year from the date of the individual's final release from 17456
all other sanctions imposed for that offense. 17457

(ii) If the offense that resulted in the collateral 17458
sanction from which the individual seeks relief is a 17459
misdemeanor, at any time after the expiration of six months from 17460
the date of release of the individual from any period of 17461
incarceration in a local correctional facility that was imposed 17462
for that offense and all periods of supervision imposed after 17463
release from the period of incarceration or, if the individual 17464
was not incarcerated for that offense, at any time after the 17465
expiration of six months from the date of the final release of 17466
the individual from all sanctions imposed for that offense 17467
including any period of supervision. 17468

(b) The department of rehabilitation and correction may 17469
establish criteria by rule adopted under Chapter 119. of the 17470
Revised Code that, if satisfied by an individual, would allow 17471
the individual to file a petition before the expiration of six 17472
months or one year from the date of final release, whichever is 17473
applicable under division (B) (4) (a) of this section. 17474

(5) (a) A designee that receives a petition for a 17475
certificate of qualification for employment from an individual 17476
under division (B) (1) or (2) of this section shall review the 17477
petition to determine whether it is complete. If the petition is 17478
complete, the designee shall forward the petition, the 17479
application fee, and any other information the designee 17480
possesses that relates to the petition, to the court of common 17481
pleas of the county in which the individual resides if the 17482
individual submitting the petition resides in this state or, if 17483
the individual resides outside of this state, to the court of 17484
common pleas of the county in which the conviction or plea of 17485
guilty from which the individual seeks relief was entered. 17486

(b) A court of common pleas that receives a petition for a 17487

certificate of qualification for employment from an individual 17488
under division (B) (2) of this section, or that is forwarded a 17489
petition for such a certificate under division (B) (5) (a) of this 17490
section, shall attempt to determine all other courts in this 17491
state in which the individual was convicted of or pleaded guilty 17492
to an offense other than the offense from which the individual 17493
is seeking relief. The court that receives or is forwarded the 17494
petition shall notify all other courts in this state that it 17495
determines under this division were courts in which the 17496
individual was convicted of or pleaded guilty to an offense 17497
other than the offense from which the individual is seeking 17498
relief that the individual has filed the petition and that the 17499
court may send comments regarding the possible issuance of the 17500
certificate. 17501

A court of common pleas that receives a petition for a 17502
certificate of qualification for employment under division (B) 17503
(2) of this section shall notify the county's prosecuting 17504
attorney that the individual has filed the petition. 17505

A court of common pleas that receives a petition for a 17506
certificate of qualification for employment under division (B) 17507
(2) of this section, or that is forwarded a petition for 17508
qualification under division (B) (5) (a) of this section may 17509
direct the clerk of court to process and record all notices 17510
required in or under this section. Except as provided in 17511
division (B) (6) of this section, the court shall pay thirty 17512
dollars of the application fee into the state treasury and 17513
twenty dollars of the application fee into the county general 17514
revenue fund. 17515

(6) Upon receiving a petition for a certificate of 17516
qualification for employment filed by an individual under 17517

division (B) (1) or (2) of this section, a court of common pleas 17518
or the designee of the deputy director of the division of parole 17519
and community services who receives the petition may waive all 17520
or part of the ~~fifty-dollar~~ filing fee of not more than fifty 17521
dollars described in division (B) (3) of this section, for an 17522
applicant who presents a poverty affidavit showing that the 17523
applicant is indigent. If an applicant pays an application fee 17524
is partially waived, the first twenty dollars or two-fifths of 17525
the fee, whichever is greater, that is collected shall be paid 17526
into the county general revenue fund. ~~Any partial fee~~ If an 17527
applicant pays an application fee, the amount collected in 17528
excess of ~~twenty dollars~~ the amount to be paid into the county 17529
general revenue fund shall be paid into the state treasury. 17530

(C) (1) Upon receiving a petition for a certificate of 17531
qualification for employment filed by an individual under 17532
division (B) (2) of this section or being forwarded a petition 17533
for such a certificate under division (B) (5) (a) of this section, 17534
the court shall review the individual's petition, the 17535
individual's criminal history, except for information contained 17536
in any record that has been sealed under section 2953.32 of the 17537
Revised Code, all filings submitted by the prosecutor or by the 17538
victim in accordance with rules adopted by the division of 17539
parole and community services, the applicant's military service 17540
record, if applicable, and whether the applicant has an 17541
emotional, mental, or physical condition that is traceable to 17542
the applicant's military service in the armed forces of the 17543
United States and that was a contributing factor in the 17544
commission of the offense or offenses, and all other relevant 17545
evidence. The court may order any report, investigation, or 17546
disclosure by the individual that the court believes is 17547
necessary for the court to reach a decision on whether to 17548

approve the individual's petition for a certificate of 17549
qualification for employment, except that the court shall not 17550
require an individual to disclose information about any record 17551
sealed under section 2953.32 of the Revised Code. 17552

(2) Upon receiving a petition for a certificate of 17553
qualification for employment filed by an individual under 17554
division (B) (2) of this section or being forwarded a petition 17555
for such a certificate under division (B) (5) (a) of this section, 17556
except as otherwise provided in this division, the court shall 17557
decide whether to issue the certificate within sixty days after 17558
the court receives or is forwarded the completed petition and 17559
all information requested for the court to make that decision. 17560
Upon request of the individual who filed the petition, the court 17561
may extend the sixty-day period specified in this division. 17562

(3) Except as provided in division (C) (5) of this section 17563
and subject to division (C) (7) of this section, a court that 17564
receives an individual's petition for a certificate of 17565
qualification for employment under division (B) (2) of this 17566
section or that is forwarded a petition for such a certificate 17567
under division (B) (5) (a) of this section may issue a certificate 17568
of qualification for employment, at the court's discretion, if 17569
the court finds that the individual has established all of the 17570
following by a preponderance of the evidence: 17571

(a) Granting the petition will materially assist the 17572
individual in obtaining employment or occupational licensing. 17573

(b) The individual has a substantial need for the relief 17574
requested in order to live a law-abiding life. 17575

(c) Granting the petition would not pose an unreasonable 17576
risk to the safety of the public or any individual. 17577

(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the petition.

(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 17608
sanctions imposed for that offense including any period of 17609
supervision. 17610

(6) An application that meets all of the requirements for 17611
the presumption under division (C)(5) of this section shall be 17612
denied only if the court that receives the petition finds that 17613
the evidence reviewed under division (C)(1) of this section 17614
rebutts the presumption of eligibility for issuance by 17615
establishing, by clear and convincing evidence, that the 17616
applicant has not been rehabilitated. 17617

(7) A certificate of qualification for employment shall 17618
not create relief from any of the following collateral 17619
sanctions: 17620

(a) Requirements imposed by Chapter 2950. of the Revised 17621
Code and rules adopted under sections 2950.13 and 2950.132 of 17622
the Revised Code; 17623

(b) A driver's license, commercial driver's license, or 17624
probationary license suspension, cancellation, or revocation 17625
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 17626
the Revised Code if the relief sought is available pursuant to 17627
section 4510.021 or division (B) of section 4510.13 of the 17628
Revised Code; 17629

(c) Restrictions on employment as a prosecutor or law 17630
enforcement officer; 17631

(d) The denial, ineligibility, or automatic suspension of 17632
a license that is imposed upon an individual applying for or 17633
holding a license as a health care professional under Title 17634
XLVII of the Revised Code if the individual is convicted of, 17635
pleads guilty to, is subject to a judicial finding of 17636

eligibility for intervention in lieu of conviction in this state 17637
under section 2951.041 of the Revised Code, or is subject to 17638
treatment or intervention in lieu of conviction for a violation 17639
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 17640
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 17641
2919.124 of the Revised Code; 17642

(e) The immediate suspension of a license, certificate, or 17643
evidence of registration that is imposed upon an individual 17644
holding a license as a health care professional under Title 17645
XLVII of the Revised Code pursuant to division (C) of section 17646
3719.121 of the Revised Code; 17647

(f) The denial or ineligibility for employment in a pain 17648
clinic under division (B) (4) of section 4729.552 of the Revised 17649
Code; 17650

(g) The mandatory suspension of a license that is imposed 17651
on an individual applying for or holding a license as a health 17652
care professional under Title XLVII of the Revised Code pursuant 17653
to section 3123.43 of the Revised Code. 17654

(8) If a court that receives an individual's petition for 17655
a certificate of qualification for employment under division (B) 17656
(2) of this section or that is forwarded a petition for such a 17657
certificate under division (B) (5) (a) of this section denies the 17658
petition, the court shall provide written notice to the 17659
individual of the court's denial. The court may place conditions 17660
on the individual regarding the individual's filing of any 17661
subsequent petition for a certificate of qualification for 17662
employment. The written notice must notify the individual of any 17663
conditions placed on the individual's filing of a subsequent 17664
petition for a certificate of qualification for employment. 17665

If a court of common pleas that receives an individual's petition for a certificate of qualification for employment under division (B) (2) of this section or that is forwarded a petition for such a certificate under division (B) (5) (a) of this section denies the petition, the individual may appeal the decision to the court of appeals only if the individual alleges that the denial was an abuse of discretion on the part of the court of common pleas.

(D) (1) A certificate of qualification for employment issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or an employment opportunity, notwithstanding the individual's possession of the certificate, without, however, reconsidering or rejecting any finding made by a designee or court under division (C) (3) of this section.

(2) The certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the license, employment opportunity, or certification in question. Notwithstanding the presumption established under this division, the agency may deny the license or certification for the person if it determines that the person is unfit for issuance of the license.

(3) If an employer that has hired a person who has been issued a certificate of qualification for employment applies to a licensing agency for a license or certification and the person has a conviction or guilty plea that otherwise would bar the person's employment with the employer or licensure for the employer because of a mandatory civil impact, the agency shall give the person individualized consideration, notwithstanding

the mandatory civil impact, the mandatory civil impact shall be 17696
considered for all purposes to be a discretionary civil impact, 17697
and the certificate constitutes a rebuttable presumption that 17698
the person's criminal convictions are insufficient evidence that 17699
the person is unfit for the employment, or that the employer is 17700
unfit for the license or certification, in question. 17701

(E) A certificate of qualification for employment does not 17702
grant the individual to whom the certificate was issued relief 17703
from the mandatory civil impacts identified in division (A) (1) 17704
of section 2961.01 or division (B) of section 2961.02 of the 17705
Revised Code. 17706

(F) A petition for a certificate of qualification for 17707
employment filed by an individual under division (B) (1) or (2) 17708
of this section shall include all of the following: 17709

(1) The individual's name, date of birth, and social 17710
security number; 17711

(2) All aliases of the individual and all social security 17712
numbers associated with those aliases; 17713

(3) The individual's residence address, including the 17714
city, county, and state of residence and zip code; 17715

(4) The length of time that the individual has resided in 17716
the individual's current state of residence, expressed in years 17717
and months of residence; 17718

(5) A general statement as to why the individual has filed 17719
the petition and how the certificate of qualification for 17720
employment would assist the individual; 17721

(6) A summary of the individual's criminal history, except 17722
for information contained in any record that has been sealed or 17723

expunged under section 2953.32 or 2953.39 of the Revised Code, 17724
with respect to each offense that is a disqualification from 17725
employment or licensing in an occupation or profession, 17726
including the years of each conviction or plea of guilty for 17727
each of those offenses; 17728

(7) A summary of the individual's employment history, 17729
specifying the name of, and dates of employment with, each 17730
employer; 17731

(8) Verifiable references and endorsements; 17732

(9) The name of one or more immediate family members of 17733
the individual, or other persons with whom the individual has a 17734
close relationship, who support the individual's reentry plan; 17735

(10) A summary of the reason the individual believes the 17736
certificate of qualification for employment should be granted; 17737

(11) Any other information required by rule by the 17738
department of rehabilitation and correction. 17739

(G) (1) In a judicial or administrative proceeding alleging 17740
negligence or other fault, a certificate of qualification for 17741
employment issued to an individual under this section may be 17742
introduced as evidence of a person's due care in hiring, 17743
retaining, licensing, leasing to, admitting to a school or 17744
program, or otherwise transacting business or engaging in 17745
activity with the individual to whom the certificate of 17746
qualification for employment was issued if the person knew of 17747
the certificate at the time of the alleged negligence or other 17748
fault. 17749

(2) In any proceeding on a claim against an employer for 17750
negligent hiring, a certificate of qualification for employment 17751
issued to an individual under this section shall provide 17752

immunity for the employer as to the claim if the employer knew 17753
of the certificate at the time of the alleged negligence. 17754

(3) If an employer hires an individual who has been issued 17755
a certificate of qualification for employment under this 17756
section, if the individual, after being hired, subsequently 17757
demonstrates dangerousness or is convicted of or pleads guilty 17758
to a felony, and if the employer retains the individual as an 17759
employee after the demonstration of dangerousness or the 17760
conviction or guilty plea, the employer may be held liable in a 17761
civil action that is based on or relates to the retention of the 17762
individual as an employee only if it is proved by a 17763
preponderance of the evidence that the person having hiring and 17764
firing responsibility for the employer had actual knowledge that 17765
the employee was dangerous or had been convicted of or pleaded 17766
guilty to the felony and was willful in retaining the individual 17767
as an employee after the demonstration of dangerousness or the 17768
conviction or guilty plea of which the person has actual 17769
knowledge. 17770

(H) A certificate of qualification for employment issued 17771
under this section shall be revoked if the individual to whom 17772
the certificate of qualification for employment was issued is 17773
convicted of or pleads guilty to a felony offense committed 17774
subsequent to the issuance of the certificate of qualification 17775
for employment. The department of rehabilitation and correction 17776
shall periodically review the certificates listed in the 17777
database described in division (K) of this section to identify 17778
those that are subject to revocation under this division. Upon 17779
identifying a certificate of qualification for employment that 17780
is subject to revocation, the department shall note in the 17781
database that the certificate has been revoked, the reason for 17782
revocation, and the effective date of revocation, which shall be 17783

the date of the conviction or plea of guilty subsequent to the 17784
issuance of the certificate. 17785

(I) A designee's forwarding, or failure to forward, a 17786
petition for a certificate of qualification for employment to a 17787
court or a court's issuance, or failure to issue, a petition for 17788
a certificate of qualification for employment to an individual 17789
under division (B) of this section does not give rise to a claim 17790
for damages against the department of rehabilitation and 17791
correction or court. 17792

(J) The division of parole and community services shall 17793
adopt rules in accordance with Chapter 119. of the Revised Code 17794
for the implementation and administration of this section and 17795
shall prescribe the form for the petition to be used under 17796
division (B) (1) or (2) of this section. The form for the 17797
petition shall include places for all of the information 17798
specified in division (F) of this section. 17799

(K) The department of rehabilitation and correction shall 17800
maintain a database that identifies granted certificates and 17801
revoked certificates and tracks the number of certificates 17802
granted and revoked, the industries, occupations, and 17803
professions with respect to which the certificates have been 17804
most applicable, and the types of employers that have accepted 17805
the certificates. The department shall annually create a report 17806
that summarizes the information maintained in the database and 17807
shall make the report available to the public on its internet 17808
web site. 17809

Sec. 2953.31. (A) As used in sections 2953.31 to ~~2953.36~~ 17810
2953.521 of the Revised Code: 17811

~~(A) (1) "Eligible offender" means either of the following:~~ 17812

~~(a) Anyone who has been convicted of one or more offenses in this state or any other jurisdiction, if all of the offenses in this state are felonies of the fourth or fifth degree or 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 violation of a municipal ordinance that is substantially similar to any section in those chapters is not a conviction. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Revised Code, for a violation of section 4510.11 or 4510.14 of the Revised Code that is based upon the offender's operation of a vehicle during a suspension imposed under section 4511.191 or 4511.196 of the Revised Code, for a violation of a substantially equivalent municipal ordinance, for a felony violation of Title XLV of the Revised Code, or for a violation of a substantially equivalent former law of this state or former municipal ordinance shall be considered a conviction.~~

~~(B) (1) "Prosecutor" means the county prosecuting attorney, city director of law, village solicitor, or similar chief legal officer, who has the authority to prosecute a criminal case in the court in which the case is filed.~~

~~(C) (2) "Bail forfeiture" means the forfeiture of bail by a defendant who is arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic Rule 2, if the forfeiture is pursuant to an agreement with the court and prosecutor in the case.~~

~~(D) (3) "Official records" has the same meaning as in division (D) of section 2953.51 of the Revised Code, except that it also includes means all records that are possessed by any public office or agency that relate to a criminal case,~~

including, but not limited to: the notation to the case in the 17874
criminal docket; all subpoenas issued in the case; all papers 17875
and documents filed by the defendant or the prosecutor in the 17876
case; all records of all testimony and evidence presented in all 17877
proceedings in the case; all court files, papers, documents, 17878
folders, entries, affidavits, or writs that pertain to the case; 17879
all computer, microfilm, microfiche, or microdot records, 17880
indices, or references to the case; all index references to the 17881
case; all fingerprints and photographs; all DNA specimens, DNA 17882
records, and DNA profiles; all records and investigative reports 17883
pertaining to the case that are possessed by any law enforcement 17884
officer or agency, except that any records or reports that are 17885
the specific investigatory work product of a law enforcement 17886
officer or agency are not and shall not be considered to be 17887
official records when they are in the possession of that officer 17888
or agency; all investigative records and reports other than 17889
those possessed by a law enforcement officer or agency 17890
pertaining to the case; and all records that are possessed by 17891
any public office or agency that relate to an application for, 17892
or the issuance or denial of, a certificate of qualification for 17893
employment under section 2953.25 of the Revised Code. 17894

~~(E)~~ "Official records" does not include any of the 17895
following: 17896

(a) Records or reports maintained pursuant to section 17897
2151.421 of the Revised Code by a public children services 17898
agency or the department of job and family services; 17899

(b) Any report of an investigation maintained by the 17900
inspector general pursuant to section 121.42 of the Revised 17901
Code, to the extent that the report contains information that 17902
pertains to an individual who was convicted of or pleaded guilty 17903

to an offense discovered in or related to the investigation and 17904
whose conviction or guilty plea was not overturned on appeal; 17905

(c) Records, reports, or audits maintained by the auditor 17906
of state pursuant to Chapter 117. of the Revised Code. 17907

(4) "Official proceeding" has the same meaning as in 17908
section 2921.01 of the Revised Code. 17909

~~(F)~~(5) "Community control sanction" has the same meaning 17910
as in section 2929.01 of the Revised Code. 17911

~~(G)~~(6) "Post-release control" and "post-release control 17912
sanction" have the same meanings as in section 2967.01 of the 17913
Revised Code. 17914

~~(H)~~(7) "DNA database," "DNA record," and "law enforcement 17915
agency" have the same meanings as in section 109.573 of the 17916
Revised Code. 17917

~~(I)~~(8) "Fingerprints filed for record" means any 17918
fingerprints obtained by the superintendent of the bureau of 17919
criminal identification and investigation pursuant to sections 17920
109.57 and 109.571 of the Revised Code. 17921

(9) "Investigatory work product" means any records or 17922
reports of a law enforcement officer or agency that are excepted 17923
from the definition of "official records" and that pertain to a 17924
conviction or bail forfeiture, the records of which have been 17925
ordered sealed or expunged pursuant to division (D) (2) of 17926
section 2953.32 or division (F) (1) of section 2953.39 of the 17927
Revised Code, or that pertain to a conviction or delinquent 17928
child adjudication, the records of which have been ordered 17929
expunged pursuant to division (E) of section 2151.358, division 17930
(C) (2) of section 2953.35, or division (F) of section 2953.36 of 17931
the Revised Code. 17932

(10) "Law enforcement or justice system matter" means an arrest, complaint, indictment, trial, hearing, adjudication, conviction, or correctional supervision. 17933
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(11) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense. 17936
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(12) "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. 17938
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(13) "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. 17943
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(14) "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. 17947
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(B) (1) As used in section 2953.32 of the Revised Code, "expunge" means the expungement process described in section 2953.32 of the Revised Code. 17954
17955
17956

(2) As used in sections 2953.33 to 2953.521 of the Revised Code, "expunge" means both of the following: 17957
17958

(a) The expungement process described in sections 2953.35, 2953.36, 2953.39, and 2953.521 of the Revised Code; 17959
17960

(b) To destroy, delete, and erase a record as appropriate 17961
for the record's physical or electronic form or characteristic 17962
so that the record is permanently irretrievable. 17963

Sec. 2953.32. ~~(A)(1)~~ (A) Sections 2953.32 to 2953.34 of 17964
the Revised Code do not apply to any of the following: 17965

(1) Convictions under Chapter 4506., 4507., 4510., 4511., 17966
or 4549. of the Revised Code, or a conviction for a violation of 17967
a municipal ordinance that is substantially similar to any 17968
section contained in any of those chapters; 17969

(2) Convictions of a felony offense of violence that is 17970
not a sexually oriented offense; 17971

(3) Convictions of a sexually oriented offense when the 17972
offender is subject to the requirements of Chapter 2950. of the 17973
Revised Code or Chapter 2950. of the Revised Code as it existed 17974
prior to January 1, 2008; 17975

(4) Convictions of an offense in circumstances in which 17976
the victim of the offense was less than thirteen years of age, 17977
except for convictions under section 2919.21 of the Revised 17978
Code; 17979

(5) Convictions of a felony of the first or second degree 17980
or of more than two felonies of the third degree; 17981

(6) Convictions for a violation of section 2919.25 or 17982
2919.27 of the Revised Code or a conviction for a violation of a 17983
municipal ordinance that is substantially similar to either 17984
section. 17985

(B)(1) Except as provided in section 2953.61 of the 17986
Revised Code or as otherwise provided in division ~~(A)(1)(d)~~ (B) 17987
(1)(a)(iii) of this section, an eligible offender may apply to 17988

the sentencing court if convicted in this state, or to a court 17989
of common pleas if convicted in another state or in a federal 17990
court, for the sealing or expungement of the record of the case 17991
that pertains to the conviction, except for convictions listed 17992
~~under in division (A) of this section 2953.36 of the Revised~~ 17993
~~Code.~~ Application may be made at ~~one~~ whichever of the following 17994
times is applicable regarding the offense: 17995

(a) ~~At~~ An application for sealing under this section may 17996
be made at whichever of the following times is applicable 17997
regarding the offense: 17998

(i) Except as otherwise provided in division (B) (1) (a) (iv) 17999
of this section, at the expiration of three years after the 18000
offender's final discharge if convicted of ~~a felony~~ one or two 18001
felonies of the third degree, so long as none of the offenses is 18002
a violation of section 2921.43 of the Revised Code; 18003

~~(b) At~~ (ii) Except as otherwise provided in division (B) 18004
(1) (a) (iv) of this section, at the expiration of one year after 18005
the offender's final discharge if convicted of ~~a felony~~ one or 18006
more felonies of the fourth or fifth degree or ~~a misdemeanor~~ one 18007
or more misdemeanors, so long as none of the offenses is a 18008
violation of section 2921.43 of the Revised Code ~~;~~ or a felony 18009
offense of violence; 18010

~~(c) (iii)~~ (iii) At the expiration of seven years after the 18011
offender's final discharge if the record includes ~~a conviction~~ 18012
one or more convictions of soliciting improper compensation in 18013
violation of section 2921.43 of the Revised Code ~~;~~ 18014

(iv) If the offender was subject to the requirements of 18015
Chapter 2950. of the Revised Code or Chapter 2950. of the 18016
Revised Code as it existed prior to January 1, 2008, at the 18017

expiration of five years after the requirements have ended under 18018
section 2950.07 of the Revised Code or section 2950.07 of the 18019
Revised Code as it existed prior to January 1, 2008, or are 18020
terminated under section 2950.15 or 2950.151 of the Revised 18021
Code; 18022

(v) At the expiration of six months after the offender's 18023
final discharge if convicted of a minor misdemeanor. 18024

(b) An application for expungement under this section may 18025
be made at whichever of the following times is applicable 18026
regarding the offense: 18027

(i) Except as otherwise provided in division (B) (1) (b) (ii) 18028
of this section, if the offense is a misdemeanor, at the 18029
expiration of one year after the offender's final discharge; 18030

(ii) If the offense is a minor misdemeanor, at the 18031
expiration of six months after the offender's final discharge; 18032

(iii) If the offense is a felony, at the expiration of ten 18033
years after the time specified in division (B) (1) (a) of this 18034
section at which the person may file an application for sealing 18035
with respect to that felony offense. 18036

(2) Any person who has been arrested for any misdemeanor 18037
offense and who has effected a bail forfeiture for the offense 18038
charged may apply to the court in which the misdemeanor criminal 18039
case was pending when bail was forfeited for the sealing or 18040
expungement of the record of the case that pertains to the 18041
charge. Except as provided in section 2953.61 of the Revised 18042
Code, the application may be filed at ~~any~~ whichever of the 18043
following times is applicable regarding the offense: 18044

(a) An application for sealing may be made at any time 18045
after the expiration of one year from the date on which the bail 18046

forfeiture was entered upon the minutes of the court or the 18047
journal, whichever entry occurs first. 18048

(b) An application for expungement may be made at any time 18049
after the expiration of three years from the date on which the 18050
bail forfeiture was entered upon the minutes of the court or the 18051
journal, whichever entry occurs first. 18052

~~(B)~~ (C) Upon the filing of an application under this 18053
section, the court shall set a date for a hearing and shall 18054
notify the prosecutor for the case of the hearing on the 18055
application. The court shall hold the hearing not less than 18056
forty-five days and not more than ninety days from the date of 18057
the filing of the application. The prosecutor may object to the 18058
granting of the application by filing ~~an~~ a written objection 18059
with the court not later than thirty days prior to the date set 18060
for the hearing. The prosecutor shall specify in the objection 18061
the reasons for believing a denial of the application is 18062
justified. The prosecutor shall provide notice of the 18063
application and the date and time of the hearing to the victim 18064
of the offense in the case pursuant to the Ohio Constitution. 18065
The court shall direct its regular probation officer, a state 18066
probation officer, or the department of probation of the county 18067
in which the applicant resides to make inquiries and written 18068
reports as the court requires concerning the applicant. The 18069
probation officer or county department of probation that the 18070
court directs to make inquiries and written reports as the court 18071
requires concerning the applicant shall determine whether or not 18072
the applicant was fingerprinted at the time of arrest or under 18073
section 109.60 of the Revised Code. If the applicant was so 18074
fingerprinted, the probation officer or county department of 18075
probation shall include with the written report a record of the 18076
applicant's fingerprints. If the applicant was convicted of or 18077

pleaded guilty to a violation of division (A) (2) or (B) of 18078
section 2919.21 of the Revised Code, the probation officer or 18079
county department of probation that the court directed to make 18080
inquiries concerning the applicant shall contact the child 18081
support enforcement agency enforcing the applicant's obligations 18082
under the child support order to inquire about the offender's 18083
compliance with the child support order. 18084

~~(C) (1) The~~ (D) (1) At the hearing held under division (C) 18085
of this section, the court shall do each of the following: 18086

(a) Determine whether the applicant is ~~an eligible~~ 18087
~~offender pursuing sealing or expunging a conviction of an~~ 18088
offense that is prohibited under division (A) of this section or 18089
whether the forfeiture of bail was agreed to by the applicant 18090
and the prosecutor in the case. ~~If the applicant applies as an~~ 18091
~~eligible offender pursuant to division (A) (1) of this section~~ 18092
~~and has two or three convictions that result from the same~~ 18093
~~indictment, information, or complaint, from the same plea of~~ 18094
~~guilty, or from the same official proceeding, and result from~~ 18095
~~related criminal acts that were committed within a three-month~~ 18096
~~period but do not result from the same act or from offenses~~ 18097
~~committed at the same time, in making its determination under~~ 18098
~~this division, the court initially shall determine whether it is~~ 18099
~~not in the public interest for the two or three convictions to~~ 18100
~~be counted as one conviction. If the court determines that it is~~ 18101
~~not in the public interest for the two or three convictions to~~ 18102
~~be counted as one conviction, the court shall determine that the~~ 18103
~~applicant is not an eligible offender; if the court does not~~ 18104
~~make that determination, the court shall determine that the~~ 18105
~~offender is an eligible offender., and determine whether the~~ 18106
application was made at the time specified in division (B) (1) (a) 18107
or (b) or division (B) (2) (a) or (b) of this section that is 18108

<u>applicable with respect to the application and the subject</u>	18109
<u>offense;</u>	18110
(b) Determine whether criminal proceedings are pending	18111
against the applicant;	18112
(c) If the applicant is an eligible offender who applies	18113
pursuant to division (A)(1) of this section, determine <u>Determine</u>	18114
whether the applicant has been rehabilitated to the satisfaction	18115
of the court;	18116
(d) If the prosecutor has filed an objection in accordance	18117
with division (B) <u>(C)</u> of this section, consider the reasons	18118
against granting the application specified by the prosecutor in	18119
the objection;	18120
(e) <u>If the victim objected, pursuant to the Ohio</u>	18121
<u>Constitution, consider the reasons against granting the</u>	18122
<u>application specified by the victim in the objection;</u>	18123
<u>(f)</u> Weigh the interests of the applicant in having the	18124
records pertaining to the applicant's conviction or bail	18125
forfeiture sealed <u>or expunged</u> against the legitimate needs, if	18126
any, of the government to maintain those records;	18127
(f) <u>(g)</u> If the applicant is <u>was</u> an eligible offender of	18128
the type described in division (A) (3) of section 2953.36 of the	18129
Revised Code <u>as it existed prior to the effective date of this</u>	18130
<u>amendment</u> , determine whether the offender has been rehabilitated	18131
to a satisfactory degree. In making the determination, the court	18132
may consider all of the following:	18133
(i) The age of the offender;	18134
(ii) The facts and circumstances of the offense;	18135
(iii) The cessation or continuation of criminal behavior;	18136

(iv) The education and employment of the offender; 18137

(v) Any other circumstances that may relate to the 18138
offender's rehabilitation. 18139

(2) If the court determines, after complying with division 18140
~~(C) (1)–(D) (1)~~ of this section, ~~that the applicant is an eligible~~ 18141
~~offender or the subject of a bail forfeiture, that the offender~~ 18142
is not pursuing sealing or expunging a conviction of an offense 18143
that is prohibited under division (A) of this section or that 18144
the forfeiture of bail was agreed to by the applicant and the 18145
prosecutor in the case, that the application was made at the 18146
time specified in division (B) (1) (a) or (b) or division (B) (2) 18147
(a) or (b) of this section that is applicable with respect to 18148
the application and the subject offense, that no criminal 18149
proceeding is pending against the applicant, that the interests 18150
of the applicant in having the records pertaining to the 18151
applicant's conviction or bail forfeiture sealed or expunged are 18152
not outweighed by any legitimate governmental needs to maintain 18153
those records, and that the rehabilitation of ~~an~~ the applicant 18154
~~who is an eligible offender applying pursuant to division (A) (1)~~ 18155
~~of this section~~ has been attained to the satisfaction of the 18156
court, the both of the following apply: 18157

(a) The court, except as provided in division ~~(C) (4), (G),~~ 18158
~~(H), or (I)–(D) (4) or (5)~~ of this section or division (D), (F), 18159
or (G) of section 2953.34 of the Revised Code, shall order all 18160
official records of the case that pertain to the conviction or 18161
bail forfeiture sealed if the application was for sealing or 18162
expunged if the application was for expungement and, except as 18163
provided in division ~~(F)–(C)~~ of this section 2953.34 of the 18164
Revised Code, all index references to the case that pertain to 18165
the conviction or bail forfeiture deleted and, in the case of 18166

bail forfeitures, shall dismiss the charges in the case. ~~The~~ 18167

(b) The proceedings in the case that pertain to the 18168
conviction or bail forfeiture shall be considered not to have 18169
occurred and the conviction or bail forfeiture of the person who 18170
is the subject of the proceedings shall be sealed if the 18171
application was for sealing or expunged if the application was 18172
for expungement, except that upon conviction of a subsequent 18173
offense, ~~the~~ a sealed record of prior conviction or bail 18174
forfeiture may be considered by the court in determining the 18175
sentence or other appropriate disposition, including the relief 18176
provided for in sections ~~2953.31 to 2953.33~~, 2953.32, and 18177
2953.34 of the Revised Code. 18178

(3) An applicant may request the sealing or expungement of 18179
the records of more than one case in a single application under 18180
this section. Upon the filing of an application under this 18181
section, the applicant, unless the applicant presents a poverty 18182
affidavit showing that the applicant is indigent, shall pay a 18183
fee of not more than fifty dollars, including local court fees, 18184
regardless of the number of records the application requests to 18185
have sealed or expunged. ~~The~~ If the applicant pays a fee, the 18186
court shall pay ~~thirty dollars three-fifths~~ of the fee collected 18187
into the state treasury, with ~~fifteen dollars~~ half of that 18188
amount credited to the attorney general reimbursement fund 18189
created by section 109.11 of the Revised Code. ~~It~~ If the 18190
applicant pays a fee, the court shall pay ~~twenty dollars two-~~ 18191
fifths of the fee collected into the county general revenue fund 18192
if the sealed or expunged conviction or bail forfeiture was 18193
pursuant to a state statute, or into the general revenue fund of 18194
the municipal corporation involved if the sealed or expunged 18195
conviction or bail forfeiture was pursuant to a municipal 18196
ordinance. 18197

(4) If the court orders the official records pertaining to 18198
the case sealed or expunged, the court shall do one of the 18199
following: 18200

(a) If the applicant was fingerprinted at the time of 18201
arrest or under section 109.60 of the Revised Code and the 18202
record of the applicant's fingerprints was provided to the court 18203
under division ~~(B)~~ (C) of this section, forward a copy of the 18204
sealing or expungement order and the record of the applicant's 18205
fingerprints to the bureau of criminal identification and 18206
investigation. 18207

(b) If the applicant was not fingerprinted at the time of 18208
arrest or under section 109.60 of the Revised Code, or the 18209
record of the applicant's fingerprints was not provided to the 18210
court under division ~~(B)~~ (C) of this section, but fingerprinting 18211
was required for the offense, order the applicant to appear 18212
before a sheriff to have the applicant's fingerprints taken 18213
according to the fingerprint system of identification on the 18214
forms furnished by the superintendent of the bureau of criminal 18215
identification and investigation. The sheriff shall forward the 18216
applicant's fingerprints to the court. The court shall forward 18217
the applicant's fingerprints and a copy of the sealing or 18218
expungement order to the bureau of criminal identification and 18219
investigation. 18220

Failure of the court to order fingerprints at the time of 18221
sealing or expungement does not constitute a reversible error. 18222

~~(D) Inspection of the sealed records included in the order 18223
may be made only by the following persons or for the following 18224
purposes:— 18225~~

~~(1) By a law enforcement officer or prosecutor, or the— 18226~~

~~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;~~ 18227
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~~(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;~~ 18231
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~~(3) Upon application by the person who is the subject of the records, by the persons named in the application;~~ 18237
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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;~~ 18239
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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;~~ 18242
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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;~~ 18246
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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;~~ 18251
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~~(8) By the bureau of criminal identification and~~ 18255

~~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;~~ 18256
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~~(9) By the bureau of criminal identification and
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;~~ 18259
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~~(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;~~ 18264
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~~(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;~~ 18270
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~~(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;~~ 18275
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~~(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.~~ 18279
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~~When the nature and character of the offense with which a~~ 18284

~~person is to be charged would be affected by the information, it~~ 18285
~~may be used for the purpose of charging the person with an~~ 18286
~~offense.~~ 18287

~~(E) In any criminal proceeding, proof of any otherwise~~ 18288
~~admissible prior conviction may be introduced and proved,~~ 18289
~~notwithstanding the fact that for any such prior conviction an~~ 18290
~~order of sealing previously was issued pursuant to sections~~ 18291
~~2953.31 to 2953.36 of the Revised Code.~~ 18292

~~(F) The person or governmental agency, office, or~~ 18293
~~department that maintains sealed records pertaining to~~ 18294
~~convictions or bail forfeitures that have been sealed pursuant~~ 18295
~~to this section may maintain a manual or computerized index to~~ 18296
~~the sealed records. The index shall contain only the name of,~~ 18297
~~and alphanumeric identifiers that relate to, the persons who are~~ 18298
~~the subject of the sealed records, the word "sealed," and the~~ 18299
~~name of the person, agency, office, or department that has~~ 18300
~~custody of the sealed records, and shall not contain the name of~~ 18301
~~the crime committed. The index shall be made available by the~~ 18302
~~person who has custody of the sealed records only for the~~ 18303
~~purposes set forth in divisions (C), (D), and (E) of this~~ 18304
~~section.~~ 18305

~~(G) Notwithstanding any provision of this section or~~ 18306
~~section 2953.33 of the Revised Code that requires otherwise, a~~ 18307
~~board of education of a city, local, exempted village, or joint~~ 18308
~~vocational school district that maintains records of an~~ 18309
~~individual who has been permanently excluded under sections~~ 18310
~~3301.121 and 3313.662 of the Revised Code is permitted to~~ 18311
~~maintain records regarding a conviction that was used as the~~ 18312
~~basis for the individual's permanent exclusion, regardless of a~~ 18313
~~court order to seal the record. An order issued under this~~ 18314

~~section to seal the record of a conviction does not revoke the~~ 18315
~~adjudication order of the superintendent of public instruction~~ 18316
~~to permanently exclude the individual who is the subject of the~~ 18317
~~sealing order. An order issued under this section to seal the~~ 18318
~~record of a conviction of an individual may be presented to a~~ 18319
~~district superintendent as evidence to support the contention~~ 18320
~~that the superintendent should recommend that the permanent~~ 18321
~~exclusion of the individual who is the subject of the sealing~~ 18322
~~order be revoked. Except as otherwise authorized by this~~ 18323
~~division and sections 3301.121 and 3313.662 of the Revised Code,~~ 18324
~~any school employee in possession of or having access to the~~ 18325
~~sealed conviction records of an individual that were the basis~~ 18326
~~of a permanent exclusion of the individual is subject to section~~ 18327
~~2953.35 of the Revised Code.~~ 18328

~~(H) Notwithstanding any provision of this section or~~ 18329
~~section 2953.33 of the Revised Code that requires otherwise, if~~ 18330
~~the auditor of state or a prosecutor maintains records, reports,~~ 18331
~~or audits of an individual who has been forever disqualified~~ 18332
~~from holding public office, employment, or position of trust in~~ 18333
~~this state under sections 2921.41 and 2921.43 of the Revised~~ 18334
~~Code, or has otherwise been convicted of an offense based upon~~ 18335
~~the records, reports, or audits of the auditor of state, the~~ 18336
~~auditor of state or prosecutor is permitted to maintain those~~ 18337
~~records to the extent they were used as the basis for the~~ 18338
~~individual's disqualification or conviction, and shall not be~~ 18339
~~compelled by court order to seal those records.~~ 18340

~~(I) For purposes of sections 2953.31 to 2953.36 of the~~ 18341
~~Revised Code, DNA records collected in the DNA database and~~ 18342
~~fingerprints filed for record by the superintendent of the~~ 18343
~~bureau of criminal identification and investigation shall not be~~ 18344
~~sealed unless the superintendent receives a certified copy of a~~ 18345

~~final court order establishing that the offender's conviction— 18346
has been overturned. For purposes of this section, a court order— 18347
is not "final" if time remains for an appeal or application for— 18348
discretionary review with respect to the order.— 18349~~

~~(J) The sealing of a record under this section does not— 18350
affect the assessment of points under section 4510.036 of the— 18351
Revised Code and does not erase points assessed against a person— 18352
as a result of the sealed record.— 18353~~

(5) Notwithstanding any other provision of the Revised 18354
Code to the contrary, when the bureau of criminal identification 18355
and investigation receives notice from a court that a conviction 18356
has been expunged under this section, the bureau of criminal 18357
identification and investigation shall maintain a record of the 18358
expunged conviction record for the limited purpose of 18359
determining an individual's qualification or disqualification 18360
for employment in law enforcement. The bureau of criminal 18361
identification and investigation shall not be compelled by the 18362
court to expunge those records. These records may only be 18363
disclosed or provided to law enforcement for the limited purpose 18364
of determining an individual's qualification or disqualification 18365
for employment in law enforcement. 18366

Sec. 2953.52 2953.33. (A) (1) Any person, who is found not 18367
guilty of an offense by a jury or a court or who is the 18368
defendant named in a dismissed complaint, indictment, or 18369
information, may apply to the court for an order to seal the 18370
person's official records in the case. Except as provided in 18371
section 2953.61 of the Revised Code, the application may be 18372
filed at any time after the finding of not guilty or the 18373
dismissal of the complaint, indictment, or information is 18374
entered upon the minutes of the court or the journal, whichever 18375

entry occurs first. 18376

(2) Any person, against whom a no bill is entered by a 18377
grand jury, may apply to the court for an order to seal ~~his~~ the 18378
person's official records in the case. Except as provided in 18379
section 2953.61 of the Revised Code, the application may be 18380
filed at any time after the expiration of two years after the 18381
date on which the foreperson or deputy foreperson of the grand 18382
jury reports to the court that the grand jury has reported a no 18383
bill. 18384

(3) Any person who is granted by the governor under 18385
division (B) of section 2967.02 of the Revised Code an absolute 18386
and entire pardon, a partial pardon, or a pardon upon conditions 18387
precedent or subsequent may apply to the court for an order to 18388
seal the person's official records in the case in which the 18389
person was convicted of the offense for which any of those types 18390
of pardons are granted. The application may be filed at any time 18391
after an absolute and entire pardon or a partial pardon is 18392
granted or at any time after all of the conditions precedent or 18393
subsequent to the pardon are met. 18394

(B) (1) Upon the filing of an application pursuant to 18395
division (A) of this section, the court shall set a date for a 18396
hearing and shall notify the prosecutor in the case of the 18397
hearing on the application. The court shall hold the hearing not 18398
less than forty-five days and not more than ninety days from the 18399
date of the filing of the application. The prosecutor may object 18400
to the granting of the application by filing ~~an~~ a written 18401
objection with the court not later than thirty days prior to the 18402
date set for the hearing. The prosecutor shall specify in the 18403
objection the reasons the prosecutor believes justify a denial 18404
of the application. 18405

(2) The court shall do each of the following, except as provided in division (B) (3) of this section: 18406
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(a) (i) Determine whether the person was found not guilty in the case, or the complaint, indictment, or information in the case was dismissed, or a no bill was returned in the case and a period of two years or a longer period as required by section 2953.61 of the Revised Code has expired from the date of the report to the court of that no bill by the foreperson or deputy foreperson of the grand jury; 18408
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(ii) If the complaint, indictment, or information in the case was dismissed, determine whether it was dismissed with prejudice or without prejudice and, if it was dismissed without prejudice, determine whether the relevant statute of limitations has expired; 18415
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(b) Determine whether criminal proceedings are pending against the person; 18420
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(c) If the prosecutor has filed an objection in accordance with division (B) (1) of this section, consider the reasons against granting the application specified by the prosecutor in the objection; 18422
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(d) If the person was granted a pardon upon conditions precedent or subsequent for the offense for which the person was convicted, determine whether all of those conditions have been met; 18426
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(e) Weigh the interests of the person in having the official records pertaining to the case sealed against the legitimate needs, if any, of the government to maintain those records. 18430
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(3) If the court determines after complying with division 18434

(B) (2) (a) of this section that the person was found not guilty 18435
in the case, that the complaint, indictment, or information in 18436
the case was dismissed with prejudice, ~~or~~ that the complaint, 18437
indictment, or information in the case was dismissed without 18438
prejudice and that the relevant statute of limitations has 18439
expired, or the individual was granted by the governor an 18440
absolute and entire pardon, a partial pardon, or a pardon upon 18441
conditions precedent or subsequent that have been met, the court 18442
shall issue an order to the superintendent of the bureau of 18443
criminal identification and investigation directing that the 18444
superintendent seal or cause to be sealed the official records 18445
in the case consisting of DNA specimens that are in the 18446
possession of the bureau and all DNA records and DNA profiles. 18447
The determinations and considerations described in divisions (B) 18448
(2) (b), (c), and ~~(d)~~ (e) of this section do not apply with 18449
respect to a determination of the court described in this 18450
division. 18451

(4) The determinations described in this division are 18452
separate from the determination described in division (B) (3) of 18453
this section. If the court determines, after complying with 18454
division (B) (2) of this section, that the person was found not 18455
guilty in the case, that the complaint, indictment, or 18456
information in the case was dismissed, the individual was 18457
granted by the governor an absolute and entire pardon, a partial 18458
pardon, or a pardon upon conditions precedent or subsequent that 18459
have been met, or that a no bill was returned in the case and 18460
that the appropriate period of time has expired from the date of 18461
the report to the court of the no bill by the foreperson or 18462
deputy foreperson of the grand jury; that no criminal 18463
proceedings are pending against the person; and the interests of 18464
the person in having the records pertaining to the case sealed 18465

are not outweighed by any legitimate governmental needs to 18466
maintain such records, or if division (E) (2) (b) of section 18467
4301.69 of the Revised Code applies, in addition to the order 18468
required under division (B) (3) of this section, the court shall 18469
issue an order directing that all official records pertaining to 18470
the case be sealed and that, except as provided in section 18471
~~2953.53~~2953.34 of the Revised Code, the proceedings in the case 18472
be deemed not to have occurred. 18473

(5) Any DNA specimens, DNA records, and DNA profiles 18474
ordered to be sealed under this section shall not be sealed if 18475
the person with respect to whom the order applies is otherwise 18476
eligible to have DNA records or a DNA profile in the national 18477
DNA index system. 18478

Sec. 2953.34. (A) Inspection of the sealed records 18479
included in a sealing order may be made only by the following 18480
persons or for the following purposes: 18481

(1) By a law enforcement officer or prosecutor, or the 18482
assistants of either, to determine whether the nature and 18483
character of the offense with which a person is to be charged 18484
would be affected by virtue of the person's previously having 18485
been convicted of a crime; 18486

(2) By the parole or probation officer of the person who 18487
is the subject of the records, for the exclusive use of the 18488
officer in supervising the person while on parole or under a 18489
community control sanction or a post-release control sanction, 18490
and in making inquiries and written reports as requested by the 18491
court or adult parole authority; 18492

(3) Upon application by the person who is the subject of 18493
the records, by the persons named in the application; 18494

(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; 18495
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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; 18498
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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; 18502
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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, division (I) of section 2953.34 of the Revised Code; 18507
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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; 18511
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(9) By the bureau of criminal identification and 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; 18515
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(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 18520
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that was requested pursuant to any of the sections identified in 18524
division (B) (1) of that section; 18525

(11) By the bureau of criminal identification and 18526
investigation, an authorized employee of the bureau, a sheriff, 18527
or an authorized employee of a sheriff in connection with a 18528
criminal records check described in section 311.41 of the 18529
Revised Code; 18530

(12) By the attorney general or an authorized employee of 18531
the attorney general or a court for purposes of determining a 18532
person's classification pursuant to Chapter 2950. of the Revised 18533
Code; 18534

(13) By a court, the registrar of motor vehicles, a 18535
prosecuting attorney or the prosecuting attorney's assistants, 18536
or a law enforcement officer for the purpose of assessing points 18537
against a person under section 4510.036 of the Revised Code or 18538
for taking action with regard to points assessed. 18539

When the nature and character of the offense with which a 18540
person is to be charged would be affected by the information, it 18541
may be used for the purpose of charging the person with an 18542
offense. 18543

(B) In any criminal proceeding, proof of any otherwise 18544
admissible prior conviction may be introduced and proved, 18545
notwithstanding the fact that for any such prior conviction an 18546
order of sealing or expungement previously was issued pursuant 18547
to sections 2953.31 to 2953.34 of the Revised Code. 18548

(C) The person or governmental agency, office, or 18549
department that maintains sealed records pertaining to 18550
convictions or bail forfeitures that have been sealed pursuant 18551
to section 2953.32 of the Revised Code may maintain a manual or 18552

computerized index to the sealed records. The index shall 18553
contain only the name of, and alphanumeric identifiers that 18554
relate to, the persons who are the subject of the sealed 18555
records, the word "sealed," and the name of the person, agency, 18556
office, or department that has custody of the sealed records, 18557
and shall not contain the name of the crime committed. The index 18558
shall be made available by the person who has custody of the 18559
sealed records only for the purposes set forth in divisions (A), 18560
(B), and (D) of this section. 18561

(D) Notwithstanding any provision of this section or 18562
section 2953.32 of the Revised Code that requires otherwise, a 18563
board of education of a city, local, exempted village, or joint 18564
vocational school district that maintains records of an 18565
individual who has been permanently excluded under sections 18566
3301.121 and 3313.662 of the Revised Code is permitted to 18567
maintain records regarding a conviction that was used as the 18568
basis for the individual's permanent exclusion, regardless of a 18569
court order to seal or expunge the record. An order issued under 18570
this section to seal or expunge the record of a conviction does 18571
not revoke the adjudication order of the superintendent of 18572
public instruction to permanently exclude the individual who is 18573
the subject of the sealing or expungement order. An order issued 18574
under this section to seal or expunge the record of a conviction 18575
of an individual may be presented to a district superintendent 18576
as evidence to support the contention that the superintendent 18577
should recommend that the permanent exclusion of the individual 18578
who is the subject of the sealing or expungement order be 18579
revoked. Except as otherwise authorized by this division and 18580
sections 3301.121 and 3313.662 of the Revised Code, any school 18581
employee in possession of or having access to the sealed or 18582
expunged conviction records of an individual that were the basis 18583

of a permanent exclusion of the individual is subject to 18584
division (J) of this section. 18585

(E) Notwithstanding any provision of this section or 18586
section 2953.32 of the Revised Code that requires otherwise, if 18587
the auditor of state or a prosecutor maintains records, reports, 18588
or audits of an individual who has been forever disqualified 18589
from holding public office, employment, or a position of trust 18590
in this state under sections 2921.41 and 2921.43 of the Revised 18591
Code, or has otherwise been convicted of an offense based upon 18592
the records, reports, or audits of the auditor of state, the 18593
auditor of state or prosecutor is permitted to maintain those 18594
records to the extent they were used as the basis for the 18595
individual's disqualification or conviction, and shall not be 18596
compelled by court order to seal or expunge those records. 18597

(F) For purposes of sections 2953.31 and 2953.34 of the 18598
Revised Code, DNA records collected in the DNA database and 18599
fingerprints filed for record by the superintendent of the 18600
bureau of criminal identification and investigation shall not be 18601
sealed or expunged unless the superintendent receives a 18602
certified copy of a final court order establishing that the 18603
offender's conviction has been overturned. For purposes of this 18604
section, a court order is not "final" if time remains for an 18605
appeal or application for discretionary review with respect to 18606
the order. 18607

(G) The sealing of a record under this section does not 18608
affect the assessment of points under section 4510.036 of the 18609
Revised Code and does not erase points assessed against a person 18610
as a result of the sealed record. 18611

(H) (1) The court shall send notice of any order to seal 18612
official records issued pursuant to division (B) (3) of section 18613

2953.33 of the Revised Code to the bureau of criminal 18614
identification and investigation and shall send notice of any 18615
order issued pursuant to division (B)(4) of that section to any 18616
public office or agency that the court knows or has reason to 18617
believe may have any record of the case, whether or not it is an 18618
official record, that is the subject of the order. 18619

(2) A person whose official records have been sealed 18620
pursuant to an order issued pursuant to section 2953.33 of the 18621
Revised Code may present a copy of that order and a written 18622
request to comply with it, to a public office or agency that has 18623
a record of the case that is the subject of the order. 18624

(3) An order to seal official records issued pursuant to 18625
section 2953.33 of the Revised Code applies to every public 18626
office or agency that has a record of the case that is the 18627
subject of the order, regardless of whether it receives notice 18628
of the hearing on the application for the order to seal the 18629
official records or receives a copy of the order to seal the 18630
official records pursuant to division (H)(1) or (2) of this 18631
section. 18632

(4) Upon receiving a copy of an order to seal official 18633
records pursuant to division (H)(1) or (2) of this section or 18634
upon otherwise becoming aware of an applicable order to seal 18635
official records issued pursuant to section 2953.33 of the 18636
Revised Code, a public office or agency shall comply with the 18637
order and, if applicable, with division (K) of this section, 18638
except that it may maintain a record of the case that is the 18639
subject of the order if the record is maintained for the purpose 18640
of compiling statistical data only and does not contain any 18641
reference to the person who is the subject of the case and the 18642
order. 18643

(5) A public office or agency also may maintain an index 18644
of sealed official records, in a form similar to that for sealed 18645
records of conviction as set forth in division (C) of this 18646
section, access to which may not be afforded to any person other 18647
than the person who has custody of the sealed official records. 18648
The sealed official records to which such an index pertains 18649
shall not be available to any person, except that the official 18650
records of a case that have been sealed may be made available to 18651
the following persons for the following purposes: 18652

(a) To the person who is the subject of the records upon 18653
written application, and to any other person named in the 18654
application, for any purpose; 18655

(b) To a law enforcement officer who was involved in the 18656
case, for use in the officer's defense of a civil action arising 18657
out of the officer's involvement in that case; 18658

(c) To a prosecuting attorney or the prosecuting 18659
attorney's assistants to determine a defendant's eligibility to 18660
enter a pre-trial diversion program established pursuant to 18661
section 2935.36 of the Revised Code; 18662

(d) To a prosecuting attorney or the prosecuting 18663
attorney's assistants to determine a defendant's eligibility to 18664
enter a pre-trial diversion program under division (E) (2) (b) of 18665
section 4301.69 of the Revised Code. 18666

(I) (1) Upon the issuance of an order by a court pursuant 18667
to division (D) (2) of section 2953.32 of the Revised Code 18668
directing that all official records of a case pertaining to a 18669
conviction or bail forfeiture be sealed or expunged or an order 18670
by a court pursuant to division (E) of section 2151.358, 18671
division (C) (2) of section 2953.35, or division (E) of section 18672

2953.36 of the Revised Code directing that all official records 18673
of a case pertaining to a conviction or delinquent child 18674
adjudication be expunged: 18675

(a) Every law enforcement officer who possesses 18676
investigatory work product immediately shall deliver that work 18677
product to the law enforcement officer's employing law 18678
enforcement agency. 18679

(b) Except as provided in divisions (I) (1) (c) and (d) of 18680
this section, every law enforcement agency that possesses 18681
investigatory work product shall close that work product to all 18682
persons who are not directly employed by the law enforcement 18683
agency and shall treat that work product, in relation to all 18684
persons other than those who are directly employed by the law 18685
enforcement agency, as if it did not exist and never had 18686
existed. 18687

(c) A law enforcement agency that possesses investigatory 18688
work product may permit another law enforcement agency to use 18689
that work product in the investigation of another offense if the 18690
facts incident to the offense being investigated by the other 18691
law enforcement agency and the facts incident to an offense that 18692
is the subject of the case are reasonably similar. The agency 18693
that permits the use of investigatory work product may provide 18694
the other agency with the name of the person who is the subject 18695
of the case if it believes that the name of the person is 18696
necessary to the conduct of the investigation by the other 18697
agency. 18698

(d) The auditor of state may provide to or discuss with 18699
other parties investigatory work product maintained pursuant to 18700
Chapter 117. of the Revised Code by the auditor of state. 18701

(2) (a) Except as provided in divisions (I) (1) (c) and (d) 18702
of this section, no law enforcement officer or other person 18703
employed by a law enforcement agency shall knowingly release, 18704
disseminate, or otherwise make the investigatory work product or 18705
any information contained in that work product available to, or 18706
discuss any information contained in it with, any person not 18707
employed by the employing law enforcement agency. 18708

(b) No law enforcement agency, or person employed by a law 18709
enforcement agency, that receives investigatory work product 18710
pursuant to divisions (I) (1) (c) and (d) of this section shall 18711
use that work product for any purpose other than the 18712
investigation of the offense for which it was obtained from the 18713
other law enforcement agency, or disclose the name of the person 18714
who is the subject of the work product except when necessary for 18715
the conduct of the investigation of the offense, or the 18716
prosecution of the person for committing the offense, for which 18717
it was obtained from the other law enforcement agency. 18718

(3) Whoever violates division (I) (2) (a) or (b) of this 18719
section is guilty of divulging confidential investigatory work 18720
product, a misdemeanor of the fourth degree. 18721

(J) (1) Except as authorized by divisions (A) to (C) of 18722
this section or by Chapter 2950. of the Revised Code and subject 18723
to division (J) (2) of this section, any officer or employee of 18724
the state, or a political subdivision of the state, who releases 18725
or otherwise disseminates or makes available for any purpose 18726
involving employment, bonding, or licensing in connection with 18727
any business, trade, or profession to any person, or to any 18728
department, agency, or other instrumentality of the state, or 18729
any political subdivision of the state, any information or other 18730
data concerning any law enforcement or justice system matter the 18731

records with respect to which the officer or employee had 18732
knowledge of were sealed by an existing order issued pursuant to 18733
section 2953.32 of the Revised Code, division (E) of section 18734
2151.358, section 2953.35, or section 2953.36 of the Revised 18735
Code, or were expunged by an order issued pursuant to section 18736
2953.42 of the Revised Code as it existed prior to June 29, 18737
1988, is guilty of divulging confidential information, a 18738
misdemeanor of the fourth degree. 18739

(2) Division (J)(1) of this section does not apply to an 18740
officer or employee of the state, or a political subdivision of 18741
the state, who releases or otherwise disseminates or makes 18742
available for any purpose specified in that division any 18743
information or other data concerning a law enforcement or 18744
justice system matter the records of which the officer had 18745
knowledge were sealed or expunged by an order of a type 18746
described in that division, if all of the following apply: 18747

(a) The officer or employee released, disseminated, or 18748
made available the information or data from the sealed or 18749
expunged records together with information or data concerning 18750
another law enforcement or justice system matter. 18751

(b) The records of the other law enforcement or justice 18752
system matter were not sealed or expunged by any order of a type 18753
described in division (J)(1) of this section. 18754

(c) The law enforcement or justice system matter covered 18755
by the information or data from the sealed or expunged records 18756
and the other law enforcement or justice system matter covered 18757
by the information or data from the records that were not sealed 18758
or expunged resulted from or were connected to the same act. 18759

(d) The officer or employee made a good faith effort to 18760

not release, disseminate, or make available any information or 18761
other data concerning any law enforcement or justice system 18762
matter from the sealed or expunged records, and the officer or 18763
employee did not release, disseminate, or make available the 18764
information or other data from the sealed or expunged records 18765
with malicious purpose, in bad faith, or in a wanton or reckless 18766
manner. 18767

(3) Any person who, in violation of this section, uses, 18768
disseminates, or otherwise makes available any index prepared 18769
pursuant to division (C) of this section is guilty of a 18770
misdemeanor of the fourth degree. 18771

(K) (1) Except as otherwise provided in Chapter 2950. of 18772
the Revised Code, upon the issuance of an order by a court under 18773
division (B) of section 2953.33 of the Revised Code directing 18774
that all official records pertaining to a case be sealed and 18775
that the proceedings in the case be deemed not to have occurred: 18776

(a) Every law enforcement officer possessing records or 18777
reports pertaining to the case that are the officer's specific 18778
investigatory work product and that are excepted from the 18779
definition of official records shall immediately deliver the 18780
records and reports to the officer's employing law enforcement 18781
agency. Except as provided in division (K) (1) (c) or (d) of this 18782
section, no such officer shall knowingly release, disseminate, 18783
or otherwise make the records and reports or any information 18784
contained in them available to, or discuss any information 18785
contained in them with, any person not employed by the officer's 18786
employing law enforcement agency. 18787

(b) Every law enforcement agency that possesses records or 18788
reports pertaining to the case that are its specific 18789
investigatory work product and that are excepted from the 18790

definition of official records, or that are the specific 18791
investigatory work product of a law enforcement officer it 18792
employs and that were delivered to it under division (K) (1) (a) 18793
of this section shall, except as provided in division (K) (1) (c) 18794
or (d) of this section, close the records and reports to all 18795
persons who are not directly employed by the law enforcement 18796
agency and shall, except as provided in division (K) (1) (c) or 18797
(d) of this section, treat the records and reports, in relation 18798
to all persons other than those who are directly employed by the 18799
law enforcement agency, as if they did not exist and had never 18800
existed. Except as provided in division (K) (1) (c) or (d) of this 18801
section, no person who is employed by the law enforcement agency 18802
shall knowingly release, disseminate, or otherwise make the 18803
records and reports in the possession of the employing law 18804
enforcement agency or any information contained in them 18805
available to, or discuss any information contained in them with, 18806
any person not employed by the employing law enforcement agency. 18807

(c) A law enforcement agency that possesses records or 18808
reports pertaining to the case that are its specific 18809
investigatory work product and that are excepted from the 18810
definition of official records, or that are the specific 18811
investigatory work product of a law enforcement officer it 18812
employs and that were delivered to it under division (K) (1) (a) 18813
of this section may permit another law enforcement agency to use 18814
the records or reports in the investigation of another offense, 18815
if the facts incident to the offense being investigated by the 18816
other law enforcement agency and the facts incident to an 18817
offense that is the subject of the case are reasonably similar. 18818
The agency that provides the records and reports may provide the 18819
other agency with the name of the person who is the subject of 18820
the case, if it believes that the name of the person is 18821

necessary to the conduct of the investigation by the other 18822
agency. 18823

No law enforcement agency, or person employed by a law 18824
enforcement agency, that receives from another law enforcement 18825
agency records or reports pertaining to a case the records of 18826
which have been ordered sealed pursuant to division (B) of 18827
section 2953.33 of the Revised Code shall use the records and 18828
reports for any purpose other than the investigation of the 18829
offense for which they were obtained from the other law 18830
enforcement agency, or disclose the name of the person who is 18831
the subject of the records or reports except when necessary for 18832
the conduct of the investigation of the offense, or the 18833
prosecution of the person for committing the offense, for which 18834
they were obtained from the other law enforcement agency. 18835

(d) The auditor of state may provide to or discuss with 18836
other parties records, reports, or audits maintained by the 18837
auditor of state pursuant to Chapter 117. of the Revised Code 18838
pertaining to the case that are the auditor of state's specific 18839
investigatory work product and that are excepted from the 18840
definition of "official records" contained in division (C) of 18841
section 2953.31 of the Revised Code, or that are the specific 18842
investigatory work product of a law enforcement officer the 18843
auditor of state employs and that were delivered to the auditor 18844
of state under division (K) (1) (a) of this section. 18845

(2) Whoever violates division (K) (1) of this section is 18846
guilty of divulging confidential information, a misdemeanor of 18847
the fourth degree. 18848

(L) (1) In any application for employment, license, or any 18849
other right or privilege, any appearance as a witness, or any 18850
other inquiry, a person may not be questioned with respect to 18851

any record that has been sealed pursuant to section 2953.33 of 18852
the Revised Code. If an inquiry is made in violation of this 18853
division, the person whose official record was sealed may 18854
respond as if the arrest underlying the case to which the sealed 18855
official records pertain and all other proceedings in that case 18856
did not occur, and the person whose official record was sealed 18857
shall not be subject to any adverse action because of the 18858
arrest, the proceedings, or the person's response. 18859

(2) An officer or employee of the state or any of its 18860
political subdivisions who knowingly releases, disseminates, or 18861
makes available for any purpose involving employment, bonding, 18862
licensing, or education to any person or to any department, 18863
agency, or other instrumentality of the state, or of any of its 18864
political subdivisions, any information or other data concerning 18865
any arrest, complaint, indictment, information, trial, 18866
adjudication, or correctional supervision, knowing the records 18867
of which have been sealed pursuant to section 2953.33 of the 18868
Revised Code, is guilty of divulging confidential information, a 18869
misdemeanor of the fourth degree. 18870

(M) It is not a violation of division (I), (J), (K), or 18871
(L) of this section for the bureau of criminal identification 18872
and investigation or any authorized employee of the bureau 18873
participating in the investigation of criminal activity to 18874
release, disseminate, or otherwise make available to, or discuss 18875
with, a person directly employed by a law enforcement agency DNA 18876
records collected in the DNA database or fingerprints filed for 18877
record by the superintendent of the bureau of criminal 18878
identification and investigation. 18879

(N) (1) An order issued under section 2953.35 of the 18880
Revised Code to expunge the record of a person's conviction or, 18881

except as provided in division (D) of this section, an order 18882
issued under that section to seal the record of a person's 18883
conviction restores the person who is the subject of the order 18884
to all rights and privileges not otherwise restored by 18885
termination of the sentence or community control sanction or by 18886
final release on parole or post-release control. 18887

(2) (a) In any application for employment, license, or 18888
other right or privilege, any appearance as a witness, or any 18889
other inquiry, except as provided in division (B) of this 18890
section and in section 3319.292 of the Revised Code and subject 18891
to division (N) (2) (c) of this section, a person may be 18892
questioned only with respect to convictions not sealed, bail 18893
forfeitures not expunged under section 2953.42 of the Revised 18894
Code as it existed prior to June 29, 1988, and bail forfeitures 18895
not sealed, unless the question bears a direct and substantial 18896
relationship to the position for which the person is being 18897
considered. 18898

(b) In any application for a certificate of qualification 18899
for employment under section 2953.25 of the Revised Code, a 18900
person may be questioned only with respect to convictions not 18901
sealed and bail forfeitures not sealed. 18902

(c) A person may not be questioned in any application, 18903
appearance, or inquiry of a type described in division (N) (2) (a) 18904
of this section with respect to any conviction expunged under 18905
section 2953.35 of the Revised Code. 18906

(O) Nothing in ~~sections 2953.31 to 2953.33~~ section 2953.32 18907
or 2953.34 of the Revised Code precludes an ~~eligible~~ offender 18908
from taking an appeal or seeking any relief from the ~~eligible~~ 18909
offender's conviction or from relying on it in lieu of any 18910
subsequent prosecution for the same offense. 18911

~~Sec. 2953.37~~ 2953.35. (A) ~~As used in this section:~~ 18912

~~(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.~~ 18913
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~~(2) "Official records" has the same meaning as in section 2953.51 of the Revised Code.~~ 18916
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~~(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.~~ 18918
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~~(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.~~ 18920
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~~(B) Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, or a violation of division (E) (1) or (2) of section 2923.16 of the Revised Code as the division existed prior to the effective date of this amendment June 13, 2022, and who is authorized by division (H) (2) (a) of that section to file an application under this section for the expungement of the conviction record may apply to the sentencing court for the expungement of the record of conviction. Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B) (1) of section 2923.12 of the Revised Code as it existed prior to the effective date of this amendment June 13, 2022, and who is authorized by division (E) (2) of that section may apply to the sentencing court for the expungement of the record of conviction. The person may file the application at any time on or after September 30, 2011, with respect to violations of division (B), (C), or (E) of section 2923.16 of the Revised~~ 18922
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Code as they existed prior to that date, or at any time on or 18941
after ~~the effective date of this amendment~~ June 13, 2022, with 18942
respect to a violation of division (B) (1) of section 2923.12 of 18943
the Revised Code or of division (E) (1) or (2) of section 2923.16 18944
of the Revised Code as the particular division existed prior to 18945
~~the effective date of this amendment~~ June 13, 2022. The 18946
application shall do all of the following: 18947

(1) Identify the applicant, the offense for which the 18948
expungement is sought, the date of the conviction of or plea of 18949
guilty to that offense, and the court in which the conviction 18950
occurred or the plea of guilty was entered; 18951

(2) Include evidence that the offense was a violation of 18952
division (B), (C), or (E) of section 2923.16 of the Revised Code 18953
as the division existed prior to September 30, 2011, or was a 18954
violation of division (B) (1) of section 2923.12 of the Revised 18955
Code or of division (E) (1) or (2) of section 2923.16 of the 18956
Revised Code as the particular division existed prior to ~~the~~ 18957
~~effective date of this amendment~~ June 13, 2022, and that the 18958
applicant is authorized by division (H) (2) (a) of section 2923.16 18959
or division (E) (2) of section 2923.12 of the Revised Code, 18960
whichever is applicable, to file an application under this 18961
section; 18962

(3) Include a request for expungement of the record of 18963
conviction of that offense under this section. 18964

~~(C)~~ (B) Upon the filing of an application under division 18965
~~(B)~~ (A) of this section and the payment of the fee described in 18966
division ~~(D)~~ ~~(3)~~ (C) (3) of this section if applicable, the court 18967
shall set a date for a hearing and shall notify the prosecutor 18968
for the case of the hearing on the application. The prosecutor 18969
may object to the granting of the application by filing an 18970

objection with the court prior to the date set for the hearing. 18971
The prosecutor shall specify in the objection the reasons for 18972
believing a denial of the application is justified. The court 18973
shall direct its regular probation officer, a state probation 18974
officer, or the department of probation of the county in which 18975
the applicant resides to make inquiries and written reports as 18976
the court requires concerning the applicant. The court shall 18977
hold the hearing scheduled under this division. 18978

~~(D) (1)~~ (C) (1) At the hearing held under division ~~(C) (B)~~ of 18979
this section, the court shall do each of the following: 18980

(a) Determine whether the applicant has been convicted of 18981
or pleaded guilty to a violation of division (E) of section 18982
2923.16 of the Revised Code as the division existed prior to 18983
September 30, 2011, and whether the conduct that was the basis 18984
of the violation no longer would be a violation of that division 18985
on or after September 30, 2011; 18986

(b) Determine whether the applicant has been convicted of 18987
or pleaded guilty to a violation of division (B) or (C) of 18988
section 2923.16 of the Revised Code as the division existed 18989
prior to September 30, 2011, and whether the conduct that was 18990
the basis of the violation no longer would be a violation of 18991
that division on or after September 30, 2011, due to the 18992
application of division (F) (5) of that section as it exists on 18993
and after September 30, 2011; 18994

(c) Determine whether the applicant has been convicted of 18995
or pleaded guilty to a violation of division (B) (1) of section 18996
2923.12 of the Revised Code or of division (E) (1) or (2) of 18997
section 2923.16 of the Revised Code as the particular division 18998
existed prior to ~~the effective date of this amendment~~ June 13, 18999
2022; 19000

(d) If the prosecutor has filed an objection in accordance with division ~~(C)~~(B) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged against the legitimate needs, if any, of the government to maintain those records.

(2) (a) The court may order the expungement of all official records pertaining to the case and the deletion of all index references to the case and, if it does order the expungement, shall send notice of the order to each public office or agency that the court has reason to believe may have an official record pertaining to the case if the court, after complying with division ~~(D)~~~~(1)~~(C) (1) of this section, determines both of the following:

(i) That the applicant has been convicted of or pleaded guilty to a violation of division (E) of section 2923.16 of the Revised Code as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011; that the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, due to the application of division (F) (5) of that section as it exists on and after September 30, 2011; or that the applicant has been convicted of or pleaded guilty to a violation of division (B) (1) of section 2923.12 of the Revised

Code or of division (E) (1) or (2) of section 2923.16 of the 19031
Revised Code as the particular division existed prior to ~~the~~ 19032
~~effective date of this amendment~~ June 13, 2022; 19033

(ii) That the interests of the applicant in having the 19034
records pertaining to the applicant's conviction or guilty plea 19035
expunged are not outweighed by any legitimate needs of the 19036
government to maintain those records. 19037

(b) The proceedings in the case that is the subject of an 19038
order issued under division ~~(D) (2) (a)~~ (C) (2) (a) of this section 19039
shall be considered not to have occurred and the conviction or 19040
guilty plea of the person who is the subject of the proceedings 19041
shall be expunged. The record of the conviction shall not be 19042
used for any purpose, including, but not limited to, a criminal 19043
records check under section 109.572 of the Revised Code or a 19044
determination under section 2923.125 or 2923.1213 of the Revised 19045
Code of eligibility for a concealed handgun license. The 19046
applicant may, and the court shall, reply that no record exists 19047
with respect to the applicant upon any inquiry into the matter. 19048

(3) Upon the filing of an application under this section, 19049
the applicant, unless indigent, shall pay a fee of fifty 19050
dollars. The court shall pay thirty dollars of the fee into the 19051
state treasury and shall pay twenty dollars of the fee into the 19052
county general revenue fund. 19053

Sec. ~~2953.38~~ 2953.36. (A) ~~As used in this section:~~ 19054

~~(1) "Expunge" means to destroy, delete, or erase a record~~ 19055
~~as appropriate for the record's physical or electronic form or~~ 19056
~~characteristic so that the record is permanently irretrievable.~~ 19057

~~(2) "Prosecutor" has the same meaning as in section~~ 19058
~~2953.31 of the Revised Code.~~ 19059

~~(3) "Record of conviction" means any record related to a conviction of or plea of guilty to an offense.~~ 19060
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~~(4) "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.~~ 19062
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~~(B)~~ Any person who is or was convicted of a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code may apply to the sentencing court for the expungement of the record of conviction of any offense, other than a record of conviction of a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code, the person's participation in which was a result of the person having been a victim of human trafficking. The person may file the application at any time. The application may request an order to expunge the record of conviction 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. The application shall do all of the following: 19067
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(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of that offense, and the court in which the conviction occurred; 19082
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(2) Describe the evidence and provide copies of any documentation showing that the person is entitled to relief under this section; 19085
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19087

(3) Include a request for expungement of the record of 19088

conviction of that offense under this section. 19089

~~(C)~~ (B) The court may deny an application made under 19090
division ~~(B)~~ (A) of this section if it finds that the 19091
application fails to assert grounds on which relief may be 19092
granted. 19093

~~(D)~~ (C) If the court does not deny an application under 19094
division ~~(C)~~ (B) of this section, it shall set a date for a 19095
hearing and shall notify the prosecutor for the case from which 19096
the record of conviction resulted of the hearing on the 19097
application. The prosecutor may object to the granting of the 19098
application by filing an objection with the court prior to the 19099
date set for the hearing. The prosecutor shall specify in the 19100
objection the reasons for believing a denial of the application 19101
is justified. The court may direct its regular probation 19102
officer, a state probation officer, or the department of 19103
probation of the county in which the applicant resides to make 19104
inquiries and written reports as the court requires concerning 19105
the applicant. 19106

~~(E) (1)~~ (D) (1) At the hearing held under division ~~(D)~~ (C) 19107
of this section, the court shall do both of the following: 19108

(a) If the prosecutor has filed an objection, consider the 19109
reasons against granting the application specified by the 19110
prosecutor in the objection; 19111

(b) Determine whether the applicant has demonstrated by a 19112
preponderance of the evidence that the applicant's participation 19113
in the offense that is the subject of the application was a 19114
result of the applicant having been a victim of human 19115
trafficking. 19116

(2) If the court at the hearing held under division ~~(D)~~ 19117

(C) of this section determines that the applicant's participation in the offense that is the subject of the application was a result of the applicant having been a victim of human trafficking and if that subject offense is a felony of the first or second degree, the court at the hearing also shall consider all of the following factors and, upon consideration of the factors, shall determine whether the interests of the applicant in having the record of the conviction of that offense expunged are outweighed by any legitimate needs of the government to maintain that record of conviction:

(a) The degree of duress under which the applicant acted in committing the subject offense, including, but not limited to, the history of the use of force or threatened use of force against the applicant or another person, whether the applicant's judgment or control was impaired by the administration to the applicant of any intoxicant, drug, or controlled substance, and the threat of withholding from the applicant food, water, or any drug;

(b) The seriousness of the subject offense;

(c) The relative degree of physical harm done to any person in the commission of the subject offense;

(d) The length of time that has expired since the commission of the subject offense;

(e) Whether the prosecutor represents to the court that criminal proceedings are likely to still be initiated against the applicant for a felony offense for which the period of limitations has not expired;

(f) Whether the applicant at the time of the hearing is subject to supervision as a result of the subject offense.

~~(F)~~~~(E)~~ If after a hearing held under division ~~(D)~~~~(C)~~ of 19147
this section the court finds that the applicant has demonstrated 19148
by a preponderance of the evidence that the applicant's 19149
participation in the offense that is the subject of the 19150
application was the result of the applicant having been a victim 19151
of human trafficking, and, if the offense that is the subject of 19152
the application is a felony of the first or second degree, after 19153
consideration of the factors required under division ~~(E)~~~~(2)~~~~(D)~~ 19154
(2) of this section, it finds that the interests of the 19155
applicant in having the record of the conviction of that offense 19156
expunged are not outweighed by any legitimate needs of the 19157
government to maintain that record of conviction, the court 19158
shall grant the application and order that the record of 19159
conviction be expunged. 19160

~~(G)~~~~(1)~~~~(F)~~ (1) The court shall send notice of the order of 19161
expungement issued under division ~~(F)~~~~(E)~~ of this section to 19162
each public office or agency that the court has reason to 19163
believe may have an official record pertaining to the case if 19164
the court, after complying with division ~~(E)~~~~(D)~~ of this 19165
section, determines both of the following: 19166

(a) That the applicant has been convicted of a violation 19167
of section 2907.24, 2907.241, or 2907.25 of the Revised Code; 19168

(b) That the interests of the applicant in having the 19169
records pertaining to the applicant's conviction expunged are 19170
not outweighed by any legitimate needs of the government to 19171
maintain those records. 19172

(2) The proceedings in the case that is the subject of an 19173
order of expungement issued under division ~~(F)~~~~(E)~~ of this 19174
section shall be considered not to have occurred and the 19175
conviction of the person who is the subject of the proceedings 19176

shall be expunged. The record of the conviction shall not be 19177
used for any purpose, including, but not limited to, a criminal 19178
records check under section 109.572 of the Revised Code. The 19179
applicant may, and the court shall, reply that no record exists 19180
with respect to the applicant upon any inquiry into the matter. 19181

~~(H)~~(G) Upon the filing of an application under this 19182
section, the applicant, unless indigent, shall pay a fee of 19183
fifty dollars. The court shall pay thirty dollars of the fee 19184
into the state treasury and shall pay twenty dollars of the fee 19185
into the county general revenue fund. 19186

Sec. ~~2953.56~~ 2953.37. Violations of sections 2953.31 to 19187
2953.61 of the Revised Code shall not provide the basis to 19188
exclude or suppress any of the following evidence that is 19189
otherwise admissible in a criminal proceeding, delinquent child 19190
proceeding, or other legal proceeding: 19191

(A) DNA records collected in the DNA database; 19192

(B) Fingerprints filed for record by the superintendent of 19193
the bureau of criminal identification and investigation; 19194

(C) Other evidence that was obtained or discovered as the 19195
direct or indirect result of divulging or otherwise using the 19196
records described in divisions (A) and (B) of this section. 19197

Sec. 2953.39. (A) As used in this section: 19198

(1) "Applicant prosecutor" means the prosecutor who 19199
applies under division (B) (1) of this section for the sealing or 19200
expungement of the record of a case that pertains to a 19201
conviction of a person of a low-level controlled substance 19202
offense. 19203

(2) "Low-level controlled substance offense" means a 19204

violation of any provision of Chapter 2925. of the Revised Code 19205
that is a misdemeanor of the fourth degree or a minor 19206
misdemeanor or a violation of an ordinance of a municipal 19207
corporation that is substantially equivalent to a violation of 19208
any provision of Chapter 2925. of the Revised Code and that, if 19209
the violation were to be charged under the provision of Chapter 19210
2925. of the Revised Code, would be a misdemeanor of the fourth 19211
degree or a minor misdemeanor. 19212

(3) "Subject offender" means, regarding an application 19213
filed under division (B)(1) of this section requesting the 19214
sealing or expungement of the record of a case that pertains to 19215
a conviction of a low-level controlled substance offense, the 19216
person who was convicted of the low-level controlled substance 19217
offense for which the application requests the sealing or 19218
expungement. 19219

(B)(1) If a person is or was convicted of a low-level 19220
controlled substance offense, the prosecutor in the case may 19221
apply to the sentencing court for the sealing or expungement of 19222
the record of the case that pertains to the conviction. The 19223
prosecutor may file the application with respect to the offense 19224
that is the subject of the application at any time after the 19225
expiration, with respect to that offense and the subject 19226
offender, of the corresponding period of time specified in 19227
division (B)(1) of section 2953.32 of the Revised Code for 19228
sealing or expungement applications filed by an offender under 19229
that section. 19230

(2) An application under division (B)(1) of this section 19231
may request an order to seal or expunge the record of conviction 19232
for more than one low-level controlled substance offense, but if 19233
it does, the court shall consider the request for each offense 19234

separately as if a separate application had been made for each 19235
offense and all references in divisions (B) to (F) of this 19236
section to "the offense" or "that offense" mean each of those 19237
offenses that are the subject of the application. 19238

(3) Upon the filing of an application under division (B) 19239
(1) of this section, except as otherwise provided in this 19240
division, the applicant prosecutor shall pay a fee of not more 19241
than fifty dollars, including court fees, regardless of the 19242
number of records the application requests to have sealed or 19243
expunged. The court may direct the clerk of the court to waive 19244
some or all of the fee that otherwise would be charged. If the 19245
applicant pays a fee, the court shall pay three-fifths of the 19246
fee collected into the state treasury, with half of that amount 19247
credited to the attorney general reimbursement fund created 19248
under section 109.11 of the Revised Code. If the applicant pays 19249
a fee, the court shall pay two-fifths of the fee collected into 19250
the county general revenue fund if the sealed or expunged 19251
conviction was pursuant to a state statute, or into the general 19252
revenue fund of the municipal corporation involved if the sealed 19253
or expunged conviction was pursuant to a municipal ordinance. 19254

(C) An application filed under division (B)(1) of this 19255
section shall do all of the following: 19256

(1) Identify the subject offender and the applicant 19257
prosecutor, the offense for which the sealing or expungement is 19258
sought, the date of the conviction of that offense, and the 19259
court in which the conviction occurred; 19260

(2) Describe the evidence and provide copies of any 19261
documentation showing that the subject offender is entitled to 19262
relief under this section; 19263

(3) Include a request for sealing or expungement under this section of the record of the case that pertains to the conviction of that offense. 19264
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(D)(1) Upon the filing of an application under division (B)(1) of this section, the court shall set a date for a hearing and shall notify the applicant prosecutor of the date, time, and location of the hearing. Upon receipt of the notice, the prosecutor shall do both of the following: 19267
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(a) Notify the subject offender of the application, the date, time, and location of the hearing on the application, and the offender's right to object to the granting of the application. The notice shall be provided at the offender's last known address or through another means of contact. 19272
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(b) Notify the victim of the offense, if such a victim exists, of the application, the date, time, and location of the hearing on the application, and the victim's right to object to the granting of the application. The notice shall be provided by any reasonable means reasonably calculated to provide prompt actual notice, including regular mail, telephone, and electronic mail. If the prosecutor attempts to provide notice to a victim under this division but the attempt is unsuccessful because the prosecutor is unable to locate the victim, is unable to provide the notice by the chosen method because the mailing address, telephone number, or electronic mail address at which to provide the notice cannot be determined, or the notice is sent by mail and it is returned, the prosecutor shall make another attempt to provide the notice to the victim. If the second attempt is unsuccessful, the prosecutor shall make at least one more attempt to provide the notice. 19277
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(2) The court shall hold the hearing set under division 19293

(D) (1) of this section not less than forty-five days and not 19294
more than ninety days from the date of the filing of the 19295
application. 19296

The subject offender may object to the granting of the 19297
application by filing an objection with the court prior to the 19298
date set for the hearing. The victim of the offense may object 19299
to the granting of the application by filing an objection with 19300
the court prior to the date set for the hearing. The subject 19301
offender or victim shall specify in the objection the reasons 19302
for believing that the application should be denied. 19303

(E) (1) At the hearing held under division (D) of this 19304
section, the court shall determine whether the offense that is 19305
the subject of the application is a low-level controlled 19306
substance offense and whether the amount of time specified in 19307
division (B) (1) of this section for the filing of the 19308
application has expired. 19309

(2) If the court at the hearing held under division (D) of 19310
this section determines that the offense that is the subject of 19311
the application is a low-level controlled substance offense and 19312
that the amount of time specified in division (B) (1) of this 19313
section for the filing of the application has expired, the court 19314
at the hearing also shall do all of the following: 19315

(a) Determine whether criminal proceedings are pending 19316
against the subject offender; 19317

(b) Determine whether the subject offender has been 19318
rehabilitated to the satisfaction of the court; 19319

(c) If the subject offender objected, consider the reasons 19320
against granting the application specified by the offender in 19321
the objection; 19322

(d) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection; 19323
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(e) Weigh the interests of the subject offender in having the records pertaining to the offender's conviction sealed or expunged against the legitimate needs, if any, of the government to maintain those records. 19326
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(F)(1) If the court determines, after complying with divisions (E)(1) and (2) of this section, that no criminal proceeding is pending against the subject offender, that the interests of the offender in having the records pertaining to the offender's conviction sealed or expunged are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of the offender has been attained to the satisfaction of the court, all of the following apply: 19330
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(a) The court shall issue orders of the type specified in division (D)(2) of section 2953.32 of the Revised Code, subject to the exceptions specified in that division. 19338
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(b) The proceedings in the case that pertain to the conviction shall be considered not to have occurred and the conviction of the subject offender shall be sealed or expunged, subject to the exceptions specified in division (D)(2) of section 2953.32 of the Revised Code. 19341
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(c) The court shall notify the subject offender, at the offender's last known address or through another means of contact, that the court has issued the order requiring the sealing or expungement of the official records pertaining to the case and shall specifically identify the offense and case with respect to which the order applies. 19346
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(2) If the court orders the official records pertaining to 19352
the case sealed or expunged under division (F) (1) of this 19353
section, the court shall comply with division (D) (4) (a) or (b) 19354
of section 2953.32 of the Revised Code, whichever is applicable. 19355

(3) All provisions of section 2953.34 of the Revised Code 19356
that apply with respect to an order to seal or expunge official 19357
records that is issued under section 2953.32 of the Revised 19358
Code, or that apply with respect to the official records to be 19359
sealed or expunged under such an order, apply with respect to an 19360
order to seal or expunge official records that is issued under 19361
division (F) (1) of this section and to the official records to 19362
be sealed or expunged under such an order. 19363

(G) A record that is expunged pursuant to an order issued 19364
under division (F) (1) of this section shall be destroyed, 19365
deleted, and erased, as appropriate for the record's physical or 19366
electronic form or characteristic, so that the record is 19367
permanently irretrievable. 19368

(H) The provisions of this section are separate from, and 19369
independent of, the provisions of sections 2953.35 and 2953.36 19370
and, except as otherwise specified in this section, the 19371
provisions of sections 2953.32 and 2953.34 of the Revised Code. 19372

Sec. 2953.521. ~~(A) As used in this section, "expunge" has~~ 19373
~~the same meaning as in section 2953.38 of the Revised Code.~~ 19374

~~(B) Any person who is found not guilty of an offense by a~~ 19375
~~jury or a court or who is the defendant named in a dismissed~~ 19376
~~complaint, indictment, or information may apply to the court for~~ 19377
~~an order to expunge the person's official records in the case if~~ 19378
~~the complaint, indictment, information, or finding of not guilty~~ 19379
~~that is the subject of the application was the result of the~~ 19380

applicant having been a victim of human trafficking. The 19381
application may be filed at any time after the finding of not 19382
guilty or the dismissal of the complaint, indictment, or 19383
information is entered upon the minutes of the court or the 19384
journal, whichever entry occurs first. The application may 19385
request an order to expunge official records for more than one 19386
offense, but if it does, the court shall consider the request 19387
for each offense separately as if a separate application had 19388
been made for each offense and all references in divisions ~~(B)~~ 19389
(A) to ~~(H)~~ (G) of this section to "the offense" or "that 19390
offense" mean each of those offenses that are the subject of the 19391
application. 19392

~~(C)~~ (B) The court may deny an application made under 19393
division ~~(B)~~ (A) of this section if it finds that the 19394
application fails to assert grounds on which relief may be 19395
granted. 19396

~~(D)~~ (C) If the court does not deny an application under 19397
division ~~(C)~~ (B) of this section, the court shall set a date for 19398
a hearing and shall notify the prosecutor for the case of the 19399
hearing on the application. The prosecutor may object to the 19400
granting of the application by filing an objection with the 19401
court prior to the date set for the hearing. The prosecutor 19402
shall specify in the objection the reasons for believing a 19403
denial of the application is justified. 19404

~~(E)~~ (D) At the hearing held under division ~~(D)~~ (C) of this 19405
section, the court shall do all of the following: 19406

(1) If the prosecutor has filed an objection, consider the 19407
reasons against granting the application specified by the 19408
prosecutor in the objection; 19409

(2) Determine whether the applicant has demonstrated by a preponderance of the evidence that 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;

(3) If the application pertains to a dismissed complaint, indictment, or information, determine whether the dismissal was with prejudice or without prejudice and, if the dismissal was without prejudice, whether the period of limitations applicable to the offense that was the subject of that complaint, indictment, or information has expired;

(4) Determine whether any criminal proceedings are pending against the applicant.

~~(F)(1)~~ (E)(1) Subject to division ~~(F)(2)~~ (E)(2) of this section, if the court finds that the applicant has demonstrated by a preponderance of the evidence that 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 court shall grant the application and order that the official records be expunged.

(2) The court shall not grant the application and order that the official records be expunged unless the court determines that the interests of the applicant in having the official records pertaining to the complaint, indictment, or information or finding of not guilty that is the subject of the application expunged are not outweighed by any legitimate needs of the government to maintain those records.

~~(G)~~ (F) If an expungement is ordered under division ~~(F)~~ (E) of this section, the court shall send notice of the order of

expungement to each public office or agency that the court has 19439
reason to believe may have an official record pertaining to the 19440
case. 19441

~~(H)~~(G) The proceedings in the case that is the subject of 19442
an order issued under division ~~(F)~~(E) of this section shall be 19443
considered not to have occurred and the official records shall 19444
be expunged. The official records shall not be used for any 19445
purpose, including a criminal records check under section 19446
109.572 of the Revised Code. The applicant may, and the court 19447
shall, reply that no record exists with respect to the applicant 19448
upon any inquiry into the matter. 19449

Sec. 2953.57. (A) A court that enters a judgment that 19450
vacates and sets aside the conviction of a person because of DNA 19451
testing that was performed under sections 2953.71 to 2953.81 of 19452
the Revised Code or under section 2953.82 of the Revised Code 19453
shall issue ninety days after the court vacates and sets aside 19454
the conviction an order directing that all official records 19455
pertaining to the case involving the vacated conviction be 19456
sealed and that the proceedings in the case shall be deemed not 19457
to have occurred. 19458

(B) As used in sections 2953.57 to 2953.60 of the Revised 19459
Code, "official records" has the same meaning as in section 19460
~~2953.51~~2953.31 of the Revised Code. 19461

Sec. 2953.58. (A) The court shall send notice of an order 19462
to seal official records issued pursuant to section 2953.57 of 19463
the Revised Code to any public office or agency that the court 19464
knows or has reason to believe may have any record of the case, 19465
whether or not it is an official record, that is the subject of 19466
the order. The notice shall be sent by certified mail, return 19467
receipt requested. 19468

(B) A person whose official records have been sealed 19469
pursuant to an order issued pursuant to section 2953.57 of the 19470
Revised Code may present a copy of that order and a written 19471
request to comply with it, to a public office or agency that has 19472
a record of the case that is the subject of the order. 19473

(C) An order to seal official records issued pursuant to 19474
section 2953.57 of the Revised Code applies to every public 19475
office or agency that has a record of the case that is the 19476
subject of the order, regardless of whether it receives a copy 19477
of the order to seal the official records pursuant to division 19478
(A) or (B) of this section. 19479

(D) Upon receiving a copy of an order to seal official 19480
records pursuant to division (A) or (B) of this section or upon 19481
otherwise becoming aware of an applicable order to seal official 19482
records issued pursuant to section 2953.57 of the Revised Code, 19483
a public office or agency shall comply with the order and, if 19484
applicable, with the provisions of section 2953.59 of the 19485
Revised Code, except that it may maintain a record of the case 19486
that is the subject of the order if the record is maintained for 19487
the purpose of compiling statistical data only and does not 19488
contain any reference to the person who is the subject of the 19489
case and the order. 19490

A public office or agency also may maintain an index of 19491
sealed official records, in a form similar to that for sealed 19492
records of conviction as set forth in division ~~(F)~~ (C) of 19493
section ~~2953.32-2953.34~~ of the Revised Code, access to which may 19494
not be afforded to any person other than the person who has 19495
custody of the sealed official records. The sealed official 19496
records to which such an index pertains shall not be available 19497
to any person, except that the official records of a case that 19498

have been sealed may be made available to the following persons 19499
for the following purposes: 19500

(1) To the person who is the subject of the records upon 19501
written application, and to any other person named in the 19502
application, for any purpose; 19503

(2) To a law enforcement officer who was involved in the 19504
case, for use in the officer's defense of a civil action arising 19505
out of the officer's involvement in that case. 19506

Sec. 2953.59. (A) Except as otherwise provided in Chapter 19507
2950. of the Revised Code, upon the issuance of an order by a 19508
court under section 2953.57 of the Revised Code directing that 19509
all official records pertaining to a case be sealed and that the 19510
proceedings in the case be deemed not to have occurred: 19511

(1) Every law enforcement officer possessing records or 19512
reports pertaining to the case that are the officer's specific 19513
investigatory work product and that are excepted from the 19514
definition of "official records" contained in section ~~2953.51-~~ 19515
2953.31 of the Revised Code shall immediately deliver the 19516
records and reports to the officer's employing law enforcement 19517
agency. Except as provided in division (A)(3) of this section, 19518
no such officer shall knowingly release, disseminate, or 19519
otherwise make the records and reports or any information 19520
contained in them available to, or discuss any information 19521
contained in them with, any person not employed by the officer's 19522
employing law enforcement agency. 19523

(2) Every law enforcement agency that possesses records or 19524
reports pertaining to the case that are its specific 19525
investigatory work product and that are excepted from the 19526
definition of "official records" contained in section ~~2953.51-~~ 19527

2953.31 of the Revised Code, or that are the specific 19528
investigatory work product of a law enforcement officer it 19529
employs and that were delivered to it under division (A) (1) of 19530
this section shall, except as provided in division (A) (3) of 19531
this section, close the records and reports to all persons who 19532
are not directly employed by the law enforcement agency and 19533
shall, except as provided in division (A) (3) of this section, 19534
treat the records and reports, in relation to all persons other 19535
than those who are directly employed by the law enforcement 19536
agency, as if they did not exist and had never existed. Except 19537
as provided in division (A) (3) of this section, no person who is 19538
employed by the law enforcement agency shall knowingly release, 19539
disseminate, or otherwise make the records and reports in the 19540
possession of the employing law enforcement agency or any 19541
information contained in them available to, or discuss any 19542
information contained in them with, any person not employed by 19543
the employing law enforcement agency. 19544

(3) A law enforcement agency that possesses records or 19545
reports pertaining to the case that are its specific 19546
investigatory work product and that are excepted from the 19547
definition of "official records" contained in division ~~(D)~~ (C) 19548
of section ~~2953.51~~ 2953.31 of the Revised Code, or that are the 19549
specific investigatory work product of a law enforcement officer 19550
it employs and that were delivered to it under division (A) (1) 19551
of this section may permit another law enforcement agency to use 19552
the records or reports in the investigation of another offense, 19553
if the facts incident to the offense being investigated by the 19554
other law enforcement agency and the facts incident to an 19555
offense that is the subject of the case are reasonably similar 19556
and if all references to the name or identifying information of 19557
the person whose records were sealed are redacted from the 19558

records or reports. The agency that provides the records and 19559
reports may not provide the other agency with the name of the 19560
person who is the subject of the case the records of which were 19561
sealed. 19562

(B) Whoever violates division (A) (1), (2), or (3) of this 19563
section is guilty of divulging confidential information, a 19564
misdemeanor of the fourth degree. 19565

Sec. 2953.61. (A) Except as provided in division (B) (1) of 19566
this section, a person charged with two or more offenses as a 19567
result of or in connection with the same act may not apply to 19568
the court pursuant to section 2953.32 ~~or 2953.52~~, 2953.33, or 19569
2953.521 of the Revised Code for the sealing or expungement of 19570
the person's record in relation to any of the charges, and a 19571
prosecutor may not apply to the court pursuant to section 19572
2953.39 of the Revised Code for the sealing or expungement of 19573
the record of a person in relation to any of the charges if the 19574
person was charged with two or more offenses as a result of or 19575
in connection with the same act, when at least one of the 19576
charges has a final disposition that is different from the final 19577
disposition of the other charges until such time as the person, 19578
or prosecutor, would be able to apply to the court and have all 19579
of the records pertaining to all of those charges sealed or 19580
expunged pursuant to section 2953.32 ~~or 2953.52~~, 2953.33, 19581
2953.39, or 2953.521 of the Revised Code. 19582

(B) (1) When a person is charged with two or more offenses 19583
as a result of or in connection with the same act and the final 19584
disposition of one, and only one, of the charges is a conviction 19585
under any section of Chapter 4507., 4510., 4511., or 4549., 19586
other than section 4511.19 or 4511.194 of the Revised Code, or 19587
under a municipal ordinance that is substantially similar to any 19588

section other than section 4511.19 or 4511.194 of the Revised 19589
Code contained in any of those chapters, and if the records 19590
pertaining to all the other charges would be eligible for 19591
sealing or expungement under section ~~2953.52~~ 2953.33, 2953.39, 19592
or 2953.521 of the Revised Code in the absence of that 19593
conviction, the court may order that the records pertaining to 19594
all the charges be sealed or expunged. In such a case, the court 19595
shall not order that only a portion of the records be sealed or 19596
expunged. 19597

(2) Division (B) (1) of this section does not apply if the 19598
person convicted of the offenses currently holds a commercial 19599
driver's license or commercial driver's license temporary 19600
instruction permit. 19601

Sec. 2967.04. (A) A pardon or commutation may be granted 19602
upon such conditions precedent or subsequent as the governor may 19603
impose, which conditions shall be stated in the warrant. Such 19604
pardon or commutation shall not take effect until the conditions 19605
so imposed are accepted by the convict or prisoner so pardoned 19606
or having a sentence commuted, and the convict's or prisoner's 19607
acceptance is indorsed upon the warrant, signed by the prisoner 19608
or convict, and attested by one witness. Such witness shall go 19609
before the clerk of the court of common pleas in whose office 19610
the sentence is recorded and prove the signature of the convict. 19611
The clerk shall thereupon record the warrant, indorsement, and 19612
proof in the journal of the court, which record, or a duly 19613
certified transcript thereof, shall be evidence of such pardon 19614
or commutation, the conditions thereof, and the acceptance of 19615
the conditions. 19616

(B) An unconditional pardon relieves the person to whom it 19617
is granted of all disabilities arising out of the conviction or 19618

convictions from which it is granted. For purposes of this 19619
section, "unconditional pardon" includes a conditional pardon 19620
with respect to which all conditions have been performed or have 19621
transpired. 19622

(C) In the case of an unconditional pardon, the governor 19623
may include as a condition of the pardon that records related to 19624
the conviction be sealed as if the records are related to an 19625
offense that is eligible to be sealed. The governor may issue a 19626
writ for the records related to the pardoned conviction or 19627
convictions to be sealed. However, such a writ shall not seal 19628
the records required to be kept under division (E) of section 19629
107.10 of the Revised Code and shall not have any impact on the 19630
governor's office or on reports required to be made under law. 19631
Other than the records required to be kept under division (E) of 19632
section 107.10 of the Revised Code, no records of the governor's 19633
office related to a pardon that have been sealed under this 19634
division are subject to public inspection unless directed by the 19635
governor. Inspection of the records or disclosure of information 19636
contained in the records may be made pursuant to division ~~(D)~~ 19637
(A) of section ~~2953.32~~ 2953.34 of the Revised Code or as the 19638
governor may direct. A disclosure of records sealed under a writ 19639
issued by the governor is not a criminal offense. 19640

Sec. 2967.12. (A) Except as provided in division (G) of 19641
this section, at least sixty days before the adult parole 19642
authority recommends any pardon or commutation of sentence, or 19643
grants any parole, the authority shall provide a notice of the 19644
pendency of the pardon, commutation, or parole, setting forth 19645
the name of the person on whose behalf it is made, the offense 19646
of which the person was convicted or to which the person pleaded 19647
guilty, the time of conviction or the guilty plea, and the term 19648
of the person's sentence, to the prosecuting attorney and the 19649

judge of the court of common pleas of the county in which the 19650
indictment against the person was found. If there is more than 19651
one judge of that court of common pleas, the authority shall 19652
provide the notice to the presiding judge. Upon the request of 19653
the prosecuting attorney or of any law enforcement agency, the 19654
authority shall provide to the requesting prosecuting attorney 19655
and law enforcement agencies an institutional summary report 19656
that covers the subject person's participation while confined in 19657
a state correctional institution in training, work, and other 19658
rehabilitative activities and any disciplinary action taken 19659
against the person while so confined. The department of 19660
rehabilitation and correction may utilize electronic means to 19661
provide this notice. The department of rehabilitation and 19662
correction, at the same time that it provides the notice to the 19663
prosecuting attorney and judge under this division, also shall 19664
post on the database it maintains pursuant to section 5120.66 of 19665
the Revised Code the offender's name and all of the information 19666
specified in division (A) (1) (c) (iii) of that section. 19667

(B) If a request for notification has been made pursuant 19668
to section 2930.16 of the Revised Code or if division (H) of 19669
this section applies, the office of victim services or the adult 19670
parole authority also shall provide notice to the victim or the 19671
victim's representative at least sixty days prior to 19672
recommending any pardon or commutation of sentence for, or 19673
granting any parole to, the person. The notice shall include the 19674
information required by division (A) of this section and may be 19675
provided by telephone or through electronic means. The notice 19676
also shall inform the victim or the victim's representative that 19677
the victim or representative may send a written statement 19678
relative to the victimization and the pending action to the 19679
adult parole authority and that, if the authority receives any 19680

written statement prior to recommending a pardon or commutation 19681
or granting a parole for a person, the authority will consider 19682
the statement before it recommends a pardon or commutation or 19683
grants a parole. If the person is being considered for parole, 19684
the notice shall inform the victim or the victim's 19685
representative that a full board hearing of the parole board may 19686
be held and that the victim or victim's representative may 19687
contact the office of victims' services for further information. 19688
If the person being considered for parole was convicted of or 19689
pleaded guilty to a violation of section 2903.01 or 2903.02 of 19690
the Revised Code, an offense of violence that is a felony of the 19691
first, second, or third degree, or an offense punished by a 19692
sentence of life imprisonment, the notice shall inform the 19693
victim of that offense, the victim's representative, or a member 19694
of the victim's immediate family that the victim, the victim's 19695
representative, and the victim's immediate family have the right 19696
to give testimony at a full board hearing of the parole board 19697
and that the victim or victim's representative may contact the 19698
office of victims' services for further information. 19699

(C) When notice of the pendency of any pardon, commutation 19700
of sentence, or parole has been provided to a judge or 19701
prosecutor or posted on the database as required in division (A) 19702
of this section and a hearing on the pardon, commutation, or 19703
parole is continued to a date certain, the authority shall 19704
provide notice of the further consideration of the pardon, 19705
commutation, or parole at least sixty days before the further 19706
consideration. The notice of the further consideration shall be 19707
provided to the proper judge and prosecuting attorney at least 19708
sixty days before the further consideration, and may be provided 19709
using electronic means, and, if the initial notice was posted on 19710
the database as provided in division (A) of this section, the 19711

notice of the further consideration shall be posted on the 19712
database at least sixty days before the further consideration. 19713
If the prosecuting attorney or a law enforcement agency was 19714
provided a copy of the institutional summary report relative to 19715
the subject person under division (A) of this section, the 19716
authority shall include with the notice of the further 19717
consideration sent to the prosecuting attorney any new 19718
information with respect to the person that relates to 19719
activities and actions of the person that are of a type covered 19720
by the report and shall send to the law enforcement agency a 19721
report that provides notice of the further consideration and 19722
includes any such new information with respect to the person. 19723
When notice of the pendency of any pardon, commutation, or 19724
parole has been given as provided in division (B) of this 19725
section and the hearing on it is continued to a date certain, 19726
the authority shall give notice of the further consideration to 19727
the victim or the victim's representative in accordance with 19728
section 2930.03 of the Revised Code. 19729

(D) In case of an application for the pardon or 19730
commutation of sentence of a person sentenced to capital 19731
punishment, the governor may modify the requirements of 19732
notification and publication if there is not sufficient time for 19733
compliance with the requirements before the date fixed for the 19734
execution of sentence. 19735

(E) If an offender is serving a prison term imposed under 19736
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 19737
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 19738
Code and if the parole board terminates its control over the 19739
offender's service of that term pursuant to section 2971.04 of 19740
the Revised Code, the parole board immediately shall provide 19741
written notice of its termination of control or the transfer of 19742

control to the entities and persons specified in section 2971.04 19743
of the Revised Code. 19744

(F) The failure of the adult parole authority to comply 19745
with the notice or posting provisions of division (A), (B), or 19746
(C) of this section or the failure of the parole board to comply 19747
with the notice provisions of division (E) of this section do 19748
not give any rights or any grounds for appeal or post-conviction 19749
relief to the person serving the sentence. 19750

(G) Divisions (A), (B), and (C) of this section do not 19751
apply to any release of a person that is of the type described 19752
in division (B) (2) (b) of section 5120.031 of the Revised Code. 19753

(H) If a defendant is incarcerated for the commission of 19754
aggravated murder, murder, or an offense of violence that is a 19755
felony of the first, second, or third degree or is under a 19756
sentence of life imprisonment, except as otherwise provided in 19757
this division, the notice described in division (B) of this 19758
section shall be given to the victim or victim's representative 19759
regardless of whether the victim or victim's representative has 19760
made a request for notification. The notice described in 19761
division (B) of this section shall not be given under this 19762
division to a victim or victim's representative if the victim or 19763
victim's representative has requested pursuant to division (B) 19764
(2) of section 2930.03 of the Revised Code that the victim or 19765
the victim's representative not be provided the notice. The 19766
notice described in division (B) of this section does not have 19767
to be given under this division to a victim or victim's 19768
representative if notice was given to the victim or victim's 19769
representative with respect to at least two prior considerations 19770
of pardon, commutation, or parole of a person and the victim or 19771
victim's representative did not provide any written statement 19772

relative to the victimization and the pending action, did not 19773
attend any hearing conducted relative to the pending action, and 19774
did not otherwise respond to the office with respect to the 19775
pending action. Regardless of whether the victim or victim's 19776
representative has requested that the notice described in 19777
division (B) of this section be provided or not be provided, the 19778
office of victim services or adult parole authority shall give 19779
similar notice to the law enforcement agency that arrested the 19780
defendant if any officer of that agency was a victim of the 19781
offense and to any member of the victim's immediate family who 19782
requests notification. If notice is to be given under this 19783
division, the office or authority may give the notice by any 19784
reasonable means, including regular mail, telephone, and 19785
electronic mail, in accordance with division (D)(1) of section 19786
2930.16 of the Revised Code. If the notice is based on an 19787
offense committed prior to ~~the effective date of this amendment~~ 19788
March 22, 2013, the notice to the victim or victim's 19789
representative also shall include the opt-out information 19790
described in division (D)(1) of section 2930.16 of the Revised 19791
Code. The office or authority, in accordance with division (D) 19792
(2) of section 2930.16 of the Revised Code, shall keep a record 19793
of all attempts to provide the notice, and of all notices 19794
provided, under this division. 19795

Division (H) of this section, and the notice-related 19796
provisions of divisions (E)(2) and (K) of section 2929.20, 19797
division (D)(1) of section 2930.16, division (E)(1)(b) of 19798
section 2967.19 as it existed prior to the effective date of 19799
this amendment, division (A)(3)(b) of section 2967.26, division 19800
(D)(1) of section 2967.28, and division (A)(2) of section 19801
5149.101 of the Revised Code enacted in the act in which 19802
division (H) of this section was enacted, shall be known as 19803

"Roberta's Law." 19804

(I) In addition to and independent of the right of a 19805
victim to make a statement as described in division (A) of this 19806
section or pursuant to section 2930.17 of the Revised Code or to 19807
otherwise make a statement, the authority for a judge or 19808
prosecuting attorney to furnish statements and information, make 19809
recommendations, and give testimony as described in division (A) 19810
of this section, the right of a prosecuting attorney, judge, or 19811
victim to give testimony or submit a statement at a full parole 19812
board hearing pursuant to section 5149.101 of the Revised Code, 19813
and any other right or duty of a person to present information 19814
or make a statement, any person may send to the adult parole 19815
authority at any time prior to the authority's recommending a 19816
pardon or commutation or granting a parole for the offender a 19817
written statement relative to the offense and the pending 19818
action. 19819

(J) As used in this section, "victim's immediate family" 19820
means the mother, father, spouse, sibling, or child of the 19821
victim, provided that in no case does "victim's immediate 19822
family" include the offender with respect to whom the notice in 19823
question applies. 19824

Sec. 2967.13. (A) Except as provided in division (G) of 19825
this section or section 2967.132 of the Revised Code, a prisoner 19826
serving a sentence of imprisonment for life for an offense 19827
committed on or after July 1, 1996, is not entitled to any 19828
earned credit under division (A) (2) or (3) of section 2967.193 19829
or 2967.194 of the Revised Code and becomes eligible for parole 19830
as follows: 19831

(1) If a sentence of imprisonment for life was imposed for 19832
the offense of murder, at the expiration of the prisoner's 19833

minimum term; 19834

(2) If a sentence of imprisonment for life with parole 19835
eligibility after serving twenty years of imprisonment was 19836
imposed pursuant to section 2929.022 or 2929.03 of the Revised 19837
Code, after serving a term of twenty years; 19838

(3) If a sentence of imprisonment for life with parole 19839
eligibility after serving twenty-five full years of imprisonment 19840
was imposed pursuant to section 2929.022 or 2929.03 of the 19841
Revised Code, after serving a term of twenty-five full years; 19842

(4) If a sentence of imprisonment for life with parole 19843
eligibility after serving thirty full years of imprisonment was 19844
imposed pursuant to section 2929.022 or 2929.03 of the Revised 19845
Code, after serving a term of thirty full years; 19846

(5) If a sentence of imprisonment for life was imposed for 19847
rape, after serving a term of ten full years' imprisonment; 19848

(6) If a sentence of imprisonment for life with parole 19849
eligibility after serving fifteen years of imprisonment was 19850
imposed for a violation of section 2927.24 of the Revised Code, 19851
after serving a term of fifteen years. 19852

(B) Except as provided in division (G) of this section or 19853
section 2967.132 of the Revised Code, a prisoner serving a 19854
sentence of imprisonment for life with parole eligibility after 19855
serving twenty years of imprisonment or a sentence of 19856
imprisonment for life with parole eligibility after serving 19857
twenty-five full years or thirty full years of imprisonment 19858
imposed pursuant to section 2929.022 or 2929.03 of the Revised 19859
Code for an offense committed on or after July 1, 1996, 19860
consecutively to any other term of imprisonment, becomes 19861
eligible for parole after serving twenty years, twenty full 19862

years, or thirty full years, as applicable, as to each such 19863
sentence of life imprisonment, which shall not be reduced for 19864
earned credits under division (A) (2) or (3) of section 2967.193 19865
or 2967.194 of the Revised Code, plus the term or terms of the 19866
other sentences consecutively imposed or, if one of the other 19867
sentences is another type of life sentence with parole 19868
eligibility, the number of years before parole eligibility for 19869
that sentence. 19870

(C) Except as provided in division (G) of this section or 19871
section 2967.132 of the Revised Code, a prisoner serving 19872
consecutively two or more sentences in which an indefinite term 19873
of imprisonment is imposed becomes eligible for parole upon the 19874
expiration of the aggregate of the minimum terms of the 19875
sentences. 19876

(D) Except as provided in division (G) of this section or 19877
section 2967.132 of the Revised Code, a prisoner serving a term 19878
of imprisonment who is described in division (A) of section 19879
2967.021 of the Revised Code becomes eligible for parole as 19880
described in that division or, if the prisoner is serving a 19881
definite term of imprisonment, shall be released as described in 19882
that division. 19883

(E) Except as provided in section 2967.132 of the Revised 19884
Code, a prisoner serving a sentence of life imprisonment without 19885
parole imposed pursuant to section 2907.02 or section 2929.03 or 19886
2929.06 of the Revised Code is not eligible for parole and shall 19887
be imprisoned until death. 19888

(F) A prisoner serving a stated prison term that is a non- 19889
life felony indefinite prison term shall be released in 19890
accordance with sections 2967.271 and 2967.28 of the Revised 19891
Code. A prisoner serving a stated prison term of any other 19892

nature shall be released in accordance with section 2967.28 of 19893
the Revised Code. 19894

(G) Except as provided in section 2967.132 of the Revised 19895
Code, a prisoner serving a prison term or term of life 19896
imprisonment without parole imposed pursuant to section 2971.03 19897
of the Revised Code never becomes eligible for parole during 19898
that term of imprisonment. 19899

Sec. 2967.131. (A) In addition to any other terms and 19900
conditions of a conditional pardon or parole, of transitional 19901
control, or of another form of authorized release from 19902
confinement in a state correctional institution that is granted 19903
to an individual and that involves the placement of the 19904
individual under the supervision of the adult parole authority, 19905
and in addition to any other sanctions of post-release control 19906
of a felon imposed under section 2967.28 of the Revised Code, 19907
the authority or, in the case of a conditional pardon, the 19908
governor shall include in the terms and conditions of the 19909
conditional pardon, parole, transitional control, or other form 19910
of authorized release or shall include as conditions of the 19911
post-release control the conditions that the individual or felon 19912
not leave the state without permission of the court or the 19913
individual's or felon's parole or probation officer and that the 19914
individual or felon abide by the law during the period of the 19915
individual's or felon's conditional pardon, parole, transitional 19916
control, other form of authorized release, or post-release 19917
control. 19918

(B) (1) The department of rehabilitation and correction, as 19919
a condition of parole or post-release control, may require that 19920
the individual or felon shall not ingest or be injected with a 19921
drug of abuse and shall submit to random drug testing as 19922

provided in divisions (B) (2), (3), and (4) of this section and 19923
that the results of the drug test indicate that the individual 19924
or felon did not ingest or was not injected with a drug of 19925
abuse. 19926

(2) If the adult parole authority has general control and 19927
supervision of an individual or felon who is required to submit 19928
to random drug testing as a condition of parole or post-release 19929
control under division (B) (1) of this section, the authority may 19930
cause the individual or felon to submit to random drug testing 19931
performed by a laboratory or entity that has entered into a 19932
contract with any of the governmental entities or officers 19933
authorized to enter into a contract with that laboratory or 19934
entity under section 341.26, 753.33, or 5120.63 of the Revised 19935
Code. 19936

(3) If no laboratory or entity described in division (B) 19937
(2) of this section has entered into a contract as specified in 19938
that division, the adult parole authority shall cause the 19939
individual or felon to submit to random drug testing performed 19940
by a reputable public laboratory to determine whether the 19941
individual or felon who is the subject of the drug test ingested 19942
or was injected with a drug of abuse. 19943

(4) If a laboratory or entity has entered into a contract 19944
with a governmental entity or officer as specified in division 19945
(B) (2) of this section, the laboratory or entity shall perform 19946
the random drug testing under division (B) (2) of this section in 19947
accordance with the applicable standards that are included in 19948
the terms of that contract. A public laboratory shall perform 19949
the random drug tests under division (B) (3) of this section in 19950
accordance with the standards set forth in the policies and 19951
procedures established by the department of rehabilitation and 19952

correction pursuant to section 5120.63 of the Revised Code. An 19953
individual or felon who is required under division (B)(1) of 19954
this section to submit to random drug testing as a condition of 19955
parole or post-release control and whose test results indicate 19956
that the individual or felon ingested or was injected with a 19957
drug of abuse shall pay the fee for the drug test if the adult 19958
parole authority requires payment of a fee. A laboratory or 19959
entity that performs the random drug testing on a parolee or 19960
releasee under division (B)(2) or (3) of this section shall 19961
transmit the results of the drug test to the adult parole 19962
authority. 19963

~~(C)~~(C)(1) During the period of a conditional pardon or 19964
parole, of transitional control, or of another form of 19965
authorized release from confinement in a state correctional 19966
institution that is granted to an individual and that involves 19967
the placement of the individual under the supervision of the 19968
adult parole authority, and during a period of post-release 19969
control of a felon imposed under section 2967.28 of the Revised 19970
Code, authorized field officers of the authority who are engaged 19971
within the scope of their supervisory duties or responsibilities 19972
may search, with or without a warrant, the person of the 19973
individual or felon, the place of residence of the individual or 19974
felon, and a motor vehicle, another item of tangible or 19975
intangible personal property, or other real property in which 19976
the individual or felon has a right, title, or interest or for 19977
which the individual or felon has the express or implied 19978
permission of a person with a right, title, or interest to use, 19979
occupy, or possess, if ~~the~~any of the following apply: 19980

(a) The field officers have reasonable grounds to believe 19981
that the individual or felon has left the state, is not abiding 19982
by the law, or otherwise is not complying with the terms and 19983

conditions of the individual's or felon's conditional pardon, 19984
parole, transitional control, other form of authorized release, 19985
or post-release control. ~~The~~ 19986

(b) The adult parole authority requires the individual's 19987
or felon's consent to searches as part of the terms and 19988
conditions of the conditional pardon or parole, of the 19989
transitional control, or of the other form of authorized release 19990
from confinement in a state correctional institution that is 19991
granted to a person and that involves the placement of the 19992
person under the supervision of the adult parole authority, and 19993
the individual or felon agreed to those terms and conditions, 19994
provided that this division applies with respect to an 19995
individual only if the individual is a felon. 19996

(c) The individual or felon otherwise provides consent for 19997
the search, provided that this division applies with respect to 19998
an individual only if the individual is a felon. 19999

(2) The adult parole authority shall provide each 20000
individual who is granted a conditional pardon or parole, 20001
transitional control, or another form of authorized release from 20002
confinement in a state correctional institution and each felon 20003
who is under post-release control with a written notice that 20004
informs the individual or felon that authorized field officers 20005
of the authority who are engaged within the scope of their 20006
supervisory duties or responsibilities may conduct ~~those~~the 20007
types of searches described in division (C) (1) of this section 20008
during the period of the conditional pardon, parole, 20009
transitional control, other form of authorized release, or post- 20010
release control if ~~they~~any of the following apply: 20011

(a) The field officers have reasonable grounds to believe 20012
that the individual or felon has left the state, is not abiding 20013

by the law, or otherwise is not complying with the terms and conditions of the individual's or felon's conditional pardon, parole, transitional control, other form of authorized release, or post-release control.

(b) The adult parole authority requires the individual's or felon's consent to searches as part of the terms and conditions of the conditional pardon or parole, of transitional control, or of the other form of authorized release from confinement in a state correctional institution that is granted to a person and that involves the placement of the person under the supervision of the adult parole authority, and the individual or felon agreed to those terms and conditions, provided that this division applies with respect to an individual only if the individual is a felon.

(c) The individual or felon otherwise provides consent for the search, provided that this division applies with respect to an individual only if the individual is a felon.

Sec. 2967.132. (A) As used in this section:

(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:

(a) Aggravated murder;

(b) Any other offense or combination of offenses that involved the purposeful killing of three or more persons.

(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.

(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.

(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:

(1) Except as provided in division (C) (2) or (3) of this section, the prisoner is eligible for parole after serving eighteen years in prison.

(2) Except as provided in division (C) (3) or (4) of this section, if the prisoner is serving a sentence for one or more homicide offenses, none of which are an aggravated homicide offense, the prisoner is eligible for parole after serving twenty-five years in prison.

(3) Except as provided in division (C) (4) of this section, if the prisoner is serving a sentence for two or more homicide offenses, none of which are an aggravated homicide offense, and the offender was the principal offender in two or more of those offenses, the prisoner is eligible for parole after serving thirty years in prison.

(4) If the prisoner is serving a sentence for one or more offenses and the sentence permits parole earlier than the parole eligibility date specified in division (C) (1), (2), or (3) of this section, the prisoner is eligible for parole after serving the period of time in prison that is specified in the sentence.

(D) If the prisoner is serving a sentence for an aggravated homicide offense, or for a violation of section 2909.24 of the Revised Code when the most serious underlying specified offense the defendant committed in the violation was aggravated murder or murder, the prisoner is not eligible for parole review other than in accordance with the sentence imposed for the offense.

(E) (1) Once a prisoner is eligible for parole pursuant to division (C) or (D) of this section, the parole board, within a reasonable time after the prisoner becomes eligible, shall conduct a hearing to consider the prisoner's release on parole under parole supervision. The board shall conduct the hearing in accordance with Chapters 2930., 2967., and 5149. of the Revised Code and in accordance with the board's policies and procedures. Those policies and procedures must permit the prisoner's privately retained counsel or the state public defender to appear at the prisoner's hearing to make a statement in support of the prisoner's release.

(2) The parole board shall ensure that the review process provides the prisoner a meaningful opportunity to obtain release. In addition to any other factors the board is required or authorized to consider by rule or statute, the board shall consider the following factors as mitigating factors:

(a) The chronological age of the prisoner at the time of the offense and that age's hallmark features, including

intellectual capacity, immaturity, impetuosity, and a failure to appreciate risks and consequences; 20103
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(b) The family and home environment of the prisoner at the time of the offense, the prisoner's inability to control the prisoner's surroundings, a history of trauma regarding the prisoner, and the prisoner's school and special education history; 20105
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(c) The circumstances of the offense, including the extent of the prisoner's participation in the conduct and the way familial and peer pressures may have impacted the prisoner's conduct; 20110
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(d) Whether the prisoner might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth such as the prisoner's inability to deal with police officers and prosecutors during the prisoner's interrogation or possible plea agreement, or the prisoner's inability to assist the prisoner's own attorney; 20114
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(e) Examples of the prisoner's rehabilitation, including any subsequent growth or increase in maturity during imprisonment. 20120
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(F) In accordance with section 2967.131 of the Revised Code, the parole board shall impose appropriate terms and conditions of release upon each prisoner granted a parole under this section. 20123
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(G) If the parole board denies release on parole pursuant to this section, the board shall ~~conduct~~ set a time for a subsequent release review ~~not later than five years after~~ release was denied and hearing in accordance with rules adopted by the department of rehabilitation and correction in effect at 20127
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the time of the denial.

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(H) In addition to any notice required by rule or statute, the parole board shall notify the state public defender, the victim, and the appropriate prosecuting attorney of a prisoner's eligibility for review under this section at least sixty days before the board begins any review or proceedings involving that prisoner under this section.

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~~(I)~~ (I) (1) This section shall apply to determine the parole eligibility of all prisoners described in this section who committed an offense prior to, on, or after ~~the effective date of this section~~ April 12, 2021, regardless of when the prisoner committed or was sentenced for the offense and, for purposes of this section, a prisoner is "serving" a prison sentence for an offense if on or after ~~the effective date of this section~~ April 12, 2021, the prisoner is serving a prison sentence for that offense, regardless of when the sentence was imposed or the offense was committed.

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(2) The provisions of this section do not apply to an offender who is paroled on an offense committed when the offender was under eighteen years of age who subsequently returns to prison for a violation of parole committed as an adult or for a new felony conviction committed as an adult.

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Sec. 2967.193. (A) (1) The provisions of this section shall apply, until the date that is one year after the effective date of this amendment, to persons confined in a state correctional institution or in the substance use disorder treatment program.

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(2) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division ~~(A)~~ ~~(3)~~ (A) (4) of this section, a person confined in a state

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correctional institution or placed in the substance use disorder 20161
treatment program may provisionally earn one day or five days of 20162
credit, based on the category set forth in division (D) (1), (2), 20163
(3), (4), or (5) of this section in which the person is 20164
included, toward satisfaction of the person's stated prison 20165
term, as described in division (F) of this section, for each 20166
completed month during which the person, if confined in a state 20167
correctional institution, productively participates in an 20168
education program, vocational training, employment in prison 20169
industries, treatment for substance abuse, or any other 20170
constructive program developed by the department of of 20171
rehabilitation and correction with specific standards for 20172
performance by prisoners or during which the person, if placed 20173
in the substance use disorder treatment program, productively 20174
participates in the program. Except as provided in division (C) 20175
of this section and subject to the maximum aggregate total 20176
specified in division ~~(A) (3)~~ (A) (4) of this section, a person so 20177
confined in a state correctional institution who successfully 20178
completes two programs or activities of that type may, in 20179
addition, provisionally earn up to five days of credit toward 20180
satisfaction of the person's stated prison term, as described in 20181
division (F) of this section, for the successful completion of 20182
the second program or activity. The person shall not be awarded 20183
any provisional days of credit for the successful completion of 20184
the first program or activity or for the successful completion 20185
of any program or activity that is completed after the second 20186
program or activity. At the end of each calendar month in which 20187
a person productively participates in a program or activity 20188
listed in this division or successfully completes a program or 20189
activity listed in this division, the department of 20190
rehabilitation and correction shall determine and record the 20191
total number of days credit that the person provisionally earned 20192

in that calendar month. If the person in a state correctional 20193
institution violates prison rules or the person in the substance 20194
use disorder treatment program violates program or department 20195
rules, the department may deny the person a credit that 20196
otherwise could have been provisionally awarded to the person or 20197
may withdraw one or more credits previously provisionally earned 20198
by the person. Days of credit provisionally earned by a person 20199
shall be finalized and awarded by the department subject to 20200
administrative review by the department of the person's conduct. 20201

~~(2)~~ (3) Unless a person is serving a mandatory prison term 20202
or a prison term for an offense of violence or a sexually 20203
oriented offense, and notwithstanding the maximum aggregate 20204
total specified in division ~~(A) (3)~~ (A) (4) of this section, a 20205
person who successfully completes any of the following shall 20206
earn ninety days of credit toward satisfaction of the person's 20207
stated prison term or a ten per cent reduction of the person's 20208
stated prison term, whichever is less: 20209

(a) An Ohio high school diploma or Ohio certificate of 20210
high school equivalence certified by the Ohio central school 20211
system; 20212

(b) A therapeutic drug community program; 20213

(c) All three phases of the department of rehabilitation 20214
and correction's intensive outpatient drug treatment program; 20215

(d) A career technical vocational school program; 20216

(e) A college certification program; 20217

(f) The criteria for a certificate of achievement and 20218
employability as specified in division (A) (1) of section 2961.22 20219
of the Revised Code. 20220

~~(3)~~ (4) Except for persons described in division ~~(A) (2)~~ 20221
(A) (3) of this section, the aggregate days of credit 20222
provisionally earned by a person for program or activity 20223
participation and program and activity completion under this 20224
section and the aggregate days of credit finally credited to a 20225
person under this section shall not exceed eight per cent of the 20226
total number of days in the person's stated prison term. 20227

(B) The department of rehabilitation and correction shall 20228
adopt rules that specify the programs or activities for which 20229
credit may be earned under this section, the criteria for 20230
determining productive participation in, or completion of, the 20231
programs or activities and the criteria for awarding credit, 20232
including criteria for awarding additional credit for successful 20233
program or activity completion, and the criteria for denying or 20234
withdrawing previously provisionally earned credit as a result 20235
of a violation of prison rules, or program or department rules, 20236
whichever is applicable. 20237

(C) No person confined in a state correctional institution 20238
or placed in a substance use disorder treatment program to whom 20239
any of the following applies shall be awarded any days of credit 20240
under division (A) of this section: 20241

(1) The person is serving a prison term that section 20242
2929.13 or section 2929.14 of the Revised Code specifies cannot 20243
be reduced pursuant to this section or this chapter or is 20244
serving a sentence for which section 2967.13 or division (B) of 20245
section 2929.143 of the Revised Code specifies that the person 20246
is not entitled to any earned credit under this section. 20247

(2) The person is sentenced to death or is serving a 20248
prison term or a term of life imprisonment for aggravated 20249
murder, murder, or a conspiracy or attempt to commit, or 20250

complicity in committing, aggravated murder or murder. 20251

(3) The person is serving a sentence of life imprisonment 20252
without parole imposed pursuant to section 2929.03 or 2929.06 of 20253
the Revised Code, a prison term or a term of life imprisonment 20254
without parole imposed pursuant to section 2971.03 of the 20255
Revised Code, or a sentence for a sexually oriented offense that 20256
was committed on or after September 30, 2011. 20257

(D) This division does not apply to a determination of 20258
whether a person confined in a state correctional institution or 20259
placed in a substance use disorder treatment program may earn 20260
any days of credit under division (A) of this section for 20261
successful completion of a second program or activity. The 20262
determination of whether a person confined in a state 20263
correctional institution may earn one day of credit or five days 20264
of credit under division (A) of this section for each completed 20265
month during which the person productively participates in a 20266
program or activity specified under that division shall be made 20267
in accordance with the following: 20268

(1) The offender may earn one day of credit under division 20269
(A) of this section, except as provided in division (C) of this 20270
section, if the most serious offense for which the offender is 20271
confined is any of the following that is a felony of the first 20272
or second degree: 20273

(a) A violation of division (A) of section 2903.04 or of 20274
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 20275
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 20276
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 20277
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 20278
or 2927.24 of the Revised Code; 20279

(b) A conspiracy or attempt to commit, or complicity in committing, any other offense for which the maximum penalty is imprisonment for life or any offense listed in division (D) (1) (a) of this section.

(2) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011.

(3) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance.

(4) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the first or second degree and divisions (D) (1), (2), and (3) of this section do not apply to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after September 30, 2011.

(5) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the third, fourth, or fifth degree or an unclassified felony and neither division (D) (2) nor (3) of this section applies to the offender, the offender may earn one day of credit

under division (A) of this section if the offender committed 20310
that offense prior to September 30, 2011, and the offender may 20311
earn five days of credit under division (A) of this section if 20312
the offender committed that offense on or after September 30, 20313
2011. 20314

(E) The department annually shall seek and consider the 20315
written feedback of the Ohio prosecuting attorneys association, 20316
the Ohio judicial conference, the Ohio public defender, the Ohio 20317
association of criminal defense lawyers, and other organizations 20318
and associations that have an interest in the operation of the 20319
corrections system and the earned credits program under this 20320
section as part of its evaluation of the program and in 20321
determining whether to modify the program. 20322

(F) Days of credit awarded under this section shall be 20323
applied toward satisfaction of a person's stated prison term as 20324
follows: 20325

(1) Toward the definite prison term of a prisoner serving 20326
a definite prison term as a stated prison term; 20327

(2) Toward the minimum and maximum terms of a prisoner 20328
serving an indefinite prison term imposed under division (A)(1) 20329
(a) or (2)(a) of section 2929.14 of the Revised Code for a 20330
felony of the first or second degree committed on or after ~~the~~ 20331
~~effective date of this amendment~~ March 22, 2019. 20332

(G) As used in this section: 20333

(1) "Sexually oriented offense" has the same meaning as in 20334
section 2950.01 of the Revised Code. 20335

(2) "Substance use disorder treatment program" means the 20336
substance use disorder treatment program established by the 20337
department of rehabilitation and correction under section 20338

5120.035 of the Revised Code. 20339

Sec. 2967.194. (A) (1) Beginning one year after the 20340
effective date of this section, the provisions of this section 20341
shall apply, in the manner described in division (G) of this 20342
section, to persons confined in a state correctional institution 20343
or in the substance use disorder treatment program. 20344

(2) Except as provided in division (C) of this section and 20345
subject to the maximum aggregate total specified in division (A) 20346
(4) of this section, a person confined in a state correctional 20347
institution or placed in the substance use disorder treatment 20348
program may provisionally earn one day or five days of credit, 20349
based on the category set forth in division (D) (1) or (2) of 20350
this section in which the person is included, toward 20351
satisfaction of the person's stated prison term, as described in 20352
division (F) of this section, for each completed month during 20353
which the person, if confined in a state correctional 20354
institution, productively participates in an education program, 20355
vocational training, employment in prison industries, treatment 20356
for substance abuse, or any other constructive program developed 20357
by the department of rehabilitation and correction with specific 20358
standards for performance by prisoners or during which the 20359
person, if placed in the substance use disorder treatment 20360
program, productively participates in the program. Except as 20361
provided in division (C) of this section and subject to the 20362
maximum aggregate total specified in division (A) (4) of this 20363
section, a person so confined in a state correctional 20364
institution who successfully completes two programs or 20365
activities of that type may, in addition, provisionally earn up 20366
to five days of credit toward satisfaction of the person's 20367
stated prison term, as described in division (F) of this 20368
section, for the successful completion of the second program or 20369

activity. The person shall not be awarded any provisional days 20370
of credit for the successful completion of the first program or 20371
activity or for the successful completion of any program or 20372
activity that is completed after the second program or activity. 20373
At the end of each calendar month in which a person productively 20374
participates in a program or activity listed in this division or 20375
successfully completes a program or activity listed in this 20376
division, the department of rehabilitation and correction shall 20377
determine and record the total number of days credit that the 20378
person provisionally earned in that calendar month. If the 20379
person in a state correctional institution violates prison rules 20380
or the person in the substance use disorder treatment program 20381
violates program or department rules, the department may deny 20382
the person a credit that otherwise could have been provisionally 20383
awarded to the person or may withdraw one or more credits 20384
previously provisionally earned by the person. Days of credit 20385
provisionally earned by a person shall be finalized and awarded 20386
by the department subject to administrative review by the 20387
department of the person's conduct. 20388

(3) Except as provided in division (C) of this section, 20389
unless a person is serving a mandatory prison term or a prison 20390
term for an offense of violence or a sexually oriented offense, 20391
and notwithstanding the maximum aggregate total specified in 20392
division (A) (4) of this section, a person who successfully 20393
completes any diploma, equivalence, program, or criteria 20394
identified in divisions (A) (3) (a) to (g) of this section shall 20395
earn ninety days of credit toward satisfaction of the person's 20396
stated prison term or a ten per cent reduction of the person's 20397
stated prison term, whichever is less, for each such diploma, 20398
equivalence, program, or criteria successfully completed. The 20399
diplomas, equivalences, programs, and criteria for which credit 20400

shall be granted under this division, upon successful 20401
completion, are: 20402

(a) An Ohio high school diploma or Ohio certificate of 20403
high school equivalence certified by the Ohio central school 20404
system; 20405

(b) A therapeutic drug community program; 20406

(c) All three phases of the department of rehabilitation 20407
and correction's intensive outpatient drug treatment program; 20408

(d) A career technical vocational school program; 20409

(e) A college certification program; 20410

(f) The criteria for a certificate of achievement and 20411
employability as specified in division (A) (1) of section 2961.22 20412
of the Revised Code; 20413

(g) Any other constructive program developed by the 20414
department of rehabilitation and correction with specific 20415
standards for performance by prisoners. 20416

(4) Except for persons described in division (A) (3) of 20417
this section, the aggregate days of credit provisionally earned 20418
by a person for program or activity participation and program 20419
and activity completion under this section and the aggregate 20420
days of credit finally credited to a person under this section 20421
shall not exceed fifteen per cent of the total number of days in 20422
the person's stated prison term. 20423

(B) The department of rehabilitation and correction shall 20424
adopt rules that specify the programs or activities for which 20425
credit may be earned under this section, the criteria for 20426
determining productive participation in, or completion of, the 20427
programs or activities and the criteria for awarding credit, 20428

including criteria for awarding additional credit for successful 20429
program or activity completion, and the criteria for denying or 20430
withdrawing previously provisionally earned credit as a result 20431
of a violation of prison rules, or program or department rules, 20432
whichever is applicable. 20433

(C) No person confined in a state correctional institution 20434
or placed in a substance use disorder treatment program to whom 20435
any of the following applies shall be awarded any days of credit 20436
under division (A) (2) or (3) of this section: 20437

(1) The person is serving a prison term that section 20438
2929.13 or section 2929.14 of the Revised Code specifies cannot 20439
be reduced pursuant to this section or this chapter or is 20440
serving a sentence for which section 2967.13 or division (B) of 20441
section 2929.143 of the Revised Code specifies that the person 20442
is not entitled to any earned credit under this section. 20443

(2) The person is sentenced to death or is serving a 20444
prison term or a term of life imprisonment for aggravated 20445
murder, murder, or a conspiracy or attempt to commit, or 20446
complicity in committing, aggravated murder or murder. 20447

(3) The person is serving a sentence of life imprisonment 20448
without parole imposed pursuant to section 2929.03 or 2929.06 of 20449
the Revised Code, a prison term or a term of life imprisonment 20450
without parole imposed pursuant to section 2971.03 of the 20451
Revised Code, or a sentence for a sexually oriented offense that 20452
was committed on or after September 30, 2011. 20453

(D) This division does not apply to a determination of 20454
whether a person confined in a state correctional institution or 20455
placed in a substance use disorder treatment program may earn 20456
any days of credit under division (A) (2) of this section for 20457

successful completion of a second program or activity. The 20458
determination of whether a person confined in a state 20459
correctional institution may earn one day of credit or five days 20460
of credit under division (A)(2) of this section for each 20461
completed month during which the person productively 20462
participates in a program or activity specified under that 20463
division shall be made in accordance with the following: 20464

(1) The offender may earn one day of credit under division 20465
(A)(2) of this section, except as provided in division (C) of 20466
this section, if the offender is serving a stated prison term 20467
that includes a prison term imposed for a sexually oriented 20468
offense that the offender committed prior to September 30, 2011. 20469

(2) Except as provided in division (C) of this section, if 20470
division (D)(1) of this section does not apply to the offender, 20471
the offender may earn five days of credit under division (A)(2) 20472
of this section. 20473

(E) The department annually shall seek and consider the 20474
written feedback of the Ohio prosecuting attorneys association, 20475
the Ohio judicial conference, the Ohio public defender, the Ohio 20476
association of criminal defense lawyers, and other organizations 20477
and associations that have an interest in the operation of the 20478
corrections system and the earned credits program under this 20479
section as part of its evaluation of the program and in 20480
determining whether to modify the program. 20481

(F) Days of credit awarded under this section shall be 20482
applied toward satisfaction of a person's stated prison term as 20483
follows: 20484

(1) Toward the definite prison term of a prisoner serving 20485
a definite prison term as a stated prison term; 20486

(2) Toward the minimum and maximum terms of a prisoner 20487
serving an indefinite prison term imposed under division (A) (1) 20488
(a) or (2) (a) of section 2929.14 of the Revised Code for a 20489
felony of the first or second degree committed on or after March 20490
22, 2019. 20491

(G) The provisions of this section apply to persons 20492
confined in a state correctional institution or in the substance 20493
use disorder treatment program on or after the date that is one 20494
year after the effective date of this section, as follows: 20495

(1) Subject to division (G) (2) of this section, the 20496
provisions apply to a person so confined regardless of whether 20497
the person committed the offense for which the person is 20498
confined in the institution or was placed in the program prior 20499
to, on, or after the date that is one year after the effective 20500
date of this section and regardless of whether the person was 20501
convicted of or pleaded guilty to that offense prior to, on, or 20502
after the date that is one year after the effective date of this 20503
section. 20504

(2) The provisions apply to a person so confined only with 20505
respect to the time that the person is so confined on and after 20506
the date that is one year after the effective date of this 20507
section, and the provisions of section 2967.193 of the Revised 20508
Code that were in effect prior to the date that is one year 20509
after the effective date of this section and that applied to the 20510
person prior to that date apply to the person with respect to 20511
the time that the person was so confined prior to the date that 20512
is one year after that effective date. 20513

(H) As used in this section: 20514

(1) "Sexually oriented offense" has the same meaning as in 20515

section 2950.01 of the Revised Code. 20516

(2) "Substance use disorder treatment program" means the 20517
substance use disorder treatment program established by the 20518
department of rehabilitation and correction under section 20519
5120.035 of the Revised Code. 20520

Sec. 2967.26. (A) (1) The department of rehabilitation and 20521
correction, by rule, may establish a transitional control 20522
program for the purpose of closely monitoring a prisoner's 20523
adjustment to community supervision during the final one hundred 20524
eighty days of the prisoner's confinement. If the department 20525
establishes a transitional control program under this division, 20526
the division of parole and community services of the department 20527
of rehabilitation and correction may transfer eligible prisoners 20528
to transitional control status under the program during the 20529
final one hundred eighty days of their confinement and under the 20530
terms and conditions established by the department, shall 20531
provide for the confinement as provided in this division of each 20532
eligible prisoner so transferred, and shall supervise each 20533
eligible prisoner so transferred in one or more community 20534
control sanctions. Each eligible prisoner who is transferred to 20535
transitional control status under the program shall be confined 20536
in a suitable facility that is licensed pursuant to division (C) 20537
of section 2967.14 of the Revised Code, or shall be confined in 20538
a residence the department has approved for this purpose and be 20539
monitored pursuant to an electronic monitoring device, as 20540
defined in section 2929.01 of the Revised Code. If the 20541
department establishes a transitional control program under this 20542
division, the rules establishing the program shall include 20543
criteria that define which prisoners are eligible for the 20544
program, criteria that must be satisfied to be approved as a 20545
residence that may be used for confinement under the program of 20546

a prisoner that is transferred to it and procedures for the 20547
department to approve residences that satisfy those criteria, 20548
and provisions of the type described in division (C) of this 20549
section. At a minimum, the criteria that define which prisoners 20550
are eligible for the program shall provide all of the following: 20551

(a) That a prisoner is eligible for the program if the 20552
prisoner is serving a prison term or term of imprisonment for an 20553
offense committed prior to March 17, 1998, and if, at the time 20554
at which eligibility is being determined, the prisoner would 20555
have been eligible for a furlough under this section as it 20556
existed immediately prior to March 17, 1998, or would have been 20557
eligible for conditional release under former section 2967.23 of 20558
the Revised Code as that section existed immediately prior to 20559
March 17, 1998; 20560

(b) That no prisoner who is serving a mandatory prison 20561
term is eligible for the program until after expiration of the 20562
mandatory term; 20563

(c) That no prisoner who is serving a prison term or term 20564
of life imprisonment without parole imposed pursuant to section 20565
2971.03 of the Revised Code is eligible for the program. 20566

(2) At least sixty days prior to transferring to 20567
transitional control under this section a prisoner who is 20568
serving a definite term of imprisonment or definite prison term 20569
of ~~two years or less~~ than one year for an offense committed on 20570
or after July 1, 1996, or who is serving a minimum term of ~~two~~ 20571
~~years or less~~ than one year under a non-life felony indefinite 20572
prison term, the division of parole and community services of 20573
the department of rehabilitation and correction shall give 20574
notice of the pendency of the transfer to transitional control 20575
to the court of common pleas of the county in which the 20576

indictment against the prisoner was found and of the fact that 20577
the court may disapprove the transfer of the prisoner to 20578
transitional control and shall include the institutional summary 20579
report prepared by the head of the state correctional 20580
institution in which the prisoner is confined. The head of the 20581
state correctional institution in which the prisoner is 20582
confined, upon the request of the division of parole and 20583
community services, shall provide to the division for inclusion 20584
in the notice sent to the court under this division an 20585
institutional summary report on the prisoner's conduct in the 20586
institution and in any institution from which the prisoner may 20587
have been transferred. The institutional summary report shall 20588
cover the prisoner's participation in school, vocational 20589
training, work, treatment, and other rehabilitative activities 20590
and any disciplinary action taken against the prisoner. If the 20591
court disapproves of the transfer of the prisoner to 20592
transitional control, the court shall notify the division of the 20593
disapproval within thirty days after receipt of the notice. If 20594
the court timely disapproves the transfer of the prisoner to 20595
transitional control, the division shall not proceed with the 20596
transfer. If the court does not timely disapprove the transfer 20597
of the prisoner to transitional control, the division may 20598
transfer the prisoner to transitional control. 20599

(3) (a) If the victim of an offense for which a prisoner 20600
was sentenced to a prison term or term of imprisonment has 20601
requested notification under section 2930.16 of the Revised Code 20602
and has provided the department of rehabilitation and correction 20603
with the victim's name and address or if division (A) (3) (b) of 20604
this section applies, the division of parole and community 20605
services, at least sixty days prior to transferring the prisoner 20606
to transitional control pursuant to this section, shall notify 20607

the victim of the pendency of the transfer and of the victim's 20608
right to submit a statement to the division regarding the impact 20609
of the transfer of the prisoner to transitional control. If the 20610
victim subsequently submits a statement of that nature to the 20611
division, the division shall consider the statement in deciding 20612
whether to transfer the prisoner to transitional control. 20613

(b) If a prisoner is incarcerated for the commission of 20614
aggravated murder, murder, or an offense of violence that is a 20615
felony of the first, second, or third degree or under a sentence 20616
of life imprisonment, except as otherwise provided in this 20617
division, the notice described in division (A) (3) (a) of this 20618
section shall be given regardless of whether the victim has 20619
requested the notification. The notice described in division (A) 20620
(3) (a) of this section shall not be given under this division to 20621
a victim if the victim has requested pursuant to division (B) (2) 20622
of section 2930.03 of the Revised Code that the victim not be 20623
provided the notice. If notice is to be provided to a victim 20624
under this division, the authority may give the notice by any 20625
reasonable means, including regular mail, telephone, and 20626
electronic mail, in accordance with division (D) (1) of section 20627
2930.16 of the Revised Code. If the notice is based on an 20628
offense committed prior to March 22, 2013, the notice also shall 20629
include the opt-out information described in division (D) (1) of 20630
section 2930.16 of the Revised Code. The authority, in 20631
accordance with division (D) (2) of section 2930.16 of the 20632
Revised Code, shall keep a record of all attempts to provide the 20633
notice, and of all notices provided, under this division. 20634

Division (A) (3) (b) of this section, and the notice-related 20635
provisions of divisions (E) (2) and (K) of section 2929.20, 20636
division (D) (1) of section 2930.16, division (H) of section 20637
2967.12, division (E) (1) (b) of section 2967.19 as it existed 20638

prior to the effective date of this amendment, division (D) (1) 20639
of section 2967.28, and division (A) (2) of section 5149.101 of 20640
the Revised Code enacted in the act in which division (A) (3) (b) 20641
of this section was enacted, shall be known as "Roberta's Law." 20642

(4) The department of rehabilitation and correction, at 20643
least sixty days prior to transferring a prisoner to 20644
transitional control pursuant to this section, shall post on the 20645
database it maintains pursuant to section 5120.66 of the Revised 20646
Code the prisoner's name and all of the information specified in 20647
division (A) (1) (c) (iv) of that section. In addition to and 20648
independent of the right of a victim to submit a statement as 20649
described in division (A) (3) of this section or to otherwise 20650
make a statement and in addition to and independent of any other 20651
right or duty of a person to present information or make a 20652
statement, any person may send to the division of parole and 20653
community services at any time prior to the division's transfer 20654
of the prisoner to transitional control a written statement 20655
regarding the transfer of the prisoner to transitional control. 20656
In addition to the information, reports, and statements it 20657
considers under divisions (A) (2) and (3) of this section or that 20658
it otherwise considers, the division shall consider each 20659
statement submitted in accordance with this division in deciding 20660
whether to transfer the prisoner to transitional control. 20661

(B) Each prisoner transferred to transitional control 20662
under this section shall be confined in the manner described in 20663
division (A) of this section during any period of time that the 20664
prisoner is not actually working at the prisoner's approved 20665
employment, engaged in a vocational training or another 20666
educational program, engaged in another program designated by 20667
the director, or engaged in other activities approved by the 20668
department. 20669

(C) The department of rehabilitation and correction shall 20670
adopt rules for transferring eligible prisoners to transitional 20671
control, supervising and confining prisoners so transferred, 20672
administering the transitional control program in accordance 20673
with this section, and using the moneys deposited into the 20674
transitional control fund established under division (E) of this 20675
section. 20676

(D) The department of rehabilitation and correction may 20677
adopt rules for the issuance of passes for the limited purposes 20678
described in this division to prisoners who are transferred to 20679
transitional control under this section. If the department 20680
adopts rules of that nature, the rules shall govern the granting 20681
of the passes and shall provide for the supervision of prisoners 20682
who are temporarily released pursuant to one of those passes. 20683
Upon the adoption of rules under this division, the department 20684
may issue passes to prisoners who are transferred to 20685
transitional control status under this section in accordance 20686
with the rules and the provisions of this division. All passes 20687
issued under this division shall be for a maximum of forty-eight 20688
hours and may be issued only for the following purposes: 20689

(1) To visit a relative in imminent danger of death; 20690

(2) To have a private viewing of the body of a deceased 20691
relative; 20692

(3) To visit with family; 20693

(4) To otherwise aid in the rehabilitation of the 20694
prisoner. 20695

(E) The division of parole and community services may 20696
require a prisoner who is transferred to transitional control to 20697
pay to the division the reasonable expenses incurred by the 20698

division in supervising or confining the prisoner while under 20699
transitional control. Inability to pay those reasonable expenses 20700
shall not be grounds for refusing to transfer an otherwise 20701
eligible prisoner to transitional control. Amounts received by 20702
the division of parole and community services under this 20703
division shall be deposited into the transitional control fund, 20704
which is hereby created in the state treasury and which hereby 20705
replaces and succeeds the furlough services fund that formerly 20706
existed in the state treasury. All moneys that remain in the 20707
furlough services fund on March 17, 1998, shall be transferred 20708
on that date to the transitional control fund. The transitional 20709
control fund shall be used solely to pay costs related to the 20710
operation of the transitional control program established under 20711
this section. The director of rehabilitation and correction 20712
shall adopt rules in accordance with section 111.15 of the 20713
Revised Code for the use of the fund. 20714

(F) A prisoner who violates any rule established by the 20715
department of rehabilitation and correction under division (A), 20716
(C), or (D) of this section may be transferred to a state 20717
correctional institution pursuant to rules adopted under 20718
division (A), (C), or (D) of this section, but the prisoner 20719
shall receive credit towards completing the prisoner's sentence 20720
for the time spent under transitional control. 20721

If a prisoner is transferred to transitional control under 20722
this section, upon successful completion of the period of 20723
transitional control, the prisoner may be released on parole or 20724
under post-release control pursuant to section 2967.13 or 20725
2967.28 of the Revised Code and rules adopted by the department 20726
of rehabilitation and correction. If the prisoner is released 20727
under post-release control, the duration of the post-release 20728
control, the type of post-release control sanctions that may be 20729

imposed, the enforcement of the sanctions, and the treatment of 20730
prisoners who violate any sanction applicable to the prisoner 20731
are governed by section 2967.28 of the Revised Code. 20732

Sec. 2967.28. (A) As used in this section: 20733

(1) "Monitored time" means the monitored time sanction 20734
specified in section 2929.17 and defined in section 2929.01 of 20735
the Revised Code. 20736

(2) "Deadly weapon" and "dangerous ordnance" have the same 20737
meanings as in section 2923.11 of the Revised Code. 20738

(3) "Felony sex offense" means a violation of a section 20739
contained in Chapter 2907. of the Revised Code that is a felony. 20740

(4) "Risk reduction sentence" means a prison term imposed 20741
by a court, when the court recommends pursuant to section 20742
2929.143 of the Revised Code that the offender serve the 20743
sentence under section 5120.036 of the Revised Code, and the 20744
offender may potentially be released from imprisonment prior to 20745
the expiration of the prison term if the offender successfully 20746
completes all assessment and treatment or programming required 20747
by the department of rehabilitation and correction under section 20748
5120.036 of the Revised Code. 20749

(5) "Victim's immediate family" has the same meaning as in 20750
section 2967.12 of the Revised Code. 20751

(6) "Minor drug possession offense" has the same meaning 20752
as in section 2925.11 of the Revised Code. 20753

(7) "Single validated risk assessment tool" means the 20754
single validated risk assessment tool selected by the department 20755
of rehabilitation and correction under section 5120.114 of the 20756
Revised Code. 20757

(B) Each sentence to a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and is not a felony sex offense shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a sentencing court to notify the offender pursuant to division (B) (2) (d) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes this requirement does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under this division. This division applies with respect to all prison terms of a type described in this division, including a non-life felony indefinite prison term. 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 notify the offender pursuant to division (B) (2) (d) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D) (1) of section 2929.14 of the Revised Code a statement regarding post-release control. Unless reduced by the parole board pursuant to division (D) of this section when authorized under that division, a period of post-release control required by this division for an offender shall be of

one of the following periods: 20790

(1) For a felony sex offense, five years; 20791

(2) For a felony of the first degree that is not a felony sex offense, up to five years, but not less than two years; 20792
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(3) For a felony of the second degree that is not a felony sex offense, up to three years, but not less than eighteen months; 20794
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(4) For a felony of the third degree that is an offense of violence and is not a felony sex offense, up to three years, but not less than one year. 20797
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(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B) (1) or (4) of this section shall include a requirement that the offender be subject to a period of post-release control of up to two years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. 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 notify the offender pursuant to division (B) (2) (e) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D) (2) of section 2929.14 of the Revised Code a statement regarding post-release control. 20800
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Pursuant to an agreement entered into under section 2967.29 of

the Revised Code, a court of common pleas or parole board may 20819
impose sanctions or conditions on an offender who is placed on 20820
post-release control under this division. 20821

(D) (1) Before the prisoner is released from imprisonment, 20822
the parole board or, pursuant to an agreement under section 20823
2967.29 of the Revised Code, the court shall impose on a 20824
prisoner described in division (B) of this section, shall impose 20825
on a prisoner described in division (C) of this section who is 20826
to be released before the expiration of the prisoner's stated 20827
prison term under a risk reduction sentence, may impose on a 20828
prisoner described in division (C) of this section who is not to 20829
be released before the expiration of the prisoner's stated 20830
prison term under a risk reduction sentence, and shall impose on 20831
a prisoner described in division (B) (2) (b) of section 5120.031 20832
or in division (B) (1) of section 5120.032 of the Revised Code, 20833
one or more post-release control sanctions to apply during the 20834
prisoner's period of post-release control. Whenever the board or 20835
court imposes one or more post-release control sanctions on a 20836
prisoner, the board or court, in addition to imposing the 20837
sanctions, also shall include as a condition of the post-release 20838
control that the offender not leave the state without permission 20839
of the court or the offender's parole or probation officer and 20840
that the offender abide by the law. The board or court may 20841
impose any other conditions of release under a post-release 20842
control sanction that the board or court considers appropriate, 20843
and the conditions of release may include any community 20844
residential sanction, community nonresidential sanction, or 20845
financial sanction that the sentencing court was authorized to 20846
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 20847
Revised Code. Prior to the release of a prisoner for whom it 20848
will impose one or more post-release control sanctions under 20849

this division, the parole board or court shall review the 20850
prisoner's criminal history, results from the single validated 20851
risk assessment tool, and the record of the prisoner's conduct 20852
while imprisoned. The parole board or court shall consider any 20853
recommendation regarding post-release control sanctions for the 20854
prisoner made by the office of victims' services. After 20855
considering those materials, the board or court shall determine, 20856
for a prisoner described in division (B) of this section, 20857
division (B) (2) (b) of section 5120.031, or division (B) (1) of 20858
section 5120.032 of the Revised Code and for a prisoner 20859
described in division (C) of this section who is to be released 20860
before the expiration of the prisoner's stated prison term under 20861
a risk reduction sentence, which post-release control sanction 20862
or combination of post-release control sanctions is reasonable 20863
under the circumstances or, for a prisoner described in division 20864
(C) of this section who is not to be released before the 20865
expiration of the prisoner's stated prison term under a risk 20866
reduction sentence, whether a post-release control sanction is 20867
necessary and, if so, which post-release control sanction or 20868
combination of post-release control sanctions is reasonable 20869
under the circumstances. In the case of a prisoner convicted of 20870
a felony of the fourth or fifth degree other than a felony sex 20871
offense, the board or court shall presume that monitored time is 20872
the appropriate post-release control sanction unless the board 20873
or court determines that a more restrictive sanction is 20874
warranted. A post-release control sanction imposed under this 20875
division takes effect upon the prisoner's release from 20876
imprisonment. 20877

Regardless of whether the prisoner was sentenced to the 20878
prison term prior to, on, or after July 11, 2006, prior to the 20879
release of a prisoner for whom it will impose one or more post- 20880

release control sanctions under this division, the parole board 20881
shall notify the prisoner that, if the prisoner violates any 20882
sanction so imposed or any condition of post-release control 20883
described in division (B) of section 2967.131 of the Revised 20884
Code that is imposed on the prisoner, the parole board may 20885
impose a prison term of up to one-half of the stated prison term 20886
originally imposed on the prisoner. 20887

At least thirty days before the prisoner is released from 20888
imprisonment under post-release control, except as otherwise 20889
provided in this paragraph, the department of rehabilitation and 20890
correction shall notify the victim and the victim's immediate 20891
family of the date on which the prisoner will be released, the 20892
period for which the prisoner will be under post-release control 20893
supervision, and the terms and conditions of the prisoner's 20894
post-release control regardless of whether the victim or 20895
victim's immediate family has requested the notification. The 20896
notice described in this paragraph shall not be given to a 20897
victim or victim's immediate family if the victim or the 20898
victim's immediate family has requested pursuant to division (B) 20899
(2) of section 2930.03 of the Revised Code that the notice not 20900
be provided to the victim or the victim's immediate family. At 20901
least thirty days before the prisoner is released from 20902
imprisonment and regardless of whether the victim or victim's 20903
immediate family has requested that the notice described in this 20904
paragraph be provided or not be provided to the victim or the 20905
victim's immediate family, the department also shall provide 20906
notice of that nature to the prosecuting attorney in the case 20907
and the law enforcement agency that arrested the prisoner if any 20908
officer of that agency was a victim of the offense. 20909

If the notice given under the preceding paragraph to the 20910
victim or the victim's immediate family is based on an offense 20911

committed prior to March 22, 2013, and if the department of 20912
rehabilitation and correction has not previously successfully 20913
provided any notice to the victim or the victim's immediate 20914
family under division (B), (C), or (D) of section 2930.16 of the 20915
Revised Code with respect to that offense and the offender who 20916
committed it, the notice also shall inform the victim or the 20917
victim's immediate family that the victim or the victim's 20918
immediate family may request that the victim or the victim's 20919
immediate family not be provided any further notices with 20920
respect to that offense and the offender who committed it and 20921
shall describe the procedure for making that request. The 20922
department may give the notices to which the preceding paragraph 20923
applies by any reasonable means, including regular mail, 20924
telephone, and electronic mail. If the department attempts to 20925
provide notice to any specified person under the preceding 20926
paragraph but the attempt is unsuccessful because the department 20927
is unable to locate the specified person, is unable to provide 20928
the notice by its chosen method because it cannot determine the 20929
mailing address, electronic mail address, or telephone number at 20930
which to provide the notice, or, if the notice is sent by mail, 20931
the notice is returned, the department shall make another 20932
attempt to provide the notice to the specified person. If the 20933
second attempt is unsuccessful, the department shall make at 20934
least one more attempt to provide the notice. If the notice is 20935
based on an offense committed prior to March 22, 2013, in each 20936
attempt to provide the notice to the victim or victim's 20937
immediate family, the notice shall include the opt-out 20938
information described in this paragraph. The department, in the 20939
manner described in division (D) (2) of section 2930.16 of the 20940
Revised Code, shall keep a record of all attempts to provide the 20941
notice, and of all notices provided, under this paragraph and 20942
the preceding paragraph. The record shall be considered as if it 20943

was kept under division (D) (2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19 as it existed prior to the effective date of this amendment, division (A) (3) (b) of section 2967.26, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 or 2967.194 or a reduction under division (F) of section 2967.271 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority may supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) After a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may review the releasee's behavior under the post-release control sanctions imposed upon the releasee under this section. The authority or court may determine, based upon the review and

in accordance with the standards established under division (E) 20975
of this section, that the releasee has satisfactorily complied 20976
with the sanctions imposed, and if such a determination is made, 20977
the authority may recommend a less restrictive sanction, reduce 20978
the period of post-release control, or, no sooner than the 20979
minimum period of time required under section 2967.16 of the 20980
Revised Code, recommend that the parole board or court terminate 20981
the duration of the period of post-release control. In no case 20982
shall the board or court reduce the duration of the period of 20983
control imposed for a felony sex offense described in division 20984
(B) (1) of this section. 20985

(4) The department of rehabilitation and correction shall 20986
develop factors that the parole board or court shall consider in 20987
determining under division (D) (3) of this section whether to 20988
terminate the period of control imposed on a releasee. 20989

(E) The department of rehabilitation and correction, in 20990
accordance with Chapter 119. of the Revised Code, shall adopt 20991
rules that do all of the following: 20992

(1) Establish standards for the imposition by the parole 20993
board of post-release control sanctions under this section that 20994
are consistent with the overriding purposes and sentencing 20995
principles set forth in section 2929.11 of the Revised Code and 20996
that are appropriate to the needs of releasees; 20997

(2) Establish standards that provide for a period of post- 20998
release control of up to two years for all prisoners described 20999
in division (C) of this section who are to be released before 21000
the expiration of their stated prison term under a risk 21001
reduction sentence and standards by which the parole board can 21002
determine which prisoners described in division (C) of this 21003
section who are not to be released before the expiration of 21004

their stated prison term under a risk reduction sentence should 21005
be placed under a period of post-release control; 21006

(3) Establish standards to be used by the parole board in 21007
reducing or terminating the duration of the period of post- 21008
release control imposed by the court when authorized under 21009
division (D) of this section, in imposing a more restrictive 21010
post-release control sanction than monitored time on a prisoner 21011
convicted of a felony of the fourth or fifth degree other than a 21012
felony sex offense, or in imposing a less restrictive control 21013
sanction on a releasee based on results from the single 21014
validated risk assessment tool and on the releasee's activities 21015
including, but not limited to, remaining free from criminal 21016
activity and from the abuse of alcohol or other drugs, 21017
successfully participating in approved rehabilitation programs, 21018
maintaining employment, and paying restitution to the victim or 21019
meeting the terms of other financial sanctions; 21020

(4) Establish standards to be used by the adult parole 21021
authority in modifying a releasee's post-release control 21022
sanctions pursuant to division (D)(2) of this section; 21023

(5) Establish standards to be used by the adult parole 21024
authority or parole board in imposing further sanctions under 21025
division (F) of this section on releasees who violate post- 21026
release control sanctions, including standards that do the 21027
following: 21028

(a) Classify violations according to the degree of 21029
seriousness; 21030

(b) Define the circumstances under which formal action by 21031
the parole board is warranted; 21032

(c) Govern the use of evidence at violation hearings; 21033

(d) Ensure procedural due process to an alleged violator;	21034
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	21035 21036
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	21037 21038
(F) (1) Whenever the parole board imposes one or more post- release control sanctions on an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.	21039 21040 21041 21042 21043 21044 21045 21046 21047 21048 21049 21050 21051 21052 21053 21054 21055 21056
(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	21057 21058 21059 21060 21061 21062 21063

accordance with the standards established under division (E) of 21064
this section or in accordance with the agreement made under 21065
section 2967.29 of the Revised Code, or may report the violation 21066
to the parole board for a hearing pursuant to division (F) (3) of 21067
this section. The authority or court may not, pursuant to this 21068
division, increase the duration of the releasee's post-release 21069
control or impose as a post-release control sanction a 21070
residential sanction that includes a prison term, but the 21071
authority or court may impose on the releasee any other 21072
residential sanction, nonresidential sanction, or financial 21073
sanction that the sentencing court was authorized to impose 21074
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 21075
Revised Code. 21076

(3) The parole board or, pursuant to an agreement under 21077
section 2967.29 of the Revised Code, the court may hold a 21078
hearing on any alleged violation by a releasee of a post-release 21079
control sanction or any conditions described in division (A) of 21080
section 2967.131 of the Revised Code that are imposed upon the 21081
releasee. ~~If~~ Except as otherwise provided in this division, if 21082
after the hearing the board or court finds that the releasee 21083
violated the sanction or condition, the board or court may 21084
increase the duration of the releasee's post-release control up 21085
to the maximum duration authorized by division (B) or (C) of 21086
this section or impose a more restrictive post-release control 21087
sanction. If a releasee was acting pursuant to division (B) (2) 21088
(b) of section 2925.11 or a related provision of section 21089
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 21090
doing violated the conditions of a post-release control sanction 21091
based on a minor drug possession offense, as defined in that 21092
section, or violated section 2925.12, division (C) (1) of section 21093
2925.14, or section 2925.141 of the Revised Code, the board or 21094

the court ~~may consider the releasee's conduct in seeking or~~ 21095
~~obtaining medical assistance for another in good faith or for~~ 21096
~~self or may consider the releasee being the subject of another~~ 21097
~~person seeking or obtaining medical assistance in accordance~~ 21098
~~with that division as a mitigating factor before imposing~~ shall 21099
not impose any of the penalties described in this division based 21100
on the violation. When appropriate, the board or court may 21101
impose as a post-release control sanction a residential sanction 21102
that includes a prison term. The board or court shall consider a 21103
prison term as a post-release control sanction imposed for a 21104
violation of post-release control when the violation involves a 21105
deadly weapon or dangerous ordnance, physical harm or attempted 21106
serious physical harm to a person, or sexual misconduct. Unless 21107
a releasee's stated prison term was reduced pursuant to section 21108
5120.032 of the Revised Code, the period of a prison term that 21109
is imposed as a post-release control sanction under this 21110
division shall not exceed nine months, and the maximum 21111
cumulative prison term for all violations under this division 21112
shall not exceed one-half of the definite prison term that was 21113
the stated prison term originally imposed on the offender as 21114
part of this sentence or, with respect to a stated non-life 21115
felony indefinite prison term, one-half of the minimum prison 21116
term that was imposed as part of that stated prison term 21117
originally imposed on the offender. If a releasee's stated 21118
prison term was reduced pursuant to section 5120.032 of the 21119
Revised Code, the period of a prison term that is imposed as a 21120
post-release control sanction under this division and the 21121
maximum cumulative prison term for all violations under this 21122
division shall not exceed the period of time not served in 21123
prison under the sentence imposed by the court. The period of a 21124
prison term that is imposed as a post-release control sanction 21125
under this division shall not count as, or be credited toward, 21126

the remaining period of post-release control. If, during the 21127
period of the releasee's post-release control, the releasee 21128
serves as a post-release control sanction the maximum prison 21129
time available as a sanction, the post-release control shall 21130
terminate. 21131

If an offender is imprisoned for a felony committed while 21132
under post-release control supervision and is again released on 21133
post-release control for a period of time, the maximum 21134
cumulative prison term for all violations under this division 21135
shall not exceed one-half of the total stated prison terms of 21136
the earlier felony, reduced by any prison term administratively 21137
imposed by the parole board or court, plus one-half of the total 21138
stated prison term of the new felony. 21139

(G) (1) If an offender is simultaneously subject to a 21140
period of parole under an indefinite or life sentence and a 21141
period of post-release control, or is simultaneously subject to 21142
two periods of post-release control, the period of supervision 21143
that expires last shall determine the length and form of 21144
supervision for all the periods and the related sentences. 21145

(2) An offender shall receive credit for post-release 21146
control supervision during the period of parole, and shall not 21147
be eligible for final release under section 2967.16 of the 21148
Revised Code until the post-release control period otherwise 21149
would have ended. 21150

(3) If the period of parole ends prior to the end of the 21151
period of post-release control, the requirements of parole 21152
supervision shall be satisfied during the post-release control 21153
period. 21154

(H) (1) A period of post-release control shall not be 21155

imposed consecutively to any other post-release control period. 21156

(2) The period of post-release control for a releasee who 21157
commits a felony while under post-release control for an earlier 21158
felony shall be the longer of the period of post-release control 21159
specified for the new felony under division (B) or (C) of this 21160
section or the time remaining under the period of post-release 21161
control imposed for the earlier felony as determined by the 21162
parole board or court. 21163

Sec. 3321.141. (A) (1) Within one hundred twenty minutes 21164
after the beginning of each school day, the attendance officer, 21165
attendance officer's assistant for each individual school 21166
building, or other person the attendance officer designates to 21167
take attendance for each school building shall make at least one 21168
attempt to contact, in accordance with division (A) (2) of this 21169
section, the parent, guardian, or other person having care of 21170
any student who was absent without legitimate excuse from the 21171
school the student is required to attend as of the beginning of 21172
that school day. 21173

(2) An attempt to contact a student's parent, guardian, or 21174
other person having care of the student shall be made through 21175
one of the following methods: 21176

(a) A telephone call placed in person; 21177

(b) An automated telephone call via a system that includes 21178
verification that each call was actually placed, and either the 21179
call was answered by its intended recipient or a voice mail 21180
message was left by the automated system relaying the required 21181
information; 21182

(c) A notification sent through the school's automated 21183
student information system; 21184

(d) A text-based communication sent to the parent's, 21185
guardian's, or other person's electronic wireless communications 21186
device, as defined in ~~division (G) (1) of~~ section 4511.204 of the 21187
Revised Code; 21188

(e) A notification sent to the electronic mail address of 21189
the parent, guardian, or other person; 21190

(f) A visit, in person, to the student's residence of 21191
record; 21192

(g) Any other notification procedure that has been adopted 21193
by resolution of the board of education of a school district. 21194

(B) If the parent, guardian, or other person having care 21195
of a student initiates a telephone call or other communication 21196
notifying the school or building administration of the student's 21197
excused or unexcused absence within one hundred twenty minutes 21198
after the beginning of the school day, the school is under no 21199
further obligation with respect to the requirement prescribed in 21200
division (A) of this section. 21201

(C) A school district, or any officer, director, employee, 21202
or member of the school district board of education is not 21203
liable in damages in a civil action for injury, death, or loss 21204
to person or property allegedly arising from an employee's 21205
action or inaction in good faith compliance with this section. 21206
This section does not eliminate, limit, or reduce any other 21207
immunity or defense that a person may be entitled to under 21208
Chapter 2744. or any other provision of the Revised Code or 21209
under the common law of this state. 21210

(D) This section does not apply to either of the 21211
following: 21212

(1) Students who are in home-based, online, or internet- 21213

or computer-based instruction; 21214

(2) Instances where a student was not expected to be in 21215
attendance at a particular school building due to that student's 21216
participation in off-campus activities, including but not 21217
limited to participation in the college credit plus program 21218
established under Chapter 3365. of the Revised Code. 21219

Sec. 3770.021. Except as otherwise provided in this 21220
section, no person shall be employed by or continue employment 21221
with the state lottery commission who has been convicted in any 21222
jurisdiction of a felony, or of a misdemeanor of the first, 21223
second, or third degree, involving gambling, fraud or 21224
misrepresentation, theft, or any crime of moral turpitude, as 21225
long as the record of the conviction has not been sealed or 21226
expunged pursuant to Chapter 2953. of the Revised Code or 21227
pursuant to a statute of another jurisdiction that governs the 21228
sealing or expungement of criminal records. The director of the 21229
commission may adopt internal management rules designating 21230
vehicular offenses, conviction of which will disqualify persons 21231
from employment with the commission; specifying time periods 21232
after which persons who have been convicted of the offenses 21233
described in this section may be employed by the commission; and 21234
establishing requirements for an applicant or employee to seek a 21235
court order to have the records sealed or expunged in accordance 21236
with law relating to the sealing or expungement of criminal 21237
records. 21238

Sec. 4301.69. (A) Except as otherwise provided in this 21239
chapter, no person shall sell beer or intoxicating liquor to an 21240
underage person, shall buy beer or intoxicating liquor for an 21241
underage person, or shall furnish it to an underage person, 21242
unless given by a physician in the regular line of the 21243

physician's practice or given for established religious purposes 21244
or unless the underage person is supervised by a parent, spouse 21245
who is not an underage person, or legal guardian. 21246

In proceedings before the liquor control commission, no 21247
permit holder, or no employee or agent of a permit holder, 21248
charged with a violation of this division shall be charged, for 21249
the same offense, with a violation of division (A) (1) of section 21250
4301.22 of the Revised Code. 21251

(B) No person who is the owner or occupant of any public 21252
or private place shall knowingly allow any underage person to 21253
remain in or on the place while possessing or consuming beer or 21254
intoxicating liquor, unless the intoxicating liquor or beer is 21255
given to the person possessing or consuming it by that person's 21256
parent, spouse who is not an underage person, or legal guardian 21257
and the parent, spouse who is not an underage person, or legal 21258
guardian is present at the time of the person's possession or 21259
consumption of the beer or intoxicating liquor. 21260

An owner of a public or private place is not liable for 21261
acts or omissions in violation of this division that are 21262
committed by a lessee of that place, unless the owner authorizes 21263
or acquiesces in the lessee's acts or omissions. 21264

(C) No person shall engage or use accommodations at a 21265
hotel, inn, cabin, campground, or restaurant when the person 21266
knows or has reason to know either of the following: 21267

(1) That beer or intoxicating liquor will be consumed by 21268
an underage person on the premises of the accommodations that 21269
the person engages or uses, unless the person engaging or using 21270
the accommodations is the spouse of the underage person and is 21271
not an underage person, or is the parent or legal guardian of 21272

all of the underage persons, who consume beer or intoxicating 21273
liquor on the premises and that person is on the premises at all 21274
times when beer or intoxicating liquor is being consumed by an 21275
underage person; 21276

(2) That a drug of abuse will be consumed on the premises 21277
of the accommodations by any person, except a person who 21278
obtained the drug of abuse pursuant to a prescription issued by 21279
a licensed health professional authorized to prescribe drugs and 21280
has the drug of abuse in the original container in which it was 21281
dispensed to the person. 21282

(D) (1) No person is required to permit the engagement of 21283
accommodations at any hotel, inn, cabin, or campground by an 21284
underage person or for an underage person, if the person 21285
engaging the accommodations knows or has reason to know that the 21286
underage person is intoxicated, or that the underage person 21287
possesses any beer or intoxicating liquor and is not supervised 21288
by a parent, spouse who is not an underage person, or legal 21289
guardian who is or will be present at all times when the beer or 21290
intoxicating liquor is being consumed by the underage person. 21291

(2) No underage person shall knowingly engage or attempt 21292
to engage accommodations at any hotel, inn, cabin, or campground 21293
by presenting identification that falsely indicates that the 21294
underage person is twenty-one years of age or older for the 21295
purpose of violating this section. 21296

(E) (1) No underage person shall knowingly order, pay for, 21297
share the cost of, attempt to purchase, possess, or consume any 21298
beer or intoxicating liquor in any public or private place. No 21299
underage person shall knowingly be under the influence of any 21300
beer or intoxicating liquor in any public place. The 21301
prohibitions set forth in division (E) (1) of this section 21302

against an underage person knowingly possessing, consuming, or 21303
being under the influence of any beer or intoxicating liquor 21304
shall not apply if the underage person is supervised by a 21305
parent, spouse who is not an underage person, or legal guardian, 21306
or the beer or intoxicating liquor is given by a physician in 21307
the regular line of the physician's practice or given for 21308
established religious purposes. 21309

(2) (a) If a person is charged with violating division (E) 21310
(1) of this section in a complaint filed under section 2151.27 21311
of the Revised Code, the court may order the child into a 21312
diversion program specified by the court and hold the complaint 21313
in abeyance pending successful completion of the diversion 21314
program. A child is ineligible to enter into a diversion program 21315
under division (E) (2) (a) of this section if the child previously 21316
has been diverted pursuant to division (E) (2) (a) of this 21317
section. If the child completes the diversion program to the 21318
satisfaction of the court, the court shall dismiss the complaint 21319
and order the child's record in the case sealed under sections 21320
2151.356 to 2151.358 of the Revised Code. If the child fails to 21321
satisfactorily complete the diversion program, the court shall 21322
proceed with the complaint. 21323

(b) If a person is charged in a criminal complaint with 21324
violating division (E) (1) of this section, section 2935.36 of 21325
the Revised Code shall apply to the offense, except that a 21326
person is ineligible for diversion under that section if the 21327
person previously has been diverted pursuant to division (E) (2) 21328
(a) or (b) of this section. If the person completes the 21329
diversion program to the satisfaction of the court, the court 21330
shall dismiss the complaint and order the record in the case 21331
sealed under section ~~2953.52~~ 2953.33 of the Revised Code. If the 21332
person fails to satisfactorily complete the diversion program, 21333

the court shall proceed with the complaint. 21334

(F) No parent, spouse who is not an underage person, or 21335
legal guardian of a minor shall knowingly permit the minor to 21336
violate this section or section 4301.63, 4301.633, or 4301.634 21337
of the Revised Code. 21338

(G) The operator of any hotel, inn, cabin, or campground 21339
shall make the provisions of this section available in writing 21340
to any person engaging or using accommodations at the hotel, 21341
inn, cabin, or campground. 21342

(H) As used in this section: 21343

(1) "Drug of abuse" has the same meaning as in section 21344
3719.011 of the Revised Code. 21345

(2) "Hotel" has the same meaning as in section 3731.01 of 21346
the Revised Code. 21347

(3) "Licensed health professional authorized to prescribe 21348
drugs" and "prescription" have the same meanings as in section 21349
4729.01 of the Revised Code. 21350

(4) "Minor" means a person under the age of eighteen 21351
years. 21352

(5) "Underage person" means a person under the age of 21353
twenty-one years. 21354

Sec. 4301.99. (A) Whoever violates section 4301.47, 21355
4301.48, 4301.49, 4301.62, or 4301.70 or division (C) of section 21356
4301.65 or division (B) of section 4301.691 of the Revised Code 21357
is guilty of a minor misdemeanor. 21358

(B) Whoever violates section 4301.15, division (A) (2) or 21359
(C) of section 4301.22, division (C), (D), (E), (F), (G), (H), 21360

or (I) of section 4301.631, or section 4301.64 or 4301.67 of the Revised Code is guilty of a misdemeanor of the fourth degree.

If an offender who violates section 4301.64 of the Revised Code was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, may suspend the offender's temporary instruction permit, probationary driver's license, or driver's license for a period of not less than six months and not more than one year. In lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, the court instead may require the offender to perform community service for a number of hours determined by the court. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years.

(C) Whoever violates division (D) of section 4301.21, section 4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 4301.68, or 4301.74, division (B), (C), (D), ~~(E)(1)~~, or (F) of section 4301.69, or division ~~(C), (D)~~, (E), (F), (G), or (I) of section 4301.691 of the Revised Code is guilty of a misdemeanor of the first degree.

~~If an offender who violates division (E)(1) of section 4301.69 of the Revised Code was under the age of eighteen years at the time of the offense and the offense occurred while the offender was the operator of or a passenger in a motor vehicle,~~

~~the court, in addition to any other penalties it imposes upon
the offender, shall suspend the offender's temporary instruction
permit or probationary driver's license for a period of not less
than six months and not more than one year. If the offender is
fifteen years and six months of age or older and has not been
issued a temporary instruction permit or probationary driver's
license, the offender shall not be eligible to be issued such a
license or permit for a period of six months. If the offender
has not attained the age of fifteen years and six months, the
offender shall not be eligible to be issued a temporary
instruction permit until the offender attains the age of sixteen
years.~~

(D) Whoever violates division (B) of section 4301.14, ~~or~~
division (A) (1) or (3) or (B) of section 4301.22, division (E)
(1) of section 4301.69, or division (C) or (D) of section
4301.691 of the Revised Code is guilty of a misdemeanor of the
third degree.

If an offender who violates division (E) (1) of section
4301.69 of the Revised Code was under the age of eighteen years
at the time of the offense and the offense occurred while the
offender was the operator of or a passenger in a motor vehicle,
the court, in addition to any other penalties it imposes upon
the offender, shall suspend the offender's temporary instruction
permit or probationary driver's license for a period of not less
than six months and not more than one year. If the offender is
fifteen years and six months of age or older and has not been
issued a temporary instruction permit or probationary driver's
license, the offender shall not be eligible to be issued such a
license or permit for a period of six months. If the offender
has not attained the age of fifteen years and six months, the
offender shall not be eligible to be issued a temporary

instruction permit until the offender attains the age of sixteen 21422
years. 21423

(E) Whoever violates section 4301.63 or division (B) of 21424
section 4301.631 of the Revised Code shall be fined not less 21425
than twenty-five nor more than one hundred dollars. The court 21426
imposing a fine for a violation of section 4301.63 or division 21427
(B) of section 4301.631 of the Revised Code may order that the 21428
fine be paid by the performance of public work at a reasonable 21429
hourly rate established by the court. The court shall designate 21430
the time within which the public work shall be completed. 21431

(F) (1) Whoever violates section 4301.634 of the Revised 21432
Code is guilty of a misdemeanor of the first degree. If, in 21433
committing a first violation of that section, the offender 21434
presented to the permit holder or the permit holder's employee 21435
or agent a false, fictitious, or altered identification card, a 21436
false or fictitious driver's license purportedly issued by any 21437
state, or a driver's license issued by any state that has been 21438
altered, the offender is guilty of a misdemeanor of the first 21439
degree and shall be fined not less than two hundred fifty and 21440
not more than one thousand dollars, and may be sentenced to a 21441
term of imprisonment of not more than six months. 21442

(2) On a second violation in which, for the second time, 21443
the offender presented to the permit holder or the permit 21444
holder's employee or agent a false, fictitious, or altered 21445
identification card, a false or fictitious driver's license 21446
purportedly issued by any state, or a driver's license issued by 21447
any state that has been altered, the offender is guilty of a 21448
misdemeanor of the first degree and shall be fined not less than 21449
five hundred nor more than one thousand dollars, and may be 21450
sentenced to a term of imprisonment of not more than six months. 21451

The court also may impose a class seven suspension of the
offender's driver's or commercial driver's license or permit or
nonresident operating privilege from the range specified in
division (A) (7) of section 4510.02 of the Revised Code.

(3) On a third or subsequent violation in which, for the
third or subsequent time, the offender presented to the permit
holder or the permit holder's employee or agent a false,
fictitious, or altered identification card, a false or
fictitious driver's license purportedly issued by any state, or
a driver's license issued by any state that has been altered,
the offender is guilty of a misdemeanor of the first degree and
shall be fined not less than five hundred nor more than one
thousand dollars, and may be sentenced to a term of imprisonment
of not more than six months. Except as provided in this
division, the court also may impose a class six suspension of
the offender's driver's or commercial driver's license or permit
or nonresident operating privilege from the range specified in
division (A) (6) of section 4510.02 of the Revised Code, and the
court may order that the suspension or denial remain in effect
until the offender attains the age of twenty-one years. The
court, in lieu of suspending the offender's temporary
instruction permit, probationary driver's license, or driver's
license, instead may order the offender to perform a determinate
number of hours of community service, with the court determining
the actual number of hours and the nature of the community
service the offender shall perform.

(G) Whoever violates section 4301.636 of the Revised Code
is guilty of a felony of the fifth degree.

(H) Whoever violates division (A) (1) of section 4301.22 of
the Revised Code is guilty of a misdemeanor, shall be fined not

less than five hundred and not more than one thousand dollars, 21482
and, in addition to the fine, may be imprisoned for a definite 21483
term of not more than sixty days. 21484

(I) Whoever violates division (A) of section 4301.69 or 21485
division (H) of section 4301.691 of the Revised Code is guilty 21486
of a misdemeanor, shall be fined not less than five hundred and 21487
not more than one thousand dollars, and, in addition to the 21488
fine, may be imprisoned for a definite term of not more than six 21489
months. 21490

(J) Whoever violates division (B) of section 4301.65 of 21491
the Revised Code is guilty of a misdemeanor of the third degree. 21492
For a second or subsequent violation occurring within a period 21493
of five consecutive years after the first violation, a person is 21494
guilty of a misdemeanor of the first degree. 21495

Sec. 4506.01. As used in this chapter: 21496

(A) "Alcohol concentration" means the concentration of 21497
alcohol in a person's blood, breath, or urine. When expressed as 21498
a percentage, it means grams of alcohol per the following: 21499

(1) One hundred milliliters of whole blood, blood serum, 21500
or blood plasma; 21501

(2) Two hundred ten liters of breath; 21502

(3) One hundred milliliters of urine. 21503

(B) "Commercial driver's license" means a license issued 21504
in accordance with this chapter that authorizes an individual to 21505
drive a commercial motor vehicle. 21506

(C) "Commercial driver's license information system" means 21507
the information system established pursuant to the requirements 21508
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 21509

3207-171, 49 U.S.C.A. App. 2701. 21510

(D) Except when used in section 4506.25 of the Revised 21511
Code, "commercial motor vehicle" means any motor vehicle 21512
designed or used to transport persons or property that meets any 21513
of the following qualifications: 21514

(1) Any combination of vehicles with a gross vehicle 21515
weight or combined gross vehicle weight rating of twenty-six 21516
thousand one pounds or more, provided the gross vehicle weight 21517
or gross vehicle weight rating of the vehicle or vehicles being 21518
towed is in excess of ten thousand pounds; 21519

(2) Any single vehicle with a gross vehicle weight or 21520
gross vehicle weight rating of twenty-six thousand one pounds or 21521
more; 21522

(3) Any single vehicle or combination of vehicles that is 21523
not a class A or class B vehicle, but is designed to transport 21524
sixteen or more passengers including the driver; 21525

(4) Any school bus with a gross vehicle weight or gross 21526
vehicle weight rating of less than twenty-six thousand one 21527
pounds that is designed to transport fewer than sixteen 21528
passengers including the driver; 21529

(5) Is transporting hazardous materials for which 21530
placarding is required under subpart F of 49 C.F.R. part 172, as 21531
amended; 21532

(6) Any single vehicle or combination of vehicles that is 21533
designed to be operated and to travel on a public street or 21534
highway and is considered by the federal motor carrier safety 21535
administration to be a commercial motor vehicle, including, but 21536
not limited to, a motorized crane, a vehicle whose function is 21537
to pump cement, a rig for drilling wells, and a portable crane. 21538

(E) "Controlled substance" means all of the following:	21539
(1) Any substance classified as a controlled substance	21540
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21	21541
U.S.C.A. 802(6), as amended;	21542
(2) Any substance included in schedules I through V of 21	21543
C.F.R. part 1308, as amended;	21544
(3) Any drug of abuse.	21545
(F) "Conviction" means an unvacated adjudication of guilt	21546
or a determination that a person has violated or failed to	21547
comply with the law in a court of original jurisdiction or an	21548
authorized administrative tribunal, an unvacated forfeiture of	21549
bail or collateral deposited to secure the person's appearance	21550
in court, a plea of guilty or nolo contendere accepted by the	21551
court, the payment of a fine or court cost, or violation of a	21552
condition of release without bail, regardless of whether or not	21553
the penalty is rebated, suspended, or probated.	21554
(G) "Disqualification" means any of the following:	21555
(1) The suspension, revocation, or cancellation of a	21556
person's privileges to operate a commercial motor vehicle;	21557
(2) Any withdrawal of a person's privileges to operate a	21558
commercial motor vehicle as the result of a violation of state	21559
or local law relating to motor vehicle traffic control other	21560
than parking, vehicle weight, or vehicle defect violations;	21561
(3) A determination by the federal motor carrier safety	21562
administration that a person is not qualified to operate a	21563
commercial motor vehicle under 49 C.F.R. 391.	21564
(H) "Domiciled" means having a true, fixed, principal, and	21565
permanent residence to which an individual intends to return.	21566

(I) "Downgrade" means any of the following, as applicable:	21567
(1) A change in the commercial driver's license, or	21568
commercial driver's license temporary instruction permit,	21569
holder's self-certified status as described in division (A) (1)	21570
of section 4506.10 of the Revised Code;	21571
(2) A change to a lesser class of vehicle;	21572
(3) Removal of commercial driver's license privileges from	21573
the individual's driver's license.	21574
(J) "Drive" means to drive, operate, or be in physical	21575
control of a motor vehicle.	21576
(K) "Driver" means any person who drives, operates, or is	21577
in physical control of a commercial motor vehicle or is required	21578
to have a commercial driver's license.	21579
(L) "Driver's license" means a license issued by the	21580
bureau of motor vehicles that authorizes an individual to drive.	21581
(M) "Drug of abuse" means any controlled substance,	21582
dangerous drug as defined in section 4729.01 of the Revised	21583
Code, <u>harmful intoxicant as defined in section 2925.01 of the</u>	21584
<u>Revised Code,</u> or over-the-counter medication that, when taken in	21585
quantities exceeding the recommended dosage, can result in	21586
impairment of judgment or reflexes.	21587
(N) "Electronic device" includes a cellular telephone, a	21588
personal digital assistant, a pager, a computer, and any other	21589
device used to input, write, send, receive, or read text.	21590
(O) "Eligible unit of local government" means a village,	21591
township, or county that has a population of not more than three	21592
thousand persons according to the most recent federal census.	21593

(P) "Employer" means any person, including the federal 21594
government, any state, and a political subdivision of any state, 21595
that owns or leases a commercial motor vehicle or assigns a 21596
person to drive such a motor vehicle. 21597

(Q) "Endorsement" means an authorization on a person's 21598
commercial driver's license that is required to permit the 21599
person to operate a specified type of commercial motor vehicle. 21600

(R) "Farm truck" means a truck controlled and operated by 21601
a farmer for use in the transportation to or from a farm, for a 21602
distance of not more than one hundred fifty miles, of products 21603
of the farm, including livestock and its products, poultry and 21604
its products, floricultural and horticultural products, and in 21605
the transportation to the farm, from a distance of not more than 21606
one hundred fifty miles, of supplies for the farm, including 21607
tile, fence, and every other thing or commodity used in 21608
agricultural, floricultural, horticultural, livestock, and 21609
poultry production, and livestock, poultry, and other animals 21610
and things used for breeding, feeding, or other purposes 21611
connected with the operation of the farm, when the truck is 21612
operated in accordance with this division and is not used in the 21613
operations of a motor carrier, as defined in section 4923.01 of 21614
the Revised Code. 21615

(S) "Fatality" means the death of a person as the result 21616
of a motor vehicle accident occurring not more than three 21617
hundred sixty-five days prior to the date of death. 21618

(T) "Felony" means any offense under federal or state law 21619
that is punishable by death or specifically classified as a 21620
felony under the law of this state, regardless of the penalty 21621
that may be imposed. 21622

(U) "Foreign jurisdiction" means any jurisdiction other than a state.

(V) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.

(W) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.

(X) "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.

(Y) "Medical variance" means one of the following received by a driver from the federal motor carrier safety administration that allows the driver to be issued a medical certificate:

(1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64;

(2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49.

(Z) "Mobile telephone" means a mobile communication device 21652
that falls under or uses any commercial mobile radio service as 21653
defined in 47 C.F.R. 20, except that mobile telephone does not 21654
include two-way or citizens band radio services. 21655

(AA) "Motor vehicle" means a vehicle, machine, tractor, 21656
trailer, or semitrailer propelled or drawn by mechanical power 21657
used on highways, except that such term does not include a 21658
vehicle, machine, tractor, trailer, or semitrailer operated 21659
exclusively on a rail. 21660

(BB) "Out-of-service order" means a declaration by an 21661
authorized enforcement officer of a federal, state, local, 21662
Canadian, or Mexican jurisdiction declaring that a driver, 21663
commercial motor vehicle, or commercial motor carrier operation 21664
is out of service as defined in 49 C.F.R. 390.5. 21665

(CC) "Peace officer" has the same meaning as in section 21666
2935.01 of the Revised Code. 21667

(DD) "Portable tank" means a liquid or gaseous packaging 21668
designed primarily to be loaded onto or temporarily attached to 21669
a vehicle and equipped with skids, mountings, or accessories to 21670
facilitate handling of the tank by mechanical means. 21671

(EE) "Public safety vehicle" has the same meaning as in 21672
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 21673

(FF) "Recreational vehicle" includes every vehicle that is 21674
defined as a recreational vehicle in section 4501.01 of the 21675
Revised Code and is used exclusively for purposes other than 21676
engaging in business for profit. 21677

(GG) "Residence" means any person's residence determined 21678
in accordance with standards prescribed in rules adopted by the 21679
registrar. 21680

(HH) "School bus" has the same meaning as in section 4511.01 of the Revised Code.	21681 21682
(II) "Serious traffic violation" means any of the following:	21683 21684
(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of section 4506.03 of the Revised Code;	21685 21686 21687
(2) (a) Except as provided in division (II) (2) (b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following:	21688 21689 21690 21691 21692 21693
(i) Texting while driving;	21694
(ii) Using a handheld mobile telephone.	21695
(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.	21696 21697 21698
(3) A conviction arising from the operation of any motor vehicle that involves any of the following:	21699 21700
(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;	21701 21702
(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;	21703 21704 21705 21706
(c) Violation of a law of this state or an ordinance or	21707

resolution relating to traffic control, other than a parking 21708
violation, or of any similar law of another state or political 21709
subdivision of another state, that results in a fatal accident; 21710

(d) Violation of section 4506.03 of the Revised Code or a 21711
substantially similar municipal ordinance or county or township 21712
resolution, or of any similar law of another state or political 21713
subdivision of another state, that involves the operation of a 21714
commercial motor vehicle without a valid commercial driver's 21715
license with the proper class or endorsement for the specific 21716
vehicle group being operated or for the passengers or type of 21717
cargo being transported; 21718

(e) Violation of section 4506.03 of the Revised Code or a 21719
substantially similar municipal ordinance or county or township 21720
resolution, or of any similar law of another state or political 21721
subdivision of another state, that involves the operation of a 21722
commercial motor vehicle without a valid commercial driver's 21723
license being in the person's possession; 21724

(f) Violation of section 4511.33 or 4511.34 of the Revised 21725
Code, or any municipal ordinance or county or township 21726
resolution substantially similar to either of those sections, or 21727
any substantially similar law of another state or political 21728
subdivision of another state; 21729

(g) Violation of any other law of this state, any law of 21730
another state, or any ordinance or resolution of a political 21731
subdivision of this state or another state that meets both of 21732
the following requirements: 21733

(i) It relates to traffic control, other than a parking 21734
violation; 21735

(ii) It is determined to be a serious traffic violation by 21736

the United States secretary of transportation and is designated 21737
by the director as such by rule. 21738

(JJ) "State" means a state of the United States and 21739
includes the District of Columbia. 21740

(KK) "Tank vehicle" means any commercial motor vehicle 21741
that is designed to transport any liquid or gaseous materials 21742
within a tank or tanks that are either permanently or 21743
temporarily attached to the vehicle or its chassis and have an 21744
individual rated capacity of more than one hundred nineteen 21745
gallons and an aggregate rated capacity of one thousand gallons 21746
or more. "Tank vehicle" does not include a commercial motor 21747
vehicle transporting an empty storage container tank that is not 21748
designed for transportation, has a rated capacity of one 21749
thousand gallons or more, and is temporarily attached to a 21750
flatbed trailer. 21751

(LL) "Tester" means a person or entity acting pursuant to 21752
a valid agreement entered into pursuant to division (B) of 21753
section 4506.09 of the Revised Code. 21754

(MM) "Texting" means manually entering alphanumeric text 21755
into, or reading text from, an electronic device. Texting 21756
includes short message service, e-mail, instant messaging, a 21757
command or request to access a world wide web page, pressing 21758
more than a single button to initiate or terminate a voice 21759
communication using a mobile telephone, or engaging in any other 21760
form of electronic text retrieval or entry, for present or 21761
future communication. Texting does not include the following: 21762

(1) Using voice commands to initiate, receive, or 21763
terminate a voice communication using a mobile telephone; 21764

(2) Inputting, selecting, or reading information on a 21765

global positioning system or navigation system;	21766
(3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or	21767 21768
(4) Using, for a purpose that is not otherwise prohibited by law, a device capable of performing multiple functions, such as a fleet management system, a dispatching device, a mobile telephone, a citizens band radio, or a music player.	21769 21770 21771 21772
(NN) "Texting while driving" means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Texting while driving does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.	21773 21774 21775 21776 21777 21778 21779 21780
(OO) "United States" means the fifty states and the District of Columbia.	21781 21782
(PP) "Upgrade" means a change in the class of vehicles, endorsements, or self-certified status as described in division (A) (1) of section 4506.10 of the Revised Code, that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter;	21783 21784 21785 21786 21787
(QQ) "Use of a handheld mobile telephone" means:	21788
(1) Using at least one hand to hold a mobile telephone to conduct a voice communication;	21789 21790
(2) Dialing or answering a mobile telephone by pressing more than a single button; or	21791 21792
(3) Reaching for a mobile telephone in a manner that	21793

requires a driver to maneuver so that the driver is no longer in 21794
a seated driving position, or restrained by a seat belt that is 21795
installed in accordance with 49 C.F.R. 393.93 and adjusted in 21796
accordance with the vehicle manufacturer's instructions. 21797

(RR) "Vehicle" has the same meaning as in section 4511.01 21798
of the Revised Code. 21799

Sec. 4507.11. (A) (1) Except as provided in section 21800
4507.112 of the Revised Code, the registrar of motor vehicles 21801
shall conduct all necessary examinations of applicants for 21802
temporary instruction permits, drivers' licenses, motorcycle 21803
operators' endorsements, or motor-driven cycle or motor scooter 21804
endorsements. The examination shall include a test of the 21805
applicant's knowledge of motor vehicle laws, including the laws 21806
governing stopping for school buses and use of an electronic 21807
wireless communications device while operating a motor vehicle, 21808
a test of the applicant's physical fitness to drive, and a test 21809
of the applicant's ability to understand highway traffic control 21810
devices. The registrar may conduct the examination in such a 21811
manner that applicants who are illiterate or limited in their 21812
knowledge of the English language are tested by methods that 21813
would indicate to the examining officer that the applicant has a 21814
reasonable knowledge of motor vehicle laws and understands 21815
highway traffic control devices. 21816

(2) An applicant for a driver's license shall give an 21817
actual demonstration of the ability to exercise ordinary and 21818
reasonable control in the operation of a motor vehicle by 21819
driving a motor vehicle under the supervision of an examining 21820
officer; however, no applicant for a driver's license shall use 21821
a low-speed or under-speed vehicle or a mini-truck for the 21822
purpose of demonstrating ability to exercise ordinary and 21823

reasonable control over a vehicle. The demonstration shall 21824
consist of a maneuverability test and a road test. The director 21825
of public safety shall determine the formats of the tests. 21826

(3) Except as provided in division (B) of this section, an 21827
applicant for a motorcycle operator's endorsement or a 21828
restricted license that permits only the operation of a 21829
motorcycle shall give an actual demonstration of the ability to 21830
exercise ordinary and reasonable control in the operation of a 21831
motorcycle by driving a motorcycle under the supervision of an 21832
examining officer. However, no applicant for such an endorsement 21833
or restricted license shall use a motor-driven cycle or motor 21834
scooter for the purpose of demonstrating ability to exercise 21835
ordinary and reasonable control in the operation of a 21836
motorcycle. 21837

(4) Except as provided in division (B) of this section, an 21838
applicant for a motor-driven cycle or motor scooter operator's 21839
endorsement or a restricted license that permits only the 21840
operation of a motor-driven cycle or motor scooter shall give an 21841
actual demonstration of the ability to exercise ordinary and 21842
reasonable control in the operation of a motor-driven cycle or 21843
motor scooter by driving a motor-driven cycle or motor scooter 21844
under the supervision of an examining officer. 21845

(5) Except as provided in sections 4507.112 and 4507.12 of 21846
the Revised Code, the registrar shall designate the highway 21847
patrol, any law enforcement body, or any other employee of the 21848
department of public safety to supervise and conduct 21849
examinations for temporary instruction permits, drivers' 21850
licenses, and motorcycle operators' endorsements and shall 21851
provide the necessary rules and forms to properly conduct the 21852
examinations. A deputy registrar shall forward to the registrar 21853

the records of the examinations, together with the application 21854
for a temporary instruction permit, driver's license, or 21855
motorcycle operator's endorsement. If in the opinion of the 21856
registrar the applicant is qualified to operate a motor vehicle, 21857
the registrar shall issue the permit, license, or endorsement. 21858

(6) The registrar may authorize the highway patrol, other 21859
designated law enforcement body, or other designated employee of 21860
the department of public safety to issue an examiner's driving 21861
permit to an applicant who has passed the required examination, 21862
authorizing that applicant to operate a motor vehicle while the 21863
registrar is completing an investigation relative to that 21864
applicant's qualifications to receive a temporary instruction 21865
permit, driver's license, or motorcycle operator's endorsement. 21866
The applicant shall keep the examiner's driving permit in the 21867
applicant's immediate possession while operating a motor 21868
vehicle. The examiner's driving permit is effective until final 21869
action and notification has been given by the registrar, but in 21870
no event longer than sixty days from its date of issuance. 21871

(B) (1) An applicant for a motorcycle operator's 21872
endorsement or a restricted license that permits only the 21873
operation of a motorcycle who presents to the registrar of motor 21874
vehicles or a deputy registrar a form approved by the director 21875
of public safety attesting to the applicant's successful 21876
completion within the preceding sixty days of a course of basic 21877
instruction provided by the motorcycle safety and education 21878
program approved by the director pursuant to section 4508.08 of 21879
the Revised Code shall not be required to give an actual 21880
demonstration of the ability to operate a motorcycle by driving 21881
a motorcycle under the supervision of an examining officer, as 21882
described in division (A) of this section. An applicant for a 21883
motor-driven cycle or motor scooter operator's endorsement or a 21884

restricted license that permits only the operation of a motor- 21885
driven cycle or motor scooter who presents to the registrar of 21886
motor vehicles or a deputy registrar a form approved by the 21887
director of public safety attesting to the applicant's 21888
successful completion within the preceding sixty days of a 21889
course of basic instruction provided by the motorcycle safety 21890
and education program approved by the director pursuant to 21891
section 4508.08 of the Revised Code shall not be required to 21892
give an actual demonstration of the ability to operate a motor- 21893
driven cycle or motor scooter by driving a motor-driven cycle or 21894
motor scooter under the supervision of an examining officer, as 21895
described in division (A) of this section. Upon presentation of 21896
the form described in division (B) (1) of this section and 21897
compliance with all other requirements relating to the issuance 21898
of a motorcycle operator's endorsement or a restricted license 21899
that permits only the operation of a motorcycle, the registrar 21900
or deputy registrar shall issue to the applicant the endorsement 21901
or restricted license, as the case may be. 21902

(2) A person who has not attained eighteen years of age 21903
and presents an application for a motorcycle operator's 21904
endorsement or a restricted license under division (B) (1) of 21905
this section also shall comply with the requirements of section 21906
4507.21 of the Revised Code. 21907

(C) A person who holds a valid motorcycle endorsement or 21908
restricted license that permits only the operation of a 21909
motorcycle may operate a motor-driven cycle or motor scooter 21910
with that endorsement or restricted license. 21911

Sec. 4507.214. (A) The registrar of motor vehicles or 21912
deputy registrar shall provide each applicant for a temporary 21913
instruction permit, driver's license, commercial driver's 21914

license, motorized bicycle license, motorcycle operator's 21915
license, or the renewal thereof, a one-page summary of Ohio's 21916
laws governing the use of an electronic wireless communications 21917
device while operating a motor vehicle. The summary shall 21918
explain the prohibition, the exemptions, and the penalties set 21919
forth in section 4511.204 of the Revised Code. 21920

(B) Upon receiving the summary described in division (A) 21921
of this section, the applicant shall sign a statement 21922
acknowledging receipt of the summary, either manually or by 21923
electronic signature. 21924

(C) The registrar shall prescribe the form of the summary 21925
and the manner in which the summary is presented to the 21926
applicant. The summary shall be designed to enable the applicant 21927
to retain either a physical or electronic copy of it. 21928

(D) Nothing within this section shall be construed to 21929
excuse a violation of section 4511.204 of the Revised Code. 21930

Sec. 4508.02. (A) (1) The director of public safety, 21931
subject to Chapter 119. of the Revised Code, shall adopt and 21932
prescribe such rules concerning the administration and 21933
enforcement of this chapter as are necessary to protect the 21934
public. The rules shall require an assessment of the holder of a 21935
probationary instructor license. The director shall inspect the 21936
school facilities and equipment of applicants and licensees and 21937
examine applicants for instructor's licenses. 21938

(2) The director shall adopt rules governing online driver 21939
education courses that may be completed via the internet to 21940
satisfy the classroom instruction under division (C) of this 21941
section. The rules shall do all of the following: 21942

(a) Establish standards that an online driver training 21943

enterprise must satisfy to be licensed to offer an online driver education course via the internet, including, at a minimum, proven expertise in providing driver education and an acceptable infrastructure capable of providing secure online driver education in accord with advances in internet technology. The rules shall allow an online driver training enterprise to be affiliated with a licensed driver training school offering in-person classroom instruction, but shall not require such an affiliation.

(b) Establish content requirements that an online driver education course must satisfy to be approved as equivalent to twenty-four hours of in-person classroom instruction;

(c) Establish attendance standards, including a maximum number of course hours that may be completed in a twenty-four-hour period;

(d) Allow an enrolled applicant to begin the required eight hours of actual behind-the-wheel instruction upon completing all twenty-four hours of course instruction;

(e) Establish any other requirements necessary to regulate online driver education.

(B) The director shall administer and enforce this chapter.

(C) The rules shall require twenty-four hours of completed in-person classroom instruction or the completion of an approved, equivalent online driver education course offered via the internet by a licensed online driver training enterprise, followed by eight hours of actual behind-the-wheel instruction conducted on public streets and highways of this state for all beginning drivers of noncommercial motor vehicles who are under

age eighteen. The rules also shall require the classroom 21973
instruction or online driver education course for such drivers 21974
to include instruction on both of the following: 21975

(1) The dangers of driving a motor vehicle while 21976
distracted, including while using an electronic wireless 21977
communications device to write, send, or read a text-based- 21978
communication, or engaging in any other activity that distracts 21979
a driver from the safe and effective operation of a motor 21980
vehicle; 21981

(2) The dangers of driving a motor vehicle while under the 21982
influence of a controlled substance, prescription medication, or 21983
alcohol. 21984

(D) The rules shall state the minimum hours for classroom 21985
and behind-the-wheel instruction required for beginning drivers 21986
of commercial trucks, commercial cars, buses, and commercial 21987
tractors, trailers, and semitrailers. 21988

(E) (1) The department of public safety may charge a fee to 21989
each online driver training enterprise in an amount sufficient 21990
to pay the actual expenses the department incurs in the 21991
regulation of online driver education courses. 21992

(2) The department shall supply to each licensed online 21993
driver training enterprise certificates to be used for 21994
certifying an applicant's enrollment in an approved online 21995
driver education course and a separate certificate to be issued 21996
upon successful completion of an approved online driver 21997
education course. The certificates shall be numbered serially. 21998
The department may charge a fee to each online driver training 21999
enterprise per certificate supplied to pay the actual expenses 22000
the department incurs in supplying the certificates. 22001

(F) The director shall adopt rules in accordance with 22002
Chapter 119. of the Revised Code governing an abbreviated driver 22003
training course for adults. 22004

Sec. 4510.036. (A) The bureau of motor vehicles shall 22005
record within ten days of conviction or bail ~~forfeiture~~ 22006
forfeiture and shall keep at its main office, all abstracts 22007
received under this section or section 4510.03, 4510.031, 22008
4510.032, or 4510.034 of the Revised Code and shall maintain 22009
records of convictions and bond forfeitures for any violation of 22010
a state law or a municipal ordinance regulating the operation of 22011
vehicles, streetcars, and trackless trolleys on highways and 22012
streets, except a violation related to parking a motor vehicle. 22013

(B) Every court of record or mayor's court before which a 22014
person is charged with a violation for which points are 22015
chargeable by this section shall assess and transcribe to the 22016
abstract of conviction that is furnished by the bureau to the 22017
court the number of points chargeable by this section in the 22018
correct space assigned on the reporting form. A United States 22019
district court that has jurisdiction within this state and 22020
before which a person is charged with a violation for which 22021
points are chargeable by this section may assess and transcribe 22022
to the abstract of conviction report that is furnished by the 22023
bureau the number of points chargeable by this section in the 22024
correct space assigned on the reporting form. If the federal 22025
court so assesses and transcribes the points chargeable for the 22026
offense and furnishes the report to the bureau, the bureau shall 22027
record the points in the same manner as those assessed and 22028
transcribed by a court of record or mayor's court. 22029

(C) A court shall assess the following points for an 22030
offense based on the following formula: 22031

(1) Aggravated vehicular homicide, vehicular homicide,	22032
vehicular manslaughter, aggravated vehicular assault, or	22033
vehicular assault when the offense involves the operation of a	22034
vehicle, streetcar, or trackless trolley on a highway or street	22035
_____ 6 points	22036
(2) A violation of section 2921.331 of the Revised Code or	22037
any ordinance prohibiting the willful fleeing or eluding of a	22038
law enforcement officer _____ 6 points	22039
(3) A violation of section 4549.02 or 4549.021 of the	22040
Revised Code or any ordinance requiring the driver of a vehicle	22041
to stop and disclose identity at the scene of an accident	22042
_____ 6 points	22043
(4) A violation of section 4511.251 of the Revised Code or	22044
any ordinance prohibiting street racing _____ 6 points	22045
(5) A violation of section 4510.037 of the Revised Code or	22046
any ordinance prohibiting the operation of a motor vehicle while	22047
the driver's or commercial driver's license is under a twelve-	22048
point suspension _____ 6 points	22049
(6) A violation of section 4510.14 of the Revised Code, or	22050
any ordinance prohibiting the operation of a motor vehicle upon	22051
the public roads or highways within this state while the	22052
driver's or commercial driver's license of the person is under	22053
suspension and the suspension was imposed under section 4511.19,	22054
4511.191, or 4511.196 of the Revised Code or section 4510.07 of	22055
the Revised Code due to a conviction for a violation of a	22056
municipal OVI ordinance or any ordinance prohibiting the	22057
operation of a motor vehicle while the driver's or commercial	22058
driver's license is under suspension for an OVI offense	22059
_____ 6 points	22060

- (7) A violation of division (A) of section 4511.19 of the Revised Code, any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or any ordinance substantially equivalent to division (A) of section 4511.19 of the Revised Code prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine _____ 6 points 22061-22069
- (8) A violation of section 2913.03 of the Revised Code that does not involve an aircraft or motorboat or any ordinance prohibiting the operation of a vehicle without the consent of the owner _____ 6 points 22070-22073
- (9) Any offense under the motor vehicle laws of this state that is a felony, or any other felony in the commission of which a motor vehicle was used _____ 6 points 22074-22076
- (10) A violation of division (B) of section 4511.19 of the Revised Code or any ordinance substantially equivalent to that division prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine _____ 4 points 22077-22081
- (11) A violation of section 4511.20 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle in willful or wanton disregard of the safety of persons or property _____ 4 points 22082-22085
- (12) A violation of any law or ordinance pertaining to speed: 22086-22087
- (a) Notwithstanding divisions (C) (12) (b) and (c) of this section, when the speed exceeds the lawful speed limit by thirty 22088-22089

miles per hour or more _____ 4 points	22090
(b) When the speed exceeds the lawful speed limit of	22091
fifty-five miles per hour or more by more than ten miles per	22092
hour _____ 2 points	22093
(c) When the speed exceeds the lawful speed limit of less	22094
than fifty-five miles per hour by more than five miles per hour	22095
_____ 2 points	22096
(d) When the speed does not exceed the amounts set forth	22097
in divisions (C) (12) (a), (b), or (c) of this section _____	22098
0 points	22099
(13) <u>A violation of division (A) of section 4511.204 of</u>	22100
<u>the Revised Code or any substantially similar municipal</u>	22101
<u>ordinance:</u>	22102
<u>(a) For a first offense within any two-year period</u>	22103
<u>_____ 2 points</u>	22104
<u>(b) For a second offense within any two-year period</u>	22105
<u>_____ 3 points</u>	22106
<u>(c) For a third or subsequent offense within any two-year</u>	22107
<u>period _____ 4 points.</u>	22108
<u>(14) Operating a motor vehicle in violation of a</u>	22109
<u>restriction imposed by the registrar _____ 2 points</u>	22110
(14) <u>(15) A violation of section 4510.11, 4510.111,</u>	22111
<u>4510.16, or 4510.21 of the Revised Code or any ordinance</u>	22112
<u>prohibiting the operation of a motor vehicle while the driver's</u>	22113
<u>or commercial driver's license is under suspension _____ 2</u>	22114
<u>points</u>	22115
(15) <u>(16) With the exception of violations under section</u>	22116

4510.12 of the Revised Code where no points shall be assessed, 22117
all other moving violations reported under this section 22118
_____ 2 points 22119

(D) Upon receiving notification from the proper court, 22120
including a United States district court that has jurisdiction 22121
within this state, the bureau shall delete any points entered 22122
for a bond forfeiture if the driver is acquitted of the offense 22123
for which bond was posted. 22124

(E) If a person is convicted of or forfeits bail for two 22125
or more offenses arising out of the same facts and points are 22126
chargeable for each of the offenses, points shall be charged for 22127
only the conviction or bond forfeiture for which the greater 22128
number of points is chargeable, and, if the number of points 22129
chargeable for each offense is equal, only one offense shall be 22130
recorded, and points shall be charged only for that offense. 22131

Sec. 4510.04. It is an affirmative defense to any 22132
prosecution brought under section 4510.037, 4510.11, 4510.111, 22133
4510.14, 4510.16, or 4510.21 of the Revised Code or under any 22134
substantially equivalent municipal ordinance that the alleged 22135
offender drove under suspension, without a valid permit or 22136
driver's or commercial driver's license, or in violation of a 22137
restriction because of a substantial emergency, and because no 22138
other person was reasonably available to drive in response to 22139
the emergency. 22140

Sec. 4510.17. (A) The registrar of motor vehicles shall 22141
impose a class D suspension of the person's driver's license, 22142
commercial driver's license, temporary instruction permit, 22143
probationary license, or nonresident operating privilege for the 22144
period of time specified in division (B) (4) of section 4510.02 22145
of the Revised Code on any person who is a resident of this 22146

state and is convicted of or pleads guilty to a violation of a 22147
statute of any other state or any federal statute that is 22148
substantially similar to section 2925.02, 2925.03, 2925.04, 22149
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 22150
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 22151
2925.37 of the Revised Code. Upon receipt of a report from a 22152
court, court clerk, or other official of any other state or from 22153
any federal authority that a resident of this state was 22154
convicted of or pleaded guilty to an offense described in this 22155
division, the registrar shall send a notice by regular first 22156
class mail to the person, at the person's last known address as 22157
shown in the records of the bureau of motor vehicles, informing 22158
the person of the suspension, that the suspension will take 22159
effect twenty-one days from the date of the notice, and that, if 22160
the person wishes to appeal the suspension or denial, the person 22161
must file a notice of appeal within twenty-one days of the date 22162
of the notice requesting a hearing on the matter. If the person 22163
requests a hearing, the registrar shall hold the hearing not 22164
more than forty days after receipt by the registrar of the 22165
notice of appeal. The filing of a notice of appeal does not stay 22166
the operation of the suspension that must be imposed pursuant to 22167
this division. The scope of the hearing shall be limited to 22168
whether the person actually was convicted of or pleaded guilty 22169
to the offense for which the suspension is to be imposed. 22170

The suspension the registrar is required to impose under 22171
this division shall end either on the last day of the class D 22172
suspension period or of the suspension of the person's 22173
nonresident operating privilege imposed by the state or federal 22174
court, whichever is earlier. 22175

The registrar shall subscribe to or otherwise participate 22176
in any information system or register, or enter into reciprocal 22177

and mutual agreements with other states and federal authorities, 22178
in order to facilitate the exchange of information with other 22179
states and the United States government regarding persons who 22180
plead guilty to or are convicted of offenses described in this 22181
division and therefore are subject to the suspension or denial 22182
described in this division. 22183

(B) The registrar shall impose a class D suspension of the 22184
person's driver's license, commercial driver's license, 22185
temporary instruction permit, probationary license, or 22186
nonresident operating privilege for the period of time specified 22187
in division (B) (4) of section 4510.02 of the Revised Code on any 22188
person who is a resident of this state and is convicted of or 22189
pleads guilty to a violation of a statute of any other state or 22190
a municipal ordinance of a municipal corporation located in any 22191
other state that is substantially similar to section 4511.19 of 22192
the Revised Code. Upon receipt of a report from another state 22193
made pursuant to section 4510.61 of the Revised Code indicating 22194
that a resident of this state was convicted of or pleaded guilty 22195
to an offense described in this division, the registrar shall 22196
send a notice by regular first class mail to the person, at the 22197
person's last known address as shown in the records of the 22198
bureau of motor vehicles, informing the person of the 22199
suspension, that the suspension or denial will take effect 22200
twenty-one days from the date of the notice, and that, if the 22201
person wishes to appeal the suspension, the person must file a 22202
notice of appeal within twenty-one days of the date of the 22203
notice requesting a hearing on the matter. If the person 22204
requests a hearing, the registrar shall hold the hearing not 22205
more than forty days after receipt by the registrar of the 22206
notice of appeal. The filing of a notice of appeal does not stay 22207
the operation of the suspension that must be imposed pursuant to 22208

this division. The scope of the hearing shall be limited to 22209
whether the person actually was convicted of or pleaded guilty 22210
to the offense for which the suspension is to be imposed. 22211

The suspension the registrar is required to impose under 22212
this division shall end either on the last day of the class D 22213
suspension period or of the suspension of the person's 22214
nonresident operating privilege imposed by the state or federal 22215
court, whichever is earlier. 22216

(C) The registrar shall impose a class D suspension of the 22217
child's driver's license, commercial driver's license, temporary 22218
instruction permit, or nonresident operating privilege for the 22219
period of time specified in division (B) (4) of section 4510.02 22220
of the Revised Code on any child who is a resident of this state 22221
and is convicted of or pleads guilty to a violation of a statute 22222
of any other state or any federal statute that is substantially 22223
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 22224
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 22225
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 22226
Code. Upon receipt of a report from a court, court clerk, or 22227
other official of any other state or from any federal authority 22228
that a child who is a resident of this state was convicted of or 22229
pleaded guilty to an offense described in this division, the 22230
registrar shall send a notice by regular first class mail to the 22231
child, at the child's last known address as shown in the records 22232
of the bureau of motor vehicles, informing the child of the 22233
suspension, that the suspension or denial will take effect 22234
twenty-one days from the date of the notice, and that, if the 22235
child wishes to appeal the suspension, the child must file a 22236
notice of appeal within twenty-one days of the date of the 22237
notice requesting a hearing on the matter. If the child requests 22238
a hearing, the registrar shall hold the hearing not more than 22239

forty days after receipt by the registrar of the notice of 22240
appeal. The filing of a notice of appeal does not stay the 22241
operation of the suspension that must be imposed pursuant to 22242
this division. The scope of the hearing shall be limited to 22243
whether the child actually was convicted of or pleaded guilty to 22244
the offense for which the suspension is to be imposed. 22245

The suspension the registrar is required to impose under 22246
this division shall end either on the last day of the class D 22247
suspension period or of the suspension of the child's 22248
nonresident operating privilege imposed by the state or federal 22249
court, whichever is earlier. If the child is a resident of this 22250
state who is sixteen years of age or older and does not have a 22251
current, valid Ohio driver's or commercial driver's license or 22252
permit, the notice shall inform the child that the child will be 22253
denied issuance of a driver's or commercial driver's license or 22254
permit for six months beginning on the date of the notice. If 22255
the child has not attained the age of sixteen years on the date 22256
of the notice, the notice shall inform the child that the period 22257
of denial of six months shall commence on the date the child 22258
attains the age of sixteen years. 22259

The registrar shall subscribe to or otherwise participate 22260
in any information system or register, or enter into reciprocal 22261
and mutual agreements with other states and federal authorities, 22262
in order to facilitate the exchange of information with other 22263
states and the United States government regarding children who 22264
are residents of this state and plead guilty to or are convicted 22265
of offenses described in this division and therefore are subject 22266
to the suspension or denial described in this division. 22267

(D) The registrar shall impose a class D suspension of the 22268
child's driver's license, commercial driver's license, temporary 22269

instruction permit, probationary license, or nonresident 22270
operating privilege for the period of time specified in division 22271
(B) (4) of section 4510.02 of the Revised Code on any child who 22272
is a resident of this state and is convicted of or pleads guilty 22273
to a violation of a statute of any other state or a municipal 22274
ordinance of a municipal corporation located in any other state 22275
that is substantially similar to section 4511.19 of the Revised 22276
Code. Upon receipt of a report from another state made pursuant 22277
to section 4510.61 of the Revised Code indicating that a child 22278
who is a resident of this state was convicted of or pleaded 22279
guilty to an offense described in this division, the registrar 22280
shall send a notice by regular first class mail to the child, at 22281
the child's last known address as shown in the records of the 22282
bureau of motor vehicles, informing the child of the suspension, 22283
that the suspension will take effect twenty-one days from the 22284
date of the notice, and that, if the child wishes to appeal the 22285
suspension, the child must file a notice of appeal within 22286
twenty-one days of the date of the notice requesting a hearing 22287
on the matter. If the child requests a hearing, the registrar 22288
shall hold the hearing not more than forty days after receipt by 22289
the registrar of the notice of appeal. The filing of a notice of 22290
appeal does not stay the operation of the suspension that must 22291
be imposed pursuant to this division. The scope of the hearing 22292
shall be limited to whether the child actually was convicted of 22293
or pleaded guilty to the offense for which the suspension is to 22294
be imposed. 22295

The suspension the registrar is required to impose under 22296
this division shall end either on the last day of the class D 22297
suspension period or of the suspension of the child's 22298
nonresident operating privilege imposed by the state or federal 22299
court, whichever is earlier. If the child is a resident of this 22300

state who is sixteen years of age or older and does not have a 22301
current, valid Ohio driver's or commercial driver's license or 22302
permit, the notice shall inform the child that the child will be 22303
denied issuance of a driver's or commercial driver's license or 22304
permit for six months beginning on the date of the notice. If 22305
the child has not attained the age of sixteen years on the date 22306
of the notice, the notice shall inform the child that the period 22307
of denial of six months shall commence on the date the child 22308
attains the age of sixteen years. 22309

(E) (1) Any person whose license or permit has been 22310
suspended pursuant to this section may file a petition in the 22311
municipal or county court, or in case the person is under 22312
eighteen years of age, the juvenile court, in whose jurisdiction 22313
the person resides, requesting limited driving privileges and 22314
agreeing to pay the cost of the proceedings. Except as provided 22315
in division (E) (2) or (3) of this section, the judge may grant 22316
the person limited driving privileges during the period during 22317
which the suspension otherwise would be imposed for any of the 22318
purposes set forth in division (A) of section 4510.021 of the 22319
Revised Code. 22320

(2) No judge shall grant limited driving privileges for 22321
employment as a driver of a commercial motor vehicle to any 22322
person who would be disqualified from operating a commercial 22323
motor vehicle under section 4506.16 of the Revised Code if the 22324
violation had occurred in this state. Further, no judge shall 22325
grant limited driving privileges during any of the following 22326
periods of time: 22327

(a) The first fifteen days of a suspension under division 22328
(B) or (D) of this section, if the person has not been convicted 22329
within ten years of the date of the offense giving rise to the 22330

suspension under this section of a violation of any of the 22331
following: 22332

(i) ~~Section~~ Division (A) of section 4511.19 of the Revised 22333
Code, or a municipal ordinance relating to operating a vehicle 22334
while under the influence of alcohol, a drug of abuse, or 22335
alcohol and a drug of abuse; 22336

(ii) A municipal ordinance relating to operating a motor 22337
vehicle with a prohibited concentration of alcohol, a controlled 22338
substance, or a metabolite of a controlled substance in the 22339
whole blood, blood serum or plasma, breath, or urine; 22340

(iii) Section 2903.04 of the Revised Code in a case in 22341
which the person was subject to the sanctions described in 22342
division (D) of that section; 22343

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 22344
of section 2903.08 of the Revised Code or a municipal ordinance 22345
that is substantially similar to either of those divisions; 22346

(v) Division (A) (2), (3), or (4) of section 2903.06, 22347
division (A) (2) of section 2903.08, or as it existed prior to 22348
March 23, 2000, section 2903.07 of the Revised Code, or a 22349
municipal ordinance that is substantially similar to any of 22350
those divisions or that former section, in a case in which the 22351
jury or judge found that the person was under the influence of 22352
alcohol, a drug of abuse, or alcohol and a drug of abuse. 22353

(b) The first thirty days of a suspension under division 22354
(B) or (D) of this section, if the person has been convicted one 22355
time within ten years of the date of the offense giving rise to 22356
the suspension under this section of any violation identified in 22357
division (E) (1) (a) of this section. 22358

(c) The first one hundred eighty days of a suspension 22359

under division (B) or (D) of this section, if the person has 22360
been convicted two times within ten years of the date of the 22361
offense giving rise to the suspension under this section of any 22362
violation identified in division (E) (1) (a) of this section. 22363

(3) No limited driving privileges may be granted if the 22364
person has been convicted three or more times within five years 22365
of the date of the offense giving rise to a suspension under 22366
division (B) or (D) of this section of any violation identified 22367
in division (E) (1) (a) of this section. 22368

(4) In accordance with section 4510.022 of the Revised 22369
Code, a person may petition for, and a judge may grant, 22370
unlimited driving privileges with a certified ignition interlock 22371
device during the period of suspension imposed under division 22372
(B) or (D) of this section to a person described in division (E) 22373
(2) (a) of this section. 22374

(5) If a person petitions for limited driving privileges 22375
under division (E) (1) of this section or unlimited driving 22376
privileges with a certified ignition interlock device as 22377
provided in division (E) (4) of this section, the registrar shall 22378
be represented by the county prosecutor of the county in which 22379
the person resides if the petition is filed in a juvenile court 22380
or county court, except that if the person resides within a city 22381
or village that is located within the jurisdiction of the county 22382
in which the petition is filed, the city director of law or 22383
village solicitor of that city or village shall represent the 22384
registrar. If the petition is filed in a municipal court, the 22385
registrar shall be represented as provided in section 1901.34 of 22386
the Revised Code. 22387

(6) (a) In issuing an order granting limited driving 22388
privileges under division (E) (1) of this section, the court may 22389

impose any condition it considers reasonable and necessary to 22390
limit the use of a vehicle by the person. The court shall 22391
deliver to the person a copy of the order setting forth the 22392
time, place, and other conditions limiting the person's use of a 22393
motor vehicle. Unless division (E) (6) (b) of this section 22394
applies, the grant of limited driving privileges shall be 22395
conditioned upon the person's having the order in the person's 22396
possession at all times during which the person is operating a 22397
vehicle. 22398

(b) If, under the order, the court requires the use of an 22399
immobilizing or disabling device as a condition of the grant of 22400
limited or unlimited driving privileges, the person shall 22401
present to the registrar or to a deputy registrar the copy of 22402
the order granting limited driving privileges and a certificate 22403
affirming the installation of an immobilizing or disabling 22404
device that is in a form established by the director of public 22405
safety and is signed by the person who installed the device. 22406
Upon presentation of the order and the certificate to the 22407
registrar or a deputy registrar, the registrar or deputy 22408
registrar shall issue to the offender a restricted license, 22409
unless the offender's driver's or commercial driver's license or 22410
permit is suspended under any other provision of law and limited 22411
driving privileges have not been granted with regard to that 22412
suspension. A restricted license issued under this division 22413
shall be identical to an Ohio driver's license, except that it 22414
shall have printed on its face a statement that the offender is 22415
prohibited from operating any motor vehicle that is not equipped 22416
with an immobilizing or disabling device in violation of the 22417
order. 22418

(7) (a) Unless division (E) (7) (b) applies, a person granted 22419
limited driving privileges who operates a vehicle for other than 22420

limited purposes, in violation of any condition imposed by the 22421
court or without having the order in the person's possession, is 22422
guilty of a violation of section 4510.11 of the Revised Code. 22423

(b) No person who has been granted limited or unlimited 22424
driving privileges under division (E) of this section subject to 22425
an immobilizing or disabling device order shall operate a motor 22426
vehicle prior to obtaining a restricted license. Any person who 22427
violates this prohibition is subject to the penalties prescribed 22428
in section 4510.14 of the Revised Code. 22429

(c) The offenses established under division (E) (7) of this 22430
section are strict liability offenses and section 2901.20 of the 22431
Revised Code does not apply. 22432

(F) The provisions of division (A) (8) of section 4510.13 22433
of the Revised Code apply to a person who has been granted 22434
limited or unlimited driving privileges with a certified 22435
ignition interlock device under this section and who either 22436
commits an ignition interlock device violation as defined under 22437
section 4510.46 of the Revised Code or operates a motor vehicle 22438
that is not equipped with a certified ignition interlock device. 22439

(G) Any person whose license or permit has been suspended 22440
under division (A) or (C) of this section may file a petition in 22441
the municipal or county court, or in case the person is under 22442
eighteen years of age, the juvenile court, in whose jurisdiction 22443
the person resides, requesting the termination of the suspension 22444
and agreeing to pay the cost of the proceedings. If the court, 22445
in its discretion, determines that a termination of the 22446
suspension is appropriate, the court shall issue an order to the 22447
registrar to terminate the suspension. Upon receiving such an 22448
order, the registrar shall reinstate the license. 22449

(H) As used in divisions (C) and (D) of this section: 22450

(1) "Child" means a person who is under the age of 22451
eighteen years, except that any person who violates a statute or 22452
ordinance described in division (C) or (D) of this section prior 22453
to attaining eighteen years of age shall be deemed a "child" 22454
irrespective of the person's age at the time the complaint or 22455
other equivalent document is filed in the other state or a 22456
hearing, trial, or other proceeding is held in the other state 22457
on the complaint or other equivalent document, and irrespective 22458
of the person's age when the period of license suspension or 22459
denial prescribed in division (C) or (D) of this section is 22460
imposed. 22461

(2) "Is convicted of or pleads guilty to" means, as it 22462
relates to a child who is a resident of this state, that in a 22463
proceeding conducted in a state or federal court located in 22464
another state for a violation of a statute or ordinance 22465
described in division (C) or (D) of this section, the result of 22466
the proceeding is any of the following: 22467

(a) Under the laws that govern the proceedings of the 22468
court, the child is adjudicated to be or admits to being a 22469
delinquent child or a juvenile traffic offender for a violation 22470
described in division (C) or (D) of this section that would be a 22471
crime if committed by an adult; 22472

(b) Under the laws that govern the proceedings of the 22473
court, the child is convicted of or pleads guilty to a violation 22474
described in division (C) or (D) of this section; 22475

(c) Under the laws that govern the proceedings of the 22476
court, irrespective of the terminology utilized in those laws, 22477
the result of the court's proceedings is the functional 22478

equivalent of division (H) (2) (a) or (b) of this section. 22479

Sec. 4511.043. (A) (1) No law enforcement officer who stops 22480
the operator of a motor vehicle in the course of an authorized 22481
sobriety or other motor vehicle checkpoint operation or a motor 22482
vehicle safety inspection shall issue a ticket, citation, or 22483
summons for a secondary traffic offense unless in the course of 22484
the checkpoint operation or safety inspection the officer first 22485
determines that an offense other than a secondary traffic 22486
offense has occurred and either places the operator or a vehicle 22487
occupant under arrest or issues a ticket, citation, or summons 22488
to the operator or a vehicle occupant for an offense other than 22489
a secondary offense. 22490

(2) A law enforcement agency that operates a motor vehicle 22491
checkpoint for an express purpose related to a secondary traffic 22492
offense shall not issue a ticket, citation, or summons for any 22493
secondary traffic offense at such a checkpoint, but may use such 22494
a checkpoint operation to conduct a public awareness campaign 22495
and distribute information. 22496

(B) As used in this section, "secondary traffic offense" 22497
means a violation of division (A) or (F) (2) of section 4507.05, 22498
division (B) (1) (a) or (b) or (E) of section 4507.071, ~~division~~ 22499
~~(A) of section 4511.204,~~ division (C) or (D) of section 4511.81, 22500
division (A) (3) of section 4513.03, or division (B) of section 22501
4513.263 of the Revised Code. 22502

Sec. 4511.122. (A) The department of transportation shall 22503
include a sign, in the department's manual for a uniform system 22504
of traffic control devices adopted under section 4511.09 of the 22505
Revised Code, regarding the prohibition against using an 22506
electronic wireless communications device while driving, as 22507
established under section 4511.204 of the Revised Code. 22508

<u>(B) The director of transportation shall erect the signs</u>	22509
<u>established by this section in the following locations:</u>	22510
<u>(1) Where an interstate or United States route enters</u>	22511
<u>Ohio;</u>	22512
<u>(2) Where a road, originating from a commercial service</u>	22513
<u>airport, exits the airport's property.</u>	22514
Sec. 4511.181. As used in sections 4511.181 to 4511.198 of	22515
the Revised Code:	22516
(A) "Equivalent offense" means any of the following:	22517
(1) A violation of division (A) or (B) of section 4511.19	22518
of the Revised Code;	22519
(2) A violation of a municipal OVI ordinance;	22520
(3) A violation of section 2903.04 of the Revised Code in	22521
a case in which the offender was subject to the sanctions	22522
described in division (D) of that section;	22523
(4) A violation of division (A) (1) of section 2903.06 or	22524
2903.08 of the Revised Code or a municipal ordinance that is	22525
substantially equivalent to either of those divisions;	22526
(5) A violation of division (A) (2), (3), or (4) of section	22527
2903.06, division (A) (2) of section 2903.08, or former section	22528
2903.07 of the Revised Code, or a municipal ordinance that is	22529
substantially equivalent to any of those divisions or that	22530
former section, in a case in which a judge or jury as the trier	22531
of fact found that the offender was under the influence of	22532
alcohol, a drug of abuse, or a combination of them;	22533
(6) A violation of division (A) or (B) of section 1547.11	22534
of the Revised Code;	22535

(7) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(8) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) ~~or (B)~~ of section 4511.19 or division (A) ~~or (B)~~ of section 1547.11 of the Revised Code;

(9) A violation of a former law of this state that was substantially equivalent to division (A) ~~or (B)~~ of section 4511.19 or division (A) ~~or (B)~~ of section 1547.11 of the Revised Code.

(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under division (G)(1)(a), (b), or (c) of section 4511.19 of the Revised Code upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:

(1) Except as specifically authorized under section 4511.19 of the Revised Code, the term must be served in a jail.

(2) Except as specifically authorized under section

4511.19 of the Revised Code, the term cannot be suspended, 22565
reduced, or otherwise modified pursuant to sections 2929.21 to 22566
2929.28 or any other provision of the Revised Code. 22567

(C) "Municipal OVI ordinance" and "municipal OVI offense" 22568
mean any municipal ordinance prohibiting a person from operating 22569
a vehicle while under the influence of alcohol, a drug of abuse, 22570
or a combination of them or prohibiting a person from operating 22571
a vehicle with a prohibited concentration of alcohol, a 22572
controlled substance, or a metabolite of a controlled substance 22573
in the whole blood, blood serum or plasma, breath, or urine. 22574

(D) "Community residential sanction," "continuous alcohol 22575
monitoring," "jail," "mandatory prison term," "mandatory term of 22576
local incarceration," "sanction," and "prison term" have the 22577
same meanings as in section 2929.01 of the Revised Code. 22578

(E) "Drug of abuse" has the same meaning as in section 22579
4506.01 of the Revised Code. 22580

(F) "Equivalent offense that is vehicle-related" means an 22581
equivalent offense that is any of the following: 22582

(1) A violation described in division (A) (1), (2), (3), 22583
(4), or (5) of this section; 22584

(2) A violation of an existing or former municipal 22585
ordinance, law of another state, or law of the United States 22586
that is substantially equivalent to division (A) ~~or (B)~~ of 22587
section 4511.19 of the Revised Code; 22588

(3) A violation of a former law of this state that was 22589
substantially equivalent to division (A) ~~or (B)~~ of section 22590
4511.19 of the Revised Code. 22591

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 22592

streetcar, or trackless trolley within this state, if, at the 22593
time of the operation, any of the following apply: 22594

(a) The person is under the influence of alcohol, a drug 22595
of abuse, or a combination of them. 22596

(b) The person has a concentration of eight-hundredths of 22597
one per cent or more but less than seventeen-hundredths of one 22598
per cent by weight per unit volume of alcohol in the person's 22599
whole blood. 22600

(c) The person has a concentration of ninety-six- 22601
thousandths of one per cent or more but less than two hundred 22602
four-thousandths of one per cent by weight per unit volume of 22603
alcohol in the person's blood serum or plasma. 22604

(d) The person has a concentration of eight-hundredths of 22605
one gram or more but less than seventeen-hundredths of one gram 22606
by weight of alcohol per two hundred ten liters of the person's 22607
breath. 22608

(e) The person has a concentration of eleven-hundredths of 22609
one gram or more but less than two hundred thirty-eight- 22610
thousandths of one gram by weight of alcohol per one hundred 22611
milliliters of the person's urine. 22612

(f) The person has a concentration of seventeen-hundredths 22613
of one per cent or more by weight per unit volume of alcohol in 22614
the person's whole blood. 22615

(g) The person has a concentration of two hundred four- 22616
thousandths of one per cent or more by weight per unit volume of 22617
alcohol in the person's blood serum or plasma. 22618

(h) The person has a concentration of seventeen-hundredths 22619
of one gram or more by weight of alcohol per two hundred ten 22620

liters of the person's breath. 22621

(i) The person has a concentration of two hundred thirty- 22622
eight-thousandths of one gram or more by weight of alcohol per 22623
one hundred milliliters of the person's urine. 22624

(j) Except as provided in division (K) of this section, 22625
the person has a concentration of any of the following 22626
controlled substances or metabolites of a controlled substance 22627
in the person's whole blood, blood serum or plasma, or urine 22628
that equals or exceeds any of the following: 22629

(i) The person has a concentration of amphetamine in the 22630
person's urine of at least five hundred nanograms of amphetamine 22631
per milliliter of the person's urine or has a concentration of 22632
amphetamine in the person's whole blood or blood serum or plasma 22633
of at least one hundred nanograms of amphetamine per milliliter 22634
of the person's whole blood or blood serum or plasma. 22635

(ii) The person has a concentration of cocaine in the 22636
person's urine of at least one hundred fifty nanograms of 22637
cocaine per milliliter of the person's urine or has a 22638
concentration of cocaine in the person's whole blood or blood 22639
serum or plasma of at least fifty nanograms of cocaine per 22640
milliliter of the person's whole blood or blood serum or plasma. 22641

(iii) The person has a concentration of cocaine metabolite 22642
in the person's urine of at least one hundred fifty nanograms of 22643
cocaine metabolite per milliliter of the person's urine or has a 22644
concentration of cocaine metabolite in the person's whole blood 22645
or blood serum or plasma of at least fifty nanograms of cocaine 22646
metabolite per milliliter of the person's whole blood or blood 22647
serum or plasma. 22648

(iv) The person has a concentration of heroin in the 22649

person's urine of at least two thousand nanograms of heroin per 22650
milliliter of the person's urine or has a concentration of 22651
heroin in the person's whole blood or blood serum or plasma of 22652
at least fifty nanograms of heroin per milliliter of the 22653
person's whole blood or blood serum or plasma. 22654

(v) The person has a concentration of heroin metabolite 22655
(6-monoacetyl morphine) in the person's urine of at least ten 22656
nanograms of heroin metabolite (6-monoacetyl morphine) per 22657
milliliter of the person's urine or has a concentration of 22658
heroin metabolite (6-monoacetyl morphine) in the person's whole 22659
blood or blood serum or plasma of at least ten nanograms of 22660
heroin metabolite (6-monoacetyl morphine) per milliliter of the 22661
person's whole blood or blood serum or plasma. 22662

(vi) The person has a concentration of L.S.D. in the 22663
person's urine of at least twenty-five nanograms of L.S.D. per 22664
milliliter of the person's urine or a concentration of L.S.D. in 22665
the person's whole blood or blood serum or plasma of at least 22666
ten nanograms of L.S.D. per milliliter of the person's whole 22667
blood or blood serum or plasma. 22668

(vii) The person has a concentration of marihuana in the 22669
person's urine of at least ten nanograms of marihuana per 22670
milliliter of the person's urine or has a concentration of 22671
marihuana in the person's whole blood or blood serum or plasma 22672
of at least two nanograms of marihuana per milliliter of the 22673
person's whole blood or blood serum or plasma. 22674

(viii) Either of the following applies: 22675

(I) The person is under the influence of alcohol, a drug 22676
of abuse, or a combination of them, and the person has a 22677
concentration of marihuana metabolite in the person's urine of 22678

at least fifteen nanograms of marihuana metabolite per 22679
milliliter of the person's urine or has a concentration of 22680
marihuana metabolite in the person's whole blood or blood serum 22681
or plasma of at least five nanograms of marihuana metabolite per 22682
milliliter of the person's whole blood or blood serum or plasma. 22683

(II) The person has a concentration of marihuana 22684
metabolite in the person's urine of at least thirty-five 22685
nanograms of marihuana metabolite per milliliter of the person's 22686
urine or has a concentration of marihuana metabolite in the 22687
person's whole blood or blood serum or plasma of at least fifty 22688
nanograms of marihuana metabolite per milliliter of the person's 22689
whole blood or blood serum or plasma. 22690

(ix) The person has a concentration of methamphetamine in 22691
the person's urine of at least five hundred nanograms of 22692
methamphetamine per milliliter of the person's urine or has a 22693
concentration of methamphetamine in the person's whole blood or 22694
blood serum or plasma of at least one hundred nanograms of 22695
methamphetamine per milliliter of the person's whole blood or 22696
blood serum or plasma. 22697

(x) The person has a concentration of phencyclidine in the 22698
person's urine of at least twenty-five nanograms of 22699
phencyclidine per milliliter of the person's urine or has a 22700
concentration of phencyclidine in the person's whole blood or 22701
blood serum or plasma of at least ten nanograms of phencyclidine 22702
per milliliter of the person's whole blood or blood serum or 22703
plasma. 22704

(xi) The state board of pharmacy has adopted a rule 22705
pursuant to section 4729.041 of the Revised Code that specifies 22706
the amount of salvia divinorum and the amount of salvinorin A 22707
that constitute concentrations of salvia divinorum and 22708

salvinorin A in a person's urine, in a person's whole blood, or 22709
in a person's blood serum or plasma at or above which the person 22710
is impaired for purposes of operating any vehicle, streetcar, or 22711
trackless trolley within this state, the rule is in effect, and 22712
the person has a concentration of salvia divinorum or salvinorin 22713
A of at least that amount so specified by rule in the person's 22714
urine, in the person's whole blood, or in the person's blood 22715
serum or plasma. 22716

(2) No person who, within twenty years of the conduct 22717
described in division (A) (2) (a) of this section, previously has 22718
been convicted of or pleaded guilty to a violation of this 22719
division, a violation of division (A) (1) ~~or (B)~~ of this section, 22720
or any other equivalent offense shall do both of the following: 22721

(a) Operate any vehicle, streetcar, or trackless trolley 22722
within this state while under the influence of alcohol, a drug 22723
of abuse, or a combination of them; 22724

(b) Subsequent to being arrested for operating the 22725
vehicle, streetcar, or trackless trolley as described in 22726
division (A) (2) (a) of this section, being asked by a law 22727
enforcement officer to submit to a chemical test or tests under 22728
section 4511.191 of the Revised Code, and being advised by the 22729
officer in accordance with section 4511.192 of the Revised Code 22730
of the consequences of the person's refusal or submission to the 22731
test or tests, refuse to submit to the test or tests. 22732

(B) No person under twenty-one years of age shall operate 22733
any vehicle, streetcar, or trackless trolley within this state, 22734
if, at the time of the operation, any of the following apply: 22735

(1) The person has a concentration of at least two- 22736
hundredths of one per cent but less than eight-hundredths of one 22737

per cent by weight per unit volume of alcohol in the person's whole blood. 22738
22739

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma. 22740
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(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath. 22744
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(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine. 22748
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(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A) (1) (a) or (A) (2) and a violation of division (B) (1), (2), or (3) of this section, but the person may not be convicted of more than one violation of these divisions. 22752
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(D) (1) (a) In any criminal prosecution or juvenile court proceeding for a violation of division (A) (1) (a) of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in section 2317.02 of the Revised Code, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant. 22757
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(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this 22765
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section or for an equivalent offense that is vehicle-related, 22767
the court may admit evidence on the concentration of alcohol, 22768
drugs of abuse, controlled substances, metabolites of a 22769
controlled substance, or a combination of them in the 22770
defendant's whole blood, blood serum or plasma, breath, urine, 22771
or other bodily substance at the time of the alleged violation 22772
as shown by chemical analysis of the substance withdrawn within 22773
three hours of the time of the alleged violation. The three-hour 22774
time limit specified in this division regarding the admission of 22775
evidence does not extend or affect the two-hour time limit 22776
specified in division (A) of section 4511.192 of the Revised 22777
Code as the maximum period of time during which a person may 22778
consent to a chemical test or tests as described in that 22779
section. The court may admit evidence on the concentration of 22780
alcohol, drugs of abuse, or a combination of them as described 22781
in this division when a person submits to a blood, breath, 22782
urine, or other bodily substance test at the request of a law 22783
enforcement officer under section 4511.191 of the Revised Code 22784
or a blood or urine sample is obtained pursuant to a search 22785
warrant. Only a physician, a registered nurse, an emergency 22786
medical technician-intermediate, an emergency medical 22787
technician-paramedic, or a qualified technician, chemist, or 22788
phlebotomist shall withdraw a blood sample for the purpose of 22789
determining the alcohol, drug, controlled substance, metabolite 22790
of a controlled substance, or combination content of the whole 22791
blood, blood serum, or blood plasma. This limitation does not 22792
apply to the taking of breath or urine specimens. A person 22793
authorized to withdraw blood under this division may refuse to 22794
withdraw blood under this division, if in that person's opinion, 22795
the physical welfare of the person would be endangered by the 22796
withdrawing of blood. 22797

The bodily substance withdrawn under division (D) (1) (b) of 22798
this section shall be analyzed in accordance with methods 22799
approved by the director of health by an individual possessing a 22800
valid permit issued by the director pursuant to section 3701.143 22801
of the Revised Code. 22802

(c) As used in division (D) (1) (b) of this section, 22803
"emergency medical technician-intermediate" and "emergency 22804
medical technician-paramedic" have the same meanings as in 22805
section 4765.01 of the Revised Code. 22806

(2) In a criminal prosecution or juvenile court proceeding 22807
for a violation of division (A) of this section or for an 22808
equivalent offense that is vehicle-related, if there was at the 22809
time the bodily substance was withdrawn a concentration of less 22810
than the applicable concentration of alcohol specified in 22811
divisions (A) (1) (b), (c), (d), and (e) of this section or less 22812
than the applicable concentration of a listed controlled 22813
substance or a listed metabolite of a controlled substance 22814
specified for a violation of division (A) (1) (j) of this section, 22815
that fact may be considered with other competent evidence in 22816
determining the guilt or innocence of the defendant. This 22817
division does not limit or affect a criminal prosecution or 22818
juvenile court proceeding for a violation of division (B) of 22819
this section or for an equivalent offense that is substantially 22820
equivalent to that division. 22821

(3) Upon the request of the person who was tested, the 22822
results of the chemical test shall be made available to the 22823
person or the person's attorney, immediately upon the completion 22824
of the chemical test analysis. 22825

If the chemical test was obtained pursuant to division (D) 22826
(1) (b) of this section, the person tested may have a physician, 22827

a registered nurse, or a qualified technician, chemist, or 22828
phlebotomist of the person's own choosing administer a chemical 22829
test or tests, at the person's expense, in addition to any 22830
administered at the request of a law enforcement officer. If the 22831
person was under arrest as described in division (A) (5) of 22832
section 4511.191 of the Revised Code, the arresting officer 22833
shall advise the person at the time of the arrest that the 22834
person may have an independent chemical test taken at the 22835
person's own expense. If the person was under arrest other than 22836
described in division (A) (5) of section 4511.191 of the Revised 22837
Code, the form to be read to the person to be tested, as 22838
required under section 4511.192 of the Revised Code, shall state 22839
that the person may have an independent test performed at the 22840
person's expense. The failure or inability to obtain an 22841
additional chemical test by a person shall not preclude the 22842
admission of evidence relating to the chemical test or tests 22843
taken at the request of a law enforcement officer. 22844

(4) (a) As used in divisions (D) (4) (b) and (c) of this 22845
section, "national highway traffic safety administration" means 22846
the national highway traffic safety administration established 22847
as an administration of the United States department of 22848
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 22849

(b) In any criminal prosecution or juvenile court 22850
proceeding for a violation of division (A) or (B) of this 22851
section, of a municipal ordinance relating to operating a 22852
vehicle while under the influence of alcohol, a drug of abuse, 22853
or alcohol and a drug of abuse, or of a municipal ordinance 22854
relating to operating a vehicle with a prohibited concentration 22855
of alcohol, a controlled substance, or a metabolite of a 22856
controlled substance in the whole blood, blood serum or plasma, 22857
breath, or urine, if a law enforcement officer has administered 22858

a field sobriety test to the operator of the vehicle involved in 22859
the violation and if it is shown by clear and convincing 22860
evidence that the officer administered the test in substantial 22861
compliance with the testing standards for any reliable, 22862
credible, and generally accepted field sobriety tests that were 22863
in effect at the time the tests were administered, including, 22864
but not limited to, any testing standards then in effect that 22865
were set by the national highway traffic safety administration, 22866
all of the following apply: 22867

(i) The officer may testify concerning the results of the 22868
field sobriety test so administered. 22869

(ii) The prosecution may introduce the results of the 22870
field sobriety test so administered as evidence in any 22871
proceedings in the criminal prosecution or juvenile court 22872
proceeding. 22873

(iii) If testimony is presented or evidence is introduced 22874
under division (D) (4) (b) (i) or (ii) of this section and if the 22875
testimony or evidence is admissible under the Rules of Evidence, 22876
the court shall admit the testimony or evidence and the trier of 22877
fact shall give it whatever weight the trier of fact considers 22878
to be appropriate. 22879

(c) Division (D) (4) (b) of this section does not limit or 22880
preclude a court, in its determination of whether the arrest of 22881
a person was supported by probable cause or its determination of 22882
any other matter in a criminal prosecution or juvenile court 22883
proceeding of a type described in that division, from 22884
considering evidence or testimony that is not otherwise 22885
disallowed by division (D) (4) (b) of this section. 22886

(E) (1) Subject to division (E) (3) of this section, in any 22887

criminal prosecution or juvenile court proceeding for a 22888
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 22889
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 22890
an equivalent offense that is substantially equivalent to any of 22891
those divisions, a laboratory report from any laboratory 22892
personnel issued a permit by the department of health 22893
authorizing an analysis as described in this division that 22894
contains an analysis of the whole blood, blood serum or plasma, 22895
breath, urine, or other bodily substance tested and that 22896
contains all of the information specified in this division shall 22897
be admitted as prima-facie evidence of the information and 22898
statements that the report contains. The laboratory report shall 22899
contain all of the following: 22900

(a) The signature, under oath, of any person who performed 22901
the analysis; 22902

(b) Any findings as to the identity and quantity of 22903
alcohol, a drug of abuse, a controlled substance, a metabolite 22904
of a controlled substance, or a combination of them that was 22905
found; 22906

(c) A copy of a notarized statement by the laboratory 22907
director or a designee of the director that contains the name of 22908
each certified analyst or test performer involved with the 22909
report, the analyst's or test performer's employment 22910
relationship with the laboratory that issued the report, and a 22911
notation that performing an analysis of the type involved is 22912
part of the analyst's or test performer's regular duties; 22913

(d) An outline of the analyst's or test performer's 22914
education, training, and experience in performing the type of 22915
analysis involved and a certification that the laboratory 22916
satisfies appropriate quality control standards in general and, 22917

in this particular analysis, under rules of the department of 22918
health. 22919

(2) Notwithstanding any other provision of law regarding 22920
the admission of evidence, a report of the type described in 22921
division (E)(1) of this section is not admissible against the 22922
defendant to whom it pertains in any proceeding, other than a 22923
preliminary hearing or a grand jury proceeding, unless the 22924
prosecutor has served a copy of the report on the defendant's 22925
attorney or, if the defendant has no attorney, on the defendant. 22926

(3) A report of the type described in division (E)(1) of 22927
this section shall not be prima-facie evidence of the contents, 22928
identity, or amount of any substance if, within seven days after 22929
the defendant to whom the report pertains or the defendant's 22930
attorney receives a copy of the report, the defendant or the 22931
defendant's attorney demands the testimony of the person who 22932
signed the report. The judge in the case may extend the seven- 22933
day time limit in the interest of justice. 22934

(F) Except as otherwise provided in this division, any 22935
physician, registered nurse, emergency medical technician- 22936
intermediate, emergency medical technician-paramedic, or 22937
qualified technician, chemist, or phlebotomist who withdraws 22938
blood from a person pursuant to this section or section 4511.191 22939
or 4511.192 of the Revised Code, and any hospital, first-aid 22940
station, or clinic at which blood is withdrawn from a person 22941
pursuant to this section or section 4511.191 or 4511.192 of the 22942
Revised Code, is immune from criminal liability and civil 22943
liability based upon a claim of assault and battery or any other 22944
claim that is not a claim of malpractice, for any act performed 22945
in withdrawing blood from the person. The immunity provided in 22946
this division also extends to an emergency medical service 22947

organization that employs an emergency medical technician- 22948
intermediate or emergency medical technician-paramedic who 22949
withdraws blood under this section. The immunity provided in 22950
this division is not available to a person who withdraws blood 22951
if the person engages in willful or wanton misconduct. 22952

As used in this division, "emergency medical technician- 22953
intermediate" and "emergency medical technician-paramedic" have 22954
the same meanings as in section 4765.01 of the Revised Code. 22955

(G) (1) Whoever violates any provision of divisions (A) (1) 22956
(a) to (i) or (A) (2) of this section is guilty of operating a 22957
vehicle under the influence of alcohol, a drug of abuse, or a 22958
combination of them. Whoever violates division (A) (1) (j) of this 22959
section is guilty of operating a vehicle while under the 22960
influence of a listed controlled substance or a listed 22961
metabolite of a controlled substance. The court shall sentence 22962
the offender for either offense under Chapter 2929. of the 22963
Revised Code, except as otherwise authorized or required by 22964
divisions (G) (1) (a) to (e) of this section: 22965

(a) Except as otherwise provided in division (G) (1) (b), 22966
(c), (d), or (e) of this section, the offender is guilty of a 22967
misdemeanor of the first degree, and the court shall sentence 22968
the offender to all of the following: 22969

(i) If the sentence is being imposed for a violation of 22970
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 22971
a mandatory jail term of three consecutive days. As used in this 22972
division, three consecutive days means seventy-two consecutive 22973
hours. The court may sentence an offender to both an 22974
intervention program and a jail term. The court may impose a 22975
jail term in addition to the three-day mandatory jail term or 22976
intervention program. However, in no case shall the cumulative 22977

jail term imposed for the offense exceed six months. 22978

The court may suspend the execution of the three-day jail 22979
term under this division if the court, in lieu of that suspended 22980
term, places the offender under a community control sanction 22981
pursuant to section 2929.25 of the Revised Code and requires the 22982
offender to attend, for three consecutive days, a drivers' 22983
intervention program certified under section 5119.38 of the 22984
Revised Code. The court also may suspend the execution of any 22985
part of the three-day jail term under this division if it places 22986
the offender under a community control sanction pursuant to 22987
section 2929.25 of the Revised Code for part of the three days, 22988
requires the offender to attend for the suspended part of the 22989
term a drivers' intervention program so certified, and sentences 22990
the offender to a jail term equal to the remainder of the three 22991
consecutive days that the offender does not spend attending the 22992
program. The court may require the offender, as a condition of 22993
community control and in addition to the required attendance at 22994
a drivers' intervention program, to attend and satisfactorily 22995
complete any treatment or education programs that comply with 22996
the minimum standards adopted pursuant to Chapter 5119. of the 22997
Revised Code by the director of mental health and addiction 22998
services that the operators of the drivers' intervention program 22999
determine that the offender should attend and to report 23000
periodically to the court on the offender's progress in the 23001
programs. The court also may impose on the offender any other 23002
conditions of community control that it considers necessary. 23003

If the court grants unlimited driving privileges to a 23004
first-time offender under section 4510.022 of the Revised Code, 23005
all penalties imposed upon the offender by the court under 23006
division (G)(1)(a)(i) of this section for the offense apply, 23007
except that the court shall suspend any mandatory or additional 23008

jail term imposed by the court under division (G)(1)(a)(i) of 23009
this section upon granting unlimited driving privileges in 23010
accordance with section 4510.022 of the Revised Code. 23011

(ii) If the sentence is being imposed for a violation of 23012
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 23013
section, except as otherwise provided in this division, a 23014
mandatory jail term of at least three consecutive days and a 23015
requirement that the offender attend, for three consecutive 23016
days, a drivers' intervention program that is certified pursuant 23017
to section 5119.38 of the Revised Code. As used in this 23018
division, three consecutive days means seventy-two consecutive 23019
hours. If the court determines that the offender is not 23020
conducive to treatment in a drivers' intervention program, if 23021
the offender refuses to attend a drivers' intervention program, 23022
or if the jail at which the offender is to serve the jail term 23023
imposed can provide a driver's intervention program, the court 23024
shall sentence the offender to a mandatory jail term of at least 23025
six consecutive days. 23026

If the court grants unlimited driving privileges to a 23027
first-time offender under section 4510.022 of the Revised Code, 23028
all penalties imposed upon the offender by the court under 23029
division (G)(1)(a)(ii) of this section for the offense apply, 23030
except that the court shall suspend any mandatory or additional 23031
jail term imposed by the court under division (G)(1)(a)(ii) of 23032
this section upon granting unlimited driving privileges in 23033
accordance with section 4510.022 of the Revised Code. 23034

The court may require the offender, under a community 23035
control sanction imposed under section 2929.25 of the Revised 23036
Code, to attend and satisfactorily complete any treatment or 23037
education programs that comply with the minimum standards 23038

adopted pursuant to Chapter 5119. of the Revised Code by the 23039
director of mental health and addiction services, in addition to 23040
the required attendance at drivers' intervention program, that 23041
the operators of the drivers' intervention program determine 23042
that the offender should attend and to report periodically to 23043
the court on the offender's progress in the programs. The court 23044
also may impose any other conditions of community control on the 23045
offender that it considers necessary. 23046

(iii) In all cases, a fine of not less than three hundred 23047
seventy-five and not more than one thousand seventy-five 23048
dollars; 23049

(iv) In all cases, a suspension of the offender's driver's 23050
or commercial driver's license or permit or nonresident 23051
operating privilege for a definite period of one to three years. 23052
The court may grant limited driving privileges relative to the 23053
suspension under sections 4510.021 and 4510.13 of the Revised 23054
Code. The court may grant unlimited driving privileges with an 23055
ignition interlock device relative to the suspension and may 23056
reduce the period of suspension as authorized under section 23057
4510.022 of the Revised Code. 23058

(b) Except as otherwise provided in division (G) (1) (e) of 23059
this section, an offender who, within ten years of the offense, 23060
previously has been convicted of or pleaded guilty to one 23061
violation of division (A) ~~or (B)~~ of this section or one other 23062
equivalent offense is guilty of a misdemeanor of the first 23063
degree. The court shall sentence the offender to all of the 23064
following: 23065

(i) If the sentence is being imposed for a violation of 23066
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 23067
a mandatory jail term of ten consecutive days. The court shall 23068

impose the ten-day mandatory jail term under this division 23069
unless, subject to division (G)(3) of this section, it instead 23070
imposes a sentence under that division consisting of both a jail 23071
term and a term of house arrest with electronic monitoring, with 23072
continuous alcohol monitoring, or with both electronic 23073
monitoring and continuous alcohol monitoring. The court may 23074
impose a jail term in addition to the ten-day mandatory jail 23075
term. The cumulative jail term imposed for the offense shall not 23076
exceed six months. 23077

In addition to the jail term or the term of house arrest 23078
with electronic monitoring or continuous alcohol monitoring or 23079
both types of monitoring and jail term, the court shall require 23080
the offender to be assessed by a community addiction services 23081
provider that is authorized by section 5119.21 of the Revised 23082
Code, subject to division (I) of this section, and shall order 23083
the offender to follow the treatment recommendations of the 23084
services provider. The purpose of the assessment is to determine 23085
the degree of the offender's alcohol usage and to determine 23086
whether or not treatment is warranted. Upon the request of the 23087
court, the services provider shall submit the results of the 23088
assessment to the court, including all treatment recommendations 23089
and clinical diagnoses related to alcohol use. 23090

(ii) If the sentence is being imposed for a violation of 23091
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 23092
section, except as otherwise provided in this division, a 23093
mandatory jail term of twenty consecutive days. The court shall 23094
impose the twenty-day mandatory jail term under this division 23095
unless, subject to division (G)(3) of this section, it instead 23096
imposes a sentence under that division consisting of both a jail 23097
term and a term of house arrest with electronic monitoring, with 23098
continuous alcohol monitoring, or with both electronic 23099

monitoring and continuous alcohol monitoring. The court may 23100
impose a jail term in addition to the twenty-day mandatory jail 23101
term. The cumulative jail term imposed for the offense shall not 23102
exceed six months. 23103

In addition to the jail term or the term of house arrest 23104
with electronic monitoring or continuous alcohol monitoring or 23105
both types of monitoring and jail term, the court shall require 23106
the offender to be assessed by a community addiction service 23107
provider that is authorized by section 5119.21 of the Revised 23108
Code, subject to division (I) of this section, and shall order 23109
the offender to follow the treatment recommendations of the 23110
services provider. The purpose of the assessment is to determine 23111
the degree of the offender's alcohol usage and to determine 23112
whether or not treatment is warranted. Upon the request of the 23113
court, the services provider shall submit the results of the 23114
assessment to the court, including all treatment recommendations 23115
and clinical diagnoses related to alcohol use. 23116

(iii) In all cases, notwithstanding the fines set forth in 23117
Chapter 2929. of the Revised Code, a fine of not less than five 23118
hundred twenty-five and not more than one thousand six hundred 23119
twenty-five dollars; 23120

(iv) In all cases, a suspension of the offender's driver's 23121
license, commercial driver's license, temporary instruction 23122
permit, probationary license, or nonresident operating privilege 23123
for a definite period of one to seven years. The court may grant 23124
limited driving privileges relative to the suspension under 23125
sections 4510.021 and 4510.13 of the Revised Code. 23126

(v) In all cases, if the vehicle is registered in the 23127
offender's name, immobilization of the vehicle involved in the 23128
offense for ninety days in accordance with section 4503.233 of 23129

the Revised Code and impoundment of the license plates of that 23130
vehicle for ninety days. 23131

(c) Except as otherwise provided in division (G)(1)(e) of 23132
this section, an offender who, within ten years of the offense, 23133
previously has been convicted of or pleaded guilty to two 23134
violations of division (A) ~~or (B)~~ of this section or other 23135
equivalent offenses is guilty of a misdemeanor. The court shall 23136
sentence the offender to all of the following: 23137

(i) If the sentence is being imposed for a violation of 23138
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 23139
a mandatory jail term of thirty consecutive days. The court 23140
shall impose the thirty-day mandatory jail term under this 23141
division unless, subject to division (G)(3) of this section, it 23142
instead imposes a sentence under that division consisting of 23143
both a jail term and a term of house arrest with electronic 23144
monitoring, with continuous alcohol monitoring, or with both 23145
electronic monitoring and continuous alcohol monitoring. The 23146
court may impose a jail term in addition to the thirty-day 23147
mandatory jail term. Notwithstanding the jail terms set forth in 23148
sections 2929.21 to 2929.28 of the Revised Code, the additional 23149
jail term shall not exceed one year, and the cumulative jail 23150
term imposed for the offense shall not exceed one year. 23151

(ii) If the sentence is being imposed for a violation of 23152
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 23153
section, a mandatory jail term of sixty consecutive days. The 23154
court shall impose the sixty-day mandatory jail term under this 23155
division unless, subject to division (G)(3) of this section, it 23156
instead imposes a sentence under that division consisting of 23157
both a jail term and a term of house arrest with electronic 23158
monitoring, with continuous alcohol monitoring, or with both 23159

electronic monitoring and continuous alcohol monitoring. The 23160
court may impose a jail term in addition to the sixty-day 23161
mandatory jail term. Notwithstanding the jail terms set forth in 23162
sections 2929.21 to 2929.28 of the Revised Code, the additional 23163
jail term shall not exceed one year, and the cumulative jail 23164
term imposed for the offense shall not exceed one year. 23165

(iii) In all cases, notwithstanding the fines set forth in 23166
Chapter 2929. of the Revised Code, a fine of not less than eight 23167
hundred fifty and not more than two thousand seven hundred fifty 23168
dollars; 23169

(iv) In all cases, a suspension of the offender's driver's 23170
license, commercial driver's license, temporary instruction 23171
permit, probationary license, or nonresident operating privilege 23172
for a definite period of two to twelve years. The court may 23173
grant limited driving privileges relative to the suspension 23174
under sections 4510.021 and 4510.13 of the Revised Code. 23175

(v) In all cases, if the vehicle is registered in the 23176
offender's name, criminal forfeiture of the vehicle involved in 23177
the offense in accordance with section 4503.234 of the Revised 23178
Code. Division (G) (6) of this section applies regarding any 23179
vehicle that is subject to an order of criminal forfeiture under 23180
this division. 23181

(vi) In all cases, the court shall order the offender to 23182
participate with a community addiction services provider 23183
authorized by section 5119.21 of the Revised Code, subject to 23184
division (I) of this section, and shall order the offender to 23185
follow the treatment recommendations of the services provider. 23186
The operator of the services provider shall determine and assess 23187
the degree of the offender's alcohol dependency and shall make 23188
recommendations for treatment. Upon the request of the court, 23189

the services provider shall submit the results of the assessment 23190
to the court, including all treatment recommendations and 23191
clinical diagnoses related to alcohol use. 23192

(d) Except as otherwise provided in division (G)(1)(e) of 23193
this section, an offender who, within ten years of the offense, 23194
previously has been convicted of or pleaded guilty to three or 23195
four violations of division (A) ~~or (B)~~ of this section or other 23196
equivalent offenses ~~or,~~ an offender who, within twenty years of 23197
the offense, previously has been convicted of or pleaded guilty 23198
to five or more violations of that nature, or an offender who 23199
previously has been convicted of or pleaded guilty to a 23200
specification of the type described in section 2941.1413 of the 23201
Revised Code is guilty of a felony of the fourth degree. The 23202
court shall sentence the offender to all of the following: 23203

(i) If the sentence is being imposed for a violation of 23204
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 23205
a mandatory prison term of one, two, three, four, or five years 23206
as required by and in accordance with division (G)(2) of section 23207
2929.13 of the Revised Code if the offender also is convicted of 23208
or also pleads guilty to a specification of the type described 23209
in section 2941.1413 of the Revised Code or, in the discretion 23210
of the court, either a mandatory term of local incarceration of 23211
sixty consecutive days in accordance with division (G)(1) of 23212
section 2929.13 of the Revised Code or a mandatory prison term 23213
of sixty consecutive days in accordance with division (G)(2) of 23214
that section if the offender is not convicted of and does not 23215
plead guilty to a specification of that type. If the court 23216
imposes a mandatory term of local incarceration, it may impose a 23217
jail term in addition to the sixty-day mandatory term, the 23218
cumulative total of the mandatory term and the jail term for the 23219
offense shall not exceed one year, and, except as provided in 23220

division (A) (1) of section 2929.13 of the Revised Code, no 23221
prison term is authorized for the offense. If the court imposes 23222
a mandatory prison term, notwithstanding division (A) (4) of 23223
section 2929.14 of the Revised Code, it also may sentence the 23224
offender to a definite prison term that shall be not less than 23225
six months and not more than thirty months and the prison terms 23226
shall be imposed as described in division (G) (2) of section 23227
2929.13 of the Revised Code. If the court imposes a mandatory 23228
prison term or mandatory prison term and additional prison term, 23229
in addition to the term or terms so imposed, the court also may 23230
sentence the offender to a community control sanction for the 23231
offense, but the offender shall serve all of the prison terms so 23232
imposed prior to serving the community control sanction. 23233

(ii) If the sentence is being imposed for a violation of 23234
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 23235
section, a mandatory prison term of one, two, three, four, or 23236
five years as required by and in accordance with division (G) (2) 23237
of section 2929.13 of the Revised Code if the offender also is 23238
convicted of or also pleads guilty to a specification of the 23239
type described in section 2941.1413 of the Revised Code or, in 23240
the discretion of the court, either a mandatory term of local 23241
incarceration of one hundred twenty consecutive days in 23242
accordance with division (G) (1) of section 2929.13 of the 23243
Revised Code or a mandatory prison term of one hundred twenty 23244
consecutive days in accordance with division (G) (2) of that 23245
section if the offender is not convicted of and does not plead 23246
guilty to a specification of that type. If the court imposes a 23247
mandatory term of local incarceration, it may impose a jail term 23248
in addition to the one hundred twenty-day mandatory term, the 23249
cumulative total of the mandatory term and the jail term for the 23250
offense shall not exceed one year, and, except as provided in 23251

division (A) (1) of section 2929.13 of the Revised Code, no 23252
prison term is authorized for the offense. If the court imposes 23253
a mandatory prison term, notwithstanding division (A) (4) of 23254
section 2929.14 of the Revised Code, it also may sentence the 23255
offender to a definite prison term that shall be not less than 23256
six months and not more than thirty months and the prison terms 23257
shall be imposed as described in division (G) (2) of section 23258
2929.13 of the Revised Code. If the court imposes a mandatory 23259
prison term or mandatory prison term and additional prison term, 23260
in addition to the term or terms so imposed, the court also may 23261
sentence the offender to a community control sanction for the 23262
offense, but the offender shall serve all of the prison terms so 23263
imposed prior to serving the community control sanction. 23264

(iii) In all cases, notwithstanding section 2929.18 of the 23265
Revised Code, a fine of not less than one thousand three hundred 23266
fifty nor more than ten thousand five hundred dollars; 23267

(iv) In all cases, a class two license suspension of the 23268
offender's driver's license, commercial driver's license, 23269
temporary instruction permit, probationary license, or 23270
nonresident operating privilege from the range specified in 23271
division (A) (2) of section 4510.02 of the Revised Code. The 23272
court may grant limited driving privileges relative to the 23273
suspension under sections 4510.021 and 4510.13 of the Revised 23274
Code. 23275

(v) In all cases, if the vehicle is registered in the 23276
offender's name, criminal forfeiture of the vehicle involved in 23277
the offense in accordance with section 4503.234 of the Revised 23278
Code. Division (G) (6) of this section applies regarding any 23279
vehicle that is subject to an order of criminal forfeiture under 23280
this division. 23281

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(vii) In all cases, if the court sentences the offender to a mandatory term of local incarceration, in addition to the mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender has served the mandatory term of local incarceration.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree. The court shall sentence the offender to all of the following:

(i) If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison

term of sixty consecutive days in accordance with division (G) 23312
(2) of section 2929.13 of the Revised Code if the offender is 23313
not convicted of and does not plead guilty to a specification of 23314
that type. The court may impose a prison term in addition to the 23315
mandatory prison term. The cumulative total of a sixty-day 23316
mandatory prison term and the additional prison term for the 23317
offense shall not exceed five years. In addition to the 23318
mandatory prison term or mandatory prison term and additional 23319
prison term the court imposes, the court also may sentence the 23320
offender to a community control sanction for the offense, but 23321
the offender shall serve all of the prison terms so imposed 23322
prior to serving the community control sanction. 23323

(ii) If the sentence is being imposed for a violation of 23324
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 23325
section, a mandatory prison term of one, two, three, four, or 23326
five years as required by and in accordance with division (G)(2) 23327
of section 2929.13 of the Revised Code if the offender also is 23328
convicted of or also pleads guilty to a specification of the 23329
type described in section 2941.1413 of the Revised Code or a 23330
mandatory prison term of one hundred twenty consecutive days in 23331
accordance with division (G)(2) of section 2929.13 of the 23332
Revised Code if the offender is not convicted of and does not 23333
plead guilty to a specification of that type. The court may 23334
impose a prison term in addition to the mandatory prison term. 23335
The cumulative total of a one hundred twenty-day mandatory 23336
prison term and the additional prison term for the offense shall 23337
not exceed five years. In addition to the mandatory prison term 23338
or mandatory prison term and additional prison term the court 23339
imposes, the court also may sentence the offender to a community 23340
control sanction for the offense, but the offender shall serve 23341
all of the prison terms so imposed prior to serving the 23342

community control sanction. 23343

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars; 23344
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(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. 23347
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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 vehicle that is subject to an order of criminal forfeiture under this division. 23355
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(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use. 23361
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(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F) (2) of section 4511.191 of the Revised Code.

(3) If an offender is sentenced to a jail term under division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten consecutive days required by division (G) (1) (b) (i) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of twenty 23403
consecutive days required by division (G) (1) (b) (ii) of this 23404
section, the court, under this division, may sentence the 23405
offender to ten consecutive days in jail and not less than 23406
thirty-six consecutive days of house arrest with electronic 23407
monitoring, with continuous alcohol monitoring, or with both 23408
electronic monitoring and continuous alcohol monitoring. The 23409
cumulative total of the ten consecutive days in jail and the 23410
period of house arrest with electronic monitoring, continuous 23411
alcohol monitoring, or both types of monitoring shall not exceed 23412
six months. The ten consecutive days in jail do not have to be 23413
served prior to or consecutively to the period of house arrest. 23414

As an alternative to a mandatory jail term of thirty 23415
consecutive days required by division (G) (1) (c) (i) of this 23416
section, the court, under this division, may sentence the 23417
offender to fifteen consecutive days in jail and not less than 23418
fifty-five consecutive days of house arrest with electronic 23419
monitoring, with continuous alcohol monitoring, or with both 23420
electronic monitoring and continuous alcohol monitoring. The 23421
cumulative total of the fifteen consecutive days in jail and the 23422
period of house arrest with electronic monitoring, continuous 23423
alcohol monitoring, or both types of monitoring shall not exceed 23424
one year. The fifteen consecutive days in jail do not have to be 23425
served prior to or consecutively to the period of house arrest. 23426

As an alternative to the mandatory jail term of sixty 23427
consecutive days required by division (G) (1) (c) (ii) of this 23428
section, the court, under this division, may sentence the 23429
offender to thirty consecutive days in jail and not less than 23430
one hundred ten consecutive days of house arrest with electronic 23431
monitoring, with continuous alcohol monitoring, or with both 23432
electronic monitoring and continuous alcohol monitoring. The 23433

cumulative total of the thirty consecutive days in jail and the 23434
period of house arrest with electronic monitoring, continuous 23435
alcohol monitoring, or both types of monitoring shall not exceed 23436
one year. The thirty consecutive days in jail do not have to be 23437
served prior to or consecutively to the period of house arrest. 23438

(4) If an offender's driver's or occupational driver's 23439
license or permit or nonresident operating privilege is 23440
suspended under division (G) of this section and if section 23441
4510.13 of the Revised Code permits the court to grant limited 23442
driving privileges, the court may grant the limited driving 23443
privileges in accordance with that section. If division (A) (7) 23444
of that section requires that the court impose as a condition of 23445
the privileges that the offender must display on the vehicle 23446
that is driven subject to the privileges restricted license 23447
plates that are issued under section 4503.231 of the Revised 23448
Code, except as provided in division (B) of that section, the 23449
court shall impose that condition as one of the conditions of 23450
the limited driving privileges granted to the offender, except 23451
as provided in division (B) of section 4503.231 of the Revised 23452
Code. 23453

(5) Fines imposed under this section for a violation of 23454
division (A) of this section shall be distributed as follows: 23455

(a) Twenty-five dollars of the fine imposed under division 23456
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 23457
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 23458
fine imposed under division (G) (1) (c) (iii), and two hundred ten 23459
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 23460
(iii) of this section shall be paid to an enforcement and 23461
education fund established by the legislative authority of the 23462
law enforcement agency in this state that primarily was 23463

responsible for the arrest of the offender, as determined by the 23464
court that imposes the fine. The agency shall use this share to 23465
pay only those costs it incurs in enforcing this section or a 23466
municipal OVI ordinance and in informing the public of the laws 23467
governing the operation of a vehicle while under the influence 23468
of alcohol, the dangers of the operation of a vehicle under the 23469
influence of alcohol, and other information relating to the 23470
operation of a vehicle under the influence of alcohol and the 23471
consumption of alcoholic beverages. 23472

(b) Fifty dollars of the fine imposed under division (G) 23473
(1)(a)(iii) of this section shall be paid to the political 23474
subdivision that pays the cost of housing the offender during 23475
the offender's term of incarceration. If the offender is being 23476
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 23477
(e), or (j) of this section and was confined as a result of the 23478
offense prior to being sentenced for the offense but is not 23479
sentenced to a term of incarceration, the fifty dollars shall be 23480
paid to the political subdivision that paid the cost of housing 23481
the offender during that period of confinement. The political 23482
subdivision shall use the share under this division to pay or 23483
reimburse incarceration or treatment costs it incurs in housing 23484
or providing drug and alcohol treatment to persons who violate 23485
this section or a municipal OVI ordinance, costs of any 23486
immobilizing or disabling device used on the offender's vehicle, 23487
and costs of electronic house arrest equipment needed for 23488
persons who violate this section. 23489

(c) Twenty-five dollars of the fine imposed under division 23490
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 23491
division (G)(1)(b)(iii) of this section shall be deposited into 23492
the county or municipal indigent drivers' alcohol treatment fund 23493
under the control of that court, as created by the county or 23494

municipal corporation under division (F) of section 4511.191 of 23495
the Revised Code. 23496

(d) One hundred fifteen dollars of the fine imposed under 23497
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 23498
the fine imposed under division (G) (1) (c) (iii), and four hundred 23499
forty dollars of the fine imposed under division (G) (1) (d) (iii) 23500
or (e) (iii) of this section shall be paid to the political 23501
subdivision that pays the cost of housing the offender during 23502
the offender's term of incarceration. The political subdivision 23503
shall use this share to pay or reimburse incarceration or 23504
treatment costs it incurs in housing or providing drug and 23505
alcohol treatment to persons who violate this section or a 23506
municipal OVI ordinance, costs for any immobilizing or disabling 23507
device used on the offender's vehicle, and costs of electronic 23508
house arrest equipment needed for persons who violate this 23509
section. 23510

(e) Fifty dollars of the fine imposed under divisions (G) 23511
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 23512
(G) (1) (e) (iii) of this section shall be deposited into the 23513
special projects fund of the court in which the offender was 23514
convicted and that is established under division (E) (1) of 23515
section 2303.201, division (B) (1) of section 1901.26, or 23516
division (B) (1) of section 1907.24 of the Revised Code, to be 23517
used exclusively to cover the cost of immobilizing or disabling 23518
devices, including certified ignition interlock devices, and 23519
remote alcohol monitoring devices for indigent offenders who are 23520
required by a judge to use either of these devices. If the court 23521
in which the offender was convicted does not have a special 23522
projects fund that is established under division (E) (1) of 23523
section 2303.201, division (B) (1) of section 1901.26, or 23524
division (B) (1) of section 1907.24 of the Revised Code, the 23525

fifty dollars shall be deposited into the indigent drivers 23526
interlock and alcohol monitoring fund under division (I) of 23527
section 4511.191 of the Revised Code. 23528

(f) Seventy-five dollars of the fine imposed under 23529
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 23530
fine imposed under division (G) (1) (b) (iii), two hundred fifty 23531
dollars of the fine imposed under division (G) (1) (c) (iii), and 23532
five hundred dollars of the fine imposed under division (G) (1) 23533
(d) (iii) or (e) (iii) of this section shall be transmitted to the 23534
treasurer of state for deposit into the indigent defense support 23535
fund established under section 120.08 of the Revised Code. 23536

(g) The balance of the fine imposed under division (G) (1) 23537
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 23538
section shall be disbursed as otherwise provided by law. 23539

(6) If title to a motor vehicle that is subject to an 23540
order of criminal forfeiture under division (G) (1) (c), (d), or 23541
(e) of this section is assigned or transferred and division (B) 23542
(2) or (3) of section 4503.234 of the Revised Code applies, in 23543
addition to or independent of any other penalty established by 23544
law, the court may fine the offender the value of the vehicle as 23545
determined by publications of the national automobile dealers 23546
association. The proceeds of any fine so imposed shall be 23547
distributed in accordance with division (C) (2) of that section. 23548

(7) In all cases in which an offender is sentenced under 23549
division (G) of this section, the offender shall provide the 23550
court with proof of financial responsibility as defined in 23551
section 4509.01 of the Revised Code. If the offender fails to 23552
provide that proof of financial responsibility, the court, in 23553
addition to any other penalties provided by law, may order 23554
restitution pursuant to section 2929.18 or 2929.28 of the 23555

Revised Code in an amount not exceeding five thousand dollars 23556
for any economic loss arising from an accident or collision that 23557
was the direct and proximate result of the offender's operation 23558
of the vehicle before, during, or after committing the offense 23559
for which the offender is sentenced under division (G) of this 23560
section. 23561

(8) A court may order an offender to reimburse a law 23562
enforcement agency for any costs incurred by the agency with 23563
respect to a chemical test or tests administered to the offender 23564
if all of the following apply: 23565

(a) The offender is convicted of or pleads guilty to a 23566
violation of division (A) of this section. 23567

(b) The test or tests were of the offender's whole blood, 23568
blood serum or plasma, or urine. 23569

(c) The test or tests indicated that the offender had a 23570
prohibited concentration of a controlled substance or a 23571
metabolite of a controlled substance in the offender's whole 23572
blood, blood serum or plasma, or urine at the time of the 23573
offense. 23574

(9) As used in division (G) of this section, "electronic 23575
monitoring," "mandatory prison term," and "mandatory term of 23576
local incarceration" have the same meanings as in section 23577
2929.01 of the Revised Code. 23578

(H) Whoever violates division (B) of this section is 23579
guilty of operating a vehicle after underage alcohol consumption 23580
and shall be punished as follows: 23581

(1) Except as otherwise provided in division (H) (2) of 23582
this section, the offender is guilty of a misdemeanor of the 23583
fourth degree. In addition to any other sanction imposed for the 23584

offense, the court shall impose a class six suspension of the 23585
offender's driver's license, commercial driver's license, 23586
temporary instruction permit, probationary license, or 23587
nonresident operating privilege from the range specified in 23588
division (A) (6) of section 4510.02 of the Revised Code. The 23589
court may grant limited driving privileges relative to the 23590
suspension under sections 4510.021 and 4510.13 of the Revised 23591
Code. The court may grant unlimited driving privileges with an 23592
ignition interlock device relative to the suspension and may 23593
reduce the period of suspension as authorized under section 23594
4510.022 of the Revised Code. If the court grants unlimited 23595
driving privileges under section 4510.022 of the Revised Code, 23596
the court shall suspend any jail term imposed under division (H) 23597
(1) of this section as required under that section. 23598

(2) If, within one year of the offense, the offender 23599
previously has been convicted of or pleaded guilty to one or 23600
more violations of division (A) ~~or (B)~~ of this section or other 23601
equivalent offenses, the offender is guilty of a misdemeanor of 23602
the third degree. In addition to any other sanction imposed for 23603
the offense, the court shall impose a class four suspension of 23604
the offender's driver's license, commercial driver's license, 23605
temporary instruction permit, probationary license, or 23606
nonresident operating privilege from the range specified in 23607
division (A) (4) of section 4510.02 of the Revised Code. The 23608
court may grant limited driving privileges relative to the 23609
suspension under sections 4510.021 and 4510.13 of the Revised 23610
Code. 23611

~~(3) If the offender also is convicted of or also pleads~~ 23612
~~guilty to a specification of the type described in section~~ 23613
~~2941.1416 of the Revised Code and if the court imposes a jail~~ 23614
~~term for the violation of division (B) of this section, the~~ 23615

~~court shall impose upon the offender an additional definite jail- 23616
term pursuant to division (E) of section 2929.24 of the Revised- 23617
Code. 23618~~

~~(4) The offender shall provide the court with proof of 23619
financial responsibility as defined in section 4509.01 of the 23620
Revised Code. If the offender fails to provide that proof of 23621
financial responsibility, then, in addition to any other 23622
penalties provided by law, the court may order restitution 23623
pursuant to section 2929.28 of the Revised Code in an amount not 23624
exceeding five thousand dollars for any economic loss arising 23625
from an accident or collision that was the direct and proximate 23626
result of the offender's operation of the vehicle before, 23627
during, or after committing the violation of division (B) of 23628
this section. 23629~~

(I) (1) No court shall sentence an offender to an alcohol 23630
treatment program under this section unless the treatment 23631
program complies with the minimum standards for alcohol 23632
treatment programs adopted under Chapter 5119. of the Revised 23633
Code by the director of mental health and addiction services. 23634

(2) An offender who stays in a drivers' intervention 23635
program or in an alcohol treatment program under an order issued 23636
under this section shall pay the cost of the stay in the 23637
program. However, if the court determines that an offender who 23638
stays in an alcohol treatment program under an order issued 23639
under this section is unable to pay the cost of the stay in the 23640
program, the court may order that the cost be paid from the 23641
court's indigent drivers' alcohol treatment fund. 23642

(J) If a person whose driver's or commercial driver's 23643
license or permit or nonresident operating privilege is 23644
suspended under this section files an appeal regarding any 23645

aspect of the person's trial or sentence, the appeal itself does 23646
not stay the operation of the suspension. 23647

(K) Division (A) (1) (j) of this section does not apply to a 23648
person who operates a vehicle, streetcar, or trackless trolley 23649
while the person has a concentration of a listed controlled 23650
substance or a listed metabolite of a controlled substance in 23651
the person's whole blood, blood serum or plasma, or urine that 23652
equals or exceeds the amount specified in that division, if both 23653
of the following apply: 23654

(1) The person obtained the controlled substance pursuant 23655
to a prescription issued by a licensed health professional 23656
authorized to prescribe drugs. 23657

(2) The person injected, ingested, or inhaled the 23658
controlled substance in accordance with the health 23659
professional's directions. 23660

(L) The prohibited concentrations of a controlled 23661
substance or a metabolite of a controlled substance listed in 23662
division (A) (1) (j) of this section also apply in a prosecution 23663
of a violation of division (D) of section 2923.16 of the Revised 23664
Code in the same manner as if the offender is being prosecuted 23665
for a prohibited concentration of alcohol. 23666

(M) All terms defined in section 4510.01 of the Revised 23667
Code apply to this section. If the meaning of a term defined in 23668
section 4510.01 of the Revised Code conflicts with the meaning 23669
of the same term as defined in section 4501.01 or 4511.01 of the 23670
Revised Code, the term as defined in section 4510.01 of the 23671
Revised Code applies to this section. 23672

(N) (1) The Ohio Traffic Rules in effect on January 1, 23673
2004, as adopted by the supreme court under authority of section 23674

2937.46 of the Revised Code, do not apply to felony violations 23675
of this section. Subject to division (N)(2) of this section, the 23676
Rules of Criminal Procedure apply to felony violations of this 23677
section. 23678

(2) If, on or after January 1, 2004, the supreme court 23679
modifies the Ohio Traffic Rules to provide procedures to govern 23680
felony violations of this section, the modified rules shall 23681
apply to felony violations of this section. 23682

Sec. 4511.191. (A) (1) As used in this section: 23683

(a) "Physical control" has the same meaning as in section 23684
4511.194 of the Revised Code. 23685

(b) "Alcohol monitoring device" means any device that 23686
provides for continuous alcohol monitoring, any ignition 23687
interlock device, any immobilizing or disabling device other 23688
than an ignition interlock device that is constantly available 23689
to monitor the concentration of alcohol in a person's system, or 23690
any other device that provides for the automatic testing and 23691
periodic reporting of alcohol consumption by a person and that a 23692
court orders a person to use as a sanction imposed as a result 23693
of the person's conviction of or plea of guilty to an offense. 23694

(c) "Community addiction services provider" has the same 23695
meaning as in section 5119.01 of the Revised Code. 23696

(2) Any person who operates a vehicle, streetcar, or 23697
trackless trolley upon a highway or any public or private 23698
property used by the public for vehicular travel or parking 23699
within this state or who is in physical control of a vehicle, 23700
streetcar, or trackless trolley shall be deemed to have given 23701
consent to a chemical test or tests of the person's whole blood, 23702
blood serum or plasma, breath, or urine to determine the 23703

alcohol, drug of abuse, controlled substance, metabolite of a 23704
controlled substance, or combination content of the person's 23705
whole blood, blood serum or plasma, breath, or urine if arrested 23706
for a violation of division (A) or (B) of section 4511.19 of the 23707
Revised Code, section 4511.194 of the Revised Code or a 23708
substantially equivalent municipal ordinance, or a municipal OVI 23709
ordinance. 23710

(3) The chemical test or tests under division (A) (2) of 23711
this section shall be administered at the request of a law 23712
enforcement officer having reasonable grounds to believe the 23713
person was operating or in physical control of a vehicle, 23714
streetcar, or trackless trolley in violation of a division, 23715
section, or ordinance identified in division (A) (2) of this 23716
section. The law enforcement agency by which the officer is 23717
employed shall designate which of the tests shall be 23718
administered. 23719

(4) Any person who is dead or unconscious, or who 23720
otherwise is in a condition rendering the person incapable of 23721
refusal, shall be deemed to have consented as provided in 23722
division (A) (2) of this section, and the test or tests may be 23723
administered, subject to sections 313.12 to 313.16 of the 23724
Revised Code. 23725

(5) (a) If a law enforcement officer arrests a person for a 23726
violation of division (A) or (B) of section 4511.19 of the 23727
Revised Code, section 4511.194 of the Revised Code or a 23728
substantially equivalent municipal ordinance, or a municipal OVI 23729
ordinance and if the person if convicted would be required to be 23730
sentenced under division (G) (1) (c), (d), or (e) of section 23731
4511.19 of the Revised Code, the law enforcement officer shall 23732
request the person to submit, and the person shall submit, to a 23733

chemical test or tests of the person's whole blood, blood serum 23734
or plasma, breath, or urine for the purpose of determining the 23735
alcohol, drug of abuse, controlled substance, metabolite of a 23736
controlled substance, or combination content of the person's 23737
whole blood, blood serum or plasma, breath, or urine. A law 23738
enforcement officer who makes a request pursuant to this 23739
division that a person submit to a chemical test or tests is not 23740
required to advise the person of the consequences of submitting 23741
to, or refusing to submit to, the test or tests and is not 23742
required to give the person the form described in division (B) 23743
of section 4511.192 of the Revised Code, but the officer shall 23744
advise the person at the time of the arrest that if the person 23745
refuses to take a chemical test the officer may employ whatever 23746
reasonable means are necessary to ensure that the person submits 23747
to a chemical test of the person's whole blood or blood serum or 23748
plasma. The officer shall also advise the person at the time of 23749
the arrest that the person may have an independent chemical test 23750
taken at the person's own expense. Divisions (A) (3) and (4) of 23751
this section apply to the administration of a chemical test or 23752
tests pursuant to this division. 23753

(b) If a person refuses to submit to a chemical test upon 23754
a request made pursuant to division (A) (5) (a) of this section, 23755
the law enforcement officer who made the request may employ 23756
whatever reasonable means are necessary to ensure that the 23757
person submits to a chemical test of the person's whole blood or 23758
blood serum or plasma. A law enforcement officer who acts 23759
pursuant to this division to ensure that a person submits to a 23760
chemical test of the person's whole blood or blood serum or 23761
plasma is immune from criminal and civil liability based upon a 23762
claim for assault and battery or any other claim for the acts, 23763
unless the officer so acted with malicious purpose, in bad 23764

faith, or in a wanton or reckless manner. 23765

(B) (1) Upon receipt of the sworn report of a law 23766
enforcement officer who arrested a person for a violation of 23767
division (A) or (B) of section 4511.19 of the Revised Code, 23768
section 4511.194 of the Revised Code or a substantially 23769
equivalent municipal ordinance, or a municipal OVI ordinance 23770
that was completed and sent to the registrar of motor vehicles 23771
and a court pursuant to section 4511.192 of the Revised Code in 23772
regard to a person who refused to take the designated chemical 23773
test, the registrar shall enter into the registrar's records the 23774
fact that the person's driver's or commercial driver's license 23775
or permit or nonresident operating privilege was suspended by 23776
the arresting officer under this division and that section and 23777
the period of the suspension, as determined under this section. 23778
The suspension shall be subject to appeal as provided in section 23779
4511.197 of the Revised Code. The suspension shall be for 23780
whichever of the following periods applies: 23781

(a) Except when division (B) (1) (b), (c), or (d) of this 23782
section applies and specifies a different class or length of 23783
suspension, the suspension shall be a class C suspension for the 23784
period of time specified in division (B) (3) of section 4510.02 23785
of the Revised Code. 23786

(b) If the arrested person, within ten years of the date 23787
on which the person refused the request to consent to the 23788
chemical test, had refused one previous request to consent to a 23789
chemical test or had been convicted of or pleaded guilty to one 23790
violation of division (A) ~~or (B)~~ of section 4511.19 of the 23791
Revised Code or one other equivalent offense, the suspension 23792
shall be a class B suspension imposed for the period of time 23793
specified in division (B) (2) of section 4510.02 of the Revised 23794

Code. 23795

(c) If the arrested person, within ten years of the date 23796
on which the person refused the request to consent to the 23797
chemical test, had refused two previous requests to consent to a 23798
chemical test, had been convicted of or pleaded guilty to two 23799
violations of division (A) ~~or (B)~~ of section 4511.19 of the 23800
Revised Code or other equivalent offenses, or had refused one 23801
previous request to consent to a chemical test and also had been 23802
convicted of or pleaded guilty to one violation of division (A) 23803
~~or (B)~~ of section 4511.19 of the Revised Code or other 23804
equivalent offenses, which violation or offense arose from an 23805
incident other than the incident that led to the refusal, the 23806
suspension shall be a class A suspension imposed for the period 23807
of time specified in division (B) (1) of section 4510.02 of the 23808
Revised Code. 23809

(d) If the arrested person, within ten years of the date 23810
on which the person refused the request to consent to the 23811
chemical test, had refused three or more previous requests to 23812
consent to a chemical test, had been convicted of or pleaded 23813
guilty to three or more violations of division (A) ~~or (B)~~ of 23814
section 4511.19 of the Revised Code or other equivalent 23815
offenses, or had refused a number of previous requests to 23816
consent to a chemical test and also had been convicted of or 23817
pleaded guilty to a number of violations of division (A) ~~or (B)~~ 23818
of section 4511.19 of the Revised Code or other equivalent 23819
offenses that cumulatively total three or more such refusals, 23820
convictions, and guilty pleas, the suspension shall be for five 23821
years. 23822

(2) The registrar shall terminate a suspension of the 23823
driver's or commercial driver's license or permit of a resident 23824

or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that 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, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial

driver's license or permit or nonresident operating privilege 23856
was suspended by the arresting officer under this division and 23857
section 4511.192 of the Revised Code and the period of the 23858
suspension, as determined under divisions (C) (1) (a) to (d) of 23859
this section. The suspension shall be subject to appeal as 23860
provided in section 4511.197 of the Revised Code. The suspension 23861
described in this division does not apply to, and shall not be 23862
imposed upon, a person arrested for a violation of section 23863
4511.194 of the Revised Code or a substantially equivalent 23864
municipal ordinance who submits to a designated chemical test. 23865
The suspension shall be for whichever of the following periods 23866
applies: 23867

(a) Except when division (C) (1) (b), (c), or (d) of this 23868
section applies and specifies a different period, the suspension 23869
shall be a class E suspension imposed for the period of time 23870
specified in division (B) (5) of section 4510.02 of the Revised 23871
Code. 23872

(b) The suspension shall be a class C suspension for the 23873
period of time specified in division (B) (3) of section 4510.02 23874
of the Revised Code if the person has been convicted of or 23875
pleaded guilty to, within ten years of the date the test was 23876
conducted, one violation of division (A) ~~or (B)~~ of section 23877
4511.19 of the Revised Code or one other equivalent offense. 23878

(c) If, within ten years of the date the test was 23879
conducted, the person has been convicted of or pleaded guilty to 23880
two violations of a statute or ordinance described in division 23881
(C) (1) (b) of this section, the suspension shall be a class B 23882
suspension imposed for the period of time specified in division 23883
(B) (2) of section 4510.02 of the Revised Code. 23884

(d) If, within ten years of the date the test was 23885

conducted, the person has been convicted of or pleaded guilty to 23886
more than two violations of a statute or ordinance described in 23887
division (C) (1) (b) of this section, the suspension shall be a 23888
class A suspension imposed for the period of time specified in 23889
division (B) (1) of section 4510.02 of the Revised Code. 23890

(2) The registrar shall terminate a suspension of the 23891
driver's or commercial driver's license or permit of a resident 23892
or of the operating privilege of a nonresident, or a denial of a 23893
driver's or commercial driver's license or permit, imposed 23894
pursuant to division (C) (1) of this section upon receipt of 23895
notice that the person has entered a plea of guilty to, or that 23896
the person has been convicted after entering a plea of no 23897
contest to, operating a vehicle in violation of section 4511.19 23898
of the Revised Code or in violation of a municipal OVI 23899
ordinance, if the offense for which the conviction is had or the 23900
plea is entered arose from the same incident that led to the 23901
suspension or denial. 23902

The registrar shall credit against any judicial suspension 23903
of a person's driver's or commercial driver's license or permit 23904
or nonresident operating privilege imposed pursuant to section 23905
4511.19 of the Revised Code, or pursuant to section 4510.07 of 23906
the Revised Code for a violation of a municipal OVI ordinance, 23907
any time during which the person serves a related suspension 23908
imposed pursuant to division (C) (1) of this section. 23909

(D) (1) A suspension of a person's driver's or commercial 23910
driver's license or permit or nonresident operating privilege 23911
under this section for the time described in division (B) or (C) 23912
of this section is effective immediately from the time at which 23913
the arresting officer serves the notice of suspension upon the 23914
arrested person. Any subsequent finding that the person is not 23915

guilty of the charge that resulted in the person being requested 23916
to take the chemical test or tests under division (A) of this 23917
section does not affect the suspension. 23918

(2) If a person is arrested for operating a vehicle, 23919
streetcar, or trackless trolley in violation of division (A) or 23920
(B) of section 4511.19 of the Revised Code or a municipal OVI 23921
ordinance, or for being in physical control of a vehicle, 23922
streetcar, or trackless trolley in violation of section 4511.194 23923
of the Revised Code or a substantially equivalent municipal 23924
ordinance, regardless of whether the person's driver's or 23925
commercial driver's license or permit or nonresident operating 23926
privilege is or is not suspended under division (B) or (C) of 23927
this section or Chapter 4510. of the Revised Code, the person's 23928
initial appearance on the charge resulting from the arrest shall 23929
be held within five days of the person's arrest or the issuance 23930
of the citation to the person, subject to any continuance 23931
granted by the court pursuant to section 4511.197 of the Revised 23932
Code regarding the issues specified in that division. 23933

(E) When it finally has been determined under the 23934
procedures of this section and sections 4511.192 to 4511.197 of 23935
the Revised Code that a nonresident's privilege to operate a 23936
vehicle within this state has been suspended, the registrar 23937
shall give information in writing of the action taken to the 23938
motor vehicle administrator of the state of the person's 23939
residence and of any state in which the person has a license. 23940

(F) At the end of a suspension period under this section, 23941
under section 4511.194, section 4511.196, or division (G) of 23942
section 4511.19 of the Revised Code, or under section 4510.07 of 23943
the Revised Code for a violation of a municipal OVI ordinance 23944
and upon the request of the person whose driver's or commercial 23945

driver's license or permit was suspended and who is not 23946
otherwise subject to suspension, cancellation, or 23947
disqualification, the registrar shall return the driver's or 23948
commercial driver's license or permit to the person upon the 23949
occurrence of all of the conditions specified in divisions (F) 23950
(1) and (2) of this section: 23951

(1) A showing that the person has proof of financial 23952
responsibility, a policy of liability insurance in effect that 23953
meets the minimum standards set forth in section 4509.51 of the 23954
Revised Code, or proof, to the satisfaction of the registrar, 23955
that the person is able to respond in damages in an amount at 23956
least equal to the minimum amounts specified in section 4509.51 23957
of the Revised Code. 23958

(2) Subject to the limitation contained in division (F) (3) 23959
of this section, payment by the person to the registrar or an 23960
eligible deputy registrar of a license reinstatement fee of four 23961
hundred seventy-five dollars, which fee shall be deposited in 23962
the state treasury and credited as follows: 23963

(a) One hundred twelve dollars and fifty cents shall be 23964
credited to the statewide treatment and prevention fund created 23965
by section 4301.30 of the Revised Code. Money credited to the 23966
fund under this section shall be used for purposes identified 23967
under section 5119.22 of the Revised Code. 23968

(b) Seventy-five dollars shall be credited to the 23969
reparations fund created by section 2743.191 of the Revised 23970
Code. 23971

(c) Thirty-seven dollars and fifty cents shall be credited 23972
to the indigent drivers alcohol treatment fund, which is hereby 23973
established in the state treasury. The department of mental 23974

health and addiction services shall distribute the moneys in 23975
that fund to the county indigent drivers alcohol treatment 23976
funds, the county juvenile indigent drivers alcohol treatment 23977
funds, and the municipal indigent drivers alcohol treatment 23978
funds that are required to be established by counties and 23979
municipal corporations pursuant to division (H) of this section 23980
to be used only as provided in division (H) (3) of this section. 23981
Moneys in the fund that are not distributed to a county indigent 23982
drivers alcohol treatment fund, a county juvenile indigent 23983
drivers alcohol treatment fund, or a municipal indigent drivers 23984
alcohol treatment fund under division (H) of this section 23985
because the director of mental health and addiction services 23986
does not have the information necessary to identify the county 23987
or municipal corporation where the offender or juvenile offender 23988
was arrested may be transferred by the director of budget and 23989
management to the statewide treatment and prevention fund 23990
created by section 4301.30 of the Revised Code, upon 23991
certification of the amount by the director of mental health and 23992
addiction services. 23993

(d) Seventy-five dollars shall be credited to the 23994
opportunities for Ohioans with disabilities agency established 23995
by section 3304.15 of the Revised Code, to the services for 23996
rehabilitation fund, which is hereby established. The fund shall 23997
be used to match available federal matching funds where 23998
appropriate, and for any other purpose or program of the agency 23999
to rehabilitate persons with disabilities to help them become 24000
employed and independent. 24001

(e) Seventy-five dollars shall be deposited into the state 24002
treasury and credited to the drug abuse resistance education 24003
programs fund, which is hereby established, to be used by the 24004
attorney general for the purposes specified in division (F) (4) 24005

of this section. 24006

(f) Thirty dollars shall be credited to the public safety 24007
- highway purposes fund created by section 4501.06 of the 24008
Revised Code. 24009

(g) Twenty dollars shall be credited to the trauma and 24010
emergency medical services fund created by section 4513.263 of 24011
the Revised Code. 24012

(h) Fifty dollars shall be credited to the indigent 24013
drivers interlock and alcohol monitoring fund, which is hereby 24014
established in the state treasury. Moneys in the fund shall be 24015
distributed by the department of public safety to the county 24016
indigent drivers interlock and alcohol monitoring funds, the 24017
county juvenile indigent drivers interlock and alcohol 24018
monitoring funds, and the municipal indigent drivers interlock 24019
and alcohol monitoring funds that are required to be established 24020
by counties and municipal corporations pursuant to this section, 24021
and shall be used only to pay the cost of an immobilizing or 24022
disabling device, including a certified ignition interlock 24023
device, or an alcohol monitoring device used by an offender or 24024
juvenile offender who is ordered to use the device by a county, 24025
juvenile, or municipal court judge and who is determined by the 24026
county, juvenile, or municipal court judge not to have the means 24027
to pay for the person's use of the device. 24028

(3) If a person's driver's or commercial driver's license 24029
or permit is suspended under this section, under section 24030
4511.196 or division (G) of section 4511.19 of the Revised Code, 24031
under section 4510.07 of the Revised Code for a violation of a 24032
municipal OVI ordinance or under any combination of the 24033
suspensions described in division (F) (3) of this section, and if 24034
the suspensions arise from a single incident or a single set of 24035

facts and circumstances, the person is liable for payment of, 24036
and shall be required to pay to the registrar or an eligible 24037
deputy registrar, only one reinstatement fee of four hundred 24038
seventy-five dollars. The reinstatement fee shall be distributed 24039
by the bureau in accordance with division (F) (2) of this 24040
section. 24041

(4) The attorney general shall use amounts in the drug 24042
abuse resistance education programs fund to award grants to law 24043
enforcement agencies to establish and implement drug abuse 24044
resistance education programs in public schools. Grants awarded 24045
to a law enforcement agency under this section shall be used by 24046
the agency to pay for not more than fifty per cent of the amount 24047
of the salaries of law enforcement officers who conduct drug 24048
abuse resistance education programs in public schools. The 24049
attorney general shall not use more than six per cent of the 24050
amounts the attorney general's office receives under division 24051
(F) (2) (e) of this section to pay the costs it incurs in 24052
administering the grant program established by division (F) (2) 24053
(e) of this section and in providing training and materials 24054
relating to drug abuse resistance education programs. 24055

The attorney general shall report to the governor and the 24056
general assembly each fiscal year on the progress made in 24057
establishing and implementing drug abuse resistance education 24058
programs. These reports shall include an evaluation of the 24059
effectiveness of these programs. 24060

(5) In addition to the reinstatement fee under this 24061
section, if the person pays the reinstatement fee to a deputy 24062
registrar, the deputy registrar shall collect a service fee of 24063
ten dollars to compensate the deputy registrar for services 24064
performed under this section. The deputy registrar shall retain 24065

eight dollars of the service fee and shall transmit the 24066
reinstatement fee, plus two dollars of the service fee, to the 24067
registrar in the manner the registrar shall determine. 24068

(G) Suspension of a commercial driver's license under 24069
division (B) or (C) of this section shall be concurrent with any 24070
period of disqualification under section 3123.611 or 4506.16 of 24071
the Revised Code or any period of suspension under section 24072
3123.58 of the Revised Code. No person who is disqualified for 24073
life from holding a commercial driver's license under section 24074
4506.16 of the Revised Code shall be issued a driver's license 24075
under Chapter 4507. of the Revised Code during the period for 24076
which the commercial driver's license was suspended under 24077
division (B) or (C) of this section. No person whose commercial 24078
driver's license is suspended under division (B) or (C) of this 24079
section shall be issued a driver's license under Chapter 4507. 24080
of the Revised Code during the period of the suspension. 24081

(H) (1) Each county shall establish an indigent drivers 24082
alcohol treatment fund and a juvenile indigent drivers alcohol 24083
treatment fund. Each municipal corporation in which there is a 24084
municipal court shall establish an indigent drivers alcohol 24085
treatment fund. All revenue that the general assembly 24086
appropriates to the indigent drivers alcohol treatment fund for 24087
transfer to a county indigent drivers alcohol treatment fund, a 24088
county juvenile indigent drivers alcohol treatment fund, or a 24089
municipal indigent drivers alcohol treatment fund, all portions 24090
of fees that are paid under division (F) of this section and 24091
that are credited under that division to the indigent drivers 24092
alcohol treatment fund in the state treasury for a county 24093
indigent drivers alcohol treatment fund, a county juvenile 24094
indigent drivers alcohol treatment fund, or a municipal indigent 24095
drivers alcohol treatment fund, all portions of additional costs 24096

imposed under section 2949.094 of the Revised Code that are 24097
specified for deposit into a county, county juvenile, or 24098
municipal indigent drivers alcohol treatment fund by that 24099
section, and all portions of fines that are specified for 24100
deposit into a county or municipal indigent drivers alcohol 24101
treatment fund by section 4511.193 of the Revised Code shall be 24102
deposited into that county indigent drivers alcohol treatment 24103
fund, county juvenile indigent drivers alcohol treatment fund, 24104
or municipal indigent drivers alcohol treatment fund. The 24105
portions of the fees paid under division (F) of this section 24106
that are to be so deposited shall be determined in accordance 24107
with division (H) (2) of this section. Additionally, all portions 24108
of fines that are paid for a violation of section 4511.19 of the 24109
Revised Code or of any prohibition contained in Chapter 4510. of 24110
the Revised Code, and that are required under section 4511.19 or 24111
any provision of Chapter 4510. of the Revised Code to be 24112
deposited into a county indigent drivers alcohol treatment fund 24113
or municipal indigent drivers alcohol treatment fund shall be 24114
deposited into the appropriate fund in accordance with the 24115
applicable division of the section or provision. 24116

(2) That portion of the license reinstatement fee that is 24117
paid under division (F) of this section and that is credited 24118
under that division to the indigent drivers alcohol treatment 24119
fund shall be deposited into a county indigent drivers alcohol 24120
treatment fund, a county juvenile indigent drivers alcohol 24121
treatment fund, or a municipal indigent drivers alcohol 24122
treatment fund as follows: 24123

(a) Regarding a suspension imposed under this section, 24124
that portion of the fee shall be deposited as follows: 24125

(i) If the fee is paid by a person who was charged in a 24126

county court with the violation that resulted in the suspension 24127
or in the imposition of the court costs, the portion shall be 24128
deposited into the county indigent drivers alcohol treatment 24129
fund under the control of that court; 24130

(ii) If the fee is paid by a person who was charged in a 24131
juvenile court with the violation that resulted in the 24132
suspension or in the imposition of the court costs, the portion 24133
shall be deposited into the county juvenile indigent drivers 24134
alcohol treatment fund established in the county served by the 24135
court; 24136

(iii) If the fee is paid by a person who was charged in a 24137
municipal court with the violation that resulted in the 24138
suspension or in the imposition of the court costs, the portion 24139
shall be deposited into the municipal indigent drivers alcohol 24140
treatment fund under the control of that court. 24141

(b) Regarding a suspension imposed under section 4511.19 24142
of the Revised Code or under section 4510.07 of the Revised Code 24143
for a violation of a municipal OVI ordinance, that portion of 24144
the fee shall be deposited as follows: 24145

(i) If the fee is paid by a person whose license or permit 24146
was suspended by a county court, the portion shall be deposited 24147
into the county indigent drivers alcohol treatment fund under 24148
the control of that court; 24149

(ii) If the fee is paid by a person whose license or 24150
permit was suspended by a municipal court, the portion shall be 24151
deposited into the municipal indigent drivers alcohol treatment 24152
fund under the control of that court. 24153

(3) (a) As used in division (H) (3) of this section, 24154
"indigent person" means a person who is convicted of a violation 24155

of division (A) or (B) of section 4511.19 of the Revised Code or 24156
a substantially similar municipal ordinance or found to be a 24157
juvenile traffic offender by reason of a violation of division 24158
(A) or (B) of section 4511.19 of the Revised Code or a 24159
substantially similar municipal ordinance, who is ordered by the 24160
court to attend an alcohol and drug addiction treatment program, 24161
and who is determined by the court under division (H) (5) of this 24162
section to be unable to pay the cost of the assessment or the 24163
cost of attendance at the treatment program. 24164

(b) A county, juvenile, or municipal court judge, by 24165
order, may make expenditures from a county indigent drivers 24166
alcohol treatment fund, a county juvenile indigent drivers 24167
alcohol treatment fund, or a municipal indigent drivers alcohol 24168
treatment fund with respect to an indigent person for any of the 24169
following: 24170

(i) To pay the cost of an assessment that is conducted by 24171
an appropriately licensed clinician at either a driver 24172
intervention program that is certified under section 5119.38 of 24173
the Revised Code or at a community addiction services provider 24174
whose alcohol and drug addiction services are certified under 24175
section 5119.36 of the Revised Code; 24176

(ii) To pay the cost of alcohol addiction services, drug 24177
addiction services, or integrated alcohol and drug addiction 24178
services at a community addiction services provider whose 24179
alcohol and drug addiction services are certified under section 24180
5119.36 of the Revised Code; 24181

(iii) To pay the cost of transportation to attend an 24182
assessment as provided under division (H) (3) (b) (i) of this 24183
section or addiction services as provided under division (H) (3) 24184
(b) (ii) of this section. 24185

The alcohol and drug addiction services board or the board 24186
of alcohol, drug addiction, and mental health services 24187
established pursuant to section 340.02 or 340.021 of the Revised 24188
Code and serving the alcohol, drug addiction, and mental health 24189
service district in which the court is located shall administer 24190
the indigent drivers alcohol treatment program of the court. 24191
When a court orders an offender or juvenile traffic offender to 24192
obtain an assessment or attend an alcohol and drug addiction 24193
treatment program, the board shall determine which program is 24194
suitable to meet the needs of the offender or juvenile traffic 24195
offender, and when a suitable program is located and space is 24196
available at the program, the offender or juvenile traffic 24197
offender shall attend the program designated by the board. A 24198
reasonable amount not to exceed five per cent of the amounts 24199
credited to and deposited into the county indigent drivers 24200
alcohol treatment fund, the county juvenile indigent drivers 24201
alcohol treatment fund, or the municipal indigent drivers 24202
alcohol treatment fund serving every court whose program is 24203
administered by that board shall be paid to the board to cover 24204
the costs it incurs in administering those indigent drivers 24205
alcohol treatment programs. 24206

(c) Upon exhaustion of moneys in the indigent drivers 24207
interlock and alcohol monitoring fund for the use of an alcohol 24208
monitoring device, a county, juvenile, or municipal court judge 24209
may use moneys in the county indigent drivers alcohol treatment 24210
fund, county juvenile indigent drivers alcohol treatment fund, 24211
or municipal indigent drivers alcohol treatment fund in either 24212
of the following manners: 24213

(i) If the source of the moneys was an appropriation of 24214
the general assembly, a portion of a fee that was paid under 24215
division (F) of this section, a portion of a fine that was 24216

specified for deposit into the fund by section 4511.193 of the Revised Code, or a portion of a fine that was paid for a violation of section 4511.19 of the Revised Code or of a provision contained in Chapter 4510. of the Revised Code that was required to be deposited into the fund, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender, in conjunction with a treatment program approved by the department of mental health and addiction services, when such use is determined clinically necessary by the treatment program and when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring or cost of the device;

(ii) If the source of the moneys was a portion of an additional court cost imposed under section 2949.094 of the Revised Code, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring or cost of the device. The moneys may be used for a device as described in this division if the use of the device is in conjunction with a treatment program approved by the department of mental health and addiction services, when the use of the device is determined clinically necessary by the treatment program, but the use of a device is not required to be in conjunction with a treatment program approved by the department in order for the moneys to be used for the device as described in this division.

(4) If a county, juvenile, or municipal court determines, in consultation with the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of

the Revised Code and serving the alcohol, drug addiction, and 24248
mental health district in which the court is located, that the 24249
funds in the county indigent drivers alcohol treatment fund, the 24250
county juvenile indigent drivers alcohol treatment fund, or the 24251
municipal indigent drivers alcohol treatment fund under the 24252
control of the court are more than sufficient to satisfy the 24253
purpose for which the fund was established, as specified in 24254
divisions (H) (1) to (3) of this section, the court may declare a 24255
surplus in the fund. If the court declares a surplus in the 24256
fund, the court may take one or more of the following actions 24257
with regard to the amount of the surplus in the fund: 24258

(a) Expend any of the surplus amount for alcohol and drug 24259
abuse assessment and treatment, and for the cost of 24260
transportation related to assessment and treatment, of persons 24261
who are charged in the court with committing a criminal offense 24262
or with being a delinquent child or juvenile traffic offender 24263
and in relation to whom both of the following apply: 24264

(i) The court determines that substance abuse was a 24265
contributing factor leading to the criminal or delinquent 24266
activity or the juvenile traffic offense with which the person 24267
is charged. 24268

(ii) The court determines that the person is unable to pay 24269
the cost of the alcohol and drug abuse assessment and treatment 24270
for which the surplus money will be used. 24271

(b) Expend any of the surplus amount to pay all or part of 24272
the cost of purchasing alcohol monitoring devices to be used in 24273
conjunction with division (H) (3) (c) of this section, upon 24274
exhaustion of moneys in the indigent drivers interlock and 24275
alcohol monitoring fund for the use of an alcohol monitoring 24276
device. 24277

(c) Transfer to another court in the same county any of 24278
the surplus amount to be utilized in a manner consistent with 24279
division (H) (3) of this section. If surplus funds are 24280
transferred to another court, the court that transfers the funds 24281
shall notify the alcohol and drug addiction services board or 24282
the board of alcohol, drug addiction, and mental health services 24283
that serves the alcohol, drug addiction, and mental health 24284
service district in which that court is located. 24285

(d) Transfer to the alcohol and drug addiction services 24286
board or the board of alcohol, drug addiction, and mental health 24287
services that serves the alcohol, drug addiction, and mental 24288
health service district in which the court is located any of the 24289
surplus amount to be utilized in a manner consistent with 24290
division (H) (3) of this section or for board contracted recovery 24291
support services. 24292

(e) Expend any of the surplus amount for the cost of 24293
staffing, equipment, training, drug testing, supplies, and other 24294
expenses of any specialized docket program established within 24295
the court and certified by the supreme court. 24296

(5) In order to determine if an offender does not have the 24297
means to pay for the offender's attendance at an alcohol and 24298
drug addiction treatment program for purposes of division (H) (3) 24299
of this section or if an alleged offender or delinquent child is 24300
unable to pay the costs specified in division (H) (4) of this 24301
section, the court shall use the indigent client eligibility 24302
guidelines and the standards of indigency established by the 24303
state public defender to make the determination. 24304

(6) The court shall identify and refer any community 24305
addiction services provider that intends to provide alcohol and 24306
drug addiction services and has not had its alcohol and drug 24307

addiction services certified under section 5119.36 of the 24308
Revised Code and that is interested in receiving amounts from 24309
the surplus in the fund declared under division (H) (4) of this 24310
section to the department of mental health and addiction 24311
services in order for the community addiction services provider 24312
to have its alcohol and drug addiction services certified by the 24313
department. The department shall keep a record of applicant 24314
referrals received pursuant to this division and shall submit a 24315
report on the referrals each year to the general assembly. If a 24316
community addiction services provider interested in having its 24317
alcohol and drug addiction services certified makes an 24318
application pursuant to section 5119.36 of the Revised Code, the 24319
community addiction services provider is eligible to receive 24320
surplus funds as long as the application is pending with the 24321
department. The department of mental health and addiction 24322
services must offer technical assistance to the applicant. If 24323
the interested community addiction services provider withdraws 24324
the certification application, the department must notify the 24325
court, and the court shall not provide the interested community 24326
addiction services provider with any further surplus funds. 24327

(7) (a) Each alcohol and drug addiction services board and 24328
board of alcohol, drug addiction, and mental health services 24329
established pursuant to section 340.02 or 340.021 of the Revised 24330
Code shall submit to the department of mental health and 24331
addiction services an annual report for each indigent drivers 24332
alcohol treatment fund in that board's area. 24333

(b) The report, which shall be submitted not later than 24334
sixty days after the end of the state fiscal year, shall provide 24335
the total payment that was made from the fund, including the 24336
number of indigent consumers that received treatment services 24337
and the number of indigent consumers that received an alcohol 24338

monitoring device. The report shall identify the treatment 24339
program and expenditure for an alcohol monitoring device for 24340
which that payment was made. The report shall include the fiscal 24341
year balance of each indigent drivers alcohol treatment fund 24342
located in that board's area. In the event that a surplus is 24343
declared in the fund pursuant to division (H) (4) of this 24344
section, the report also shall provide the total payment that 24345
was made from the surplus moneys and identify the authorized 24346
purpose for which that payment was made. 24347

(c) If a board is unable to obtain adequate information to 24348
develop the report to submit to the department for a particular 24349
indigent drivers alcohol treatment fund, the board shall submit 24350
a report detailing the effort made in obtaining the information. 24351

(I) (1) Each county shall establish an indigent drivers 24352
interlock and alcohol monitoring fund and a juvenile indigent 24353
drivers interlock and alcohol treatment fund. Each municipal 24354
corporation in which there is a municipal court shall establish 24355
an indigent drivers interlock and alcohol monitoring fund. All 24356
revenue that the general assembly appropriates to the indigent 24357
drivers interlock and alcohol monitoring fund for transfer to a 24358
county indigent drivers interlock and alcohol monitoring fund, a 24359
county juvenile indigent drivers interlock and alcohol 24360
monitoring fund, or a municipal indigent drivers interlock and 24361
alcohol monitoring fund, all portions of license reinstatement 24362
fees that are paid under division (F) (2) of this section and 24363
that are credited under that division to the indigent drivers 24364
interlock and alcohol monitoring fund in the state treasury, and 24365
all portions of fines that are paid under division (G) of 24366
section 4511.19 of the Revised Code and that are credited by 24367
division (G) (5) (e) of that section to the indigent drivers 24368
interlock and alcohol monitoring fund in the state treasury 24369

shall be deposited in the appropriate fund in accordance with 24370
division (I)(2) of this section. 24371

(2) That portion of the license reinstatement fee that is 24372
paid under division (F) of this section and that portion of the 24373
fine paid under division (G) of section 4511.19 of the Revised 24374
Code and that is credited under either division to the indigent 24375
drivers interlock and alcohol monitoring fund shall be deposited 24376
into a county indigent drivers interlock and alcohol monitoring 24377
fund, a county juvenile indigent drivers interlock and alcohol 24378
monitoring fund, or a municipal indigent drivers interlock and 24379
alcohol monitoring fund as follows: 24380

(a) If the fee or fine is paid by a person who was charged 24381
in a county court with the violation that resulted in the 24382
suspension or fine, the portion shall be deposited into the 24383
county indigent drivers interlock and alcohol monitoring fund 24384
under the control of that court. 24385

(b) If the fee or fine is paid by a person who was charged 24386
in a juvenile court with the violation that resulted in the 24387
suspension or fine, the portion shall be deposited into the 24388
county juvenile indigent drivers interlock and alcohol 24389
monitoring fund established in the county served by the court. 24390

(c) If the fee or fine is paid by a person who was charged 24391
in a municipal court with the violation that resulted in the 24392
suspension, the portion shall be deposited into the municipal 24393
indigent drivers interlock and alcohol monitoring fund under the 24394
control of that court. 24395

(3) If a county, juvenile, or municipal court determines 24396
that the funds in the county indigent drivers interlock and 24397
alcohol monitoring fund, the county juvenile indigent drivers 24398

interlock and alcohol monitoring fund, or the municipal indigent 24399
drivers interlock and alcohol monitoring fund under the control 24400
of that court are more than sufficient to satisfy the purpose 24401
for which the fund was established as specified in division (F) 24402
(2)(h) of this section, the court may declare a surplus in the 24403
fund. The court then may order the transfer of a specified 24404
amount into the county indigent drivers alcohol treatment fund, 24405
the county juvenile indigent drivers alcohol treatment fund, or 24406
the municipal indigent drivers alcohol treatment fund under the 24407
control of that court to be utilized in accordance with division 24408
(H) of this section. 24409

Sec. 4511.192. (A) Except as provided in division (A)(5) 24410
of section 4511.191 of the Revised Code, the arresting law 24411
enforcement officer shall give advice in accordance with this 24412
section to any person under arrest for a violation of division 24413
(A) or (B) of section 4511.19 of the Revised Code, section 24414
4511.194 of the Revised Code or a substantially equivalent 24415
municipal ordinance, or a municipal OVI ordinance. The officer 24416
shall give that advice in a written form that contains the 24417
information described in division (B) of this section and shall 24418
read the advice to the person. The form shall contain a 24419
statement that the form was shown to the person under arrest and 24420
read to the person by the arresting officer. One or more persons 24421
shall witness the arresting officer's reading of the form, and 24422
the witnesses shall certify to this fact by signing the form. 24423
The person must submit to the chemical test or tests, subsequent 24424
to the request of the arresting officer, within two hours of the 24425
time of the alleged violation and, if the person does not submit 24426
to the test or tests within that two-hour time limit, the 24427
failure to submit automatically constitutes a refusal to submit 24428
to the test or tests. 24429

(B) Except as provided in division (A) (5) of section 24430
4511.191 of the Revised Code, if a person is under arrest as 24431
described in division (A) of this section, before the person may 24432
be requested to submit to a chemical test or tests to determine 24433
the alcohol, drug of abuse, controlled substance, metabolite of 24434
a controlled substance, or combination content of the person's 24435
whole blood, blood serum or plasma, breath, or urine, the 24436
arresting officer shall read the following form to the person: 24437

"You now are under arrest for (specifically state the 24438
offense under state law or a substantially equivalent municipal 24439
ordinance for which the person was arrested - operating a 24440
vehicle under the influence of alcohol, a drug, or a combination 24441
of them; operating a vehicle while under the influence of a 24442
listed controlled substance or a listed metabolite of a 24443
controlled substance; operating a vehicle after underage alcohol 24444
consumption; or having physical control of a vehicle while under 24445
the influence). 24446

If you refuse to take any chemical test required by law, 24447
your Ohio driving privileges will be suspended immediately, and 24448
you will have to pay a fee to have the privileges reinstated. If 24449
you have a prior conviction of OVI, ~~OVIAC~~, or operating a 24450
vehicle while under the influence of a listed controlled 24451
substance or a listed metabolite of a controlled substance under 24452
state or municipal law within the preceding twenty years, you 24453
now are under arrest for state OVI, and, if you refuse to take a 24454
chemical test, you will face increased penalties if you 24455
subsequently are convicted of the state OVI. 24456

(Read this part unless the person is under arrest for 24457
solely having physical control of a vehicle while under the 24458
influence.) If you take any chemical test required by law and 24459

are found to be at or over the prohibited amount of alcohol, a 24460
controlled substance, or a metabolite of a controlled substance 24461
in your whole blood, blood serum or plasma, breath, or urine as 24462
set by law, your Ohio driving privileges will be suspended 24463
immediately, and you will have to pay a fee to have the 24464
privileges reinstated. 24465

If you take a chemical test, you may have an independent 24466
chemical test taken at your own expense." 24467

(C) If the arresting law enforcement officer does not ask 24468
a person under arrest as described in division (A) of this 24469
section or division (A) (5) of section 4511.191 of the Revised 24470
Code to submit to a chemical test or tests under section 24471
4511.191 of the Revised Code, the arresting officer shall seize 24472
the Ohio or out-of-state driver's or commercial driver's license 24473
or permit of the person and immediately forward it to the court 24474
in which the arrested person is to appear on the charge. If the 24475
arrested person is not in possession of the person's license or 24476
permit or it is not in the person's vehicle, the officer shall 24477
order the person to surrender it to the law enforcement agency 24478
that employs the officer within twenty-four hours after the 24479
arrest, and, upon the surrender, the agency immediately shall 24480
forward the license or permit to the court in which the person 24481
is to appear on the charge. Upon receipt of the license or 24482
permit, the court shall retain it pending the arrested person's 24483
initial appearance and any action taken under section 4511.196 24484
of the Revised Code. 24485

(D) (1) If a law enforcement officer asks a person under 24486
arrest as described in division (A) (5) of section 4511.191 of 24487
the Revised Code to submit to a chemical test or tests under 24488
that section and the test results indicate a prohibited 24489

concentration of alcohol, a controlled substance, or a 24490
metabolite of a controlled substance in the person's whole 24491
blood, blood serum or plasma, breath, or urine at the time of 24492
the alleged offense, or if a law enforcement officer asks a 24493
person under arrest as described in division (A) of this section 24494
to submit to a chemical test or tests under section 4511.191 of 24495
the Revised Code, the officer advises the person in accordance 24496
with this section of the consequences of the person's refusal or 24497
submission, and either the person refuses to submit to the test 24498
or tests or, unless the arrest was for a violation of section 24499
4511.194 of the Revised Code or a substantially equivalent 24500
municipal ordinance, the person submits to the test or tests and 24501
the test results indicate a prohibited concentration of alcohol, 24502
a controlled substance, or a metabolite of a controlled 24503
substance in the person's whole blood, blood serum or plasma, 24504
breath, or urine at the time of the alleged offense, the 24505
arresting officer shall do all of the following: 24506

(a) On behalf of the registrar of motor vehicles, notify 24507
the person that, independent of any penalties or sanctions 24508
imposed upon the person, the person's Ohio driver's or 24509
commercial driver's license or permit or nonresident operating 24510
privilege is suspended immediately, that the suspension will 24511
last at least until the person's initial appearance on the 24512
charge, which will be held within five days after the date of 24513
the person's arrest or the issuance of a citation to the person, 24514
and that the person may appeal the suspension at the initial 24515
appearance or during the period of time ending thirty days after 24516
that initial appearance; 24517

(b) Seize the driver's or commercial driver's license or 24518
permit of the person and immediately forward it to the 24519
registrar. If the arrested person is not in possession of the 24520

person's license or permit or it is not in the person's vehicle, 24521
the officer shall order the person to surrender it to the law 24522
enforcement agency that employs the officer within twenty-four 24523
hours after the person is given notice of the suspension, and, 24524
upon the surrender, the officer's employing agency immediately 24525
shall forward the license or permit to the registrar. 24526

(c) Verify the person's current residence and, if it 24527
differs from that on the person's driver's or commercial 24528
driver's license or permit, notify the registrar of the change; 24529

(d) Send to the registrar, within forty-eight hours after 24530
the arrest of the person, a sworn report that includes all of 24531
the following statements: 24532

(i) That the officer had reasonable grounds to believe 24533
that, at the time of the arrest, the arrested person was 24534
operating a vehicle, streetcar, or trackless trolley in 24535
violation of division (A) or (B) of section 4511.19 of the 24536
Revised Code or a municipal OVI ordinance or for being in 24537
physical control of a stationary vehicle, streetcar, or 24538
trackless trolley in violation of section 4511.194 of the 24539
Revised Code or a substantially equivalent municipal ordinance; 24540

(ii) That the person was arrested and charged with a 24541
violation of division (A) or (B) of section 4511.19 of the 24542
Revised Code, section 4511.194 of the Revised Code or a 24543
substantially equivalent municipal ordinance, or a municipal OVI 24544
ordinance; 24545

(iii) Unless division (D) (1) (d) (v) of this section 24546
applies, that the officer asked the person to take the 24547
designated chemical test or tests, advised the person in 24548
accordance with this section of the consequences of submitting 24549

to, or refusing to take, the test or tests, and gave the person 24550
the form described in division (B) of this section; 24551

(iv) Unless division (D) (1) (d) (v) of this section applies, 24552
that either the person refused to submit to the chemical test or 24553
tests or, unless the arrest was for a violation of section 24554
4511.194 of the Revised Code or a substantially equivalent 24555
municipal ordinance, the person submitted to the chemical test 24556
or tests and the test results indicate a prohibited 24557
concentration of alcohol, a controlled substance, or a 24558
metabolite of a controlled substance in the person's whole 24559
blood, blood serum or plasma, breath, or urine at the time of 24560
the alleged offense; 24561

(v) If the person was under arrest as described in 24562
division (A) (5) of section 4511.191 of the Revised Code and the 24563
chemical test or tests were performed in accordance with that 24564
division, that the person was under arrest as described in that 24565
division, that the chemical test or tests were performed in 24566
accordance with that division, and that test results indicated a 24567
prohibited concentration of alcohol, a controlled substance, or 24568
a metabolite of a controlled substance in the person's whole 24569
blood, blood serum or plasma, breath, or urine at the time of 24570
the alleged offense. 24571

(2) Division (D) (1) of this section does not apply to a 24572
person who is arrested for a violation of section 4511.194 of 24573
the Revised Code or a substantially equivalent municipal 24574
ordinance, who is asked by a law enforcement officer to submit 24575
to a chemical test or tests under section 4511.191 of the 24576
Revised Code, and who submits to the test or tests, regardless 24577
of the amount of alcohol, a controlled substance, or a 24578
metabolite of a controlled substance that the test results 24579

indicate is present in the person's whole blood, blood serum or 24580
plasma, breath, or urine. 24581

(E) The arresting officer shall give the officer's sworn 24582
report that is completed under this section to the arrested 24583
person at the time of the arrest, or the registrar of motor 24584
vehicles shall send the report to the person by regular first 24585
class mail as soon as possible after receipt of the report, but 24586
not later than fourteen days after receipt of it. An arresting 24587
officer may give an unsworn report to the arrested person at the 24588
time of the arrest provided the report is complete when given to 24589
the arrested person and subsequently is sworn to by the 24590
arresting officer. As soon as possible, but not later than 24591
forty-eight hours after the arrest of the person, the arresting 24592
officer shall send a copy of the sworn report to the court in 24593
which the arrested person is to appear on the charge for which 24594
the person was arrested. 24595

(F) The sworn report of an arresting officer completed 24596
under this section is prima-facie proof of the information and 24597
statements that it contains. It shall be admitted and considered 24598
as prima-facie proof of the information and statements that it 24599
contains in any appeal under section 4511.197 of the Revised 24600
Code relative to any suspension of a person's driver's or 24601
commercial driver's license or permit or nonresident operating 24602
privilege that results from the arrest covered by the report. 24603

Sec. 4511.193. (A) Twenty-five dollars of any fine imposed 24604
for a violation of a municipal OVI ordinance shall be deposited 24605
into the municipal or county indigent drivers alcohol treatment 24606
fund created pursuant to division (H) of section 4511.191 of the 24607
Revised Code in accordance with this section and section 733.40, 24608
divisions (A), (B), and (C) of section 1901.024, division (F) of 24609

section 1901.31, or division (C) of section 1907.20 of the Revised Code. Regardless of whether the fine is imposed by a municipal court, a mayor's court, or a juvenile court, if the fine was imposed for a violation of an ordinance of a municipal corporation that is within the jurisdiction of a county-operated municipal court or a municipal court that is not a county-operated municipal court, the twenty-five dollars that is subject to this section shall be deposited into the indigent drivers alcohol treatment fund of the county in which that municipal corporation is located if the municipal court that has jurisdiction over that municipal corporation is a county-operated municipal court or of the municipal corporation in which is located the municipal court that has jurisdiction over that municipal corporation if that municipal court is not a county-operated municipal court. Regardless of whether the fine is imposed by a county court, a mayor's court, or a juvenile court, if the fine was imposed for a violation of an ordinance of a municipal corporation that is within the jurisdiction of a county court, the twenty-five dollars that is subject to this section shall be deposited into the indigent drivers alcohol treatment fund of the county in which is located the county court that has jurisdiction over that municipal corporation. The deposit shall be made in accordance with section 733.40, divisions (A), (B), and (C) of section 1901.024, division (F) of section 1901.31, or division (C) of section 1907.20 of the Revised Code.

(B) Any court cost imposed as a result of a violation of a municipal ordinance that is a moving violation and designated for an indigent drivers alcohol treatment fund established pursuant to division (H) of section 4511.191 of the Revised Code shall be deposited into the municipal or county indigent drivers

alcohol treatment fund created pursuant to division (H) of 24641
section 4511.191 of the Revised Code in accordance with this 24642
section and section 733.40, divisions (A), (B), and (C) of 24643
section 1901.024, division (F) of section 1901.31, or division 24644
(C) of section 1907.20 of the Revised Code. Regardless of 24645
whether the court cost is imposed by a municipal court, a 24646
mayor's court, or a juvenile court, if the court cost was 24647
imposed for a violation of an ordinance of a municipal 24648
corporation that is within the jurisdiction of a county-operated 24649
municipal court or a municipal court that is not a county- 24650
operated municipal court, the court cost that is subject to this 24651
section shall be deposited into the indigent drivers alcohol 24652
treatment fund of the county in which that municipal corporation 24653
is located if the municipal court that has jurisdiction over 24654
that municipal corporation is a county-operated municipal court 24655
or of the municipal corporation in which is located the 24656
municipal court that has jurisdiction over that municipal 24657
corporation if that municipal court is not a county-operated 24658
municipal court. Regardless of whether the court cost is imposed 24659
by a county court, a mayor's court, or a juvenile court, if the 24660
court cost was imposed for a violation of an ordinance of a 24661
municipal corporation that is within the jurisdiction of a 24662
county court, the court cost that is subject to this section 24663
shall be deposited into the indigent drivers alcohol treatment 24664
fund of the county in which is located the county court that has 24665
jurisdiction over that municipal corporation. The deposit shall 24666
be made in accordance with section 733.40, divisions (A), (B), 24667
and (C) of section 1901.024, division (F) of section 1901.31, or 24668
division (C) of section 1907.20 of the Revised Code. 24669

(C) (1) The requirements and sanctions imposed by divisions 24670
(C) (1) and (2) of this section are an adjunct to and derive from 24671

the state's exclusive authority over the registration and 24672
titling of motor vehicles and do not comprise a part of the 24673
criminal sentence to be imposed upon a person who violates a 24674
municipal OVI ordinance. 24675

(2) If a person is convicted of or pleads guilty to a 24676
violation of a municipal OVI ordinance, if the vehicle the 24677
offender was operating at the time of the offense is registered 24678
in the offender's name, and if, within ten years of the current 24679
offense, the offender has been convicted of or pleaded guilty to 24680
one or more violations of division (A) ~~or (B)~~ of section 4511.19 24681
of the Revised Code or one or more other equivalent offenses, 24682
the court, in addition to and independent of any sentence that 24683
it imposes upon the offender for the offense, shall do whichever 24684
of the following is applicable: 24685

(a) Except as otherwise provided in division (C) (2) (b) of 24686
this section, if, within ten years of the current offense, the 24687
offender has been convicted of or pleaded guilty to one 24688
violation described in division (C) (2) of this section, the 24689
court shall order the immobilization for ninety days of that 24690
vehicle and the impoundment for ninety days of the license 24691
plates of that vehicle. The order for the immobilization and 24692
impoundment shall be issued and enforced in accordance with 24693
section 4503.233 of the Revised Code. 24694

(b) If, within ten years of the current offense, the 24695
offender has been convicted of or pleaded guilty to two or more 24696
violations described in division (C) (2) of this section, or if 24697
the offender previously has been convicted of or pleaded guilty 24698
to a violation of division (A) of section 4511.19 of the Revised 24699
Code under circumstances in which the violation was a felony and 24700
regardless of when the violation and the conviction or guilty 24701

plea occurred, the court shall order the criminal forfeiture to 24702
the state of that vehicle. The order of criminal forfeiture 24703
shall be issued and enforced in accordance with section 4503.234 24704
of the Revised Code. 24705

(D) As used in this section, "county-operated municipal 24706
court" has the same meaning as in section 1901.03 of the Revised 24707
Code. 24708

Sec. 4511.195. (A) As used in this section: 24709

(1) "Arrested person" means a person who is arrested for a 24710
violation of division (A) of section 4511.19 of the Revised Code 24711
or a municipal OVI ordinance and whose arrest results in a 24712
vehicle being seized under division (B) of this section. 24713

(2) "Vehicle owner" means either of the following: 24714

(a) The person in whose name is registered, at the time of 24715
the seizure, a vehicle that is seized under division (B) of this 24716
section; 24717

(b) A person to whom the certificate of title to a vehicle 24718
that is seized under division (B) of this section has been 24719
assigned and who has not obtained a certificate of title to the 24720
vehicle in that person's name, but who is deemed by the court as 24721
being the owner of the vehicle at the time the vehicle was 24722
seized under division (B) of this section. 24723

(3) "Interested party" includes the owner of a vehicle 24724
seized under this section, all lienholders, the arrested person, 24725
the owner of the place of storage at which a vehicle seized 24726
under this section is stored, and the person or entity that 24727
caused the vehicle to be removed. 24728

(B) (1) The arresting officer or another officer of the law 24729

enforcement agency that employs the arresting officer, in 24730
addition to any action that the arresting officer is required or 24731
authorized to take by section 4511.19 or 4511.191 of the Revised 24732
Code or by any other provision of law, shall seize the vehicle 24733
that a person was operating at the time of the alleged offense 24734
and its license plates if the vehicle is registered in the 24735
arrested person's name and if either of the following applies: 24736

(a) The person is arrested for a violation of division (A) 24737
of section 4511.19 of the Revised Code or of a municipal OVI 24738
ordinance and, within ten years of the alleged violation, the 24739
person previously has been convicted of or pleaded guilty to one 24740
or more violations of division (A) ~~or (B)~~ of section 4511.19 of 24741
the Revised Code or one or more other equivalent offenses. 24742

(b) The person is arrested for a violation of division (A) 24743
of section 4511.19 of the Revised Code or of a municipal OVI 24744
ordinance and the person previously has been convicted of or 24745
pleaded guilty to a violation of division (A) of section 4511.19 24746
of the Revised Code under circumstances in which the violation 24747
was a felony, regardless of when the prior felony violation of 24748
division (A) of section 4511.19 of the Revised Code and the 24749
conviction or guilty plea occurred. 24750

(2) A law enforcement agency that employs a law 24751
enforcement officer who makes an arrest of a type that is 24752
described in division (B)(1) of this section and that involves a 24753
rented or leased vehicle that is being rented or leased for a 24754
period of thirty days or less shall notify, within twenty-four 24755
hours after the officer makes the arrest, the lessor or owner of 24756
the vehicle regarding the circumstances of the arrest and the 24757
location at which the vehicle may be picked up. At the time of 24758
the seizure of the vehicle, the law enforcement officer who made 24759

the arrest shall give the arrested person written notice that 24760
the vehicle and its license plates have been seized; that the 24761
vehicle either will be kept by the officer's law enforcement 24762
agency or will be immobilized at least until the operator's 24763
initial appearance on the charge of the offense for which the 24764
arrest was made; that, at the initial appearance, the court in 24765
certain circumstances may order that the vehicle and license 24766
plates be released to the arrested person until the disposition 24767
of that charge; and that, if the arrested person is convicted of 24768
that charge, the court generally must order the immobilization 24769
of the vehicle and the impoundment of its license plates, or the 24770
forfeiture of the vehicle. 24771

(3) The arresting officer or a law enforcement officer of 24772
the agency that employs the arresting officer shall give written 24773
notice of the seizure to the court that will conduct the initial 24774
appearance of the arrested person on the charges arising out of 24775
the arrest. Upon receipt of the notice, the court promptly shall 24776
determine whether the arrested person is the vehicle owner. If 24777
the court determines that the arrested person is not the vehicle 24778
owner, it promptly shall send by regular mail written notice of 24779
the seizure to the vehicle's registered owner. The written 24780
notice shall contain all of the information required by division 24781
(B) (2) of this section to be in a notice to be given to the 24782
arrested person and also shall specify the date, time, and place 24783
of the arrested person's initial appearance. The notice also 24784
shall inform the vehicle owner that if title to a motor vehicle 24785
that is subject to an order for criminal forfeiture under this 24786
section is assigned or transferred and division (B) (2) or (3) of 24787
section 4503.234 of the Revised Code applies, the court may fine 24788
the arrested person the value of the vehicle. The notice also 24789
shall state that if the vehicle is immobilized under division 24790

(A) of section 4503.233 of the Revised Code, seven days after 24791
the end of the period of immobilization a law enforcement agency 24792
will send the vehicle owner a notice, informing the owner that 24793
if the release of the vehicle is not obtained in accordance with 24794
division (D)(3) of section 4503.233 of the Revised Code, the 24795
vehicle shall be forfeited. The notice also shall inform the 24796
vehicle owner that the vehicle owner may be charged expenses or 24797
charges incurred under this section and section 4503.233 of the 24798
Revised Code for the removal and storage of the vehicle. 24799

The written notice that is given to the arrested person 24800
also shall state that if the person is convicted of or pleads 24801
guilty to the offense and the court issues an immobilization and 24802
impoundment order relative to that vehicle, division (D)(4) of 24803
section 4503.233 of the Revised Code prohibits the vehicle from 24804
being sold during the period of immobilization without the prior 24805
approval of the court. 24806

(4) At or before the initial appearance, the vehicle owner 24807
may file a motion requesting the court to order that the vehicle 24808
and its license plates be released to the vehicle owner. Except 24809
as provided in this division and subject to the payment of 24810
expenses or charges incurred in the removal and storage of the 24811
vehicle, the court, in its discretion, then may issue an order 24812
releasing the vehicle and its license plates to the vehicle 24813
owner. Such an order may be conditioned upon such terms as the 24814
court determines appropriate, including the posting of a bond in 24815
an amount determined by the court. If the arrested person is not 24816
the vehicle owner and if the vehicle owner is not present at the 24817
arrested person's initial appearance, and if the court believes 24818
that the vehicle owner was not provided with adequate notice of 24819
the initial appearance, the court, in its discretion, may allow 24820
the vehicle owner to file a motion within seven days of the 24821

initial appearance. If the court allows the vehicle owner to 24822
file such a motion after the initial appearance, the extension 24823
of time granted by the court does not extend the time within 24824
which the initial appearance is to be conducted. If the court 24825
issues an order for the release of the vehicle and its license 24826
plates, a copy of the order shall be made available to the 24827
vehicle owner. If the vehicle owner presents a copy of the order 24828
to the law enforcement agency that employs the law enforcement 24829
officer who arrested the arrested person, the law enforcement 24830
agency promptly shall release the vehicle and its license plates 24831
to the vehicle owner upon payment by the vehicle owner of any 24832
expenses or charges incurred in the removal and storage of the 24833
vehicle. 24834

(5) A vehicle seized under division (B)(1) of this section 24835
either shall be towed to a place specified by the law 24836
enforcement agency that employs the arresting officer to be 24837
safely kept by the agency at that place for the time and in the 24838
manner specified in this section or shall be otherwise 24839
immobilized for the time and in the manner specified in this 24840
section. The license plates shall remain on the seized vehicle 24841
unless otherwise ordered by the court. No vehicle that is seized 24842
and either towed or immobilized pursuant to this division shall 24843
be considered contraband for purposes of Chapter 2981. of the 24844
Revised Code. The vehicle shall not be immobilized at any place 24845
other than a commercially operated private storage lot, a place 24846
owned by a law enforcement agency or other government agency, or 24847
a place to which one of the following applies: 24848

(a) The place is leased by or otherwise under the control 24849
of a law enforcement agency or other government agency. 24850

(b) The place is owned by the vehicle operator, the 24851

vehicle operator's spouse, or a parent or child of the vehicle operator. 24852
24853

(c) The place is owned by a private person or entity, and, 24854
prior to the immobilization, the private entity or person that 24855
owns the place, or the authorized agent of that private entity 24856
or person, has given express written consent for the 24857
immobilization to be carried out at that place. 24858

(d) The place is a street or highway on which the vehicle 24859
is parked in accordance with the law. 24860

(C) (1) A vehicle seized under division (B) of this section 24861
shall be safely kept at the place to which it is towed or 24862
otherwise moved by the law enforcement agency that employs the 24863
arresting officer until the initial appearance of the arrested 24864
person relative to the charge in question. The license plates 24865
shall remain on the seized vehicle unless otherwise ordered by 24866
the court. 24867

(2) (a) At the initial appearance or not less than seven 24868
days prior to the date of final disposition, the court shall 24869
notify the arrested person that, if title to a motor vehicle 24870
that is subject to an order for criminal forfeiture under this 24871
section is assigned or transferred and division (B) (2) or (3) of 24872
section 4503.234 of the Revised Code applies, the court may fine 24873
the arrested person the value of the vehicle. If, at the initial 24874
appearance, the arrested person pleads guilty to the violation 24875
of division (A) of section 4511.19 of the Revised Code or of the 24876
municipal OVI ordinance or pleads no contest to and is convicted 24877
of the violation, the court shall impose sentence upon the 24878
person as provided by law or ordinance; the court shall order 24879
the immobilization of the vehicle the arrested person was 24880
operating at the time of the offense if registered in the 24881

arrested person's name and the impoundment of its license plates 24882
under section 4503.233 and section 4511.19 or 4511.193 of the 24883
Revised Code or the criminal forfeiture to the state of the 24884
vehicle if registered in the arrested person's name under 24885
section 4503.234 and section 4511.19 or 4511.193 of the Revised 24886
Code, whichever is applicable; and the vehicle and its license 24887
plates shall not be returned or released to the arrested person. 24888

(b) If, at any time, the charge that the arrested person 24889
violated division (A) of section 4511.19 of the Revised Code or 24890
the municipal OVI ordinance is dismissed for any reason, the 24891
court shall order that the vehicle seized at the time of the 24892
arrest and its license plates immediately be released to the 24893
person. 24894

(D) If a vehicle and its license plates are seized under 24895
division (B) of this section and are not returned or released to 24896
the arrested person pursuant to division (C) of this section, 24897
the vehicle and its license plates shall be retained until the 24898
final disposition of the charge in question. Upon the final 24899
disposition of that charge, the court shall do whichever of the 24900
following is applicable: 24901

(1) If the arrested person is convicted of or pleads 24902
guilty to the violation of division (A) of section 4511.19 of 24903
the Revised Code or of the municipal OVI ordinance, the court 24904
shall impose sentence upon the person as provided by law or 24905
ordinance and shall order the immobilization of the vehicle the 24906
person was operating at the time of the offense if it is 24907
registered in the arrested person's name and the impoundment of 24908
its license plates under section 4503.233 and section 4511.19 or 24909
4511.193 of the Revised Code, or the criminal forfeiture of the 24910
vehicle if it is registered in the arrested person's name under 24911

section 4503.234 and section 4511.19 or 4511.193 of the Revised Code, whichever is applicable.

(2) If the arrested person is found not guilty of the violation of division (A) of section 4511.19 of the Revised Code or of the municipal OVI ordinance, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(3) If the charge that the arrested person violated division (A) of section 4511.19 of the Revised Code or the municipal OVI ordinance is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(4) If the impoundment of the vehicle was not authorized under this section, the court shall order that the vehicle and its license plates be returned immediately to the arrested person or, if the arrested person is not the vehicle owner, to the vehicle owner, and shall order that the state or political subdivision of the law enforcement agency served by the law enforcement officer who seized the vehicle pay all expenses and charges incurred in its removal and storage.

(E) If a vehicle is seized under division (B) of this section, the time between the seizure of the vehicle and either its release to the arrested person under division (C) of this section or the issuance of an order of immobilization of the vehicle under section 4503.233 of the Revised Code shall be credited against the period of immobilization ordered by the court.

(F) (1) Except as provided in division (D) (4) of this section, the arrested person may be charged expenses or charges

incurred in the removal and storage of the immobilized vehicle. 24941
The court with jurisdiction over the case, after notice to all 24942
interested parties, including lienholders, and after an 24943
opportunity for them to be heard, if the court finds that the 24944
arrested person does not intend to seek release of the vehicle 24945
at the end of the period of immobilization under section 24946
4503.233 of the Revised Code or that the arrested person is not 24947
or will not be able to pay the expenses and charges incurred in 24948
its removal and storage, may order that title to the vehicle be 24949
transferred, in order of priority, first into the name of the 24950
person or entity that removed it, next into the name of a 24951
lienholder, or lastly into the name of the owner of the place of 24952
storage. 24953

Any lienholder that receives title under a court order 24954
shall do so on the condition that it pay any expenses or charges 24955
incurred in the vehicle's removal and storage. If the person or 24956
entity that receives title to the vehicle is the person or 24957
entity that removed it, the person or entity shall receive title 24958
on the condition that it pay any lien on the vehicle. The court 24959
shall not order that title be transferred to any person or 24960
entity other than the owner of the place of storage if the 24961
person or entity refuses to receive the title. Any person or 24962
entity that receives title either may keep title to the vehicle 24963
or may dispose of the vehicle in any legal manner that it 24964
considers appropriate, including assignment of the certificate 24965
of title to the motor vehicle to a salvage dealer or a scrap 24966
metal processing facility. The person or entity shall not 24967
transfer the vehicle to the person who is the vehicle's 24968
immediate previous owner. 24969

If the person or entity that receives title assigns the 24970
motor vehicle to a salvage dealer or scrap metal processing 24971

facility, the person or entity shall send the assigned 24972
certificate of title to the motor vehicle to the clerk of the 24973
court of common pleas of the county in which the salvage dealer 24974
or scrap metal processing facility is located. The person or 24975
entity shall mark the face of the certificate of title with the 24976
words "FOR DESTRUCTION" and shall deliver a photocopy of the 24977
certificate of title to the salvage dealer or scrap metal 24978
processing facility for its records. 24979

(2) Whenever a court issues an order under division (F) (1) 24980
of this section, the court also shall order removal of the 24981
license plates from the vehicle and cause them to be sent to the 24982
registrar of motor vehicles if they have not already been sent 24983
to the registrar. Thereafter, no further proceedings shall take 24984
place under this section or under section 4503.233 of the 24985
Revised Code. 24986

(3) Prior to initiating a proceeding under division (F) (1) 24987
of this section, and upon payment of the fee under division (B) 24988
of section 4505.14 of the Revised Code, any interested party may 24989
cause a search to be made of the public records of the bureau of 24990
motor vehicles or the clerk of the court of common pleas, to 24991
ascertain the identity of any lienholder of the vehicle. The 24992
initiating party shall furnish this information to the clerk of 24993
the court with jurisdiction over the case, and the clerk shall 24994
provide notice to the arrested person, any lienholder, and any 24995
other interested parties listed by the initiating party, at the 24996
last known address supplied by the initiating party, by 24997
certified mail or, at the option of the initiating party, by 24998
personal service or ordinary mail. 24999

Sec. 4511.204. (A) No person shall ~~drive-operate~~ a motor 25000
vehicle, trackless trolley, or streetcar on any street, highway, 25001

or property open to the public for vehicular traffic while using 25002
~~a handheld, holding, or physically supporting with any part of~~ 25003
the person's body an electronic wireless communications device 25004
~~to write, send, or read a text-based communication.~~ 25005

(B) Division (A) of this section does not apply to any of 25006
the following: 25007

(1) A person using ~~a handheld~~ an electronic wireless 25008
communications device ~~in that manner for emergency purposes,~~ 25009
~~including an emergency to make contact, for emergency purposes,~~ 25010
with a law enforcement agency, hospital or health care provider, 25011
fire department, or other similar emergency agency or entity; 25012

(2) A person driving a public safety vehicle ~~who uses a~~ 25013
~~handheld~~ while using an electronic wireless communications 25014
device ~~in that manner~~ in the course of the person's duties; 25015

(3) A person using ~~a handheld~~ an electronic wireless 25016
communications device ~~in that manner~~ ~~whose~~ when the person's 25017
motor vehicle is in a stationary position and ~~who~~ is outside a 25018
lane of travel, at a traffic control signal that is currently 25019
directing traffic to stop, or parked on a road or highway due to 25020
an emergency or road closure; 25021

(4) A person ~~reading, selecting, or entering a name or~~ 25022
~~telephone number in a handheld~~ using and holding an electronic 25023
wireless communications device directly near the person's ear 25024
for the purpose of making ~~or~~ , receiving, or conducting a 25025
telephone call, provided that the person does not manually enter 25026
letters, numbers, or symbols into the device; 25027

(5) A person receiving wireless messages on ~~a~~ an 25028
electronic wireless communications device regarding the 25029
operation or navigation of a motor vehicle; safety-related 25030

information, including emergency, traffic, or weather alerts; or 25031
data used primarily by the motor vehicle, provided that the 25032
person does not hold or support the device with any part of the 25033
person's body; 25034

(6) A person ~~receiving wireless messages via radio-~~ 25035
~~waves~~using the speaker phone function of the electronic wireless 25036
communications device, provided that the person does not hold or 25037
support the device with any part of the person's body; 25038

(7) A person using ~~a~~an electronic wireless communications 25039
device for navigation purposes, provided that the person does 25040
not do either of the following during the use: 25041

(a) Manually enter letters, numbers, or symbols into the 25042
device; 25043

(b) Hold or support the device with any part of the 25044
person's body; 25045

(8) A person ~~conducting wireless interpersonal-~~ 25046
~~communication with a device that does not require manually-~~ 25047
~~entering letters, numbers, or symbols or reading text messages,~~ 25048
~~except to activate, deactivate, or initiate the device or using~~ 25049
a feature or function of the electronic wireless communications 25050
device with a single touch or single swipe, provided that the 25051
person does not do either of the following during the use: 25052

(a) Manually enter letters, numbers, or symbols into the 25053
device; 25054

(b) Hold or support the device with any part of the 25055
person's body; 25056

(9) A person operating a commercial truck while using a 25057
mobile data terminal that transmits and receives data; 25058

(10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals; 25059
25060
25061
25062

(11) A person using a handheld~~an~~ electronic wireless 25063
communications device in conjunction with a voice-operated or 25064
hands-free ~~device~~ feature or function of the vehicle or of the 25065
device without the use of either hand except to activate, 25066
deactivate, or initiate the feature or function with a single 25067
touch or swipe, provided the person does not hold or support the 25068
device with any part of the person's body; 25069

(12) A person using technology that physically or electronically integrates the device into the motor vehicle, 25070
provided that the person does not do either of the following 25071
during the use: 25072
25073

(a) Manually enter letters, numbers, or symbols into the device; 25074
25075

(b) Hold or support the device with any part of the person's body. 25076
25077

(13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body. 25078
25079
25080

(C) (1) ~~Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (A) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest~~ 25081
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~~of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.~~

~~(2)~~ On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.

(2) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of division (A) of this section, the officer shall do both of the following:

(a) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;

(b) Ensure that such report indicates the offender's race.

~~(D)~~ (1) Whoever violates division (A) of this section is guilty of operating a minor motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor.

(a) Except as provided in divisions (D) (1) (b), (c), (d), and (2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars.

(b) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars.

(c) If, within two years of the violation, the offender 25116
has been convicted of or pleaded guilty to two or more prior 25117
violations of this section or a substantially equivalent 25118
municipal ordinance, the court shall impose upon the offender a 25119
fine of not more than five hundred dollars. The court also may 25120
impose a suspension of the offender's driver's license, 25121
commercial driver's license, temporary instruction permit, 25122
probationary license, or nonresident operating privilege for 25123
ninety days. 25124

(d) Notwithstanding divisions (D) (1) (a) to (c) of this 25125
section, if the offender was operating the motor vehicle at the 25126
time of the violation in a construction zone where a sign was 25127
posted in accordance with section 4511.98 of the Revised Code, 25128
the court, in addition to all other penalties provided by law, 25129
shall impose upon the offender a fine of two times the amount 25130
imposed for the violation under division (D) (1) (a), (b), or (c) 25131
of this section, as applicable. 25132

(2) In lieu of payment of the fine of one hundred fifty 25133
dollars under division (D) (1) (a) of this section and the 25134
assessment of points under division (D) (4) of this section, the 25135
offender instead may elect to attend the distracted driving 25136
safety course, as described in section 4511.991 of the Revised 25137
Code. If the offender attends and successfully completes the 25138
course, the offender shall be issued written evidence that the 25139
offender successfully completed the course. The offender shall 25140
not be required to pay the fine and shall not have the points 25141
assessed against that offender's driver's license if the 25142
offender submits the written evidence to the court. 25143

(3) The court may impose any other penalty authorized 25144
under sections 2929.21 to 2929.28 of the Revised Code. However, 25145

the court shall not impose a fine or a suspension not otherwise 25146
specified in division (D) (1) of this section. The court also 25147
shall not impose a jail term or community residential sanction. 25148

(4) Except as provided in division (D) (2) of this section, 25149
points shall be assessed for a violation of division (A) of this 25150
section in accordance with section 4510.036 of the Revised Code. 25151

(5) The offense established under this section is a strict 25152
liability offense and section 2901.20 of the Revised Code does 25153
not apply. The designation of this offense as a strict liability 25154
offense shall not be construed to imply that any other offense, 25155
for which there is no specified degree of culpability, is not a 25156
strict liability offense. 25157

(E) This section shall not be construed as invalidating, 25158
preempting, or superseding a substantially equivalent municipal 25159
ordinance that prescribes penalties for violations of that 25160
ordinance that are greater than the penalties prescribed in this 25161
section for violations of this section. 25162

(F) A prosecution for ~~a~~an offense in violation of this 25163
section does not preclude a prosecution for ~~a~~an offense in 25164
violation of a substantially equivalent municipal ordinance 25165
based on the same conduct. However, ~~if an offender is convicted~~ 25166
~~of or pleads guilty to a violation of this section and is also~~ 25167
~~convicted of or pleads guilty to a violation of a substantially~~ 25168
~~equivalent municipal ordinance based on the same conduct,~~ the 25169
two offenses are allied offenses of similar import under section 25170
2941.25 of the Revised Code. 25171

~~(G)~~(G) (1) A law enforcement officer does not have probable 25172
cause and shall not stop the operator of a motor vehicle for 25173
purposes of enforcing this section unless the officer visually 25174

observes the operator using, holding, or physically supporting 25175
with any part of the person's body the electronic wireless 25176
communications device. 25177

(2) A law enforcement officer who stops the operator of a 25178
motor vehicle, trackless trolley, or streetcar for a violation 25179
of division (A) of this section shall inform the operator that 25180
the operator may decline a search of the operator's electronic 25181
wireless communications device. The officer shall not do any of 25182
the following: 25183

(a) Access the device without a warrant, unless the 25184
operator voluntarily and unequivocally gives consent for the 25185
officer to access the device; 25186

(b) Confiscate the device while awaiting the issuance of a 25187
warrant to access the device; 25188

(c) Obtain consent from the operator to access the device 25189
through coercion or any other improper means. Any consent by the 25190
operator to access the device shall be voluntary and unequivocal 25191
before the officer may access the device without a warrant. 25192

(H) As used in this section: 25193

(1) "Electronic wireless communications device" includes 25194
any of the following: 25195

(a) A wireless telephone; 25196

(b) A text-messaging device; 25197

(c) A personal digital assistant; 25198

(d) A computer, including a laptop computer and a computer 25199
tablet; 25200

(e) Any device capable of displaying a video, movie, 25201

broadcast television image, or visual image; 25202

(f) Any other substantially similar wireless device that 25203
is designed or used to communicate text, initiate or receive 25204
communication, or exchange information or data. 25205

An "electronic wireless communications device" does not 25206
include a two-way radio transmitter or receiver used by a person 25207
who is licensed by the federal communications commission to 25208
participate in the amateur radio service. 25209

(2) "Voice-operated or hands-free device feature or 25210
function" means a device feature or function that allows the 25211
user to vocally compose or send, or to listen to a text-based 25212
communication a person to use an electronic wireless 25213
communications device without the use of either hand, except to 25214
activate or, deactivate a, or initiate the feature or function 25215
with a single touch or single swipe. 25216

(3) "Write, send, or read a text-based communication" 25217
means to manually write or send, or read a text-based 25218
communication using an electronic wireless communications 25219
device, including manually writing or sending, or reading 25220
communications referred to as text messages, instant messages, 25221
or electronic mail."Utility" means an entity specified in 25222
division (A), (C), (D), (E), or (G) of section 4905.03 of the 25223
Revised Code. 25224

(4) "Utility service vehicle" means a vehicle owned or 25225
operated by a utility. 25226

Sec. 4511.21. (A) No person shall operate a motor vehicle, 25227
trackless trolley, or streetcar at a speed greater or less than 25228
is reasonable or proper, having due regard to the traffic, 25229
surface, and width of the street or highway and any other 25230

conditions, and no person shall drive any motor vehicle, 25231
trackless trolley, or streetcar in and upon any street or 25232
highway at a greater speed than will permit the person to bring 25233
it to a stop within the assured clear distance ahead. 25234

(B) It is prima-facie lawful, in the absence of a lower 25235
limit declared or established pursuant to this section by the 25236
director of transportation or local authorities, for the 25237
operator of a motor vehicle, trackless trolley, or streetcar to 25238
operate the same at a speed not exceeding the following: 25239

(1) (a) Twenty miles per hour in school zones during school 25240
recess and while children are going to or leaving school during 25241
the opening or closing hours, and when twenty miles per hour 25242
school speed limit signs are erected; except that, on 25243
controlled-access highways and expressways, if the right-of-way 25244
line fence has been erected without pedestrian opening, the 25245
speed shall be governed by division (B) (4) of this section and 25246
on freeways, if the right-of-way line fence has been erected 25247
without pedestrian opening, the speed shall be governed by 25248
divisions (B) (10) and (11) of this section. The end of every 25249
school zone may be marked by a sign indicating the end of the 25250
zone. Nothing in this section or in the manual and 25251
specifications for a uniform system of traffic control devices 25252
shall be construed to require school zones to be indicated by 25253
signs equipped with flashing or other lights, or giving other 25254
special notice of the hours in which the school zone speed limit 25255
is in effect. 25256

(b) As used in this section and in section 4511.212 of the 25257
Revised Code, "school" means all of the following: 25258

(i) Any school chartered under section 3301.16 of the 25259
Revised Code; 25260

(ii) Any nonchartered school that during the preceding 25261
year filed with the department of education in compliance with 25262
rule 3301-35-08 of the Ohio Administrative Code, a copy of the 25263
school's report for the parents of the school's pupils 25264
certifying that the school meets Ohio minimum standards for 25265
nonchartered, nontax-supported schools and presents evidence of 25266
this filing to the jurisdiction from which it is requesting the 25267
establishment of a school zone; 25268

(iii) Any special elementary school that in writing 25269
requests the county engineer of the county in which the special 25270
elementary school is located to create a school zone at the 25271
location of that school. Upon receipt of such a written request, 25272
the county engineer shall create a school zone at that location 25273
by erecting the appropriate signs. 25274

(iv) Any preschool education program operated by an 25275
educational service center that is located on a street or 25276
highway with a speed limit of forty-five miles per hour or more, 25277
when the educational service center in writing requests that the 25278
county engineer of the county in which the program is located 25279
create a school zone at the location of that program. Upon 25280
receipt of such a written request, the county engineer shall 25281
create a school zone at that location by erecting the 25282
appropriate signs. 25283

(c) As used in this section, "school zone" means that 25284
portion of a street or highway passing a school fronting upon 25285
the street or highway that is encompassed by projecting the 25286
school property lines to the fronting street or highway, and 25287
also includes that portion of a state highway. Upon request from 25288
local authorities for streets and highways under their 25289
jurisdiction and that portion of a state highway under the 25290

jurisdiction of the director of transportation or a request from 25291
a county engineer in the case of a school zone for a special 25292
elementary school, the director may extend the traditional 25293
school zone boundaries. The distances in divisions (B) (1) (c) (i), 25294
(ii), and (iii) of this section shall not exceed three hundred 25295
feet per approach per direction and are bounded by whichever of 25296
the following distances or combinations thereof the director 25297
approves as most appropriate: 25298

(i) The distance encompassed by projecting the school 25299
building lines normal to the fronting highway and extending a 25300
distance of three hundred feet on each approach direction; 25301

(ii) The distance encompassed by projecting the school 25302
property lines intersecting the fronting highway and extending a 25303
distance of three hundred feet on each approach direction; 25304

(iii) The distance encompassed by the special marking of 25305
the pavement for a principal school pupil crosswalk plus a 25306
distance of three hundred feet on each approach direction of the 25307
highway. 25308

Nothing in this section shall be construed to invalidate 25309
the director's initial action on August 9, 1976, establishing 25310
all school zones at the traditional school zone boundaries 25311
defined by projecting school property lines, except when those 25312
boundaries are extended as provided in divisions (B) (1) (a) and 25313
(c) of this section. 25314

(d) As used in this division, "crosswalk" has the meaning 25315
given that term in division (LL) (2) of section 4511.01 of the 25316
Revised Code. 25317

The director may, upon request by resolution of the 25318
legislative authority of a municipal corporation, the board of 25319

trustees of a township, or a county board of developmental 25320
disabilities created pursuant to Chapter 5126. of the Revised 25321
Code, and upon submission by the municipal corporation, 25322
township, or county board of such engineering, traffic, and 25323
other information as the director considers necessary, designate 25324
a school zone on any portion of a state route lying within the 25325
municipal corporation, lying within the unincorporated territory 25326
of the township, or lying adjacent to the property of a school 25327
that is operated by such county board, that includes a crosswalk 25328
customarily used by children going to or leaving a school during 25329
recess and opening and closing hours, whenever the distance, as 25330
measured in a straight line, from the school property line 25331
nearest the crosswalk to the nearest point of the crosswalk is 25332
no more than one thousand three hundred twenty feet. Such a 25333
school zone shall include the distance encompassed by the 25334
crosswalk and extending three hundred feet on each approach 25335
direction of the state route. 25336

(e) As used in this section, "special elementary school" 25337
means a school that meets all of the following criteria: 25338

(i) It is not chartered and does not receive tax revenue 25339
from any source. 25340

(ii) It does not educate children beyond the eighth grade. 25341

(iii) It is located outside the limits of a municipal 25342
corporation. 25343

(iv) A majority of the total number of students enrolled 25344
at the school are not related by blood. 25345

(v) The principal or other person in charge of the special 25346
elementary school annually sends a report to the superintendent 25347
of the school district in which the special elementary school is 25348

located indicating the total number of students enrolled at the 25349
school, but otherwise the principal or other person in charge 25350
does not report any other information or data to the 25351
superintendent. 25352

(2) Twenty-five miles per hour in all other portions of a 25353
municipal corporation, except on state routes outside business 25354
districts, through highways outside business districts, and 25355
alleys; 25356

(3) Thirty-five miles per hour on all state routes or 25357
through highways within municipal corporations outside business 25358
districts, except as provided in divisions (B) (4) and (6) of 25359
this section; 25360

(4) Fifty miles per hour on controlled-access highways and 25361
expressways within municipal corporations, except as provided in 25362
divisions (B) (12), (13), (14), (15), and (16) of this section; 25363

(5) Fifty-five miles per hour on highways outside 25364
municipal corporations, other than highways within island 25365
jurisdictions as provided in division (B) (8) of this section, 25366
highways as provided in divisions (B) (9) and (10) of this 25367
section, and highways, expressways, and freeways as provided in 25368
divisions (B) (12), (13), (14), and (16) of this section; 25369

(6) Fifty miles per hour on state routes within municipal 25370
corporations outside urban districts unless a lower prima-facie 25371
speed is established as further provided in this section; 25372

(7) Fifteen miles per hour on all alleys within the 25373
municipal corporation; 25374

(8) Thirty-five miles per hour on highways outside 25375
municipal corporations that are within an island jurisdiction; 25376

(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;	25377 25378 25379 25380
(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H) (2) of this section;	25381 25382 25383
(11) Fifty-five miles per hour on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B) (14) and (16) of this section;	25384 25385 25386
(12) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (B) (13) and (14) of this section;	25387 25388 25389 25390
(13) Sixty-five miles per hour on all rural expressways without traffic control signals;	25391 25392
(14) Seventy miles per hour on all rural freeways;	25393
(15) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (B) (16) of this section;	25394 25395 25396 25397 25398
(16) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.	25399 25400 25401
(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B) (1) (a), (2), (3), (4), (6), (7), (8), and (9) of this section, or any declared or	25402 25403 25404

established pursuant to this section by the director or local 25405
authorities and it is unlawful for any person to exceed any of 25406
the speed limitations in division (D) of this section. No person 25407
shall be convicted of more than one violation of this section 25408
for the same conduct, although violations of more than one 25409
provision of this section may be charged in the alternative in a 25410
single affidavit. 25411

(D) No person shall operate a motor vehicle, trackless 25412
trolley, or streetcar upon a street or highway as follows: 25413

(1) At a speed exceeding fifty-five miles per hour, except 25414
upon a two-lane state route as provided in division (B)(10) of 25415
this section and upon a highway, expressway, or freeway as 25416
provided in divisions (B)(12), (13), (14), and (16) of this 25417
section; 25418

(2) At a speed exceeding sixty miles per hour upon a two- 25419
lane state route as provided in division (B)(10) of this section 25420
and upon a highway as provided in division (B)(12) of this 25421
section; 25422

(3) At a speed exceeding sixty-five miles per hour upon an 25423
expressway as provided in division (B)(13) or upon a freeway as 25424
provided in division (B)(16) of this section, except upon a 25425
freeway as provided in division (B)(14) of this section; 25426

(4) At a speed exceeding seventy miles per hour upon a 25427
freeway as provided in division (B)(14) of this section; 25428

(5) At a speed exceeding the posted speed limit upon a 25429
highway, expressway, or freeway for which the director has 25430
determined and declared a speed limit pursuant to division (I) 25431
(2) or (L)(2) of this section. 25432

(E) In every charge of violation of this section the 25433

affidavit and warrant shall specify the time, place, and speed 25434
at which the defendant is alleged to have driven, and in charges 25435
made in reliance upon division (C) of this section also the 25436
speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or 25437
(9) of, or a limit declared or established pursuant to, this 25438
section declares is prima-facie lawful at the time and place of 25439
such alleged violation, except that in affidavits where a person 25440
is alleged to have driven at a greater speed than will permit 25441
the person to bring the vehicle to a stop within the assured 25442
clear distance ahead the affidavit and warrant need not specify 25443
the speed at which the defendant is alleged to have driven. 25444

(F) When a speed in excess of both a prima-facie 25445
limitation and a limitation in division (D) of this section is 25446
alleged, the defendant shall be charged in a single affidavit, 25447
alleging a single act, with a violation indicated of both 25448
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this 25449
section, or of a limit declared or established pursuant to this 25450
section by the director or local authorities, and of the 25451
limitation in division (D) of this section. If the court finds a 25452
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 25453
or (9) of, or a limit declared or established pursuant to, this 25454
section has occurred, it shall enter a judgment of conviction 25455
under such division and dismiss the charge under division (D) of 25456
this section. If it finds no violation of division (B) (1) (a), 25457
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 25458
established pursuant to, this section, it shall then consider 25459
whether the evidence supports a conviction under division (D) of 25460
this section. 25461

(G) Points shall be assessed for violation of a limitation 25462
under division (D) of this section in accordance with section 25463
4510.036 of the Revised Code. 25464

(H) (1) Whenever the director determines upon the basis of
criteria established by an engineering study, as defined by the
director, that any speed limit set forth in divisions (B) (1) (a)
to (D) of this section is greater or less than is reasonable or
safe under the conditions found to exist at any portion of a
street or highway under the jurisdiction of the director, the
director shall determine and declare a reasonable and safe
prima-facie speed limit, which shall be effective when
appropriate signs giving notice of it are erected at the
location.

(2) Whenever the director determines upon the basis of
criteria established by an engineering study, as defined by the
director, that the speed limit of fifty-five miles per hour on a
two-lane state route outside a municipal corporation is less
than is reasonable or safe under the conditions found to exist
at that portion of the state route, the director may determine
and declare a speed limit of sixty miles per hour for that
portion of the state route, which shall be effective when
appropriate signs giving notice of it are erected at the
location.

(3) (a) For purposes of the safe and orderly movement of
traffic upon any portion of a street or highway under the
jurisdiction of the director, the director may establish a
variable speed limit that is different than the speed limit
established by or under this section on all or portions of
interstate six hundred seventy, interstate two hundred seventy-
five, and interstate ninety commencing at the intersection of
that interstate with interstate seventy-one and continuing to
the border of the state of Ohio with the state of Pennsylvania.
The director shall establish criteria for determining the
appropriate use of variable speed limits and shall establish

variable speed limits in accordance with the criteria. The 25496
director may establish variable speed limits based upon the time 25497
of day, weather conditions, traffic incidents, or other factors 25498
that affect the safe speed on a street or highway. The director 25499
shall not establish a variable speed limit that is based on a 25500
particular type or class of vehicle. A variable speed limit 25501
established by the director under this section is effective when 25502
appropriate signs giving notice of the speed limit are displayed 25503
at the location. 25504

(b) Except for variable speed limits established under 25505
division (H) (3) (a) of this section, the director shall establish 25506
a variable speed limit under the authority granted to the 25507
director by this section on not more than two additional 25508
highways and only pursuant to criteria established in rules 25509
adopted in accordance with Chapter 119. of the Revised Code. The 25510
rules shall be based on the criteria described in division (H) 25511
(3) (a) of this section. The rules also shall establish the 25512
parameters of any engineering study necessary for determining 25513
when variable speed limits are appropriate. 25514

(4) Nothing in this section shall be construed to limit 25515
the authority of the director to establish speed limits within a 25516
construction zone as authorized under section 4511.98 of the 25517
Revised Code. 25518

(I) (1) Except as provided in divisions (I) (2), (J), (K), 25519
and (N) of this section, whenever local authorities determine 25520
upon the basis of criteria established by an engineering study, 25521
as defined by the director, that the speed permitted by 25522
divisions (B) (1) (a) to (D) of this section, on any part of a 25523
highway under their jurisdiction, is greater than is reasonable 25524
and safe under the conditions found to exist at such location, 25525

the local authorities may by resolution request the director to 25526
determine and declare a reasonable and safe prima-facie speed 25527
limit. Upon receipt of such request the director may determine 25528
and declare a reasonable and safe prima-facie speed limit at 25529
such location, and if the director does so, then such declared 25530
speed limit shall become effective only when appropriate signs 25531
giving notice thereof are erected at such location by the local 25532
authorities. The director may withdraw the declaration of a 25533
prima-facie speed limit whenever in the director's opinion the 25534
altered prima-facie speed limit becomes unreasonable. Upon such 25535
withdrawal, the declared prima-facie speed limit shall become 25536
ineffective and the signs relating thereto shall be immediately 25537
removed by the local authorities. 25538

(2) A local authority may determine on the basis of 25539
criteria established by an engineering study, as defined by the 25540
director, that the speed limit of sixty-five or seventy miles 25541
per hour on a portion of a freeway under its jurisdiction is 25542
greater than is reasonable or safe under the conditions found to 25543
exist at that portion of the freeway. If the local authority 25544
makes such a determination, the local authority by resolution 25545
may request the director to determine and declare a reasonable 25546
and safe speed limit of not less than fifty-five miles per hour 25547
for that portion of the freeway. If the director takes such 25548
action, the declared speed limit becomes effective only when 25549
appropriate signs giving notice of it are erected at such 25550
location by the local authority. 25551

(J) Local authorities in their respective jurisdictions 25552
may authorize by ordinance higher prima-facie speeds than those 25553
stated in this section upon through highways, or upon highways 25554
or portions thereof where there are no intersections, or between 25555
widely spaced intersections, provided signs are erected giving 25556

notice of the authorized speed, but local authorities shall not 25557
modify or alter the basic rule set forth in division (A) of this 25558
section or in any event authorize by ordinance a speed in excess 25559
of the maximum speed permitted by division (D) of this section 25560
for the specified type of highway. 25561

Alteration of prima-facie limits on state routes by local 25562
authorities shall not be effective until the alteration has been 25563
approved by the director. The director may withdraw approval of 25564
any altered prima-facie speed limits whenever in the director's 25565
opinion any altered prima-facie speed becomes unreasonable, and 25566
upon such withdrawal, the altered prima-facie speed shall become 25567
ineffective and the signs relating thereto shall be immediately 25568
removed by the local authorities. 25569

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 25570
this section, "unimproved highway" means a highway consisting of 25571
any of the following: 25572

(a) Unimproved earth; 25573

(b) Unimproved graded and drained earth; 25574

(c) Gravel. 25575

(2) Except as otherwise provided in divisions (K) (4) and 25576
(5) of this section, whenever a board of township trustees 25577
determines upon the basis of criteria established by an 25578
engineering study, as defined by the director, that the speed 25579
permitted by division (B) (5) of this section on any part of an 25580
unimproved highway under its jurisdiction and in the 25581
unincorporated territory of the township is greater than is 25582
reasonable or safe under the conditions found to exist at the 25583
location, the board may by resolution declare a reasonable and 25584
safe prima-facie speed limit of fifty-five but not less than 25585

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.

(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.

(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.

(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 25616
than is reasonable or safe under the conditions found to exist 25617
at the location and both boards agree upon a reasonable and safe 25618
prima-facie speed limit of less than fifty-five but not less 25619
than twenty-five miles per hour for that location. If both 25620
boards so agree, each shall follow the procedure specified in 25621
division (K) (2) of this section for altering the prima-facie 25622
speed limit on the highway. Except as otherwise provided in 25623
division (K) (4) (b) of this section, no speed limit altered 25624
pursuant to division (K) (4) (a) of this section may be withdrawn 25625
unless the boards of township trustees of both townships 25626
determine that the altered prima-facie speed limit previously 25627
adopted becomes unreasonable and each board adopts a resolution 25628
withdrawing the altered prima-facie speed limit pursuant to the 25629
procedure specified in division (K) (3) (a) of this section. 25630

(b) Whenever a highway described in division (K) (4) (a) of 25631
this section ceases to be an unimproved highway and two boards 25632
of township trustees have adopted an altered prima-facie speed 25633
limit pursuant to division (K) (4) (a) of this section, both 25634
boards shall, by resolution, withdraw the altered prima-facie 25635
speed limit as soon as the highway ceases to be unimproved. Upon 25636
the adoption of the resolution, the altered prima-facie speed 25637
limit becomes ineffective and the traffic control devices 25638
relating thereto shall be immediately removed. 25639

(5) As used in division (K) (5) of this section: 25640

(a) "Commercial subdivision" means any platted territory 25641
outside the limits of a municipal corporation and fronting a 25642
highway where, for a distance of three hundred feet or more, the 25643
frontage is improved with buildings in use for commercial 25644
purposes, or where the entire length of the highway is less than 25645

three hundred feet long and the frontage is improved with 25646
buildings in use for commercial purposes. 25647

(b) "Residential subdivision" means any platted territory 25648
outside the limits of a municipal corporation and fronting a 25649
highway, where, for a distance of three hundred feet or more, 25650
the frontage is improved with residences or residences and 25651
buildings in use for business, or where the entire length of the 25652
highway is less than three hundred feet long and the frontage is 25653
improved with residences or residences and buildings in use for 25654
business. 25655

Whenever a board of township trustees finds upon the basis 25656
of criteria established by an engineering study, as defined by 25657
the director, that the prima-facie speed permitted by division 25658
(B) (5) of this section on any part of a highway under its 25659
jurisdiction that is located in a commercial or residential 25660
subdivision, except on highways or portions thereof at the 25661
entrances to which vehicular traffic from the majority of 25662
intersecting highways is required to yield the right-of-way to 25663
vehicles on such highways in obedience to stop or yield signs or 25664
traffic control signals, is greater than is reasonable and safe 25665
under the conditions found to exist at the location, the board 25666
may by resolution declare a reasonable and safe prima-facie 25667
speed limit of less than fifty-five but not less than twenty- 25668
five miles per hour at the location. An altered speed limit 25669
adopted by a board of township trustees under this division 25670
shall become effective when appropriate signs giving notice 25671
thereof are erected at the location by the township. Whenever, 25672
in the opinion of a board of township trustees, any altered 25673
prima-facie speed limit established by it under this division 25674
becomes unreasonable, it may adopt a resolution withdrawing the 25675
altered prima-facie speed, and upon such withdrawal, the altered 25676

prima-facie speed shall become ineffective, and the signs 25677
relating thereto shall be immediately removed by the township. 25678

(L) (1) The director of transportation, based upon an 25679
engineering study, as defined by the director, of a highway, 25680
expressway, or freeway described in division (B) (12), (13), 25681
(14), (15), or (16) of this section, in consultation with the 25682
director of public safety and, if applicable, the local 25683
authority having jurisdiction over the studied highway, 25684
expressway, or freeway, may determine and declare that the speed 25685
limit established on such highway, expressway, or freeway under 25686
division (B) (12), (13), (14), (15), or (16) of this section 25687
either is reasonable and safe or is more or less than that which 25688
is reasonable and safe. 25689

(2) If the established speed limit for a highway, 25690
expressway, or freeway studied pursuant to division (L) (1) of 25691
this section is determined to be more or less than that which is 25692
reasonable and safe, the director of transportation, in 25693
consultation with the director of public safety and, if 25694
applicable, the local authority having jurisdiction over the 25695
studied highway, expressway, or freeway, shall determine and 25696
declare a reasonable and safe speed limit for that highway, 25697
expressway, or freeway. 25698

(M) (1) (a) If the boundary of two local authorities rests 25699
on the centerline of a highway and both authorities have 25700
jurisdiction over the highway, the speed limit for the part of 25701
the highway within their joint jurisdiction shall be either one 25702
of the following as agreed to by both authorities: 25703

(i) Either prima-facie speed limit permitted by division 25704
(B) of this section; 25705

(ii) An altered speed limit determined and posted in accordance with this section. 25706
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(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section. 25708
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(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. 25711
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(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 25730
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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.

(0) As used in this section: 25744

(1) "Interstate system" has the same meaning as in 23 U.S.C. 101. 25745
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(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation. 25747
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(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. 25750
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(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. 25754
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(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. 25758
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(6) "Urbanized area" has the same meaning as in 23 U.S.C. 101. 25762
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(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.

(P) (1) A violation of any provision of this section is one of the following:

(a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2) If the offender ~~has not previously been convicted of or pleaded guilty to a violation of any provision of this section or of any provision of a municipal ordinance that is substantially similar to this section and~~ operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth

degree. Division (P) (2) of this section does not apply if 25793
penalties may be imposed under division (P) (1) (b) or (c) of this 25794
section. 25795

(3) Notwithstanding division (P) (1) of this section, if 25796
the offender operated a motor vehicle in a construction zone 25797
where a sign was then posted in accordance with section 4511.98 25798
of the Revised Code, the court, in addition to all other 25799
penalties provided by law, shall impose upon the offender a fine 25800
of two times the usual amount imposed for the violation. No 25801
court shall impose a fine of two times the usual amount imposed 25802
for the violation upon an offender if the offender alleges, in 25803
an affidavit filed with the court prior to the offender's 25804
sentencing, that the offender is indigent and is unable to pay 25805
the fine imposed pursuant to this division and if the court 25806
determines that the offender is an indigent person and unable to 25807
pay the fine. 25808

(4) If the offender commits the offense while distracted 25809
and the distracting activity is a contributing factor to the 25810
commission of the offense, the offender is subject to the 25811
additional fine established under section 4511.991 of the 25812
Revised Code. 25813

Sec. 4511.991. (A) As used in this section and each 25814
section referenced in division (B) of this section, all of the 25815
following apply: 25816

(1) "Distracted" means doing either of the following while 25817
operating a vehicle: 25818

(a) Using ~~a handheld~~ an electronic wireless communications 25819
device, as defined in section 4511.204 of the Revised Code, 25820
~~except when utilizing any of the following:~~ 25821

(i) The device's speakerphone function;	25822
(ii) A wireless technology standard for exchanging data over short distances;	25823 25824
(iii) A "voice-operated or hands-free" device that allows the person to use the electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function;	25825 25826 25827 25828
(iv) Any device that is physically or electronically integrated into the motor vehicle in violation of that section.	25829 25830
(b) Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.	25831 25832 25833 25834
(2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of section 4511.84 of the Revised Code.	25835 25836 25837 25838 25839
(3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage, or a circumstance affecting the health or safety of individuals.	25840 25841 25842 25843 25844
As used in division (A) (3) of this section:	25845
(a) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.	25846 25847
(b) "Utility service vehicle" means a vehicle owned or operated by a utility.	25848 25849

(B) If an offender violates section 4511.03, 4511.051, 25850
4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 25851
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 25852
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 25853
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 25854
4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 25855
4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 25856
4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 25857
4511.73 of the Revised Code while distracted and the distracting 25858
activity is a contributing factor to the commission of the 25859
violation, the offender is subject to the applicable penalty for 25860
the violation and, notwithstanding section 2929.28 of the 25861
Revised Code, is subject to an additional fine of not more than 25862
one hundred dollars as follows: 25863

(1) Subject to Traffic Rule 13, if a law enforcement 25864
officer issues an offender a ticket, citation, or summons for a 25865
violation of any of the aforementioned sections of the Revised 25866
Code that indicates that the offender was distracted while 25867
committing the violation and that the distracting activity was a 25868
contributing factor to the commission of the violation, the 25869
offender may enter a written plea of guilty and waive the 25870
offender's right to contest the ticket, citation, or summons in 25871
a trial provided that the offender pays the total amount of the 25872
fine established for the violation and pays the additional fine 25873
of one hundred dollars. 25874

In lieu of payment of the additional fine of one hundred 25875
dollars, the offender instead may elect to attend a distracted 25876
driving safety course, the duration and contents of which shall 25877
be established by the director of public safety. If the offender 25878
attends and successfully completes the course, the offender 25879
shall be issued written evidence that the offender successfully 25880

completed the course. The offender shall be required to pay the 25881
total amount of the fine established for the violation, but 25882
shall not be required to pay the additional fine of one hundred 25883
dollars, so long as the offender submits to the court both the 25884
offender's payment in full and such written evidence. 25885

(2) If the offender appears in person to contest the 25886
ticket, citation, or summons in a trial and the offender pleads 25887
guilty to or is convicted of the violation, the court, in 25888
addition to all other penalties provided by law, may impose the 25889
applicable penalty for the violation and may impose the 25890
additional fine of not more than one hundred dollars. 25891

If the court imposes upon the offender the applicable 25892
penalty for the violation and an additional fine of not more 25893
than one hundred dollars, the court shall inform the offender 25894
that, in lieu of payment of the additional fine of not more than 25895
one hundred dollars, the offender instead may elect to attend 25896
the distracted driving safety course described in division (B) 25897
(1) of this section. If the offender elects the course option 25898
and attends and successfully completes the course, the offender 25899
shall be issued written evidence that the offender successfully 25900
completed the course. The offender shall be required to pay the 25901
total amount of the fine established for the violation, but 25902
shall not be required to pay the additional fine of not more 25903
than one hundred dollars, so long as the offender submits to the 25904
court the offender's payment and such written evidence. 25905

(C) If a law enforcement officer issues an offender a 25906
ticket, citation, or summons for a violation of any of the 25907
sections of the Revised Code listed in division (B) of this 25908
section that indicates that the offender was distracted while 25909
committing the violation and that the distracting activity was a 25910

contributing factor to the commission of the violation, the 25911
officer shall do both of the following: 25912

(1) Report the issuance of the ticket, citation, or 25913
summons to the officer's law enforcement agency; 25914

(2) Ensure that such report indicates the offender's race. 25915

Sec. 4511.992. (A) A law enforcement agency shall compile 25916
the information from reports submitted in accordance with 25917
division (C) (2) of section 4511.204 and division (C) of section 25918
4511.991 of the Revised Code. Every other month, the agency 25919
shall prepare a report that describes the number and race of the 25920
offenders who received a ticket, citation, or summons under 25921
those sections during the prior two months. Upon completion of 25922
the report, the agency shall send the report to the attorney 25923
general. 25924

(B) The attorney general shall complete an annual report 25925
that is based on the reports submitted by law enforcement 25926
agencies under division (A) of this section during the prior 25927
one-year period. The report shall describe both of the 25928
following: 25929

(1) The total number of offenders by race who received a 25930
ticket, citation, or summons for each of the following: 25931

(a) A violation of division (A) of section 4511.204 of the 25932
Revised Code that indicates that the offender operated a motor 25933
vehicle while using an electronic wireless communication device; 25934

(b) A violation of any of the sections of the Revised Code 25935
listed in division (B) of section 4511.991 of the Revised Code 25936
that indicates that the offender was distracted while committing 25937
the violation and that the distracting activity was a 25938
contributing factor to the commission of the violation. 25939

(2) The information specified under division (B) (1) of 25940
this section listed by law enforcement agency. 25941

Upon completion of the annual report, the attorney general 25942
shall submit it to the governor, the speaker of the house of 25943
representatives, and the president of the senate. 25944

Sec. 4723.28. (A) The board of nursing, by a vote of a 25945
quorum, may impose one or more of the following sanctions if it 25946
finds that a person committed fraud in passing an examination 25947
required to obtain a license or dialysis technician certificate 25948
issued by the board or to have committed fraud, 25949
misrepresentation, or deception in applying for or securing any 25950
nursing license or dialysis technician certificate issued by the 25951
board: deny, revoke, suspend, or place restrictions on any 25952
nursing license or dialysis technician certificate issued by the 25953
board; reprimand or otherwise discipline a holder of a nursing 25954
license or dialysis technician certificate; or impose a fine of 25955
not more than five hundred dollars per violation. 25956

(B) Except as provided in section 4723.092 of the Revised 25957
Code, the board of nursing, by a vote of a quorum, may impose 25958
one or more of the following sanctions: deny, revoke, suspend, 25959
or place restrictions on any nursing license or dialysis 25960
technician certificate issued by the board; reprimand or 25961
otherwise discipline a holder of a nursing license or dialysis 25962
technician certificate; or impose a fine of not more than five 25963
hundred dollars per violation. The sanctions may be imposed for 25964
any of the following: 25965

(1) Denial, revocation, suspension, or restriction of 25966
authority to engage in a licensed profession or practice a 25967
health care occupation, including nursing or practice as a 25968
dialysis technician, for any reason other than a failure to 25969

renew, in Ohio or another state or jurisdiction;	25970
(2) Engaging in the practice of nursing or engaging in practice as a dialysis technician, having failed to renew a nursing license or dialysis technician certificate issued under this chapter, or while a nursing license or dialysis technician certificate is under suspension;	25971 25972 25973 25974 25975
(3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	25976 25977 25978 25979 25980 25981
(4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude;	25982 25983 25984 25985 25986 25987
(5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law;	25988 25989 25990 25991 25992 25993 25994 25995
(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a	25996 25997 25998

pretrial diversion or similar program or for intervention in 25999
lieu of conviction for, an act in another jurisdiction that 26000
would constitute a felony or a crime of moral turpitude in Ohio; 26001

(7) Conviction of, a plea of guilty to, a judicial finding 26002
of guilt of, a judicial finding of guilt resulting from a plea 26003
of no contest to, or a judicial finding of eligibility for a 26004
pretrial diversion or similar program or for intervention in 26005
lieu of conviction for, an act in the course of practice in 26006
another jurisdiction that would constitute a misdemeanor in 26007
Ohio; 26008

(8) Self-administering or otherwise taking into the body 26009
any dangerous drug, as defined in section 4729.01 of the Revised 26010
Code, in any way that is not in accordance with a legal, valid 26011
prescription issued for that individual, or self-administering 26012
or otherwise taking into the body any drug that is a schedule I 26013
controlled substance; 26014

(9) Habitual or excessive use of controlled substances, 26015
other habit-forming drugs, or alcohol or other chemical 26016
substances to an extent that impairs the individual's ability to 26017
provide safe nursing care or safe dialysis care; 26018

(10) Impairment of the ability to practice according to 26019
acceptable and prevailing standards of safe nursing care or safe 26020
dialysis care because of the use of drugs, alcohol, or other 26021
chemical substances; 26022

(11) Impairment of the ability to practice according to 26023
acceptable and prevailing standards of safe nursing care or safe 26024
dialysis care because of a physical or mental disability; 26025

(12) Assaulting or causing harm to a patient or depriving 26026
a patient of the means to summon assistance; 26027

(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;	26028 26029
(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.	26030 26031 26032 26033 26034 26035
(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;	26036 26037 26038
(16) Violation of this chapter or any rules adopted under it;	26039 26040
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	26041 26042
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	26043 26044 26045
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	26046 26047
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	26048 26049 26050
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	26051 26052 26053
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of	26054 26055

the Revised Code; 26056

(23) Aiding and abetting a person in that person's 26057
practice of nursing without a license or practice as a dialysis 26058
technician without a certificate issued under this chapter; 26059

(24) In the case of an advanced practice registered nurse, 26060
except as provided in division (M) of this section, either of 26061
the following: 26062

(a) Waiving the payment of all or any part of a deductible 26063
or copayment that a patient, pursuant to a health insurance or 26064
health care policy, contract, or plan that covers such nursing 26065
services, would otherwise be required to pay if the waiver is 26066
used as an enticement to a patient or group of patients to 26067
receive health care services from that provider; 26068

(b) Advertising that the nurse will waive the payment of 26069
all or any part of a deductible or copayment that a patient, 26070
pursuant to a health insurance or health care policy, contract, 26071
or plan that covers such nursing services, would otherwise be 26072
required to pay. 26073

(25) Failure to comply with the terms and conditions of 26074
participation in the substance use disorder monitoring program 26075
established under section 4723.35 of the Revised Code; 26076

(26) Failure to comply with the terms and conditions 26077
required under the practice intervention and improvement program 26078
established under section 4723.282 of the Revised Code; 26079

(27) In the case of an advanced practice registered nurse: 26080

(a) Engaging in activities that exceed those permitted for 26081
the nurse's nursing specialty under section 4723.43 of the 26082
Revised Code; 26083

(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	26084 26085
(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;	26086 26087 26088 26089 26090
(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;	26091 26092 26093 26094 26095
(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	26096 26097
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	26098 26099 26100
(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	26101 26102 26103 26104
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	26105 26106
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	26107 26108 26109
(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;	26110 26111

(34) Failure to comply with the requirements in section 26112
3719.061 of the Revised Code before issuing for a minor a 26113
prescription for an opioid analgesic, as defined in section 26114
3719.01 of the Revised Code; 26115

(35) Failure to comply with section 4723.487 of the 26116
Revised Code, unless the state board of pharmacy no longer 26117
maintains a drug database pursuant to section 4729.75 of the 26118
Revised Code; 26119

(36) The revocation, suspension, restriction, reduction, 26120
or termination of clinical privileges by the United States 26121
department of defense or department of veterans affairs or the 26122
termination or suspension of a certificate of registration to 26123
prescribe drugs by the drug enforcement administration of the 26124
United States department of justice; 26125

(37) In the case of an advanced practice registered nurse 26126
who is designated as a clinical nurse specialist, certified 26127
nurse-midwife, or certified nurse practitioner, failure to 26128
comply with the terms of a consult agreement entered into with a 26129
pharmacist pursuant to section 4729.39 of the Revised Code. 26130

(C) Disciplinary actions taken by the board under 26131
divisions (A) and (B) of this section shall be taken pursuant to 26132
an adjudication conducted under Chapter 119. of the Revised 26133
Code, except that in lieu of a hearing, the board may enter into 26134
a consent agreement with an individual to resolve an allegation 26135
of a violation of this chapter or any rule adopted under it. A 26136
consent agreement, when ratified by a vote of a quorum, shall 26137
constitute the findings and order of the board with respect to 26138
the matter addressed in the agreement. If the board refuses to 26139
ratify a consent agreement, the admissions and findings 26140
contained in the agreement shall be of no effect. 26141

(D) The hearings of the board shall be conducted in 26142
accordance with Chapter 119. of the Revised Code, the board may 26143
appoint a hearing examiner, as provided in section 119.09 of the 26144
Revised Code, to conduct any hearing the board is authorized to 26145
hold under Chapter 119. of the Revised Code. 26146

In any instance in which the board is required under 26147
Chapter 119. of the Revised Code to give notice of an 26148
opportunity for a hearing and the applicant, licensee, or 26149
certificate holder does not make a timely request for a hearing 26150
in accordance with section 119.07 of the Revised Code, the board 26151
is not required to hold a hearing, but may adopt, by a vote of a 26152
quorum, a final order that contains the board's findings. In the 26153
final order, the board may order any of the sanctions listed in 26154
division (A) or (B) of this section. 26155

(E) If a criminal action is brought against a registered 26156
nurse, licensed practical nurse, or dialysis technician for an 26157
act or crime described in divisions (B) (3) to (7) of this 26158
section and the action is dismissed by the trial court other 26159
than on the merits, the board shall conduct an adjudication to 26160
determine whether the registered nurse, licensed practical 26161
nurse, or dialysis technician committed the act on which the 26162
action was based. If the board determines on the basis of the 26163
adjudication that the registered nurse, licensed practical 26164
nurse, or dialysis technician committed the act, or if the 26165
registered nurse, licensed practical nurse, or dialysis 26166
technician fails to participate in the adjudication, the board 26167
may take action as though the registered nurse, licensed 26168
practical nurse, or dialysis technician had been convicted of 26169
the act. 26170

If the board takes action on the basis of a conviction, 26171

plea, or a judicial finding as described in divisions (B) (3) to 26172
(7) of this section that is overturned on appeal, the registered 26173
nurse, licensed practical nurse, or dialysis technician may, on 26174
exhaustion of the appeal process, petition the board for 26175
reconsideration of its action. On receipt of the petition and 26176
supporting court documents, the board shall temporarily rescind 26177
its action. If the board determines that the decision on appeal 26178
was a decision on the merits, it shall permanently rescind its 26179
action. If the board determines that the decision on appeal was 26180
not a decision on the merits, it shall conduct an adjudication 26181
to determine whether the registered nurse, licensed practical 26182
nurse, or dialysis technician committed the act on which the 26183
original conviction, plea, or judicial finding was based. If the 26184
board determines on the basis of the adjudication that the 26185
registered nurse, licensed practical nurse, or dialysis 26186
technician committed such act, or if the registered nurse, 26187
licensed practical nurse, or dialysis technician does not 26188
request an adjudication, the board shall reinstate its action; 26189
otherwise, the board shall permanently rescind its action. 26190

Notwithstanding the provision of division ~~(C) (2)~~ (D) (2) of 26191
section 2953.32 or division (F) (1) of section 2953.39 of the 26192
Revised Code specifying that if records pertaining to a criminal 26193
case are sealed or expunged under that section the proceedings 26194
in the case shall be deemed not to have occurred, sealing or 26195
expungement of the following records on which the board has 26196
based an action under this section shall have no effect on the 26197
board's action or any sanction imposed by the board under this 26198
section: records of any conviction, guilty plea, judicial 26199
finding of guilt resulting from a plea of no contest, or a 26200
judicial finding of eligibility for a pretrial diversion program 26201
or intervention in lieu of conviction. 26202

The board shall not be required to seal, destroy, redact, 26203
or otherwise modify its records to reflect the court's sealing 26204
or expungement of conviction records. 26205

(F) The board may investigate an individual's criminal 26206
background in performing its duties under this section. As part 26207
of such investigation, the board may order the individual to 26208
submit, at the individual's expense, a request to the bureau of 26209
criminal identification and investigation for a criminal records 26210
check and check of federal bureau of investigation records in 26211
accordance with the procedure described in section 4723.091 of 26212
the Revised Code. 26213

(G) During the course of an investigation conducted under 26214
this section, the board may compel any registered nurse, 26215
licensed practical nurse, or dialysis technician or applicant 26216
under this chapter to submit to a mental or physical 26217
examination, or both, as required by the board and at the 26218
expense of the individual, if the board finds reason to believe 26219
that the individual under investigation may have a physical or 26220
mental impairment that may affect the individual's ability to 26221
provide safe nursing care. Failure of any individual to submit 26222
to a mental or physical examination when directed constitutes an 26223
admission of the allegations, unless the failure is due to 26224
circumstances beyond the individual's control, and a default and 26225
final order may be entered without the taking of testimony or 26226
presentation of evidence. 26227

If the board finds that an individual is impaired, the 26228
board shall require the individual to submit to care, 26229
counseling, or treatment approved or designated by the board, as 26230
a condition for initial, continued, reinstated, or renewed 26231
authority to practice. The individual shall be afforded an 26232

opportunity to demonstrate to the board that the individual can 26233
begin or resume the individual's occupation in compliance with 26234
acceptable and prevailing standards of care under the provisions 26235
of the individual's authority to practice. 26236

For purposes of this division, any registered nurse, 26237
licensed practical nurse, or dialysis technician or applicant 26238
under this chapter shall be deemed to have given consent to 26239
submit to a mental or physical examination when directed to do 26240
so in writing by the board, and to have waived all objections to 26241
the admissibility of testimony or examination reports that 26242
constitute a privileged communication. 26243

(H) The board shall investigate evidence that appears to 26244
show that any person has violated any provision of this chapter 26245
or any rule of the board. Any person may report to the board any 26246
information the person may have that appears to show a violation 26247
of any provision of this chapter or rule of the board. In the 26248
absence of bad faith, any person who reports such information or 26249
who testifies before the board in any adjudication conducted 26250
under Chapter 119. of the Revised Code shall not be liable for 26251
civil damages as a result of the report or testimony. 26252

(I) All of the following apply under this chapter with 26253
respect to the confidentiality of information: 26254

(1) Information received by the board pursuant to a 26255
complaint or an investigation is confidential and not subject to 26256
discovery in any civil action, except that the board may 26257
disclose information to law enforcement officers and government 26258
entities for purposes of an investigation of either a licensed 26259
health care professional, including a registered nurse, licensed 26260
practical nurse, or dialysis technician, or a person who may 26261
have engaged in the unauthorized practice of nursing or dialysis 26262

care. No law enforcement officer or government entity with 26263
knowledge of any information disclosed by the board pursuant to 26264
this division shall divulge the information to any other person 26265
or government entity except for the purpose of a government 26266
investigation, a prosecution, or an adjudication by a court or 26267
government entity. 26268

(2) If an investigation requires a review of patient 26269
records, the investigation and proceeding shall be conducted in 26270
such a manner as to protect patient confidentiality. 26271

(3) All adjudications and investigations of the board 26272
shall be considered civil actions for the purposes of section 26273
2305.252 of the Revised Code. 26274

(4) Any board activity that involves continued monitoring 26275
of an individual as part of or following any disciplinary action 26276
taken under this section shall be conducted in a manner that 26277
maintains the individual's confidentiality. Information received 26278
or maintained by the board with respect to the board's 26279
monitoring activities is not subject to discovery in any civil 26280
action and is confidential, except that the board may disclose 26281
information to law enforcement officers and government entities 26282
for purposes of an investigation of a licensee or certificate 26283
holder. 26284

(J) Any action taken by the board under this section 26285
resulting in a suspension from practice shall be accompanied by 26286
a written statement of the conditions under which the person may 26287
be reinstated to practice. 26288

(K) When the board refuses to grant a license or 26289
certificate to an applicant, revokes a license or certificate, 26290
or refuses to reinstate a license or certificate, the board may 26291

specify that its action is permanent. An individual subject to 26292
permanent action taken by the board is forever ineligible to 26293
hold a license or certificate of the type that was refused or 26294
revoked and the board shall not accept from the individual an 26295
application for reinstatement of the license or certificate or 26296
for a new license or certificate. 26297

(L) No unilateral surrender of a nursing license or 26298
dialysis technician certificate issued under this chapter shall 26299
be effective unless accepted by majority vote of the board. No 26300
application for a nursing license or dialysis technician 26301
certificate issued under this chapter may be withdrawn without a 26302
majority vote of the board. The board's jurisdiction to take 26303
disciplinary action under this section is not removed or limited 26304
when an individual has a license or certificate classified as 26305
inactive or fails to renew a license or certificate. 26306

(M) Sanctions shall not be imposed under division (B) (24) 26307
of this section against any licensee who waives deductibles and 26308
copayments as follows: 26309

(1) In compliance with the health benefit plan that 26310
expressly allows such a practice. Waiver of the deductibles or 26311
copayments shall be made only with the full knowledge and 26312
consent of the plan purchaser, payer, and third-party 26313
administrator. Documentation of the consent shall be made 26314
available to the board upon request. 26315

(2) For professional services rendered to any other person 26316
licensed pursuant to this chapter to the extent allowed by this 26317
chapter and the rules of the board. 26318

Sec. 4729.16. (A) (1) The state board of pharmacy, after 26319
notice and hearing in accordance with Chapter 119. of the 26320

Revised Code, may impose any one or more of the following 26321
sanctions on a pharmacist or pharmacy intern if the board finds 26322
the individual engaged in any of the conduct set forth in 26323
division (A) (2) of this section: 26324

(a) Revoke, suspend, restrict, limit, or refuse to grant 26325
or renew a license; 26326

(b) Reprimand or place the license holder on probation; 26327

(c) Impose a monetary penalty or forfeiture not to exceed 26328
in severity any fine designated under the Revised Code for a 26329
similar offense, or in the case of a violation of a section of 26330
the Revised Code that does not bear a penalty, a monetary 26331
penalty or forfeiture of not more than five hundred dollars. 26332

(2) Except as provided in division (I) of this section, 26333
the board may impose the sanctions listed in division (A) (1) of 26334
this section if the board finds a pharmacist or pharmacy intern: 26335

(a) Has been convicted of a felony, or a crime of moral 26336
turpitude, as defined in section 4776.10 of the Revised Code; 26337

(b) Engaged in dishonesty or unprofessional conduct in the 26338
practice of pharmacy; 26339

(c) Is addicted to or abusing alcohol or drugs or is 26340
impaired physically or mentally to such a degree as to render 26341
the pharmacist or pharmacy intern unfit to practice pharmacy; 26342

(d) Has been convicted of a misdemeanor related to, or 26343
committed in, the practice of pharmacy; 26344

(e) Violated, conspired to violate, attempted to violate, 26345
or aided and abetted the violation of any of the provisions of 26346
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 26347
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 26348

by the board under those provisions; 26349

(f) Permitted someone other than a pharmacist or pharmacy 26350
intern to practice pharmacy; 26351

(g) Knowingly lent the pharmacist's or pharmacy intern's 26352
name to an illegal practitioner of pharmacy or had a 26353
professional connection with an illegal practitioner of 26354
pharmacy; 26355

(h) Divided or agreed to divide remuneration made in the 26356
practice of pharmacy with any other individual, including, but 26357
not limited to, any licensed health professional authorized to 26358
prescribe drugs or any owner, manager, or employee of a health 26359
care facility, residential care facility, or nursing home; 26360

(i) Violated the terms of a consult agreement entered into 26361
pursuant to section 4729.39 of the Revised Code; 26362

(j) Committed fraud, misrepresentation, or deception in 26363
applying for or securing a license issued by the board under 26364
this chapter or under Chapter 3715. or 3719. of the Revised 26365
Code; 26366

(k) Failed to comply with an order of the board or a 26367
settlement agreement; 26368

(l) Engaged in any other conduct for which the board may 26369
impose discipline as set forth in rules adopted under section 26370
4729.26 of the Revised Code. 26371

(B) Any individual whose license is revoked, suspended, or 26372
refused, shall return the license to the offices of the state 26373
board of pharmacy within ten days after receipt of notice of 26374
such action. 26375

(C) As used in this section: 26376

"Unprofessional conduct in the practice of pharmacy"	26377
includes any of the following:	26378
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	26379 26380
(2) Except as provided in section 4729.281, 4729.44, or 4729.47 of the Revised Code, the dispensing or sale of any drug for which a prescription is required, without having received a prescription for the drug;	26381 26382 26383 26384
(3) Knowingly dispensing medication pursuant to false or forged prescriptions;	26385 26386
(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules;	26387 26388 26389 26390
(5) Obtaining any remuneration by fraud, misrepresentation, or deception;	26391 26392
(6) Failing to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established;	26393 26394 26395 26396
(7) Engaging in any other conduct that the board specifies as unprofessional conduct in the practice of pharmacy in rules adopted under section 4729.26 of the Revised Code.	26397 26398 26399
(D) The board may suspend a license 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.	26400 26401 26402
(E) For purposes of this division, an individual authorized to practice as a pharmacist or pharmacy intern	26403 26404

accepts the privilege of practicing in this state subject to 26405
supervision by the board. By filing an application for or 26406
holding a license to practice as a pharmacist or pharmacy 26407
intern, an individual gives consent to submit to a mental or 26408
physical examination when ordered to do so by the board in 26409
writing and waives all objections to the admissibility of 26410
testimony or examination reports that constitute privileged 26411
communications. 26412

If the board has reasonable cause to believe that an 26413
individual who is a pharmacist or pharmacy intern is physically 26414
or mentally impaired, the board may require the individual to 26415
submit to a physical or mental examination, or both. The expense 26416
of the examination is the responsibility of the individual 26417
required to be examined. 26418

Failure of an individual who is a pharmacist or pharmacy 26419
intern to submit to a physical or mental examination ordered by 26420
the board, unless the failure is due to circumstances beyond the 26421
individual's control, constitutes an admission of the 26422
allegations and a suspension order shall be entered without the 26423
taking of testimony or presentation of evidence. Any subsequent 26424
adjudication hearing under Chapter 119. of the Revised Code 26425
concerning failure to submit to an examination is limited to 26426
consideration of whether the failure was beyond the individual's 26427
control. 26428

If, based on the results of an examination ordered under 26429
this division, the board determines that the individual's 26430
ability to practice is impaired, the board shall suspend the 26431
individual's license or deny the individual's application and 26432
shall require the individual, as a condition for an initial, 26433
continued, reinstated, or renewed license to practice, to submit 26434

to a physical or mental examination and treatment. 26435

An order of suspension issued under this division shall 26436
not be subject to suspension by a court during pendency of any 26437
appeal filed under section 119.12 of the Revised Code. 26438

(F) If the board is required under Chapter 119. of the 26439
Revised Code to give notice of an opportunity for a hearing and 26440
the applicant or licensee does not make a timely request for a 26441
hearing in accordance with section 119.07 of the Revised Code, 26442
the board is not required to hold a hearing, but may adopt a 26443
final order that contains the board's findings. In the final 26444
order, the board may impose any of the sanctions listed in 26445
division (A) of this section. 26446

(G) Notwithstanding the provision of division ~~(C)(2)~~ (D) 26447
(2) of section 2953.32 or division (F)(1) of section 2953.39 of 26448
the Revised Code specifying that if records pertaining to a 26449
criminal case are sealed or expunged under that section the 26450
proceedings in the case must be deemed not to have occurred, 26451
sealing or expungement of the following records on which the 26452
board has based an action under this section shall have no 26453
effect on the board's action or any sanction imposed by the 26454
board under this section: records of any conviction, guilty 26455
plea, judicial finding of guilt resulting from a plea of no 26456
contest, or a judicial finding of eligibility for a pretrial 26457
diversion program or intervention in lieu of conviction. The 26458
board shall not be required to seal, destroy, redact, or 26459
otherwise modify its records to reflect the court's sealing or 26460
expungement of conviction records. 26461

(H) No pharmacist or pharmacy intern shall knowingly 26462
engage in any conduct described in divisions (A)(2)(b) or (A)(2) 26463
(e) to (l) of this section. 26464

(I) The board shall not refuse to issue a license to an applicant for a conviction of an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4729.56. (A) (1) The state board of pharmacy, in accordance with Chapter 119. of the Revised Code, may impose any one or more of the following sanctions on a person licensed under division (B) (1) (a) of section 4729.52 of the Revised Code for any of the causes set forth in division (A) (2) of this section:

(a) Suspend, revoke, restrict, limit, or refuse to grant or renew a license;

(b) Reprimand or place the license holder on probation;

(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or two thousand five hundred dollars if the acts committed are not classified as an offense by the Revised Code;

(2) The board may impose the sanctions set forth in division (A) (1) of this section for any of the following:

(a) Making any false material statements in an application for licensure under section 4729.52 of the Revised Code;

(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;

(c) A conviction of a felony;

(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;

(e) Falsely or fraudulently promoting to the public a drug 26493
that is a controlled substance included in schedule I, II, III, 26494
IV, or V, except that nothing in this division prohibits a 26495
manufacturer, outsourcing facility, third-party logistics 26496
provider, repackager, or wholesale distributor of dangerous 26497
drugs from furnishing information concerning a controlled 26498
substance to a health care provider or licensed terminal 26499
distributor; 26500

(f) Violating any provision of the "Federal Food, Drug, 26501
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 26502
Chapter 3715. of the Revised Code; 26503

(g) Any other cause for which the board may impose 26504
sanctions as set forth in rules adopted under section 4729.26 of 26505
the Revised Code. 26506

(B) Upon the suspension or revocation of any license 26507
identified in division (B)(1)(a) of section 4729.52 of the 26508
Revised Code, the licensee shall immediately surrender the 26509
license to the board. 26510

(C) If the board suspends, revokes, or refuses to renew 26511
any license identified in division (B)(1)(a) of section 4729.52 26512
of the Revised Code and determines that there is clear and 26513
convincing evidence of a danger of immediate and serious harm to 26514
any person, the board may place under seal all dangerous drugs 26515
owned by or in the possession, custody, or control of the 26516
affected licensee. Except as provided in this division, the 26517
board shall not dispose of the dangerous drugs sealed under this 26518
division until the licensee exhausts all of the licensee's 26519
appeal rights under Chapter 119. of the Revised Code. The court 26520
involved in such an appeal may order the board, during the 26521
pendency of the appeal, to sell sealed dangerous drugs that are 26522

perishable. The board shall deposit the proceeds of the sale 26523
with the court. 26524

(D) If the board is required under Chapter 119. of the 26525
Revised Code to give notice of an opportunity for a hearing and 26526
the license holder does not make a timely request for a hearing 26527
in accordance with section 119.07 of the Revised Code, the board 26528
is not required to hold a hearing, but may adopt a final order 26529
that contains the board's findings. In the final order, the 26530
board may impose any of the sanctions listed in division (A) of 26531
this section. 26532

(E) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 26533
2953.32 or division (F) (1) of section 2953.39 of the Revised 26534
Code specifying that if records pertaining to a criminal case 26535
are sealed or expunged under that section the proceedings in the 26536
case must be deemed not to have occurred, sealing or expungement 26537
of the following records on which the board has based an action 26538
under this section shall have no effect on the board's action or 26539
any sanction imposed by the board under this section: records of 26540
any conviction, guilty plea, judicial finding of guilt resulting 26541
from a plea of no contest, or a judicial finding of eligibility 26542
for a pretrial diversion program or intervention in lieu of 26543
conviction. The board is not required to seal, destroy, redact, 26544
or otherwise modify its records to reflect the court's sealing 26545
or expungement of conviction records. 26546

Sec. 4729.57. (A) The state board of pharmacy may after 26547
notice and a hearing in accordance with Chapter 119. of the 26548
Revised Code, impose any one or more of the following sanctions 26549
on a terminal distributor of dangerous drugs for any of the 26550
causes set forth in division (B) of this section: 26551

(1) Suspend, revoke, restrict, limit, or refuse to grant 26552

or renew any license;	26553
(2) Reprimand or place the license holder on probation;	26554
(3) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or one thousand dollars if the acts committed have not been classified as an offense by the Revised Code.	26555 26556 26557 26558
(B) The board may impose the sanctions listed in division (A) of this section for any of the following:	26559 26560
(1) Making any false material statements in an application for a license as a terminal distributor of dangerous drugs;	26561 26562
(2) Violating any rule of the board;	26563
(3) Violating any provision of this chapter;	26564
(4) Except as provided in section 4729.89 of the Revised Code, violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code;	26565 26566 26567 26568
(5) Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code;	26569 26570
(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;	26571 26572 26573 26574 26575
(7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;	26576 26577 26578
(8) Except as provided in division (C) of this section:	26579

(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; 26580
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(b) Advertising that the terminal distributor will waive the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the pharmaceutical services, would otherwise be required to pay for the services. 26588
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(9) Conviction of a felony; 26593

(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. 26594
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(C) Sanctions shall not be imposed under division (B) (8) of this section against any terminal distributor of dangerous drugs that waives deductibles and copayments as follows: 26597
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(1) In compliance with a health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board on request. 26600
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(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board. 26606
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(D) (1) Upon the suspension or revocation of a license 26609
issued to a terminal distributor of dangerous drugs or the 26610
refusal by the board to renew such a license, the distributor 26611
shall immediately surrender the license to the board. 26612

(2) (a) The board may place under seal all dangerous drugs 26613
that are owned by or in the possession, custody, or control of a 26614
terminal distributor at the time the license is suspended or 26615
revoked or at the time the board refuses to renew the license. 26616
Except as provided in division (D) (2) (b) of this section, 26617
dangerous drugs so sealed shall not be disposed of until appeal 26618
rights under Chapter 119. of the Revised Code have expired or an 26619
appeal filed pursuant to that chapter has been determined. 26620

(b) The court involved in an appeal filed pursuant to 26621
Chapter 119. of the Revised Code may order the board, during the 26622
pendency of the appeal, to sell sealed dangerous drugs that are 26623
perishable. The proceeds of such a sale shall be deposited with 26624
that court. 26625

(E) If the board is required under Chapter 119. of the 26626
Revised Code to give notice of an opportunity for a hearing and 26627
the license holder does not make a timely request for a hearing 26628
in accordance with section 119.07 of the Revised Code, the board 26629
is not required to hold a hearing, but may adopt a final order 26630
that contains the board's findings. In the final order, the 26631
board may impose any of the sanctions listed in division (A) of 26632
this section. 26633

(F) Notwithstanding division ~~(C) (2)~~ (D) (2) of section 26634
2953.32 or division (F) (1) of section 2953.39 of the Revised 26635
Code specifying that if records pertaining to a criminal case 26636
are sealed or expunged under that section the proceedings in the 26637
case must be deemed not to have occurred, sealing or expungement 26638

of the following records on which the board has based an action 26639
under this section shall have no effect on the board's action or 26640
any sanction imposed by the board under this section: records of 26641
any conviction, guilty plea, judicial finding of guilt resulting 26642
from a plea of no contest, or a judicial finding of eligibility 26643
for a pretrial diversion program or intervention in lieu of 26644
conviction. The board is not required to seal, destroy, redact, 26645
or otherwise modify its records to reflect the court's sealing 26646
or expungement of conviction records. 26647

Sec. 4729.96. (A) (1) The state board of pharmacy, after 26648
notice and hearing in accordance with Chapter 119. of the 26649
Revised Code, may impose one or more of the following sanctions 26650
on a pharmacy technician trainee, registered pharmacy 26651
technician, or certified pharmacy technician if the board finds 26652
the individual engaged in any of the conduct set forth in 26653
division (A) (2) of this section: 26654

(a) Revoke, suspend, restrict, limit, or refuse to grant 26655
or renew a registration; 26656

(b) Reprimand or place the holder of the registration on 26657
probation; 26658

(c) Impose a monetary penalty or forfeiture not to exceed 26659
in severity any fine designated under the Revised Code for a 26660
similar offense, or in the case of a violation of a section of 26661
the Revised Code that does not bear a penalty, a monetary 26662
penalty or forfeiture of not more than five hundred dollars. 26663

(2) Except as provided in division (G) of this section, 26664
the board may impose the sanctions listed in division (A) (1) of 26665
this section if the board finds a pharmacy technician trainee, 26666
registered pharmacy technician, or certified pharmacy 26667

technician: 26668

(a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code; 26669
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(b) Engaged in dishonesty or unprofessional conduct, as prescribed in rules adopted by the board under section 4729.94 of the Revised Code; 26671
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(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; 26674
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(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; 26677
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(e) Committed fraud, misrepresentation, or deception in applying for or securing a registration issued by the board under this chapter; 26682
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(f) Failed to comply with an order of the board or a settlement agreement; 26685
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(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. 26687
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(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. 26690
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(C) For purposes of this division, an individual authorized to practice as a pharmacy technician trainee, 26694
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registered pharmacy technician, or certified pharmacy technician 26696
accepts the privilege of practicing in this state subject to 26697
supervision by the board. By filing an application for or 26698
holding a registration under this chapter, the individual gives 26699
consent to submit to a mental or physical examination when 26700
ordered to do so by the board in writing and waives all 26701
objections to the admissibility of testimony or examination 26702
reports that constitute privileged communications. 26703

If the board has reasonable cause to believe that an 26704
individual who is a pharmacy technician trainee, registered 26705
pharmacy technician, or certified pharmacy technician is 26706
physically or mentally impaired, the board may require the 26707
individual to submit to a physical or mental examination, or 26708
both. The expense of the examination is the responsibility of 26709
the individual required to be examined. 26710

Failure of an individual who is a pharmacy technician 26711
trainee, registered pharmacy technician, or certified pharmacy 26712
technician to submit to a physical or mental examination ordered 26713
by the board, unless the failure is due to circumstances beyond 26714
the individual's control, constitutes an admission of the 26715
allegations and a suspension order shall be entered without the 26716
taking of testimony or presentation of evidence. Any subsequent 26717
adjudication hearing under Chapter 119. of the Revised Code 26718
concerning failure to submit to an examination is limited to 26719
consideration of whether the failure was beyond the individual's 26720
control. 26721

If, based on the results of an examination ordered under 26722
this division, the board determines that the individual's 26723
ability to practice is impaired, the board shall suspend the 26724
individual's registration or deny the individual's application 26725

and shall require the individual, as a condition for an initial, 26726
continued, reinstated, or renewed registration to practice, to 26727
submit to a physical or mental examination and treatment. 26728

An order of suspension issued under this division shall 26729
not be subject to suspension by a court during pendency of any 26730
appeal filed under section 119.12 of the Revised Code. 26731

(D) If the board is required under Chapter 119. of the 26732
Revised Code to give notice of an opportunity for a hearing and 26733
the applicant or registrant does not make a timely request for a 26734
hearing in accordance with section 119.07 of the Revised Code, 26735
the board is not required to hold a hearing, but may adopt a 26736
final order that contains the board's findings. In the final 26737
order, the board may impose any of the sanctions listed in 26738
division (A) of this section. 26739

(E) Notwithstanding the provision of division ~~(C) (2)~~ (D) 26740
(2) of section 2953.32 or division (F) (1) of section 2953.39 of 26741
the Revised Code specifying that if records pertaining to a 26742
criminal case are sealed or expunged under that section the 26743
proceedings in the case must be deemed not to have occurred, 26744
sealing or expungement of the following records on which the 26745
board has based an action under this section shall have no 26746
effect on the board's action or any sanction imposed by the 26747
board under this section: records of any conviction, guilty 26748
plea, judicial finding of guilt resulting from a plea of no 26749
contest, or a judicial finding of eligibility for a pretrial 26750
diversion program or intervention in lieu of conviction. The 26751
board shall not be required to seal, destroy, redact, or 26752
otherwise modify its records to reflect the court's sealing or 26753
expungement of conviction records. 26754

(F) No pharmacy technician trainee, registered pharmacy 26755

technician, or certified pharmacy technician shall knowingly 26756
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 26757
(d) to (g) of this section. 26758

(G) The board shall not refuse to issue a registration to 26759
an applicant because of a conviction of an offense unless the 26760
refusal is in accordance with section 9.79 of the Revised Code. 26761

Sec. 4730.25. (A) The state medical board, by an 26762
affirmative vote of not fewer than six members, may revoke or 26763
may refuse to grant a license to practice as a physician 26764
assistant to a person found by the board to have committed 26765
fraud, misrepresentation, or deception in applying for or 26766
securing the license. 26767

(B) Except as provided in division (N) of this section, 26768
the board, by an affirmative vote of not fewer than six members, 26769
shall, to the extent permitted by law, limit, revoke, or suspend 26770
an individual's license to practice as a physician assistant or 26771
prescriber number, refuse to issue a license to an applicant, 26772
refuse to renew a license, refuse to reinstate a license, or 26773
reprimand or place on probation the holder of a license for any 26774
of the following reasons: 26775

(1) Failure to practice in accordance with the supervising 26776
physician's supervision agreement with the physician assistant, 26777
including, if applicable, the policies of the health care 26778
facility in which the supervising physician and physician 26779
assistant are practicing; 26780

(2) Failure to comply with the requirements of this 26781
chapter, Chapter 4731. of the Revised Code, or any rules adopted 26782
by the board; 26783

(3) Violating or attempting to violate, directly or 26784

indirectly, or assisting in or abetting the violation of, or 26785
conspiring to violate, any provision of this chapter, Chapter 26786
4731. of the Revised Code, or the rules adopted by the board; 26787

(4) Inability to practice according to acceptable and 26788
prevailing standards of care by reason of mental illness or 26789
physical illness, including physical deterioration that 26790
adversely affects cognitive, motor, or perceptive skills; 26791

(5) Impairment of ability to practice according to 26792
acceptable and prevailing standards of care because of habitual 26793
or excessive use or abuse of drugs, alcohol, or other substances 26794
that impair ability to practice; 26795

(6) Administering drugs for purposes other than those 26796
authorized under this chapter; 26797

(7) Willfully betraying a professional confidence; 26798

(8) Making a false, fraudulent, deceptive, or misleading 26799
statement in soliciting or advertising for employment as a 26800
physician assistant; in connection with any solicitation or 26801
advertisement for patients; in relation to the practice of 26802
medicine as it pertains to physician assistants; or in securing 26803
or attempting to secure a license to practice as a physician 26804
assistant. 26805

As used in this division, "false, fraudulent, deceptive, 26806
or misleading statement" means a statement that includes a 26807
misrepresentation of fact, is likely to mislead or deceive 26808
because of a failure to disclose material facts, is intended or 26809
is likely to create false or unjustified expectations of 26810
favorable results, or includes representations or implications 26811
that in reasonable probability will cause an ordinarily prudent 26812
person to misunderstand or be deceived. 26813

- (9) Representing, with the purpose of obtaining 26814
compensation or other advantage personally or for any other 26815
person, that an incurable disease or injury, or other incurable 26816
condition, can be permanently cured; 26817
- (10) The obtaining of, or attempting to obtain, money or 26818
anything of value by fraudulent misrepresentations in the course 26819
of practice; 26820
- (11) A plea of guilty to, a judicial finding of guilt of, 26821
or a judicial finding of eligibility for intervention in lieu of 26822
conviction for, a felony; 26823
- (12) Commission of an act that constitutes a felony in 26824
this state, regardless of the jurisdiction in which the act was 26825
committed; 26826
- (13) A plea of guilty to, a judicial finding of guilt of, 26827
or a judicial finding of eligibility for intervention in lieu of 26828
conviction for, a misdemeanor committed in the course of 26829
practice; 26830
- (14) A plea of guilty to, a judicial finding of guilt of, 26831
or a judicial finding of eligibility for intervention in lieu of 26832
conviction for, a misdemeanor involving moral turpitude; 26833
- (15) Commission of an act in the course of practice that 26834
constitutes a misdemeanor in this state, regardless of the 26835
jurisdiction in which the act was committed; 26836
- (16) Commission of an act involving moral turpitude that 26837
constitutes a misdemeanor in this state, regardless of the 26838
jurisdiction in which the act was committed; 26839
- (17) A plea of guilty to, a judicial finding of guilt of, 26840
or a judicial finding of eligibility for intervention in lieu of 26841

conviction for violating any state or federal law regulating the 26842
possession, distribution, or use of any drug, including 26843
trafficking in drugs; 26844

(18) Any of the following actions taken by the state 26845
agency responsible for regulating the practice of physician 26846
assistants in another state, for any reason other than the 26847
nonpayment of fees: the limitation, revocation, or suspension of 26848
an individual's license to practice; acceptance of an 26849
individual's license surrender; denial of a license; refusal to 26850
renew or reinstate a license; imposition of probation; or 26851
issuance of an order of censure or other reprimand; 26852

(19) A departure from, or failure to conform to, minimal 26853
standards of care of similar physician assistants under the same 26854
or similar circumstances, regardless of whether actual injury to 26855
a patient is established; 26856

(20) Violation of the conditions placed by the board on a 26857
license to practice as a physician assistant; 26858

(21) Failure to use universal blood and body fluid 26859
precautions established by rules adopted under section 4731.051 26860
of the Revised Code; 26861

(22) Failure to cooperate in an investigation conducted by 26862
the board under section 4730.26 of the Revised Code, including 26863
failure to comply with a subpoena or order issued by the board 26864
or failure to answer truthfully a question presented by the 26865
board at a deposition or in written interrogatories, except that 26866
failure to cooperate with an investigation shall not constitute 26867
grounds for discipline under this section if a court of 26868
competent jurisdiction has issued an order that either quashes a 26869
subpoena or permits the individual to withhold the testimony or 26870

evidence in issue;	26871
(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;	26872 26873
(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	26874 26875
(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;	26876 26877 26878
(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;	26879 26880 26881 26882
(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;	26883 26884 26885
(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 termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;	26886 26887 26888 26889 26890 26891
(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.	26892 26893 26894
(C) 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	26895 26896 26897 26898

consent agreement with a physician assistant or applicant to 26899
resolve an allegation of a violation of this chapter or any rule 26900
adopted under it. A consent agreement, when ratified by an 26901
affirmative vote of not fewer than six members of the board, 26902
shall constitute the findings and order of the board with 26903
respect to the matter addressed in the agreement. If the board 26904
refuses to ratify a consent agreement, the admissions and 26905
findings contained in the consent agreement shall be of no force 26906
or effect. 26907

(D) For purposes of divisions (B) (12), (15), and (16) of 26908
this section, the commission of the act may be established by a 26909
finding by the board, pursuant to an adjudication under Chapter 26910
119. of the Revised Code, that the applicant or license holder 26911
committed the act in question. The board shall have no 26912
jurisdiction under these divisions in cases where the trial 26913
court renders a final judgment in the license holder's favor and 26914
that judgment is based upon an adjudication on the merits. The 26915
board shall have jurisdiction under these divisions in cases 26916
where the trial court issues an order of dismissal upon 26917
technical or procedural grounds. 26918

(E) The sealing or expungement of conviction records by 26919
any court shall have no effect upon a prior board order entered 26920
under the provisions of this section or upon the board's 26921
jurisdiction to take action under the provisions of this section 26922
if, based upon a plea of guilty, a judicial finding of guilt, or 26923
a judicial finding of eligibility for intervention in lieu of 26924
conviction, the board issued a notice of opportunity for a 26925
hearing prior to the court's order to seal or expunge the 26926
records. The board shall not be required to seal, destroy, 26927
redact, or otherwise modify its records to reflect the court's 26928
sealing or expungement of conviction records. 26929

(F) For purposes of this division, any individual who holds a license issued under this chapter, or applies for a license issued 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.

(1) In enforcing division (B)(4) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a license issued under this chapter or who has applied for a license pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. 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 physician assistant unable to practice because of the reasons set forth in division (B)(4) of this section, the board shall require the physician assistant 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. An individual affected under 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)(5) of this section, if the board has reason to believe that any individual who holds a

license issued under this chapter or any applicant for a license 26961
suffers such impairment, the board may compel the individual to 26962
submit to a mental or physical examination, or both. The expense 26963
of the examination is the responsibility of the individual 26964
compelled to be examined. Any mental or physical examination 26965
required under this division shall be undertaken by a treatment 26966
provider or physician qualified to conduct such examination and 26967
chosen by the board. 26968

Failure to submit to a mental or physical examination 26969
ordered by the board constitutes an admission of the allegations 26970
against the individual unless the failure is due to 26971
circumstances beyond the individual's control, and a default and 26972
final order may be entered without the taking of testimony or 26973
presentation of evidence. If the board determines that the 26974
individual's ability to practice is impaired, the board shall 26975
suspend the individual's license or deny the individual's 26976
application and shall require the individual, as a condition for 26977
initial, continued, reinstated, or renewed licensure, to submit 26978
to treatment. 26979

Before being eligible to apply for reinstatement of a 26980
license suspended under this division, the physician assistant 26981
shall demonstrate to the board the ability to resume practice or 26982
prescribing in compliance with acceptable and prevailing 26983
standards of care. The demonstration shall include the 26984
following: 26985

(a) Certification from a treatment provider approved under 26986
section 4731.25 of the Revised Code that the individual has 26987
successfully completed any required inpatient treatment; 26988

(b) Evidence of continuing full compliance with an 26989
aftercare contract or consent agreement; 26990

(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 physician assistant resumes practice or prescribing, the board shall require continued monitoring of the physician assistant. The monitoring shall include 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 physician assistant has maintained sobriety.

(G) If the secretary and supervising member determine that there is clear and convincing evidence that a physician assistant has violated division (B) of this section and that the individual's continued practice or prescribing presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. Written allegations shall be prepared for consideration by the board.

The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license

without a prior hearing. A telephone conference call may be 27021
utilized for reviewing the allegations and taking the vote on 27022
the summary suspension. 27023

The board shall issue a written order of suspension by 27024
certified mail or in person in accordance with section 119.07 of 27025
the Revised Code. The order shall not be subject to suspension 27026
by the court during pendency of any appeal filed under section 27027
119.12 of the Revised Code. If the physician assistant requests 27028
an adjudicatory hearing by the board, the date set for the 27029
hearing shall be within fifteen days, but not earlier than seven 27030
days, after the physician assistant requests the hearing, unless 27031
otherwise agreed to by both the board and the license holder. 27032

A summary suspension imposed under this division shall 27033
remain in effect, unless reversed on appeal, until a final 27034
adjudicative order issued by the board pursuant to this section 27035
and Chapter 119. of the Revised Code becomes effective. The 27036
board shall issue its final adjudicative order within sixty days 27037
after completion of its hearing. Failure to issue the order 27038
within sixty days shall result in dissolution of the summary 27039
suspension order, but shall not invalidate any subsequent, final 27040
adjudicative order. 27041

(H) If the board takes action under division (B) (11), 27042
(13), or (14) of this section, and the judicial finding of 27043
guilt, guilty plea, or judicial finding of eligibility for 27044
intervention in lieu of conviction is overturned on appeal, upon 27045
exhaustion of the criminal appeal, a petition for 27046
reconsideration of the order may be filed with the board along 27047
with appropriate court documents. Upon receipt of a petition and 27048
supporting court documents, the board shall reinstate the 27049
individual's license. The board may then hold an adjudication 27050

under Chapter 119. of the Revised Code to determine whether the 27051
individual committed the act in question. Notice of opportunity 27052
for hearing shall be given in accordance with Chapter 119. of 27053
the Revised Code. If the board finds, pursuant to an 27054
adjudication held under this division, that the individual 27055
committed the act, or if no hearing is requested, it may order 27056
any of the sanctions identified under division (B) of this 27057
section. 27058

(I) The license to practice issued to a physician 27059
assistant and the physician assistant's practice in this state 27060
are automatically suspended as of the date the physician 27061
assistant pleads guilty to, is found by a judge or jury to be 27062
guilty of, or is subject to a judicial finding of eligibility 27063
for intervention in lieu of conviction in this state or 27064
treatment or intervention in lieu of conviction in another state 27065
for any of the following criminal offenses in this state or a 27066
substantially equivalent criminal offense in another 27067
jurisdiction: aggravated murder, murder, voluntary manslaughter, 27068
felonious assault, kidnapping, rape, sexual battery, gross 27069
sexual imposition, aggravated arson, aggravated robbery, or 27070
aggravated burglary. Continued practice after the suspension 27071
shall be considered practicing without a license. 27072

The board shall notify the individual subject to the 27073
suspension by certified mail or in person in accordance with 27074
section 119.07 of the Revised Code. If an individual whose 27075
license is suspended under this division fails to make a timely 27076
request for an adjudication under Chapter 119. of the Revised 27077
Code, the board shall enter a final order permanently revoking 27078
the individual's license to practice. 27079

(J) In any instance in which the board is required by 27080

Chapter 119. of the Revised Code to give notice of opportunity 27081
for hearing and the individual subject to the notice does not 27082
timely request a hearing in accordance with section 119.07 of 27083
the Revised Code, the board is not required to hold a hearing, 27084
but may adopt, by an affirmative vote of not fewer than six of 27085
its members, a final order that contains the board's findings. 27086
In that final order, the board may order any of the sanctions 27087
identified under division (A) or (B) of this section. 27088

(K) Any action taken by the board under division (B) of 27089
this section resulting in a suspension shall be accompanied by a 27090
written statement of the conditions under which the physician 27091
assistant's license may be reinstated. The board shall adopt 27092
rules in accordance with Chapter 119. of the Revised Code 27093
governing conditions to be imposed for reinstatement. 27094
Reinstatement of a license suspended pursuant to division (B) of 27095
this section requires an affirmative vote of not fewer than six 27096
members of the board. 27097

(L) When the board refuses to grant or issue to an 27098
applicant a license to practice as a physician assistant, 27099
revokes an individual's license, refuses to renew an 27100
individual's license, or refuses to reinstate an individual's 27101
license, the board may specify that its action is permanent. An 27102
individual subject to a permanent action taken by the board is 27103
forever thereafter ineligible to hold the license and the board 27104
shall not accept an application for reinstatement of the license 27105
or for issuance of a new license. 27106

(M) Notwithstanding any other provision of the Revised 27107
Code, all of the following apply: 27108

(1) The surrender of a license issued under this chapter 27109
is not effective unless or until accepted by the board. 27110

Reinstatement of a license surrendered to the board requires an 27111
affirmative vote of not fewer than six members of the board. 27112

(2) An application made under this chapter for a license 27113
may not be withdrawn without approval of the board. 27114

(3) Failure by an individual to renew a license in 27115
accordance with section 4730.14 of the Revised Code shall not 27116
remove or limit the board's jurisdiction to take disciplinary 27117
action under this section against the individual. 27118

(N) The board shall not refuse to issue a license to an 27119
applicant because of a conviction, plea of guilty, judicial 27120
finding of guilt, judicial finding of eligibility for 27121
intervention in lieu of conviction, or the commission of an act 27122
that constitutes a criminal offense, unless the refusal is in 27123
accordance with section 9.79 of the Revised Code. 27124

Sec. 4731.22. (A) The state medical board, by an 27125
affirmative vote of not fewer than six of its members, may 27126
limit, revoke, or suspend a license or certificate to practice 27127
or certificate to recommend, refuse to grant a license or 27128
certificate, refuse to renew a license or certificate, refuse to 27129
reinstate a license or certificate, or reprimand or place on 27130
probation the holder of a license or certificate if the 27131
individual applying for or holding the license or certificate is 27132
found by the board to have committed fraud during the 27133
administration of the examination for a license or certificate 27134
to practice or to have committed fraud, misrepresentation, or 27135
deception in applying for, renewing, or securing any license or 27136
certificate to practice or certificate to recommend issued by 27137
the board. 27138

(B) Except as provided in division (P) of this section, 27139

the board, by an affirmative vote of not fewer than six members, 27140
shall, to the extent permitted by law, limit, revoke, or suspend 27141
a license or certificate to practice or certificate to 27142
recommend, refuse to issue a license or certificate, refuse to 27143
renew a license or certificate, refuse to reinstate a license or 27144
certificate, or reprimand or place on probation the holder of a 27145
license or certificate for one or more of the following reasons: 27146

(1) Permitting one's name or one's license or certificate 27147
to practice to be used by a person, group, or corporation when 27148
the individual concerned is not actually directing the treatment 27149
given; 27150

(2) Failure to maintain minimal standards applicable to 27151
the selection or administration of drugs, or failure to employ 27152
acceptable scientific methods in the selection of drugs or other 27153
modalities for treatment of disease; 27154

(3) Except as provided in section 4731.97 of the Revised 27155
Code, selling, giving away, personally furnishing, prescribing, 27156
or administering drugs for other than legal and legitimate 27157
therapeutic purposes or a plea of guilty to, a judicial finding 27158
of guilt of, or a judicial finding of eligibility for 27159
intervention in lieu of conviction of, a violation of any 27160
federal or state law regulating the possession, distribution, or 27161
use of any drug; 27162

(4) Willfully betraying a professional confidence. 27163

For purposes of this division, "willfully betraying a 27164
professional confidence" does not include providing any 27165
information, documents, or reports under sections 307.621 to 27166
307.629 of the Revised Code to a child fatality review board; 27167
does not include providing any information, documents, or 27168

reports under sections 307.631 to 307.6410 of the Revised Code 27169
to a drug overdose fatality review committee, a suicide fatality 27170
review committee, or hybrid drug overdose fatality and suicide 27171
fatality review committee; does not include providing any 27172
information, documents, or reports to the director of health 27173
pursuant to guidelines established under section 3701.70 of the 27174
Revised Code; does not include written notice to a mental health 27175
professional under section 4731.62 of the Revised Code; and does 27176
not include the making of a report of an employee's use of a 27177
drug of abuse, or a report of a condition of an employee other 27178
than one involving the use of a drug of abuse, to the employer 27179
of the employee as described in division (B) of section 2305.33 27180
of the Revised Code. Nothing in this division affects the 27181
immunity from civil liability conferred by section 2305.33 or 27182
4731.62 of the Revised Code upon a physician who makes a report 27183
in accordance with section 2305.33 or notifies a mental health 27184
professional in accordance with section 4731.62 of the Revised 27185
Code. As used in this division, "employee," "employer," and 27186
"physician" have the same meanings as in section 2305.33 of the 27187
Revised Code. 27188

(5) Making a false, fraudulent, deceptive, or misleading 27189
statement in the solicitation of or advertising for patients; in 27190
relation to the practice of medicine and surgery, osteopathic 27191
medicine and surgery, podiatric medicine and surgery, or a 27192
limited branch of medicine; or in securing or attempting to 27193
secure any license or certificate to practice issued by the 27194
board. 27195

As used in this division, "false, fraudulent, deceptive, 27196
or misleading statement" means a statement that includes a 27197
misrepresentation of fact, is likely to mislead or deceive 27198
because of a failure to disclose material facts, is intended or 27199

is likely to create false or unjustified expectations of 27200
favorable results, or includes representations or implications 27201
that in reasonable probability will cause an ordinarily prudent 27202
person to misunderstand or be deceived. 27203

(6) A departure from, or the failure to conform to, 27204
minimal standards of care of similar practitioners under the 27205
same or similar circumstances, whether or not actual injury to a 27206
patient is established; 27207

(7) Representing, with the purpose of obtaining 27208
compensation or other advantage as personal gain or for any 27209
other person, that an incurable disease or injury, or other 27210
incurable condition, can be permanently cured; 27211

(8) The obtaining of, or attempting to obtain, money or 27212
anything of value by fraudulent misrepresentations in the course 27213
of practice; 27214

(9) A plea of guilty to, a judicial finding of guilt of, 27215
or a judicial finding of eligibility for intervention in lieu of 27216
conviction for, a felony; 27217

(10) Commission of an act that constitutes a felony in 27218
this state, regardless of the jurisdiction in which the act was 27219
committed; 27220

(11) A plea of guilty to, a judicial finding of guilt of, 27221
or a judicial finding of eligibility for intervention in lieu of 27222
conviction for, a misdemeanor committed in the course of 27223
practice; 27224

(12) Commission of an act in the course of practice that 27225
constitutes a misdemeanor in this state, regardless of the 27226
jurisdiction in which the act was committed; 27227

(13) A plea of guilty to, a judicial finding of guilt of, 27228
or a judicial finding of eligibility for intervention in lieu of 27229
conviction for, a misdemeanor involving moral turpitude; 27230

(14) Commission of an act involving moral turpitude that 27231
constitutes a misdemeanor in this state, regardless of the 27232
jurisdiction in which the act was committed; 27233

(15) Violation of the conditions of limitation placed by 27234
the board upon a license or certificate to practice; 27235

(16) Failure to pay license renewal fees specified in this 27236
chapter; 27237

(17) Except as authorized in section 4731.31 of the 27238
Revised Code, engaging in the division of fees for referral of 27239
patients, or the receiving of a thing of value in return for a 27240
specific referral of a patient to utilize a particular service 27241
or business; 27242

(18) Subject to section 4731.226 of the Revised Code, 27243
violation of any provision of a code of ethics of the American 27244
medical association, the American osteopathic association, the 27245
American podiatric medical association, or any other national 27246
professional organizations that the board specifies by rule. The 27247
state medical board shall obtain and keep on file current copies 27248
of the codes of ethics of the various national professional 27249
organizations. The individual whose license or certificate is 27250
being suspended or revoked shall not be found to have violated 27251
any provision of a code of ethics of an organization not 27252
appropriate to the individual's profession. 27253

For purposes of this division, a "provision of a code of 27254
ethics of a national professional organization" does not include 27255
any provision that would preclude the making of a report by a 27256

physician of an employee's use of a drug of abuse, or of a 27257
condition of an employee other than one involving the use of a 27258
drug of abuse, to the employer of the employee as described in 27259
division (B) of section 2305.33 of the Revised Code. Nothing in 27260
this division affects the immunity from civil liability 27261
conferred by that section upon a physician who makes either type 27262
of report in accordance with division (B) of that section. As 27263
used in this division, "employee," "employer," and "physician" 27264
have the same meanings as in section 2305.33 of the Revised 27265
Code. 27266

(19) Inability to practice according to acceptable and 27267
prevailing standards of care by reason of mental illness or 27268
physical illness, including, but not limited to, physical 27269
deterioration that adversely affects cognitive, motor, or 27270
perceptive skills. 27271

In enforcing this division, the board, upon a showing of a 27272
possible violation, may compel any individual authorized to 27273
practice by this chapter or who has submitted an application 27274
pursuant to this chapter to submit to a mental examination, 27275
physical examination, including an HIV test, or both a mental 27276
and a physical examination. The expense of the examination is 27277
the responsibility of the individual compelled to be examined. 27278
Failure to submit to a mental or physical examination or consent 27279
to an HIV test ordered by the board constitutes an admission of 27280
the allegations against the individual unless the failure is due 27281
to circumstances beyond the individual's control, and a default 27282
and final order may be entered without the taking of testimony 27283
or presentation of evidence. If the board finds an individual 27284
unable to practice because of the reasons set forth in this 27285
division, the board shall require the individual to submit to 27286
care, counseling, or treatment by physicians approved or 27287

designated by the board, as a condition for initial, continued, 27288
reinstated, or renewed authority to practice. An individual 27289
affected under this division shall be afforded an opportunity to 27290
demonstrate to the board the ability to resume practice in 27291
compliance with acceptable and prevailing standards under the 27292
provisions of the individual's license or certificate. For the 27293
purpose of this division, any individual who applies for or 27294
receives a license or certificate to practice under this chapter 27295
accepts the privilege of practicing in this state and, by so 27296
doing, shall be deemed to have given consent to submit to a 27297
mental or physical examination when directed to do so in writing 27298
by the board, and to have waived all objections to the 27299
admissibility of testimony or examination reports that 27300
constitute a privileged communication. 27301

(20) Except as provided in division (F)(1)(b) of section 27302
4731.282 of the Revised Code or when civil penalties are imposed 27303
under section 4731.225 of the Revised Code, and subject to 27304
section 4731.226 of the Revised Code, violating or attempting to 27305
violate, directly or indirectly, or assisting in or abetting the 27306
violation of, or conspiring to violate, any provisions of this 27307
chapter or any rule promulgated by the board. 27308

This division does not apply to a violation or attempted 27309
violation of, assisting in or abetting the violation of, or a 27310
conspiracy to violate, any provision of this chapter or any rule 27311
adopted by the board that would preclude the making of a report 27312
by a physician of an employee's use of a drug of abuse, or of a 27313
condition of an employee other than one involving the use of a 27314
drug of abuse, to the employer of the employee as described in 27315
division (B) of section 2305.33 of the Revised Code. Nothing in 27316
this division affects the immunity from civil liability 27317
conferred by that section upon a physician who makes either type 27318

of report in accordance with division (B) of that section. As 27319
used in this division, "employee," "employer," and "physician" 27320
have the same meanings as in section 2305.33 of the Revised 27321
Code. 27322

(21) The violation of section 3701.79 of the Revised Code 27323
or of any abortion rule adopted by the director of health 27324
pursuant to section 3701.341 of the Revised Code; 27325

(22) Any of the following actions taken by an agency 27326
responsible for authorizing, certifying, or regulating an 27327
individual to practice a health care occupation or provide 27328
health care services in this state or another jurisdiction, for 27329
any reason other than the nonpayment of fees: the limitation, 27330
revocation, or suspension of an individual's license to 27331
practice; acceptance of an individual's license surrender; 27332
denial of a license; refusal to renew or reinstate a license; 27333
imposition of probation; or issuance of an order of censure or 27334
other reprimand; 27335

(23) The violation of section 2919.12 of the Revised Code 27336
or the performance or inducement of an abortion upon a pregnant 27337
woman with actual knowledge that the conditions specified in 27338
division (B) of section 2317.56 of the Revised Code have not 27339
been satisfied or with a heedless indifference as to whether 27340
those conditions have been satisfied, unless an affirmative 27341
defense as specified in division (H)(2) of that section would 27342
apply in a civil action authorized by division (H)(1) of that 27343
section; 27344

(24) The revocation, suspension, restriction, reduction, 27345
or termination of clinical privileges by the United States 27346
department of defense or department of veterans affairs or the 27347
termination or suspension of a certificate of registration to 27348

prescribe drugs by the drug enforcement administration of the 27349
United States department of justice; 27350

(25) Termination or suspension from participation in the 27351
medicare or medicaid programs by the department of health and 27352
human services or other responsible agency; 27353

(26) Impairment of ability to practice according to 27354
acceptable and prevailing standards of care because of habitual 27355
or excessive use or abuse of drugs, alcohol, or other substances 27356
that impair ability to practice. 27357

For the purposes of this division, any individual 27358
authorized to practice by this chapter accepts the privilege of 27359
practicing in this state subject to supervision by the board. By 27360
filing an application for or holding a license or certificate to 27361
practice under this chapter, an individual shall be deemed to 27362
have given consent to submit to a mental or physical examination 27363
when ordered to do so by the board in writing, and to have 27364
waived all objections to the admissibility of testimony or 27365
examination reports that constitute privileged communications. 27366

If it has reason to believe that any individual authorized 27367
to practice by this chapter or any applicant for licensure or 27368
certification to practice suffers such impairment, the board may 27369
compel the individual to submit to a mental or physical 27370
examination, or both. The expense of the examination is the 27371
responsibility of the individual compelled to be examined. Any 27372
mental or physical examination required under this division 27373
shall be undertaken by a treatment provider or physician who is 27374
qualified to conduct the examination and who is chosen by the 27375
board. 27376

Failure to submit to a mental or physical examination 27377

ordered by the board constitutes an admission of the allegations 27378
against the individual unless the failure is due to 27379
circumstances beyond the individual's control, and a default and 27380
final order may be entered without the taking of testimony or 27381
presentation of evidence. If the board determines that the 27382
individual's ability to practice is impaired, the board shall 27383
suspend the individual's license or certificate or deny the 27384
individual's application and shall require the individual, as a 27385
condition for initial, continued, reinstated, or renewed 27386
licensure or certification to practice, to submit to treatment. 27387

Before being eligible to apply for reinstatement of a 27388
license or certificate suspended under this division, the 27389
impaired practitioner shall demonstrate to the board the ability 27390
to resume practice in compliance with acceptable and prevailing 27391
standards of care under the provisions of the practitioner's 27392
license or certificate. The demonstration shall include, but 27393
shall not be limited to, the following: 27394

(a) Certification from a treatment provider approved under 27395
section 4731.25 of the Revised Code that the individual has 27396
successfully completed any required inpatient treatment; 27397

(b) Evidence of continuing full compliance with an 27398
aftercare contract or consent agreement; 27399

(c) Two written reports indicating that the individual's 27400
ability to practice has been assessed and that the individual 27401
has been found capable of practicing according to acceptable and 27402
prevailing standards of care. The reports shall be made by 27403
individuals or providers approved by the board for making the 27404
assessments and shall describe the basis for their 27405
determination. 27406

The board may reinstate a license or certificate suspended 27407
under this division after that demonstration and after the 27408
individual has entered into a written consent agreement. 27409

When the impaired practitioner resumes practice, the board 27410
shall require continued monitoring of the individual. The 27411
monitoring shall include, but not be limited to, compliance with 27412
the written consent agreement entered into before reinstatement 27413
or with conditions imposed by board order after a hearing, and, 27414
upon termination of the consent agreement, submission to the 27415
board for at least two years of annual written progress reports 27416
made under penalty of perjury stating whether the individual has 27417
maintained sobriety. 27418

(27) A second or subsequent violation of section 4731.66 27419
or 4731.69 of the Revised Code; 27420

(28) Except as provided in division (N) of this section: 27421

(a) Waiving the payment of all or any part of a deductible 27422
or copayment that a patient, pursuant to a health insurance or 27423
health care policy, contract, or plan that covers the 27424
individual's services, otherwise would be required to pay if the 27425
waiver is used as an enticement to a patient or group of 27426
patients to receive health care services from that individual; 27427

(b) Advertising that the individual will waive the payment 27428
of all or any part of a deductible or copayment that a patient, 27429
pursuant to a health insurance or health care policy, contract, 27430
or plan that covers the individual's services, otherwise would 27431
be required to pay. 27432

(29) Failure to use universal blood and body fluid 27433
precautions established by rules adopted under section 4731.051 27434
of the Revised Code; 27435

(30) Failure to provide notice to, and receive	27436
acknowledgment of the notice from, a patient when required by	27437
section 4731.143 of the Revised Code prior to providing	27438
nonemergency professional services, or failure to maintain that	27439
notice in the patient's medical record;	27440
(31) Failure of a physician supervising a physician	27441
assistant to maintain supervision in accordance with the	27442
requirements of Chapter 4730. of the Revised Code and the rules	27443
adopted under that chapter;	27444
(32) Failure of a physician or podiatrist to enter into a	27445
standard care arrangement with a clinical nurse specialist,	27446
certified nurse-midwife, or certified nurse practitioner with	27447
whom the physician or podiatrist is in collaboration pursuant to	27448
section 4731.27 of the Revised Code or failure to fulfill the	27449
responsibilities of collaboration after entering into a standard	27450
care arrangement;	27451
(33) Failure to comply with the terms of a consult	27452
agreement entered into with a pharmacist pursuant to section	27453
4729.39 of the Revised Code;	27454
(34) Failure to cooperate in an investigation conducted by	27455
the board under division (F) of this section, including failure	27456
to comply with a subpoena or order issued by the board or	27457
failure to answer truthfully a question presented by the board	27458
in an investigative interview, an investigative office	27459
conference, at a deposition, or in written interrogatories,	27460
except that failure to cooperate with an investigation shall not	27461
constitute grounds for discipline under this section if a court	27462
of competent jurisdiction has issued an order that either	27463
quashes a subpoena or permits the individual to withhold the	27464
testimony or evidence in issue;	27465

(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	27466 27467 27468
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	27469 27470 27471
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	27472 27473
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	27474 27475
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	27476 27477 27478
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	27479 27480 27481 27482
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	27483 27484 27485 27486
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	27487 27488 27489 27490
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to	27491 27492 27493

section 4729.75 of the Revised Code;	27494
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	27495 27496 27497 27498 27499
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	27500 27501 27502 27503 27504
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	27505 27506 27507 27508
(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	27509 27510 27511 27512 27513
(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;	27514 27515 27516 27517
(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;	27518 27519 27520 27521
(50) Practicing at a facility, clinic, or other location	27522

that is subject to licensure as a category III terminal 27523
distributor of dangerous drugs with an office-based opioid 27524
treatment classification unless the person operating that place 27525
has obtained and maintains the license with the classification; 27526

(51) Owning a facility, clinic, or other location that is 27527
subject to licensure as a category III terminal distributor of 27528
dangerous drugs with an office-based opioid treatment 27529
classification unless that place is licensed with the 27530
classification; 27531

(52) A pattern of continuous or repeated violations of 27532
division (E) (2) or (3) of section 3963.02 of the Revised Code; 27533

(53) Failure to fulfill the responsibilities of a 27534
collaboration agreement entered into with an athletic trainer as 27535
described in section 4755.621 of the Revised Code; 27536

(54) Failure to take the steps specified in section 27537
4731.911 of the Revised Code following an abortion or attempted 27538
abortion in an ambulatory surgical facility or other location 27539
that is not a hospital when a child is born alive. 27540

(C) Disciplinary actions taken by the board under 27541
divisions (A) and (B) of this section shall be taken pursuant to 27542
an adjudication under Chapter 119. of the Revised Code, except 27543
that in lieu of an adjudication, the board may enter into a 27544
consent agreement with an individual to resolve an allegation of 27545
a violation of this chapter or any rule adopted under it. A 27546
consent agreement, when ratified by an affirmative vote of not 27547
fewer than six members of the board, shall constitute the 27548
findings and order of the board with respect to the matter 27549
addressed in the agreement. If the board refuses to ratify a 27550
consent agreement, the admissions and findings contained in the 27551

consent agreement shall be of no force or effect. 27552

A telephone conference call may be utilized for 27553
ratification of a consent agreement that revokes or suspends an 27554
individual's license or certificate to practice or certificate 27555
to recommend. The telephone conference call shall be considered 27556
a special meeting under division (F) of section 121.22 of the 27557
Revised Code. 27558

If the board takes disciplinary action against an 27559
individual under division (B) of this section for a second or 27560
subsequent plea of guilty to, or judicial finding of guilt of, a 27561
violation of section 2919.123 or 2919.124 of the Revised Code, 27562
the disciplinary action shall consist of a suspension of the 27563
individual's license or certificate to practice for a period of 27564
at least one year or, if determined appropriate by the board, a 27565
more serious sanction involving the individual's license or 27566
certificate to practice. Any consent agreement entered into 27567
under this division with an individual that pertains to a second 27568
or subsequent plea of guilty to, or judicial finding of guilt 27569
of, a violation of that section shall provide for a suspension 27570
of the individual's license or certificate to practice for a 27571
period of at least one year or, if determined appropriate by the 27572
board, a more serious sanction involving the individual's 27573
license or certificate to practice. 27574

(D) For purposes of divisions (B) (10), (12), and (14) of 27575
this section, the commission of the act may be established by a 27576
finding by the board, pursuant to an adjudication under Chapter 27577
119. of the Revised Code, that the individual committed the act. 27578
The board does not have jurisdiction under those divisions if 27579
the trial court renders a final judgment in the individual's 27580
favor and that judgment is based upon an adjudication on the 27581

merits. The board has jurisdiction under those divisions if the 27582
trial court issues an order of dismissal upon technical or 27583
procedural grounds. 27584

(E) The sealing or expungement of conviction records by 27585
any court shall have no effect upon a prior board order entered 27586
under this section or upon the board's jurisdiction to take 27587
action under this section if, based upon a plea of guilty, a 27588
judicial finding of guilt, or a judicial finding of eligibility 27589
for intervention in lieu of conviction, the board issued a 27590
notice of opportunity for a hearing prior to the court's order 27591
to seal or expunge the records. The board shall not be required 27592
to seal, expunge, destroy, redact, or otherwise modify its 27593
records to reflect the court's sealing of conviction records. 27594

(F) (1) The board shall investigate evidence that appears 27595
to show that a person has violated any provision of this chapter 27596
or any rule adopted under it. Any person may report to the board 27597
in a signed writing any information that the person may have 27598
that appears to show a violation of any provision of this 27599
chapter or any rule adopted under it. In the absence of bad 27600
faith, any person who reports information of that nature or who 27601
testifies before the board in any adjudication conducted under 27602
Chapter 119. of the Revised Code shall not be liable in damages 27603
in a civil action as a result of the report or testimony. Each 27604
complaint or allegation of a violation received by the board 27605
shall be assigned a case number and shall be recorded by the 27606
board. 27607

(2) Investigations of alleged violations of this chapter 27608
or any rule adopted under it shall be supervised by the 27609
supervising member elected by the board in accordance with 27610
section 4731.02 of the Revised Code and by the secretary as 27611

provided in section 4731.39 of the Revised Code. The president 27612
may designate another member of the board to supervise the 27613
investigation in place of the supervising member. No member of 27614
the board who supervises the investigation of a case shall 27615
participate in further adjudication of the case. 27616

(3) In investigating a possible violation of this chapter 27617
or any rule adopted under this chapter, or in conducting an 27618
inspection under division (E) of section 4731.054 of the Revised 27619
Code, the board may question witnesses, conduct interviews, 27620
administer oaths, order the taking of depositions, inspect and 27621
copy any books, accounts, papers, records, or documents, issue 27622
subpoenas, and compel the attendance of witnesses and production 27623
of books, accounts, papers, records, documents, and testimony, 27624
except that a subpoena for patient record information shall not 27625
be issued without consultation with the attorney general's 27626
office and approval of the secretary and supervising member of 27627
the board. 27628

(a) Before issuance of a subpoena for patient record 27629
information, the secretary and supervising member shall 27630
determine whether there is probable cause to believe that the 27631
complaint filed alleges a violation of this chapter or any rule 27632
adopted under it and that the records sought are relevant to the 27633
alleged violation and material to the investigation. The 27634
subpoena may apply only to records that cover a reasonable 27635
period of time surrounding the alleged violation. 27636

(b) On failure to comply with any subpoena issued by the 27637
board and after reasonable notice to the person being 27638
subpoenaed, the board may move for an order compelling the 27639
production of persons or records pursuant to the Rules of Civil 27640
Procedure. 27641

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The

board shall not make public the names or any other identifying 27672
information about patients or complainants unless proper consent 27673
is given or, in the case of a patient, a waiver of the patient 27674
privilege exists under division (B) of section 2317.02 of the 27675
Revised Code, except that consent or a waiver of that nature is 27676
not required if the board possesses reliable and substantial 27677
evidence that no bona fide physician-patient relationship 27678
exists. 27679

The board may share any information it receives pursuant 27680
to an investigation or inspection, including patient records and 27681
patient record information, with law enforcement agencies, other 27682
licensing boards, and other governmental agencies that are 27683
prosecuting, adjudicating, or investigating alleged violations 27684
of statutes or administrative rules. An agency or board that 27685
receives the information shall comply with the same requirements 27686
regarding confidentiality as those with which the state medical 27687
board must comply, notwithstanding any conflicting provision of 27688
the Revised Code or procedure of the agency or board that 27689
applies when it is dealing with other information in its 27690
possession. In a judicial proceeding, the information may be 27691
admitted into evidence only in accordance with the Rules of 27692
Evidence, but the court shall require that appropriate measures 27693
are taken to ensure that confidentiality is maintained with 27694
respect to any part of the information that contains names or 27695
other identifying information about patients or complainants 27696
whose confidentiality was protected by the state medical board 27697
when the information was in the board's possession. Measures to 27698
ensure confidentiality that may be taken by the court include 27699
sealing its records or deleting specific information from its 27700
records. 27701

(6) On a quarterly basis, the board shall prepare a report 27702

that documents the disposition of all cases during the preceding 27703
three months. The report shall contain the following information 27704
for each case with which the board has completed its activities: 27705

(a) The case number assigned to the complaint or alleged 27706
violation; 27707

(b) The type of license or certificate to practice, if 27708
any, held by the individual against whom the complaint is 27709
directed; 27710

(c) A description of the allegations contained in the 27711
complaint; 27712

(d) The disposition of the case. 27713

The report shall state how many cases are still pending 27714
and shall be prepared in a manner that protects the identity of 27715
each person involved in each case. The report shall be a public 27716
record under section 149.43 of the Revised Code. 27717

(G) If the secretary and supervising member determine both 27718
of the following, they may recommend that the board suspend an 27719
individual's license or certificate to practice or certificate 27720
to recommend without a prior hearing: 27721

(1) That there is clear and convincing evidence that an 27722
individual has violated division (B) of this section; 27723

(2) That the individual's continued practice presents a 27724
danger of immediate and serious harm to the public. 27725

Written allegations shall be prepared for consideration by 27726
the board. The board, upon review of those allegations and by an 27727
affirmative vote of not fewer than six of its members, excluding 27728
the secretary and supervising member, may suspend a license or 27729
certificate without a prior hearing. A telephone conference call 27730

may be utilized for reviewing the allegations and taking the 27731
vote on the summary suspension. 27732

The board shall issue a written order of suspension by 27733
certified mail or in person in accordance with section 119.07 of 27734
the Revised Code. The order shall not be subject to suspension 27735
by the court during pendency of any appeal filed under section 27736
119.12 of the Revised Code. If the individual subject to the 27737
summary suspension requests an adjudicatory hearing by the 27738
board, the date set for the hearing shall be within fifteen 27739
days, but not earlier than seven days, after the individual 27740
requests the hearing, unless otherwise agreed to by both the 27741
board and the individual. 27742

Any summary suspension imposed under this division shall 27743
remain in effect, unless reversed on appeal, until a final 27744
adjudicative order issued by the board pursuant to this section 27745
and Chapter 119. of the Revised Code becomes effective. The 27746
board shall issue its final adjudicative order within seventy- 27747
five days after completion of its hearing. A failure to issue 27748
the order within seventy-five days shall result in dissolution 27749
of the summary suspension order but shall not invalidate any 27750
subsequent, final adjudicative order. 27751

(H) If the board takes action under division (B) (9), (11), 27752
or (13) of this section and the judicial finding of guilt, 27753
guilty plea, or judicial finding of eligibility for intervention 27754
in lieu of conviction is overturned on appeal, upon exhaustion 27755
of the criminal appeal, a petition for reconsideration of the 27756
order may be filed with the board along with appropriate court 27757
documents. Upon receipt of a petition of that nature and 27758
supporting court documents, the board shall reinstate the 27759
individual's license or certificate to practice. The board may 27760

then hold an adjudication under Chapter 119. of the Revised Code 27761
to determine whether the individual committed the act in 27762
question. Notice of an opportunity for a hearing shall be given 27763
in accordance with Chapter 119. of the Revised Code. If the 27764
board finds, pursuant to an adjudication held under this 27765
division, that the individual committed the act or if no hearing 27766
is requested, the board may order any of the sanctions 27767
identified under division (B) of this section. 27768

(I) The license or certificate to practice issued to an 27769
individual under this chapter and the individual's practice in 27770
this state are automatically suspended as of the date of the 27771
individual's second or subsequent plea of guilty to, or judicial 27772
finding of guilt of, a violation of section 2919.123 or 2919.124 27773
of the Revised Code. In addition, the license or certificate to 27774
practice or certificate to recommend issued to an individual 27775
under this chapter and the individual's practice in this state 27776
are automatically suspended as of the date the individual pleads 27777
guilty to, is found by a judge or jury to be guilty of, or is 27778
subject to a judicial finding of eligibility for intervention in 27779
lieu of conviction in this state or treatment or intervention in 27780
lieu of conviction in another jurisdiction for any of the 27781
following criminal offenses in this state or a substantially 27782
equivalent criminal offense in another jurisdiction: aggravated 27783
murder, murder, voluntary manslaughter, felonious assault, 27784
kidnapping, rape, sexual battery, gross sexual imposition, 27785
aggravated arson, aggravated robbery, or aggravated burglary. 27786
Continued practice after suspension shall be considered 27787
practicing without a license or certificate. 27788

The board shall notify the individual subject to the 27789
suspension by certified mail or in person in accordance with 27790
section 119.07 of the Revised Code. If an individual whose 27791

license or certificate is automatically suspended under this 27792
division fails to make a timely request for an adjudication 27793
under Chapter 119. of the Revised Code, the board shall do 27794
whichever of the following is applicable: 27795

(1) If the automatic suspension under this division is for 27796
a second or subsequent plea of guilty to, or judicial finding of 27797
guilt of, a violation of section 2919.123 or 2919.124 of the 27798
Revised Code, the board shall enter an order suspending the 27799
individual's license or certificate to practice for a period of 27800
at least one year or, if determined appropriate by the board, 27801
imposing a more serious sanction involving the individual's 27802
license or certificate to practice. 27803

(2) In all circumstances in which division (I)(1) of this 27804
section does not apply, enter a final order permanently revoking 27805
the individual's license or certificate to practice. 27806

(J) If the board is required by Chapter 119. of the 27807
Revised Code to give notice of an opportunity for a hearing and 27808
if the individual subject to the notice does not timely request 27809
a hearing in accordance with section 119.07 of the Revised Code, 27810
the board is not required to hold a hearing, but may adopt, by 27811
an affirmative vote of not fewer than six of its members, a 27812
final order that contains the board's findings. In that final 27813
order, the board may order any of the sanctions identified under 27814
division (A) or (B) of this section. 27815

(K) Any action taken by the board under division (B) of 27816
this section resulting in a suspension from practice shall be 27817
accompanied by a written statement of the conditions under which 27818
the individual's license or certificate to practice may be 27819
reinstated. The board shall adopt rules governing conditions to 27820
be imposed for reinstatement. Reinstatement of a license or 27821

certificate suspended pursuant to division (B) of this section 27822
requires an affirmative vote of not fewer than six members of 27823
the board. 27824

(L) When the board refuses to grant or issue a license or 27825
certificate to practice to an applicant, revokes an individual's 27826
license or certificate to practice, refuses to renew an 27827
individual's license or certificate to practice, or refuses to 27828
reinstate an individual's license or certificate to practice, 27829
the board may specify that its action is permanent. An 27830
individual subject to a permanent action taken by the board is 27831
forever thereafter ineligible to hold a license or certificate 27832
to practice and the board shall not accept an application for 27833
reinstatement of the license or certificate or for issuance of a 27834
new license or certificate. 27835

(M) Notwithstanding any other provision of the Revised 27836
Code, all of the following apply: 27837

(1) The surrender of a license or certificate issued under 27838
this chapter shall not be effective unless or until accepted by 27839
the board. A telephone conference call may be utilized for 27840
acceptance of the surrender of an individual's license or 27841
certificate to practice. The telephone conference call shall be 27842
considered a special meeting under division (F) of section 27843
121.22 of the Revised Code. Reinstatement of a license or 27844
certificate surrendered to the board requires an affirmative 27845
vote of not fewer than six members of the board. 27846

(2) An application for a license or certificate made under 27847
the provisions of this chapter may not be withdrawn without 27848
approval of the board. 27849

(3) Failure by an individual to renew a license or 27850

certificate to practice in accordance with this chapter or a 27851
certificate to recommend in accordance with rules adopted under 27852
section 4731.301 of the Revised Code shall not remove or limit 27853
the board's jurisdiction to take any disciplinary action under 27854
this section against the individual. 27855

(4) At the request of the board, a license or certificate 27856
holder shall immediately surrender to the board a license or 27857
certificate that the board has suspended, revoked, or 27858
permanently revoked. 27859

(N) Sanctions shall not be imposed under division (B) (28) 27860
of this section against any person who waives deductibles and 27861
copayments as follows: 27862

(1) In compliance with the health benefit plan that 27863
expressly allows such a practice. Waiver of the deductibles or 27864
copayments shall be made only with the full knowledge and 27865
consent of the plan purchaser, payer, and third-party 27866
administrator. Documentation of the consent shall be made 27867
available to the board upon request. 27868

(2) For professional services rendered to any other person 27869
authorized to practice pursuant to this chapter, to the extent 27870
allowed by this chapter and rules adopted by the board. 27871

(O) Under the board's investigative duties described in 27872
this section and subject to division (F) of this section, the 27873
board shall develop and implement a quality intervention program 27874
designed to improve through remedial education the clinical and 27875
communication skills of individuals authorized under this 27876
chapter to practice medicine and surgery, osteopathic medicine 27877
and surgery, and podiatric medicine and surgery. In developing 27878
and implementing the quality intervention program, the board may 27879

do all of the following: 27880

(1) Offer in appropriate cases as determined by the board 27881
an educational and assessment program pursuant to an 27882
investigation the board conducts under this section; 27883

(2) Select providers of educational and assessment 27884
services, including a quality intervention program panel of case 27885
reviewers; 27886

(3) Make referrals to educational and assessment service 27887
providers and approve individual educational programs 27888
recommended by those providers. The board shall monitor the 27889
progress of each individual undertaking a recommended individual 27890
educational program. 27891

(4) Determine what constitutes successful completion of an 27892
individual educational program and require further monitoring of 27893
the individual who completed the program or other action that 27894
the board determines to be appropriate; 27895

(5) Adopt rules in accordance with Chapter 119. of the 27896
Revised Code to further implement the quality intervention 27897
program. 27898

An individual who participates in an individual 27899
educational program pursuant to this division shall pay the 27900
financial obligations arising from that educational program. 27901

(P) The board shall not refuse to issue a license to an 27902
applicant because of a conviction, plea of guilty, judicial 27903
finding of guilt, judicial finding of eligibility for 27904
intervention in lieu of conviction, or the commission of an act 27905
that constitutes a criminal offense, unless the refusal is in 27906
accordance with section 9.79 of the Revised Code. 27907

<u>Sec. 4731.86. As used in sections 4731.861 to 4731.8611 of</u>	27908
<u>the Revised Code:</u>	27909
<u>(A) "Assisted reproduction," "human reproductive</u>	27910
<u>material," "health care professional," and "donor" have the same</u>	27911
<u>meanings as in section 2907.13 of the Revised Code.</u>	27912
<u>(B) (1) "Assisted reproduction procedure performed without</u>	27913
<u>consent" means the performance of an assisted reproduction</u>	27914
<u>procedure by a health care professional who recklessly did any</u>	27915
<u>of the following:</u>	27916
<u>(a) Used either the professional's or a donor's human</u>	27917
<u>reproductive material when the patient on whom the procedure was</u>	27918
<u>performed did not consent to the use of the material from that</u>	27919
<u>person;</u>	27920
<u>(b) Failed to comply with the standards or requirements of</u>	27921
<u>sections 3111.88 to 3111.96 of the Revised Code, including the</u>	27922
<u>terms of the written consent form;</u>	27923
<u>(c) Misrepresented to the patient receiving the procedure</u>	27924
<u>any material information about the donor's profile, including</u>	27925
<u>the types of information listed in division (A) (2) of section</u>	27926
<u>3111.93 of the Revised Code, or the manner or extent to which</u>	27927
<u>the material was used.</u>	27928
<u>(2) "Assisted reproduction procedure performed without</u>	27929
<u>consent" includes the performance of an assisted reproduction</u>	27930
<u>procedure by a health care professional using the professional's</u>	27931
<u>human reproductive material in situations in which the patient</u>	27932
<u>consented to use of an anonymous donor.</u>	27933
<u>Sec. 4731.861. The following persons may bring a civil</u>	27934
<u>action for the recovery of remedies described in sections</u>	27935
<u>4731.869 and 4731.8610 of the Revised Code for an assisted</u>	27936

reproduction procedure performed without consent and performed 27937
recklessly: 27938

(A) The patient on whom the procedure was performed and 27939
the patient's spouse or surviving spouse; 27940

(B) The child born as a result of the procedure. 27941

Sec. 4731.862. A person may bring a separate action under 27942
section 4731.861 of the Revised Code for each child born to the 27943
patient or spouse as a result of an assisted reproduction 27944
procedure performed without consent. 27945

Sec. 4731.864. A donor of human reproductive material may 27946
bring a civil action for remedies described in sections 4731.869 27947
and 4731.8610 of the Revised Code against a health care 27948
professional who recklessly did both of the following: 27949

(A) Performed an assisted reproduction procedure using the 27950
donor's human reproductive material; 27951

(B) Knew or reasonably should have known that the human 27952
reproductive material was used without the donor's consent or in 27953
a manner or to an extent other than that to which the donor 27954
consented. 27955

Sec. 4731.865. A donor may bring a separate action under 27956
section 4731.864 of the Revised Code for each individual who 27957
received the donor's human reproductive material without the 27958
donor's consent. 27959

Sec. 4731.867. (A) Patient consent to the use of human 27960
reproductive material from an anonymous donor is not effective 27961
to provide consent for use of human reproductive material of the 27962
health care professional performing the procedure. 27963

(B) It is not a defense to an action under section 27964

4731.861 or 4731.864 of the Revised Code that a patient 27965
expressly consented in writing, or by any other means, to the 27966
use of human reproductive material from an anonymous donor. 27967

Sec. 4731.869. (A) A plaintiff who prevails in an action 27968
under section 4731.861 or 4731.864 of the Revised Code shall be 27969
entitled to: 27970

(1) Reasonable attorney's fees; and 27971

(2) Either of the following: 27972

(a) Compensatory and punitive damages; 27973

(b) Liquidated damages of ten thousand dollars. 27974

(B) A plaintiff who prevails in an action under section 27975
4731.861 of the Revised Code is also entitled to reimbursement 27976
for the cost of the assisted reproduction procedure. 27977

Sec. 4731.8610. Nothing in sections 4731.861 to 4731.8611 27978
of the Revised Code may be construed to prohibit a person from 27979
pursuing any other remedies provided in the Revised Code for an 27980
assisted reproduction procedure performed without consent. 27981

Sec. 4731.8611. It is declared to be against the public 27982
policy of this state for a health care professional or 27983
affiliated person to enter into or require a waiver or provision 27984
with any patient or other person that limits or waives any of 27985
the patient's or other person's claims under section 4731.861, 27986
4731.862, 4731.864, or 4731.865 of the Revised Code or remedies 27987
under section 4731.869 or 4731.8610 of the Revised Code. Any 27988
such provision or waiver is void and unenforceable as against 27989
public policy. 27990

Sec. 4734.31. (A) The state chiropractic board may take 27991
any of the actions specified in division (B) of this section 27992

against an individual who has applied for or holds a license to 27993
practice chiropractic in this state if any of the reasons 27994
specified in division (C) of this section for taking action 27995
against an individual are applicable. Except as provided in 27996
division (D) of this section, actions taken against an 27997
individual shall be taken in accordance with Chapter 119. of the 27998
Revised Code. The board may specify that any action it takes is 27999
a permanent action. The board's authority to take action against 28000
an individual is not removed or limited by the individual's 28001
failure to renew a license. 28002

(B) In its imposition of sanctions against an individual, 28003
the board may do any of the following: 28004

(1) Except as provided in division (I) of this section, 28005
refuse to issue, renew, restore, or reinstate a license to 28006
practice chiropractic or a certificate to practice acupuncture; 28007

(2) Reprimand or censure a license holder; 28008

(3) Place limits, restrictions, or probationary conditions 28009
on a license holder's practice; 28010

(4) Impose a civil fine of not more than five thousand 28011
dollars according to a schedule of fines specified in rules that 28012
the board shall adopt in accordance with Chapter 119. of the 28013
Revised Code. 28014

(5) Suspend a license to practice chiropractic or a 28015
certificate to practice acupuncture for a limited or indefinite 28016
period; 28017

(6) Revoke a license to practice chiropractic or a 28018
certificate to practice acupuncture. 28019

(C) The board may take the actions specified in division 28020

- (B) of this section for any of the following reasons: 28021
- (1) A plea of guilty to, a judicial finding of guilt of, 28022
or a judicial finding of eligibility for intervention in lieu of 28023
conviction for, a felony in any jurisdiction, in which case a 28024
certified copy of the court record shall be conclusive evidence 28025
of the conviction; 28026
- (2) Commission of an act that constitutes a felony in this 28027
state, regardless of the jurisdiction in which the act was 28028
committed; 28029
- (3) A plea of guilty to, a judicial finding of guilt of, 28030
or a judicial finding of eligibility for intervention in lieu of 28031
conviction for, a misdemeanor involving moral turpitude, as 28032
determined by the board, in which case a certified copy of the 28033
court record shall be conclusive evidence of the matter; 28034
- (4) Commission of an act involving moral turpitude that 28035
constitutes a misdemeanor in this state, regardless of the 28036
jurisdiction in which the act was committed; 28037
- (5) A plea of guilty to, a judicial finding of guilt of, 28038
or a judicial finding of eligibility for intervention in lieu of 28039
conviction for, a misdemeanor committed in the course of 28040
practice, in which case a certified copy of the court record 28041
shall be conclusive evidence of the matter; 28042
- (6) Commission of an act in the course of practice that 28043
constitutes a misdemeanor in this state, regardless of the 28044
jurisdiction in which the act was committed; 28045
- (7) A violation or attempted violation of this chapter or 28046
the rules adopted under it governing the practice of 28047
chiropractic, animal chiropractic, or acupuncture by a 28048
chiropractor licensed under this chapter; 28049

(8) Failure to cooperate in an investigation conducted by 28050
the board, including failure to comply with a subpoena or order 28051
issued by the board or failure to answer truthfully a question 28052
presented by the board at a deposition or in written 28053
interrogatories, except that failure to cooperate with an 28054
investigation shall not constitute grounds for discipline under 28055
this section if the board or a court of competent jurisdiction 28056
has issued an order that either quashes a subpoena or permits 28057
the individual to withhold the testimony or evidence in issue; 28058

(9) Engaging in an ongoing professional relationship with 28059
a person or entity that violates any provision of this chapter 28060
or the rules adopted under it, unless the chiropractor makes a 28061
good faith effort to have the person or entity comply with the 28062
provisions; 28063

(10) Retaliating against a chiropractor for the 28064
chiropractor's reporting to the board or any other agency with 28065
jurisdiction any violation of the law or for cooperating with 28066
the board of another agency in the investigation of any 28067
violation of the law; 28068

(11) Aiding, abetting, assisting, counseling, or 28069
conspiring with any person in that person's violation of any 28070
provision of this chapter or the rules adopted under it, 28071
including the practice of chiropractic without a license, the 28072
practice of animal chiropractic in violation of section 4734.151 28073
of the Revised Code, the practice of acupuncture without a 28074
certificate, or aiding, abetting, assisting, counseling, or 28075
conspiring with any person in that person's unlicensed practice 28076
of any other health care profession that has licensing 28077
requirements; 28078

(12) With respect to a report or record that is made, 28079

filed, or signed in connection with the practice of 28080
chiropractic, animal chiropractic, or acupuncture, knowingly 28081
making or filing a report or record that is false, intentionally 28082
or negligently failing to file a report or record required by 28083
federal, state, or local law or willfully impeding or 28084
obstructing the required filing, or inducing another person to 28085
engage in any such acts; 28086

(13) Making a false, fraudulent, or deceitful statement to 28087
the board or any agent of the board during any investigation or 28088
other official proceeding conducted by the board under this 28089
chapter or in any filing that must be submitted to the board; 28090

(14) Attempting to secure a license to practice 28091
chiropractic, authorization to practice animal chiropractic, or 28092
a certificate to practice acupuncture, or to corrupt the outcome 28093
of an official board proceeding, through bribery or any other 28094
improper means; 28095

(15) Willfully obstructing or hindering the board or any 28096
agent of the board in the discharge of the board's duties; 28097

(16) Habitually using drugs or intoxicants to the extent 28098
that the person is rendered unfit for the practice of 28099
chiropractic, animal chiropractic, or acupuncture; 28100

(17) Inability to practice chiropractic, animal 28101
chiropractic, or acupuncture according to acceptable and 28102
prevailing standards of care by reason of chemical dependency, 28103
mental illness, or physical illness, including conditions in 28104
which physical deterioration has adversely affected the person's 28105
cognitive, motor, or perceptive skills and conditions in which a 28106
chiropractor's continued practice may pose a danger to the 28107
chiropractor or the public; 28108

- (18) Any act constituting gross immorality relative to the person's practice of chiropractic, animal chiropractic, or acupuncture, including acts involving sexual abuse, sexual misconduct, or sexual exploitation; 28109
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- (19) Exploiting a patient for personal or financial gain; 28113
- (20) Failing to maintain proper, accurate, and legible records in the English language documenting each patient's care, including, as appropriate, records of the following: dates of treatment, services rendered, examinations, tests, x-ray reports, referrals, and the diagnosis or clinical impression and clinical treatment plan provided to the patient; 28114
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- (21) Except as otherwise required by the board or by law, disclosing patient information gained during the chiropractor's professional relationship with a patient without obtaining the patient's authorization for the disclosure; 28120
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- (22) Commission of willful or gross malpractice, or willful or gross neglect, in the practice of chiropractic, animal chiropractic, or acupuncture; 28124
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- (23) Failing to perform or negligently performing an act recognized by the board as a general duty or the exercise of due care in the practice of chiropractic, animal chiropractic, or acupuncture, regardless of whether injury results to a patient from the failure to perform or negligent performance of the act; 28127
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- (24) Engaging in any conduct or practice that impairs or may impair the ability to practice chiropractic, animal chiropractic, or acupuncture safely and skillfully; 28132
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- (25) Practicing, or claiming to be capable of practicing, beyond the scope of the practice of chiropractic, animal chiropractic, or acupuncture as established under this chapter 28135
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28137

and the rules adopted under this chapter;	28138
(26) Accepting and performing professional responsibilities as a chiropractor, animal chiropractic practitioner, or chiropractor with a certificate to practice acupuncture when not qualified to perform those responsibilities, if the person knew or had reason to know that the person was not qualified to perform them;	28139 28140 28141 28142 28143 28144
(27) Delegating any of the professional responsibilities of a chiropractor, animal chiropractic practitioner, or chiropractor with a certificate to practice acupuncture to an employee or other individual when the delegating chiropractor knows or had reason to know that the employee or other individual is not qualified by training, experience, or professional licensure to perform the responsibilities;	28145 28146 28147 28148 28149 28150 28151
(28) Delegating any of the professional responsibilities of a chiropractor, animal chiropractic practitioner, or chiropractor with a certificate to practice acupuncture to an employee or other individual in a negligent manner or failing to provide proper supervision of the employee or other individual to whom the responsibilities are delegated;	28152 28153 28154 28155 28156 28157
(29) Failing to refer a patient to another health care practitioner for consultation or treatment when the chiropractor knows or has reason to know that the referral is in the best interest of the patient;	28158 28159 28160 28161
(30) Obtaining or attempting to obtain any fee or other advantage by fraud or misrepresentation;	28162 28163
(31) Making misleading, deceptive, false, or fraudulent representations in the practice of chiropractic, animal chiropractic, or acupuncture;	28164 28165 28166

(32) Being guilty of false, fraudulent, deceptive, or misleading advertising or other solicitations for patients or knowingly having professional connection with any person that advertises or solicits for patients in such a manner;	28167 28168 28169 28170
(33) Violation of a provision of any code of ethics established or adopted by the board under section 4734.16 of the Revised Code;	28171 28172 28173
(34) Failing to meet the examination requirements for receipt of a license specified under section 4734.20 of the Revised Code;	28174 28175 28176
(35) Actions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country;	28177 28178 28179
(36) Failing to maintain clean and sanitary conditions at the clinic, office, or other place in which chiropractic services, animal chiropractic services, or acupuncture services are provided;	28180 28181 28182 28183
(37) Except as provided in division (G) of this section:	28184
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that chiropractor;	28185 28186 28187 28188 28189 28190
(b) Advertising that the chiropractor will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay.	28191 28192 28193 28194 28195

(38) Failure to supervise an acupuncturist in accordance 28196
with the provisions of section 4762.11 of the Revised Code that 28197
are applicable to a supervising chiropractor. 28198

(D) The adjudication requirements of Chapter 119. of the 28199
Revised Code apply to the board when taking actions against an 28200
individual under this section, except as follows: 28201

(1) An applicant is not entitled to an adjudication for 28202
failing to meet the conditions specified under section 4734.20 28203
of the Revised Code for receipt of a license that involve the 28204
board's examination on jurisprudence or the examinations of the 28205
national board of chiropractic examiners. 28206

(2) A person is not entitled to an adjudication if the 28207
person fails to make a timely request for a hearing, in 28208
accordance with Chapter 119. of the Revised Code. 28209

(3) In lieu of an adjudication, the board may accept the 28210
surrender of a license to practice chiropractic or certificate 28211
to practice acupuncture from a chiropractor. 28212

(4) In lieu of an adjudication, the board may enter into a 28213
consent agreement with an individual to resolve an allegation of 28214
a violation of this chapter or any rule adopted under it. A 28215
consent agreement, when ratified by the board, shall constitute 28216
the findings and order of the board with respect to the matter 28217
addressed in the agreement. If the board refuses to ratify a 28218
consent agreement, the admissions and findings contained in the 28219
consent agreement shall be of no force or effect. 28220

(E) (1) This section does not require the board to hire, 28221
contract with, or retain the services of an expert witness when 28222
the board takes action against a chiropractor concerning 28223
compliance with acceptable and prevailing standards of care in 28224

the practice of chiropractic or acupuncture. As part of an 28225
action taken concerning compliance with acceptable and 28226
prevailing standards of care, the board may rely on the 28227
knowledge of its members for purposes of making a determination 28228
of compliance, notwithstanding any expert testimony presented by 28229
the chiropractor that contradicts the knowledge and opinions of 28230
the members of the board. 28231

(2) If the board conducts a review or investigation or 28232
takes action against a chiropractor concerning an allegation of 28233
harm to an animal from the practice of animal chiropractic, the 28234
board shall retain as an expert witness a licensed veterinarian 28235
who holds a current, valid certification from a credentialing 28236
organization specified in division (A) (3) of section 4734.151 of 28237
the Revised Code. 28238

(F) The sealing or expungement of conviction records by a 28239
court shall have no effect on a prior board order entered under 28240
this section or on the board's jurisdiction to take action under 28241
this section if, based on a plea of guilty, a judicial finding 28242
of guilt, or a judicial finding of eligibility for intervention 28243
in lieu of conviction, the board issued a notice of opportunity 28244
for a hearing prior to the court's order to seal or expunge the 28245
records. The board shall not be required to seal, destroy, 28246
redact, or otherwise modify its records to reflect the court's 28247
sealing or expungement of conviction records. 28248

(G) Actions shall not be taken pursuant to division (C) 28249
(37) of this section against any chiropractor who waives 28250
deductibles and copayments as follows: 28251

(1) In compliance with the health benefit plan that 28252
expressly allows a practice of that nature. Waiver of the 28253
deductibles or copayments shall be made only with the full 28254

knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request. 28255
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(2) For professional services rendered to any other person licensed pursuant to this chapter, to the extent allowed by this chapter and the rules of the board. 28258
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28260

(H) As used in this section, "animal chiropractic" and "animal chiropractic practitioner" have the same meanings as in section 4734.151 of the Revised Code. 28261
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(I) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code. 28264
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Sec. 4752.09. (A) The state board of pharmacy may, in accordance with Chapter 119. of the Revised Code, impose any one or more of the following sanctions on an applicant for a license or certificate of registration issued under this chapter or a license or certificate holder for any of the causes set forth in division (B) of this section: 28270
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(1) Suspend, revoke, restrict, limit, or refuse to grant or renew a license or certificate of registration; 28276
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(2) Reprimand or place the license or certificate holder on probation; 28278
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(3) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or not more than five thousand dollars if the acts committed are not classified as an offense by the Revised 28280
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Code.	28284
(B) The board may impose the sanctions listed in division	28285
(A) of this section for any of the following:	28286
(1) Violation of any provision of this chapter or an order	28287
or rule of the board, as those provisions, orders, or rules are	28288
applicable to persons licensed under this chapter;	28289
(2) A plea of guilty to or a judicial finding of guilt of	28290
a felony or a misdemeanor that involves dishonesty or is	28291
directly related to the provision of home medical equipment	28292
services;	28293
(3) Making a material misstatement in furnishing	28294
information to the board;	28295
(4) Professional incompetence;	28296
(5) Being guilty of negligence or gross misconduct in	28297
providing home medical equipment services;	28298
(6) Aiding, assisting, or willfully permitting another	28299
person to violate any provision of this chapter or an order or	28300
rule of the board, as those provisions, orders, or rules are	28301
applicable to persons licensed under this chapter;	28302
(7) Failing to provide information in response to a	28303
written request by the board;	28304
(8) Engaging in conduct likely to deceive, defraud, or	28305
harm the public;	28306
(9) Denial, revocation, suspension, or restriction of a	28307
license to provide home medical equipment services, for any	28308
reason other than failure to renew, in another state or	28309
jurisdiction;	28310

(10) Directly or indirectly giving to or receiving from 28311
any person a fee, commission, rebate, or other form of 28312
compensation for services not rendered; 28313

(11) Knowingly making or filing false records, reports, or 28314
billings in the course of providing home medical equipment 28315
services, including false records, reports, or billings prepared 28316
for or submitted to state and federal agencies or departments; 28317

(12) Failing to comply with federal rules issued pursuant 28318
to the medicare program established under Title XVIII of the 28319
"Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as 28320
amended, relating to operations, financial transactions, and 28321
general business practices of home medical services providers; 28322

(13) Any other cause for which the board may impose 28323
sanctions as set forth in rules adopted under section 4752.17 of 28324
the Revised Code. 28325

(C) Notwithstanding any provision of divisions (A) and (B) 28326
of this section to the contrary, the board shall not refuse to 28327
issue a license or certificate of registration to an applicant 28328
because of a plea of guilty to or a judicial finding of guilt of 28329
an offense unless the refusal is in accordance with section 9.79 28330
of the Revised Code. 28331

(D) The state board of pharmacy immediately may suspend a 28332
license without a hearing if it determines that there is 28333
evidence that the license holder is subject to actions under 28334
this section and that there is clear and convincing evidence 28335
that continued operation by the license holder presents an 28336
immediate and serious harm to the public. The board shall follow 28337
the procedure for suspension without a prior hearing in section 28338
119.07 of the Revised Code. The board may vote on the suspension 28339

by way of a telephone conference call. 28340

A suspension under this division shall remain in effect, 28341
unless reversed by the board, until a final adjudication order 28342
issued by the board pursuant to this section and Chapter 119. of 28343
the Revised Code becomes effective. The board shall issue its 28344
final adjudication order not later than ninety days after 28345
completion of the hearing. The board's failure to issue the 28346
order by that day shall cause the summary suspension to end, but 28347
shall not affect the validity of any subsequent final 28348
adjudication order. 28349

(E) If the board is required under Chapter 119. of the 28350
Revised Code to give notice of an opportunity for a hearing and 28351
the applicant or license or certificate holder does not make a 28352
timely request for a hearing in accordance with section 119.07 28353
of the Revised Code, the board is not required to hold a 28354
hearing, but may adopt a final order that contains the board's 28355
findings. In the final order, the board may impose any of the 28356
sanctions listed in division (A) of this section. 28357

(F) Notwithstanding the provision of division ~~(C) (2)~~ (D) 28358
(2) of section 2953.32 or division (F) (1) of section 2953.39 of 28359
the Revised Code specifying that if records pertaining to a 28360
criminal case are sealed or expunged under that section the 28361
proceedings in the case must be deemed not to have occurred, 28362
sealing or expungement of the following records on which the 28363
board has based an action under this section shall have no 28364
effect on the board's action or any sanction imposed by the 28365
board under this section: records of any conviction, guilty 28366
plea, judicial finding of guilt resulting from a plea of no 28367
contest, or a judicial finding of eligibility for a pretrial 28368
diversion program or intervention in lieu of conviction. The 28369

board shall not be required to seal, destroy, redact, or 28370
otherwise modify its records to reflect the court's sealing or 28371
expungement of conviction records. 28372

Sec. 4759.07. (A) The state medical board, by an 28373
affirmative vote of not fewer than six members, shall, except as 28374
provided in division (B) of this section, and to the extent 28375
permitted by law, limit, revoke, or suspend an individual's 28376
license or limited permit, refuse to issue a license or limited 28377
permit to an individual, refuse to renew a license or limited 28378
permit, refuse to reinstate a license or limited permit, or 28379
reprimand or place on probation the holder of a license or 28380
limited permit for one or more of the following reasons: 28381

(1) Except when civil penalties are imposed under section 28382
4759.071 of the Revised Code, violating or attempting to 28383
violate, directly or indirectly, or assisting in or abetting the 28384
violation of, or conspiring to violate, any provision of this 28385
chapter or the rules adopted by the board; 28386

(2) Making a false, fraudulent, deceptive, or misleading 28387
statement in the solicitation of or advertising for patients; in 28388
relation to the practice of dietetics; or in securing or 28389
attempting to secure any license or permit issued by the board 28390
under this chapter. 28391

As used in division (A) (2) of this section, "false, 28392
fraudulent, deceptive, or misleading statement" means a 28393
statement that includes a misrepresentation of fact, is likely 28394
to mislead or deceive because of a failure to disclose material 28395
facts, is intended or is likely to create false or unjustified 28396
expectations of favorable results, or includes representations 28397
or implications that in reasonable probability will cause an 28398
ordinarily prudent person to misunderstand or be deceived. 28399

- (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;
- (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;
- (5) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;
- (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;
- (7) 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;
- (8) 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;
- (9) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
- (10) A record of engaging in incompetent or negligent conduct in the practice of dietetics;
- (11) 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 a patient

is established;	28428
(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	28429 28430 28431
(13) Violation of the conditions of limitation placed by the board on a license or permit;	28432 28433
(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;	28434 28435 28436 28437
(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;	28438 28439 28440 28441 28442 28443 28444 28445 28446 28447
(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;	28448 28449 28450
(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) (11), (12), or (14) of this section;	28451 28452 28453 28454 28455
(18) Impairment of ability to practice according to	28456

acceptable and prevailing standards of care because of habitual 28457
or excessive use or abuse of drugs, alcohol, or other substances 28458
that impair ability to practice; 28459

(19) Failure to cooperate in an investigation conducted by 28460
the board under division (B) of section 4759.05 of the Revised 28461
Code, including failure to comply with a subpoena or order 28462
issued by the board or failure to answer truthfully a question 28463
presented by the board in an investigative interview, an 28464
investigative office conference, at a deposition, or in written 28465
interrogatories, except that failure to cooperate with an 28466
investigation shall not constitute grounds for discipline under 28467
this section if a court of competent jurisdiction has issued an 28468
order that either quashes a subpoena or permits the individual 28469
to withhold the testimony or evidence in issue; 28470

(20) Representing with the purpose of obtaining 28471
compensation or other advantage as personal gain or for any 28472
other person, that an incurable disease or injury, or other 28473
incurable condition, can be permanently cured. 28474

(B) The board shall not refuse to issue a license or 28475
limited permit to an applicant because of a plea of guilty to, a 28476
judicial finding of guilt of, or a judicial finding of 28477
eligibility for intervention in lieu of conviction for an 28478
offense unless the refusal is in accordance with section 9.79 of 28479
the Revised Code. 28480

(C) Any action taken by the board under division (A) of 28481
this section resulting in a suspension from practice shall be 28482
accompanied by a written statement of the conditions under which 28483
the individual's license or permit may be reinstated. The board 28484
shall adopt rules governing conditions to be imposed for 28485
reinstatement. Reinstatement of a license or permit suspended 28486

pursuant to division (A) of this section requires an affirmative 28487
vote of not fewer than six members of the board. 28488

(D) When the board refuses to grant or issue a license or 28489
permit to an applicant, revokes an individual's license or 28490
permit, refuses to renew an individual's license or permit, or 28491
refuses to reinstate an individual's license or permit, the 28492
board may specify that its action is permanent. An individual 28493
subject to a permanent action taken by the board is forever 28494
thereafter ineligible to hold a license or permit and the board 28495
shall not accept an application for reinstatement of the license 28496
or permit or for issuance of a new license or permit. 28497

(E) Disciplinary actions taken by the board under division 28498
(A) of this section shall be taken pursuant to an adjudication 28499
under Chapter 119. of the Revised Code, except that in lieu of 28500
an adjudication, the board may enter into a consent agreement 28501
with an individual to resolve an allegation of a violation of 28502
this chapter or any rule adopted under it. A consent agreement, 28503
when ratified by an affirmative vote of not fewer than six 28504
members of the board, shall constitute the findings and order of 28505
the board with respect to the matter addressed in the agreement. 28506
If the board refuses to ratify a consent agreement, the 28507
admissions and findings contained in the consent agreement shall 28508
be of no force or effect. 28509

A telephone conference call may be utilized for 28510
ratification of a consent agreement that revokes or suspends an 28511
individual's license or permit. The telephone conference call 28512
shall be considered a special meeting under division (F) of 28513
section 121.22 of the Revised Code. 28514

(F) In enforcing division (A)(14) of this section, the 28515
board, upon a showing of a possible violation, may compel any 28516

individual authorized to practice by this chapter or who has 28517
submitted an application pursuant to this chapter to submit to a 28518
mental examination, physical examination, including an HIV test, 28519
or both a mental and a physical examination. The expense of the 28520
examination is the responsibility of the individual compelled to 28521
be examined. Failure to submit to a mental or physical 28522
examination or consent to an HIV test ordered by the board 28523
constitutes an admission of the allegations against the 28524
individual unless the failure is due to circumstances beyond the 28525
individual's control, and a default and final order may be 28526
entered without the taking of testimony or presentation of 28527
evidence. If the board finds an individual unable to practice 28528
because of the reasons set forth in division (A)(14) of this 28529
section, the board shall require the individual to submit to 28530
care, counseling, or treatment by physicians approved or 28531
designated by the board, as a condition for initial, continued, 28532
reinstated, or renewed authority to practice. An individual 28533
affected under this division shall be afforded an opportunity to 28534
demonstrate to the board the ability to resume practice in 28535
compliance with acceptable and prevailing standards under the 28536
provisions of the individual's license or permit. For the 28537
purpose of division (A)(14) of this section, any individual who 28538
applies for or receives a license or permit under this chapter 28539
accepts the privilege of practicing in this state and, by so 28540
doing, shall be deemed to have given consent to submit to a 28541
mental or physical examination when directed to do so in writing 28542
by the board, and to have waived all objections to the 28543
admissibility of testimony or examination reports that 28544
constitute a privileged communication. 28545

(G) For the purposes of division (A)(18) of this section, 28546
any individual authorized to practice by this chapter accepts 28547

the privilege of practicing in this state subject to supervision 28548
by the board. By filing an application for or holding a license 28549
or permit under this chapter, an individual shall be deemed to 28550
have given consent to submit to a mental or physical examination 28551
when ordered to do so by the board in writing, and to have 28552
waived all objections to the admissibility of testimony or 28553
examination reports that constitute privileged communications. 28554

If it has reason to believe that any individual authorized 28555
to practice by this chapter or any applicant for a license or 28556
permit suffers such impairment, the board may compel the 28557
individual to submit to a mental or physical examination, or 28558
both. The expense of the examination is the responsibility of 28559
the individual compelled to be examined. Any mental or physical 28560
examination required under this division shall be undertaken by 28561
a treatment provider or physician who is qualified to conduct 28562
the examination and who is chosen by the board. 28563

Failure to submit to a mental or physical examination 28564
ordered by the board constitutes an admission of the allegations 28565
against the individual unless the failure is due to 28566
circumstances beyond the individual's control, and a default and 28567
final order may be entered without the taking of testimony or 28568
presentation of evidence. If the board determines that the 28569
individual's ability to practice is impaired, the board shall 28570
suspend the individual's license or permit or deny the 28571
individual's application and shall require the individual, as a 28572
condition for an initial, continued, reinstated, or renewed 28573
license or permit, to submit to treatment. 28574

Before being eligible to apply for reinstatement of a 28575
license or permit suspended under this division, the impaired 28576
practitioner shall demonstrate to the board the ability to 28577

resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or permit. The demonstration shall include, but shall not be limited to, the following:

(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(3) 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 the assessments and shall describe the basis for their determination.

The board may reinstate a license or permit suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, 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 perjury 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 or permit without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (A) 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 those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue

the order within seventy-five days shall result in dissolution 28636
of the summary suspension order but shall not invalidate any 28637
subsequent, final adjudicative order. 28638

(I) If the board is required by Chapter 119. of the 28639
Revised Code to give notice of an opportunity for a hearing and 28640
if the individual subject to the notice does not timely request 28641
a hearing in accordance with section 119.07 of the Revised Code, 28642
the board is not required to hold a hearing, but may adopt, by 28643
an affirmative vote of not fewer than six of its members, a 28644
final order that contains the board's findings. In the final 28645
order, the board may order any of the sanctions identified under 28646
division (A) of this section. 28647

(J) For purposes of divisions (A) (5), (7), and (9) of this 28648
section, the commission of the act may be established by a 28649
finding by the board, pursuant to an adjudication under Chapter 28650
119. of the Revised Code, that the individual committed the act. 28651
The board does not have jurisdiction under those divisions if 28652
the trial court renders a final judgment in the individual's 28653
favor and that judgment is based upon an adjudication on the 28654
merits. The board has jurisdiction under those divisions if the 28655
trial court issues an order of dismissal upon technical or 28656
procedural grounds. 28657

(K) The sealing or expungement of conviction records by 28658
any court shall have no effect upon a prior board order entered 28659
under this section or upon the board's jurisdiction to take 28660
action under this section if, based upon a plea of guilty, a 28661
judicial finding of guilt, or a judicial finding of eligibility 28662
for intervention in lieu of conviction, the board issued a 28663
notice of opportunity for a hearing prior to the court's order 28664
to seal or expunge the records. The board shall not be required 28665

to seal, destroy, redact, or otherwise modify its records to 28666
reflect the court's sealing or expungement of conviction 28667
records. 28668

(L) If the board takes action under division (A) (4), (6), 28669
or (8) of this section, and the judicial finding of guilt, 28670
guilty plea, or judicial finding of eligibility for intervention 28671
in lieu of conviction is overturned on appeal, upon exhaustion 28672
of the criminal appeal, a petition for reconsideration of the 28673
order may be filed with the board along with appropriate court 28674
documents. Upon receipt of a petition for reconsideration and 28675
supporting court documents, the board shall reinstate the 28676
individual's license or permit. The board may then hold an 28677
adjudication under Chapter 119. of the Revised Code to determine 28678
whether the individual committed the act in question. Notice of 28679
an opportunity for a hearing shall be given in accordance with 28680
Chapter 119. of the Revised Code. If the board finds, pursuant 28681
to an adjudication held under this division, that the individual 28682
committed the act or if no hearing is requested, the board may 28683
order any of the sanctions identified under division (A) of this 28684
section. 28685

(M) The license or permit issued to an individual under 28686
this chapter and the individual's practice in this state are 28687
automatically suspended as of the date the individual pleads 28688
guilty to, is found by a judge or jury to be guilty of, or is 28689
subject to a judicial finding of eligibility for intervention in 28690
lieu of conviction in this state or treatment or intervention in 28691
lieu of conviction in another jurisdiction for any of the 28692
following criminal offenses in this state or a substantially 28693
equivalent criminal offense in another jurisdiction: aggravated 28694
murder, murder, voluntary manslaughter, felonious assault, 28695
kidnapping, rape, sexual battery, gross sexual imposition, 28696

aggravated arson, aggravated robbery, or aggravated burglary. 28697
Continued practice after suspension shall be considered 28698
practicing without a license or permit. 28699

The board shall notify the individual subject to the 28700
suspension by certified mail or in person in accordance with 28701
section 119.07 of the Revised Code. If an individual whose 28702
license or permit is automatically suspended under this division 28703
fails to make a timely request for an adjudication under Chapter 28704
119. of the Revised Code, the board shall enter a final order 28705
permanently revoking the individual's license or permit. 28706

(N) Notwithstanding any other provision of the Revised 28707
Code, all of the following apply: 28708

(1) The surrender of a license or permit issued under this 28709
chapter shall not be effective unless or until accepted by the 28710
board. A telephone conference call may be utilized for 28711
acceptance of the surrender of an individual's license or 28712
permit. The telephone conference call shall be considered a 28713
special meeting under division (F) of section 121.22 of the 28714
Revised Code. Reinstatement of a license or permit surrendered 28715
to the board requires an affirmative vote of not fewer than six 28716
members of the board. 28717

(2) An application for a license or permit made under the 28718
provisions of this chapter may not be withdrawn without approval 28719
of the board. 28720

(3) Failure by an individual to renew a license or permit 28721
in accordance with this chapter shall not remove or limit the 28722
board's jurisdiction to take any disciplinary action under this 28723
section against the individual. 28724

(4) At the request of the board, a license or permit 28725

holder shall immediately surrender to the board a license or 28726
permit that the board has suspended, revoked, or permanently 28727
revoked. 28728

Sec. 4760.13. (A) The state medical board, by an 28729
affirmative vote of not fewer than six members, may revoke or 28730
may refuse to grant a license to practice as an anesthesiologist 28731
assistant to a person found by the board to have committed 28732
fraud, misrepresentation, or deception in applying for or 28733
securing the license. 28734

(B) The board, by an affirmative vote of not fewer than 28735
six members, shall, except as provided in division (C) of this 28736
section, and to the extent permitted by law, limit, revoke, or 28737
suspend an individual's license to practice as an 28738
anesthesiologist assistant, refuse to issue a license to an 28739
applicant, refuse to renew a license, refuse to reinstate a 28740
license, or reprimand or place on probation the holder of a 28741
license for any of the following reasons: 28742

(1) Permitting the holder's name or license to be used by 28743
another person; 28744

(2) Failure to comply with the requirements of this 28745
chapter, Chapter 4731. of the Revised Code, or any rules adopted 28746
by the board; 28747

(3) Violating or attempting to violate, directly or 28748
indirectly, or assisting in or abetting the violation of, or 28749
conspiring to violate, any provision of this chapter, Chapter 28750
4731. of the Revised Code, or the rules adopted by the board; 28751

(4) A departure from, or failure to conform to, minimal 28752
standards of care of similar practitioners under the same or 28753
similar circumstances whether or not actual injury to the 28754

patient is established;	28755
(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;	28756 28757 28758 28759
(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;	28760 28761 28762 28763
(7) Willfully betraying a professional confidence;	28764
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant.	28765 28766 28767
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.	28768 28769 28770 28771 28772 28773 28774 28775
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	28776 28777 28778
(10) 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;	28779 28780 28781
(11) Commission of an act that constitutes a felony in	28782

this state, regardless of the jurisdiction in which the act was 28783
committed; 28784

(12) A plea of guilty to, a judicial finding of guilt of, 28785
or a judicial finding of eligibility for intervention in lieu of 28786
conviction for, a misdemeanor committed in the course of 28787
practice; 28788

(13) A plea of guilty to, a judicial finding of guilt of, 28789
or a judicial finding of eligibility for intervention in lieu of 28790
conviction for, a misdemeanor involving moral turpitude; 28791

(14) Commission of an act in the course of practice that 28792
constitutes a misdemeanor in this state, regardless of the 28793
jurisdiction in which the act was committed; 28794

(15) Commission of an act involving moral turpitude that 28795
constitutes a misdemeanor in this state, regardless of the 28796
jurisdiction in which the act was committed; 28797

(16) A plea of guilty to, a judicial finding of guilt of, 28798
or a judicial finding of eligibility for intervention in lieu of 28799
conviction for violating any state or federal law regulating the 28800
possession, distribution, or use of any drug, including 28801
trafficking in drugs; 28802

(17) Any of the following actions taken by the state 28803
agency responsible for regulating the practice of 28804
anesthesiologist assistants in another jurisdiction, for any 28805
reason other than the nonpayment of fees: the limitation, 28806
revocation, or suspension of an individual's license to 28807
practice; acceptance of an individual's license surrender; 28808
denial of a license; refusal to renew or reinstate a license; 28809
imposition of probation; or issuance of an order of censure or 28810
other reprimand; 28811

(18) Violation of the conditions placed by the board on a license to practice;	28812 28813
(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	28814 28815 28816
(20) Failure to cooperate in an investigation conducted by the board under section 4760.14 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;	28817 28818 28819 28820 28821 28822 28823 28824 28825 28826
(21) Failure to comply with any code of ethics established by the national commission for the certification of anesthesiologist assistants;	28827 28828 28829
(22) Failure to notify the state medical board of the revocation or failure to maintain certification from the national commission for certification of anesthesiologist assistants.	28830 28831 28832 28833
(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.	28834 28835 28836 28837 28838
(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to	28839 28840

an adjudication under Chapter 119. of the Revised Code, except 28841
that in lieu of an adjudication, the board may enter into a 28842
consent agreement with an anesthesiologist assistant or 28843
applicant to resolve an allegation of a violation of this 28844
chapter or any rule adopted under it. A consent agreement, when 28845
ratified by an affirmative vote of not fewer than six members of 28846
the board, shall constitute the findings and order of the board 28847
with respect to the matter addressed in the agreement. If the 28848
board refuses to ratify a consent agreement, the admissions and 28849
findings contained in the consent agreement shall be of no force 28850
or effect. 28851

(E) For purposes of divisions (B) (11), (14), and (15) of 28852
this section, the commission of the act may be established by a 28853
finding by the board, pursuant to an adjudication under Chapter 28854
119. of the Revised Code, that the applicant or license holder 28855
committed the act in question. The board shall have no 28856
jurisdiction under these divisions in cases where the trial 28857
court renders a final judgment in the license holder's favor and 28858
that judgment is based upon an adjudication on the merits. The 28859
board shall have jurisdiction under these divisions in cases 28860
where the trial court issues an order of dismissal on technical 28861
or procedural grounds. 28862

(F) The sealing or expungement of conviction records by 28863
any court shall have no effect on a prior board order entered 28864
under the provisions of this section or on the board's 28865
jurisdiction to take action under the provisions of this section 28866
if, based upon a plea of guilty, a judicial finding of guilt, or 28867
a judicial finding of eligibility for intervention in lieu of 28868
conviction, the board issued a notice of opportunity for a 28869
hearing prior to the court's order to seal or expunge the 28870
records. The board shall not be required to seal, destroy, 28871

redact, or otherwise modify its records to reflect the court's 28872
sealing or expungement of conviction records. 28873

(G) For purposes of this division, any individual who 28874
holds a license to practice issued under this chapter, or 28875
applies for a license to practice, shall be deemed to have given 28876
consent to submit to a mental or physical examination when 28877
directed to do so in writing by the board and to have waived all 28878
objections to the admissibility of testimony or examination 28879
reports that constitute a privileged communication. 28880

(1) In enforcing division (B) (5) of this section, the 28881
board, on a showing of a possible violation, may compel any 28882
individual who holds a license to practice issued under this 28883
chapter or who has applied for a license to practice pursuant to 28884
this chapter to submit to a mental or physical examination, or 28885
both. A physical examination may include an HIV test. The 28886
expense of the examination is the responsibility of the 28887
individual compelled to be examined. Failure to submit to a 28888
mental or physical examination or consent to an HIV test ordered 28889
by the board constitutes an admission of the allegations against 28890
the individual unless the failure is due to circumstances beyond 28891
the individual's control, and a default and final order may be 28892
entered without the taking of testimony or presentation of 28893
evidence. If the board finds an anesthesiologist assistant 28894
unable to practice because of the reasons set forth in division 28895
(B) (5) of this section, the board shall require the 28896
anesthesiologist assistant to submit to care, counseling, or 28897
treatment by physicians approved or designated by the board, as 28898
a condition for an initial, continued, reinstated, or renewed 28899
license to practice. An individual affected by this division 28900
shall be afforded an opportunity to demonstrate to the board the 28901
ability to resume practicing in compliance with acceptable and 28902

prevailing standards of care. 28903

(2) For purposes of division (B)(6) of this section, if 28904
the board has reason to believe that any individual who holds a 28905
license to practice issued under this chapter or any applicant 28906
for a license to practice suffers such impairment, the board may 28907
compel the individual to submit to a mental or physical 28908
examination, or both. The expense of the examination is the 28909
responsibility of the individual compelled to be examined. Any 28910
mental or physical examination required under this division 28911
shall be undertaken by a treatment provider or physician 28912
qualified to conduct such examination and chosen by the board. 28913

Failure to submit to a mental or physical examination 28914
ordered by the board constitutes an admission of the allegations 28915
against the individual unless the failure is due to 28916
circumstances beyond the individual's control, and a default and 28917
final order may be entered without the taking of testimony or 28918
presentation of evidence. If the board determines that the 28919
individual's ability to practice is impaired, the board shall 28920
suspend the individual's license or deny the individual's 28921
application and shall require the individual, as a condition for 28922
an initial, continued, reinstated, or renewed license to 28923
practice, to submit to treatment. 28924

Before being eligible to apply for reinstatement of a 28925
license suspended under this division, the anesthesiologist 28926
assistant shall demonstrate to the board the ability to resume 28927
practice in compliance with acceptable and prevailing standards 28928
of care. The demonstration shall include the following: 28929

(a) Certification from a treatment provider approved under 28930
section 4731.25 of the Revised Code that the individual has 28931
successfully completed any required inpatient treatment; 28932

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(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 anesthesiologist assistant resumes practice, the board shall require continued monitoring of the anesthesiologist assistant. 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 anesthesiologist assistant has maintained sobriety.

(H) If the secretary and supervising member determine that there is clear and convincing evidence that an anesthesiologist assistant has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. 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 without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the anesthesiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the anesthesiologist assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B) (11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for

reconsideration of the order may be filed with the board along 28993
with appropriate court documents. On receipt of a petition and 28994
supporting court documents, the board shall reinstate the 28995
license to practice. The board may then hold an adjudication 28996
under Chapter 119. of the Revised Code to determine whether the 28997
individual committed the act in question. Notice of opportunity 28998
for hearing shall be given in accordance with Chapter 119. of 28999
the Revised Code. If the board finds, pursuant to an 29000
adjudication held under this division, that the individual 29001
committed the act, or if no hearing is requested, it may order 29002
any of the sanctions specified in division (B) of this section. 29003

(J) The license to practice of an anesthesiologist 29004
assistant and the assistant's practice in this state are 29005
automatically suspended as of the date the anesthesiologist 29006
assistant pleads guilty to, is found by a judge or jury to be 29007
guilty of, or is subject to a judicial finding of eligibility 29008
for intervention in lieu of conviction in this state or 29009
treatment of intervention in lieu of conviction in another 29010
jurisdiction for any of the following criminal offenses in this 29011
state or a substantially equivalent criminal offense in another 29012
jurisdiction: aggravated murder, murder, voluntary manslaughter, 29013
felonious assault, kidnapping, rape, sexual battery, gross 29014
sexual imposition, aggravated arson, aggravated robbery, or 29015
aggravated burglary. Continued practice after the suspension 29016
shall be considered practicing without a license. 29017

The board shall notify the individual subject to the 29018
suspension by certified mail or in person in accordance with 29019
section 119.07 of the Revised Code. If an individual whose 29020
license is suspended under this division fails to make a timely 29021
request for an adjudication under Chapter 119. of the Revised 29022
Code, the board shall enter a final order permanently revoking 29023

the individual's license to practice. 29024

(K) In any instance in which the board is required by 29025
Chapter 119. of the Revised Code to give notice of opportunity 29026
for hearing and the individual subject to the notice does not 29027
timely request a hearing in accordance with section 119.07 of 29028
the Revised Code, the board is not required to hold a hearing, 29029
but may adopt, by an affirmative vote of not fewer than six of 29030
its members, a final order that contains the board's findings. 29031
In the final order, the board may order any of the sanctions 29032
identified under division (A) or (B) of this section. 29033

(L) Any action taken by the board under division (B) of 29034
this section resulting in a suspension shall be accompanied by a 29035
written statement of the conditions under which the 29036
anesthesiologist assistant's license may be reinstated. The 29037
board shall adopt rules in accordance with Chapter 119. of the 29038
Revised Code governing conditions to be imposed for 29039
reinstatement. Reinstatement of a license suspended pursuant to 29040
division (B) of this section requires an affirmative vote of not 29041
fewer than six members of the board. 29042

(M) When the board refuses to grant or issue a license to 29043
practice as an anesthesiologist assistant to an applicant, 29044
revokes an individual's license, refuses to renew an 29045
individual's license, or refuses to reinstate an individual's 29046
license, the board may specify that its action is permanent. An 29047
individual subject to a permanent action taken by the board is 29048
forever thereafter ineligible to hold a license to practice as 29049
an anesthesiologist assistant and the board shall not accept an 29050
application for reinstatement of the license or for issuance of 29051
a new license. 29052

(N) Notwithstanding any other provision of the Revised 29053

Code, all of the following apply: 29054

(1) The surrender of a license to practice issued under 29055
this chapter is not effective unless or until accepted by the 29056
board. Reinstatement of a license surrendered to the board 29057
requires an affirmative vote of not fewer than six members of 29058
the board. 29059

(2) An application made under this chapter for a license 29060
to practice may not be withdrawn without approval of the board. 29061

(3) Failure by an individual to renew a license to 29062
practice in accordance with section 4760.06 of the Revised Code 29063
shall not remove or limit the board's jurisdiction to take 29064
disciplinary action under this section against the individual. 29065

Sec. 4761.09. (A) The state medical board, by an 29066
affirmative vote of not fewer than six members, shall, except as 29067
provided in division (B) of this section, and to the extent 29068
permitted by law, limit, revoke, or suspend an individual's 29069
license or limited permit, refuse to issue a license or limited 29070
permit to an individual, refuse to renew a license or limited 29071
permit, refuse to reinstate a license or limited permit, or 29072
reprimand or place on probation the holder of a license or 29073
limited permit for one or more of the following reasons: 29074

(1) A plea of guilty to, a judicial finding of guilt of, 29075
or a judicial finding of eligibility for intervention in lieu of 29076
conviction for, a felony; 29077

(2) Commission of an act that constitutes a felony in this 29078
state, regardless of the jurisdiction in which the act was 29079
committed; 29080

(3) A plea of guilty to, a judicial finding of guilt of, 29081
or a judicial finding of eligibility for intervention in lieu of 29082

conviction for, a misdemeanor committed in the course of 29083
practice; 29084

(4) Commission of an act in the course of practice that 29085
constitutes a misdemeanor in this state, regardless of the 29086
jurisdiction in which the act was committed; 29087

(5) A plea of guilty to, a judicial finding of guilt of, 29088
or a judicial finding of eligibility for intervention in lieu of 29089
conviction for, a misdemeanor involving moral turpitude; 29090

(6) Commission of an act involving moral turpitude that 29091
constitutes a misdemeanor in this state, regardless of the 29092
jurisdiction in which the act was committed; 29093

(7) Except when civil penalties are imposed under section 29094
4761.091 of the Revised Code, violating or attempting to 29095
violate, directly or indirectly, or assisting in or abetting the 29096
violation of, or conspiring to violate, any provision of this 29097
chapter or the rules adopted by the board; 29098

(8) Making a false, fraudulent, deceptive, or misleading 29099
statement in the solicitation of or advertising for patients; in 29100
relation to the practice of respiratory care; or in securing or 29101
attempting to secure any license or permit issued by the board 29102
under this chapter. 29103

As used in division (A) (8) of this section, "false, 29104
fraudulent, deceptive, or misleading statement" means a 29105
statement that includes a misrepresentation of fact, is likely 29106
to mislead or deceive because of a failure to disclose material 29107
facts, is intended or is likely to create false or unjustified 29108
expectations of favorable results, or includes representations 29109
or implications that in reasonable probability will cause an 29110
ordinarily prudent person to misunderstand or be deceived. 29111

- (9) 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;
- (10) 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 a patient is established;
- (11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;
- (12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (13) Violation of the conditions of limitation placed by the board upon a license or permit;
- (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;
- (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;

- (16) The revocation, suspension, restriction, reduction, 29141
or termination of practice privileges by the United States 29142
department of defense or department of veterans affairs; 29143
- (17) Termination or suspension from participation in the 29144
medicare or medicaid programs by the department of health and 29145
human services or other responsible agency for any act or acts 29146
that also would constitute a violation of division (A) (10), 29147
(12), or (14) of this section; 29148
- (18) Impairment of ability to practice according to 29149
acceptable and prevailing standards of care because of habitual 29150
or excessive use or abuse of drugs, alcohol, or other substances 29151
that impair ability to practice; 29152
- (19) Failure to cooperate in an investigation conducted by 29153
the board under division (E) of section 4761.03 of the Revised 29154
Code, including failure to comply with a subpoena or order 29155
issued by the board or failure to answer truthfully a question 29156
presented by the board in an investigative interview, an 29157
investigative office conference, at a deposition, or in written 29158
interrogatories, except that failure to cooperate with an 29159
investigation shall not constitute grounds for discipline under 29160
this section if a court of competent jurisdiction has issued an 29161
order that either quashes a subpoena or permits the individual 29162
to withhold the testimony or evidence in issue; 29163
- (20) Practicing in an area of respiratory care for which 29164
the person is clearly untrained or incompetent or practicing in 29165
a manner that conflicts with section 4761.17 of the Revised 29166
Code; 29167
- (21) Employing, directing, or supervising a person who is 29168
not authorized to practice respiratory care under this chapter 29169

in the performance of respiratory care procedures; 29170

(22) Misrepresenting educational attainments or authorized 29171
functions for the purpose of obtaining some benefit related to 29172
the practice of respiratory care; 29173

(23) Assisting suicide as defined in section 3795.01 of 29174
the Revised Code; 29175

(24) Representing, with the purpose of obtaining 29176
compensation or other advantage as personal gain or for any 29177
other person, that an incurable disease or injury, or other 29178
incurable condition, can be permanently cured. 29179

Disciplinary actions taken by the board under division (A) 29180
of this section shall be taken pursuant to an adjudication under 29181
Chapter 119. of the Revised Code, except that in lieu of an 29182
adjudication, the board may enter into a consent agreement with 29183
an individual to resolve an allegation of a violation of this 29184
chapter or any rule adopted under it. A consent agreement, when 29185
ratified by an affirmative vote of not fewer than six members of 29186
the board, shall constitute the findings and order of the board 29187
with respect to the matter addressed in the agreement. If the 29188
board refuses to ratify a consent agreement, the admissions and 29189
findings contained in the consent agreement shall be of no 29190
effect. 29191

A telephone conference call may be utilized for 29192
ratification of a consent agreement that revokes or suspends an 29193
individual's license or permit. The telephone conference call 29194
shall be considered a special meeting under division (F) of 29195
section 121.22 of the Revised Code. 29196

(B) The board shall not refuse to issue a license or 29197
limited permit to an applicant because of a plea of guilty to, a 29198

judicial finding of guilt of, or a judicial finding of 29199
eligibility for intervention in lieu of conviction for an 29200
offense unless the refusal is in accordance with section 9.79 of 29201
the Revised Code. 29202

(C) Any action taken by the board under division (A) of 29203
this section resulting in a suspension from practice shall be 29204
accompanied by a written statement of the conditions under which 29205
the individual's license or permit may be reinstated. The board 29206
shall adopt rules governing conditions to be imposed for 29207
reinstatement. Reinstatement of a license or permit suspended 29208
pursuant to division (A) of this section requires an affirmative 29209
vote of not fewer than six members of the board. 29210

(D) When the board refuses to grant or issue a license or 29211
permit to an applicant, revokes an individual's license or 29212
permit, refuses to renew an individual's license or permit, or 29213
refuses to reinstate an individual's license or permit, the 29214
board may specify that its action is permanent. An individual 29215
subject to a permanent action taken by the board is forever 29216
thereafter ineligible to hold a license or permit and the board 29217
shall not accept an application for reinstatement of the license 29218
or permit or for issuance of a new license or permit. 29219

(E) If the board is required by Chapter 119. of the 29220
Revised Code to give notice of an opportunity for a hearing and 29221
if the individual subject to the notice does not timely request 29222
a hearing in accordance with section 119.07 of the Revised Code, 29223
the board is not required to hold a hearing, but may adopt, by 29224
an affirmative vote of not fewer than six of its members, a 29225
final order that contains the board's findings. In the final 29226
order, the board may order any of the sanctions identified under 29227
division (A) of this section. 29228

(F) In enforcing division (A)(14) of this section, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. 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 an individual unable to practice because of the reasons set forth in division (A)(14) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or permit. For the purpose of division (A)(14) of this section, any individual who applies for or receives a license or permit to practice under this chapter accepts the privilege of practicing in this state and, by so doing, 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.

(G) For the purposes of division (A) (18) of this section, 29260
any individual authorized to practice by this chapter accepts 29261
the privilege of practicing in this state subject to supervision 29262
by the board. By filing an application for or holding a license 29263
or permit under this chapter, an individual shall be deemed to 29264
have given consent to submit to a mental or physical examination 29265
when ordered to do so by the board in writing, and to have 29266
waived all objections to the admissibility of testimony or 29267
examination reports that constitute privileged communications. 29268

If it has reason to believe that any individual authorized 29269
to practice by this chapter or any applicant for a license or 29270
permit suffers such impairment, the board may compel the 29271
individual to submit to a mental or physical examination, or 29272
both. The expense of the examination is the responsibility of 29273
the individual compelled to be examined. Any mental or physical 29274
examination required under this division shall be undertaken by 29275
a treatment provider or physician who is qualified to conduct 29276
the examination and who is chosen by the board. 29277

Failure to submit to a mental or physical examination 29278
ordered by the board constitutes an admission of the allegations 29279
against the individual unless the failure is due to 29280
circumstances beyond the individual's control, and a default and 29281
final order may be entered without the taking of testimony or 29282
presentation of evidence. If the board determines that the 29283
individual's ability to practice is impaired, the board shall 29284
suspend the individual's license or permit or deny the 29285
individual's application and shall require the individual, as a 29286
condition for an initial, continued, reinstated, or renewed 29287
license or permit, to submit to treatment. 29288

Before being eligible to apply for reinstatement of a 29289

license or permit suspended under this division, the impaired 29290
practitioner shall demonstrate to the board the ability to 29291
resume practice in compliance with acceptable and prevailing 29292
standards of care under the provisions of the practitioner's 29293
license or permit. The demonstration shall include, but shall 29294
not be limited to, the following: 29295

(1) Certification from a treatment provider approved under 29296
section 4731.25 of the Revised Code that the individual has 29297
successfully completed any required inpatient treatment; 29298

(2) Evidence of continuing full compliance with an 29299
aftercare contract or consent agreement; 29300

(3) Two written reports indicating that the individual's 29301
ability to practice has been assessed and that the individual 29302
has been found capable of practicing according to acceptable and 29303
prevailing standards of care. The reports shall be made by 29304
individuals or providers approved by the board for making the 29305
assessments and shall describe the basis for their 29306
determination. 29307

The board may reinstate a license or permit suspended 29308
under this division after that demonstration and after the 29309
individual has entered into a written consent agreement. 29310

When the impaired practitioner resumes practice, the board 29311
shall require continued monitoring of the individual. The 29312
monitoring shall include, but not be limited to, compliance with 29313
the written consent agreement entered into before reinstatement 29314
or with conditions imposed by board order after a hearing, and, 29315
upon termination of the consent agreement, submission to the 29316
board for at least two years of annual written progress reports 29317
made under penalty of perjury stating whether the individual has 29318

maintained sobriety. 29319

(H) If the secretary and supervising member determine both 29320
of the following, they may recommend that the board suspend an 29321
individual's license or permit without a prior hearing: 29322

(1) That there is clear and convincing evidence that an 29323
individual has violated division (A) of this section; 29324

(2) That the individual's continued practice presents a 29325
danger of immediate and serious harm to the public. 29326

Written allegations shall be prepared for consideration by 29327
the board. The board, upon review of those allegations and by an 29328
affirmative vote of not fewer than six of its members, excluding 29329
the secretary and supervising member, may suspend a license or 29330
permit without a prior hearing. A telephone conference call may 29331
be utilized for reviewing the allegations and taking the vote on 29332
the summary suspension. 29333

The board shall issue a written order of suspension by 29334
certified mail or in person in accordance with section 119.07 of 29335
the Revised Code. The order shall not be subject to suspension 29336
by the court during pendency of any appeal filed under section 29337
119.12 of the Revised Code. If the individual subject to the 29338
summary suspension requests an adjudicatory hearing by the 29339
board, the date set for the hearing shall be within fifteen 29340
days, but not earlier than seven days, after the individual 29341
requests the hearing, unless otherwise agreed to by both the 29342
board and the individual. 29343

Any summary suspension imposed under this division shall 29344
remain in effect, unless reversed on appeal, until a final 29345
adjudicative order issued by the board pursuant to this section 29346
and Chapter 119. of the Revised Code becomes effective. The 29347

board shall issue its final adjudicative order within seventy- 29348
five days after completion of its hearing. A failure to issue 29349
the order within seventy-five days shall result in dissolution 29350
of the summary suspension order but shall not invalidate any 29351
subsequent, final adjudicative order. 29352

(I) For purposes of divisions (A) (2), (4), and (6) of this 29353
section, the commission of the act may be established by a 29354
finding by the board, pursuant to an adjudication under Chapter 29355
119. of the Revised Code, that the individual committed the act. 29356
The board does not have jurisdiction under those divisions if 29357
the trial court renders a final judgment in the individual's 29358
favor and that judgment is based upon an adjudication on the 29359
merits. The board has jurisdiction under those divisions if the 29360
trial court issues an order of dismissal upon technical or 29361
procedural grounds. 29362

(J) The sealing or expungement of conviction records by 29363
any court shall have no effect upon a prior board order entered 29364
under this section or upon the board's jurisdiction to take 29365
action under this section if, based upon a plea of guilty, a 29366
judicial finding of guilt, or a judicial finding of eligibility 29367
for intervention in lieu of conviction, the board issued a 29368
notice of opportunity for a hearing prior to the court's order 29369
to seal or expunge the records. The board shall not be required 29370
to seal, destroy, redact, or otherwise modify its records to 29371
reflect the court's sealing or expungement of conviction 29372
records. 29373

(K) If the board takes action under division (A) (1), (3), 29374
or (5) of this section, and the judicial finding of guilt, 29375
guilty plea, or judicial finding of eligibility for intervention 29376
in lieu of conviction is overturned on appeal, upon exhaustion 29377

of the criminal appeal, a petition for reconsideration of the 29378
order may be filed with the board along with appropriate court 29379
documents. Upon receipt of a petition for reconsideration and 29380
supporting court documents, the board shall reinstate the 29381
individual's license or permit. The board may then hold an 29382
adjudication under Chapter 119. of the Revised Code to determine 29383
whether the individual committed the act in question. Notice of 29384
an opportunity for a hearing shall be given in accordance with 29385
Chapter 119. of the Revised Code. If the board finds, pursuant 29386
to an adjudication held under this division, that the individual 29387
committed the act or if no hearing is requested, the board may 29388
order any of the sanctions identified under division (A) of this 29389
section. 29390

(L) The license or permit issued to an individual under 29391
this chapter and the individual's practice in this state are 29392
automatically suspended as of the date the individual pleads 29393
guilty to, is found by a judge or jury to be guilty of, or is 29394
subject to a judicial finding of eligibility for intervention in 29395
lieu of conviction in this state or treatment or intervention in 29396
lieu of conviction in another jurisdiction for any of the 29397
following criminal offenses in this state or a substantially 29398
equivalent criminal offense in another jurisdiction: aggravated 29399
murder, murder, voluntary manslaughter, felonious assault, 29400
kidnapping, rape, sexual battery, gross sexual imposition, 29401
aggravated arson, aggravated robbery, or aggravated burglary. 29402
Continued practice after suspension shall be considered 29403
practicing without a license or permit. 29404

The board shall notify the individual subject to the 29405
suspension by certified mail or in person in accordance with 29406
section 119.07 of the Revised Code. If an individual whose 29407
license or permit is automatically suspended under this division 29408

fails to make a timely request for an adjudication under Chapter 29409
119. of the Revised Code, the board shall enter a final order 29410
permanently revoking the individual's license or permit. 29411

(M) Notwithstanding any other provision of the Revised 29412
Code, all of the following apply: 29413

(1) The surrender of a license or permit issued under this 29414
chapter shall not be effective unless or until accepted by the 29415
board. A telephone conference call may be utilized for 29416
acceptance of the surrender of an individual's license or 29417
permit. The telephone conference call shall be considered a 29418
special meeting under division (F) of section 121.22 of the 29419
Revised Code. Reinstatement of a license or permit surrendered 29420
to the board requires an affirmative vote of not fewer than six 29421
members of the board. 29422

(2) An application for a license or permit made under the 29423
provisions of this chapter may not be withdrawn without approval 29424
of the board. 29425

(3) Failure by an individual to renew a license or permit 29426
in accordance with this chapter shall not remove or limit the 29427
board's jurisdiction to take any disciplinary action under this 29428
section against the individual. 29429

(4) At the request of the board, a license or permit 29430
holder shall immediately surrender to the board a license or 29431
permit that the board has suspended, revoked, or permanently 29432
revoked. 29433

Sec. 4762.13. (A) The state medical board, by an 29434
affirmative vote of not fewer than six members, may revoke or 29435
may refuse to grant a license to practice as an oriental 29436
medicine practitioner or license to practice as an acupuncturist 29437

to a person found by the board to have committed fraud, 29438
misrepresentation, or deception in applying for or securing the 29439
license. 29440

(B) The board, by an affirmative vote of not fewer than 29441
six members, shall, except as provided in division (C) of this 29442
section, and to the extent permitted by law, limit, revoke, or 29443
suspend an individual's license to practice, refuse to issue a 29444
license to an applicant, refuse to renew a license, refuse to 29445
reinstate a license, or reprimand or place on probation the 29446
holder of a license for any of the following reasons: 29447

(1) Permitting the holder's name or license to be used by 29448
another person; 29449

(2) Failure to comply with the requirements of this 29450
chapter, Chapter 4731. of the Revised Code, or any rules adopted 29451
by the board; 29452

(3) Violating or attempting to violate, directly or 29453
indirectly, or assisting in or abetting the violation of, or 29454
conspiring to violate, any provision of this chapter, Chapter 29455
4731. of the Revised Code, or the rules adopted by the board; 29456

(4) A departure from, or failure to conform to, minimal 29457
standards of care of similar practitioners under the same or 29458
similar circumstances whether or not actual injury to the 29459
patient is established; 29460

(5) Inability to practice according to acceptable and 29461
prevailing standards of care by reason of mental illness or 29462
physical illness, including physical deterioration that 29463
adversely affects cognitive, motor, or perceptive skills; 29464

(6) Impairment of ability to practice according to 29465
acceptable and prevailing standards of care because of habitual 29466

or excessive use or abuse of drugs, alcohol, or other substances	29467
that impair ability to practice;	29468
(7) Willfully betraying a professional confidence;	29469
(8) Making a false, fraudulent, deceptive, or misleading	29470
statement in soliciting or advertising for patients or in	29471
securing or attempting to secure a license to practice as an	29472
oriental medicine practitioner or license to practice as an	29473
acupuncturist.	29474
As used in this division, "false, fraudulent, deceptive,	29475
or misleading statement" means a statement that includes a	29476
misrepresentation of fact, is likely to mislead or deceive	29477
because of a failure to disclose material facts, is intended or	29478
is likely to create false or unjustified expectations of	29479
favorable results, or includes representations or implications	29480
that in reasonable probability will cause an ordinarily prudent	29481
person to misunderstand or be deceived.	29482
(9) Representing, with the purpose of obtaining	29483
compensation or other advantage personally or for any other	29484
person, that an incurable disease or injury, or other incurable	29485
condition, can be permanently cured;	29486
(10) The obtaining of, or attempting to obtain, money or a	29487
thing of value by fraudulent misrepresentations in the course of	29488
practice;	29489
(11) A plea of guilty to, a judicial finding of guilt of,	29490
or a judicial finding of eligibility for intervention in lieu of	29491
conviction for, a felony;	29492
(12) Commission of an act that constitutes a felony in	29493
this state, regardless of the jurisdiction in which the act was	29494
committed;	29495

(13) A plea of guilty to, a judicial finding of guilt of, 29496
or a judicial finding of eligibility for intervention in lieu of 29497
conviction for, a misdemeanor committed in the course of 29498
practice; 29499

(14) A plea of guilty to, a judicial finding of guilt of, 29500
or a judicial finding of eligibility for intervention in lieu of 29501
conviction for, a misdemeanor involving moral turpitude; 29502

(15) Commission of an act in the course of practice that 29503
constitutes a misdemeanor in this state, regardless of the 29504
jurisdiction in which the act was committed; 29505

(16) Commission of an act involving moral turpitude that 29506
constitutes a misdemeanor in this state, regardless of the 29507
jurisdiction in which the act was committed; 29508

(17) A plea of guilty to, a judicial finding of guilt of, 29509
or a judicial finding of eligibility for intervention in lieu of 29510
conviction for violating any state or federal law regulating the 29511
possession, distribution, or use of any drug, including 29512
trafficking in drugs; 29513

(18) Any of the following actions taken by the state 29514
agency responsible for regulating the practice of oriental 29515
medicine or acupuncture in another jurisdiction, for any reason 29516
other than the nonpayment of fees: the limitation, revocation, 29517
or suspension of an individual's license to practice; acceptance 29518
of an individual's license surrender; denial of a license; 29519
refusal to renew or reinstate a license; imposition of 29520
probation; or issuance of an order of censure or other 29521
reprimand; 29522

(19) Violation of the conditions placed by the board on a 29523
license to practice as an oriental medicine practitioner or 29524

license to practice as an acupuncturist; 29525

(20) Failure to use universal blood and body fluid 29526
precautions established by rules adopted under section 4731.051 29527
of the Revised Code; 29528

(21) Failure to cooperate in an investigation conducted by 29529
the board under section 4762.14 of the Revised Code, including 29530
failure to comply with a subpoena or order issued by the board 29531
or failure to answer truthfully a question presented by the 29532
board at a deposition or in written interrogatories, except that 29533
failure to cooperate with an investigation shall not constitute 29534
grounds for discipline under this section if a court of 29535
competent jurisdiction has issued an order that either quashes a 29536
subpoena or permits the individual to withhold the testimony or 29537
evidence in issue; 29538

(22) Failure to comply with the standards of the national 29539
certification commission for acupuncture and oriental medicine 29540
regarding professional ethics, commitment to patients, 29541
commitment to the profession, and commitment to the public; 29542

(23) Failure to have adequate professional liability 29543
insurance coverage in accordance with section 4762.22 of the 29544
Revised Code; 29545

(24) Failure to maintain a current and active designation 29546
as a diplomate in oriental medicine, diplomate of acupuncture 29547
and Chinese herbology, or diplomate in acupuncture, as 29548
applicable, from the national certification commission for 29549
acupuncture and oriental medicine, including revocation by the 29550
commission of the individual's designation, failure by the 29551
individual to meet the commission's requirements for 29552
redesignation, or failure to notify the board that the 29553

appropriate designation has not been maintained. 29554

(C) The board shall not refuse to issue a certificate to 29555
an applicant because of a plea of guilty to, a judicial finding 29556
of guilt of, or a judicial finding of eligibility for 29557
intervention in lieu of conviction for an offense unless the 29558
refusal is in accordance with section 9.79 of the Revised Code. 29559

(D) Disciplinary actions taken by the board under 29560
divisions (A) and (B) of this section shall be taken pursuant to 29561
an adjudication under Chapter 119. of the Revised Code, except 29562
that in lieu of an adjudication, the board may enter into a 29563
consent agreement with an oriental medicine practitioner or 29564
acupuncturist or applicant to resolve an allegation of a 29565
violation of this chapter or any rule adopted under it. A 29566
consent agreement, when ratified by an affirmative vote of not 29567
fewer than six members of the board, shall constitute the 29568
findings and order of the board with respect to the matter 29569
addressed in the agreement. If the board refuses to ratify a 29570
consent agreement, the admissions and findings contained in the 29571
consent agreement shall be of no force or effect. 29572

(E) For purposes of divisions (B) (12), (15), and (16) of 29573
this section, the commission of the act may be established by a 29574
finding by the board, pursuant to an adjudication under Chapter 29575
119. of the Revised Code, that the applicant or license holder 29576
committed the act in question. The board shall have no 29577
jurisdiction under these divisions in cases where the trial 29578
court renders a final judgment in the license holder's favor and 29579
that judgment is based upon an adjudication on the merits. The 29580
board shall have jurisdiction under these divisions in cases 29581
where the trial court issues an order of dismissal upon 29582
technical or procedural grounds. 29583

(F) The sealing or expungement of conviction records by 29584
any court shall have no effect upon a prior board order entered 29585
under the provisions of this section or upon the board's 29586
jurisdiction to take action under the provisions of this section 29587
if, based upon a plea of guilty, a judicial finding of guilt, or 29588
a judicial finding of eligibility for intervention in lieu of 29589
conviction, the board issued a notice of opportunity for a 29590
hearing or entered into a consent agreement prior to the court's 29591
order to seal or expunge the records. The board shall not be 29592
required to seal, destroy, redact, or otherwise modify its 29593
records to reflect the court's sealing or expungement of 29594
conviction records. 29595

(G) For purposes of this division, any individual who 29596
holds a license to practice issued under this chapter, or 29597
applies for a license to practice, shall be deemed to have given 29598
consent to submit to a mental or physical examination when 29599
directed to do so in writing by the board and to have waived all 29600
objections to the admissibility of testimony or examination 29601
reports that constitute a privileged communication. 29602

(1) In enforcing division (B) (5) of this section, the 29603
board, upon a showing of a possible violation, may compel any 29604
individual who holds a license to practice issued under this 29605
chapter or who has applied for a license pursuant to this 29606
chapter to submit to a mental examination, physical examination, 29607
including an HIV test, or both a mental and physical 29608
examination. The expense of the examination is the 29609
responsibility of the individual compelled to be examined. 29610
Failure to submit to a mental or physical examination or consent 29611
to an HIV test ordered by the board constitutes an admission of 29612
the allegations against the individual unless the failure is due 29613
to circumstances beyond the individual's control, and a default 29614

and final order may be entered without the taking of testimony 29615
or presentation of evidence. If the board finds an oriental 29616
medicine practitioner or acupuncturist unable to practice 29617
because of the reasons set forth in division (B)(5) of this 29618
section, the board shall require the individual to submit to 29619
care, counseling, or treatment by physicians approved or 29620
designated by the board, as a condition for an initial, 29621
continued, reinstated, or renewed license to practice. An 29622
individual affected by this division shall be afforded an 29623
opportunity to demonstrate to the board the ability to resume 29624
practicing in compliance with acceptable and prevailing 29625
standards of care. 29626

(2) For purposes of division (B)(6) of this section, if 29627
the board has reason to believe that any individual who holds a 29628
license to practice issued under this chapter or any applicant 29629
for a license suffers such impairment, the board may compel the 29630
individual to submit to a mental or physical examination, or 29631
both. The expense of the examination is the responsibility of 29632
the individual compelled to be examined. Any mental or physical 29633
examination required under this division shall be undertaken by 29634
a treatment provider or physician qualified to conduct such 29635
examination and chosen by the board. 29636

Failure to submit to a mental or physical examination 29637
ordered by the board constitutes an admission of the allegations 29638
against the individual unless the failure is due to 29639
circumstances beyond the individual's control, and a default and 29640
final order may be entered without the taking of testimony or 29641
presentation of evidence. If the board determines that the 29642
individual's ability to practice is impaired, the board shall 29643
suspend the individual's license or deny the individual's 29644
application and shall require the individual, as a condition for 29645

an initial, continued, reinstated, or renewed license, to submit 29646
to treatment. 29647

Before being eligible to apply for reinstatement of a 29648
license suspended under this division, the oriental medicine 29649
practitioner or acupuncturist shall demonstrate to the board the 29650
ability to resume practice in compliance with acceptable and 29651
prevailing standards of care. The demonstration shall include 29652
the following: 29653

(a) Certification from a treatment provider approved under 29654
section 4731.25 of the Revised Code that the individual has 29655
successfully completed any required inpatient treatment; 29656

(b) Evidence of continuing full compliance with an 29657
aftercare contract or consent agreement; 29658

(c) Two written reports indicating that the individual's 29659
ability to practice has been assessed and that the individual 29660
has been found capable of practicing according to acceptable and 29661
prevailing standards of care. The reports shall be made by 29662
individuals or providers approved by the board for making such 29663
assessments and shall describe the basis for their 29664
determination. 29665

The board may reinstate a license suspended under this 29666
division after such demonstration and after the individual has 29667
entered into a written consent agreement. 29668

When the impaired individual resumes practice, the board 29669
shall require continued monitoring of the individual. The 29670
monitoring shall include monitoring of compliance with the 29671
written consent agreement entered into before reinstatement or 29672
with conditions imposed by board order after a hearing, and, 29673
upon termination of the consent agreement, submission to the 29674

board for at least two years of annual written progress reports 29675
made under penalty of falsification stating whether the 29676
individual has maintained sobriety. 29677

(H) If the secretary and supervising member determine both 29678
of the following, they may recommend that the board suspend an 29679
individual's license to practice without a prior hearing: 29680

(1) That there is clear and convincing evidence that an 29681
oriental medicine practitioner or acupuncturist has violated 29682
division (B) of this section; 29683

(2) That the individual's continued practice presents a 29684
danger of immediate and serious harm to the public. 29685

Written allegations shall be prepared for consideration by 29686
the board. The board, upon review of the allegations and by an 29687
affirmative vote of not fewer than six of its members, excluding 29688
the secretary and supervising member, may suspend a license 29689
without a prior hearing. A telephone conference call may be 29690
utilized for reviewing the allegations and taking the vote on 29691
the summary suspension. 29692

The board shall issue a written order of suspension by 29693
certified mail or in person in accordance with section 119.07 of 29694
the Revised Code. The order shall not be subject to suspension 29695
by the court during pendency of any appeal filed under section 29696
119.12 of the Revised Code. If the oriental medicine 29697
practitioner or acupuncturist requests an adjudicatory hearing 29698
by the board, the date set for the hearing shall be within 29699
fifteen days, but not earlier than seven days, after the hearing 29700
is requested, unless otherwise agreed to by both the board and 29701
the license holder. 29702

A summary suspension imposed under this division shall 29703

remain in effect, unless reversed on appeal, until a final 29704
adjudicative order issued by the board pursuant to this section 29705
and Chapter 119. of the Revised Code becomes effective. The 29706
board shall issue its final adjudicative order within sixty days 29707
after completion of its hearing. Failure to issue the order 29708
within sixty days shall result in dissolution of the summary 29709
suspension order, but shall not invalidate any subsequent, final 29710
adjudicative order. 29711

(I) If the board takes action under division (B) (11), 29712
(13), or (14) of this section, and the judicial finding of 29713
guilt, guilty plea, or judicial finding of eligibility for 29714
intervention in lieu of conviction is overturned on appeal, upon 29715
exhaustion of the criminal appeal, a petition for 29716
reconsideration of the order may be filed with the board along 29717
with appropriate court documents. Upon receipt of a petition and 29718
supporting court documents, the board shall reinstate the 29719
license. The board may then hold an adjudication under Chapter 29720
119. of the Revised Code to determine whether the individual 29721
committed the act in question. Notice of opportunity for hearing 29722
shall be given in accordance with Chapter 119. of the Revised 29723
Code. If the board finds, pursuant to an adjudication held under 29724
this division, that the individual committed the act, or if no 29725
hearing is requested, it may order any of the sanctions 29726
specified in division (B) of this section. 29727

(J) The license to practice of an oriental medicine 29728
practitioner or acupuncturist and the practitioner's or 29729
acupuncturist's practice in this state are automatically 29730
suspended as of the date the practitioner or acupuncturist 29731
pleads guilty to, is found by a judge or jury to be guilty of, 29732
or is subject to a judicial finding of eligibility for 29733
intervention in lieu of conviction in this state or treatment or 29734

intervention in lieu of conviction in another jurisdiction for 29735
any of the following criminal offenses in this state or a 29736
substantially equivalent criminal offense in another 29737
jurisdiction: aggravated murder, murder, voluntary manslaughter, 29738
felonious assault, kidnapping, rape, sexual battery, gross 29739
sexual imposition, aggravated arson, aggravated robbery, or 29740
aggravated burglary. Continued practice after the suspension 29741
shall be considered practicing without a license. 29742

The board shall notify the individual subject to the 29743
suspension by certified mail or in person in accordance with 29744
section 119.07 of the Revised Code. If an individual whose 29745
license is suspended under this division fails to make a timely 29746
request for an adjudication under Chapter 119. of the Revised 29747
Code, the board shall enter a final order permanently revoking 29748
the individual's license. 29749

(K) In any instance in which the board is required by 29750
Chapter 119. of the Revised Code to give notice of opportunity 29751
for hearing and the individual subject to the notice does not 29752
timely request a hearing in accordance with section 119.07 of 29753
the Revised Code, the board is not required to hold a hearing, 29754
but may adopt, by an affirmative vote of not fewer than six of 29755
its members, a final order that contains the board's findings. 29756
In the final order, the board may order any of the sanctions 29757
identified under division (A) or (B) of this section. 29758

(L) Any action taken by the board under division (B) of 29759
this section resulting in a suspension shall be accompanied by a 29760
written statement of the conditions under which the license may 29761
be reinstated. The board shall adopt rules in accordance with 29762
Chapter 119. of the Revised Code governing conditions to be 29763
imposed for reinstatement. Reinstatement of a license suspended 29764

pursuant to division (B) of this section requires an affirmative
vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to
an applicant, revokes an individual's license, refuses to renew
an individual's license, or refuses to reinstate an individual's
license, the board may specify that its action is permanent. An
individual subject to a permanent action taken by the board is
forever thereafter ineligible to hold a license to practice as
an oriental medicine practitioner or license to practice as an
acupuncturist and the board shall not accept an application for
reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised
Code, all of the following apply:

(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 29794
securing the license. 29795

(B) The board, by an affirmative vote of not fewer than 29796
six members, shall, except as provided in division (C) of this 29797
section, and to the extent permitted by law, limit, revoke, or 29798
suspend an individual's license to practice as a radiologist 29799
assistant, refuse to issue a license to an applicant, refuse to 29800
renew a license, refuse to reinstate a license, or reprimand or 29801
place on probation the holder of a license for any of the 29802
following reasons: 29803

(1) Permitting the holder's name or license to be used by 29804
another person; 29805

(2) Failure to comply with the requirements of this 29806
chapter, Chapter 4731. of the Revised Code, or any rules adopted 29807
by the board; 29808

(3) Violating or attempting to violate, directly or 29809
indirectly, or assisting in or abetting the violation of, or 29810
conspiring to violate, any provision of this chapter, Chapter 29811
4731. of the Revised Code, or the rules adopted by the board; 29812

(4) A departure from, or failure to conform to, minimal 29813
standards of care of similar practitioners under the same or 29814
similar circumstances whether or not actual injury to the 29815
patient is established; 29816

(5) Inability to practice according to acceptable and 29817
prevailing standards of care by reason of mental illness or 29818
physical illness, including physical deterioration that 29819
adversely affects cognitive, motor, or perceptive skills; 29820

(6) Impairment of ability to practice according to 29821
acceptable and prevailing standards of care because of habitual 29822

or excessive use or abuse of drugs, alcohol, or other substances	29823
that impair ability to practice;	29824
(7) Willfully betraying a professional confidence;	29825
(8) Making a false, fraudulent, deceptive, or misleading	29826
statement in securing or attempting to secure a license to	29827
practice as a radiologist assistant.	29828
As used in this division, "false, fraudulent, deceptive,	29829
or misleading statement" means a statement that includes a	29830
misrepresentation of fact, is likely to mislead or deceive	29831
because of a failure to disclose material facts, is intended or	29832
is likely to create false or unjustified expectations of	29833
favorable results, or includes representations or implications	29834
that in reasonable probability will cause an ordinarily prudent	29835
person to misunderstand or be deceived.	29836
(9) The obtaining of, or attempting to obtain, money or a	29837
thing of value by fraudulent misrepresentations in the course of	29838
practice;	29839
(10) A plea of guilty to, a judicial finding of guilt of,	29840
or a judicial finding of eligibility for intervention in lieu of	29841
conviction for, a felony;	29842
(11) Commission of an act that constitutes a felony in	29843
this state, regardless of the jurisdiction in which the act was	29844
committed;	29845
(12) A plea of guilty to, a judicial finding of guilt of,	29846
or a judicial finding of eligibility for intervention in lieu of	29847
conviction for, a misdemeanor committed in the course of	29848
practice;	29849
(13) A plea of guilty to, a judicial finding of guilt of,	29850

or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 29851
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(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; 29853
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(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; 29856
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(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; 29859
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(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants 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; 29864
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(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant; 29872
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(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 29874
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(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board 29877
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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;

(21) Failure to maintain a license as a radiographer under Chapter 4773. of the Revised Code;

(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained;

(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant.

(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 radiologist assistant 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 or effect.

(E) For purposes of divisions (B) (11), (14), and (15) 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 applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of 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, destroy, redact, or otherwise modify its records to reflect the court's

sealing or expungement of conviction records. 29940

(G) For purposes of this division, any individual who 29941
holds a license to practice as a radiologist assistant issued 29942
under this chapter, or applies for a license, shall be deemed to 29943
have given consent to submit to a mental or physical examination 29944
when directed to do so in writing by the board and to have 29945
waived all objections to the admissibility of testimony or 29946
examination reports that constitute a privileged communication. 29947

(1) In enforcing division (B)(5) of this section, the 29948
board, on a showing of a possible violation, may compel any 29949
individual who holds a license to practice as a radiologist 29950
assistant issued under this chapter or who has applied for a 29951
license to submit to a mental or physical examination, or both. 29952
A physical examination may include an HIV test. The expense of 29953
the examination is the responsibility of the individual 29954
compelled to be examined. Failure to submit to a mental or 29955
physical examination or consent to an HIV test ordered by the 29956
board constitutes an admission of the allegations against the 29957
individual unless the failure is due to circumstances beyond the 29958
individual's control, and a default and final order may be 29959
entered without the taking of testimony or presentation of 29960
evidence. If the board finds a radiologist assistant unable to 29961
practice because of the reasons set forth in division (B)(5) of 29962
this section, the board shall require the radiologist assistant 29963
to submit to care, counseling, or treatment by physicians 29964
approved or designated by the board, as a condition for an 29965
initial, continued, reinstated, or renewed license. An 29966
individual affected by this division shall be afforded an 29967
opportunity to demonstrate to the board the ability to resume 29968
practicing in compliance with acceptable and prevailing 29969
standards of care. 29970

(2) For purposes of division (B)(6) of this section, if 29971
the board has reason to believe that any individual who holds a 29972
license to practice as a radiologist assistant issued under this 29973
chapter or any applicant for a license suffers such impairment, 29974
the board may compel the individual to submit to a mental or 29975
physical examination, or both. The expense of the examination is 29976
the responsibility of the individual compelled to be examined. 29977
Any mental or physical examination required under this division 29978
shall be undertaken by a treatment provider or physician 29979
qualified to conduct such examination and chosen by the board. 29980

Failure to submit to a mental or physical examination 29981
ordered by the board constitutes an admission of the allegations 29982
against the individual unless the failure is due to 29983
circumstances beyond the individual's control, and a default and 29984
final order may be entered without the taking of testimony or 29985
presentation of evidence. If the board determines that the 29986
individual's ability to practice is impaired, the board shall 29987
suspend the individual's license or deny the individual's 29988
application and shall require the individual, as a condition for 29989
an initial, continued, reinstated, or renewed license to 29990
practice, to submit to treatment. 29991

Before being eligible to apply for reinstatement of a 29992
license suspended under this division, the radiologist assistant 29993
shall demonstrate to the board the ability to resume practice in 29994
compliance with acceptable and prevailing standards of care. The 29995
demonstration shall include the following: 29996

(a) Certification from a treatment provider approved under 29997
section 4731.25 of the Revised Code that the individual has 29998
successfully completed any required inpatient treatment; 29999

(b) Evidence of continuing full compliance with an 30000

aftercare contract or consent agreement; 30001

(c) Two written reports indicating that the individual's 30002
ability to practice has been assessed and that the individual 30003
has been found capable of practicing according to acceptable and 30004
prevailing standards of care. The reports shall be made by 30005
individuals or providers approved by the board for making such 30006
assessments and shall describe the basis for their 30007
determination. 30008

The board may reinstate a license suspended under this 30009
division after such demonstration and after the individual has 30010
entered into a written consent agreement. 30011

When the impaired radiologist assistant resumes practice, 30012
the board shall require continued monitoring of the radiologist 30013
assistant. The monitoring shall include monitoring of compliance 30014
with the written consent agreement entered into before 30015
reinstatement or with conditions imposed by board order after a 30016
hearing, and, on termination of the consent agreement, 30017
submission to the board for at least two years of annual written 30018
progress reports made under penalty of falsification stating 30019
whether the radiologist assistant has maintained sobriety. 30020

(H) If the secretary and supervising member determine that 30021
there is clear and convincing evidence that a radiologist 30022
assistant has violated division (B) of this section and that the 30023
individual's continued practice presents a danger of immediate 30024
and serious harm to the public, they may recommend that the 30025
board suspend the individual's license to practice without a 30026
prior hearing. Written allegations shall be prepared for 30027
consideration by the board. 30028

The board, on review of the allegations and by an 30029

affirmative vote of not fewer than six of its members, excluding 30030
the secretary and supervising member, may suspend a license 30031
without a prior hearing. A telephone conference call may be 30032
utilized for reviewing the allegations and taking the vote on 30033
the summary suspension. 30034

The board shall issue a written order of suspension by 30035
certified mail or in person in accordance with section 119.07 of 30036
the Revised Code. The order shall not be subject to suspension 30037
by the court during pendency of any appeal filed under section 30038
119.12 of the Revised Code. If the radiologist assistant 30039
requests an adjudicatory hearing by the board, the date set for 30040
the hearing shall be within fifteen days, but not earlier than 30041
seven days, after the radiologist assistant requests the 30042
hearing, unless otherwise agreed to by both the board and the 30043
license holder. 30044

A summary suspension imposed under this division shall 30045
remain in effect, unless reversed on appeal, until a final 30046
adjudicative order issued by the board pursuant to this section 30047
and Chapter 119. of the Revised Code becomes effective. The 30048
board shall issue its final adjudicative order within sixty days 30049
after completion of its hearing. Failure to issue the order 30050
within sixty days shall result in dissolution of the summary 30051
suspension order, but shall not invalidate any subsequent, final 30052
adjudicative order. 30053

(I) If the board takes action under division (B) (10), 30054
(12), or (13) of this section, and the judicial finding of 30055
guilt, guilty plea, or judicial finding of eligibility for 30056
intervention in lieu of conviction is overturned on appeal, on 30057
exhaustion of the criminal appeal, a petition for 30058
reconsideration of the order may be filed with the board along 30059

with appropriate court documents. On receipt of a petition and 30060
supporting court documents, the board shall reinstate the 30061
license to practice as a radiologist assistant. The board may 30062
then hold an adjudication under Chapter 119. of the Revised Code 30063
to determine whether the individual committed the act in 30064
question. Notice of opportunity for hearing shall be given in 30065
accordance with Chapter 119. of the Revised Code. If the board 30066
finds, pursuant to an adjudication held under this division, 30067
that the individual committed the act, or if no hearing is 30068
requested, it may order any of the sanctions specified in 30069
division (B) of this section. 30070

(J) The license to practice of a radiologist assistant and 30071
the assistant's practice in this state are automatically 30072
suspended as of the date the radiologist assistant pleads guilty 30073
to, is found by a judge or jury to be guilty of, or is subject 30074
to a judicial finding of eligibility for intervention in lieu of 30075
conviction in this state or treatment of intervention in lieu of 30076
conviction in another jurisdiction for any of the following 30077
criminal offenses in this state or a substantially equivalent 30078
criminal offense in another jurisdiction: aggravated murder, 30079
murder, voluntary manslaughter, felonious assault, kidnapping, 30080
rape, sexual battery, gross sexual imposition, aggravated arson, 30081
aggravated robbery, or aggravated burglary. Continued practice 30082
after the suspension shall be considered practicing without a 30083
license. 30084

The board shall notify the individual subject to the 30085
suspension by certified mail or in person in accordance with 30086
section 119.07 of the Revised Code. If an individual whose 30087
license is suspended under this division fails to make a timely 30088
request for an adjudication under Chapter 119. of the Revised 30089
Code, the board shall enter a final order permanently revoking 30090

the individual's license. 30091

(K) In any instance in which the board is required by 30092
Chapter 119. of the Revised Code to give notice of opportunity 30093
for hearing and the individual subject to the notice does not 30094
timely request a hearing in accordance with section 119.07 of 30095
the Revised Code, the board is not required to hold a hearing, 30096
but may adopt, by an affirmative vote of not fewer than six of 30097
its members, a final order that contains the board's findings. 30098
In the final order, the board may order any of the sanctions 30099
identified under division (A) or (B) of this section. 30100

(L) Any action taken by the board under division (B) of 30101
this section resulting in a suspension shall be accompanied by a 30102
written statement of the conditions under which the radiologist 30103
assistant's license may be reinstated. The board shall adopt 30104
rules in accordance with Chapter 119. of the Revised Code 30105
governing conditions to be imposed for reinstatement. 30106
Reinstatement of a license suspended pursuant to division (B) of 30107
this section requires an affirmative vote of not fewer than six 30108
members of the board. 30109

(M) When the board refuses to grant or issue a license to 30110
practice as a radiologist assistant to an applicant, revokes an 30111
individual's license, refuses to renew an individual's license, 30112
or refuses to reinstate an individual's license, the board may 30113
specify that its action is permanent. An individual subject to a 30114
permanent action taken by the board is forever thereafter 30115
ineligible to hold a license to practice as a radiologist 30116
assistant and the board shall not accept an application for 30117
reinstatement of the license or for issuance of a new license. 30118

(N) Notwithstanding any other provision of the Revised 30119
Code, all of the following apply: 30120

(1) The surrender of a license to practice as a radiologist assistant 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 to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license to practice in accordance with section 4774.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 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;	30150
(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;	30151 30152 30153 30154
(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;	30155 30156 30157 30158
(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;	30159 30160 30161 30162
(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;	30163 30164 30165 30166
(7) Willfully betraying a professional confidence;	30167
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.	30168 30169 30170
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.	30171 30172 30173 30174 30175 30176 30177 30178

- (9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 30179
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- (10) 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; 30182
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- (11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 30185
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- (12) 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; 30188
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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; 30192
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- (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; 30195
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- (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; 30198
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- (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; 30201
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- (17) Any of the following actions taken by an agency 30206

responsible for authorizing, certifying, or regulating an 30207
individual to practice a health care occupation or provide 30208
health care services in this state or in another jurisdiction, 30209
for any reason other than the nonpayment of fees: the 30210
limitation, revocation, or suspension of an individual's license 30211
to practice; acceptance of an individual's license surrender; 30212
denial of a license; refusal to renew or reinstate a license; 30213
imposition of probation; or issuance of an order of censure or 30214
other reprimand; 30215

(18) Violation of the conditions placed by the board on a 30216
license to practice as a genetic counselor; 30217

(19) Failure to cooperate in an investigation conducted by 30218
the board under section 4778.18 of the Revised Code, including 30219
failure to comply with a subpoena or order issued by the board 30220
or failure to answer truthfully a question presented by the 30221
board at a deposition or in written interrogatories, except that 30222
failure to cooperate with an investigation shall not constitute 30223
grounds for discipline under this section if a court of 30224
competent jurisdiction has issued an order that either quashes a 30225
subpoena or permits the individual to withhold the testimony or 30226
evidence in issue; 30227

(20) Failure to maintain the individual's status as a 30228
certified genetic counselor; 30229

(21) Failure to comply with the code of ethics established 30230
by the national society of genetic counselors. 30231

(C) The board shall not refuse to issue a license to an 30232
applicant because of a plea of guilty to, a judicial finding of 30233
guilt of, or a judicial finding of eligibility for intervention 30234
in lieu of conviction for an offense unless the refusal is in 30235

accordance with section 9.79 of the Revised Code. 30236

(D) Disciplinary actions taken by the board under 30237
divisions (A) and (B) of this section shall be taken pursuant to 30238
an adjudication under Chapter 119. of the Revised Code, except 30239
that in lieu of an adjudication, the board may enter into a 30240
consent agreement with a genetic counselor or applicant to 30241
resolve an allegation of a violation of this chapter or any rule 30242
adopted under it. A consent agreement, when ratified by an 30243
affirmative vote of not fewer than six members of the board, 30244
shall constitute the findings and order of the board with 30245
respect to the matter addressed in the agreement. If the board 30246
refuses to ratify a consent agreement, the admissions and 30247
findings contained in the consent agreement shall be of no force 30248
or effect. 30249

A telephone conference call may be utilized for 30250
ratification of a consent agreement that revokes or suspends an 30251
individual's license. The telephone conference call shall be 30252
considered a special meeting under division (F) of section 30253
121.22 of the Revised Code. 30254

(E) For purposes of divisions (B) (11), (14), and (15) of 30255
this section, the commission of the act may be established by a 30256
finding by the board, pursuant to an adjudication under Chapter 30257
119. of the Revised Code, that the applicant or license holder 30258
committed the act in question. The board shall have no 30259
jurisdiction under these divisions in cases where the trial 30260
court renders a final judgment in the license holder's favor and 30261
that judgment is based upon an adjudication on the merits. The 30262
board shall have jurisdiction under these divisions in cases 30263
where the trial court issues an order of dismissal on technical 30264
or procedural grounds. 30265

(F) The sealing or expungement of conviction records by 30266
any court shall have no effect on a prior board order entered 30267
under the provisions of this section or on the board's 30268
jurisdiction to take action under the provisions of this section 30269
if, based upon a plea of guilty, a judicial finding of guilt, or 30270
a judicial finding of eligibility for intervention in lieu of 30271
conviction, the board issued a notice of opportunity for a 30272
hearing or took other formal action under Chapter 119. of the 30273
Revised Code prior to the court's order to seal or expunge the 30274
records. The board shall not be required to seal, destroy, 30275
redact, or otherwise modify its records to reflect the court's 30276
sealing or expungement of conviction records. 30277

(G) For purposes of this division, any individual who 30278
holds a license to practice as a genetic counselor, or applies 30279
for a license, shall be deemed to have given consent to submit 30280
to a mental or physical examination when directed to do so in 30281
writing by the board and to have waived all objections to the 30282
admissibility of testimony or examination reports that 30283
constitute a privileged communication. 30284

(1) In enforcing division (B)(5) of this section, the 30285
board, on a showing of a possible violation, may compel any 30286
individual who holds a license to practice as a genetic 30287
counselor or who has applied for a license to practice as a 30288
genetic counselor to submit to a mental or physical examination, 30289
or both. A physical examination may include an HIV test. The 30290
expense of the examination is the responsibility of the 30291
individual compelled to be examined. Failure to submit to a 30292
mental or physical examination or consent to an HIV test ordered 30293
by the board constitutes an admission of the allegations against 30294
the individual unless the failure is due to circumstances beyond 30295
the individual's control, and a default and final order may be 30296

entered without the taking of testimony or presentation of 30297
evidence. If the board finds a genetic counselor unable to 30298
practice because of the reasons set forth in division (B) (5) of 30299
this section, the board shall require the genetic counselor to 30300
submit to care, counseling, or treatment by physicians approved 30301
or designated by the board, as a condition for an initial, 30302
continued, reinstated, or renewed license to practice. An 30303
individual affected by this division shall be afforded an 30304
opportunity to demonstrate to the board the ability to resume 30305
practicing in compliance with acceptable and prevailing 30306
standards of care. 30307

(2) For purposes of division (B) (6) of this section, if 30308
the board has reason to believe that any individual who holds a 30309
license to practice as a genetic counselor or any applicant for 30310
a license suffers such impairment, the board may compel the 30311
individual to submit to a mental or physical examination, or 30312
both. The expense of the examination is the responsibility of 30313
the individual compelled to be examined. Any mental or physical 30314
examination required under this division shall be undertaken by 30315
a treatment provider or physician qualified to conduct such 30316
examination and chosen by the board. 30317

Failure to submit to a mental or physical examination 30318
ordered by the board constitutes an admission of the allegations 30319
against the individual unless the failure is due to 30320
circumstances beyond the individual's control, and a default and 30321
final order may be entered without the taking of testimony or 30322
presentation of evidence. If the board determines that the 30323
individual's ability to practice is impaired, the board shall 30324
suspend the individual's license or deny the individual's 30325
application and shall require the individual, as a condition for 30326
an initial, continued, reinstated, or renewed license, to submit 30327

to treatment. 30328

Before being eligible to apply for reinstatement of a 30329
license suspended under this division, the genetic counselor 30330
shall demonstrate to the board the ability to resume practice in 30331
compliance with acceptable and prevailing standards of care. The 30332
demonstration shall include the following: 30333

(a) Certification from a treatment provider approved under 30334
section 4731.25 of the Revised Code that the individual has 30335
successfully completed any required inpatient treatment; 30336

(b) Evidence of continuing full compliance with an 30337
aftercare contract or consent agreement; 30338

(c) Two written reports indicating that the individual's 30339
ability to practice has been assessed and that the individual 30340
has been found capable of practicing according to acceptable and 30341
prevailing standards of care. The reports shall be made by 30342
individuals or providers approved by the board for making such 30343
assessments and shall describe the basis for their 30344
determination. 30345

The board may reinstate a license suspended under this 30346
division after such demonstration and after the individual has 30347
entered into a written consent agreement. 30348

When the impaired genetic counselor resumes practice, the 30349
board shall require continued monitoring of the genetic 30350
counselor. The monitoring shall include monitoring of compliance 30351
with the written consent agreement entered into before 30352
reinstatement or with conditions imposed by board order after a 30353
hearing, and, on termination of the consent agreement, 30354
submission to the board for at least two years of annual written 30355
progress reports made under penalty of falsification stating 30356

whether the genetic counselor has maintained sobriety. 30357

(H) If the secretary and supervising member determine both 30358
of the following, they may recommend that the board suspend an 30359
individual's license to practice without a prior hearing: 30360

(1) That there is clear and convincing evidence that a 30361
genetic counselor has violated division (B) of this section; 30362

(2) That the individual's continued practice presents a 30363
danger of immediate and serious harm to the public. 30364

Written allegations shall be prepared for consideration by 30365
the board. The board, on review of the allegations and by an 30366
affirmative vote of not fewer than six of its members, excluding 30367
the secretary and supervising member, may suspend a license 30368
without a prior hearing. A telephone conference call may be 30369
utilized for reviewing the allegations and taking the vote on 30370
the summary suspension. 30371

The board shall issue a written order of suspension by 30372
certified mail or in person in accordance with section 119.07 of 30373
the Revised Code. The order shall not be subject to suspension 30374
by the court during pendency of any appeal filed under section 30375
119.12 of the Revised Code. If the genetic counselor requests an 30376
adjudicatory hearing by the board, the date set for the hearing 30377
shall be within fifteen days, but not earlier than seven days, 30378
after the genetic counselor requests the hearing, unless 30379
otherwise agreed to by both the board and the genetic counselor. 30380

A summary suspension imposed under this division shall 30381
remain in effect, unless reversed on appeal, until a final 30382
adjudicative order issued by the board pursuant to this section 30383
and Chapter 119. of the Revised Code becomes effective. The 30384
board shall issue its final adjudicative order within sixty days 30385

after completion of its hearing. Failure to issue the order 30386
within sixty days shall result in dissolution of the summary 30387
suspension order, but shall not invalidate any subsequent, final 30388
adjudicative order. 30389

(I) If the board takes action under division (B) (10), 30390
(12), or (13) of this section, and the judicial finding of 30391
guilt, guilty plea, or judicial finding of eligibility for 30392
intervention in lieu of conviction is overturned on appeal, on 30393
exhaustion of the criminal appeal, a petition for 30394
reconsideration of the order may be filed with the board along 30395
with appropriate court documents. On receipt of a petition and 30396
supporting court documents, the board shall reinstate the 30397
license to practice as a genetic counselor. The board may then 30398
hold an adjudication under Chapter 119. of the Revised Code to 30399
determine whether the individual committed the act in question. 30400
Notice of opportunity for hearing shall be given in accordance 30401
with Chapter 119. of the Revised Code. If the board finds, 30402
pursuant to an adjudication held under this division, that the 30403
individual committed the act, or if no hearing is requested, it 30404
may order any of the sanctions specified in division (B) of this 30405
section. 30406

(J) The license to practice as a genetic counselor and the 30407
counselor's practice in this state are automatically suspended 30408
as of the date the genetic counselor pleads guilty to, is found 30409
by a judge or jury to be guilty of, or is subject to a judicial 30410
finding of eligibility for intervention in lieu of conviction in 30411
this state or treatment of intervention in lieu of conviction in 30412
another jurisdiction for any of the following criminal offenses 30413
in this state or a substantially equivalent criminal offense in 30414
another jurisdiction: aggravated murder, murder, voluntary 30415
manslaughter, felonious assault, kidnapping, rape, sexual 30416

battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

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 is 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 to practice.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license of the genetic counselor may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as a genetic counselor to an applicant, revokes an

individual's license, refuses to renew an individual's license, 30447
or refuses to reinstate an individual's license, the board may 30448
specify that its action is permanent. An individual subject to a 30449
permanent action taken by the board is forever thereafter 30450
ineligible to hold a license to practice as a genetic counselor 30451
and the board shall not accept an application for reinstatement 30452
of the license or for issuance of a new license. 30453

(N) Notwithstanding any other provision of the Revised 30454
Code, all of the following apply: 30455

(1) The surrender of a license to practice as a genetic 30456
counselor is not effective unless or until accepted by the 30457
board. A telephone conference call may be utilized for 30458
acceptance of the surrender of an individual's license. The 30459
telephone conference call shall be considered a special meeting 30460
under division (F) of section 121.22 of the Revised Code. 30461
Reinstatement of a license surrendered to the board requires an 30462
affirmative vote of not fewer than six members of the board. 30463

(2) An application made under this chapter for a license 30464
to practice may not be withdrawn without approval of the board. 30465

(3) Failure by an individual to renew a license in 30466
accordance with section 4778.06 of the Revised Code shall not 30467
remove or limit the board's jurisdiction to take disciplinary 30468
action under this section against the individual. 30469

Sec. 5101.63. (A) (1) ~~Any individual~~ No person listed in 30470
division (A) (2) of this section having reasonable cause to 30471
believe that an adult is being abused, neglected, or exploited, 30472
or is in a condition which is the result of abuse, neglect, or 30473
exploitation shall knowingly fail to immediately report such 30474
belief to the county department of job and family services. 30475

(2) All of the following are subject to division (A) (1) of this section:	30476 30477
(a) An attorney admitted to the practice of law in this state;	30478 30479
(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	30480 30481 30482
(c) An individual licensed under Chapter 4734. of the Revised Code as a chiropractor;	30483 30484
(d) An individual licensed under Chapter 4715. of the Revised Code as a dentist;	30485 30486
(e) An individual licensed under Chapter 4723. of the Revised Code as a registered nurse or licensed practical nurse;	30487 30488
(f) An individual licensed under Chapter 4732. of the Revised Code as a psychologist;	30489 30490
(g) An individual licensed under Chapter 4757. of the Revised Code as a social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist;	30491 30492 30493 30494 30495
(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;	30496 30497
(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;	30498 30499 30500
(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;	30501 30502

(k) An employee of an outpatient health facility;	30503
(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;	30504 30505
(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;	30506 30507
(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	30508 30509
(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	30510 30511 30512 30513
(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	30514 30515 30516 30517
(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;	30518 30519
(r) A humane society agent appointed under section 1717.06 of the Revised Code;	30520 30521
(s) An individual who is a firefighter for a lawfully constituted fire department;	30522 30523
(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;	30524 30525 30526
(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;	30527 30528 30529

(v) An official employed by a local building department to	30530
conduct inspections of houses and other residential buildings;	30531
(w) A peace officer;	30532
(x) A coroner;	30533
(y) A member of the clergy;	30534
(z) An individual who holds a certificate issued under	30535
Chapter 4701. of the Revised Code as a certified public	30536
accountant or is registered under that chapter as a public	30537
accountant;	30538
(aa) An individual licensed under Chapter 4735. of the	30539
Revised Code as a real estate broker or real estate salesperson;	30540
(bb) An individual appointed and commissioned under	30541
section 147.01 of the Revised Code as a notary public;	30542
(cc) An employee of a bank, savings bank, savings and loan	30543
association, or credit union organized under the laws of this	30544
state, another state, or the United States;	30545
(dd) A dealer, investment adviser, sales person, or	30546
investment advisor representative licensed under Chapter 1707.	30547
of the Revised Code;	30548
(ee) A financial planner accredited by a national	30549
accreditation agency;	30550
(ff) Any other individual who is a senior service	30551
provider, other than a representative of the office of the state	30552
long-term care ombudsman program as defined in section 173.14 of	30553
the Revised Code.	30554
(B) Any person having reasonable cause to believe that an	30555
adult has suffered abuse, neglect, or exploitation may report,	30556

or cause a report to be made of such belief to the county 30557
department of job and family services. 30558

This division applies to a representative of the office of 30559
the state long-term care ombudsman program only to the extent 30560
permitted by federal law. 30561

(C) The reports made under this section shall be made 30562
orally or in writing except that oral reports shall be followed 30563
by a written report if a written report is requested by the 30564
department. Written reports shall include: 30565

(1) The name, address, and approximate age of the adult 30566
who is the subject of the report; 30567

(2) The name and address of the individual responsible for 30568
the adult's care, if any individual is, and if the individual is 30569
known; 30570

(3) The nature and extent of the alleged abuse, neglect, 30571
or exploitation of the adult; 30572

(4) The basis of the reporter's belief that the adult has 30573
been abused, neglected, or exploited. 30574

(D) Any person with reasonable cause to believe that an 30575
adult is suffering abuse, neglect, or exploitation who makes a 30576
report pursuant to this section or who testifies in any 30577
administrative or judicial proceeding arising from such a 30578
report, or any employee of the state or any of its subdivisions 30579
who is discharging responsibilities under section 5101.65 of the 30580
Revised Code shall be immune from civil or criminal liability on 30581
account of such investigation, report, or testimony, except 30582
liability for perjury, unless the person has acted in bad faith 30583
or with malicious purpose. 30584

(E) No employer or any other person with the authority to do so shall do any of the following as a result of an employee's having filed a report under this section:

(1) Discharge, demote, transfer, or prepare a negative work performance evaluation;

(2) Reduce benefits, pay, or work privileges;

(3) Take any other action detrimental to an employee or in any way retaliate against the employee.

(F) The written or oral report provided for in this section and the investigatory report provided for in section 5101.65 of the Revised Code are confidential and are not public records, as defined in section 149.43 of the Revised Code. In accordance with rules adopted by the department of job and family services, information contained in the report shall upon request be made available to the adult who is the subject of the report and to legal counsel for the adult. If it determines that there is a risk of harm to a person who makes a report under this section or to the adult who is the subject of the report, the county department of job and family services may redact the name and identifying information related to the person who made the report.

(G) The county department of job and family services shall be available to receive the written or oral report provided for in this section twenty-four hours a day and seven days a week.

Sec. 5101.74. (A) There is hereby created the elder abuse commission. The commission shall consist of the following members:

(1) The following members, appointed by the attorney general:

(a) One representative of the AARP;	30614
(b) One representative of the buckeye state sheriffs' association;	30615 30616
(c) One representative of the county commissioners' association of Ohio;	30617 30618
(d) One representative of the Ohio association of area agencies on aging;	30619 30620
(e) One representative of the board of nursing;	30621
(f) One representative of the Ohio coalition for adult protective services;	30622 30623
(g) One person who represents the interests of elder abuse victims;	30624 30625
(h) One person who represents the interests of elderly persons;	30626 30627
(i) One representative of the Ohio domestic violence network;	30628 30629
(j) One representative of the Ohio prosecuting attorneys association;	30630 30631
(k) One representative of the Ohio victim witness association;	30632 30633
(l) One representative of the Ohio association of chiefs of police;	30634 30635
(m) One representative of the Ohio association of probate judges;	30636 30637
(n) One representative of the Ohio job and family services directors' association;	30638 30639

- (o) One representative of the Ohio bankers league; 30640
- (p) One representative of the Ohio credit union league; 30641
- (q) Two representatives of national organizations that 30642
focus on elder abuse or sexual violence; 30643
- (r) Two representatives of organizations that focus on 30644
elder abuse or sexual violence; 30645
- (s) One representative representing the interests of 30646
geriatric medicine; 30647
- (t) One representative of the state medical board; 30648
- ~~(s)~~ (u) One representative of the community bankers 30649
association of Ohio; 30650
- ~~(t)~~ (v) One representative of an organization representing 30651
the interests of senior centers; 30652
- ~~(u)~~ (w) One representative of an organization representing 30653
the policy interests of seniors; 30654
- ~~(v)~~ (x) One representative of a research-based academia 30655
representing elder abuse research; 30656
- (y) One representative of a research-based organization 30657
that focuses on elder abuse research; 30658
- (z) One representative of the Ohio judicial conference. 30659
- (2) The following ex officio members: 30660
- (a) The attorney general or the attorney general's 30661
designee; 30662
- (b) The chief justice of the supreme court of Ohio or the 30663
chief justice's designee; 30664

(c) The governor or the governor's designee;	30665
(d) The director of aging or the director's designee;	30666
(e) The director of job and family services or the director's designee;	30667 30668
(f) The director of health or the director's designee;	30669
(g) The director of mental health and addiction services or the director's designee;	30670 30671
(h) The director of developmental disabilities or the director's designee;	30672 30673
(i) The superintendent of insurance or the superintendent's designee;	30674 30675
(j) The director of public safety or the director's designee;	30676 30677
(k) The state long-term care ombudsman or the ombudsman's designee;	30678 30679
(l) One member of the house of representatives, appointed by the speaker of the house of representatives;	30680 30681
(m) One member of the senate, appointed by the president of the senate;	30682 30683
(n) One member of the house of representatives, appointed by the minority leader of the house of representatives;	30684 30685
(o) One member of the senate, appointed by the minority leader of the senate;	30686 30687
(p) The director of commerce, or the director's designee;	30688
<u>(q) The medicaid director, or the director's designee.</u>	30689

(B) Members who are appointed shall serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointments.

(C) All members of the commission shall serve as voting members. The attorney general shall select from among the appointed members a chairperson. The commission shall meet at the call of the chairperson, but not less than four times per year. Special meetings may be called by the chairperson and shall be called by the chairperson at the request of the attorney general. The commission may establish its own quorum requirements and procedures regarding the conduct of meetings and other affairs.

(D) Members shall serve without compensation, but may be reimbursed for mileage and other actual and necessary expenses incurred in the performance of their official duties.

(E) Sections 101.82 to 101.87 of the Revised Code do not apply to the elder abuse commission.

Sec. 5101.99. (A) ~~Whoever violates division (A) of section 5101.63 of the Revised Code shall be fined not more than five hundred dollars.~~

~~(B)~~ Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree.

~~(C)~~ (B) Whoever violates section 5101.133, division (A) of section 5101.63, or division (C) (2) of section 5101.631 of the Revised Code is guilty of a misdemeanor of the fourth degree.

Sec. 5120.035. (A) As used in this section:

(1) "Community treatment provider" means a program that provides substance use disorder assessment and treatment for

persons and that satisfies all of the following: 30718

(a) It is located outside of a state correctional 30719
institution. 30720

(b) It shall provide the assessment and treatment for 30721
qualified prisoners referred and transferred to it under this 30722
section in a suitable facility that is licensed pursuant to 30723
division (C) of section 2967.14 of the Revised Code. 30724

(c) All qualified prisoners referred and transferred to it 30725
under this section shall reside initially in the suitable 30726
facility specified in division (A) (1) (b) of this section while 30727
undergoing the assessment and treatment. 30728

(2) "Electronic monitoring device" has the same meaning as 30729
in section 2929.01 of the Revised Code. 30730

(3) "State correctional institution" has the same meaning 30731
as in section 2967.01 of the Revised Code. 30732

(4) "Qualified prisoner" means a person who satisfies all 30733
of the following: 30734

(a) The person is confined in a state correctional 30735
institution under a prison term imposed for a felony of the 30736
third, fourth, or fifth degree that is not an offense of 30737
violence. 30738

(b) The department of rehabilitation and correction 30739
determines, using a standardized assessment tool, that the 30740
person has a substance use disorder. 30741

(c) The person has not more than twelve months remaining 30742
to be served under the prison term described in division (A) (4) 30743
(a) of this section. 30744

(d) The person is not serving any prison term other than 30745
the term described in division (A) (4) (a) of this section. 30746

(e) The person is eighteen years of age or older. 30747

(f) The person does not show signs of drug or alcohol 30748
withdrawal and does not require medical detoxification. 30749

(g) As determined by the department of rehabilitation and 30750
correction, the person is physically and mentally capable of 30751
uninterrupted participation in the substance use disorder 30752
treatment program established under division (B) of this 30753
section. 30754

(B) The department of rehabilitation and correction shall 30755
establish and operate a program for community-based substance 30756
use disorder treatment for qualified prisoners. The purpose of 30757
the program shall be to provide substance use disorder 30758
assessment and treatment through community treatment providers 30759
to help reduce substance use relapses and recidivism for 30760
qualified prisoners while preparing them for reentry into the 30761
community and improving public safety. 30762

(C) (1) The department shall determine which qualified 30763
prisoners in its custody should be placed in the substance use 30764
disorder treatment program established under division (B) of 30765
this section. The department has full discretion in making that 30766
determination. If the department determines that a qualified 30767
prisoner should be placed in the program, the department may 30768
refer the prisoner to a community treatment provider the 30769
department has approved under division (E) of this section for 30770
participation in the program and transfer the prisoner from the 30771
state correctional institution to the provider's approved and 30772
licensed facility. Except as otherwise provided in division (C) 30773

(3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive credit against the prisoner's prison term for all time served in the provider's approved and licensed facility and may earn days of credit under section 2967.193 or 2967.194 of the Revised Code, but otherwise neither the placement nor the prisoner's participation in or completion of the program shall result in any reduction of the prisoner's prison term.

(2) If the department places a prisoner in the substance use disorder treatment program, the prisoner does not satisfactorily participate in the program, and the prisoner has not served the prisoner's entire prison term, the department may remove the prisoner from the program and return the prisoner to a state correctional institution.

(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 30804
the department upon completion of the prisoner's prison term, 30805
the department shall conduct and prepare an evaluation of the 30806
prisoner, the prisoner's participation in the program, and the 30807
prisoner's needs regarding substance use disorder treatment upon 30808
release. Before the prisoner is released from custody of the 30809
department upon completion of the prisoner's prison term, the 30810
parole board or the court acting pursuant to an agreement under 30811
section 2967.29 of the Revised Code shall consider the 30812
evaluation, in addition to all other information and materials 30813
considered, as follows: 30814

(a) If the prisoner is a prisoner for whom post-release 30815
control is mandatory under section 2967.28 of the Revised Code, 30816
the board or court shall consider it in determining which post- 30817
release control sanction or sanctions to impose upon the 30818
prisoner under that section. 30819

(b) If the prisoner is a prisoner for whom post-release 30820
control is not mandatory under section 2967.28 of the Revised 30821
Code, the board or court shall consider it in determining 30822
whether a post-release control sanction is necessary and, if so, 30823
which post-release control sanction or sanctions to impose upon 30824
the prisoner under that section. 30825

(2) If the department determines that a prisoner it placed 30826
in the substance use disorder treatment program successfully 30827
completed the program and successfully completed a term of post- 30828
release control, if applicable, and if the prisoner submits an 30829
application under section 2953.32 or the prosecutor in the case 30830
submits an application under section 2953.39 of the Revised Code 30831
for sealing or expungement of the record of the conviction, the 30832
director may issue a letter to the court in support of the 30833

application. 30834

(E) (1) The department shall accept applications from 30835
community treatment providers that satisfy the requirement 30836
specified in division (E) (2) of this section and that wish to 30837
participate in the substance use disorder treatment program 30838
established under division (B) of this section, and shall 30839
approve for participation in the program at least four and not 30840
more than eight of the providers that apply. To the extent 30841
feasible, the department shall approve one or more providers 30842
from each geographical quadrant of the state. 30843

(2) Each community treatment provider that applies under 30844
division (E) (1) of this section to participate in the program 30845
shall have the provider's alcohol and drug addiction services 30846
that provide substance use disorder treatment certified by the 30847
department of mental health and addiction services under section 30848
5119.36 of the Revised Code. A community treatment provider is 30849
not required to have the provider's halfway house or residential 30850
treatment certified by the department of mental health and 30851
addiction services. 30852

(F) The department of rehabilitation and correction shall 30853
adopt rules for the operation of the substance use disorder 30854
treatment program it establishes under division (B) of this 30855
section and shall operate the program in accordance with this 30856
section and those rules. The rules shall establish, at a 30857
minimum, all of the following: 30858

(1) Criteria that establish which qualified prisoners are 30859
eligible for the program; 30860

(2) Criteria that must be satisfied to transfer a 30861
qualified prisoner to a residence pursuant to division (C) (3) of 30862

this section; 30863

(3) Criteria for the removal of a prisoner from the 30864
program pursuant to division (C) (2) of this section; 30865

(4) Criteria for determining when an offender has 30866
successfully completed the program for purposes of division (D) 30867
(2) of this section; 30868

(5) Criteria for community treatment providers to provide 30869
assessment and treatment, including minimum standards for 30870
treatment. 30871

Sec. 5120.66. (A) Within ninety days after November 23, 30872
2005, but not before January 1, 2006, the department of 30873
rehabilitation and correction shall establish and operate on the 30874
internet a database that contains all of the following: 30875

(1) For each inmate in the custody of the department under 30876
a sentence imposed for a conviction of or plea of guilty to any 30877
offense, all of the following information: 30878

(a) The inmate's name; 30879

(b) For each offense for which the inmate was sentenced to 30880
a prison term or term of imprisonment and is in the department's 30881
custody, the name of the offense, the Revised Code section of 30882
which the offense is a violation, the gender of each victim of 30883
the offense if those facts are known, whether each victim of the 30884
offense was an adult or child if those facts are known, whether 30885
any victim of the offense was a law enforcement officer if that 30886
fact is known, the range of the possible prison terms or term of 30887
imprisonment that could have been imposed for the offense, the 30888
actual prison term or term of imprisonment imposed for the 30889
offense, the county in which the offense was committed, the date 30890
on which the inmate began serving the prison term or term of 30891

imprisonment imposed for the offense, and whichever of the 30892
following is applicable: 30893

(i) The date on which the inmate will be eligible for 30894
parole relative to the offense if the prison term or term of 30895
imprisonment is an indefinite term or life term with parole 30896
eligibility; 30897

(ii) The date on which the term ends if the prison term is 30898
a definite term; 30899

(iii) The date on which the inmate will be eligible for 30900
presumptive release under section 2967.271 of the Revised Code, 30901
if the inmate is serving a non-life felony indefinite prison 30902
term. 30903

(c) All of the following information that is applicable 30904
regarding the inmate: 30905

(i) If known to the department prior to the conduct of any 30906
hearing for judicial release of the defendant pursuant to 30907
section 2929.20 of the Revised Code in relation to any prison 30908
term or term of imprisonment the inmate is serving for any 30909
~~offense or any hearing for release of the defendant pursuant to~~ 30910
~~section 2967.19 of the Revised Code in relation to any such~~ 30911
~~term,~~ notice of the fact that the inmate will be having a 30912
hearing regarding a possible grant of judicial release ~~or~~ 30913
~~release,~~ the date of the hearing, and the right of any person 30914
pursuant to division ~~(J)~~ (I) of section 2929.20 ~~or division (H)~~ 30915
~~of section 2967.19 of the Revised Code, whichever is applicable,~~ 30916
to submit to the court a written statement regarding the 30917
possible judicial release ~~or release.~~ The department also shall 30918
post notice of the submission to a sentencing court of any 30919
recommendation for early judicial release of the inmate 30920

submitted by the director of the department of rehabilitation 30921
and correction pursuant to division (O) of section 2967.19- 30922
2929.20 of the Revised Code, as required by that division ~~(E) of~~ 30923
~~that section.~~ 30924

(ii) If the inmate is serving a prison term pursuant to 30925
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 30926
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 30927
Code, prior to the conduct of any hearing pursuant to section 30928
2971.05 of the Revised Code to determine whether to modify the 30929
requirement that the inmate serve the entire prison term in a 30930
state correctional facility in accordance with division (C) of 30931
that section, whether to continue, revise, or revoke any 30932
existing modification of that requirement, or whether to 30933
terminate the prison term in accordance with division (D) of 30934
that section, notice of the fact that the inmate will be having 30935
a hearing regarding those determinations and the date of the 30936
hearing; 30937

(iii) At least sixty days before the adult parole 30938
authority recommends a pardon or commutation of sentence for the 30939
inmate, at least sixty days prior to a hearing before the adult 30940
parole authority regarding a grant of parole to the inmate in 30941
relation to any prison term or term of imprisonment the inmate 30942
is serving for any offense, or at least sixty days prior to a 30943
hearing before the department regarding a determination of 30944
whether the inmate must be released under division (C) or (D) (2) 30945
of section 2967.271 of the Revised Code if the inmate is serving 30946
a non-life felony indefinite prison term, notice of the fact 30947
that the inmate might be under consideration for a pardon or 30948
commutation of sentence or will be having a hearing regarding a 30949
possible grant of parole or release, the date of any hearing 30950
regarding a possible grant of parole or release, and the right 30951

of any person to submit a written statement regarding the 30952
pending action; 30953

(iv) At least sixty days before the inmate is transferred 30954
to transitional control under section 2967.26 of the Revised 30955
Code in relation to any prison term or term of imprisonment the 30956
inmate is serving for any offense, notice of the pendency of the 30957
transfer, the date of the possible transfer, and the right of 30958
any person to submit a statement regarding the possible 30959
transfer; 30960

(v) Prompt notice of the inmate's escape from any facility 30961
in which the inmate was incarcerated and of the capture of the 30962
inmate after an escape; 30963

(vi) Notice of the inmate's death while in confinement; 30964

(vii) Prior to the release of the inmate from confinement, 30965
notice of the fact that the inmate will be released, of the date 30966
of the release, and, if applicable, of the standard terms and 30967
conditions of the release; 30968

(viii) Notice of the inmate's judicial release pursuant to 30969
~~section 2929.20 of the Revised Code or release pursuant to~~ 30970
~~section 2967.19 of the Revised Code.~~ 30971

(2) Information as to where a person can send written 30972
statements of the types referred to in divisions (A) (1) (c) (i), 30973
(iii), and (iv) of this section. 30974

(B) (1) The department shall update the database required 30975
under division (A) of this section every twenty-four hours to 30976
ensure that the information it contains is accurate and current. 30977

(2) The database required under division (A) of this 30978
section is a public record open for inspection under section 30979

149.43 of the Revised Code. The department shall make the database searchable by inmate name and by the county and zip code where the offender intends to reside after release from a state correctional institution if this information is known to the department.

(3) The database required under division (A) of this section may contain information regarding inmates who are listed in the database in addition to the information described in that division.

(4) No information included on the database required under division (A) of this section shall identify or enable the identification of any victim of any offense committed by an inmate.

(C) The failure of the department to comply with the requirements of division (A) or (B) of this section does not give any rights or any grounds for appeal or post-conviction relief to any inmate.

(D) This section, and the related provisions of sections 2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted in the act in which this section was enacted, shall be known as "Laura's Law."

(E) As used in this section, "non-life felony indefinite prison term" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 5139.101. (A) The department of youth services, in coordination with any other agencies deemed necessary, may develop a program to assist a youth leaving the supervision, control, and custody of the department at twenty-one years of age. The program shall provide supportive services for specific

educational or rehabilitative purposes, under conditions agreed 31009
upon by both the department and the youth and terminable by 31010
either. Services shall cease not later than when the youth 31011
reaches twenty-two years of age and shall not be construed as 31012
extending control of a child beyond discharge as described in 31013
section 5139.10 of the Revised Code. 31014

(B) The services provided by the program shall be offered 31015
to the youth prior to the youth's discharge date, but a youth 31016
may request and the department shall consider any such request 31017
for the services described up to ninety days after the youth's 31018
effective date of discharge, even if the youth has previously 31019
declined services. 31020

Sec. 5139.45. (A) As used in this section: 31021

(1) "Quality assurance committee" means a committee that 31022
is appointed in the central office of the department of youth 31023
services by the director of youth services, a committee 31024
appointed at an institution by the managing officer of the 31025
institution, or a duly authorized subcommittee of that nature 31026
and that is designated to carry out quality assurance program 31027
activities. 31028

(2) "Institution" means a state facility that is created 31029
by the general assembly and that is under the management and 31030
control of the department of youth services or a private entity 31031
with which the department has contracted for the institutional 31032
care and custody of felony delinquents. 31033

~~(2)~~ (3) "Quality assurance program" means a comprehensive 31034
program within the department of youth services to 31035
systematically review and improve the quality of programming, 31036
operations, education, comprehensive services, including but not 31037

limited to, medical and mental health services within the 31038
department and the department's institutions, the safety and 31039
security of persons receiving care and services within the 31040
department and the department's institutions, and the efficiency 31041
and effectiveness of the utilization of staff and resources in 31042
the delivery of services within the department and the 31043
department's institutions. 31044

~~(3)~~(4) "Quality assurance program activities" means the 31045
activities of ~~the institution and the office of quality~~ 31046
~~assurance and improvement~~a quality assurance committee, of 31047
persons who provide, collect, or compile information and reports 31048
required by ~~the office of quality assurance and improvement~~a 31049
quality assurance committee, and of persons who receive, review, 31050
or implement the recommendations made by ~~the office of quality~~ 31051
~~assurance and improvement~~a quality assurance committee. "Quality 31052
assurance program activities" include, but are not limited to, 31053
credentialing, infection control, utilization review including 31054
access to patient care, patient care assessments, medical and 31055
mental health records, medical and mental health resource 31056
management, mortality and morbidity review, ~~and~~ identification 31057
and prevention of medical or mental health incidents and risks, 31058
and other comprehensive service activities whether performed by 31059
~~the office of quality assurance and improvement~~a quality 31060
assurance committee or by persons who are directed by ~~the office~~ 31061
~~of quality assurance and improvement~~a quality assurance 31062
committee. 31063

~~(4)~~(5) "Quality assurance record" means the proceedings, 31064
records, minutes, and reports that result from quality assurance 31065
program activities. "Quality assurance record" does not include 31066
aggregate statistical information that does not disclose the 31067
identity of persons receiving or providing services in 31068

institutions. 31069

~~(B) The office of quality assurance and improvement is hereby created as an office in the department of youth services. The director of youth services shall appoint a managing officer to carry out quality assurance program activities~~
The director of the department of youth services shall appoint a central office quality assurance committee consisting of staff members from relevant divisions within the department. The managing officer of an institution may appoint an institutional quality assurance committee. 31070
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(C) (1) Except as otherwise provided in division (F) of this section, quality assurance records are confidential and are not public records under section 149.43 of the Revised Code and shall be used only in the course of the proper functions of a quality assurance program. 31079
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(2) Except as provided in division (F) of this section, no person who possesses or has access to quality assurance records and who knows that the records are quality assurance records shall willfully disclose the contents of the records to any person or entity. 31084
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(D) (1) Except as otherwise provided in division (F) of this section, a quality assurance record is not subject to discovery and is not admissible as evidence in any judicial or administrative proceeding. 31089
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(2) Except as provided in division (F) of this section, no ~~employee of the office of quality assurance and improvement~~
member of a quality assurance committee or a person who is performing a function that is part of a quality assurance program shall be permitted or required to testify in a judicial 31093
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or administrative proceeding with respect to a quality assurance 31098
record or with respect to any finding, recommendation, 31099
evaluation, opinion, or other action taken by the ~~office or~~ 31100
~~program or by the person within the scope of the quality-~~ 31101
~~assurance program~~committee, member, or person. 31102

(3) Information, documents, or records otherwise available 31103
from original sources shall not be unavailable for discovery or 31104
inadmissible as evidence in a judicial or administrative 31105
proceeding under division (D)(1) of this section merely because 31106
they were presented to ~~the office of quality assurance and~~ 31107
~~improvement~~a quality assurance committee. No person ~~who is an~~ 31108
~~employee of the office of quality assurance and improvement~~ 31109
testifying before a quality assurance committee or person who is 31110
a member of a quality assurance committee shall be prohibited 31111
from testifying as to matters within the person's knowledge, but 31112
the person shall not be asked about an opinion formed by the 31113
person as a result of the ~~person's quality assurance program~~ 31114
~~activities~~quality assurance committee proceedings. 31115

(E) (1) A person who, without malice and in the reasonable 31116
belief that the information is warranted by the facts known to 31117
the person, provides information to a person engaged in quality 31118
assurance program activities is not liable for damages in a 31119
civil action for injury, death, or loss to person or property as 31120
a result of providing the information. 31121

(2) ~~An employee of the office of quality assurance and~~ 31122
~~improvement~~A member of a quality assurance committee, a person 31123
engaged in quality assurance program activities, or an employee 31124
of the department of youth services shall not be liable in 31125
damages in a civil action for injury, death, or loss to person 31126
or property for any acts, omissions, decisions, or other conduct 31127

within the scope of the functions of the quality assurance program. 31128
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(3) Nothing in this section shall relieve any institution from liability arising from the treatment of a patient. 31130
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(F) Quality assurance records may be disclosed, and testimony may be provided concerning quality assurance records, only to the following persons or entities or under the following circumstances: 31132
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(1) Persons who are employed or retained by the department of youth services and who have the authority to evaluate or implement the recommendations of ~~an institution or the office of quality assurance and improvement~~ a quality assurance committee; 31136
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(2) Public or private agencies or organizations if needed to perform a licensing or accreditation function related to institutions or to perform monitoring of institutions as required by law; 31140
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(3) A governmental board or agency, a professional health care society or organization, or a professional standards review organization, if the records or testimony are needed to perform licensing, credentialing, or monitoring of professional standards with respect to medical or mental health professionals employed or retained by the department; 31144
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(4) A criminal or civil law enforcement agency or public health agency charged by law with the protection of public health or safety, if a qualified representative of the agency makes a written request stating that the records or testimony are necessary for a purpose authorized by law; 31150
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(5) In a judicial or administrative proceeding commenced by an entity described in division (F) (3) or (4) of this section 31155
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for a purpose described in that division but only with respect 31157
to the subject of the proceedings. 31158

(G) A disclosure of quality assurance records pursuant to 31159
division (F) of this section does not otherwise waive the 31160
confidential and privileged status of the disclosed quality 31161
assurance records. The names and other identifying information 31162
regarding individual patients or employees of ~~the office of~~ 31163
~~quality assurance and improvement~~ a quality assurance committee 31164
contained in a quality assurance record shall be redacted from 31165
the record prior to the disclosure of the record unless the 31166
identity of an individual is necessary for the purpose for which 31167
the disclosure is being made and does not constitute a clearly 31168
unwarranted invasion of personal privacy. 31169

Sec. 5147.30. (A) As used in this section, "prisoner" 31170
means any person confined in the county jail in lieu of bail 31171
while awaiting trial, any person committed to jail for 31172
nonpayment of a fine, or any person sentenced by a court to the 31173
jail. 31174

(B) A board of county commissioners, by resolution adopted 31175
by a majority vote of its members, may approve the establishment 31176
of a county jail industry program for its county in accordance 31177
with this section. 31178

(C) Upon the adoption by the board of the resolution 31179
described in division (B) of this section, a jail industry board 31180
shall be established, consisting of three voting members 31181
appointed by the board of county commissioners, three voting 31182
members appointed by the county sheriff, and one voting member 31183
appointed jointly by the board of county commissioners and the 31184
county sheriff. One of these voting members shall have knowledge 31185
of and experience in the social services, one in the field of 31186

labor, one in law enforcement, and one in business. The initial 31187
appointments to the jail industry board shall be made on the 31188
same date. Of the initial appointments, one by the board of 31189
county commissioners and one by the county sheriff shall be for 31190
terms ending one year after the date of appointment, two by the 31191
board of county commissioners and two by the county sheriff 31192
shall be for terms ending two years after that date, and the 31193
joint appointment shall be for a term ending three years after 31194
that date. Thereafter, terms of office for all appointed members 31195
shall be for three years, with each term ending on the same day 31196
of the same month as did the term that it succeeds. Any vacancy 31197
on the board shall be filled in the same manner as the original 31198
appointment. Any member appointed to fill a vacancy occurring 31199
prior to the expiration date of the term for which the member's 31200
predecessor was appointed shall hold office as a member for the 31201
remainder of that term. Any member shall continue in office 31202
subsequent to the expiration date of the member's term until the 31203
member's successor takes office, or until a period of sixty days 31204
has elapsed, whichever occurs first. 31205

The jail industry board, by majority vote, may appoint 31206
additional persons to serve as nonvoting members of the board. 31207

Each member of the jail industry board shall be reimbursed 31208
for expenses actually and necessarily incurred in the 31209
performance of the member's duties as a board member. The board 31210
of county commissioners, by resolution, shall approve the 31211
expenses to be reimbursed. 31212

(D) A jail industry board established under division (C) 31213
of this section shall establish a program for the employment of 31214
as many prisoners as possible, except those unable to perform 31215
labor because of illness or other health problems, security 31216

requirements, routine processing, disciplinary action, or other 31217
reasonable circumstances or because they are engaged in 31218
education or vocational or other training. The employment may be 31219
in jail manufacturing and service industries and agriculture, in 31220
private industry or agriculture that is located within or 31221
outside the jail, in public works, in institutional jobs 31222
necessary for the proper maintenance and operation of the jail, 31223
or in any other appropriate form of labor. The county shall 31224
attempt to employ, provide employment for, and seek employment 31225
for as many prisoners as possible through the program. The 31226
county is not required to provide employment for every 31227
employable prisoner when the available funds, facilities, or 31228
jobs are insufficient to provide the employment; however, a 31229
county that has a county jail industry program shall 31230
continuously seek sources of employment for as many employable 31231
prisoners as possible. 31232

(E) The jail industry program established under division 31233
(D) of this section shall do all of the following: 31234

(1) Establish a system for assigning prisoners to perform 31235
jobs, for periodically evaluating the job performance of each 31236
prisoner, and for periodically evaluating the qualifications of 31237
each prisoner for other jobs; 31238

(2) Attempt to provide jobs and job training for prisoners 31239
that will be useful to them in obtaining employment when 31240
released, except that institutional jobs at the jail need not be 31241
related to any previous employment of the prisoner or relevant 31242
to any job the prisoner intends to pursue after release from 31243
jail; 31244

(3) Establish an accounting system to administer and 31245
allocate the earnings of each prisoner. The accounting system 31246

may permit earnings to be used for payment of the employee taxes 31247
and workers' compensation of the prisoner, for reimbursing the 31248
county for room and board and for the expense of providing 31249
employment to the prisoner, for restitution to the victims of 31250
the prisoner's offenses if the prisoner voluntarily requests or 31251
is under court order to make restitution payments, for fines and 31252
court costs, for support of the dependents of the prisoner, and 31253
for an account for the prisoner. 31254

(4) Require all persons who employ prisoners to meet all 31255
applicable work safety standards. 31256

(F) The jail industry board, with the approval of the 31257
county sheriff, shall adopt rules for the establishment and 31258
administration of the jail industry program. The rules shall 31259
provide for all of the following: 31260

(1) A procedure for seeking the employment of prisoners in 31261
penal industries and agriculture, in private industry and 31262
agriculture located within or outside the county jail, in public 31263
works, in institutional jobs necessary for the proper 31264
maintenance or operation of the county's institutions, and in 31265
other appropriate forms of labor; 31266

(2) A system of compensation, allowances, hours, 31267
conditions of employment, and advancement for prisoners employed 31268
in any form of labor; 31269

(3) The regulation of the working conditions of prisoners 31270
employed in any form of labor; 31271

(4) An accounting system for the allocation of the 31272
earnings of each prisoner; 31273

(5) Any other rules on any subject that are necessary to 31274
administer the program or to provide employment for as many 31275

prisoners as possible. 31276

(G) In establishing and administering a county jail 31277
industry program, the board of county commissioners, upon the 31278
recommendation of the jail industry board and the county sheriff 31279
may do any of the following: 31280

(1) Enter into contracts with private industry, 31281
agriculture, and other organizations or persons, and receive 31282
grants to establish test work programs within or outside 31283
institutions under the control of the county; 31284

(2) Enter into contracts with private industry for the 31285
establishment of manufacturing and service industries within or 31286
near institutions under the control of the county for the 31287
employment of prisoners; 31288

(3) Enter into contracts with private industry, 31289
agriculture, and other organizations or persons to provide 31290
employment for prisoners; 31291

(4) Enter into any other contracts or perform any other 31292
functions that are necessary for the county jail industry 31293
program. 31294

(H) The jail industry program established under division 31295
(D) of this section shall be administered in accordance with any 31296
rules adopted by the jail industry board pursuant to division 31297
(F) of this section and with the following requirements: 31298

(1) The county sheriff at all times shall be responsible 31299
for the security and discipline of the prisoners in the program. 31300
~~the~~ The sheriff shall adopt a procedure for the discipline of a 31301
prisoner who violates the requirements of a job in the program, 31302
and the sheriff may remove a prisoner from the program if the 31303
sheriff determines that considerations of security or discipline 31304

require it. 31305

~~(2) When the sentence imposed on a prisoner includes a specification pursuant to division (E) of section 2929.24 of the Revised Code, authorizing the county sheriff to consider the prisoner for participation in the county jail industry program, the sheriff shall review the qualifications of the prisoner and determine whether the prisoner's participation in the program is appropriate.~~ 31306
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~~(3)~~ When making the initial job assignment for a prisoner whom the county sheriff has approved for participation in the program, the board shall consider the nature of the offense committed by the prisoner, the availability of employment, the security requirements of the prisoner, the prisoner's present state of mind, the prisoner's jail record, and all other relevant factors. When making the initial job assignment of a prisoner, the board shall attempt to develop the work skills of the prisoner, provide the prisoner rehabilitation, consider the proximity of the job to the prisoner's family, and permit the prisoner to provide support for the prisoner's dependents if the prisoner's earnings are sufficient to make that feasible. 31313
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~~(4)~~ (3) Each prisoner shall be required to perform satisfactorily the job to which the prisoner is assigned, be permitted to be absent from that job only for legitimate reasons, be required to comply with all security requirements, and be required to comply with any other reasonable job performance standards. 31325
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~~(5)~~ (4) A prisoner who violates the work requirements of any job shall be disciplined pursuant to the disciplinary procedure adopted by the county sheriff pursuant to division (H) (1) of this section. 31331
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Sec. 5149.101. (A) (1) A board hearing officer, a board member, or the office of victims' services may petition the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner, including any prisoner described in section 2967.132 of the Revised Code. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held.

(2) A victim of a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the victim's representative, or any person described in division (B) (5) of this section may request the board to hold a full board hearing that relates to the proposed parole or re-parole of the person that committed the violation. If a victim, victim's representative, or other person requests a full board hearing pursuant to this division, the board shall hold a full board hearing.

At least thirty days before the full hearing, except as otherwise provided in this division, the board shall give notice of the date, time, and place of the hearing to the victim regardless of whether the victim has requested the notification. The notice of the date, time, and place of the hearing 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 notice not be provided to the victim. At least thirty days before the full board hearing and regardless of whether the victim has requested that the notice be provided or not be provided under this division to the victim, the board shall give similar notice to the prosecuting attorney in the case, the law enforcement agency that arrested the prisoner if

any officer of that agency was a victim of the offense, and, if 31366
different than the victim, the person who requested the full 31367
hearing. If the prosecuting attorney has not previously been 31368
sent an institutional summary report with respect to the 31369
prisoner, upon the request of the prosecuting attorney, the 31370
board shall include with the notice sent to the prosecuting 31371
attorney an institutional summary report that covers the 31372
offender's participation while confined in a state correctional 31373
institution in training, work, and other rehabilitative 31374
activities and any disciplinary action taken against the 31375
offender while so confined. Upon the request of a law 31376
enforcement agency that has not previously been sent an 31377
institutional summary report with respect to the prisoner, the 31378
board also shall send a copy of the institutional summary report 31379
to the law enforcement agency. If notice is to be provided as 31380
described in this division, the board may give the notice by any 31381
reasonable means, including regular mail, telephone, and 31382
electronic mail, in accordance with division (D) (1) of section 31383
2930.16 of the Revised Code. If the notice is based on an 31384
offense committed prior to March 22, 2013, the notice also shall 31385
include the opt-out information described in division (D) (1) of 31386
section 2930.16 of the Revised Code. The board, in accordance 31387
with division (D) (2) of section 2930.16 of the Revised Code, 31388
shall keep a record of all attempts to provide the notice, and 31389
of all notices provided, under this division. 31390

The preceding paragraph, and the notice-related provisions 31391
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 31392
of section 2930.16, division (H) of section 2967.12, division 31393
(E) (1) (b) of section 2967.19 as it existed prior to the 31394
effective date of this amendment, division (A) (3) (b) of section 31395
2967.26, and division (D) (1) of section 2967.28 of the Revised 31396

Code enacted in the act in which this paragraph was enacted, 31397
shall be known as "Roberta's Law." 31398

(B) At a full board hearing that relates to the proposed 31399
parole or re-parole of a prisoner and that has been petitioned 31400
for or requested in accordance with division (A) of this 31401
section, the parole board shall permit the following persons to 31402
appear and to give testimony or to submit written statements: 31403

(1) The prosecuting attorney of the county in which the 31404
original indictment against the prisoner was found and members 31405
of any law enforcement agency that assisted in the prosecution 31406
of the original offense; 31407

(2) The judge of the court of common pleas who imposed the 31408
original sentence of incarceration upon the prisoner, or the 31409
judge's successor; 31410

(3) The victim of the original offense for which the 31411
prisoner is serving the sentence or the victim's representative 31412
designated pursuant to section 2930.02 of the Revised Code; 31413

(4) The victim of any behavior that resulted in parole 31414
being revoked; 31415

(5) With respect to a full board hearing held pursuant to 31416
division (A)(2) of this section, all of the following: 31417

(a) The spouse of the victim of the original offense; 31418

(b) The parent or parents of the victim of the original 31419
offense; 31420

(c) The sibling of the victim of the original offense; 31421

(d) The child or children of the victim of the original 31422
offense. 31423

(6) Counsel or some other person designated by the 31424
prisoner as a representative, as described in division (C) of 31425
this section. 31426

(C) Except as otherwise provided in this division, a full 31427
board hearing of the parole board is not subject to section 31428
121.22 of the Revised Code. The persons who may attend a full 31429
board hearing are the persons described in divisions (B)(1) to 31430
(6) of this section, and representatives of the press, radio and 31431
television stations, and broadcasting networks who are members 31432
of a generally recognized professional media organization. 31433

At the request of a person described in division (B)(3) of 31434
this section, representatives of the news media described in 31435
this division shall be excluded from the hearing while that 31436
person is giving testimony at the hearing. The prisoner being 31437
considered for parole has no right to be present at the hearing, 31438
but may be represented by counsel or some other person 31439
designated by the prisoner. 31440

If there is an objection at a full board hearing to a 31441
recommendation for the parole of a prisoner, the board may 31442
approve or disapprove the recommendation or defer its decision 31443
until a subsequent full board hearing. The board may permit 31444
interested persons other than those listed in this division and 31445
division (B) of this section to attend full board hearings 31446
pursuant to rules adopted by the adult parole authority. 31447

(D) If the victim of the original offense died as a result 31448
of the offense and the offense was aggravated murder, murder, an 31449
offense of violence that is a felony of the first, second, or 31450
third degree, or an offense punished by a sentence of life 31451
imprisonment, the family of the victim may show at a full board 31452
hearing a video recording not exceeding five minutes in length 31453

memorializing the victim. 31454

(E) The adult parole authority shall adopt rules for the 31455
implementation of this section. The rules shall specify 31456
reasonable restrictions on the number of media representatives 31457
that may attend a hearing, based on considerations of space, and 31458
other procedures designed to accomplish an effective, orderly 31459
process for full board hearings. 31460

Section 2. That existing sections 9.242, 9.79, 102.03, 31461
102.99, 109.11, 109.42, 109.57, 109.572, 109.71, 109.73, 109.75, 31462
109.79, 109.801, 149.43, 307.93, 307.932, 313.10, 341.42, 31463
753.32, 1547.11, 1547.111, 1547.99, 2151.23, 2151.34, 2151.358, 31464
2152.02, 2152.10, 2152.11, 2152.12, 2152.121, 2501.03, 2501.14, 31465
2501.15, 2743.191, 2746.02, 2901.01, 2901.011, 2901.13, 2903.06, 31466
2903.08, 2903.13, 2903.214, 2907.05, 2907.231, 2913.02, 2917.12, 31467
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4511.181, 4511.19, 4511.191, 4511.192, 4511.193, 4511.195, 31479
4511.204, 4511.21, 4511.991, 4723.28, 4729.16, 4729.56, 4729.57, 31480
4729.96, 4730.25, 4731.22, 4734.31, 4752.09, 4759.07, 4760.13, 31481
4761.09, 4762.13, 4774.13, 4778.14, 5101.63, 5101.74, 5101.99, 31482
5120.035, 5120.66, 5139.45, 5147.30, and 5149.101 of the Revised 31483
Code are hereby repealed. 31484

Section 3. That sections 2941.1416, 2953.321, 2953.33, 31485
2953.35, 2953.36, 2953.51, 2953.53, 2953.54, 2953.55, and 31486
2967.19 of the Revised Code are hereby repealed. 31487

Section 4. (A) As used in this section, "interim period" 31488
means the period of time beginning on the effective date of this 31489
section and ending six months after the effective date of this 31490
section. 31491

(B) Notwithstanding any provision of law to the contrary, 31492
during the the interim period, a law enforcement officer may 31493
stop a motor vehicle operator for an action that is a violation 31494
of section 4511.204 of the Revised Code, as amended by this act. 31495
In lieu of issuing the person a ticket, citation, or summons, 31496
the law enforcement officer shall issue the person a written 31497
warning explaining the provisions of section 4511.204 of the 31498
Revised Code, as amended by this act. The written warning may 31499
notify the person of the specific date after the interim period 31500
when law enforcement officers are authorized to begin issuing 31501
tickets, citations, and summons for violations of section 31502
4511.204 of the Revised Code, as amended by this act. 31503

(C) After the interim period, a law enforcement officer 31504
may issue a ticket, citation, or summons for a violation of 31505
section 4511.204 of the Revised Code, as amended by this act. 31506

Section 5. That sections 3301.221, 3313.60, and 3319.073 31507
be amended and sections 3314.0310 and 3326.091 of the Revised 31508
Code be enacted to read as follows: 31509

Sec. 3301.221. (A) As used in this section and section 31510
3313.60 of the Revised Code, "evidence-based" means a program or 31511
practice that does either of the following: 31512

(1) Demonstrates a rationale based on high-quality 31513

research findings or positive evaluation that such a program or 31514
practice is likely to improve relevant outcomes and includes 31515
ongoing efforts to examine the effects of the program or 31516
practice; 31517

(2) Has a statistically significant effect on relevant 31518
outcomes based on: 31519

(a) Strong evidence from at least one well-designed and 31520
well-implemented experimental study; 31521

(b) Moderate evidence from at least one well-designed and 31522
well-implemented quasi-experimental study; or 31523

(c) Promising evidence from at least one well-designed and 31524
well-implemented correlation study with statistical controls for 31525
selection bias. 31526

(B) The department of education, in consultation with the 31527
department of public safety and the department of mental health 31528
and addiction services, shall maintain a list of approved 31529
training programs, to be posted on the department of education's 31530
web site, for instruction in suicide awareness and prevention 31531
and violence prevention as prescribed under division (A) (5) (h) 31532
of section 3313.60 and division (D) of section 3319.073 of the 31533
Revised Code. The list of approved training programs shall 31534
include at least one option that is free or of no cost to 31535
schools. The approved training programs shall be evidence-based 31536
and include the following: 31537

(1) How to instruct school personnel to identify the signs 31538
and symptoms of depression, suicide, and self-harm in students; 31539

(2) How to instruct students to identify the signs and 31540
symptoms of depression, suicide, and self-harm in their peers; 31541

(3) How to identify appropriate mental health services within schools and within larger communities, and when and how to refer youth and their families to those services;	31542 31543 31544
(4) How to teach students about mental health and depression, warning signs of suicide, and the importance of and processes for seeking help on behalf of self and peers and reporting of these behaviors;	31545 31546 31547 31548
(5) How to identify observable warning signs and signals of individuals who may be a threat to themselves or others;	31549 31550
(6) The importance of taking threats seriously and seeking help;	31551 31552
(7) How students can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the district's chosen anonymous reporting program.	31553 31554 31555
(C) The department of education, in consultation with the department of mental health and addiction services, shall maintain a list of approved training programs, to be posted on the department of education's web site, for instruction in social inclusion as prescribed by division (A) (5) (i) <u>(A) (5) (j)</u> of section 3313.60 of the Revised Code. The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following:	31556 31557 31558 31559 31560 31561 31562 31563 31564
(1) What social isolation is and how to identify it in others;	31565 31566
(2) What social inclusion is and the importance of establishing connections with peers;	31567 31568
(3) When and how to seek help for peers who may be	31569

socially isolated; 31570

(4) How to utilize strategies for more social inclusion in 31571
classrooms and the school community. 31572

Sec. 3313.60. Notwithstanding division (D) of section 31573
3311.52 of the Revised Code, divisions (A) to (E) of this 31574
section do not apply to any cooperative education school 31575
district established pursuant to divisions (A) to (C) of section 31576
3311.52 of the Revised Code. 31577

(A) The board of education of each city, exempted village, 31578
and local school district and the board of each cooperative 31579
education school district established, pursuant to section 31580
3311.521 of the Revised Code, shall prescribe a curriculum for 31581
all schools under its control. Except as provided in division 31582
(E) of this section, in any such curriculum there shall be 31583
included the study of the following subjects: 31584

(1) The language arts, including reading, writing, 31585
spelling, oral and written English, and literature; 31586

(2) Geography, the history of the United States and of 31587
Ohio, and national, state, and local government in the United 31588
States, including a balanced presentation of the relevant 31589
contributions to society of men and women of African, Mexican, 31590
Puerto Rican, and American Indian descent as well as other 31591
ethnic and racial groups in Ohio and the United States; 31592

(3) Mathematics; 31593

(4) Natural science, including instruction in the 31594
conservation of natural resources; 31595

(5) Health education, which shall include instruction in: 31596

(a) The nutritive value of foods, including natural and 31597

organically produced foods, the relation of nutrition to health, 31598
and the use and effects of food additives; 31599

(b) The harmful effects of and legal restrictions against 31600
the use of drugs of abuse, alcoholic beverages, and tobacco, 31601
including electronic smoking devices; 31602

(c) Venereal disease education, except that upon written 31603
request of the student's parent or guardian, a student shall be 31604
excused from taking instruction in venereal disease education; 31605

(d) In grades kindergarten through six, annual 31606
developmentally appropriate instruction in child sexual abuse 31607
prevention, including information on available counseling and 31608
resources for children who are sexually abused. Such instruction 31609
and information provided shall not be connected in any way to 31610
any individual, entity, or organization that provides, promotes, 31611
counsels, or makes referrals for abortion or abortion-related 31612
services. Upon written request of the student's parent or 31613
guardian, a student shall be excused from taking instruction in 31614
child sexual abuse prevention; 31615

(e) In grades kindergarten through six, instruction in 31616
personal safety and assault prevention, except that upon written 31617
request of the student's parent or guardian, a student shall be 31618
excused from taking instruction in personal safety and assault 31619
prevention; 31620

~~(e)~~ (f) In grades seven through twelve, ~~age-appropriate~~ 31621
developmentally appropriate instruction in dating violence 31622
prevention education and sexual violence prevention education, 31623
which shall include instruction in recognizing dating violence 31624
warning signs and characteristics of healthy relationships, 31625
except that upon written request of the student's parent or 31626

guardian a student shall be excused from taking instruction in 31627
sexual violence prevention. 31628

In order to assist school districts in developing a dating 31629
violence prevention education and sexual violence prevention 31630
education curriculum, the department of education shall provide 31631
on its web site links to free curricula addressing dating 31632
violence prevention and sexual violence prevention education. 31633
Such instruction and information shall not be connected in any 31634
way to any individual, entity, or organization that provides, 31635
promotes, counsels, or makes referrals for abortion or abortion- 31636
related services. 31637

Each school district shall notify the parents and legal 31638
guardians of students who receive instruction related to child 31639
sexual abuse prevention and sexual violence prevention, as 31640
described under divisions (A)(5)(d) and (f) of this section, of 31641
all of the following: 31642

(i) That instruction in child sexual abuse prevention and 31643
sexual violence prevention is a required part of the district's 31644
curriculum; 31645

(ii) That upon request, parents and legal guardians may 31646
examine such instructional materials in accordance with this 31647
section; 31648

(iii) That upon written request of the student's parent or 31649
guardian, a student shall be excused from taking instruction in 31650
child sexual abuse prevention and sexual violence prevention. 31651

If the parent or legal guardian of a student less than 31652
eighteen years of age submits to the principal of the student's 31653
school a written request to examine the dating violence 31654
prevention and sexual violence prevention instruction materials 31655

used at that school, the principal, within ~~a reasonable period~~ 31656
~~of time~~ forty-eight hours after the request is made, shall allow 31657
the parent or guardian to examine those materials at that 31658
school. 31659

~~(f)~~ (g) Prescription opioid abuse prevention, with an 31660
emphasis on the prescription drug epidemic and the connection 31661
between prescription opioid abuse and addiction to other drugs, 31662
such as heroin; 31663

~~(g)~~ (h) The process of making an anatomical gift under 31664
Chapter 2108. of the Revised Code, with an emphasis on the life- 31665
saving and life-enhancing effects of organ and tissue donation; 31666

~~(h)~~ (i) Beginning with the first day of the next school 31667
year that begins at least two years after March 24, 2021, in 31668
grades six through twelve, at least one hour or one standard 31669
class period per school year of evidence-based suicide awareness 31670
and prevention and at least one hour or one standard class 31671
period per school year of safety training and violence 31672
prevention, except that upon written request of the student's 31673
parent or guardian, a student shall be excused from taking 31674
instruction in suicide awareness and prevention or safety 31675
training and violence prevention; 31676

~~(i)~~ (j) Beginning with the first day of the next school 31677
year that begins at least two years after March 24, 2021, in 31678
grades six through twelve, at least one hour or one standard 31679
class period per school year of evidence-based social inclusion 31680
instruction, except that upon written request of the student's 31681
parent or guardian, a student shall be excused from taking 31682
instruction in social inclusion. 31683

For the instruction required under divisions ~~(A) (5) (h)~~ (A) 31684

(5) (i) and ~~(i)–(j)~~ of this section, the board shall use a 31685
training program approved by the department of education under 31686
section 3301.221 of the Revised Code. 31687

Schools may use student assemblies, digital learning, and 31688
homework to satisfy the instruction requirements under divisions 31689
~~(A) (5) (h)~~–(A) (5) (i) and ~~(i)–(j)~~ of this section. 31690

(6) Physical education; 31691

(7) The fine arts, including music; 31692

(8) First aid, including a training program in 31693
cardiopulmonary resuscitation, which shall comply with section 31694
3313.6021 of the Revised Code when offered in any of grades nine 31695
through twelve, safety, and fire prevention. However, upon 31696
written request of the student's parent or guardian, a student 31697
shall be excused from taking instruction in cardiopulmonary 31698
resuscitation. 31699

(B) Except as provided in division (E) of this section, 31700
every school or school district shall include in the 31701
requirements for promotion from the eighth grade to the ninth 31702
grade one year's course of study of American history. A board 31703
may waive this requirement for academically accelerated students 31704
who, in accordance with procedures adopted by the board, are 31705
able to demonstrate mastery of essential concepts and skills of 31706
the eighth grade American history course of study. 31707

(C) As specified in divisions (B) (6) and (C) (6) of section 31708
3313.603 of the Revised Code, except as provided in division (E) 31709
of this section, every high school shall include in the 31710
requirements for graduation from any curriculum one-half unit 31711
each of American history and government. 31712

(D) Except as provided in division (E) of this section, 31713

basic instruction or demonstrated mastery in geography, United 31714
States history, the government of the United States, the 31715
government of the state of Ohio, local government in Ohio, the 31716
Declaration of Independence, the United States Constitution, and 31717
the Constitution of the state of Ohio shall be required before 31718
pupils may participate in courses involving the study of social 31719
problems, economics, foreign affairs, United Nations, world 31720
government, socialism, and communism. 31721

(E) For each cooperative education school district 31722
established pursuant to section 3311.521 of the Revised Code and 31723
each city, exempted village, and local school district that has 31724
territory within such a cooperative district, the curriculum 31725
adopted pursuant to divisions (A) to (D) of this section shall 31726
only include the study of the subjects that apply to the grades 31727
operated by each such school district. The curricula for such 31728
schools, when combined, shall provide to each student of these 31729
districts all of the subjects required under divisions (A) to 31730
(D) of this section. 31731

(F) The board of education of any cooperative education 31732
school district established pursuant to divisions (A) to (C) of 31733
section 3311.52 of the Revised Code shall prescribe a curriculum 31734
for the subject areas and grade levels offered in any school 31735
under its control. 31736

(G) Upon the request of any parent or legal guardian of a 31737
student, the board of education of any school district shall 31738
permit the parent or guardian to promptly examine, with respect 31739
to the parent's or guardian's own child: 31740

(1) Any survey or questionnaire, prior to its 31741
administration to the child; 31742

(2) Any textbook, workbook, software, video, or other 31743
instructional materials being used by the district in connection 31744
with the instruction of the child; 31745

(3) Any completed and graded test taken or survey or 31746
questionnaire filled out by the child; 31747

(4) Copies of the statewide academic standards and each 31748
model curriculum developed pursuant to section 3301.079 of the 31749
Revised Code, which copies shall be available at all times 31750
during school hours in each district school building. 31751

Sec. 3314.0310. (A) If a community school serves students 31752
in any of grades kindergarten through six, the school's 31753
curriculum for those grades shall include annual developmentally 31754
appropriate instruction in child sexual abuse prevention, 31755
including information on available counseling and resources for 31756
children who are sexually abused. Such instruction and 31757
information provided shall not be connected in any way to any 31758
individual, entity, or organization that provides, promotes, 31759
counsels, or makes referrals for abortion or abortion-related 31760
services. Upon written request of the student's parent or 31761
guardian, a student shall be excused from taking instruction in 31762
child sexual abuse prevention. 31763

(B) (1) If a community school serves students in any of 31764
grades seven through twelve, the school's curriculum for those 31765
grades shall include developmentally appropriate instruction in 31766
sexual violence prevention education, except that upon written 31767
request of the student's parent or guardian a student shall be 31768
excused from taking instruction in sexual violence prevention. 31769

(2) If the parent or legal guardian of a student less than 31770
eighteen years of age who is attending a community school 31771

submits to the principal of the student's school a written 31772
request to examine the sexual violence prevention education 31773
instruction materials used at that school, the principal, within 31774
forty-eight hours after the request is made, shall allow the 31775
parent or guardian to examine those materials at that school. 31776

(3) Each community school shall notify the parents and 31777
legal guardians of students who receive instruction related to 31778
child sexual abuse prevention and sexual violence prevention, as 31779
described in divisions (A) and (B)(1) of this section, of all of 31780
the following: 31781

(a) That instruction related to child sexual abuse 31782
prevention and sexual violence prevention is a required part of 31783
the school's curriculum; 31784

(b) That upon request, parents and legal guardians may 31785
examine such instructional materials in accordance with division 31786
(B)(2) of this section; 31787

(c) That upon written request of the student's parent or 31788
guardian, a student shall be excused from taking instruction in 31789
child sexual abuse prevention and sexual violence prevention. 31790

Sec. 3319.073. (A) The board of education of each city and 31791
exempted village school district and the governing board of each 31792
educational service center shall adopt or adapt the curriculum 31793
developed by the department of education for, or shall develop 31794
in consultation with public or private agencies or persons 31795
involved in child abuse prevention or intervention programs, a 31796
program of in-service training in the prevention of child abuse, 31797
violence, and substance abuse and the promotion of positive 31798
youth development. Each person employed by any school district 31799
or service center to work in a school as a nurse, teacher, 31800

counselor, school psychologist, or administrator shall complete 31801
at least four hours of the in-service training within two years 31802
of commencing employment with the district or center, and every 31803
five years thereafter. A person who is employed by any school 31804
district or service center to work in an elementary school as a 31805
nurse, teacher, counselor, school psychologist, or administrator 31806
on March 30, 2007, shall complete at least four hours of the in- 31807
service training not later than March 30, 2009, and every five 31808
years thereafter. A person who is employed by any school 31809
district or service center to work in a middle or high school as 31810
a nurse, teacher, counselor, school psychologist, or 31811
administrator on October 16, 2009, shall complete at least four 31812
hours of the in-service training not later than October 16, 31813
2011, and every five years thereafter. 31814

(B) Each board shall incorporate training in school safety 31815
and violence prevention, including human trafficking content, 31816
into the in-service training required by division (A) of this 31817
section. For this purpose, the board shall adopt or adapt the 31818
curriculum developed by the department or shall develop its own 31819
curriculum in consultation with public or private agencies or 31820
persons involved in school safety and violence prevention 31821
programs. 31822

(C) Each board shall incorporate training on the board's 31823
harassment, intimidation, or bullying policy adopted under 31824
section 3313.666 of the Revised Code into the in-service 31825
training required by division (A) of this section. Each board 31826
also shall incorporate training in the prevention of dating 31827
violence into the in-service training required by that division 31828
for middle and high school employees. The board shall develop 31829
its own curricula for these purposes. 31830

(D) Each board shall incorporate training in youth suicide awareness and prevention into the in-service training required by division (A) of this section for each person employed by a school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator, and any other personnel that the board determines appropriate. The board shall require each such person to undergo training in youth suicide awareness and prevention programs once every two years. For this purpose, the board shall adopt or adapt the curriculum developed by the department under section 3301.221 of the Revised Code or shall develop its own curriculum in consultation with public or private agencies or persons involved in youth suicide awareness and prevention programs.

The training completed under this division shall count toward the satisfaction of requirements for professional development required by the school district or service center board, and the training may be accomplished through self-review of suitable suicide prevention materials approved by the board.

(E) Each board shall incorporate training on child sexual abuse into the in-service training required by division (A) of this section. The training completed under this division shall count toward the satisfaction of requirements for professional development required by the school district or service center board. Any training provided under this section shall be presented by either of the following who have experience in handling cases involving child sexual abuse or child sexual violence:

(1) Law enforcement officers;

(2) Prosecutors.

Sec. 3326.091. (A) If a STEM school serves students in any 31860
of grades kindergarten through six, the school's curriculum for 31861
that grade shall include annual developmentally appropriate 31862
instruction in child sexual abuse prevention, including 31863
information on available counseling and resources for children 31864
who are sexually abused. Such instruction and information 31865
provided shall not be connected in any way to any individual, 31866
entity, or organization that provides, promotes, counsels, or 31867
makes referrals for abortion or abortion-related services. Upon 31868
written request of the student's parent or guardian, a student 31869
shall be excused from taking instruction in child sexual abuse 31870
prevention. 31871

(B) (1) If a STEM school serves students in any of grades 31872
seven through twelve, the school's curriculum for those grades 31873
shall include developmentally appropriate instruction in sexual 31874
violence prevention education, except that upon written request 31875
of the student's parent or guardian a student shall be excused 31876
from taking instruction in sexual violence prevention. 31877

(2) If the parent or legal guardian of a student less than 31878
eighteen years of age who is attending a STEM school submits to 31879
the principal of the student's school a written request to 31880
examine the sexual violence prevention education instruction 31881
materials used at that school, the principal, within forty-eight 31882
hours after the request is made, shall allow the parent or 31883
guardian to examine those materials at that school. 31884

(3) Each STEM school shall notify the parents and legal 31885
guardians of students who receive instruction related to child 31886
sexual abuse prevention and sexual violence prevention, as 31887
described under divisions (A) and (B) (1) of this section, of all 31888
of the following: 31889

(a) That instruction related to child sexual abuse prevention and sexual violence prevention is a required part of the school's curriculum; 31890
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(b) That upon request, parents and legal guardians may examine such instructional materials in accordance with division (B) (2) of this section; 31893
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(c) That upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention and sexual violence prevention. 31896
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Section 6. That existing sections 3301.221, 3313.60, and 3319.073 of the Revised Code are hereby repealed. 31899
31900

Section 7. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act: 31901
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Section 109.42 of the Revised Code as amended by both H.B. 1 and S.B. 201 of the 132nd General Assembly. 31909
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Section 109.71 of the Revised Code as amended by H.B. 49, H.B. 79, and S.B. 229, all of the 132nd General Assembly. 31911
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Section 109.73 of the Revised Code as amended by both H.B. 24 and S.B. 68 of the 133rd General Assembly. 31913
31914

Section 2907.05 of the Revised Code as amended by both S.B. 201 and S.B. 229 of the 132nd General Assembly. 31915
31916

Section 2923.1213 of the Revised Code as amended by both 31917

H.B. 234 and S.B. 43 of the 130th General Assembly.	31918
Section 2925.11 of the Revised Code as amended by S.B. 1,	31919
S.B. 201, and S.B. 229, all of the 132nd General Assembly.	31920
Section 2929.01 of the Revised Code as amended by H.B. 66	31921
and H.B. 431, both of the 133rd General Assembly.	31922
Section 2929.14 of the Revised Code as amended by both	31923
H.B. 136 and S.B. 256 of the 133rd General Assembly.	31924
Section 2953.32 of the Revised Code as amended by H.B. 1,	31925
H.B. 431, and S.B. 10, all of the 133rd General Assembly.	31926
Section 2967.193 of the Revised Code as amended by both	31927
S.B. 145 and S.B. 201 of the 132nd General Assembly.	31928
Section 4301.69 of the Revised Code as amended by both	31929
H.B. 137 and S.B. 131 of the 126th General Assembly.	31930
Section 4723.28 of the Revised Code as amended by both	31931
H.B. 203 and H.B. 263 of the 133rd General Assembly.	31932
Section 4730.25 of the Revised Code as amended by both	31933
H.B. 203 and H.B. 263 both of the 133rd General Assembly.	31934
Section 4734.31 of the Revised Code as amended by H.B.	31935
151, H.B. 263, and H.B. 442, all of the 133rd General Assembly.	31936