

**As Passed by the Senate
Corrected Version**

**124th General Assembly
Regular Session
2001-2002**

Am. Sub. H. B. No. 17

**REPRESENTATIVES Willamowski, Hartnett, Flowers, Jerse, Setzer, Redfern,
Williams, Allen, Lendrum, Calvert, Hagan, Buehrer, Schaffer, Jolivette, Gilb,
Cates, Webster, Coates, Grendell, Schmidt, Roman, Flannery, White, Perry,
Collier, Clancy, Carmichael, Brown, Oakar, DeBose
SENATOR Oelslager**

A B I L L

To amend sections 2151.358, 2953.52, 2953.53, 1
4301.638, 4301.69, and 4301.99 and to repeal 2
section 4301.632 of the Revised Code to generally 3
prohibit an underage person from being under the 4
influence of beer or intoxicating liquor, to revise 5
the prohibitions regarding an underage person 6
ordering, paying for, sharing the cost of, 7
attempting to purchase, or consuming or possessing 8
beer or intoxicating liquor, and to provide a 9
diversion program for persons charged with 10
violating these prohibitions. 11

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

Section 1. That sections 2151.358, 2953.52, 2953.53, 12
4301.638, 4301.69, and 4301.99 of the Revised Code be amended to 13
read as follows:

Sec. 2151.358. (A) As used in this section, "seal a record" 14

means to remove a record from the main file of similar records and 15
to secure it in a separate file that contains only sealed records 16
and that is accessible only to the juvenile court. A record that 17
is sealed shall be destroyed by all persons and governmental 18
bodies except the juvenile court. 19

(B) The department of youth services and any other 20
institution or facility that unconditionally discharges a person 21
who has been adjudicated a delinquent child, an unruly child, or a 22
juvenile traffic offender shall immediately give notice of the 23
discharge to the court that committed the person. The court shall 24
note the date of discharge on a separate record of discharges of 25
those natures. 26

(C)(1)(a) Two years after the termination of any order made 27
by the court or two years after the unconditional discharge of a 28
person from the department of youth services or another 29
institution or facility to which the person may have been 30
committed, the court that issued the order or committed the person 31
shall do whichever of the following is applicable: 32

(i) If the person was adjudicated an unruly child, order the 33
record of the person sealed; 34

(ii) If the person was adjudicated a delinquent child for 35
committing an act other than a violation of section 2903.01, 36
2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or was 37
adjudicated a juvenile traffic offender, either order the record 38
of the person sealed or send the person notice of the person's 39
right to have that record sealed. 40

(b) Division (C)(1)(a) of this section does not apply 41
regarding a person who was adjudicated a delinquent child for 42
committing a violation of section 2903.01, 2903.02, 2907.02, 43
2907.03, or 2907.05 of the Revised Code. 44

(2) The court shall send the notice described in division 45

(C)(1)(a)(ii) of this section within ninety days after the expiration of the two-year period described in division (C)(1)(a) of this section by certified mail, return receipt requested, to the person's last known address. The notice shall state that the person may apply to the court for an order to seal the person's record, explain what sealing a record means, and explain the possible consequences of not having the person's record sealed.

46
47
48
49
50
51
52

(D)(1) At any time after the two-year period described in division (C)(1)(a) of this section has elapsed, any person who has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or who has been adjudicated a juvenile traffic offender may apply to the court for an order to seal the person's record. The court shall hold a hearing on each application within sixty days after the application is received. Notice of the hearing on the application shall be given to the prosecuting attorney and to any other public office or agency known to have a record of the prior adjudication. If the court finds that the rehabilitation of the person who was adjudicated a delinquent child or a juvenile traffic offender has been attained to a satisfactory degree, the court may order the record of the person sealed.

53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

(2) Division (D)(1) of this section does not apply regarding a person who was adjudicated a delinquent child for committing a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code.

68
69
70
71

(3) If a child who was charged with violating division (E)(1) of section 4301.69 of the Revised Code successfully completes a diversion program under division (E)(2)(a) of section 4301.69 of the Revised Code with respect to that charge, the court shall order the person's record in that case sealed.

72
73
74
75
76

(E)(1) If the court orders the adjudication record or other

77

record of a person sealed pursuant to division (C) or (D) of this 78
section, the court, except as provided in division (K) of this 79
section, shall order that the proceedings in the case in which the 80
person was adjudicated a juvenile traffic offender, a delinquent 81
child, or an unruly child, or in which the person was the subject 82
of a complaint alleging the person to have violated division 83
(E)(1) of section 4301.69 of the Revised Code, be deemed never to 84
have occurred. Except as provided in division (G)(2) of this 85
section, all index references to the case and the person shall be 86
deleted, and the person and the court properly may reply that no 87
record exists with respect to the person upon any inquiry in the 88
matter. 89

(2) Inspection of records that have been ordered sealed under 90
division (E)(1) of this section may be made only by the following 91
persons or for the following purposes: 92

(a) If the records in question pertain to an act that would 93
be an offense of violence that would be a felony if committed by 94
an adult, by any law enforcement officer or any prosecutor, or the 95
assistants of a law enforcement officer or prosecutor, for any 96
valid law enforcement or prosecutorial purpose; 97

(b) Upon application by the person who is the subject of the 98
sealed records, by the persons that are named in that application; 99

(c) If the records in question pertain to an alleged 100
violation of division (E)(1) of section 4301.69 of the Revised 101
Code, by any law enforcement officer or any prosecutor, or the 102
assistants of a law enforcement officer or prosecutor, for the 103
purpose of determining whether the person is eligible for 104
diversion under division (E)(2) of section 4301.69 of the Revised 105
Code. 106

(F) Any person who has been arrested and charged with being a 107
delinquent child or a juvenile traffic offender and who is 108
adjudicated not guilty of the charges in the case or has the 109

charges in the case dismissed may apply to the court for an
expungement of the record in the case. The application may be
filed at any time after the person is adjudicated not guilty or
the charges against the person are dismissed. The court shall give
notice to the prosecuting attorney of any hearing on the
application. The court may initiate the expungement proceedings on
its own motion.

110
111
112
113
114
115
116

Any person who has been arrested and charged with being an
unruly child and who is adjudicated not guilty of the charges in
the case or has the charges in the case dismissed may apply to the
court for an expungement of the record in the case. The court
shall initiate the expungement proceedings on its own motion if an
application for expungement is not filed.

117
118
119
120
121
122

If the court upon receipt of an application for expungement
or upon its own motion determines that the charges against any
person in any case were dismissed or that any person was
adjudicated not guilty in any case, the court shall order that the
records of the case be expunged and that the proceedings in the
case be deemed never to have occurred. If the applicant for the
expungement order, with the written consent of the applicant's
parents or guardian if the applicant is a minor and with the
written approval of the court, waives in writing the applicant's
right to bring any civil action based on the arrest for which the
expungement order is applied, the court shall order the
appropriate persons and governmental agencies to delete all index
references to the case; destroy or delete all court records of the
case; destroy all copies of any pictures and fingerprints taken of
the person pursuant to the expunged arrest; and destroy, erase, or
delete any reference to the arrest that is maintained by the state
or any political subdivision of the state, except a record of the
arrest that is maintained for compiling statistical data and that
does not contain any reference to the person.

123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141

If the applicant for an expungement order does not waive in writing the right to bring any civil action based on the arrest for which the expungement order is applied, the court, in addition to ordering the deletion, destruction, or erasure of all index references and court records of the case and of all references to the arrest that are maintained by the state or any political subdivision of the state, shall order that a copy of all records of the case, except fingerprints held by the court or a law enforcement agency, be delivered to the court. The court shall seal all of the records delivered to the court in a separate file in which only sealed records are maintained. The sealed records shall be kept by the court until the statute of limitations expires for any civil action based on the arrest, any pending litigation based on the arrest is terminated, or the applicant files a written waiver of the right to bring a civil action based on the arrest. After the expiration of the statute of limitations, the termination of the pending litigation, or the filing of the waiver, the court shall destroy the sealed records.

After the expungement order has been issued, the court shall, and the person may properly, reply that no record of the case with respect to the person exists.

(G)(1) The court shall send notice of the order to expunge or seal to any public office or agency that the court has reason to believe may have a record of the expunged or sealed record. Except as provided in division (K) of this section, an order to seal or expunge under this section applies to every public office or agency that has a record of the prior adjudication or arrest, regardless of whether it receives notice of the hearing on the expungement or sealing of the record or a copy of the order to expunge or seal the record. Except as provided in division (K) of this section, upon the written request of a person whose record has been expunged and the presentation of a copy of the order to

expunge, a public office or agency shall destroy its record of the
prior adjudication or arrest, except a record of the adjudication
or arrest that is maintained for compiling statistical data and
that does not contain any reference to the person who is the
subject of the order to expunge.

(2) The person, or the public office or agency, that
maintains sealed records pertaining to an adjudication of a child
as a delinquent child may maintain a manual or computerized index
to the sealed records. The index shall contain only the name of,
and alphanumeric identifiers that relate to, the persons who are
the subject of the sealed records, the word "sealed," and the name
of the person, or the public office or agency that has custody of
the sealed records and shall not contain the name of the
delinquent act committed. The person who has custody of the sealed
records shall make the index available only for the purposes set
forth in divisions (E)(2) and (H) of this section.

(H) The judgment rendered by the court under this chapter
shall not impose any of the civil disabilities ordinarily imposed
by conviction of a crime in that the child is not a criminal by
reason of the adjudication and no child shall be charged with or
convicted of a crime in any court except as provided by this
chapter. The disposition of a child under the judgment rendered or
any evidence given in court shall not operate to disqualify a
child in any future civil service examination, appointment, or
application. Evidence of a judgment rendered and the disposition
of a child under the judgment is not admissible to impeach the
credibility of the child in any action or proceeding. Otherwise,
the disposition of a child under the judgment rendered or any
evidence given in court is admissible as evidence for or against
the child in any action or proceeding in any court in accordance
with the Rules of Evidence and also may be considered by any court
as to the matter of sentence or to the granting of probation, and

174
175
176
177
178

179
180
181
182
183
184
185
186
187
188
189

190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205

a court may consider the judgment rendered and the disposition of
a child under that judgment for purposes of determining whether
the child, for a future criminal conviction or guilty plea, is a
repeat violent offender, as defined in section 2929.01 of the
Revised Code.

206
207
208
209
210

(I) In any application for employment, license, or other
right or privilege, any appearance as a witness, or any other
inquiry, a person may not be questioned with respect to any arrest
for which the records were expunged. If an inquiry is made in
violation of this division, the person may respond as if the
expunged arrest did not occur, and the person shall not be subject
to any adverse action because of the arrest or the response.

211
212
213
214
215
216
217

(J) An officer or employee of the state or any of its
political subdivisions who knowingly releases, disseminates, or
makes available for any purpose involving employment, bonding,
licensing, or education to any person or to any department,
agency, or other instrumentality of the state or of any of its
political subdivisions any information or other data concerning
any arrest, complaint, indictment, information, trial, hearing,
adjudication, or correctional supervision, the records of which
have been expunged or sealed pursuant to this section and the
release, dissemination, or making available of which is not
expressly permitted by this section, is guilty of divulging
confidential information, a misdemeanor of the fourth degree.

218
219
220
221
222
223
224
225
226
227
228
229

(K) Notwithstanding any provision of this section that
requires otherwise, a board of education of a city, local,
exempted village, or joint vocational school district that
maintains records of an individual who has been permanently
excluded under sections 3301.121 and 3313.662 of the Revised Code
is permitted to maintain records regarding an adjudication that
the individual is a delinquent child that was used as the basis
for the individual's permanent exclusion, regardless of a court

230
231
232
233
234
235
236
237

order to seal the record. An order issued under this section to
seal the record of an adjudication that an individual is a
delinquent child does not revoke the adjudication order of the
superintendent of public instruction to permanently exclude the
individual who is the subject of the sealing order. An order
issued under this section to seal the record of an adjudication
that an individual is a delinquent child may be presented to a
district superintendent as evidence to support the contention that
the superintendent should recommend that the permanent exclusion
of the individual who is the subject of the sealing order be
revoked. Except as otherwise authorized by this division and
sections 3301.121 and 3313.662 of the Revised Code, any school
employee in possession of or having access to the sealed
adjudication records of an individual that were the basis of a
permanent exclusion of the individual is subject to division (J)
of this section.

238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253

Sec. 2953.52. (A)(1) Any person, who is found not guilty of
an offense by a jury or a court or who is the defendant named in a
dismissed complaint, indictment, or information, may apply to the
court for an order to seal his official records in the case.
Except as provided in section 2953.61 of the Revised Code, the
application may be filed at any time after the finding of not
guilty or the dismissal of the complaint, indictment, or
information is entered upon the minutes of the court or the
journal, whichever entry occurs first.

254
255
256
257
258
259
260
261
262

(2) Any person, against whom a no bill is entered by a grand
jury, may apply to the court for an order to seal his official
records in the case. Except as provided in section 2953.61 of the
Revised Code, the application may be filed at any time after the
expiration of two years after the date on which the foreman or
deputy foreman of the grand jury reports to the court that the
grand jury has reported a no bill.

263
264
265
266
267
268
269

(B)(1) Upon the filing of an application pursuant to division 270
(A) of this section, the court shall set a date for a hearing and 271
shall notify the prosecutor in the case of the hearing on the 272
application. The prosecutor may object to the granting of the 273
application by filing an objection with the court prior to the 274
date set for the hearing. The prosecutor shall specify in the 275
objection the reasons he believes justify a denial of the 276
application. 277

(2) The court shall do each of the following: 278

(a) Determine whether the person was found not guilty in the 279
case, or the complaint, indictment, or information in the case was 280
dismissed, or a no bill was returned in the case and a period of 281
two years or a longer period as required by section 2953.61 of the 282
Revised Code has expired from the date of the report to the court 283
of that no bill by the foreman or deputy foreman of the grand 284
jury; 285

(b) Determine whether criminal proceedings are pending 286
against the person; 287

(c) If the prosecutor has filed an objection in accordance 288
with division (B)(1) of this section, consider the reasons against 289
granting the application specified by the prosecutor in the 290
objection; 291

(d) Weigh the interests of the person in having the official 292
records pertaining to the case sealed against the legitimate 293
needs, if any, of the government to maintain those records. 294

(3) If the court determines, after complying with division 295
(B)(2) of this section, that the person was found not guilty in 296
the case, that the complaint, indictment, or information in the 297
case was dismissed, or that a no bill was returned in the case and 298
that the appropriate period of time has expired from the date of 299
the report to the court of the no bill by the foreman or deputy 300

foreman of the grand jury; that no criminal proceedings are
pending against the person; and the interests of the person in
having the records pertaining to the case sealed are not
outweighed by any legitimate governmental needs to maintain such
records, or if division (E)(2)(b) of section 4301.69 of the
Revised Code applies, the court shall issue an order directing
that all official records pertaining to the case be sealed and
that, except as provided in section 2953.53 of the Revised Code,
the proceedings in the case be deemed not to have occurred.

Sec. 2953.53. (A) The court shall send notice of any order to
seal official records issued pursuant to section 2953.52 of the
Revised Code to any public office or agency that the court knows
or has reason to believe may have any record of the case, whether
or not it is an official record, that is the subject of the order.
The notice shall be sent by certified mail, return receipt
requested.

(B) A person whose official records have been sealed pursuant
to an order issued pursuant to section 2953.52 of the Revised Code
may present a copy of that order and a written request to comply
with it, to a public office or agency that has a record of the
case that is the subject of the order.

(C) An order to seal official records issued pursuant to
section 2953.52 of the Revised Code applies to every public office
or agency that has a record of the case that is the subject of the
order, regardless of whether it receives notice of the hearing on
the application for the order to seal the official records or
receives a copy of the order to seal the official records pursuant
to division (A) or (B) of this section.

(D) Upon receiving a copy of an order to seal official
records pursuant to division (A) or (B) of this section or upon
otherwise becoming aware of an applicable order to seal official

records issued pursuant to section 2953.52 of the Revised Code, a
public office or agency shall comply with the order and, if
applicable, with the provisions of section 2953.54 of the Revised
Code, except that it may maintain a record of the case that is the
subject of the order if the record is maintained for the purpose
of compiling statistical data only and does not contain any
reference to the person who is the subject of the case and the
order.

A public office or agency also may maintain an index of
sealed official records, in a form similar to that for sealed
records of conviction as set forth in division (F) of section
2953.32 of the Revised Code, access to which may not be afforded
to any person other than the person who has custody of the sealed
official records. The sealed official records to which such an
index pertains shall not be available to any person, except that
the official records of a case that have been sealed may be made
available to the following persons for the following purposes:

(1) To the person who is the subject of the records upon
written application, and to any other person named in the
application, for any purpose;

(2) To a law enforcement officer who was involved in the
case, for use in the officer's defense of a civil action arising
out of the officer's involvement in that case;

(3) To a prosecuting attorney or ~~his~~ 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;

(4) To a prosecuting attorney or the prosecuting attorney's
assistants to determine a defendant's eligibility to enter a
pre-trial diversion program under division (E)(2)(b) of section
4301.69 of the Revised Code.

332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362

Sec. 4301.638. Sections ~~4301.632~~ 4301.633 to 4301.637 of the Revised Code shall not be deemed to modify or affect division (A) of section 4301.22 or section 4301.69 of the Revised Code.

Sec. 4301.69. (A) Except as otherwise provided in this chapter, no person shall sell beer or intoxicating liquor to an underage person, shall buy beer or intoxicating liquor for an underage person, or shall furnish it to an underage person, unless given by a physician in the regular line of the physician's practice or given for established religious purposes or unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian.

In proceedings before the liquor control commission, no permit holder, or the employee or agent of a permit holder, charged with a violation of this division shall be charged, for the same offense, with a violation of division (A)(1) of section 4301.22 of the Revised Code.

(B) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(C) No person shall engage or use accommodations at a hotel,

inn, cabin, campground, or restaurant when the person knows or has
reason to know either of the following:

(1) That beer or intoxicating liquor will be consumed by an
underage person on the premises of the accommodations that the
person engages or uses, unless the person engaging or using the
accommodations is the spouse of the underage person and who is not
an underage person, or is the parent or legal guardian of all of
the underage persons, who consume beer or intoxicating liquor on
the premises and that person is on the premises at all times when
beer or intoxicating liquor is being consumed by an underage
person;

(2) That a drug of abuse will be consumed on the premises of
the accommodations by any person, except a person who obtained the
drug of abuse pursuant to a prescription issued by a licensed
health professional authorized to prescribe drugs and has the drug
of abuse in the original container in which it was dispensed to
the person.

(D)(1) No person is required to permit the engagement of
accommodations at any hotel, inn, cabin, or campground by an
underage person or for an underage person, if the person engaging
the accommodations knows or has reason to know that the underage
person is intoxicated, or that the underage person possesses any
beer or intoxicating liquor and is not accompanied by a parent,
spouse who is not an underage person, or legal guardian who is or
will be present at all times when the beer or intoxicating liquor
is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to
engage accommodations at any hotel, inn, cabin, or campground by
presenting identification that falsely indicates that the underage
person is twenty-one years of age or older for the purpose of
violating this section.

(E)(1) No underage person shall knowingly order, pay for, 424
share the cost of, attempt to purchase, possess, or consume any 425
beer or intoxicating liquor, in any public or private place, 426
unless. No underage person shall knowingly be under the influence 427
of any beer or intoxicating liquor in any public place. The 428
prohibitions set forth in division (E)(1) of this section against 429
an underage person knowingly possessing, consuming, or being under 430
the influence of any beer or intoxicating liquor shall not apply 431
if the underage person is accompanied by a parent, spouse who is 432
not an underage person, or legal guardian, or unless the beer or 433
intoxicating liquor is given by a physician in the regular line of 434
the physician's practice or given for established religious 435
purposes. 436

(2)(a) If a person is charged with violating division (E)(1) 437
of this section in a complaint filed under section 2151.27 of the 438
Revised Code, the court may order the child into a diversion 439
program specified by the court and hold the complaint in abeyance 440
pending successful completion of the diversion program. A child is 441
ineligible to enter into a diversion program under division 442
(E)(2)(a) of this section if the child previously has been 443
diverted pursuant to division (E)(2)(a) of this section. If the 444
child completes the diversion program to the satisfaction of the 445
court, the court shall dismiss the complaint and order the child's 446
record in the case sealed under division (D)(3) of section 447
2151.358 of the Revised Code. If the child fails to satisfactorily 448
complete the diversion program, the court shall proceed with the 449
complaint. 450

(b) If a person is charged in a criminal complaint with 451
violating division (E)(1) of this section, section 2935.36 of the 452
Revised Code shall apply to the offense, except that a person is 453
ineligible for diversion under that section if the person 454
previously has been diverted pursuant to division (E)(2)(a) or (b) 455

of this section. If the person completes the diversion program to
the satisfaction of the court, the court shall dismiss the
complaint and order the record in the case sealed under section
2953.52 of the Revised Code. If the person fails to satisfactorily
complete the diversion program, the court shall proceed with the
complaint.

456
457
458
459
460
461

(F) No parent, spouse who is not an underage person, or legal guardian of a minor shall knowingly permit the minor to violate this section or section 4301.63, ~~4301.632~~, 4301.633, or 4301.634 of the Revised Code.

462
463
464
465

(G) The operator of any hotel, inn, cabin, or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin, or campground.

466
467
468
469

(H) As used in this section:

470

(1) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code.

471
472

(2) "Hotel" has the same meaning as in section 3731.01 of the Revised Code.

473
474

(3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

475
476
477

(4) "Minor" means a person under the age of eighteen years.

478

(5) "Underage person" means a person under the age of twenty-one years.

479
480

Sec. 4301.99. (A) Whoever violates section 4301.47, 4301.48, 4301.49, 4301.62, or 4301.70 or division (B) of section 4301.691 of the Revised Code is guilty of a minor misdemeanor.

481
482
483

(B) Whoever violates section 4301.15, division (A)(2) or (D)

484

of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) 485
of section 4301.631, or section 4301.64 or 4301.67 of the Revised 486
Code is guilty of a misdemeanor of the fourth degree. 487

If an offender who violates section 4301.64 of the Revised 488
Code was under the age of eighteen years at the time of the 489
offense, the court, in addition to any other penalties it imposes 490
upon the offender, shall suspend the offender's temporary 491
instruction permit, probationary driver's license, or driver's 492
license for a period of six months. If the offender is fifteen 493
years and six months of age or older and has not been issued a 494
temporary instruction permit or probationary driver's license, the 495
offender shall not be eligible to be issued such a license or 496
permit for a period of six months. If the offender has not 497
attained the age of fifteen years and six months, the offender 498
shall not be eligible to be issued a temporary instruction permit 499
until the offender attains the age of sixteen years. 500

(C) Whoever violates division (D) of section 4301.21, or 501
section 4301.251, 4301.58, 4301.59, 4301.60, ~~4301.632~~, 4301.633, 502
4301.66, 4301.68, or 4301.74, division (B), (C), (D), (E)(1), or 503
(F) of section 4301.69 of the Revised Code, or division (C), (D), 504
(E), (F), (G), or (I) of section 4301.691 of the Revised Code is 505
guilty of a misdemeanor of the first degree. 506

If an offender who violates division (E)(1) of section 507
~~4301.632~~ 4301.69 of the Revised Code was under the age of eighteen 508
years at the time of the offense and the offense occurred while 509
the offender was the operator of or a passenger in a motor 510
vehicle, the court, in addition to any other penalties it imposes 511
upon the offender, shall suspend the offender's temporary 512
instruction permit or probationary driver's license for a period 513
of six months. If the offender is fifteen years and six months of 514
age or older and has not been issued a temporary instruction 515
permit or probationary driver's license, the offender shall not be 516

eligible to be issued such a license or permit for a period of six 517
months. If the offender has not attained the age of fifteen years 518
and six months, the offender shall not be eligible to be issued a 519
temporary instruction permit until the offender attains the age of 520
sixteen years. 521

(D) Whoever violates division (B) of section 4301.14, or 522
division (A)(1) or (3), (B), or (C) of section 4301.22 of the 523
Revised Code is guilty of a misdemeanor of the third degree. 524

(E) Whoever violates section 4301.63 or division (B) of 525
section 4301.631 of the Revised Code shall be fined not less than 526
twenty-five nor more than one hundred dollars. The court imposing 527
a fine for a violation of section 4301.63 or division (B) of 528
section 4301.631 of the Revised Code may order that the fine be 529
paid by the performance of public work at a reasonable hourly rate 530
established by the court. The court shall designate the time 531
within which the public work shall be completed. 532

(F)(1) Whoever violates section 4301.634 of the Revised Code 533
is guilty of a misdemeanor of the first degree. If, in committing 534
a first violation of that section, the offender presented to the 535
permit holder or the permit holder's employee or agent a false, 536
fictitious, or altered identification card, a false or fictitious 537
driver's license purportedly issued by any state, or a driver's 538
license issued by any state that has been altered, the offender is 539
guilty of a misdemeanor of the first degree and shall be fined not 540
less than two hundred fifty and not more than one thousand 541
dollars, and may be sentenced to a term of imprisonment of not 542
more than six months. 543

(2) On a second violation in which, for the second time, the 544
offender presented to the permit holder or the permit holder's 545
employee or agent a false, fictitious, or altered identification 546
card, a false or fictitious driver's license purportedly issued by 547
any state, or a driver's license issued by any state that has been 548

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. The court also may
suspend the offender's driver's or commercial driver's license or
permit or nonresident operating privilege or deny the offender the
opportunity to be issued a driver's or commercial driver's license
for a period not exceeding sixty days.

549
550
551
552
553
554
555
556

(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. The court also shall suspend the offender's driver's or
commercial driver's license or permit or nonresident operating
privilege or deny the offender the opportunity to be issued a
driver's or commercial driver's license for a period of ninety
days, 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 also 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.

557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575

(G) Whoever violates section 4301.636 of the Revised Code is
guilty of a felony of the fifth degree.

576
577

(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,

578
579
580

and, in addition to the fine, may be imprisoned for a definite 581
term of not more than sixty days. 582

(I) Whoever violates division (A) of section 4301.69 or 583
division (H) of section 4301.691 of the Revised Code is guilty of 584
a misdemeanor, shall be fined not less than five hundred and not 585
more than one thousand dollars, and, in addition to the fine, may 586
be imprisoned for a definite term of not more than six months. 587

Section 2. That existing sections 2151.358, 2953.52, 2953.53, 588
4301.638, 4301.69, and 4301.99 and section 4301.632 of the Revised 589
Code are hereby repealed. 590