

## As Introduced

**124th General Assembly  
Regular Session  
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**H. B. No. 490**

**REPRESENTATIVES Latta, McGregor, Seitz, Fessler**

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### **A B I L L**

To amend sections 1.05, 109.42, 109.511, 109.77,	1
120.06, 120.16, 120.26, 149.43, 306.352, 307.93,	2
311.04, 321.44, 341.14, 341.19, 341.21, 341.23,	3
341.26, 505.49, 509.01, 511.232, 737.052, 737.162,	4
737.41, 753.02, 753.04, 753.16, 1501.013, 1503.29,	5
1517.10, 1531.132, 1541.11, 1545.13, 1547.523,	6
1547.99, 1702.80, 1713.50, 2101.09, 2152.02,	7
2152.19, 2152.20, 2301.03, 2301.27, 2301.28,	8
2301.30, 2301.32, 2301.56, 2305.234, 2313.29,	9
2903.13, 2905.12, 2907.15, 2907.27, 2919.22,	10
2919.25, 2923.14, 2925.11, 2929.01, 2929.17,	11
2929.18, 2929.19, 2929.221, 2929.25, 2929.28,	12
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2947.19, 2947.21, 2949.111, 2950.01, 2950.99,	14
2951.01, 2951.011, 2951.02, 2951.021, 2951.041,	15
2951.05, 2951.06, 2951.07, 2951.08, 2951.10,	16
2953.31, 2953.32, 2953.33, 2961.01, 2963.01,	17
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3313.65, 3321.38, 3345.04, 3719.12, 3719.121,	20
3719.70, 3734.44, 3735.311, 3748.99, 3793.13,	21
3937.43, 3959.13, 4507.021, 4507.022, 4507.16,	22
4507.99, 4511.83, 4511.99, 4717.05, 4734.35,	23
4761.13, 4973.171, 5101.28, 5101.45, 5119.14,	24
5120.10, 5120.102, 5120.103, 5120.56, 5122.01,	25

5122.10, 5122.21, 5122.26, 5123.13, 5145.01, 26  
5147.12, 5147.30, 5149.03, 5149.18, 5149.31, 27  
5321.01, 5502.14, 5743.45, 5907.021, and 6101.75; 28  
to amend, for the purpose of adopting new section 29  
numbers as indicated in parentheses, sections 30  
2929.221 (2929.36), 2929.24 (2929.42), 2929.25 31  
(2929.32), 2929.28 (2929.71), and 2929.29 32  
(2929.43); to enact new sections 2929.21, 2929.22, 33  
2929.23, 2929.24, 2929.25, 2929.28, and 2929.29 and 34  
sections 1905.033, 2929.26, and 2929.27; and to 35  
repeal sections 341.06, 737.30, 2929.21, 2929.22, 36  
2929.223, 2929.23, 2929.51, 2933.16, and 2951.09 of 37  
the Revised Code to implement the recommendations 38  
of the Criminal Sentencing Commission pertaining to 39  
misdemeanor sentencing generally and to make other 40  
changes in the criminal law. 41

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

**Section 1.** That sections 1.05, 109.42, 109.511, 109.77, 42  
120.06, 120.16, 120.26, 149.43, 306.352, 307.93, 311.04, 321.44, 43  
341.14, 341.19, 341.21, 341.23, 341.26, 505.49, 509.01, 511.232, 44  
737.052, 737.162, 737.41, 753.02, 753.04, 753.16, 1501.013, 45  
1503.29, 1517.10, 1531.132, 1541.11, 1545.13, 1547.523, 1547.99, 46  
1702.80, 1713.50, 2101.09, 2152.02, 2152.19, 2152.20, 2301.03, 47  
2301.27, 2301.28, 2301.30, 2301.32, 2301.56, 2305.234, 2313.29, 48  
2903.13, 2905.12, 2907.15, 2907.27, 2919.22, 2919.25, 2923.14, 49  
2925.11, 2929.01, 2929.17, 2929.18, 2929.19, 2929.221, 2929.25, 50  
2929.28, 2929.31, 2935.33, 2937.07, 2945.17, 2947.06, 2947.19, 51  
2947.21, 2949.111, 2950.01, 2950.99, 2951.01, 2951.011, 2951.02, 52  
2951.021, 2951.041, 2951.05, 2951.06, 2951.07, 2951.08, 2951.10, 53  
2953.31, 2953.32, 2953.33, 2961.01, 2963.01, 2963.11, 2963.20, 54  
2963.21, 2967.02, 2967.22, 2967.26, 2969.11, 2969.12, 2969.13, 55

2969.14, 3313.65, 3321.38, 3345.04, 3719.12, 3719.121, 3719.70, 56  
3734.44, 3735.311, 3748.99, 3793.13, 3937.43, 3959.13, 4507.021, 57  
4507.022, 4507.16, 4507.99, 4511.83, 4511.99, 4717.05, 4734.35, 58  
4761.13, 4973.171, 5101.28, 5101.45, 5119.14, 5120.10, 5120.102, 59  
5120.103, 5120.56, 5122.01, 5122.10, 5122.21, 5122.26, 5123.13, 60  
5145.01, 5147.12, 5147.30, 5149.03, 5149.18, 5149.31, 5321.01, 61  
5502.14, 5743.45, 5907.021, and 6101.75 be amended; sections 62  
2929.221 (2929.36), 2929.24 (2929.42), 2929.25 (2929.32), 2929.28 63  
(2929.71), and 2929.29 (2929.43) be amended for the purpose of 64  
adopting new section numbers as indicated in parentheses; and new 65  
sections 2929.21, 2929.22, 2929.23, 2929.24, 2929.25, 2929.28, and 66  
2929.29 and sections 1905.033, 2929.26, and 2929.27 of the Revised 67  
Code be enacted to read as follows: 68

**Sec. 1.05.** As used in the Revised Code, unless the context 69  
otherwise requires, "imprisoned" means: 70

~~(A) Imprisoned in a county, multicounty, municipal,~~ 71  
~~municipal-county, or multicounty-municipal jail or workhouse, if~~ 72  
~~the offense is a misdemeanor;~~ 73

~~(B) Imprisoned in a state correctional institution, if the~~ 74  
~~offense is aggravated murder, murder, or an offense punishable by~~ 75  
~~life imprisonment or if the offense is another felony for which~~ 76  
~~the offender is sentenced to prison pursuant to section 2929.14 or~~ 77  
~~division (G)(2) of section 2929.13 of the Revised Code;~~ 78

~~(C) Imprisoned in a county, multicounty, municipal,~~ 79  
~~municipal-county, or multicounty-municipal jail or workhouse~~ 80  
~~pursuant to section 2929.16 of the Revised Code if the offense is~~ 81  
~~a felony or imprisoned in a county, multicounty, municipal,~~ 82  
~~municipal-county, or multicounty-municipal jail or workhouse~~ 83  
~~pursuant to section 5120.161 of the Revised Code if the offense is~~ 84  
~~a felony of the fourth or fifth degree and is committed by a~~ 85  
~~person who previously has not been convicted of or pleaded guilty~~ 86

~~to a felony, if the offense is not an offense of violence, and if  
the department of rehabilitation and correction designates,  
pursuant to that section, that the person is to be imprisoned in  
the jail or workhouse;~~

~~(D)(1) Serving a term in a community-based correctional  
facility pursuant to section 2929.16 of the Revised Code and  
consistent with sections 2301.51 to 2301.56 of the Revised Code  
and the rules of the division of parole and community services,  
the department of rehabilitation and correction, and the  
facility's judicial corrections board adopted pursuant to section  
2301.52 of the Revised Code;~~

~~(2) Serving a term in a halfway house or an alternative a  
facility pursuant to of a type described in section 2929.16 or  
division (G)(1) of section 2929.13 of the Revised Code and  
consistent with section 2967.14 of the Revised Code and the rules  
of the division of parole and community services and of the  
director of rehabilitation and correction adopted pursuant to that  
section., if the offense is a felony and the offender is sentenced  
pursuant to that section or division.~~

~~(3) The inclusion of a community-based correctional facility,  
a halfway house, and an alternative residential facility in  
division (D) of this section does not cause the facility or house  
to be financially responsible for the payment of any medical or  
other health care expenses incurred in connection with an offender  
who is serving a term in the facility or house pursuant to section  
2929.16 of the Revised Code. Unless another section of the Revised  
Code requires or authorizes a community-based correctional  
facility, halfway house, or alternative residential facility to  
pay for those types of expenses, an offender who is serving a term  
in the facility or house pursuant to section 2929.16 of the  
Revised Code shall be financially responsible for the payment of  
those types of expenses.~~

~~(4) As used in division (D) of this section, "community-based~~ 119  
~~correctional facility," "halfway house," and "alternative~~ 120  
~~residential facility" have the same meanings as in section 2929.01~~ 121  
~~of the Revised Code being imprisoned or serving a term of~~ 122  
~~imprisonment, prison term, jail term, term of local incarceration,~~ 123  
~~or other term in an institution under the control of the~~ 124  
~~department of rehabilitation and correction, a county,~~ 125  
~~multicounty, municipal, municipal-county, or multicounty-municipal~~ 126  
~~jail or workhouse, a minimum security misdemeanor jail, a~~ 127  
~~community-based correctional facility, a halfway house, an~~ 128  
~~alternative residential facility, or another facility described or~~ 129  
~~referred to in section 2929.36 of the Revised Code for the type of~~ 130  
~~criminal offense and under the circumstances specified or referred~~ 131  
~~to in that section.~~ 132

**Sec. 109.42.** (A) The attorney general shall prepare and have 133  
printed a pamphlet that contains a compilation of all statutes 134  
relative to victim's rights in which the attorney general lists 135  
and explains the statutes in the form of a victim's bill of 136  
rights. The attorney general shall distribute the pamphlet to all 137  
sheriffs, marshals, municipal corporation and township police 138  
departments, constables, and other law enforcement agencies, to 139  
all prosecuting attorneys, city directors of law, village 140  
solicitors, and other similar chief legal officers of municipal 141  
corporations, and to organizations that represent or provide 142  
services for victims of crime. The victim's bill of rights set 143  
forth in the pamphlet shall contain a description of all of the 144  
rights of victims that are provided for in Chapter 2930. or in any 145  
other section of the Revised Code and shall include, but not be 146  
limited to, all of the following: 147

(1) The right of a victim or a victim's representative to 148  
attend a proceeding before a grand jury, in a juvenile case, or in 149  
a criminal case pursuant to a subpoena without being discharged 150

from the victim's or representative's employment, having the  
victim's or representative's employment terminated, having the  
victim's or representative's pay decreased or withheld, or  
otherwise being punished, penalized, or threatened as a result of  
time lost from regular employment because of the victim's or  
representative's attendance at the proceeding pursuant to the  
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or  
2945.451 of the Revised Code;

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

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

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

(5) The right of the victim in certain criminal or juvenile  
cases or a victim's representative to receive, pursuant to section  
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the  
name of the person charged with the violation, the case or docket  
number assigned to the charge, and a telephone number or numbers  
that can be called to obtain information about the disposition of

the case; 183

(6) The right of the victim in certain criminal or juvenile 184  
cases or of the victim's representative pursuant to section 185  
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 186  
terms set by the court as authorized under section 2930.14 of the 187  
Revised Code, to make a statement about the victimization and, if 188  
applicable, a statement relative to the sentencing or disposition 189  
of the offender; 190

(7) The opportunity to obtain a court order, pursuant to 191  
section 2945.04 of the Revised Code, to prevent or stop the 192  
commission of the offense of intimidation of a crime victim or 193  
witness or an offense against the person or property of the 194  
complainant, or of the complainant's ward or child; 195

(8) The right of the victim in certain criminal or juvenile 196  
cases or a victim's representative pursuant to sections 2151.38, 197  
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 198  
receive notice of a pending motion for judicial release or early 199  
release of the person who committed the offense against the 200  
victim, to make an oral or written statement at the court hearing 201  
on the motion, and to be notified of the court's decision on the 202  
motion; 203

(9) The right of the victim in certain criminal or juvenile 204  
cases or a victim's representative pursuant to section 2930.16, 205  
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 206  
of any pending commutation, pardon, parole, transitional control, 207  
discharge, other form of authorized release, post-release control, 208  
or supervised release for the person who committed the offense 209  
against the victim or any application for release of that person 210  
and to send a written statement relative to the victimization and 211  
the pending action to the adult parole authority or the release 212  
authority of the department of youth services; 213

(10) The right of the victim to bring a civil action pursuant 214  
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 215  
from the offender's profit fund; 216

(11) The right, pursuant to section 3109.09 of the Revised 217  
Code, to maintain a civil action to recover compensatory damages 218  
not exceeding ten thousand dollars and costs from the parent of a 219  
minor who willfully damages property through the commission of an 220  
act that would be a theft offense, as defined in section 2913.01 221  
of the Revised Code, if committed by an adult; 222

(12) The right, pursuant to section 3109.10 of the Revised 223  
Code, to maintain a civil action to recover compensatory damages 224  
not exceeding ten thousand dollars and costs from the parent of a 225  
minor who willfully and maliciously assaults a person; 226

(13) The possibility of receiving restitution from an 227  
offender or a delinquent child pursuant to section 2152.20, 228  
2929.18, or ~~2929.21~~ 2929.28 of the Revised Code; 229

(14) The right of the victim in certain criminal or juvenile 230  
cases or a victim's representative, pursuant to section 2930.16 of 231  
the Revised Code, to receive notice of the escape from confinement 232  
or custody of the person who committed the offense, to receive 233  
that notice from the custodial agency of the person at the 234  
victim's last address or telephone number provided to the 235  
custodial agency, and to receive notice that, if either the 236  
victim's address or telephone number changes, it is in the 237  
victim's interest to provide the new address or telephone number 238  
to the custodial agency; 239

(15) The right of a victim of domestic violence to seek the 240  
issuance of a temporary protection order pursuant to section 241  
2919.26 of the Revised Code, to seek the issuance of a civil 242  
protection order pursuant to section 3113.31 of the Revised Code, 243  
and to be accompanied by a victim advocate during court 244



proceedings;

(16) The right of a victim of a sexually oriented offense that is committed by a person who is adjudicated as being a sexual predator or, in certain cases, by a person who is determined to be a habitual sex offender to receive, pursuant to section 2950.10 of the Revised Code, notice that the person has registered with a sheriff under section 2950.04 or 2950.05 of the Revised Code and notice of the person's name and residence address or addresses, and a summary of the manner in which the victim must make a request to receive the notice. As used in this division, "sexually oriented offense," "adjudicated as being a sexual predator," and "habitual sex offender" have the same meanings as in section 2950.01 of the Revised Code.

(17) The right of a victim of certain sexually violent offenses committed by a sexually violent predator who is sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code to receive, pursuant to section 2930.16 of the Revised Code, notice of a hearing to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term. As used in this division, "sexually violent offense" and "sexually violent predator" have the same meanings as in section 2971.01 of the Revised Code.

(B)(1)(a) Subject to division (B)(1)(c) of this section, a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant of any of those officers who prosecutes an offense committed in this state, upon first contact with the victim of the offense, the victim's family, or the victim's dependents, shall give the victim, the victim's

family, or the victim's dependents a copy of the pamphlet prepared 277  
pursuant to division (A) of this section and explain, upon 278  
request, the information in the pamphlet to the victim, the 279  
victim's family, or the victim's dependents. 280

(b) Subject to division (B)(1)(c) of this section, a law 281  
enforcement agency that investigates an offense or delinquent act 282  
committed in this state shall give the victim of the offense or 283  
delinquent act, the victim's family, or the victim's dependents a 284  
copy of the pamphlet prepared pursuant to division (A) of this 285  
section at one of the following times: 286

(i) Upon first contact with the victim, the victim's family, 287  
or the victim's dependents; 288

(ii) If the offense or delinquent act is an offense of 289  
violence, if the circumstances of the offense or delinquent act 290  
and the condition of the victim, the victim's family, or the 291  
victim's dependents indicate that the victim, the victim's family, 292  
or the victim's dependents will not be able to understand the 293  
significance of the pamphlet upon first contact with the agency, 294  
and if the agency anticipates that it will have an additional 295  
contact with the victim, the victim's family, or the victim's 296  
dependents, upon the agency's second contact with the victim, the 297  
victim's family, or the victim's dependents. 298

If the agency does not give the victim, the victim's family, 299  
or the victim's dependents a copy of the pamphlet upon first 300  
contact with them and does not have a second contact with the 301  
victim, the victim's family, or the victim's dependents, the 302  
agency shall mail a copy of the pamphlet to the victim, the 303  
victim's family, or the victim's dependents at their last known 304  
address. 305

(c) In complying on and after December 9, 1994, with the 306  
duties imposed by division (B)(1)(a) or (b) of this section, an 307

official or a law enforcement agency shall use copies of the  
pamphlet that are in the official's or agency's possession on  
December 9, 1994, until the official or agency has distributed all  
of those copies. After the official or agency has distributed all  
of those copies, the official or agency shall use only copies of  
the pamphlet that contain at least the information described in  
division (A)(1) to (17) of this section.

(2) The failure of a law enforcement agency or of a  
prosecuting attorney, assistant prosecuting attorney, city  
director of law, assistant city director of law, village  
solicitor, assistant village solicitor, or similar chief legal  
officer of a municipal corporation or an assistant to any of those  
officers to give, as required by division (B)(1) of this section,  
the victim of an offense or delinquent act, the victim's family,  
or the victim's dependents a copy of the pamphlet prepared  
pursuant to division (A) of this section does not give the victim,  
the victim's family, the victim's dependents, or a victim's  
representative any rights under section 122.95, 2743.51 to  
2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10  
of the Revised Code or under any other provision of the Revised  
Code and does not affect any right under those sections.

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

(C) The cost of printing and distributing the pamphlet  
prepared pursuant to division (A) of this section shall be paid

out of the reparations fund, created pursuant to section 2743.191  
of the Revised Code, in accordance with division (D) of that  
section.

(D) As used in this section:

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

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

**Sec. 109.511.** (A) As used in this section, "felony" means any  
of the following:

(1) An offense committed in this state that is a felony under  
the law of this state;

(2) An offense committed in a state other than this state, or  
under the law of the United States, that, if committed in this  
state, would be a felony under the law of this state.

(B) The superintendent of the bureau of criminal  
identification and investigation shall not appoint or employ any  
person as an investigator or a special agent on a permanent basis,  
on a temporary basis, for a probationary term, or on other than a  
permanent basis if the person previously has been convicted of or  
has pleaded guilty to a felony.

(C)(1) The superintendent shall terminate the employment of  
an investigator or a special agent who does either of the  
following:

(a) Pleads guilty to a felony;

(b) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section ~~2929.29~~  
2929.43 of the Revised Code in which the investigator or special  
agent agrees to surrender the certificate awarded to the

investigator or special agent under section 109.77 of the Revised Code. 369  
370

(2) The superintendent shall suspend from employment an 371  
investigator or a special agent who is convicted, after trial, of 372  
a felony. If the investigator or special agent files an appeal 373  
from that conviction and the conviction is upheld by the highest 374  
court to which the appeal is taken or if the investigator or 375  
special agent does not file a timely appeal, the superintendent 376  
shall terminate the employment of that investigator or special 377  
agent. If the investigator or special agent files an appeal that 378  
results in that investigator's or special agent's acquittal of the 379  
felony or conviction of a misdemeanor, or in the dismissal of the 380  
felony charge against the investigator or special agent, the 381  
superintendent shall reinstate that investigator or special agent. 382  
An investigator or a special agent who is reinstated under this 383  
division shall not receive any back pay unless that investigator's 384  
or special agent's conviction of the felony was reversed on 385  
appeal, or the felony charge was dismissed, because the court 386  
found insufficient evidence to convict the investigator or special 387  
agent of the felony. 388

(D) This section does not apply regarding an offense that was 389  
committed prior to January 1, 1997. 390

(E) The suspension from employment or the termination of the 391  
employment of an investigator or a special agent under division 392  
(C) of this section shall be in accordance with Chapter 119. of 393  
the Revised Code. 394

**Sec. 109.77.** (A) As used in this section, "felony" has the 395  
same meaning as in section 109.511 of the Revised Code. 396

(B)(1) Notwithstanding any general, special, or local law or 397  
charter to the contrary, and except as otherwise provided in this 398  
section, no person shall receive an original appointment on a 399

permanent basis as any of the following unless the person  
previously 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:

(a) A peace officer of any county, township, municipal  
corporation, regional transit authority, or metropolitan housing  
authority;

(b) A natural resources law enforcement staff officer, park  
officer, forest officer, preserve officer, wildlife officer, or  
state watercraft officer of the department of natural resources;

(c) An employee of a park district under section 511.232 or  
1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated  
pursuant to section 6101.75 of the Revised Code;

(e) A state university law enforcement officer;

(f) A special police officer employed by the department of  
mental health pursuant to section 5119.14 of the Revised Code or  
the department of mental retardation and developmental  
disabilities pursuant to section 5123.13 of the Revised Code;

(g) An enforcement agent of the department of public safety  
whom the director of public safety designates under section  
5502.14 of the Revised Code;

(h) A special police officer employed by a port authority  
under section 4582.04 or 4582.28 of the Revised Code.

(2) Every person who is appointed on a temporary basis or for  
a probationary term or on other than a permanent basis as any of  
the following shall forfeit the appointed position unless the  
person previously has completed satisfactorily or, within the time

prescribed by rules adopted by the attorney general pursuant to 430  
section 109.74 of the Revised Code, satisfactorily completes a 431  
state, county, municipal, or department of natural resources peace 432  
officer basic training program for temporary or probationary 433  
officers and is awarded a certificate by the director attesting to 434  
the satisfactory completion of the program: 435

(a) A peace officer of any county, township, municipal 436  
corporation, regional transit authority, or metropolitan housing 437  
authority; 438

(b) A natural resources law enforcement staff officer, park 439  
officer, forest officer, preserve officer, wildlife officer, or 440  
state watercraft officer of the department of natural resources; 441

(c) An employee of a park district under section 511.232 or 442  
1545.13 of the Revised Code; 443

(d) An employee of a conservancy district who is designated 444  
pursuant to section 6101.75 of the Revised Code; 445

(e) A special police officer employed by the department of 446  
mental health pursuant to section 5119.14 of the Revised Code or 447  
the department of mental retardation and developmental 448  
disabilities pursuant to section 5123.13 of the Revised Code; 449

(f) An enforcement agent of the department of public safety 450  
whom the director of public safety designates under section 451  
5502.14 of the Revised Code; 452

(g) A special police officer employed by a port authority 453  
under section 4582.04 or 4582.28 of the Revised Code. 454

(3) For purposes of division (B) of this section, a state, 455  
county, municipal, or department of natural resources peace 456  
officer basic training program, regardless of whether the program 457  
is to be completed by peace officers appointed on a permanent or 458  
temporary, probationary, or other nonpermanent basis, shall 459

include at least fifteen hours of training in the handling of the  
offense of domestic violence, other types of domestic  
violence-related offenses and incidents, and protection orders and  
consent agreements issued or approved under section 2919.26 or  
3113.31 of the Revised Code and at least six hours of crisis  
intervention training. The requirement to complete fifteen hours  
of training in the handling of the offense of domestic violence,  
other types of domestic violence-related offenses and incidents,  
and protection orders and consent agreements issued or approved  
under section 2919.26 or 3113.31 of the Revised Code does not  
apply to any person serving as a peace officer on March 27, 1979,  
and the requirement to complete six hours of training in crisis  
intervention does not apply to any person serving as a peace  
officer on April 4, 1985. Any person who is serving as a peace  
officer on April 4, 1985, who terminates that employment after  
that date, and who subsequently is hired as a peace officer by the  
same or another law enforcement agency shall complete the six  
hours of training in crisis intervention within the time  
prescribed by rules adopted by the attorney general pursuant to  
section 109.742 of the Revised Code. No peace officer shall have  
employment as a peace officer terminated and then be reinstated  
with intent to circumvent this section.

(4) Division (B) of this section does not apply to any person  
serving on a permanent basis on March 28, 1985, as a park officer,  
forest officer, preserve officer, wildlife officer, or state  
watercraft officer of the department of natural resources or as an  
employee of a park district under section 511.232 or 1545.13 of  
the Revised Code, to any person serving on a permanent basis on  
March 6, 1986, as an employee of a conservancy district designated  
pursuant to section 6101.75 of the Revised Code, to any person  
serving on a permanent basis on January 10, 1991, as a preserve  
officer of the department of natural resources, to any person



employed on a permanent basis on July 2, 1992, as a special police  
officer by the department of mental health pursuant to section  
5119.14 of the Revised Code or by the department of mental  
retardation and developmental disabilities pursuant to section  
5123.13 of the Revised Code, to any person serving on a permanent  
basis on ~~the effective date of this amendment~~ May 17, 2000, as a  
special police officer employed by a port authority under section  
4582.04 or 4582.28 of the Revised Code, to any person serving on a  
permanent basis on June 19, 1978, as a state university law  
enforcement officer pursuant to section 3345.04 of the Revised  
Code and who, immediately prior to June 19, 1978, was serving as a  
special police officer designated under authority of that section,  
or to any person serving on a permanent basis on September 20,  
1984, as a liquor control investigator, known after June 30, 1999,  
as an enforcement agent of the department of public safety,  
engaged in the enforcement of Chapters 4301. and 4303. of the  
Revised Code.

(5) Division (B) of this section does not apply to any person  
who is appointed as a regional transit authority police officer  
pursuant to division (Y) of section 306.35 of the Revised Code if,  
on or before July 1, 1996, the person has completed satisfactorily  
an approved state, county, municipal, or department of natural  
resources peace officer basic training program and has been  
awarded a certificate by the executive director of the Ohio peace  
officer training commission attesting to the person's satisfactory  
completion of such an approved program and if, on July 1, 1996,  
the person is performing peace officer functions for a regional  
transit authority.

(C) No person, after September 20, 1984, shall receive an  
original appointment on a permanent basis as an Ohio veterans'  
home police officer designated under section 5907.02 of the  
Revised Code unless the person previously 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 police officer basic training program.  
Every person who is appointed on a temporary basis or for a  
probationary term or on other than a permanent basis as an Ohio  
veterans' home police officer designated under section 5907.02 of  
the Revised Code shall forfeit that position unless the person  
previously has completed satisfactorily or, within one year from  
the time of appointment, satisfactorily completes an approved  
police officer basic training program.

(D) No bailiff or deputy bailiff of a court of record of this  
state and no criminal investigator who is employed by the state  
public defender shall carry a firearm, as defined in section  
2923.11 of the Revised Code, while on duty unless the bailiff,  
deputy bailiff, or criminal investigator has done or received one  
of the following:

(1) Has been awarded a certificate by the executive director  
of the Ohio peace officer training commission, which certificate  
attests to satisfactory completion of an approved state, county,  
or municipal basic training program for bailiffs and deputy  
bailiffs of courts of record and for criminal investigators  
employed by the state public defender that has been recommended by  
the Ohio peace officer training commission;

(2) Has successfully completed a firearms training program  
approved by the Ohio peace officer training commission prior to  
employment as a bailiff, deputy bailiff, or criminal investigator;

(3) Prior to June 6, 1986, was authorized to carry a firearm  
by the court that employed the bailiff or deputy bailiff or, in  
the case of a criminal investigator, by the state public defender  
and has received training in the use of firearms that the Ohio  
peace officer training commission determines is equivalent to the  
training that otherwise is required by division (D) of this

section.

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(E)(1) Prior to awarding any certificate prescribed in this section, the executive director of the Ohio peace officer training commission shall request the person to whom the certificate is to be awarded to disclose, and the person shall disclose, any previous criminal conviction of or plea of guilty of that person to a felony.

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(2) Prior to the award by the executive director of the commission of any certificate prescribed in this section, the prospective employer of the person to whom the certificate is to be awarded or the commander of the peace officer training school attended by that person shall request the bureau of criminal identification and investigation to conduct a criminal history records check on the person. Upon receipt of the request, the bureau promptly shall conduct a criminal history records check on the person and, upon completion of the check, promptly shall provide a copy of the criminal history records check to the prospective employer or peace officer training school commander that made the request. Upon receipt of the copy of the criminal history records check from the bureau, the prospective employer or peace officer training school commander that made the request shall submit the copy to the executive director of the Ohio peace officer training commission. The executive director shall not award any certificate prescribed in this section unless the executive director has received a copy of the criminal history records check on the person to whom the certificate is to be awarded.

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(3) The executive director of the commission shall not award a certificate prescribed in this section to a person who has been convicted of or has pleaded guilty to a felony or who fails to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

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(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person, prior to the award of the certificate, failed to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(F)(1) Regardless of whether the person has been awarded the certificate or has been classified as a peace officer prior to, on, or after October 16, 1996, the executive director of the Ohio peace officer training commission shall revoke any certificate that has been awarded to a person as prescribed in this section if the person does either of the following:

(a) Pleads guilty to a felony committed on or after January 1, 1997.

(b) Pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in division (D) of section ~~2929.29~~ 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section.

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the executive director shall reinstate the certificate awarded to the

person under this section. If the person files an appeal from that  
person's conviction of the felony and the conviction is upheld by  
the highest court to which the appeal is taken or if the person  
does not file a timely appeal, the executive director shall revoke  
the certificate awarded to the person under this section.

(G)(1) If a person is awarded a certificate under this  
section and the certificate is revoked pursuant to division (E)(4)  
or (F) of this section, the person shall not be eligible to  
receive, at any time, a certificate attesting to the person's  
satisfactory completion of a peace officer basic training program.

(2) The revocation or suspension of a certificate under  
division (E)(4) or (F) of this section shall be in accordance with  
Chapter 119. of the Revised Code.

(H)(1) A person who was employed as a peace officer of a  
county, township, or municipal corporation of the state on January  
1, 1966, and who has completed at least sixteen years of full-time  
active service as such a peace officer may receive an original  
appointment on a permanent basis and serve as a peace officer of a  
county, township, or municipal corporation, or as a state  
university law enforcement officer, without complying with the  
requirements of division (B) of this section.

(2) Any person who held an appointment as a state highway  
trooper on January 1, 1966, may receive an original appointment on  
a permanent basis and serve as a peace officer of a county,  
township, or municipal corporation, or as a state university law  
enforcement officer, without complying with the requirements of  
division (B) of this section.

(I) No person who is appointed as a peace officer of a  
county, township, or municipal corporation on or after April 9,  
1985, shall serve as a peace officer of that county, township, or  
municipal corporation unless the person has received training in

the handling of missing children and child abuse and neglect cases  
from an approved state, county, township, or municipal police  
officer basic training program or receives the training within the  
time prescribed by rules adopted by the attorney general pursuant  
to section 109.741 of the Revised Code.

(J) No part of any approved state, county, or municipal basic  
training program for bailiffs and deputy bailiffs of courts of  
record and no part of any approved state, county, or municipal  
basic training program for criminal investigators employed by the  
state public defender shall be used as credit toward the  
completion by a peace officer of any part of the approved state,  
county, or municipal peace officer basic training program that the  
peace officer is required by this section to complete  
satisfactorily.

(K) This section does not apply to any member of the police  
department of a municipal corporation in an adjoining state  
serving in this state under a contract pursuant to section 737.04  
of the Revised Code.

**Sec. 120.06.** (A)(1) The state public defender, when  
designated by the court or requested by a county public defender  
or joint county public defender, may provide legal representation  
in all courts throughout the state to indigent adults and  
juveniles who are charged with the commission of an offense or act  
for which the penalty or any possible adjudication includes the  
potential loss of liberty.

(2) The state public defender may provide legal  
representation to any indigent person who, while incarcerated in  
any state correctional institution, is charged with a felony  
offense, for which the penalty or any possible adjudication that  
may be imposed by a court upon conviction includes the potential  
loss of liberty.

(3) The state public defender may provide legal representation to any person incarcerated in any correctional institution of the state, in any matter in which the person asserts the person is unlawfully imprisoned or detained.

(4) The state public defender, in any case in which the state public defender has provided legal representation or is requested to do so by a county public defender or joint county public defender, may provide legal representation on appeal.

(5) The state public defender, when designated by the court or requested by a county public defender, joint county public defender, or the director of rehabilitation and correction, shall provide legal representation in parole and probation revocation matters or matters relating to the revocation of community control or post-release control under a community control sanction or post-release control sanction, unless the state public defender finds that the alleged parole or probation violator or alleged violator of a community control sanction or post-release control sanction has the financial capacity to retain the alleged violator's own counsel.

(6) If the state public defender contracts with a county public defender commission, a joint county public defender commission, or a board of county commissioners for the provision of services, under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall provide legal representation in accordance with the contract.

(B) The state public defender shall not be required to prosecute any appeal, postconviction remedy, or other proceeding pursuant to division (A)(3), (4), or (5) of this section, unless the state public defender first is satisfied that there is arguable merit to the proceeding.

(C) A court may appoint counsel or allow an indigent person

to select the indigent's own personal counsel to assist the state  
public defender as co-counsel when the interests of justice so  
require. When co-counsel is appointed to assist the state public  
defender, the co-counsel shall receive any compensation that the  
court may approve, not to exceed the amounts provided for in  
section 2941.51 of the Revised Code.

(D) When the state public defender is designated by the court  
or requested by a county public defender or joint county public  
defender to provide legal representation for an indigent person in  
any case, other than pursuant to a contract entered into under  
authority of division (C)(7) of section 120.04 of the Revised  
Code, the state public defender shall send to the county in which  
the case is filed an itemized bill for fifty per cent of the  
actual cost of the representation. The county, upon receipt of an  
itemized bill from the state public defender pursuant to this  
division, shall pay fifty per cent of the actual cost of the legal  
representation as set forth in the itemized bill. There is hereby  
created in the state treasury the county representation fund for  
the deposit of moneys received from counties under this division.  
All moneys credited to the fund shall be used by the state public  
defender to provide legal representation for indigent persons when  
designated by the court or requested by a county or joint county  
public defender.

(E)(1) Notwithstanding any contrary provision of sections  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code  
that pertains to representation by the attorney general, an  
assistant attorney general, or special counsel of an officer or  
employee, as defined in section 109.36 of the Revised Code, or of  
an entity of state government, the state public defender may elect  
to contract with, and to have the state pay pursuant to division  
(E)(2) of this section for the services of, private legal counsel  
to represent the Ohio public defender commission, the state public



defender, assistant state public defenders, other employees of the  
commission or the state public defender, and attorneys described  
in division (C) of section 120.41 of the Revised Code in a  
malpractice or other civil action or proceeding that arises from  
alleged actions or omissions related to responsibilities derived  
pursuant to this chapter, or in a civil action that is based upon  
alleged violations of the constitution or statutes of the United  
States, including section 1983 of Title 42 of the United States  
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that  
arises from alleged actions or omissions related to  
responsibilities derived pursuant to this chapter, if the state  
public defender determines, in good faith, that the defendant in  
the civil action or proceeding did not act manifestly outside the  
scope of the defendant's employment or official responsibilities,  
with malicious purpose, in bad faith, or in a wanton or reckless  
manner. If the state public defender elects not to contract  
pursuant to this division for private legal counsel in a civil  
action or proceeding, then, in accordance with sections 109.02,  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the  
attorney general shall represent or provide for the representation  
of the Ohio public defender commission, the state public defender,  
assistant state public defenders, other employees of the  
commission or the state public defender, or attorneys described in  
division (C) of section 120.41 of the Revised Code in the civil  
action or proceeding.

(2)(a) Subject to division (E)(2)(b) of this section, payment  
from the state treasury for the services of private legal counsel  
with whom the state public defender has contracted pursuant to  
division (E)(1) of this section shall be accomplished only through  
the following procedure:

(i) The private legal counsel shall file with the attorney  
general a copy of the contract; a request for an award of legal

fees, court costs, and expenses earned or incurred in connection 777  
with the defense of the Ohio public defender commission, the state 778  
public defender, an assistant state public defender, an employee, 779  
or an attorney in a specified civil action or proceeding; a 780  
written itemization of those fees, costs, and expenses, including 781  
the signature of the state public defender and the state public 782  
defender's attestation that the fees, costs, and expenses were 783  
earned or incurred pursuant to division (E)(1) of this section to 784  
the best of the state public defender's knowledge and information; 785  
a written statement whether the fees, costs, and expenses are for 786  
all legal services to be rendered in connection with that defense, 787  
are only for legal services rendered to the date of the request 788  
and additional legal services likely will have to be provided in 789  
connection with that defense, or are for the final legal services 790  
rendered in connection with that defense; a written statement 791  
indicating whether the private legal counsel previously submitted 792  
a request for an award under division (E)(2) of this section in 793  
connection with that defense and, if so, the date and the amount 794  
of each award granted; and, if the fees, costs, and expenses are 795  
for all legal services to be rendered in connection with that 796  
defense or are for the final legal services rendered in connection 797  
with that defense, a certified copy of any judgment entry in the 798  
civil action or proceeding or a signed copy of any settlement 799  
agreement entered into between the parties to the civil action or 800  
proceeding. 801

(ii) Upon receipt of a request for an award of legal fees, 802  
court costs, and expenses and the requisite supportive 803  
documentation described in division (E)(2)(a)(i) of this section, 804  
the attorney general shall review the request and documentation; 805  
determine whether any of the limitations specified in division 806  
(E)(2)(b) of this section apply to the request; and, if an award 807  
of legal fees, court costs, or expenses is permissible after 808

applying the limitations, prepare a document awarding legal fees,  
court costs, or expenses to the private legal counsel. The  
document shall name the private legal counsel as the recipient of  
the award; specify the total amount of the award as determined by  
the attorney general; itemize the portions of the award that  
represent legal fees, court costs, and expenses; specify any  
limitation applied pursuant to division (E)(2)(b) of this section  
to reduce the amount of the award sought by the private legal  
counsel; state that the award is payable from the state treasury  
pursuant to division (E)(2)(a)(iii) of this section; and be  
approved by the inclusion of the signatures of the attorney  
general, the state public defender, and the private legal counsel.

(iii) The attorney general shall forward a copy of the  
document prepared pursuant to division (E)(2)(a)(ii) of this  
section to the director of budget and management. The award of  
legal fees, court costs, or expenses shall be paid out of the  
state public defender's appropriations, to the extent there is a  
sufficient available balance in those appropriations. If the state  
public defender does not have a sufficient available balance in  
the state public defender's appropriations to pay the entire award  
of legal fees, court costs, or expenses, the director shall make  
application for a transfer of appropriations out of the emergency  
purposes account or any other appropriation for emergencies or  
contingencies in an amount equal to the portion of the award that  
exceeds the sufficient available balance in the state public  
defender's appropriations. A transfer of appropriations out of the  
emergency purposes account or any other appropriation for  
emergencies or contingencies shall be authorized if there are  
sufficient moneys greater than the sum total of then pending  
emergency purposes account requests, or requests for releases from  
the other appropriation. If a transfer of appropriations out of  
the emergency purposes account or other appropriation for

emergencies or contingencies is made to pay an amount equal to the  
portion of the award that exceeds the sufficient available balance  
in the state public defender's appropriations, the director shall  
cause the payment to be made to the private legal counsel. If  
sufficient moneys do not exist in the emergency purposes account  
or other appropriation for emergencies or contingencies to pay an  
amount equal to the portion of the award that exceeds the  
sufficient available balance in the state public defender's  
appropriations, the private legal counsel shall request the  
general assembly to make an appropriation sufficient to pay an  
amount equal to the portion of the award that exceeds the  
sufficient available balance in the state public defender's  
appropriations, and no payment in that amount shall be made until  
the appropriation has been made. The private legal counsel shall  
make the request during the current biennium and during each  
succeeding biennium until a sufficient appropriation is made.

(b) An award of legal fees, court costs, and expenses  
pursuant to division (E) of this section is subject to the  
following limitations:

(i) The maximum award or maximum aggregate of a series of  
awards of legal fees, court costs, and expenses to the private  
legal counsel in connection with the defense of the Ohio public  
defender commission, the state public defender, an assistant state  
public defender, an employee, or an attorney in a specified civil  
action or proceeding shall not exceed fifty thousand dollars.

(ii) The private legal counsel shall not be awarded legal  
fees, court costs, or expenses to the extent the fees, costs, or  
expenses are covered by a policy of malpractice or other  
insurance.

(iii) The private legal counsel shall be awarded legal fees  
and expenses only to the extent that the fees and expenses are

reasonable in light of the legal services rendered by the private  
legal counsel in connection with the defense of the Ohio public  
defender commission, the state public defender, an assistant state  
public defender, an employee, or an attorney in a specified civil  
action or proceeding.

(c) If, pursuant to division (E)(2)(a) of this section, the  
attorney general denies a request for an award of legal fees,  
court costs, or expenses to private legal counsel because of the  
application of a limitation specified in division (E)(2)(b) of  
this section, the attorney general shall notify the private legal  
counsel in writing of the denial and of the limitation applied.

(d) If, pursuant to division (E)(2)(c) of this section, a  
private legal counsel receives a denial of an award notification  
or if a private legal counsel refuses to approve a document under  
division (E)(2)(a)(ii) of this section because of the proposed  
application of a limitation specified in division (E)(2)(b) of  
this section, the private legal counsel may commence a civil  
action against the attorney general in the court of claims to  
prove the private legal counsel's entitlement to the award sought,  
to prove that division (E)(2)(b) of this section does not prohibit  
or otherwise limit the award sought, and to recover a judgment for  
the amount of the award sought. A civil action under division  
(E)(2)(d) of this section shall be commenced no later than two  
years after receipt of a denial of award notification or, if the  
private legal counsel refused to approve a document under division  
(E)(2)(a)(ii) of this section because of the proposed application  
of a limitation specified in division (E)(2)(b) of this section,  
no later than two years after the refusal. Any judgment of the  
court of claims in favor of the private legal counsel shall be  
paid from the state treasury in accordance with division (E)(2)(a)  
of this section.

(F) If a court appoints the office of the state public

defender to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, all of the attorneys who represent the petitioner in the proceeding pursuant to the appointment, whether an assistant state public defender, the state public defender, or another attorney, shall be certified under Rule 20 of the Rules of Superintendence for the Courts of Ohio to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed.

(G) As used in this section:

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

(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

**Sec. 120.16.** (A)(1) The county public defender shall provide legal representation to indigent adults and juveniles who are charged with the commission of an offense or act that is a violation of a state statute and for which the penalty or any possible adjudication includes the potential loss of liberty and in postconviction proceedings as defined in this section.

(2) The county public defender may provide legal representation to indigent adults and juveniles charged with the violation of an ordinance of a municipal corporation for which the penalty or any possible adjudication includes the potential loss of liberty, if the county public defender commission has contracted with the municipal corporation to provide legal representation for indigent persons charged with a violation of an ordinance of the municipal corporation.

(B) The county public defender shall provide the legal

representation authorized by division (A) of this section at every 935  
stage of the proceedings following arrest, detention, service of 936  
summons, or indictment. 937

(C) The county public defender may request the state public 938  
defender to prosecute any appeal or other remedy before or after 939  
conviction that the county public defender decides is in the 940  
interests of justice, and may provide legal representation in 941  
parole and probation revocation matters and matters relating to 942  
the revocation of community control or post-release control under 943  
a community control sanction or post-release control sanction. 944

(D) The county public defender shall not be required to 945  
prosecute any appeal, postconviction remedy, or other proceeding, 946  
unless the county public defender is first satisfied there is 947  
arguable merit to the proceeding. 948

(E) Nothing in this section shall prevent a court from 949  
appointing counsel other than the county public defender or from 950  
allowing an indigent person to select the indigent person's own 951  
personal counsel to represent the indigent person. A court may 952  
also appoint counsel or allow an indigent person to select the 953  
indigent person's own personal counsel to assist the county public 954  
defender as co-counsel when the interests of justice so require. 955

(F) Information as to the right to legal representation by 956  
the county public defender or assigned counsel shall be afforded 957  
to an accused person immediately upon arrest, when brought before 958  
a magistrate, or when formally charged, whichever occurs first. 959

(G) If a court appoints the office of the county public 960  
defender to represent a petitioner in a postconviction relief 961  
proceeding under section 2953.21 of the Revised Code, the 962  
petitioner has received a sentence of death, and the proceeding 963  
relates to that sentence, all of the attorneys who represent the 964  
petitioner in the proceeding pursuant to the appointment, whether 965

an assistant county public defender or the county public defender, 966  
shall be certified under Rule 20 of the Rules of Superintendence 967  
for the Courts of Ohio to represent indigent defendants charged 968  
with or convicted of an offense for which the death penalty can be 969  
or has been imposed. 970

(H) As used in this section: 971

(1) "Community control sanction" has the same meaning as in 972  
section 2929.01 of the Revised Code. 973

(2) "Post-release control sanction" has the same meaning as 974  
in section 2967.01 of the Revised Code. 975

**Sec. 120.26.** (A)(1) The joint county public defender shall 976  
provide legal representation to indigent adults and juveniles who 977  
are charged with the commission of an offense or act that is a 978  
violation of a state statute and for which the penalty or any 979  
possible adjudication includes the potential loss of liberty and 980  
in postconviction proceedings as defined in this section. 981

(2) The joint county public defender may provide legal 982  
representation to indigent adults and juveniles charged with the 983  
violation of an ordinance of a municipal corporation for which the 984  
penalty or any possible adjudication includes the potential loss 985  
of liberty, if the joint county public defender commission has 986  
contracted with the municipal corporation to provide legal 987  
representation for indigent persons charged with a violation of an 988  
ordinance of the municipal corporation. 989

(B) The joint county public defender shall provide the legal 990  
representation authorized by division (A) of this section at every 991  
stage of the proceedings following arrest, detention, service of 992  
summons, or indictment. 993

(C) The joint county public defender may request the Ohio 994  
public defender to prosecute any appeal or other remedy before or 995



after conviction that the joint county public defender decides is 996  
in the interests of justice and may provide legal representation 997  
in parole and probation revocation matters and matters relating to 998  
the revocation of community control or post-release control under 999  
a community control sanction or post-release control sanction. 1000

(D) The joint county public defender shall not be required to 1001  
prosecute any appeal, postconviction remedy, or other proceeding, 1002  
unless the joint county public defender is first satisfied that 1003  
there is arguable merit to the proceeding. 1004

(E) Nothing in this section shall prevent a court from 1005  
appointing counsel other than the joint county public defender or 1006  
from allowing an indigent person to select the indigent person's 1007  
own personal counsel to represent the indigent person. A court may 1008  
also appoint counsel or allow an indigent person to select the 1009  
indigent person's own personal counsel to assist the joint county 1010  
public defender as co-counsel when the interests of justice so 1011  
require. 1012

(F) Information as to the right to legal representation by 1013  
the joint county public defender or assigned counsel shall be 1014  
afforded to an accused person immediately upon arrest, when 1015  
brought before a magistrate, or when formally charged, whichever 1016  
occurs first. 1017

(G) If a court appoints the office of the joint county public 1018  
defender to represent a petitioner in a postconviction relief 1019  
proceeding under section 2953.21 of the Revised Code, the 1020  
petitioner has received a sentence of death, and the proceeding 1021  
relates to that sentence, all of the attorneys who represent the 1022  
petitioner in the proceeding pursuant to the appointment, whether 1023  
an assistant joint county defender or the joint county public 1024  
defender, shall be certified under Rule 20 of the Rules of 1025  
Superintendence for the Courts of Ohio to represent indigent 1026  
defendants charged with or convicted of an offense for which the 1027

death penalty can be or has been imposed. 1028

(H) As used in this section: 1029

(1) "Community control sanction" has the same meaning as in 1030  
section 2929.01 of the Revised Code. 1031

(2) "Post-release control sanction" has the same meaning as 1032  
in section 2967.01 of the Revised Code. 1033

**Sec. 149.43.** (A) As used in this section: 1034

(1) "Public record" means records kept by any public office, 1035  
including, but not limited to, state, county, city, village, 1036  
township, and school district units, and records pertaining to the 1037  
delivery of educational services by an alternative school in Ohio 1038  
kept by a nonprofit or for profit entity operating such 1039  
alternative school pursuant to section 3313.533 of the Revised 1040  
Code. "Public record" does not mean any of the following: 1041

(a) Medical records; 1042  
1043

(b) Records pertaining to probation and parole proceedings or 1044  
to proceedings related to the imposition of community control 1045  
sanctions and post-release control sanctions; 1046

(c) Records pertaining to actions under section 2151.85 and 1047  
division (C) of section 2919.121 of the Revised Code and to 1048  
appeals of actions arising under those sections; 1049

(d) Records pertaining to adoption proceedings, including the 1050  
contents of an adoption file maintained by the department of 1051  
health under section 3705.12 of the Revised Code; 1052

(e) Information in a record contained in the putative father 1053  
registry established by section 3107.062 of the Revised Code, 1054  
regardless of whether the information is held by the department of 1055  
job and family services or, pursuant to section 3111.69 of the 1056

Revised Code, the office of child support in the department or a  
child support enforcement agency; 1057  
1058

(f) Records listed in division (A) of section 3107.42 of the 1059  
Revised Code or specified in division (A) of section 3107.52 of 1060  
the Revised Code; 1061

(g) Trial preparation records; 1062

(h) Confidential law enforcement investigatory records; 1063

(i) Records containing information that is confidential under 1064  
section 2317.023 or 4112.05 of the Revised Code; 1065

(j) DNA records stored in the DNA database pursuant to 1066  
section 109.573 of the Revised Code; 1067

(k) Inmate records released by the department of 1068  
rehabilitation and correction to the department of youth services 1069  
or a court of record pursuant to division (E) of section 5120.21 1070  
of the Revised Code; 1071

(l) Records maintained by the department of youth services 1072  
pertaining to children in its custody released by the department 1073  
of youth services to the department of rehabilitation and 1074  
correction pursuant to section 5139.05 of the Revised Code; 1075

(m) Intellectual property records; 1076

(n) Donor profile records; 1077

(o) Records maintained by the department of job and family 1078  
services pursuant to section 3121.894 of the Revised Code; 1079

(p) Peace officer residential and familial information; 1080

(q) In the case of a county hospital operated pursuant to 1081  
Chapter 339. of the Revised Code, information that constitutes a 1082  
trade secret, as defined in section 1333.61 of the Revised Code; 1083

(r) Information pertaining to the recreational activities of 1084  
a person under the age of eighteen; 1085

(s) Records provided to, statements made by review board 1086  
members during meetings of, and all work products of a child 1087  
fatality review board acting under sections 307.621 to 307.629 of 1088  
the Revised Code, other than the report prepared pursuant to 1089  
section 307.626 of the Revised Code; 1090

(t) Records provided to and statements made by the executive 1091  
director of a public children services agency or a prosecuting 1092  
attorney acting pursuant to section 5153.171 of the Revised Code 1093  
other than the information released under that section; 1094

(u) Test materials, examinations, or evaluation tools used in 1095  
an examination for licensure as a nursing home administrator that 1096  
the board of examiners of nursing home administrators administers 1097  
under section 4751.04 of the Revised Code or contracts under that 1098  
section with a private or government entity to administer; 1099

1100

(v) Records the release of which is prohibited by state or 1101  
federal law. 1102

(2) "Confidential law enforcement investigatory record" means 1103  
any record that pertains to a law enforcement matter of a 1104  
criminal, quasi-criminal, civil, or administrative nature, but 1105  
only to the extent that the release of the record would create a 1106  
high probability of disclosure of any of the following: 1107

(a) The identity of a suspect who has not been charged with 1108  
the offense to which the record pertains, or of an information 1109  
source or witness to whom confidentiality has been reasonably 1110  
promised; 1111

(b) Information provided by an information source or witness 1112  
to whom confidentiality has been reasonably promised, which 1113  
information would reasonably tend to disclose the source's or 1114  
witness's identity; 1115

(c) Specific confidential investigatory techniques or 1116

procedures or specific investigatory work product; 1117

(d) Information that would endanger the life or physical 1118  
safety of law enforcement personnel, a crime victim, a witness, or 1119  
a confidential information source. 1120

(3) "Medical record" means any document or combination of 1121  
documents, except births, deaths, and the fact of admission to or 1122  
discharge from a hospital, that pertains to the medical history, 1123  
diagnosis, prognosis, or medical condition of a patient and that 1124  
is generated and maintained in the process of medical treatment. 1125

(4) "Trial preparation record" means any record that contains 1126  
information that is specifically compiled in reasonable 1127  
anticipation of, or in defense of, a civil or criminal action or 1128  
proceeding, including the independent thought processes and 1129  
personal trial preparation of an attorney. 1130

(5) "Intellectual property record" means a record, other than 1131  
a financial or administrative record, that is produced or 1132  
collected by or for faculty or staff of a state institution of 1133  
higher learning in the conduct of or as a result of study or 1134  
research on an educational, commercial, scientific, artistic, 1135  
technical, or scholarly issue, regardless of whether the study or 1136  
research was sponsored by the institution alone or in conjunction 1137  
with a governmental body or private concern, and that has not been 1138  
publicly released, published, or patented. 1139

(6) "Donor profile record" means all records about donors or 1140  
potential donors to a public institution of higher education 1141  
except the names and reported addresses of the actual donors and 1142  
the date, amount, and conditions of the actual donation. 1143

(7) "Peace officer residential and familial information" 1144  
means either of the following: 1145

(a) Any information maintained in a personnel record of a 1146  
peace officer that discloses any of the following: 1147

(i) The address of the actual personal residence of a peace officer, except for the state or political subdivision in which the peace officer resides;

(ii) Information compiled from referral to or participation in an employee assistance program;

(iii) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer;

(iv) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer by the peace officer's employer;

(v) The identity and amount of any charitable or employment benefit deduction made by the peace officer's employer from the peace officer's compensation unless the amount of the deduction is required by state or federal law;

(vi) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer.

(b) Any record that identifies a person's occupation as a peace officer other than statements required to include the disclosure of that fact under the campaign finance law.

As used in divisions (A)(7) and (B)(5) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of,

and perform the duties of the sheriff. 1179

(8) "Information pertaining to the recreational activities of 1180  
a person under the age of eighteen" means information that is kept 1181  
in the ordinary course of business by a public office, that 1182  
pertains to the recreational activities of a person under the age 1183  
of eighteen years, and that discloses any of the following: 1184

(a) The address or telephone number of a person under the age 1185  
of eighteen or the address or telephone number of that person's 1186  
parent, guardian, custodian, or emergency contact person; 1187

(b) The social security number, birth date, or photographic 1188  
image of a person under the age of eighteen; 1189

(c) Any medical record, history, or information pertaining to 1190  
a person under the age of eighteen; 1191

(d) Any additional information sought or required about a 1192  
person under the age of eighteen for the purpose of allowing that 1193  
person to participate in any recreational activity conducted or 1194  
sponsored by a public office or to use or obtain admission 1195  
privileges to any recreational facility owned or operated by a 1196  
public office. 1197

(9) "Community control sanction" has the same meaning as in 1198  
section 2929.01 of the Revised Code. 1199

(10) "Post-release control sanction" has the same meaning as 1200  
in section 2967.01 of the Revised Code. 1201

(B)(1) Subject to division (B)(4) of this section, all public 1202  
records shall be promptly prepared and made available for 1203  
inspection to any person at all reasonable times during regular 1204  
business hours. Subject to division (B)(4) of this section, upon 1205  
request, a public office or person responsible for public records 1206  
shall make copies available at cost, within a reasonable period of 1207  
time. In order to facilitate broader access to public records, 1208

public offices shall maintain public records in a manner that they 1209  
can be made available for inspection in accordance with this 1210  
division. 1211

(2) If any person chooses to obtain a copy of a public record 1212  
in accordance with division (B)(1) of this section, the public 1213  
office or person responsible for the public record shall permit 1214  
that person to choose to have the public record duplicated upon 1215  
paper, upon the same medium upon which the public office or person 1216  
responsible for the public record keeps it, or upon any other 1217  
medium upon which the public office or person responsible for the 1218  
public record determines that it reasonably can be duplicated as 1219  
an integral part of the normal operations of the public office or 1220  
person responsible for the public record. When the person seeking 1221  
the copy makes a choice under this division, the public office or 1222  
person responsible for the public record shall provide a copy of 1223  
it in accordance with the choice made by the person seeking the 1224  
copy. 1225

(3) Upon a request made in accordance with division (B)(1) of 1226  
this section, a public office or person responsible for public 1227  
records shall transmit a copy of a public record to any person by 1228  
United States mail within a reasonable period of time after 1229  
receiving the request for the copy. The public office or person 1230  
responsible for the public record may require the person making 1231  
the request to pay in advance the cost of postage and other 1232  
supplies used in the mailing. 1233

Any public office may adopt a policy and procedures that it 1234  
will follow in transmitting, within a reasonable period of time 1235  
after receiving a request, copies of public records by United 1236  
States mail pursuant to this division. A public office that adopts 1237  
a policy and procedures under this division shall comply with them 1238  
in performing its duties under this division. 1239

In any policy and procedures adopted under this division, a 1240



public office may limit the number of records requested by a 1241  
person that the office will transmit by United States mail to ten 1242  
per month, unless the person certifies to the office in writing 1243  
that the person does not intend to use or forward the requested 1244  
records, or the information contained in them, for commercial 1245  
purposes. For purposes of this division, "commercial" shall be 1246  
narrowly construed and does not include reporting or gathering 1247  
news, reporting or gathering information to assist citizen 1248  
oversight or understanding of the operation or activities of 1249  
government, or nonprofit educational research. 1250

(4) A public office or person responsible for public records 1251  
is not required to permit a person who is incarcerated pursuant to 1252  
a criminal conviction or a juvenile adjudication to inspect or to 1253  
obtain a copy of any public record concerning a criminal 1254  
investigation or prosecution or concerning what would be a 1255  
criminal investigation or prosecution if the subject of the 1256  
investigation or prosecution were an adult, unless the request to 1257  
inspect or to obtain a copy of the record is for the purpose of 1258  
acquiring information that is subject to release as a public 1259  
record under this section and the judge who imposed the sentence 1260  
or made the adjudication with respect to the person, or the 1261  
judge's successor in office, finds that the information sought in 1262  
the public record is necessary to support what appears to be a 1263  
justiciable claim of the person. 1264

(5) Upon written request made and signed by a journalist on 1265  
or after December 16, 1999, a public office, or person responsible 1266  
for public records, having custody of the records of the agency 1267  
employing a specified peace officer shall disclose to the 1268  
journalist the address of the actual personal residence of the 1269  
peace officer and, if the peace officer's spouse, former spouse, 1270  
or child is employed by a public office, the name and address of 1271  
the employer of the peace officer's spouse, former spouse, or 1272

child. The request shall include the journalist's name and title 1273  
and the name and address of the journalist's employer and shall 1274  
state that disclosure of the information sought would be in the 1275  
public interest. 1276

As used in division (B)(5) of this section, "journalist" 1277  
means a person engaged in, connected with, or employed by any news 1278  
medium, including a newspaper, magazine, press association, news 1279  
agency, or wire service, a radio or television station, or a 1280  
similar medium, for the purpose of gathering, processing, 1281  
transmitting, compiling, editing, or disseminating information for 1282  
the general public. 1283

(C) If a person allegedly is aggrieved by the failure of a 1284  
public office to promptly prepare a public record and to make it 1285  
available to the person for inspection in accordance with division 1286  
(B) of this section, or if a person who has requested a copy of a 1287  
public record allegedly is aggrieved by the failure of a public 1288  
office or the person responsible for the public record to make a 1289  
copy available to the person allegedly aggrieved in accordance 1290  
with division (B) of this section, the person allegedly aggrieved 1291  
may commence a mandamus action to obtain a judgment that orders 1292  
the public office or the person responsible for the public record 1293  
to comply with division (B) of this section and that awards 1294  
reasonable attorney's fees to the person that instituted the 1295  
mandamus action. The mandamus action may be commenced in the court 1296  
of common pleas of the county in which division (B) of this 1297  
section allegedly was not complied with, in the supreme court 1298  
pursuant to its original jurisdiction under Section 2 of Article 1299  
IV, Ohio Constitution, or in the court of appeals for the 1300  
appellate district in which division (B) of this section allegedly 1301  
was not complied with pursuant to its original jurisdiction under 1302  
Section 3 of Article IV, Ohio Constitution. 1303

(D) Chapter 1347. of the Revised Code does not limit the 1304

provisions of this section. 1305

(E)(1) The bureau of motor vehicles may adopt rules pursuant 1306  
to Chapter 119. of the Revised Code to reasonably limit the number 1307  
of bulk commercial special extraction requests made by a person 1308  
for the same records or for updated records during a calendar 1309  
year. The rules may include provisions for charges to be made for 1310  
bulk commercial special extraction requests for the actual cost of 1311  
the bureau, plus special extraction costs, plus ten per cent. The 1312  
bureau may charge for expenses for redacting information, the 1313  
release of which is prohibited by law. 1314

(2) As used in divisions (B)(3) and (E)(1) of this section: 1315

(a) "Actual cost" means the cost of depleted supplies, 1316  
records storage media costs, actual mailing and alternative 1317  
delivery costs, or other transmitting costs, and any direct 1318  
equipment operating and maintenance costs, including actual costs 1319  
paid to private contractors for copying services. 1320

(b) "Bulk commercial special extraction request" means a 1321  
request for copies of a record for information in a format other 1322  
than the format already available, or information that cannot be 1323  
extracted without examination of all items in a records series, 1324  
class of records, or data base by a person who intends to use or 1325  
forward the copies for surveys, marketing, solicitation, or resale 1326  
for commercial purposes. "Bulk commercial special extraction 1327  
request" does not include a request by a person who gives 1328  
assurance to the bureau that the person making the request does 1329  
not intend to use or forward the requested copies for surveys, 1330  
marketing, solicitation, or resale for commercial purposes. 1331

(c) "Commercial" means profit-seeking production, buying, or 1332  
selling of any good, service, or other product. 1333

(d) "Special extraction costs" means the cost of the time 1334  
spent by the lowest paid employee competent to perform the task, 1335

the actual amount paid to outside private contractors employed by 1336  
the bureau, or the actual cost incurred to create computer 1337  
programs to make the special extraction. "Special extraction 1338  
costs" include any charges paid to a public agency for computer or 1339  
records services. 1340

(3) For purposes of divisions (E)(1) and (2) of this section, 1341  
"commercial surveys, marketing, solicitation, or resale" shall be 1342  
narrowly construed and does not include reporting or gathering 1343  
news, reporting or gathering information to assist citizen 1344  
oversight or understanding of the operation or activities of 1345  
government, or nonprofit educational research. 1346

**Sec. 306.352.** (A) As used in this section, "felony" has the 1347  
same meaning as in section 109.511 of the Revised Code. 1348

(B)(1) In the exercise of its authority under division (Y) of 1349  
section 306.35 of the Revised Code, a regional transit authority 1350  
shall not employ a person as a regional transit authority police 1351  
officer on a permanent basis, on a temporary basis, for a 1352  
probationary term, or on other than a permanent basis if the 1353  
person previously has been convicted of or has pleaded guilty to a 1354  
felony. 1355

(2)(a) The transit authority shall terminate the employment 1356  
of a person as a regional transit authority police officer if the 1357  
person does either of the following: 1358

(i) Pleads guilty to a felony; 1359

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 1360  
plea agreement as provided in division (D) of section ~~2929.29~~ 1361  
2929.43 of the Revised Code in which the police officer agrees to 1362  
surrender the certificate awarded to that police officer under 1363  
section 109.77 of the Revised Code. 1364

(b) The transit authority shall suspend from employment a 1365

person designated as a regional transit authority police officer 1366  
if that person is convicted, after trial, of a felony. If the 1367  
police officer files an appeal from that conviction and the 1368  
conviction is upheld by the highest court to which the appeal is 1369  
taken or if the police officer does not file a timely appeal, the 1370  
transit authority shall terminate the employment of that police 1371  
officer. If the police officer files an appeal that results in the 1372  
police officer's acquittal of the felony or conviction of a 1373  
misdemeanor, or in the dismissal of the felony charge against the 1374  
police officer, the transit authority shall reinstate that police 1375  
officer. A police officer who is reinstated under division 1376  
(B)(2)(b) of this section shall not receive any back pay unless 1377  
that officer's conviction of the felony was reversed on appeal, or 1378  
the felony charge was dismissed, because the court found 1379  
insufficient evidence to convict the police officer of the felony. 1380

(3) Division (B) of this section does not apply regarding an 1381  
offense that was committed prior to January 1, 1997. 1382

(4) The suspension from employment, or the termination of the 1383  
employment, of a regional transit authority police officer under 1384  
division (B)(2) of this section shall be in accordance with 1385  
Chapter 119. of the Revised Code. 1386

**Sec. 307.93.** (A) The boards of county commissioners of two or 1387  
more adjacent counties may contract for the joint establishment of 1388  
a multicounty correctional center, and the board of county 1389  
commissioners of a county or the boards of two or more counties 1390  
may contract with any municipal corporation or municipal 1391  
corporations located in that county or those counties for the 1392  
joint establishment of a municipal-county or multicounty-municipal 1393  
correctional center. The center shall augment county and, where 1394  
applicable, municipal jail programs and facilities by providing 1395  
custody and rehabilitative programs for those persons under the 1396

charge of the sheriff of any of the contracting counties or of the 1397  
officer or officers of the contracting municipal corporation or 1398  
municipal corporations having charge of persons incarcerated in 1399  
the municipal jail, workhouse, or other correctional facility who, 1400  
in the opinion of the sentencing court, need programs of custody 1401  
and rehabilitation not available at the county or municipal jail 1402  
and by providing custody and rehabilitative programs in accordance 1403  
with division (C) of this section, if applicable. The contract may 1404  
include, but need not be limited to, provisions regarding the 1405  
acquisition, construction, maintenance, repair, termination of 1406  
operations, and administration of the center. The contract shall 1407  
prescribe the manner of funding of, and debt assumption for, the 1408  
center and the standards and procedures to be followed in the 1409  
operation of the center. Except as provided in division (H) of 1410  
this section, the contracting counties and municipal corporations 1411  
shall form a corrections commission to oversee the administration 1412  
of the center. Members of the commission shall consist of the 1413  
sheriff of each participating county, the president of the board 1414  
of county commissioners of each participating county, the 1415  
presiding judge of the court of common pleas of each participating 1416  
county, or, if the court of common pleas of a participating county 1417  
has only one judge, then that judge, the chief of police of each 1418  
participating municipal corporation, the mayor or city manager of 1419  
each participating municipal corporation, and the presiding judge 1420  
or the sole judge of the municipal court of each participating 1421  
municipal corporation. Any of the foregoing officers may appoint a 1422  
designee to serve in the officer's place on the corrections 1423  
commission. The standards and procedures shall be formulated and 1424  
agreed to by the commission and may be amended at any time during 1425  
the life of the contract by agreement of the parties to the 1426  
contract upon the advice of the commission. The standards and 1427  
procedures formulated by the commission shall include, but need 1428  
not be limited to, designation of the person in charge of the 1429

center, the categories of employees to be employed at the center, 1430  
the appointing authority of the center, and the standards of 1431  
treatment and security to be maintained at the center. The person 1432  
in charge of, and all persons employed to work at, the center 1433  
shall have all the powers of police officers that are necessary 1434  
for the proper performance of the duties relating to their 1435  
positions at the center. 1436

(B) Each board of county commissioners that enters a contract 1437  
under division (A) of this section may appoint a building 1438  
commission pursuant to section 153.21 of the Revised Code. If any 1439  
commissions are appointed, they shall function jointly in the 1440  
construction of a multicounty or multicounty-municipal 1441  
correctional center with all the powers and duties authorized by 1442  
law. 1443

(C) Prior to the acceptance for custody and rehabilitation 1444  
into a center established under this section of any persons who 1445  
are designated by the department of rehabilitation and correction, 1446  
who plead guilty to or are convicted of a felony of the fourth or 1447  
fifth degree, and who satisfy the other requirements listed in 1448  
section 5120.161 of the Revised Code, the corrections commission 1449  
of a center established under this section shall enter into an 1450  
agreement with the department of rehabilitation and correction 1451  
under section 5120.161 of the Revised Code for the custody and 1452  
rehabilitation in the center of persons who are designated by the 1453  
department, who plead guilty to or are convicted of a felony of 1454  
the fourth or fifth degree, and who satisfy the other requirements 1455  
listed in that section, in exchange for a per diem fee per person. 1456  
Persons incarcerated in the center pursuant to an agreement 1457  
entered into under this division shall be subject to supervision 1458  
and control in the manner described in section 5120.161 of the 1459  
Revised Code. This division does not affect the authority of a 1460  
court to directly sentence a person who is convicted of or pleads 1461

guilty to a felony to the center in accordance with section  
2929.16 of the Revised Code.

~~(D)(1) Each Pursuant to section 2929.29 of the Revised Code,~~  
~~each~~ board of county commissioners and the legislative authority  
of each municipal corporation that enters into a contract under  
division (A) of this section may require a person who was  
convicted of an offense, who is under the charge of the sheriff of  
their county or of the officer or officers of the contracting  
municipal corporation or municipal corporations having charge of  
persons incarcerated in the municipal jail, workhouse, or other  
correctional facility, and who is confined in the multicounty,  
municipal-county, or multicounty-municipal correctional center as  
provided in that division, to reimburse the applicable county or  
municipal corporation for its expenses incurred by reason of the  
person's confinement in the center. ~~The expenses of confinement~~  
~~include, but are not limited to, the expenses relating to the~~  
~~provision of food, clothing, shelter, medical care, personal~~  
~~hygiene products, including, but not limited to, toothpaste,~~  
~~toothbrushes, and feminine hygiene items, and up to two hours of~~  
~~overtime costs the sheriff or municipal corporation incurred~~  
~~relating to the trial of the person. The amount of reimbursement~~  
~~may be the actual cost of the person's confinement plus the~~  
~~authorized trial overtime costs or a lesser amount determined by~~  
~~the board of county commissioners of the county or the legislative~~  
~~authority of the municipal corporation, provided that the lesser~~  
~~amount shall be determined by a formula that is uniformly applied~~  
~~to persons incarcerated in the center. The amount of reimbursement~~  
~~shall be determined by a court at a hearing held pursuant to~~  
~~section 2929.18 of the Revised Code if the person is confined for~~  
~~a felony or section 2929.223 of the Revised Code if the person is~~  
~~confined for a misdemeanor. The amount or amounts paid in~~  
~~reimbursement by a person confined for a misdemeanor or the amount~~



recovered from a person confined for a misdemeanor by executing 1494  
upon the judgment obtained pursuant to section 2929.223 of the 1495  
Revised Code shall be paid into the treasury of the county or 1496  
municipal corporation that incurred the expenses. If a person is 1497  
confined for a felony and the court imposes a sanction under 1498  
section 2929.18 of the Revised Code that requires the person to 1499  
reimburse the costs of confinement, the prosecuting attorney of 1500  
the county or the director of law of the municipal corporation 1501  
shall bring an action to recover the expenses of the confinement 1502  
in accordance with section 2929.18 of the Revised Code. 1503

(2) Each board of county commissioners and the legislative 1504  
authority of each municipal corporation that enters into a 1505  
contract under division (A) of this section may adopt a resolution 1506  
or ordinance specifying that a person who was convicted of a 1507  
felony, who is under the charge of the sheriff of their county or 1508  
of an officer of one of the contracting municipal corporations 1509  
having charge of persons incarcerated in the municipal jail, 1510  
workhouse, or other facility, and who is confined in the 1511  
multicounty, municipal county, or multicounty municipal 1512  
correctional center as provided in that division is not required 1513  
to reimburse the applicable county or municipal corporation for 1514  
its expenses incurred by reason of the person's confinement in the 1515  
center, including the expenses listed in division (D)(1) of this 1516  
section. If the boards and legislative authorities adopt a 1517  
resolution or ordinance of that nature, the boards and legislative 1518  
authorities shall provide a copy to the courts of common pleas of 1519  
their counties, and the court that sentences a person convicted of 1520  
a felony shall not impose a sanction under section 2929.18 of the 1521  
Revised Code that requires the person to reimburse the costs of 1522  
the confinement. 1523

(E) In lieu of requiring offenders to reimburse the county 1524  
for expenses incurred by reason of the person's confinement under 1525

division (D) of this section, each board of county commissioners  
and the legislative authority of each municipal corporation that  
enters into a contract under division (A) of this section may  
jointly adopt a prisoner reimbursement policy for the center  
pursuant to this section to be administered by the person  
appointed under division (A) of this section to be in charge of  
the center. The person in charge may appoint a reimbursement  
coordinator to administer the center's prisoner reimbursement  
policy. A prisoner reimbursement policy adopted under this  
division is a policy that requires a person confined to the center  
to reimburse the applicable political subdivisions for any  
expenses incurred by reason of the person's confinement in the  
center, which expenses may include, but are not limited to, the  
following:

(1) A per diem fee for room and board of not more than sixty  
dollars per day or the actual per diem cost, whichever is less,  
for the entire period of time the person is confined to the  
center;

(2) Actual charges for medical and dental treatment, and the  
fee for a random drug test assessed under division (E) of section  
341.26 of the Revised Code;

(3) Reimbursement for government property damaged by the  
person while confined to the center.

Rates charged shall be on a sliding scale determined by the  
corrections commission based on the ability of the person confined  
to the center to pay and on consideration of any legal obligation  
of the person to support a spouse, minor children, or other  
dependents and any moral obligation to support dependents to whom  
the person is providing or has in fact provided support.

The reimbursement coordinator or another person designated by  
the person in charge may investigate the financial status of the

~~confined person and obtain information necessary to investigate  
that status, by means that may include contacting employers and  
reviewing income tax records. The coordinator may work with the  
confined person to create a repayment plan to be implemented upon  
the person's release. At the end of that person's incarceration,  
the person shall be presented with a billing statement.~~

~~The reimbursement coordinator or another person designated by  
the person in charge of the center may collect, or the corrections  
commission may enter into a contract with one or more public  
agencies or private vendors to collect, any amounts remaining  
unpaid. Within twelve months after the date of the confined  
person's release, the prosecuting attorney, city director of law,  
or village solicitor of a participating political subdivision may  
file a civil action to seek reimbursement from that person for any  
billing amount that remains unpaid. The participating political  
subdivisions shall not enforce any judgment obtained under this  
section by means of execution against the person's homestead. For  
purposes of this section, "homestead" has the same meaning as in  
division (A) of section 323.151 of the Revised Code. Any  
reimbursement received under this section shall be credited to the  
general fund of the political subdivision that bore the expense,  
to be used for general fund purposes.~~

~~(F)(1) Notwithstanding any contrary provision in this section  
or section 2929.18 or 2929.223 of the Revised Code, the  
corrections commission of a center may establish a policy that  
requires any person who is not indigent and who is confined in the  
multicounty, municipal county, or multicounty-municipal  
correctional center to pay a reasonable fee for any medical  
treatment or service requested by and provided to that person or  
to pay the fee for a random drug test assessed under division (E)  
of section 341.26 of the Revised Code. The fee for the medical  
treatment or service shall not exceed the actual cost of the~~

~~treatment or service provided. No person confined to a  
multicounty, municipal-county, or multicounty-municipal  
correctional center who is indigent shall be required to pay those  
fees, and no person who is confined to a correctional center of  
that type shall be denied any necessary medical care because of  
inability to pay those fees.~~

~~Upon provision of the requested medical treatment or service  
or assessment of a fee for a random drug test, payment of the  
required fee may be automatically deducted from a person's account  
record in the center's business office. If the person has no funds  
in the person's account, a deduction may be made at a later date  
during the person's confinement in the center if funds later  
become available in the person's account. If the person is  
released from the center and has an unpaid balance of these fees,  
the corrections commission may bill the person for payment of the  
remaining unpaid fees. Fees received for medical treatment or  
services shall be paid into the commissary fund, if one has been  
created for the center, or if no such fund exists, into the  
treasuries of the political subdivisions that incurred the  
expenses of those treatments and services, in the same proportion  
as those expenses were borne by those political subdivisions.~~

~~(2) If a person confined to a multicounty, municipal-county,  
or multicounty-municipal correctional center is required under  
division (D) or (E) of this section or section 2929.18 or 2929.223  
of the Revised Code to reimburse a county or municipal corporation  
for expenses incurred by reason of the person's confinement to the  
center, any fees paid by the person under division (F)(1) of this  
section shall be deducted from the expenses required to be  
reimbursed under division (D) or (E) of this section or section  
2929.18 or 2929.223 of the Revised Code.~~

~~(G)(1) The corrections commission of a center established  
under this section may establish a commissary for the center. The~~

commissary may be established either in-house or by another  
arrangement. If a commissary is established, all persons  
incarcerated in the center shall receive commissary privileges. A  
person's purchases from the commissary shall be deducted from the  
person's account record in the center's business office. The  
commissary shall provide for the distribution to indigent persons  
incarcerated in the center of necessary hygiene articles and  
writing materials.

(2) If a commissary is established, the corrections  
commission of a center established under this section shall  
establish a commissary fund for the center. The management of  
funds in the commissary fund shall be strictly controlled in  
accordance with procedures adopted by the auditor of state.  
Commissary fund revenue over and above operating costs and reserve  
shall be considered profits. All profits from the commissary fund  
shall be used to purchase supplies and equipment for the benefit  
of persons incarcerated in the center. The corrections commission  
shall adopt rules and regulations for the operation of any  
commissary fund it establishes.

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

(I)(F) If a person who is convicted of or pleads guilty to an  
offense is sentenced to a term in a multicounty correctional

center or a municipal-county or multicounty-municipal correctional 1653  
center or is incarcerated in the center in the manner described in 1654  
division (C) of this section, or if a person who is arrested for 1655  
an offense, and who has been denied bail or has had bail set and 1656  
has not been released on bail is confined in a multicounty 1657  
correctional center or a municipal-county or multicounty-municipal 1658  
correctional center pending trial, at the time of reception and at 1659  
other times the officer, officers, or other person in charge of 1660  
the operation of the center determines to be appropriate, the 1661  
officer, officers, or other person in charge of the operation of 1662  
the center may cause the convicted or accused offender to be 1663  
examined and tested for tuberculosis, HIV infection, hepatitis, 1664  
including but not limited to hepatitis A, B, and C, and other 1665  
contagious diseases. The officer, officers, or other person in 1666  
charge of the operation of the center may cause a convicted or 1667  
accused offender in the center who refuses to be tested or treated 1668  
for tuberculosis, HIV infection, hepatitis, including but not 1669  
limited to hepatitis A, B, and C, or another contagious disease to 1670  
be tested and treated involuntarily. 1671

(G) As used in this section, "multicounty-municipal" means 1672  
more than one county and a municipal corporation, or more than one 1673  
municipal corporation and a county, or more than one municipal 1674  
corporation and more than one county. 1675

**Sec. 311.04.** (A) As used in this section, "felony" has the 1676  
same meaning as in section 109.511 of the Revised Code. 1677

(B)(1) Subject to division (C) of this section, the sheriff 1678  
may appoint, in writing, one or more deputies. At the time of the 1679  
appointment, the sheriff shall file the writing upon which the 1680  
appointment is made with the clerk of the court of common pleas, 1681  
and the clerk of the court shall enter it upon the journal of the 1682  
court. The sheriff shall pay the clerk's fees for the filing and 1683  
journal entry of the writing. In cases of emergency, the sheriff 1684

may request of the sheriff of another county the aid of qualified  
deputies serving in those other counties of the state, and, if the  
consent of the sheriff of that other county is received, the  
deputies while so assigned shall be considered to be the deputies  
of the sheriff of the county requesting aid. No judge of a county  
court or mayor shall be appointed a deputy.

(2) Notwithstanding section 2335.33 of the Revised Code, the  
sheriff shall retain the fee charged pursuant to division (B) of  
section 311.37 of the Revised Code for the purpose of training  
deputies appointed pursuant to this section.

(C)(1) The sheriff shall not appoint a person as a deputy  
sheriff pursuant to division (B)(1) of this section on a permanent  
basis, on a temporary basis, for a probationary term, or on other  
than a permanent basis if the person previously has been convicted  
of or has pleaded guilty to a felony.

(2)(a) The sheriff shall terminate the employment of a deputy  
sheriff appointed under division (B)(1) of this section if the  
deputy sheriff does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section ~~2929.29~~  
2929.43 of the Revised Code in which the deputy sheriff agrees to  
surrender the certificate awarded to the deputy sheriff under  
section 109.77 of the Revised Code.

(b) The sheriff shall suspend from employment any deputy  
sheriff appointed under division (B)(1) of this section if the  
deputy sheriff is convicted, after trial, of a felony. If the  
deputy sheriff files an appeal from that conviction and the  
conviction is upheld by the highest court to which the appeal is  
taken or if the deputy sheriff does not file a timely appeal, the  
sheriff shall terminate the employment of that deputy sheriff. If

the deputy sheriff files an appeal that results in that deputy 1716  
sheriff's acquittal of the felony or conviction of a misdemeanor, 1717  
or in the dismissal of the felony charge against the deputy 1718  
sheriff, the sheriff shall reinstate that deputy sheriff. A deputy 1719  
sheriff who is reinstated under division (C)(2)(b) of this section 1720  
shall not receive any back pay unless that deputy sheriff's 1721  
conviction of the felony was reversed on appeal, or the felony 1722  
charge was dismissed, because the court found insufficient 1723  
evidence to convict the deputy sheriff of the felony. 1724

(3) Division (C) of this section does not apply regarding an 1725  
offense that was committed prior to January 1, 1997. 1726

(4) The suspension from employment, or the termination of the 1727  
employment, of a deputy sheriff under division (C)(2) of this 1728  
section shall be in accordance with Chapter 119. of the Revised 1729  
Code. 1730

**Sec. 321.44.** (A)(1) A county probation services fund shall be 1731  
established in the county treasury of each county. The fund a 1732  
county establishes under this division shall contain all moneys 1733  
paid to the treasurer of the county under section 2951.021 of the 1734  
Revised Code for deposit into the fund. The moneys paid into the 1735  
fund shall be deposited by the treasurer of the county into the 1736  
appropriate account established under divisions (A)(1)(a) to (d) 1737  
of this section. Separate accounts shall be maintained in 1738  
accordance with the following criteria in the fund a county 1739  
establishes under this division: 1740

(a) If a county department of probation is established in the 1741  
county, a separate account shall be maintained in the fund for the 1742  
county department of probation. 1743

(b) If the judges of the court of common pleas of the county 1744  
have affiliated with the judges of the court of common pleas of 1745  
one or more other counties and have established a multicounty 1746



department of probation, a separate account shall be maintained in 1747  
the fund for the multicounty department of probation. 1748

(c) If a department of probation is established in a 1749  
county-operated municipal court that has jurisdiction within the 1750  
county, a separate account shall be maintained in the fund for the 1751  
municipal court department of probation. 1752

(d) If a county department of probation has not been 1753  
established in the county and if the court of common pleas of the 1754  
county, pursuant to section 2301.32 of the Revised Code, has 1755  
entered into an agreement with the adult parole authority under 1756  
which the court may place defendants ~~on probation under a~~ 1757  
community control sanction in charge of the authority, a separate 1758  
account shall be maintained in the fund for the adult parole 1759  
authority. 1760

(2) For any county, if a county department of probation is 1761  
established in the county or if a department of probation is 1762  
established in a county-operated municipal court that has 1763  
jurisdiction within the county, the board of county commissioners 1764  
of the county shall appropriate to the county department of 1765  
probation or municipal court department of probation all money 1766  
that is contained in the department's account in the county 1767  
probation services fund established in the county for use only for 1768  
specialized staff, purchase of equipment, purchase of services, 1769  
reconciliation programs for offenders and victims, other treatment 1770  
programs, including alcohol and drug addiction programs certified 1771  
under section 3793.06 of the Revised Code, determined to be 1772  
appropriate by the chief probation officer of the department of 1773  
probation, and other similar ~~probation-related~~ expenses related to 1774  
placing offenders under a community control sanction. 1775

For any county, if the judges of the court of common pleas of 1776  
the county have affiliated with the judges of the court of common 1777  
pleas of one or more other counties and have established a 1778

multicounty department of probation to serve the counties, the  
board of county commissioners of the county shall appropriate and  
the county treasurer shall transfer to the multicounty probation  
services fund established for the multicounty department of  
probation under division (B) of this section all money that is  
contained in the multicounty department of probation account in  
the county probation services fund established in the county for  
use in accordance with that division.

For any county, if a county department of probation has not  
been established in the county and if the court of common pleas of  
the county, pursuant to section 2301.32 of the Revised Code, has  
entered into an agreement with the adult parole authority under  
which the court may place defendants ~~on probation~~ under a  
community control sanction in charge of the authority, the board  
of county commissioners of the county shall appropriate and the  
county treasurer shall transfer to the adult parole authority  
probation services fund established under section 5149.06 of the  
Revised Code all money that is contained in the adult parole  
authority account in the county probation services fund  
established in the county for use in accordance with section  
5149.06 of the Revised Code.

(B) If the judges of the courts of common pleas of two or  
more counties have established a multicounty department of  
probation, a multicounty probation services fund shall be  
established in the county treasury of the county whose treasurer,  
in accordance with section 2301.27 of the Revised Code, is  
designated by the judges of the courts of common pleas as the  
treasurer to whom monthly supervision fees are to be appropriated  
and transferred under division (A)(2) of this section for deposit  
into the fund. The fund shall contain all moneys that are paid to  
the treasurer of any member county under section 2951.021 of the  
Revised Code for deposit into the county's probation services fund

and that subsequently are appropriated and transferred to the  
multicounty probation services fund under division (A)(2) of this  
section. The board of county commissioners of the county in which  
the multicounty probation services fund is established shall  
appropriate the money contained in that fund to the multicounty  
department of probation, for use only for specialized staff,  
purchase of equipment, purchase of services, reconciliation  
programs for offenders and victims, other treatment programs,  
including alcohol and drug addiction programs certified under  
section 3793.06 of the Revised Code, determined to be appropriate  
by the chief probation officer, and for other similar  
probation-related expenses related to placing offenders under a  
community control sanction.

(C) Any money in a county or multicounty probation services  
fund at the end of a fiscal year shall not revert to the general  
fund of the county but shall be retained in the fund.

(D) As used in this section:

(1) "County-operated municipal court" has the same meaning as  
in section 1901.03 of the Revised Code.

(2) "Multicounty department of probation" means a probation  
department established under section 2301.27 of the Revised Code  
to serve more than one county.

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

**Sec. 341.14.** (A) The sheriff of an adjoining county shall not  
receive prisoners as provided by section 341.12 of the Revised  
Code unless there is deposited weekly with the sheriff an amount  
equal to the actual cost of keeping and feeding each prisoner so  
committed for the use of the jail of that county, and the same  
amount for a period of time less than one week. If a prisoner is

discharged before the expiration of the term for which the 1841  
prisoner was committed, the excess of the amount advanced shall be 1842  
refunded. 1843

(B)(1) ~~The Pursuant to section 2929.29 of the Revised Code,~~ 1844  
~~the~~ board of county commissioners of the county that receives 1845  
pursuant to section 341.12 of the Revised Code for confinement in 1846  
its jail, a prisoner who was convicted of an offense, may require 1847  
the prisoner to reimburse the county for its expenses incurred by 1848  
reason of the prisoner's confinement, ~~including, but not limited~~ 1849  
~~to, the expenses relating to the provision of food, clothing,~~ 1850  
~~shelter, medical care, person hygiene products, including, but not~~ 1851  
~~limited to, toothpaste, toothbrushes, and feminine hygiene items,~~ 1852  
~~and up to two hours of overtime costs the sheriff or municipal~~ 1853  
~~corporation incurred relating to the trial of the person. The~~ 1854  
~~amount of reimbursement may be the actual cost of the prisoner's~~ 1855  
~~confinement plus the authorized trial overtime costs or a lesser~~ 1856  
~~amount determined by the board of county commissioners of the~~ 1857  
~~county, provided that the lesser amount shall be determined by a~~ 1858  
~~formula that is uniformly applied to persons incarcerated in the~~ 1859  
~~jail. The amount of reimbursement shall be determined by a court~~ 1860  
~~at a hearing held pursuant to section 2929.18 of the Revised Code~~ 1861  
~~if the prisoner is confined for a felony or section 2929.223 of~~ 1862  
~~the Revised Code if the prisoner is confined for a misdemeanor.~~ 1863  
~~The amount or amounts paid in reimbursement by a prisoner confined~~ 1864  
~~for a misdemeanor or the amount recovered from a prisoner confined~~ 1865  
~~for a misdemeanor by executing upon the judgment obtained pursuant~~ 1866  
~~to section 2929.223 of the Revised Code shall be paid into the~~ 1867  
~~county treasury. If a prisoner is confined for a felony and the~~ 1868  
~~court imposes a sanction under section 2929.18 of the Revised Code~~ 1869  
~~that requires the prisoner to reimburse the costs of confinement,~~ 1870  
~~the prosecuting attorney shall bring an action to recover the~~ 1871  
~~expenses of confinement in accordance with section 2929.18 of the~~ 1872

~~Revised Code.~~ 1873

~~(2) The board of county commissioners of the county that 1874  
receives, pursuant to section 341.12 of the Revised Code for 1875  
confinement in its jail a prisoner who was convicted of a felony 1876  
may adopt a resolution specifying that prisoners convicted of 1877  
felonies are not required to reimburse the county for its expenses 1878  
incurred by reason of the prisoner's confinement, including the 1879  
expenses listed in division (B)(1) of this section. If the board 1880  
adopts a resolution of that nature, the board shall provide a copy 1881  
to the court of common pleas of the county, and the court that 1882  
sentences a person convicted of a felony shall not impose a 1883  
sanction under section 2929.18 of the Revised Code that requires 1884  
the person to reimburse the costs of the confinement. 1885~~

~~(C) Divisions (A) and (B) of section 341.06 of the Revised 1886  
Code apply regarding a prisoner confined in a jail as described in 1887  
division (B) of this section. 1888~~

~~(D) If a county receives pursuant to section 341.12 of the 1889  
Revised Code for confinement in its jail a person who has been 1890  
convicted of or pleaded guilty to an offense and has been 1891  
sentenced to a term in a jail or a person who has been arrested 1892  
for an offense, who has been denied bail or has had bail set and 1893  
has not been released on bail, and who is confined in jail pending 1894  
trial, at the time of reception and at other times the sheriff or 1895  
other person in charge of the operation of the jail determines to 1896  
be appropriate, the sheriff or other person in charge of the 1897  
operation of the jail may cause the convicted or accused offender 1898  
to be examined and tested for tuberculosis, HIV infection, 1899  
hepatitis, including but not limited to hepatitis A, B, and C, and 1900  
other contagious diseases. The sheriff or other person in charge 1901  
of the operation of the jail may cause a convicted or accused 1902  
offender in the jail who refuses to be tested or treated for 1903  
tuberculosis, HIV infection, hepatitis, including but not limited 1904~~

to hepatitis A, B, and C, or another contagious disease to be 1905  
tested and treated involuntarily. 1906

**Sec. 341.19.** (A)~~(1)~~ The Pursuant to section 2929.29 of the 1907  
Revised Code, the board of county commissioners may require a 1908  
person who was convicted of an offense and who is confined in the 1909  
county jail to reimburse the county for its expenses incurred by 1910  
reason of the person's confinement, ~~including, but not limited to,~~ 1911  
~~the expenses relating to the provision of food, clothing, shelter,~~ 1912  
~~medical care, personal hygiene products, including, but not~~ 1913  
~~limited to, toothpaste, toothbrushes, and feminine hygiene items,~~ 1914  
~~and up to two hours of overtime costs the sheriff or municipal~~ 1915  
~~corporation incurred relating to the trial of the person. The~~ 1916  
~~amount of reimbursement may be the actual cost of the prisoner's~~ 1917  
~~confinement plus the authorized trial overtime costs or a lesser~~ 1918  
~~amount determined by the board of county commissioners of the~~ 1919  
~~county, provided that the lesser amount shall be determined by a~~ 1920  
~~formula that is uniformly applied to persons incarcerated in the~~ 1921  
~~jail. The amount of reimbursement shall be determined by a court~~ 1922  
~~at a hearing held pursuant to section 2929.18 of the Revised Code~~ 1923  
~~if the person is confined for a felony or section 2929.223 of the~~ 1924  
~~Revised Code if the person is confined for a misdemeanor. The~~ 1925  
~~amount or amounts paid in reimbursement by a person confined for a~~ 1926  
~~misdemeanor or the amount recovered from a person confined for a~~ 1927  
~~misdemeanor by executing upon the judgment obtained pursuant to~~ 1928  
~~section 2929.223 of the Revised Code shall be paid into the county~~ 1929  
~~treasury. If a person is confined for a felony and the court~~ 1930  
~~imposes a sanction under section 2929.18 of the Revised Code that~~ 1931  
~~requires the person to reimburse the costs of confinement, the~~ 1932  
~~prosecuting attorney shall bring an action to recover the expenses~~ 1933  
~~of confinement in accordance with section 2929.18 of the Revised~~ 1934  
~~Code.~~ 1935

~~(2) The board of county commissioners may adopt a resolution~~ 1936

~~specifying that a person who is convicted of a felony and who is  
confined in the county jail is not required to reimburse the  
county for its expenses incurred by reason of the person's  
confinement, including the expenses listed in division (A)(1) of  
this section. If the board adopts a resolution of that nature, the  
board shall provide a copy to the court of common pleas of the  
county, and the court that sentences a person convicted of a  
felony shall not impose a sanction under section 2929.18 of the  
Revised Code that requires the person to reimburse the costs of  
the confinement.~~

~~(B) Divisions (A) and (B) of section 341.06 of the Revised  
Code apply regarding a prisoner confined in a jail as described in  
division (A) of this section.~~

~~(C) If a person who is convicted of or pleads guilty to an  
offense is sentenced to a term in a jail, or if a person who has  
been arrested for an offense, and who has been denied bail or has  
had bail set and has not been released on bail is confined in jail  
pending trial, at the time of reception and at other times the  
sheriff or other person in charge of the operation of the jail  
determines to be appropriate, the sheriff or other person in  
charge of the operation of the jail may cause the convicted or  
accused offender to be examined and tested for tuberculosis, HIV  
infection, hepatitis, including but not limited to hepatitis A, B,  
and C, and other contagious diseases. The sheriff or other person  
in charge of the operation of the jail may cause a convicted or  
accused offender in the jail who refuses to be tested or treated  
for tuberculosis, HIV infection, hepatitis, including but not  
limited to hepatitis A, B, and C, or another contagious disease to  
be tested and treated involuntarily.~~

**Sec. 341.21.** (A) The board of county commissioners may direct  
the sheriff to receive into custody prisoners charged with or

convicted of crime by the United States, and to keep those 1968  
prisoners until discharged. 1969

The board of the county in which prisoners charged with or 1970  
convicted of crime by the United States may be so committed may 1971  
negotiate and conclude any contracts with the United States for 1972  
the use of the jail as provided by this section and as the board 1973  
sees fit. 1974

A prisoner so committed shall be supported at the expense of 1975  
the United States during the prisoner's confinement in the county 1976  
jail. No greater compensation shall be charged by a sheriff for 1977  
the subsistence of that type of prisoner than is provided by 1978  
section 311.20 of the Revised Code to be charged for the 1979  
subsistence of state prisoners. 1980

A sheriff or jailer who neglects or refuses to perform the 1981  
services and duties directed by the board by reason of this 1982  
division, shall be liable to the same penalties, forfeitures, and 1983  
actions as if the prisoner had been committed under the authority 1984  
of this state. 1985

(B) Prior to the acceptance for housing into the county jail 1986  
of persons who are designated by the department of rehabilitation 1987  
and correction, who plead guilty to or are convicted of a felony 1988  
of the fourth or fifth degree, and who satisfy the other 1989  
requirements listed in section 5120.161 of the Revised Code, the 1990  
board of county commissioners shall enter into an agreement with 1991  
the department of rehabilitation and correction under section 1992  
5120.161 of the Revised Code for the housing in the county jail of 1993  
persons designated by the department who plead guilty to or are 1994  
convicted of a felony of the fourth or fifth degree and who 1995  
satisfy the other requirements listed in that section in exchange 1996  
for a per diem fee per person. Persons incarcerated in the county 1997  
jail pursuant to an agreement entered into under this division 1998  
shall be subject to supervision and control in the manner 1999



described in section 5120.161 of the Revised Code. This division  
does not affect the authority of a court to directly sentence a  
person who is convicted of or pleads guilty to a felony to the  
county jail in accordance with section 2929.16 of the Revised  
Code.

~~(C)(1) Notwithstanding any contrary provision in Pursuant to  
section 2929.29 of the Revised Code, the board of county  
commissioners may establish a policy that requires any person who  
is not indigent and who is confined in the jail under division (B)  
of this section to pay a reasonable fee for any medical treatment  
or service requested by and provided to that person or to pay the  
fee for a random drug test assessed under division (E) of section  
341.26 of the Revised Code. The fee for the medical treatment or  
service shall not exceed the actual cost of the treatment or  
service requested by and provided to that person. No person  
confined to the jail who is indigent shall be required to pay  
those fees, and no person confined to the jail shall be denied any  
necessary medical care because of inability to pay those fees.~~

~~Upon provision of the requested medical treatment or service  
or assessment of a fee for a random drug test, payment of the  
required fee may be automatically deducted from a person's account  
record in the jail's business office. If the person has no funds  
in the person's account, a deduction may be made at a later date  
during the person's confinement in the jail if funds later become  
available in the person's account. If the person is released from  
the jail and has an unpaid balance of these fees, the board of  
county commissioners may bill the person for payment of the  
remaining unpaid fees. Fees received for medical treatment or  
services shall be paid into the commissary fund, if one has been  
established for the jail or if no such fund exists, into the  
county treasury.~~

~~(2) If a person confined to the jail is required under~~

~~section 341.06, 2929.18, or 2929.223 of the Revised Code to~~  
~~reimburse the county for expenses incurred by reason of the~~  
~~person's confinement to the jail, any fees paid by the person~~  
~~under division (C)(1) of this section shall be deducted from the~~  
~~expenses required to be reimbursed under section 341.06, 2929.18,~~  
~~or 2929.223 of the Revised Code.~~

(D) If a sheriff receives into custody a prisoner convicted  
of crime by the United States as described in division (A) of this  
section, if a person who has been convicted of or pleaded guilty  
to an offense is incarcerated in the jail in the manner described  
in division (B) of this section, if a sheriff receives into  
custody a prisoner charged with a crime by the United States and  
the prisoner has had bail denied or has had bail set, has not been  
released on bail, and is confined in jail pending trial, or if a  
person who has been arrested for an offense, and who has been  
denied bail or has had bail set and has not been released on bail  
is confined in jail pending trial, at the time of reception and at  
other times the sheriff or other person in charge of the operation  
of the jail determines to be appropriate, the sheriff or other  
person in charge of the operation of the jail may cause the  
convicted or accused offender to be examined and tested for  
tuberculosis, HIV infection, hepatitis, including, but not limited  
to, hepatitis A, B, and C, and other contagious diseases. The  
sheriff or other person in charge of the operation of the jail may  
cause a convicted or accused offender in the jail who refuses to  
be tested or treated for tuberculosis, HIV infection, hepatitis,  
including, but not limited to, hepatitis A, B, and C, or another  
contagious disease to be tested and treated involuntarily.

**Sec. 341.23.** (A) The board of county commissioners of any  
county or the legislative authority of any municipal corporation  
in which there is no workhouse may agree with the legislative  
authority of any municipal corporation or other authority having

control of the workhouse of any other city, or with the directors 2064  
of any district of a joint city and county workhouse or county 2065  
workhouse, upon terms on which persons convicted of a misdemeanor 2066  
by any court or magistrate of a county or municipal corporation 2067  
having no workhouse, may be received into that workhouse, under 2068  
sentence of the court or magistrate. The board or legislative 2069  
authority may pay the expenses incurred under the agreement out of 2070  
the general fund of that county or municipal corporation, upon the 2071  
certificate of the proper officer of the workhouse. 2072

(B) The sheriff or other officer transporting any person to 2073  
the workhouse described in division (A) of this section shall 2074  
receive six cents per mile for the sheriff or officer, going and 2075  
returning, five cents per mile for transporting the convict, and 2076  
five cents per mile, going and coming, for the service of each 2077  
deputy, to be allowed as in cases in which a person is transported 2078  
to a state correctional institution. The number of miles shall be 2079  
computed by the usual routes of travel and, in state cases, shall 2080  
be paid out of the general fund of the county, on the allowance of 2081  
the board, and for the violation of the ordinances of any 2082  
municipal corporation, shall be paid by that municipal corporation 2083  
on the order of its legislative authority. 2084

(C)(1) ~~The Pursuant to section 2929.29 of the Revised Code,~~ 2085  
~~the~~ board of county commissioners, the directors of the district 2086  
of a joint city and county workhouse or county workhouse, or the 2087  
legislative authority of the municipal corporation may require a 2088  
person who was convicted of an offense and who is confined in a 2089  
workhouse as provided in division (A) of this section, to 2090  
reimburse the county, district, or municipal corporation, as the 2091  
case may be, for its expenses incurred by reason of the person's 2092  
confinement, ~~including, but not limited to, the expenses relating~~ 2093  
~~to the provision of food, clothing, shelter, medical care,~~ 2094  
~~personal hygiene products, including, but not limited to,~~ 2095

toothpaste, toothbrushes, and feminine hygiene items, and up to 2096  
two hours of overtime costs the sheriff or municipal corporation 2097  
incurred relating to the trial of the person. The amount of 2098  
reimbursement may be the actual cost of the person's confinement 2099  
plus the authorized trial overtime costs or a lesser amount 2100  
determined by the board of county commissioners of the county, the 2101  
directors of the district of the joint city or county workhouse, 2102  
or the legislative authority of the municipal corporation, 2103  
provided that the lesser amount shall be determined by a formula 2104  
that is uniformly applied to persons incarcerated in the 2105  
workhouse. The amount of reimbursement shall be determined by a 2106  
court at a hearing held pursuant to section 2929.18 of the Revised 2107  
Code if the person is confined for a felony or section 2929.223 of 2108  
the Revised Code if the person is confined for a misdemeanor. The 2109  
amount or amounts paid in reimbursement by a person confined for a 2110  
misdemeanor or the amount recovered from a person confined for a 2111  
misdemeanor by executing upon the judgment obtained pursuant to 2112  
section 2929.223 of the Revised Code shall be paid into the 2113  
treasury of the county, district, or municipal corporation that 2114  
incurred the expenses. If a person is confined for a felony and 2115  
the court imposes a sanction under section 2929.18 of the Revised 2116  
Code that requires the person to reimburse the costs of 2117  
confinement, the prosecuting attorney or the municipal chief legal 2118  
officer shall bring an action to recover the expenses of 2119  
confinement, in accordance with section 2929.18 of the Revised 2120  
Code. 2121

(2) The board of county commissioners, the directors of the 2122  
district of a joint city and county workhouse or county workhouse, 2123  
or the legislative authority of the municipal corporation may 2124  
adopt a resolution or ordinance specifying that a person who is 2125  
convicted of a felony and who is confined in a workhouse as 2126  
provided in division (A) of this section is not required to 2127  
reimburse the county, district, or municipal corporation, as the 2128

~~case may be, for its expenses incurred by reason of the person's  
confinement, including the expenses listed in division (C)(1) of  
this section. If the board, directors, or legislative authority  
adopts a resolution or ordinance of that nature, the board,  
directors, or legislative authority shall provide a copy to the  
court of common pleas of the county, and the court that sentences  
a person convicted of a felony shall not impose a sanction under  
section 2929.18 of the Revised Code that requires the person to  
reimburse the costs of the confinement.~~

~~(D) In lieu of requiring offenders to reimburse the political  
subdivision for expenses incurred by reason of the person's  
confinement under division (C) of this section, the board of  
county commissioners, the directors of the district of joint city  
and county workhouse or county workhouse, or the legislative  
authority of the municipal corporation having control of the  
workhouse may adopt a prisoner reimbursement policy for the  
workhouse under this division. The board, directors, or authority  
may appoint a reimbursement coordinator to administer the prisoner  
reimbursement policy. A prisoner reimbursement policy adopted  
under this division is a policy that requires a person confined to  
the workhouse to reimburse the political subdivision responsible  
for paying prisoner expenses for any expenses it incurs by reason  
of the person's confinement in the workhouse, which expenses may  
include, but are not limited to, the following:~~

~~(1) A per diem fee for room and board of not more than sixty  
dollars per day or the actual per diem cost, whichever is less,  
for the entire period of time the person is confined to the  
workhouse;~~

~~(2) Actual charges for medical and dental treatment, and the  
fee for a random drug test assessed under division (E) of section  
341.26 of the Revised Code;~~

~~(3) Reimbursement for government property damaged by the~~

~~person while confined to the workhouse.~~

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~~Rates charged shall be on a sliding scale determined by the  
board of county commissioners, the directors of the district of  
joint city and county workhouse or county workhouse, or the  
legislative authority of the municipal corporation having control  
of the workhouse, based on the ability of the person confined to  
the workhouse to pay and on consideration of any legal obligation  
of the person to support a spouse, minor children, or other  
dependents and any moral obligation to support dependents to whom  
the person is providing or has in fact provided support.~~

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~~The reimbursement coordinator or another person designated by  
the administrator of the workhouse may investigate the financial  
status of the person and obtain information necessary to  
investigate that status, by means that may include contacting  
employers and reviewing income tax records. The coordinator may  
work with the confined person to create a repayment plan to be  
implemented upon the person's release. At the end of the person's  
incarceration, the person shall be presented with a billing  
statement.~~

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~~The reimbursement coordinator or another appointed person may  
collect, or the board of county commissioners, the directors of  
the district of joint city and county workhouse or county  
workhouse, or the legislative authority of the municipal  
corporation having control of the workhouse may enter into a  
contract with one or more public agencies or private vendors to  
collect, any amounts remaining unpaid. Within twelve months after  
the date of the confined person's release, the prosecuting  
attorney, city director of law, village solicitor, or attorney for  
the district may file a civil action to seek reimbursement from  
that person for any billing amount that remains unpaid. The  
political subdivision shall not enforce any judgment obtained  
under this section by means of execution against the person's~~

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homestead. For purposes of this section, "homestead" has the same  
meaning as in division (A) of section 323.151 of the Revised Code.  
Any reimbursement received under this section shall be credited to  
the general fund of the political subdivision that bore the  
expense, to be used for general fund purposes.

(E)(1) Notwithstanding any contrary provision in this section  
or section 2929.18 or 2929.223 of the Revised Code, the  
appropriate board of county commissioners and legislative  
authorities may include in their agreement entered into under  
division (A) of this section a policy that requires any person who  
is not indigent and who is confined in the county, city, district,  
or joint city and county workhouse under this section to pay a  
reasonable fee for any medical treatment or service requested by  
and provided to that person or to pay the fee for a random drug  
test assessed under division (E) of section 341.26 of the Revised  
Code. The fee for the medical treatment or service shall not  
exceed the actual cost of the treatment or service provided. No  
person confined to a county, city, district, or joint city and  
county workhouse under this section who is indigent shall be  
required to pay those fees, and no person confined to any  
workhouse of that type shall be denied any necessary medical care  
because of inability to pay those fees.

Upon provision of the requested medical treatment or service  
or assessment of a fee for a random drug test, payment of the  
required fee may be automatically deducted from a person's account  
record in the workhouse's business office. If the person has no  
funds in the person's account, a deduction may be made at a later  
date during the person's confinement in the workhouse if funds  
later become available in the person's account. If the person is  
released from the workhouse and has an unpaid balance of these  
fees, the appropriate board of county commissioners and  
legislative authorities may bill the person for payment of the

remaining unpaid fees in the same proportion as those expenses 2225  
were borne by the political subdivision issuing the billing 2226  
statement. Fees received for medical treatment or services shall 2227  
be paid into the commissary fund, if one has been created for the 2228  
workhouse, or if no such fund exists, into the treasuries of the 2229  
political subdivisions that incurred the expenses of those 2230  
treatments or services in the same proportion as those expenses 2231  
were borne by these political subdivisions. 2232

~~(2) If a person confined to a county, city, district, or 2233  
joint city and county workhouse is required under division (C) or 2234  
(D) of this section or section 2929.18 or 2929.223 of the Revised 2235  
Code to reimburse a county or municipal corporation for expenses 2236  
incurred by reason of the person's confinement to the workhouse, 2237  
any fees paid by the person under division (E)(1) of this section 2238  
shall be deducted from the expenses required to be reimbursed 2239  
under division (C) or (D) of this section or section 2929.18 or 2240  
2929.223 of the Revised Code. 2241~~

~~(F)(D)~~ If a person who has been convicted of or pleaded 2242  
guilty to an offense is incarcerated in the workhouse as provided 2243  
in division (A) of this section, at the time of reception and at 2244  
other times the person in charge of the operation of the workhouse 2245  
determines to be appropriate, the person in charge of the 2246  
operation of the workhouse may cause the convicted offender to be 2247  
examined and tested for tuberculosis, HIV infection, hepatitis, 2248  
including but not limited to hepatitis A, B, and C, and other 2249  
contagious diseases. The person in charge of the operation of the 2250  
workhouse may cause a convicted offender in the workhouse who 2251  
refuses to be tested or treated for tuberculosis, HIV infection, 2252  
hepatitis, including but not limited to hepatitis A, B, and C, or 2253  
another contagious disease to be tested and treated involuntarily. 2254

**Sec. 341.26.** (A) As used in this section: 2255



(1) "Random drug testing" has the same meaning as in section 2256  
5120.63 of the Revised Code. 2257

(2) "Prisoner" means a person confined in a jail or 2258  
multicounty correctional center following a conviction of or plea 2259  
of guilty to a criminal offense. 2260

(B) The board of county commissioners of the county, with the 2261  
consent of the sheriff of the county, or the boards of county 2262  
commissioners of two or more adjacent counties that have jointly 2263  
established a multicounty correctional center pursuant to section 2264  
307.93 of the Revised Code, with the consent of the sheriffs of 2265  
those adjacent counties, may enter into a contract with a 2266  
laboratory or entity to perform blood or urine specimen 2267  
collection, documentation, maintenance, transportation, 2268  
preservation, storage, and analyses and other duties required in 2269  
the performance of random drug testing of prisoners. The terms of 2270  
any contract entered into under this division shall include a 2271  
requirement that the laboratory or entity and its employees, the 2272  
sheriff, deputy sheriffs, the corrections commission or the 2273  
administrator of the multicounty correctional center specified in 2274  
division (D) of this section, the employees of the jail and 2275  
multicounty correctional center, and all other persons comply with 2276  
the standards for the performance of random drug testing as 2277  
specified in rules adopted under division (C) of this section. 2278

(C) Prior to entering into a contract with a laboratory or 2279  
entity under division (B) of this section, a board of county 2280  
commissioners or, in the case of a multicounty correctional 2281  
center, the boards of county commissioners of the counties that 2282  
have established the center shall adopt rules for the random drug 2283  
testing of prisoners. The rules shall include, but are not limited 2284  
to, provisions that do the following: 2285

(1) Require the laboratory or entity to seek, obtain, and 2286  
maintain accreditation from the national institute on drug abuse; 2287

(2) Establish standards for the performance of random drug testing that include, but are not limited to, standards governing the following:

(a) The collection by the laboratory or entity of blood or urine specimens of individuals in a scientifically or medically approved manner and under reasonable and sanitary conditions;

(b) The collection and testing by the laboratory or entity of blood or urine specimens with due regard for the privacy of the individual being tested and in a manner reasonably calculated to prevent substitutions or interference with the collection and testing of the specimens;

(c) The documentation of blood or urine specimens collected by the laboratory or entity and documentation procedures that reasonably preclude the possibility of erroneous identification of test results and that provide the individual being tested an opportunity to furnish information identifying any prescription or nonprescription drugs used by the individual in connection with a medical condition;

(d) The collection, maintenance, storage, and transportation by the laboratory or entity of blood or urine specimens in a manner that reasonably precludes the possibility of contamination or adulteration of the specimens;

(e) The testing by the laboratory or entity of a blood or urine specimen of an individual to determine whether the individual ingested or was injected with a drug of abuse, in a manner that conforms to scientifically accepted analytical methods and procedures and that may include verification or confirmation of any positive test result by a reliable analytical method;

(f) The analysis of an individual's blood or urine specimen by an employee of the laboratory or entity who is qualified by education, training, and experience to perform that analysis and

whose regular duties include the analysis of blood or urine 2319  
specimens to determine the presence of a drug of abuse and whether 2320  
the individual who is the subject of the test ingested or was 2321  
injected with a drug of abuse. 2322

(3) Specify the frequency of performing random drug testing 2323  
on prisoners in the jail or multicounty correctional center; 2324

(4) Prescribe procedures for the automatic, random selection 2325  
of prisoners in the jail or multicounty correctional center to 2326  
submit to random drug testing under this section; 2327

(5) Provide for reasonable safeguards for transmitting the 2328  
results of the random drug testing of prisoners in the jail or 2329  
multicounty correctional center from the contracting laboratory or 2330  
entity to the sheriff, the corrections commission, or the 2331  
administrator of the multicounty correctional center pursuant to 2332  
division (E) of this section; 2333

(6) Establish a reasonable fee to cover the costs associated 2334  
with random drug testing and analysis performed by a contracting 2335  
laboratory or entity under this section and establish procedures 2336  
pursuant to division (E) of this section for the collection of 2337  
those fees from the prisoners subjected to the drug tests. 2338

(D) If a board of county commissioners enters into a contract 2339  
pursuant to division (B) of this section, the sheriff of that 2340  
county, pursuant to the terms of the contract and the rules 2341  
adopted under division (C) of this section, shall facilitate the 2342  
collection, documentation, maintenance, and transportation by the 2343  
contracting laboratory or entity of the blood or urine specimens 2344  
of the prisoners who are confined in the jail and who are subject 2345  
to random drug testing. If the boards of county commissioners that 2346  
have jointly established a multicounty correctional center enter 2347  
into a contract pursuant to division (B) of this section, the 2348  
corrections commission or the administrator of the multicounty 2349

correctional center, pursuant to the terms of the contract and the  
rules adopted under division (C) of this section, shall facilitate  
the collection, documentation, maintenance, and transportation by  
the contracting laboratory or entity of the blood or urine  
specimens of the prisoners who are confined in the multicounty  
correctional center and who are subject to random drug testing.

(E) If a county or two or more adjacent counties enter into a  
contract pursuant to division (B) of this section and the  
contracting laboratory or entity performs the random drug testing  
as provided in the contract, the laboratory or entity shall  
transmit the results of the drug tests to the sheriff, corrections  
commission, or administrator who facilitated the collection,  
documentation, maintenance, and transportation of blood or urine  
specimens under division (D) of this section. The sheriff,  
corrections commission, or administrator shall file for record the  
results of the random drug tests that indicate whether or not each  
prisoner who is confined in the jail or multicounty correctional  
center and who was subjected to the drug test ingested or was  
injected with a drug of abuse. The sheriff, corrections  
commission, or administrator shall give appropriate notice of the  
drug test results to each prisoner who was subjected to the drug  
test and whose drug test results indicate that the prisoner  
ingested or was injected with a drug of abuse. The sheriff,  
corrections commission, or administrator shall afford that  
prisoner an opportunity to be heard regarding the results of the  
drug test and to present contrary evidence at a hearing held  
before the sheriff, corrections commission, or administrator  
within thirty days after notification of the prisoner under this  
division. After the hearing, if a hearing is held, the sheriff,  
corrections commission, or administrator shall make a  
determination regarding any evidence presented by the prisoner. If  
the sheriff, corrections commission, or administrator rejects the

evidence presented by the prisoner at the hearing or if no hearing  
is held under this division, the sheriff, corrections commission,  
or administrator may assess a reasonable fee, determined pursuant  
to division (C) of this section, for the costs associated with the  
random drug test to be paid by the prisoner whose drug test  
results indicate that the prisoner ingested or was injected with a  
drug of abuse. The sheriff, corrections commission, or  
administrator may collect the fee pursuant to section 307.93,  
~~341.06~~, 341.21, or 341.23 of the Revised Code.

**Sec. 505.49.** (A) As used in this section, "felony" has the  
same meaning as in section 109.511 of the Revised Code.

(B)(1) The township trustees by a two-thirds vote of the  
board may adopt rules necessary for the operation of the township  
police district, including a determination of the qualifications  
of the chief of police, patrol officers, and others to serve as  
members of the district police force.

(2) Except as otherwise provided in division (E) of this  
section and subject to division (D) of this section, the township  
trustees by a two-thirds vote of the board shall appoint a chief  
of police for the district, determine the number of patrol  
officers and other personnel required by the district, and  
establish salary schedules and other conditions of employment for  
the employees of the township police district. The chief of police  
of the district shall serve at the pleasure of the township  
trustees and shall appoint patrol officers and other personnel  
that the district may require, subject to division (D) of this  
section and to the rules and limits as to qualifications, salary  
ranges, and numbers of personnel established by the township board  
of trustees. The township trustees may include in the township  
police district and under the direction and control of the chief  
of police, any constable appointed pursuant to section 509.01 of

the Revised Code, or may designate the chief of police or any 2413  
patrol officer appointed by the chief of police as a constable, as 2414  
provided for in section 509.01 of the Revised Code, for the 2415  
township police district. 2416

(3) Except as provided in division (D) of this section, a 2417  
patrol officer, other police district employee, or police 2418  
constable, who has been awarded a certificate attesting to the 2419  
satisfactory completion of an approved state, county, or municipal 2420  
police basic training program, as required by section 109.77 of 2421  
the Revised Code, may be removed or suspended only under the 2422  
conditions and by the procedures in sections 505.491 to 505.495 of 2423  
the Revised Code. Any other patrol officer, police district 2424  
employee, or police constable shall serve at the pleasure of the 2425  
township trustees. In case of removal or suspension of an 2426  
appointee by the board of township trustees, that appointee may 2427  
appeal the decision of the board to the court of common pleas of 2428  
the county in which the district is situated to determine the 2429  
sufficiency of the cause of removal or suspension. The appointee 2430  
shall take the appeal within ten days of written notice to the 2431  
appointee of the decision of the board. 2432

(C) Division (B) of this section does not apply to a township 2433  
that has a population of ten thousand or more persons residing 2434  
within the township and outside of any municipal corporation, that 2435  
has its own police department employing ten or more full-time paid 2436  
employees, and that has a civil service commission established 2437  
under division (B) of section 124.40 of the Revised Code. That 2438  
type of township shall comply with the procedures for the 2439  
employment, promotion, and discharge of police personnel provided 2440  
by Chapter 124. of the Revised Code, except that the board of 2441  
township trustees of the township may appoint the chief of police, 2442  
and a person so appointed shall be in the unclassified service 2443  
under section 124.11 of the Revised Code and shall serve at the 2444

pleasure of the board. A person appointed chief of police under  
these conditions who is removed by the board or who resigns from  
the position shall be entitled to return to the classified service  
in the township police department, in the position that person  
held previous to the person's appointment as chief of police. The  
board of township trustees shall determine the number of personnel  
required and establish salary schedules and conditions of  
employment not in conflict with Chapter 124. of the Revised Code.  
Persons employed as police personnel in that type of township on  
the date a civil service commission is appointed pursuant to  
division (B) of section 124.40 of the Revised Code, without being  
required to pass a competitive examination or a police training  
program, shall retain their employment and any rank previously  
granted them by action of the township trustees or otherwise, but  
those persons are eligible for promotion only by compliance with  
Chapter 124. of the Revised Code. This division does not apply to  
constables appointed pursuant to section 509.01 of the Revised  
Code. This division is subject to division (D) of this section.

(D)(1) The board of township trustees shall not appoint or  
employ a person as a chief of police, and the chief of police  
shall not appoint or employ a person as a patrol officer or other  
peace officer of a township police district or a township police  
department, on a permanent basis, on a temporary basis, for a  
probationary term, or on other than a permanent basis if the  
person previously has been convicted of or has pleaded guilty to a  
felony.

(2)(a) The board of township trustees shall terminate the  
appointment or employment of a chief of police, patrol officer, or  
other peace officer of a township police district or township  
police department who does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section ~~2929.29~~ 2929.43 of the Revised Code in which the chief of police, patrol officer, or other peace officer of a township police district or township police department agrees to surrender the certificate awarded to that chief of police, patrol officer, or other peace officer under section 109.77 of the Revised Code.

(b) The board shall suspend the appointment or employment of a chief of police, patrol officer, or other peace officer of a township police district or township police department who is convicted, after trial, of a felony. If the chief of police, patrol officer, or other peace officer of a township police district or township police department files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if no timely appeal is filed, the board shall terminate the appointment or employment of that chief of police, patrol officer, or other peace officer. If the chief of police, patrol officer, or other peace officer of a township police district or township police department files an appeal that results in that chief of police's, patrol officer's, or other peace officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the chief of police, patrol officer, or other peace officer, the board shall reinstate that chief of police, patrol officer, or other peace officer. A chief of police, patrol officer, or other peace officer of a township police district or township police department who is reinstated under division (D)(2)(b) of this section shall not receive any back pay unless the conviction of that chief of police, patrol officer, or other peace officer of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the chief of police, patrol officer, or other peace



officer of the felony. 2509

(3) Division (D) of this section does not apply regarding an 2510  
offense that was committed prior to January 1, 1997. 2511

(4) The suspension or termination of the appointment or 2512  
employment of a chief of police, patrol officer, or other peace 2513  
officer under division (D)(2) of this section shall be in 2514  
accordance with Chapter 119. of the Revised Code. 2515

(E) The board of township trustees may enter into a contract 2516  
under section 505.43 or 505.50 of the Revised Code to obtain all 2517  
police protection for the township police district from one or 2518  
more municipal corporations, county sheriffs, or other townships. 2519  
If the board enters into such a contract, subject to division (D) 2520  
of this section, it may, but is not required to, appoint a police 2521  
chief for the district. 2522

(F) The members of the police force of a township police 2523  
district of a township that adopts the limited self-government 2524  
form of township government shall serve as peace officers for the 2525  
township territory included in the district. 2526

(G) A chief of police or patrol officer of a township police 2527  
district, or of a township police department, may participate, as 2528  
the director of an organized crime task force established under 2529  
section 177.02 of the Revised Code or as a member of the 2530  
investigatory staff of that task force, in an investigation of 2531  
organized criminal activity in any county or counties in this 2532  
state under sections 177.01 to 177.03 of the Revised Code. 2533

**Sec. 509.01.** (A) As used in this section, "felony" has the 2534  
same meaning as in section 109.511 of the Revised Code. 2535

(B) Subject to division (C) of this section, the board of 2536  
township trustees may designate any qualified persons as police 2537  
constables and may provide them with the automobiles, 2538

communication systems, uniforms, and police equipment that the  
board considers necessary. Except as provided in division (C) of  
this section, police constables designated under this division,  
who have been awarded a certificate attesting to the satisfactory  
completion of an approved state, county, or municipal police basic  
training program, as required by section 109.77 of the Revised  
Code, may be removed or suspended only under the conditions and by  
the procedures in sections 505.491 to 505.495 of the Revised Code.  
Any other police constable shall serve at the pleasure of the  
township trustees. In case of removal or suspension of a police  
constable by the board of township trustees, that police constable  
may appeal the decision of the board to the court of common pleas  
of the county to determine the sufficiency of the cause of removal  
or suspension. The police constable shall take the appeal within  
ten days of written notice to the police constable of the decision  
of the board. The board may pay each police constable, from the  
general funds of the township, the compensation that the board by  
resolution prescribes for the time actually spent in keeping the  
peace, protecting property, and performing duties as a police  
constable, including duties as an ex officio deputy bailiff of a  
municipal court pursuant to section 1901.32 of the Revised Code  
and duties as a ministerial officer of a county court. The police  
constable shall not be paid fees in addition to the compensation  
allowed by the board for services rendered as a police constable,  
including services as an ex officio deputy bailiff of a municipal  
court pursuant to section 1901.32 of the Revised Code and as a  
ministerial officer of a county court. All constable fees provided  
for by section 509.15 of the Revised Code, if due for services  
rendered while the police constable performing those services is  
being compensated as a police constable for that performance,  
shall be paid into the general fund of the township.

(C)(1) The board of township trustees shall not designate a

person as a police constable pursuant to division (B) of this  
section on a permanent basis, on a temporary basis, for a  
probationary term, or on other than a permanent basis if the  
person previously has been convicted of or has pleaded guilty to a  
felony.

(2)(a) The board of township trustees shall terminate the  
employment of a police constable designated under division (B) of  
this section if the police constable does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section ~~2929.29~~  
2929.43 of the Revised Code in which the police constable agrees  
to surrender the certificate awarded to the police constable under  
section 109.77 of the Revised Code.

(b) The board shall suspend from employment a police  
constable designated under division (B) of this section if the  
police constable is convicted, after trial, of a felony. If the  
police constable files an appeal from that conviction and the  
conviction is upheld by the highest court to which the appeal is  
taken or if the police constable does not file a timely appeal,  
the board shall terminate the employment of that police constable.  
If the police constable files an appeal that results in that  
police constable's acquittal of the felony or conviction of a  
misdemeanor, or in the dismissal of the felony charge against the  
police constable, the board shall reinstate that police constable.  
A police constable who is reinstated under division (C)(2)(b) of  
this section shall not receive any back pay unless that police  
constable's conviction of the felony was reversed on appeal, or  
the felony charge was dismissed, because the court found  
insufficient evidence to convict the police constable of the  
felony.

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a police constable under division (C)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 511.232.** (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B) The employees designated by the board of park commissioners of a township park district may enforce the laws of the state and the regulations of the board within and adjacent to the lands under the jurisdiction and control of the board or when acting as authorized by section 511.235 or 511.236 of the Revised Code. Before exercising those powers, the designated employees shall comply with the certification requirement established in section 109.77 of the Revised Code, take an oath, and give a bond to the state, in the sum that the board prescribes, for the proper performance of their duties. This division is subject to division (C) of this section.

(C)(1) The board of park commissioners of a township park district shall not designate an employee as provided in division (B) of this section on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the employee previously has been convicted of or has pleaded guilty to a felony.

(2)(a) The board of park commissioners of a township park district shall terminate the employment of an employee designated as provided in division (B) of this section if the employee does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section ~~2929.29~~ 2929.43 of the Revised Code in which the employee agrees to surrender the certificate awarded to the employee under section 109.77 of the Revised Code.

(b) The board shall suspend from employment an employee designated as provided in division (B) of this section if the employee is convicted, after trial, of a felony. If the employee files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the employee does not file a timely appeal, the board shall terminate the employment of that employee. If the employee files an appeal that results in that employee's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the employee, the board shall reinstate that employee. An employee who is reinstated under division (C)(2)(b) of this section shall not receive any back pay unless that employee's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the employee of the felony.

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of an employee under division (C)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 737.052.** (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B)(1) The director of public safety shall not appoint a person as a chief of police, a member of the police department of the municipal corporation, or an auxiliary police officer on a

permanent basis, on a temporary basis, for a probationary term, or  
on other than a permanent basis if the person previously has been  
convicted of or has pleaded guilty to a felony.

(2)(a) The director of public safety shall terminate the  
employment of a chief of police, member of the police department,  
or auxiliary police officer who does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section ~~2929.29~~  
2929.43 of the Revised Code in which the chief of police, member  
of the police department, or auxiliary police officer agrees to  
surrender the certificate awarded to the chief of police, member  
of the police department, or auxiliary police officer under  
section 109.77 of the Revised Code.

(b) The director shall suspend from employment a chief of  
police, member of the police department, or auxiliary police  
officer who is convicted, after trial, of a felony. If the chief  
of police, member of the police department, or auxiliary police  
officer files an appeal from that conviction and the conviction is  
upheld by the highest court to which the appeal is taken or if the  
chief of police, member of the police department, or auxiliary  
police officer does not file a timely appeal, the director shall  
terminate that person's employment. If the chief of police, member  
of the police department, or auxiliary police officer files an  
appeal that results in that person's acquittal of the felony or  
conviction of a misdemeanor, or in the dismissal of the felony  
charge against that person, the director shall reinstate that  
person. A chief of police, member of the police department, or  
auxiliary police officer who is reinstated under division  
(B)(2)(b) of this section shall not receive any back pay unless  
that person's conviction of the felony was reversed on appeal, or  
the felony charge was dismissed, because the court found

insufficient evidence to convict that person of the felony. 2695

(3) Division (B) of this section does not apply regarding an 2696  
offense that was committed prior to January 1, 1997. 2697

(4) The suspension from employment, or the termination of the 2698  
employment, of the chief of police, member of the police 2699  
department, or auxiliary police officer under division (B)(2) of 2700  
this section shall be in accordance with Chapter 119. of the 2701  
Revised Code. 2702

**Sec. 737.162.** (A) As used in this section, "felony" has the 2703  
same meaning as in section 109.511 of the Revised Code. 2704

(B)(1) The mayor shall not appoint a person as a marshal, a 2705  
deputy marshal, a police officer, a night watchperson, a special 2706  
police officer, or an auxiliary police officer on a permanent 2707  
basis, on a temporary basis, for a probationary term, or on other 2708  
than a permanent basis if the person previously has been convicted 2709  
of or has pleaded guilty to a felony. 2710

(2)(a) The mayor shall terminate the employment of a marshal, 2711  
deputy marshal, police officer, night watchperson, special police 2712  
officer, or auxiliary police officer who does either of the 2713  
following: 2714

(i) Pleads guilty to a felony; 2715

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2716  
plea agreement as provided in division (D) of section ~~2929.29~~ 2717  
2929.43 of the Revised Code in which the marshal, deputy marshal, 2718  
police officer, night watchperson, special police officer, or 2719  
auxiliary police officer agrees to surrender the certificate 2720  
awarded to that person under section 109.77 of the Revised Code. 2721

(b) The mayor shall suspend from employment a marshal, deputy 2722  
marshal, police officer, night watchperson, special police 2723  
officer, or auxiliary police officer who is convicted, after 2724

trial, of a felony. If the marshal, deputy marshal, police 2725  
officer, night watchperson, special police officer, or auxiliary 2726  
police officer files an appeal from that conviction and the 2727  
conviction is upheld by the highest court to which the appeal is 2728  
taken or if that person does not file a timely appeal, the mayor 2729  
shall terminate that person's employment. If the marshal, deputy 2730  
marshal, police officer, night watchperson, special police 2731  
officer, or auxiliary police officer files an appeal that results 2732  
in that person's acquittal of the felony or conviction of a 2733  
misdemeanor, or in the dismissal of the felony charge against that 2734  
person, the mayor shall reinstate that person. A marshal, deputy 2735  
marshal, police officer, night watchperson, special police 2736  
officer, or auxiliary police officer who is reinstated under 2737  
division (B)(2)(b) of this section shall not receive any back pay 2738  
unless that person's conviction of the felony was reversed on 2739  
appeal, or the felony charge was dismissed, because the court 2740  
found insufficient evidence to convict that person of the felony. 2741

(3) Division (B) of this section does not apply regarding an 2742  
offense that was committed prior to January 1, 1997. 2743

(4) The suspension from employment, or the termination of the 2744  
employment, of a marshal, deputy marshal, police officer, night 2745  
watchperson, special police officer, or auxiliary police officer 2746  
under division (B)(2) of this section shall be in accordance with 2747  
Chapter 119. of the Revised Code. 2748

**Sec. 737.41.** (A) The legislative authority of a municipal 2749  
corporation in which is established a municipal court, other than 2750  
a county-operated municipal court, that has a department of 2751  
probation shall establish in the municipal treasury a municipal 2752  
probation services fund. The fund shall contain all moneys paid to 2753  
the treasurer of the municipal corporation under section 2951.021 2754  
of the Revised Code for deposit into the fund. The treasurer of 2755



the municipal corporation shall disburse the money contained in 2756  
the fund at the request of the municipal court department of 2757  
probation, for use only by that department for specialized staff, 2758  
purchase of equipment, purchase of services, reconciliation 2759  
programs for offenders and victims, other treatment programs, 2760  
including alcohol and drug addiction programs certified under 2761  
section 3793.06 of the Revised Code, determined to be appropriate 2762  
by the chief probation officer, and other similar 2763  
~~probation-related~~ expenses related to placing offenders under a 2764  
community control sanction. 2765

(B) Any money in a municipal probation services fund at the 2766  
end of a fiscal year shall not revert to the treasury of the 2767  
municipal corporation but shall be retained in the fund. 2768

(C) As used in this section, ~~"county-operated:~~ 2769

(1) "County-operated municipal court" has the same meaning as 2770  
in section 1901.03 of the Revised Code. 2771

(2) "Community control sanction" has the same meaning as in 2772  
section 2929.01 of the Revised Code. 2773

**Sec. 753.02.** (A) The legislative authority of a municipal 2774  
corporation shall provide by ordinance for sustaining all persons 2775  
sentenced to or confined in a prison or station house at the 2776  
expense of the municipal corporation, and in counties where 2777  
prisons or station houses are in quarters leased from the board of 2778  
county commissioners, may contract with the board for the care and 2779  
maintenance of those persons by the sheriff or other person 2780  
charged with the care and maintenance of county prisoners. On the 2781  
presentation of bills for food, sustenance, and necessary 2782  
supplies, to the proper officer, certified by the person whom the 2783  
legislative authority designates, the officer shall audit the 2784  
bills under the rules prescribed by the legislative authority, and 2785  
draw the officer's order on the treasurer of the municipal 2786

corporation in favor of the person presenting the bill. 2787

(B)(1) ~~The Pursuant to section 2929.29 of the Revised Code,~~ 2788  
~~the~~ legislative authority of the municipal corporation may require 2789  
a person who was convicted of an offense and who is confined in a 2790  
prison or station house as provided in division (A) of this 2791  
section, or a person who was convicted of an offense and who is 2792  
confined in the county jail as provided in section 1905.35 of the 2793  
Revised Code, to reimburse the municipal corporation for its 2794  
expenses incurred by reason of the person's confinement, 2795  
including, but not limited to, the expenses relating to the 2796  
provision of food, clothing, shelter, medical care, personal 2797  
hygiene products, including, but not limited to, toothpaste, 2798  
toothbrushes, and feminine hygiene items, and up to two hours of 2799  
overtime costs the sheriff or municipal corporation incurred 2800  
relating to the trial of the person. The amount of reimbursement 2801  
may be the actual cost of the prisoner's confinement plus the 2802  
authorized trial overtime costs or a lesser amount determined by 2803  
the legislative authority of the municipal corporation, provided 2804  
that the lesser amount shall be determined by a formula that is 2805  
uniformly applied to persons incarcerated in the prison, station 2806  
house, or county jail. The amount of reimbursement shall be 2807  
determined by a court at a hearing held pursuant to section 2808  
2929.18 of the Revised Code if the person is confined for a felony 2809  
or section 2929.223 of the Revised Code if the person is confined 2810  
for a misdemeanor. The amount or amounts paid in reimbursement by 2811  
a person confined for a misdemeanor or the amount recovered from a 2812  
person confined for a misdemeanor by executing upon the judgment 2813  
obtained pursuant to section 2929.223 of the Revised Code shall be 2814  
paid into the treasury of the municipal corporation. If a person 2815  
is confined for a felony and the court imposes a sanction under 2816  
section 2929.18 of the Revised Code that requires the person to 2817  
reimburse the costs of confinement, the village solicitor, city 2818  
director of law, or other chief legal officer shall bring an 2819

~~action to recover the expenses of confinement in accordance with~~ 2820  
~~section 2929.18 of the Revised Code.~~ 2821

~~(2) The legislative authority of the municipal corporation~~ 2822  
~~may adopt an ordinance specifying that a person who is convicted~~ 2823  
~~of a felony and who is confined in a prison or station house as~~ 2824  
~~provided in division (A) of this section is not required to~~ 2825  
~~reimburse the municipal corporation for its expenses incurred by~~ 2826  
~~reason of the person's confinement, including the expenses listed~~ 2827  
~~in division (B)(1) of this section. If the legislative authority~~ 2828  
~~adopts an ordinance of that nature, the legislative authority~~ 2829  
~~shall provide a copy to the court of common pleas of the county,~~ 2830  
~~and the court that sentences a person convicted of a felony shall~~ 2831  
~~not impose a sanction under section 2929.18 of the Revised Code~~ 2832  
~~that requires the person to reimburse the costs of the~~ 2833  
~~confinement.~~ 2834

~~(C) In lieu of requiring offenders to reimburse the municipal~~ 2835  
~~corporation for expenses incurred by reason of the person's~~ 2836  
~~confinement under division (B) of this section, the legislative~~ 2837  
~~authority of the municipal corporation may adopt a prisoner~~ 2838  
~~reimbursement policy for the prison or station house under this~~ 2839  
~~division. The prison or station house administrator may appoint a~~ 2840  
~~reimbursement coordinator to administer the prisoner reimbursement~~ 2841  
~~policy. A prisoner reimbursement policy adopted under this~~ 2842  
~~division is a policy that requires a person confined to the prison~~ 2843  
~~or station house to reimburse the municipal corporation for any~~ 2844  
~~expenses it incurs by reason of the person's confinement in the~~ 2845  
~~prison or station house, which expenses may include, but are not~~ 2846  
~~limited to, the following:~~ 2847

~~(1) A per diem fee for room and board of not more than sixty~~ 2848  
~~dollars per day or the actual per diem cost, whichever is less,~~ 2849  
~~for the entire period of time the person is confined to the prison~~ 2850  
~~or station house;~~ 2851

~~(2) Actual charges for medical and dental treatment, and the fee for a random drug test assessed under division (E) of section 753.33 of the Revised Code;~~

~~(3) Reimbursement for municipal property damaged by the person while confined to the prison or station house.~~

~~Rates charged shall be on a sliding scale determined by the legislative authority of the municipal corporation, based on the ability of the person confined to the prison or station house to pay and on consideration of any legal obligation of the person to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the person is providing or has in fact provided support.~~

~~The reimbursement coordinator or another appointed person may investigate the financial status of the confined person and obtain information necessary to investigate that status, by means that may include contacting employers and reviewing income tax records. The coordinator may work with the confined person to create a repayment plan to be implemented upon the person's release. At the end of the person's incarceration, the person shall be presented with a billing statement.~~

~~The reimbursement coordinator or another appointed person may collect, or the legislative authority of the municipal corporation may enter into a contract with one or more public agencies or private vendors to collect, any amounts remaining unpaid. Within twelve months after the date of the confined person's release, the city director of law, village solicitor, or other attorney for the municipal corporation may file a civil action to seek reimbursement from that person for any billing amount that remains unpaid. The municipal corporation shall not enforce any judgment obtained under this section by means of execution against the person's homestead. For purposes of this section, "homestead" has the same meaning as in division (A) of section 323.151 of the~~

Revised Code. Any reimbursement received under this section shall  
be credited to the general fund of the municipal corporation that  
bore the expense, to be used for general fund purposes.

(D)(1) Notwithstanding any contrary provision in this section  
or section 2929.18 or 2929.223 of the Revised Code, the  
legislative authority of the municipal corporation may establish a  
policy that requires any person who is not indigent and who is  
confined in a prison or station house to pay a reasonable fee for  
any medical treatment or service requested by and provided to that  
person or to pay the fee for a random drug test assessed under  
division (E) of section 753.33 of the Revised Code. The fee for  
the medical treatment or service shall not exceed the actual cost  
of the treatment or service provided. No person confined to a  
prison or station house who is indigent shall be required to pay  
those fees, and no person confined to a prison or station house  
shall be denied any necessary medical care because of inability to  
pay those fees.

Upon provision of the requested medical treatment or service  
or assessment of a fee for a random drug test, payment of the  
required fee may be automatically deducted from a person's account  
record in the prison or station house's business office. If the  
person has no funds in the person's account, a deduction may be  
made at a later date during the person's confinement in the prison  
or station house if funds later become available in the person's  
account. If the person is released from the prison or station  
house and has an unpaid balance of these fees, the legislative  
authority may bill the person for payment of the remaining unpaid  
fees. Fees received for medical treatment or services shall be  
paid into the commissary fund, if one has been created for the  
prison or station house, or if no such fund exists, into the  
municipal treasury.

(2) If a person confined to a prison or station house is

required under division (B) or (C) of this section or section 2916  
2929.18 or 2929.223 of the Revised Code to reimburse the municipal 2917  
corporation for expenses incurred by reason of the person's 2918  
confinement to the prison or station house, any fees paid by the 2919  
person under division (D)(1) of this section shall be deducted 2920  
from the expenses required to be reimbursed under division (B) or 2921  
(C) of this section or section 2929.18 or 2929.223 of the Revised 2922  
Code. 2923

~~(E)~~(C) If a person who has been convicted of or pleaded 2924  
guilty to an offense is sentenced to a term of imprisonment in a 2925  
prison or station house as described in division (A) of this 2926  
section, or if a person who has been arrested for an offense, and 2927  
who has been denied bail or has had bail set and has not been 2928  
released on bail is confined in a prison or station house as 2929  
described in division (A) of this section pending trial, at the 2930  
time of reception and at other times the person in charge of the 2931  
operation of the prison or station house determines to be 2932  
appropriate, the person in charge of the operation of the prison 2933  
or station house may cause the convicted or accused offender to be 2934  
examined and tested for tuberculosis, HIV infection, hepatitis, 2935  
including, but not limited to, hepatitis A, B, and C, and other 2936  
contagious diseases. The person in charge of the operation of the 2937  
prison or station house may cause a convicted or accused offender 2938  
in the prison or station house who refuses to be tested or treated 2939  
for tuberculosis, HIV infection, hepatitis, including, but not 2940  
limited to, hepatitis A, B, and C, or another contagious disease 2941  
to be tested and treated involuntarily. 2942

**Sec. 753.04.** (A) When a person over sixteen years of age is 2943  
convicted of an offense under the law of this state or an 2944  
ordinance of a municipal corporation, and the tribunal before 2945  
which the conviction is had is authorized by law to commit the 2946  
offender to the county jail or municipal corporation prison, the 2947

court, mayor, or judge of the county court, as the case may be, 2948  
may sentence the offender to a workhouse. 2949

When a commitment is made from a municipal corporation or 2950  
township in the county, other than in a municipal corporation 2951  
having a workhouse, the legislative authority of the municipal 2952  
corporation or the board of township trustees shall transmit with 2953  
the mittimus a sum of money equal to not less than seventy cents 2954  
per day for the time of the commitment, to be placed in the hands 2955  
of the superintendent of a workhouse for the care and maintenance 2956  
of the prisoner. 2957

~~(B)(1) The Pursuant to section 2929.29 of the Revised Code,~~ 2958  
~~the~~ legislative authority of the municipal corporation or the 2959  
board of township trustees may require a person who is convicted 2960  
of an offense and who is confined in a workhouse as provided in 2961  
division (A) of this section, to reimburse the municipal 2962  
corporation or the township, as the case may be, for its expenses 2963  
incurred by reason of the person's confinement, ~~including, but not~~ 2964  
~~limited to, the expenses relating to the provision of food,~~ 2965  
~~clothing, shelter, medical care, personal hygiene products,~~ 2966  
~~including, but not limited to, toothpaste, toothbrushes, and~~ 2967  
~~feminine hygiene items, and up to two hours of overtime costs the~~ 2968  
~~sheriff or municipal corporation incurred relating to the trial of~~ 2969  
~~the person. The amount of reimbursement may be the actual cost of~~ 2970  
~~the prisoner's confinement plus the authorized trial overtime~~ 2971  
~~costs or a lesser amount determined by the legislative authority~~ 2972  
~~of the municipal corporation or board of township trustees,~~ 2973  
~~provided that the lesser amount shall be determined by a formula~~ 2974  
~~that is uniformly applied to persons incarcerated in the~~ 2975  
~~workhouse. The amount of reimbursement shall be determined by a~~ 2976  
~~court at a hearing held pursuant to section 2929.18 of the Revised~~ 2977  
~~Code if the person is confined for a felony or section 2929.223 of~~ 2978  
~~the Revised Code if the person is confined for a misdemeanor. The~~ 2979

~~amount or amounts paid in reimbursement by a person confined for a~~ 2980  
~~misdemeanor or the amount recovered from a person confined for a~~ 2981  
~~misdemeanor by executing upon the judgment obtained pursuant to~~ 2982  
~~section 2929.223 of the Revised Code shall be paid into the~~ 2983  
~~treasury of the municipal corporation or township that incurred~~ 2984  
~~the expenses. If a person is confined for a felony and the court~~ 2985  
~~imposes a sanction under section 2929.18 of the Revised Code that~~ 2986  
~~requires the person to reimburse the costs of confinement, the~~ 2987  
~~city director of law, village solicitor, or other chief legal~~ 2988  
~~officer shall bring an action to recover the expenses of~~ 2989  
~~confinement in accordance with section 2929.18 of the Revised~~ 2990  
~~Code.~~ 2991

~~(2) The legislative authority of a municipal corporation or~~ 2992  
~~the board of township trustees may adopt an ordinance or~~ 2993  
~~resolution specifying that a person who is convicted of a felony~~ 2994  
~~and who is confined in a workhouse as provided in division (A) of~~ 2995  
~~this section is not required to reimburse the municipal~~ 2996  
~~corporation or the township, as the case may be, for its expenses~~ 2997  
~~incurred by reason of the person's confinement, including the~~ 2998  
~~expenses listed in division (B)(1) of this section. If the~~ 2999  
~~legislative authority or board adopts a resolution of that nature,~~ 3000  
~~the legislative authority or board shall provide a copy to the~~ 3001  
~~court of common pleas of the county, and the court that sentences~~ 3002  
~~a person convicted of a felony shall not impose a sanction under~~ 3003  
~~section 2929.18 of the Revised Code that requires the person to~~ 3004  
~~reimburse the costs of the confinement.~~ 3005

~~(C) In lieu of requiring offenders to reimburse the political~~ 3006  
~~subdivision for expenses incurred by reason of the person's~~ 3007  
~~confinement in a municipal workhouse under division (B) of this~~ 3008  
~~section or under division (C) of section 753.16 of the Revised~~ 3009  
~~Code, the legislative authority of the municipal corporation may~~ 3010  
~~adopt a prisoner reimbursement policy for the workhouse under this~~ 3011



division. The legislative authority of the municipal corporation  
may appoint a reimbursement coordinator to administer the prisoner  
reimbursement policy. A prisoner reimbursement policy adopted  
under this division is a policy that requires a person confined to  
the municipal workhouse to reimburse any expenses it incurs by  
reason of the person's confinement in the workhouse, which  
expenses may include, but are not limited to, the following:

(1) A per diem fee for room and board of not more than sixty  
dollars per day or the actual per diem cost, whichever is less,  
for the entire period of time the person is confined to the  
workhouse;

(2) Actual charges for medical and dental treatment, and the  
fee for a random drug test assessed under division (E) of section  
753.33 of the Revised Code;

(3) Reimbursement for municipal property damaged by the  
person while confined to the workhouse.

Rates charged shall be on a sliding scale determined by the  
legislative authority of the municipal corporation based on the  
ability of the person confined to the workhouse to pay and on  
consideration of any legal obligation of the person to support a  
spouse, minor children, or other dependents and any moral  
obligation to support dependents to whom the person is providing  
or has in fact provided support.

The reimbursement coordinator or another workhouse employee  
may investigate the financial status of the confined person and  
obtain information necessary to investigate that status, by means  
that may include contacting employers and reviewing income tax  
records. The coordinator may work with the confined person to  
create a repayment plan to be implemented upon the person's  
release. At the end of the person's incarceration, the person  
shall be presented with a billing statement.

~~The reimbursement coordinator or another workhouse employee 3044  
may collect, or the legislative authority of the municipal 3045  
corporation may enter into a contract with one or more public 3046  
agencies or private vendors to collect, any amounts remaining 3047  
unpaid. Within twelve months after the date of the confined 3048  
person's release, the city director of law, village solicitor, or 3049  
other attorney for the municipal corporation may file a civil 3050  
action to seek reimbursement from that person for any billing 3051  
amount that remains unpaid. The municipal corporation shall not 3052  
enforce any judgment obtained under this section by means of 3053  
execution against the person's homestead. For purposes of this 3054  
section, "homestead" has the same meaning as in division (A) of 3055  
section 323.151 of the Revised Code. Any reimbursement received 3056  
under this section shall be credited to the general fund of the 3057  
political subdivision that bore the expense, to be used for 3058  
general fund purposes. 3059~~

~~(D)(1) Notwithstanding any contrary provision in this section 3060  
or section 2929.18 or 2929.223 of the Revised Code, the 3061  
legislative authority of the municipal corporation or board of 3062  
township trustees may establish a policy that requires any person 3063  
who is not indigent and who is confined in the workhouse under 3064  
division (A) of this section to pay a reasonable fee for any 3065  
medical treatment or service requested by and provided to that 3066  
person or to pay the fee for a random drug test assessed under 3067  
division (E) of section 753.33 of the Revised Code. The fee for 3068  
the medical treatment or service shall not exceed the actual cost 3069  
of the treatment or service provided. No person confined to a 3070  
workhouse who is indigent shall be required to pay those fees, and 3071  
no person confined to a workhouse shall be denied any necessary 3072  
medical care because of inability to pay those fees. 3073~~

~~Upon provision of the requested medical treatment or service 3074  
or assessment of a fee for a random drug test, payment of the 3075~~

~~required fee may be automatically deducted from a person's account  
record in the workhouse's business office. If the person has no  
funds in the person's account, a deduction may be made at a later  
date during the person's confinement in the center if funds later  
become available in the person's account. If the person is  
released from the workhouse and has an unpaid balance of these  
fees, the legislative authority or board of township trustees may  
bill the person for payment of the remaining unpaid fees. Fees  
received for medical treatment or services shall be paid into the  
commissary fund, if one has been created for the workhouse, or if  
no such fund exists, into the treasury of the municipal  
corporation or township.~~

~~(2) If a person confined to a workhouse under division (A) of  
this section is required under division (B) of this section or  
section 2929.18 or 2929.223 of the Revised Code to reimburse  
medical expenses incurred by reason of the person's confinement to  
the workhouse, any fees paid by the person under division (D)(1)  
of this section shall be deducted from the expenses required to be  
reimbursed under division (B) of this section or section 2929.18  
or 2929.223 of the Revised Code.~~

~~(E)(C)~~ If a person who has been convicted of or pleaded  
guilty to an offense is incarcerated in a workhouse or if a person  
who has been arrested for an offense, and who has not been denied  
bail or has had bail set and has not been released on bail is  
confined in a workhouse pending trial, at the time of reception  
and at other times the person in charge of the operation of the  
workhouse determines to be appropriate, the person in charge of  
the operation of the workhouse may cause the convicted or accused  
offender to be examined and tested for tuberculosis, HIV  
infection, hepatitis, including, but not limited to, hepatitis A,  
B, and C, and other contagious diseases. The person in charge of  
the operation of the workhouse may cause a convicted or accused

offender in the workhouse who refuses to be tested or treated for 3108  
tuberculosis, HIV infection, hepatitis, including, but not limited 3109  
to, hepatitis A, B, and C, or another contagious disease to be 3110  
tested and treated involuntarily. 3111

**Sec. 753.16.** (A) Any city or district having a workhouse may 3112  
receive as inmates of the workhouse persons sentenced or committed 3113  
to it from counties other than the one in which the workhouse is 3114  
situated, upon the terms and during the length of time agreed upon 3115  
by the boards of county commissioners of those counties, or by the 3116  
legislative authority of a municipal corporation in those counties 3117  
and the legislative authority of the city, or the board of the 3118  
district workhouse, or other authority having the management and 3119  
control of the workhouse. Prisoners so received shall in all 3120  
respects be and remain under the control of that authority, and 3121  
shall be subject to the rules and discipline of the workhouse to 3122  
which the other prisoners detained in the workhouse are subject. 3123

(B) Prior to the acceptance for housing into a jail or 3125  
workhouse of persons who are designated by the department of 3126  
rehabilitation and correction, who plead guilty to or are 3127  
convicted of a felony of the fourth or fifth degree, and who 3128  
satisfy the other requirements listed in section 5120.161 of the 3129  
Revised Code, the legislative authority of a municipal corporation 3130  
having a jail or workhouse, or the joint board managing and 3131  
controlling a workhouse for the joint use of a municipal 3132  
corporation and a county shall enter into an agreement with the 3133  
department of rehabilitation and correction under section 5120.161 3134  
of the Revised Code for the housing in the jail or workhouse of 3135  
persons who are designated by the department, who plead guilty to 3136  
or are convicted of a felony of the fourth or fifth degree, and 3137  
who satisfy the other requirements listed in that section, in 3138  
exchange for a per diem fee per person. Persons incarcerated in 3139

the jail or workhouse pursuant to an agreement of that nature  
shall be subject to supervision and control in the manner  
described in section 5120.161 of the Revised Code. This division  
does not affect the authority of a court to directly sentence a  
person who is convicted of or pleads guilty to a felony to the  
jail or workhouse in accordance with section 2929.16 of the  
Revised Code.

~~(C)(1) The Pursuant to section 2929.29 of the Revised Code,~~  
~~the board of county commissioners, the legislative authority of~~  
~~the municipal corporation, or the board or other managing~~  
~~authority of the district workhouse may require a person who was~~  
~~convicted of an offense and who is confined in the workhouse as~~  
~~provided in division (A) of this section, to reimburse the county,~~  
~~municipal corporation, or district, as the case may be, for its~~  
~~expenses incurred by reason of the person's confinement,~~  
~~including, but not limited to, the expenses relating to the~~  
~~provision of food, clothing, shelter, medical care, personal~~  
~~hygiene products, including, but not limited to, toothpaste,~~  
~~toothbrushes, and feminine hygiene items, and up to two hours of~~  
~~overtime costs the sheriff or municipal corporation incurred~~  
~~relating to the trial of the person. The amount of reimbursement~~  
~~may be the actual cost of the person's confinement plus the~~  
~~authorized trial overtime costs or a lesser amount determined by~~  
~~the board of county commissioners for the county, the legislative~~  
~~authority of the municipal corporation, or the board or other~~  
~~managing authority of the district workhouse, provided that the~~  
~~lesser amount shall be determined by a formula that is uniformly~~  
~~applied to persons incarcerated in the workhouse. The amount of~~  
~~reimbursement shall be determined by a court at a hearing held~~  
~~pursuant to section 2929.18 of the Revised Code if the person is~~  
~~confined for a felony or section 2929.223 of the Revised Code if~~  
~~the person is confined for a misdemeanor. The amount or amounts~~

~~paid in reimbursement by a person confined for a misdemeanor or 3172~~  
~~the amount recovered from a person confined for a misdemeanor by 3173~~  
~~executing upon the judgment obtained pursuant to section 2929.223 3174~~  
~~of the Revised Code shall be paid into the treasury of the county, 3175~~  
~~municipal corporation, or district that incurred the expenses. If 3176~~  
~~a person is confined for a felony and the court imposes a sanction 3177~~  
~~under section 2929.18 of the Revised Code that requires the person 3178~~  
~~to reimburse the costs of confinement, the prosecuting attorney or 3179~~  
~~municipal chief legal officer shall bring an action to recover the 3180~~  
~~expenses of confinement in accordance with section 2929.18 of the 3181~~  
~~Revised Code. 3182~~

~~(2) The board of county commissioners, the legislative 3183~~  
~~authority of the municipal corporation, or the board or other 3184~~  
~~managing authority of the district workhouse may adopt a 3185~~  
~~resolution or ordinance specifying that a person who is convicted 3186~~  
~~of a felony and who is confined in the workhouse as provided in 3187~~  
~~division (A) of this section is not required to reimburse the 3188~~  
~~county, municipal corporation, or district, as the case may be, 3189~~  
~~for its expenses incurred by reason of the person's confinement, 3190~~  
~~including the expenses listed in division (C)(1) of this section. 3191~~  
~~If the board, legislative authority, or managing authority adopts 3192~~  
~~a resolution of that nature, the board, legislative authority, or 3193~~  
~~managing authority shall provide a copy to the court of common 3194~~  
~~pleas of the county, and the court that sentences a person 3195~~  
~~convicted of a felony shall not impose a sanction under section 3196~~  
~~2929.18 of the Revised Code that requires the person to reimburse 3197~~  
~~the costs of the confinement. 3198~~

~~(D)(1) Notwithstanding any contrary provision in this section 3199~~  
~~or section 2929.223 of the Revised Code, the board of county 3200~~  
~~commissioners, the legislative authority of a municipal 3201~~  
~~corporation, or the board or other managing authority of the 3202~~  
~~district workhouse may establish a policy that requires any person 3203~~

who is not indigent and who is confined in the jail or workhouse 3204  
under division (A) or (B) of this section to pay a reasonable fee 3205  
for any medical treatment or service requested by and provided to 3206  
that person or to pay the fee for a random drug test assessed 3207  
under division (E) of section 753.33 of the Revised Code. The fee 3208  
for the medical treatment or service shall not exceed the actual 3209  
cost of the treatment or service provided. No person who is 3210  
indigent shall be required to pay those fees, and no person shall 3211  
be denied any necessary medical care because of inability to pay 3212  
those fees. 3213

Upon provision of the requested medical treatment or service 3214  
or assessment of a fee for a random drug test, payment of the 3215  
required fee may be automatically deducted from a person's account 3216  
record in the jail or workhouse's business office. If the person 3217  
has no funds in the person's account, a deduction may be made at a 3218  
later date during the person's confinement in the jail or 3219  
workhouse if funds later become available in that person's 3220  
account. If the person is released from the jail or workhouse and 3221  
has an unpaid balance of these fees, the board of county 3222  
commissioners, the legislative authority of the municipal 3223  
corporation, or the board or other managing authority of the 3224  
district workhouse may bill the person for payment of the 3225  
remaining unpaid fees. Fees received for medical treatment or 3226  
services shall be paid into the commissary fund, if one has been 3227  
created for the workhouse, or if no such fund exists, into the 3228  
treasury of each applicable political subdivision. 3229

(2) If a person confined to a jail or workhouse is required 3230  
under division (C) of this section or section 2929.18 or 2929.223 3231  
of the Revised Code to reimburse medical expenses incurred by 3232  
reason of the person's confinement to the jail or workhouse, any 3233  
fees paid by the person under division (D)(1) of this section 3234  
shall be deducted from the expenses required to be reimbursed 3235

~~under division (C) of this section or section 2929.18 or 2929.223~~ 3236  
~~of the Revised Code.~~ 3237

~~(E)~~(D) If a person who has been convicted of or pleaded 3238  
guilty to an offense is confined in the workhouse as provided in 3239  
division (A) of this section or is incarcerated in the workhouse 3240  
in the manner described in division (B) of this section, or if a 3241  
person who has been arrested for an offense, and who has been 3242  
denied bail or has had bail set and has not been released on bail 3243  
is confined in the workhouse pending trial, at the time of 3244  
reception and at other times the person in charge of the operation 3245  
of the workhouse determines to be appropriate, the person in 3246  
charge of the operation of the workhouse may cause the convicted 3247  
or accused offender to be examined and tested for tuberculosis, 3248  
HIV infection, hepatitis, including but not limited to hepatitis 3249  
A, B, and C, and other contagious diseases. The person in charge 3250  
of the operation of the workhouse may cause a convicted or accused 3251  
offender in the workhouse who refuses to be tested or treated for 3252  
tuberculosis, HIV infection, hepatitis, including but not limited 3253  
to hepatitis A, B, and C, or another contagious disease to be 3254  
tested and treated involuntarily. 3255

**Sec. 1501.013.** (A) Subject to division (B) of this section, 3256  
the director of natural resources may designate an employee of the 3257  
department of natural resources as a natural resources law 3258  
enforcement staff officer. Such an officer may do any or all of 3259  
the following: 3260

(1) Coordinate the law enforcement activities, training, and 3261  
policies of the department; 3262

(2) Serve as the department's liaison with other law 3263  
enforcement agencies and jurisdictions and as the director's 3264  
representative regarding law enforcement activities; 3265

(3) Conduct internal investigations of employees of the 3266



department as necessary; 3267

(4) Perform other functions related to the department's law 3268  
enforcement activities, training, and policies that the director 3269  
assigns to the officer. 3270

A natural resources law enforcement staff officer, on any 3271  
lands or waters owned, controlled, maintained, or administered by 3272  
the department, has the authority specified under section 2935.03 3273  
of the Revised Code for peace officers of the department of 3274  
natural resources to keep the peace, to enforce all laws and rules 3275  
governing those lands and waters, and to make arrests for 3276  
violation of those laws and rules. 3277

The governor, upon the recommendation of the director, shall 3278  
issue to a natural resources law enforcement staff officer a 3279  
commission indicating authority to make arrests as provided in 3280  
division (A) of this section. 3281

The director shall furnish a suitable badge to a commissioned 3282  
natural resources law enforcement staff officer as evidence of 3283  
that officer's authority. 3284

(B)(1) As used in division (B) of this section, "felony" has 3285  
the same meaning as in section 109.511 of the Revised Code. 3286

(2) The director shall not designate a person as a natural 3287  
resources law enforcement staff officer under division (A) of this 3288  
section on a permanent basis, on a temporary basis, for a 3289  
probationary term, or on other than a permanent basis if the 3290  
person previously has been convicted of or has pleaded guilty to a 3291  
felony. 3292

(3) The director shall terminate the employment as a natural 3293  
resources law enforcement staff officer of a person designated as 3294  
such an officer if that person does either of the following: 3295

(a) Pleads guilty to a felony; 3296

(b) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section ~~2929.29~~ 2929.43 of the Revised Code in which the natural resources law enforcement staff officer agrees to surrender the certificate awarded to that officer under section 109.77 of the Revised Code.

(4) The director shall suspend from employment as a natural resources law enforcement staff officer a person designated as such an officer if that person is convicted, after trial, of a felony. If the natural resources law enforcement staff officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken, or if the officer does not file a timely appeal, the director shall terminate the employment of the natural resources law enforcement staff officer. If the natural resources law enforcement staff officer files an appeal that results in the officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the officer, the director shall reinstate the natural resources law enforcement staff officer. A natural resources law enforcement staff officer who is reinstated under division (B)(4) of this section shall not receive any back pay unless the officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the officer of the felony.

(5) Division (B) of this section does not apply regarding an offense that was committed prior to January 1, 1999.

(6) The suspension from employment, or the termination of the employment, of a natural resources law enforcement staff officer under division (B)(3) or (4) of this section shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 1503.29.** (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B)(1) Subject to division (D) of this section, any person 3328  
employed by the chief of the division of forestry for 3329  
administrative service in a state forest may be designated by the 3330  
chief and known as a forest officer. A forest officer, on any 3331  
lands or waters owned, controlled, maintained, or administered by 3332  
the department of natural resources and on highways, as defined in 3333  
section 4511.01 of the Revised Code, adjacent to lands and waters 3334  
owned, controlled, maintained, or administered by the division of 3335  
forestry, has the authority specified under section 2935.03 of the 3336  
Revised Code for peace officers of the department of natural 3337  
resources to keep the peace, to enforce all laws and rules 3338  
governing those lands and waters, and to make arrests for 3339  
violation of those laws and rules, provided that the authority 3340  
shall be exercised on lands or waters administered by another 3341  
division of the department only pursuant to an agreement with the 3342  
chief of that division or to a request for assistance by an 3343  
enforcement officer of that division in an emergency. 3344

(2) A forest officer, in or along any watercourse within, 3345  
abutting, or upstream from the boundary of any area administered 3346  
by the department, has the authority to enforce section 3767.32 of 3347  
the Revised Code and other laws prohibiting the dumping of refuse 3348  
into or along waters and to make arrests for violation of those 3349  
laws. The jurisdiction of forest officers shall be concurrent with 3350  
that of the peace officers of the county, township, or municipal 3351  
corporation in which the violation occurs. 3352

(3) A forest officer may enter upon private and public lands 3353  
to investigate an alleged violation of, and may enforce, this 3354  
chapter and sections 2909.02, 2909.03, and 2909.06 of the Revised 3355  
Code when the alleged violation or other act pertains to forest 3356  
fires. 3357

(C)(1) A forest officer may render assistance to a state or 3358  
local law enforcement officer at the request of that officer or 3359

may render assistance to a state or local law enforcement officer 3360  
in the event of an emergency. Forest officers serving outside the 3361  
division of forestry under this section or serving under the terms 3362  
of a mutual aid compact authorized under section 1501.02 of the 3363  
Revised Code shall be considered as performing services within 3364  
their regular employment for the purposes of compensation, pension 3365  
or indemnity fund rights, workers' compensation, and other rights 3366  
or benefits to which they may be entitled as incidents of their 3367  
regular employment. 3368

(2) Forest officers serving outside the division of forestry 3369  
under this section or under a mutual aid compact retain personal 3370  
immunity from civil liability as specified in section 9.86 of the 3371  
Revised Code and shall not be considered an employee of a 3372  
political subdivision for purposes of Chapter 2744. of the Revised 3373  
Code. A political subdivision that uses forest officers under this 3374  
section or under the terms of a mutual aid compact authorized 3375  
under section 1501.02 of the Revised Code is not subject to civil 3376  
liability under Chapter 2744. of the Revised Code as the result of 3377  
any action or omission of any forest officer acting under this 3378  
section or under a mutual aid compact. 3379

(D)(1) The chief of the division of forestry shall not 3380  
designate a person as a forest officer pursuant to division (B)(1) 3381  
of this section on a permanent basis, on a temporary basis, for a 3382  
probationary term, or on other than a permanent basis if the 3383  
person previously has been convicted of or has pleaded guilty to a 3384  
felony. 3385

(2)(a) The chief of the division of forestry shall terminate 3386  
the employment as a forest officer of a person designated as a 3387  
forest officer under division (B)(1) of this section if that 3388  
person does either of the following: 3389

(i) Pleads guilty to a felony; 3390

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section ~~2929.29~~ 2929.43 of the Revised Code in which the forest officer agrees to surrender the certificate awarded to the forest officer under section 109.77 of the Revised Code.

(b) The chief shall suspend from employment as a forest officer a person designated as a forest officer under division (B)(1) of this section if that person is convicted, after trial, of a felony. If the forest officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the forest officer does not file a timely appeal, the chief shall terminate the employment of that forest officer. If the forest officer files an appeal that results in that forest officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the forest officer, the chief shall reinstate that forest officer. A forest officer who is reinstated under division (D)(2)(b) of this section shall not receive any back pay unless that forest officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the forest officer of the felony.

(3) Division (D) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a forest officer under division (D)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 1517.10.** (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B)(1) Any person selected by the chief of the division of

natural areas and preserves for custodial or patrol service on the 3422  
lands and waters operated or administered by the division shall be 3423  
employed in conformity with the law applicable to the classified 3424  
civil service of the state. Subject to division (C) of this 3425  
section, the chief may designate that person as a preserve 3426  
officer. A preserve officer, in any nature preserve, in any 3427  
natural area owned or managed through easement, license, or lease 3428  
by the department of natural resources and administered by the 3429  
division, and on lands owned or managed through easement, license, 3430  
or lease by the department and administered by the division that 3431  
are within or adjacent to any wild, scenic, or recreational river 3432  
area established under this chapter and along any trail 3433  
established under Chapter 1519. of the Revised Code, has the 3434  
authority specified under section 2935.03 of the Revised Code for 3435  
peace officers of the department of natural resources to keep the 3436  
peace, to enforce all laws and rules governing those lands and 3437  
waters, and to make arrests for violation of those laws and rules, 3438  
provided that the authority shall be exercised on lands or waters 3439  
administered by another division of the department only pursuant 3440  
to an agreement with the chief of that division or to a request 3441  
for assistance by an enforcement officer of that division in an 3442  
emergency. A preserve officer, in or along any watercourse within, 3443  
abutting, or upstream from the boundary of any area administered 3444  
by the department, has the authority to enforce section 3767.32 of 3445  
the Revised Code and any other laws prohibiting the dumping of 3446  
refuse into or along waters and to make arrests for violation of 3447  
those laws. The jurisdiction of a preserve officer shall be 3448  
concurrent with that of the peace officers of the county, 3449  
township, or municipal corporation in which the violation occurs. 3450

The governor, upon the recommendation of the chief, shall 3451  
issue to each preserve officer a commission indicating authority 3452  
to make arrests as provided in this section. 3453

The chief shall furnish a suitable badge to each commissioned  
preserve officer as evidence of the preserve officer's authority.

(2) If any person employed under this section is designated  
by the chief to act as an agent of the state in the collection of  
money resulting from the sale of licenses, fees of any nature, or  
other money belonging to the state, the chief shall require a  
surety bond from the person in an amount not less than one  
thousand dollars.

(C)(1) The chief of the division of natural areas and  
preserves shall not designate a person as a preserve officer  
pursuant to division (B)(1) of this section on a permanent basis,  
on a temporary basis, for a probationary term, or on other than a  
permanent basis if the person previously has been convicted of or  
has pleaded guilty to a felony.

(2)(a) The chief of the division of natural areas and  
preserves shall terminate the employment as a preserve officer of  
a person designated as a preserve officer under division (B)(1) of  
this section if that person does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section ~~2929.29~~  
2929.43 of the Revised Code in which the preserve officer agrees  
to surrender the certificate awarded to the preserve officer under  
section 109.77 of the Revised Code.

(b) The chief shall suspend from employment as a preserve  
officer a person designated as a preserve officer under division  
(B)(1) of this section if that person is convicted, after trial,  
of a felony. If the preserve officer files an appeal from that  
conviction and the conviction is upheld by the highest court to  
which the appeal is taken or if the preserve officer does not file  
a timely appeal, the chief shall terminate the employment of that

preserve officer. If the preserve officer files an appeal that  
results in the preserve officer's acquittal of the felony or  
conviction of a misdemeanor, or in the dismissal of the felony  
charge against the preserve officer, the chief shall reinstate  
that preserve officer. A preserve officer who is reinstated under  
division (C)(2)(b) of this section shall not receive any back pay  
unless that preserve officer's conviction of the felony was  
reversed on appeal, or the felony charge was dismissed, because  
the court found insufficient evidence to convict the preserve  
officer of the felony.

(3) Division (C) of this section does not apply regarding an  
offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the  
employment, of a preserve officer under division (C)(2) of this  
section shall be in accordance with Chapter 119. of the Revised  
Code.

**Sec. 1531.132.** (A) As used in this section, "felony" has the  
same meaning as in section 109.511 of the Revised Code.

(B)(1) The chief of the division of wildlife shall not  
designate a person as a game protector on a permanent basis, on a  
temporary basis, for a probationary term, or on other than a  
permanent basis if the person previously has been convicted of or  
has pleaded guilty to a felony.

(2)(a) The chief of the division of wildlife shall terminate  
the employment of a person as a game protector if that person does  
either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section ~~2929.29~~  
2929.43 of the Revised Code in which the game protector agrees to



surrender the certificate awarded to the game protector under 3515  
section 109.77 of the Revised Code. 3516

(b) The chief shall suspend from employment as a game 3517  
protector a person designated as a game protector if that person 3518  
is convicted, after trial, of a felony. If the game protector 3519  
files an appeal from that conviction and the conviction is upheld 3520  
by the highest court to which the appeal is taken or if the game 3521  
protector does not file a timely appeal, the chief shall terminate 3522  
the employment of that game protector. If the game protector files 3523  
an appeal that results in the game protector's acquittal of the 3524  
felony or conviction of a misdemeanor, or in the dismissal of the 3525  
felony charge against the game protector, the chief shall 3526  
reinstate that game protector. A game protector who is reinstated 3527  
under division (B)(2)(b) of this section shall not receive any 3528  
back pay unless that game protector's conviction of the felony was 3529  
reversed on appeal, or the felony charge was dismissed, because 3530  
the court found insufficient evidence to convict the game 3531  
protector of the felony. 3532

(3) Division (B) of this section does not apply regarding an 3533  
offense that was committed prior to January 1, 1997. 3534

(4) The suspension from employment, or the termination of the 3535  
employment, of a game protector under division (B)(2) of this 3536  
section shall be in accordance with Chapter 119. of the Revised 3537  
Code. 3538

**Sec. 1541.11.** (A) As used in this section, "felony" has the 3539  
same meaning as in section 109.511 of the Revised Code. 3540

(B)(1) The chief of the division of parks and recreation 3541  
shall not designate a person as a park officer under section 3542  
1541.10 of the Revised Code on a permanent basis, on a temporary 3543  
basis, for a probationary term, or on other than a permanent basis 3544  
if the person previously has been convicted of or has pleaded 3545

guilty to a felony. 3546

(2)(a) The chief of the division of parks and recreation 3547  
shall terminate the employment as a park officer of a person 3548  
designated as a park officer under section 1541.10 of the Revised 3549  
Code if that person does either of the following: 3550

(i) Pleads guilty to a felony; 3551

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 3552  
plea agreement as provided in division (D) of section ~~2929.29~~ 3553  
2929.43 of the Revised Code in which the park officer agrees to 3554  
surrender the certificate awarded to the park officer under 3555  
section 109.77 of the Revised Code. 3556

(b) The chief shall suspend from employment as a park officer 3557  
a person designated as a park officer if that person is convicted, 3558  
after trial, of a felony. If the park officer files an appeal from 3559  
that conviction and the conviction is upheld by the highest court 3560  
to which the appeal is taken or if the park officer does not file 3561  
a timely appeal, the chief shall terminate the employment of that 3562  
park officer. If the park officer files an appeal that results in 3563  
the park officer's acquittal of the felony or conviction of a 3564  
misdemeanor, or in the dismissal of the felony charge against the 3565  
park officer, the chief shall reinstate that park officer. A park 3566  
officer who is reinstated under division (B)(2)(b) of this section 3567  
shall not receive any back pay unless that park officer's 3568  
conviction of the felony was reversed on appeal, or the felony 3569  
charge was dismissed, because the court found insufficient 3570  
evidence to convict the park officer of the felony. 3571

(3) Division (B) of this section does not apply regarding an 3573  
offense that was committed prior to January 1, 1997. 3574

(4) The suspension from employment, or the termination of the 3575  
employment, of a park officer under division (B)(2) of this 3576

section shall be in in accordance with Chapter 119. of the Revised 3577  
Code. 3578

**Sec. 1545.13.** (A) As used in this section, "felony" has the 3579  
same meaning as in section 109.511 of the Revised Code. 3580

(B) The employees that the board of park commissioners 3581  
designates for that purpose may exercise all the powers of police 3582  
officers within and adjacent to the lands under the jurisdiction 3583  
and control of the board or when acting as authorized by section 3584  
1545.131 or 1545.132 of the Revised Code. Before exercising the 3585  
powers of police officers, the designated employees shall comply 3586  
with the certification requirement established in section 109.77 3587  
of the Revised Code, take an oath, and give a bond to the state in 3588  
the sum that the board prescribes, for the proper performance of 3589  
their duties in that respect. This division is subject to division 3590  
(C) of this section. 3591

(C)(1) The board of park commissioners shall not designate an 3592  
employee as provided in division (B) of this section on a 3593  
permanent basis, on a temporary basis, for a probationary term, or 3594  
on other than a permanent basis if the employee previously has 3595  
been convicted of or has pleaded guilty to a felony. 3596

(2)(a) The board of park commissioners shall terminate the 3597  
employment of an employee designated as provided in division (B) 3598  
of this section if the employee does either of the following: 3599

(i) Pleads guilty to a felony; 3600

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 3601  
plea agreement as provided in division (D) of section ~~2929.29~~ 3602  
2929.43 of the Revised Code in which the employee agrees to 3603  
surrender the certificate awarded to the employee under section 3604  
109.77 of the Revised Code. 3605

(b) The board shall suspend from employment an employee 3606

designated as provided in division (B) of this section if the  
employee is convicted, after trial, of a felony. If the employee  
files an appeal from that conviction and the conviction is upheld  
by the highest court to which the appeal is taken or if the  
employee does not file a timely appeal, the board shall terminate  
the employment of that employee. If the employee files an appeal  
that results in the employee's acquittal of the felony or  
conviction of a misdemeanor, or in the dismissal of the felony  
charge against the employee, the board shall reinstate that  
employee. An employee who is reinstated under division (C)(2)(b)  
of this section shall not receive any back pay unless that  
employee's conviction of the felony was reversed on appeal, or the  
felony charge was dismissed, because the court found insufficient  
evidence to convict the employee of the felony.

(3) Division (C) of this section does not apply regarding an  
offense that was committed prior to January 1, 1995.

(4) The suspension from employment, or the termination of the  
employment, of an employee under division (C)(2) of this section  
shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 1547.523.** (A) As used in this section, "felony" has the  
same meaning as in section 109.511 of the Revised Code.

(B)(1) The chief of the division of watercraft shall not  
appoint a person as a state watercraft officer on a permanent  
basis, on a temporary basis, for a probationary term, or on other  
than a permanent basis if the person previously has been convicted  
of or has pleaded guilty to a felony.

(2)(a) The chief of the division of watercraft shall  
terminate the employment of a state watercraft officer who does  
either of the following:

(i) Pleads guilty to a felony; 3637

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 3638  
plea agreement as provided in division (D) of section ~~2929.29~~ 3639  
2929.43 of the Revised Code in which the state watercraft officer 3640  
agrees to surrender the certificate awarded to that officer under 3641  
section 109.77 of the Revised Code. 3642

(b) The chief shall suspend from employment a state 3643  
watercraft officer who is convicted, after trial, of a felony. If 3644  
the state watercraft officer files an appeal from that conviction 3645  
and the conviction is upheld by the highest court to which the 3646  
appeal is taken or if the state watercraft officer does not file a 3647  
timely appeal, the chief shall terminate the employment of that 3648  
state watercraft officer. If the state watercraft officer files an 3649  
appeal that results in the state watercraft officer's acquittal of 3650  
the felony or conviction of a misdemeanor, or in the dismissal of 3651  
the felony charge against the state watercraft officer, the chief 3652  
shall reinstate that state watercraft officer. A state watercraft 3653  
officer who is reinstated under division (B)(2)(b) of this section 3654  
shall not receive any back pay unless that state watercraft 3655  
officer's conviction of the felony was reversed on appeal, or the 3656  
felony charge was dismissed, because the court found insufficient 3657  
evidence to convict the state watercraft officer of the felony. 3658

(3) Division (B) of this section does not apply regarding an 3660  
offense that was committed prior to January 1, 1997. 3661

(4) The suspension from employment, or the termination of the 3662  
employment, of a state watercraft officer under division (B)(2) of 3663  
this section shall be in accordance with Chapter 119. of the 3664  
Revised Code. 3665

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the 3666  
Revised Code is guilty of a felony of the fourth degree. 3667

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

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

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

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

(F) Whoever violates division (M) of section 1547.54, division (G) of section 1547.30, or section 1547.131, 1547.25, 1547.33, 1547.38, 1547.39, 1547.40, 1547.69, or 1547.92 of the Revised Code or a rule adopted under division (A)(2) of section 1547.52 of the Revised Code is guilty of a misdemeanor of the fourth degree.

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

(1) Except as otherwise provided in division (G)(2) or (3) of this section, the court shall sentence the offender to a jail term ~~of imprisonment~~ of three consecutive days and may sentence the offender pursuant to section ~~2929.21~~ 2929.24 of the Revised Code to a longer jail term ~~of imprisonment~~. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars.

The court may suspend the execution of the mandatory jail term of three consecutive days ~~of imprisonment~~ that it is required to impose by division (G)(1) of this section if the court, in lieu

of the suspended jail term of ~~imprisonment~~, places the offender ~~on~~ 3699  
~~probation~~ under a community control sanction pursuant to section 3700  
2929.25 of the Revised Code and requires the offender to attend, 3701  
for three consecutive days, a drivers' intervention program that 3702  
is certified pursuant to section 3793.10 of the Revised Code. The 3703  
court also may suspend the execution of any part of the mandatory 3704  
jail term of three consecutive days of ~~imprisonment~~ that it is 3705  
required to impose by division (G)(1) of this section if the court 3706  
places the offender ~~on probation~~ under a community control 3707  
sanction pursuant to section 2929.25 of the Revised Code for part 3708  
of the three consecutive days; requires the offender to attend, 3709  
for that part of the three consecutive days, a drivers' 3710  
intervention program that is certified pursuant to section 3793.10 3711  
of the Revised Code; and sentences the offender to a jail term of ~~of~~ 3712  
~~imprisonment~~ equal to the remainder of the three consecutive days 3713  
that the offender does not spend attending the drivers' 3714  
intervention program. The court may require the offender, as a 3715  
condition of ~~probation~~ community control, to attend and 3716  
satisfactorily complete any treatment or education programs, in 3717  
addition to the required attendance at a drivers' intervention 3718  
program, that the operators of the drivers' intervention program 3719  
determine that the offender should attend and to report 3720  
periodically to the court on the offender's progress in the 3721  
programs. The court also may impose any other conditions of 3722  
~~probation~~ community control on the offender that it considers 3723  
necessary. 3724

(2) If, within five years of the offense, the offender has 3725  
been convicted of or pleaded guilty to one violation of section 3726  
1547.11 of the Revised Code, of a municipal ordinance relating to 3727  
operating a watercraft or manipulating any water skis, aquaplane, 3728  
or similar device while under the influence of alcohol, a drug of 3729  
abuse, or alcohol and a drug of abuse, of a municipal ordinance 3730  
relating to operating a watercraft or manipulating any water skis, 3731

aquaplane, or similar device with a prohibited concentration of  
alcohol in the blood, breath, or urine, of division (A)(1) of  
section 2903.06 of the Revised Code, or of division (A)(2), (3),  
or (4) of section 2903.06 of the Revised Code or former section  
2903.06 or 2903.07 of the Revised Code in a case in which the jury  
or judge found that the offender was under the influence of  
alcohol, a drug of abuse, or alcohol and a drug of abuse, the  
court shall sentence the offender to a jail term ~~of imprisonment~~  
of ten consecutive days and may sentence the offender pursuant to  
section ~~2929.21~~ 2929.24 of the Revised Code to a longer jail term  
~~of imprisonment~~. In addition, the court shall impose upon the  
offender a fine of not less than one hundred fifty nor more than  
one thousand dollars.

In addition to any other sentence that it imposes upon the  
offender, the court may require the offender to attend a drivers'  
intervention program that is certified pursuant to section 3793.10  
of the Revised Code.

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

In addition to any other sentence that it imposes upon the  
offender, the court may require the offender to attend a drivers'  
intervention program that is certified pursuant to section 3793.10  
of the Revised Code.

(4) Upon a showing that ~~imprisonment~~ serving a jail term  
would seriously affect the ability of an offender sentenced  
pursuant to division (G)(1), (2), or (3) of this section to



continue the offender's employment, the court may authorize that 3764  
the offender be granted work release ~~from imprisonment~~ after the 3765  
offender has served the mandatory jail term of three, ten, or 3766  
thirty consecutive days ~~of imprisonment~~ that the court is required 3767  
by division (G)(1), (2), or (3) of this section to impose. No 3768  
court shall authorize work release ~~from imprisonment~~ during the 3769  
mandatory jail term of three, ten, or thirty consecutive days ~~of~~ 3770  
~~imprisonment~~ that the court is required by division (G)(1), (2), 3771  
or (3) of this section to impose. The duration of the work release 3772  
shall not exceed the time necessary each day for the offender to 3773  
commute to and from the place of employment and the place ~~of~~ 3774  
~~imprisonment~~ in which the jail term is served and the time 3775  
actually spent under employment. 3776

(5) Notwithstanding any section of the Revised Code that 3777  
authorizes the suspension of the imposition or execution of a 3778  
sentence or the placement of an offender in any treatment program 3779  
in lieu of imprisonment, no court shall suspend the mandatory jail 3780  
term of ten or thirty consecutive days ~~of imprisonment~~ required to 3781  
be imposed by division (G)(2) or (3) of this section or place an 3782  
offender who is sentenced pursuant to division (G)(2) or (3) of 3783  
this section in any treatment program in lieu of imprisonment 3784  
until after the offender has served the mandatory jail term of ten 3785  
or thirty consecutive days ~~of imprisonment~~ required to be imposed 3786  
pursuant to division (G)(2) or (3) of this section. 3787  
Notwithstanding any section of the Revised Code that authorizes 3788  
the suspension of the imposition or execution of a sentence or the 3789  
placement of an offender in any treatment program in lieu of 3790  
imprisonment, no court, except as specifically authorized by 3791  
division (G)(1) of this section, shall suspend the mandatory jail 3792  
term of three consecutive days ~~of imprisonment~~ required to be 3793  
imposed by division (G)(1) of this section or place an offender 3794  
who is sentenced pursuant to division (G)(1) of this section in 3795  
any treatment program in lieu of imprisonment until after the 3796

offender has served the mandatory jail term of three consecutive 3797  
days of ~~imprisonment~~ required to be imposed pursuant to division 3798  
(G)(1) of this section. 3799

(H) Whoever violates section 1547.304 of the Revised Code is 3800  
guilty of a misdemeanor of the fourth degree and also shall be 3801  
assessed any costs incurred by the state or a county, township, 3802  
municipal corporation, or other political subdivision in disposing 3803  
of an abandoned junk vessel or outboard motor, less any money 3804  
accruing to the state, county, township, municipal corporation, or 3805  
other political subdivision from that disposal. 3806

(I) Whoever violates division (B) or (C) of section 1547.49 3807  
of the Revised Code is guilty of a minor misdemeanor. 3808

(J) Whoever violates section 1547.31 of the Revised Code is 3809  
guilty of a misdemeanor of the fourth degree on a first offense. 3810  
On each subsequent offense, the person is guilty of a misdemeanor 3811  
of the third degree. 3812

(K) Whoever violates section 1547.05 or 1547.051 of the 3813  
Revised Code is guilty of a misdemeanor of the fourth degree if 3814  
the violation is not related to a collision, injury to a person, 3815  
or damage to property and a misdemeanor of the third degree if the 3816  
violation is related to a collision, injury to a person, or damage 3817  
to property. 3818

(L) The sentencing court, in addition to the penalty provided 3819  
under this section for a violation of this chapter or a rule 3820  
adopted under it that involves a powercraft powered by more than 3821  
ten horsepower and that, in the opinion of the court, involves a 3822  
threat to the safety of persons or property, shall order the 3823  
offender to complete successfully a boating course approved by the 3824  
national association of state boating law administrators before 3825  
the offender is allowed to operate a powercraft powered by more 3826  
than ten horsepower on the waters in this state. Violation of a 3827  
court order entered under this division is punishable as contempt 3828

under Chapter 2705. of the Revised Code. 3829  
3830

**Sec. 1702.80.** (A) As used in this section: 3831

(1) "Qualified nonprofit corporation" means a nonprofit 3832  
corporation that is established under this chapter and to which 3833  
all of the following apply: 3834

(a) The nonprofit corporation is a tax-exempt charitable 3835  
organization; 3836

(b) The nonprofit corporation has other organizations as 3837  
members, and at least twenty of its members are tax-exempt 3838  
charitable organizations; 3839

(c) The nonprofit corporation, together with its members that 3840  
are organizations, owns, leases, occupies, or uses an area of not 3841  
less than three hundred acres within which its police department 3842  
established under division (B) of this section will provide police 3843  
services; 3844

(d) The chief of police of each municipal corporation within 3845  
which the police department of the nonprofit corporation will be 3846  
eligible to provide police services has given approval for persons 3847  
who are appointed as police officers of that department to carry 3848  
out their powers and duties as police officers. 3849

(2) "Authorizing agreement" means the written agreement 3850  
entered into between a qualified nonprofit corporation and a 3851  
municipal corporation pursuant to division (B) of this section for 3852  
the provision of police services within the municipal corporation 3853  
by the police department of the nonprofit corporation established 3854  
under division (B) of this section. 3855

(3) "Tax exempt" means that a corporation or organization is 3856  
exempt from federal income taxation under subsection 501(a) and is 3857  
described in subsection 501(c)(3) of the Internal Revenue Code, 3858

and that the corporation or organization has received from the  
internal revenue service a determination letter that currently is  
in effect stating that the corporation or organization is exempt  
from federal income taxation under that subsection and is  
described in that subsection.

(4) "Internal Revenue Code" means the "Internal Revenue Code  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(5) "Felony" has the same meaning as in section 109.511 of  
the Revised Code.

(B) A qualified nonprofit corporation may establish a police  
department to provide police services, subject to the requirements  
and limitations set forth in this division and divisions (C) and  
(D) of this section, within one or more municipal corporations.  
Subject to division (E) of this section, the board of trustees of  
a qualified nonprofit corporation that establishes a police  
department may appoint persons as police officers of the  
department, and the corporation may employ the persons so  
appointed as police officers.

A person so appointed and employed as a police officer is  
authorized to act as a police officer only to the extent and in  
the manner described in this section and only when directly  
engaged in the discharge of that person's duties as a police  
officer for the qualified nonprofit corporation. No person so  
appointed and employed as a police officer shall engage in any  
duties or activities as a police officer for a police department  
established by a qualified nonprofit corporation unless both of  
the following apply:

(1) The person successfully has completed a training program  
approved by the Ohio peace officer training commission and has  
been certified by the commission as having successfully completed  
the training program, or the person previously has successfully

completed a police officer basic training program certified by the 3890  
commission and has been awarded a certificate to that effect by 3891  
the commission. 3892

(2) The qualified nonprofit corporation has entered into a 3893  
written authorizing agreement, as described in division (C) of 3894  
this section, with the chief of police of each municipal 3895  
corporation within which the police department of the qualified 3896  
nonprofit corporation will provide police services. 3897

(C) An authorizing agreement entered into between a qualified 3898  
nonprofit corporation and a chief of police of a municipal 3899  
corporation shall apply only to the agreeing municipal 3900  
corporation, and a separate authorizing agreement shall be entered 3901  
into for each municipal corporation within which the police 3902  
department of the qualified nonprofit corporation will provide 3903  
police services. An authorizing agreement shall not require, or 3904  
contain any provision granting authority to, the chief of police 3905  
or any other officer, official, or employee of the municipal 3906  
corporation that enters into the agreement, to appoint or to 3907  
approve or disapprove the appointment of any police officer 3908  
appointed and employed by the qualified nonprofit corporation 3909  
police department under division (B) of this section. An 3910  
authorizing agreement shall comply with any statutes and with any 3911  
municipal charter provisions, ordinances, or resolutions that may 3912  
apply to it. An authorizing agreement may prescribe, but is not 3913  
limited to, any of the following: 3914

(1) The geographical territory within the municipal 3915  
corporation in which the police department established by the 3916  
qualified nonprofit corporation under division (B) of this section 3917  
may provide police services; 3918

(2) The standards and criteria to govern the interaction 3919  
between the police officers employed by the police department 3920  
established by the qualified nonprofit corporation under division 3921

(B) of this section and the law enforcement officers employed by 3922  
the municipal corporation, which standards and criteria may 3923  
include, but are not limited to, either of the following: 3924

(a) Provisions governing the reporting of offenses discovered 3925  
by the police officers employed by the qualified nonprofit 3926  
corporation police department to the police department of the 3927  
municipal corporation; 3928

(b) Provisions governing the processing and confinement of 3929  
persons arrested by police officers of the qualified nonprofit 3930  
corporation police department. 3931

(3) Any limitation on the qualified nonprofit corporation 3932  
police department's enforcement of municipal traffic ordinances 3933  
and regulations; 3934

(4) The duration, if any, of the agreement. 3935

(D) If a qualified nonprofit corporation establishes a police 3936  
department under this section, the qualified nonprofit 3937  
corporation, within the geographical territory specified for each 3938  
municipal corporation that has entered into an authorizing 3939  
agreement with it, concurrently with the municipal corporation, 3940  
shall preserve the peace, protect persons and property, enforce 3941  
the laws of the state, and enforce the charter provisions, 3942  
ordinances, and regulations of the political subdivisions of the 3943  
state that apply within that territory. Except as limited by the 3944  
terms of any applicable authorizing agreement, each police officer 3945  
who is employed by a police department established by a qualified 3946  
nonprofit corporation and who satisfies the requirement set forth 3947  
in division (B)(1) of this section is vested, while directly in 3948  
the discharge of that police officer's duties as a police officer, 3949  
with the same powers and authority as are vested in a police 3950  
officer of a municipal corporation under Title XXIX of the Revised 3951  
Code and the Rules of Criminal Procedure, and with the same powers 3952

and authority, including the operation of a public safety vehicle, 3953  
as are vested in a police officer of a municipal corporation under 3954  
Chapter 4511. of the Revised Code. 3955

(E)(1) The board of trustees of a qualified nonprofit 3956  
corporation that establishes a police department shall not appoint 3957  
a person as a police officer of the department pursuant to 3958  
division (B) of this section on a permanent basis, on a temporary 3959  
basis, for a probationary term, or on other than a permanent basis 3960  
if the person previously has been convicted of or has pleaded 3961  
guilty to a felony. 3962

(2)(a) The board of trustees of a qualified nonprofit 3963  
corporation shall terminate the employment of a police officer of 3964  
its police department appointed under division (B) of this section 3965  
if the police officer does either of the following: 3966

(i) Pleads guilty to a felony; 3967

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 3968  
plea agreement as provided in division (D) of section ~~2929.29~~ 3969  
2929.43 of the Revised Code in which the police officer agrees to 3970  
surrender the certificate awarded to the police officer under 3971  
section 109.77 of the Revised Code. 3972

(b) The board of trustees of a qualified nonprofit 3973  
corporation shall suspend from employment a police officer of its 3974  
police department appointed under division (B) of this section if 3975  
the police officer is convicted, after trial, of a felony. If the 3976  
police officer files an appeal from that conviction and the 3977  
conviction is upheld by the highest court to which the appeal is 3978  
taken or if the police officer does not file a timely appeal, the 3979  
board shall terminate the employment of that police officer. If 3980  
the police officer files an appeal that results in the police 3981  
officer's acquittal of the felony or conviction of a misdemeanor, 3982  
or in the dismissal of the felony charge against the police 3983

officer, the board shall reinstate that police officer. A police  
officer who is reinstated under division (E)(2)(b) of this section  
shall not receive any back pay unless that police officer's  
conviction of the felony was reversed on appeal, or the felony  
charge was dismissed, because the court found insufficient  
evidence to convict the police officer of the felony.

(3) Division (E) of this section does not apply regarding an  
offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the  
employment, of a police officer under division (E)(2) of this  
section shall be in accordance with Chapter 119. of the Revised  
Code.

**Sec. 1713.50.** (A) As used in this section:

(1) "Political subdivision" means a county, municipal  
corporation, or township.

(2) "Private college or university" means a college or  
university that has all of the following characteristics:

(a) It is not owned or controlled by the state or any  
political subdivision of the state.

(b) It provides a program of education in residence leading  
to a baccalaureate degree or provides a program of education in  
residence, for which the baccalaureate degree is a prerequisite,  
leading to an academic or professional degree.

(c) It is accredited by the north central association or  
another nationally recognized agency that accredits colleges and  
universities.

(3) "Felony" has the same meaning as in section 109.511 of  
the Revised Code.

(B) The board of trustees of a private college or university



may establish a campus police department and appoint members of  
the campus police department to act as police officers. The board  
shall assign duties to the members of a campus police department  
that shall include the enforcement of the regulations of the  
college or university. Subject to division (E) of this section,  
the board shall appoint as members of a campus police department  
only those persons who have successfully completed a training  
program approved by the Ohio peace officer training commission and  
have been certified as having done so or who have previously  
successfully completed a police officer basic training program  
certified by the commission and have been awarded a certificate to  
that effect by the commission.

Members of a campus police department shall not be reimbursed  
with state funds for any training they receive or be eligible to  
participate in any state or municipal retirement system. The  
uniforms, vehicles, and badges of members of a campus police  
department shall be distinct from those of the law enforcement  
agencies of the political subdivisions in which the private  
college or university that established the campus police  
department is located.

(C) Each member of a campus police department appointed under  
division (B) of this section is vested, while directly in the  
discharge of that member's duties as a police officer, with the  
same powers and authority that are vested in a police officer of a  
municipal corporation or a county sheriff under Title XXIX of the  
Revised Code and the Rules of Criminal Procedure, including the  
same powers and authority relating to the operation of a public  
safety vehicle that are vested in a police officer of a municipal  
corporation or a county sheriff under Chapter 4511. of the Revised  
Code. Except as otherwise provided in this division, members of a  
campus police department may exercise, concurrently with the law  
enforcement officers of the political subdivisions in which the

private college or university is located, the powers and authority 4045  
granted to them under this division in order to preserve the 4046  
peace, protect persons and property, enforce the laws of this 4047  
state, and enforce the ordinances and regulations of the political 4048  
subdivisions in which the private college or university is 4049  
located, but only on the property of the private college or 4050  
university that employs them. The board of trustees of a private 4051  
college or university may enter into an agreement with any 4052  
political subdivision pursuant to which the members of the campus 4053  
police department of the college or university may exercise within 4054  
that political subdivision, but outside the property of the 4055  
college or university, the powers and authority granted to them 4056  
under this division. A member of a campus police department has no 4057  
authority to serve civil process. 4058

(D) Except as otherwise provided in this division, the board 4059  
of trustees of a private college or university shall provide to 4060  
each member of a campus police department appointed under division 4061  
(B) of this section, without cost to the member, liability 4062  
insurance coverage that insures the member against any liability 4063  
that may arise out of or in the course of the member's employment 4064  
and that is in an amount of not less than two hundred fifty 4065  
thousand dollars. A board of trustees may provide the liability 4066  
coverage required by this division by self-insurance. 4067

(E)(1) The board of trustees of a private college or 4068  
university that establishes a campus police department shall not 4069  
appoint a person as a member of the campus police department 4070  
pursuant to division (B) of this section on a permanent basis, on 4071  
a temporary basis, for a probationary term, or on other than a 4072  
permanent basis if the person previously has been convicted of or 4073  
has pleaded guilty to a felony. 4074

(2)(a) The board of trustees of a private college or 4075  
university shall terminate the employment of a member of its 4076

campus police department appointed under division (B) of this 4077  
section if the member does either of the following: 4078

(i) Pleads guilty to a felony; 4079

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 4080  
plea agreement as provided in division (D) of section ~~2929.29~~ 4081  
2929.43 of the Revised Code in which the member agrees to 4082  
surrender the certificate awarded to that member under section 4083  
109.77 of the Revised Code. 4084

(b) The board of trustees of a private college or university 4085  
shall suspend from employment a member of its campus police 4086  
department appointed under division (B) of this section if the 4087  
member is convicted, after trial, of a felony. If the member of 4088  
the campus police department files an appeal from that conviction 4089  
and the conviction is upheld by the highest court to which the 4090  
appeal is taken or if the member does not file a timely appeal, 4091  
the board shall terminate the employment of that member. If the 4092  
member of the campus police department files an appeal that 4093  
results in that member's acquittal of the felony or conviction of 4094  
a misdemeanor, or in the dismissal of the felony charge against 4095  
that member, the board shall reinstate that member. A member of a 4096  
campus police department who is reinstated under division 4097  
(E)(2)(b) of this section shall not receive any back pay unless 4098  
that member's conviction of the felony was reversed on appeal, or 4099  
the felony charge was dismissed, because the court found 4100  
insufficient evidence to convict the member of the felony. 4101

(3) Division (E) of this section does not apply regarding an 4102  
offense that was committed prior to January 1, 1997. 4103

(4) The suspension from employment, or the termination of the 4104  
employment, of a member of a campus police department under 4105  
division (E)(2) of this section shall be in accordance with 4106  
Chapter 119. of the Revised Code. 4107

Sec. 1905.033. (A) The mayor of a municipal corporation who 4108  
conducts a mayor's court shall register annually with the supreme 4109  
court as provided in this division. The mayor shall file the 4110  
registration on a form prescribed by the supreme court and not 4111  
later than the fifteenth day of January in any year in which the 4112  
mayor conducts a mayor's court or at least fifteen days before the 4113  
mayor first conducts a mayor's court in a particular year, 4114  
whichever is later. The registration shall include the name of the 4115  
mayor, the name of any magistrate appointed by the mayor pursuant 4116  
to section 1905.05 of the Revised Code, and the dates on which the 4117  
mayor and magistrate last received the training required by 4118  
section 1901.031 of the Revised Code. 4119

(B) The mayor of any municipal corporation who conducts a 4120  
mayor's court shall make the following reports: 4121

(1) A report to the supreme court of all cases filed in the 4122  
mayor's court and of all cases that are pending and are terminated 4123  
in that court, and any financial, dispositional, and other 4124  
information that the supreme court prescribes by rule. The mayor 4125  
shall make the report under division (B)(1) of this section on a 4126  
form prescribed by the supreme court and not later than the 4127  
fifteenth day of January, April, July, and October of each year. 4128  
The report shall cover all cases filed, pending, and terminated in 4129  
the mayor's court for the calendar quarter preceding the 4130  
appropriate filing date. 4131

(2) A report to the bureau of criminal identification and 4132  
investigation of every conviction in the mayor's court for an 4133  
offense that is a misdemeanor on a first offense and a felony on 4134  
any subsequent offense. The mayor shall make the report under 4135  
division (B)(2) of this section upon entry of the judgment of 4136  
conviction for the offense. 4137

(C) No mayor of a municipal corporation shall conduct a 4138

mayor's court without complying with the general law on 4139  
registering and reporting under this section. 4140

**Sec. 2101.09.** When required by the probate judge, sheriffs, 4141  
coroners, and constables shall attend ~~his~~ the judge's court and 4142  
serve and return process directed and delivered to them by such 4143  
judge. No such officer shall neglect or refuse to serve and return 4144  
such process. If such officer does neglect or refuse to serve and 4145  
return such process, the judge shall issue a summons specifying 4146  
the cause for amercement, directed to the officer, therein named, 4147  
commanding ~~him~~ the named officer to summon the officer guilty of 4148  
such misconduct to appear within two days after the service of 4149  
summons and show cause why ~~he~~ the latter officer should not be 4150  
amerced. In addition to a fine, as provided by section ~~2101.99~~ 4151  
2929.18 of the Revised Code, to be paid into the county treasury, 4152  
such officer and ~~his~~ the officer's sureties shall be liable upon 4153  
~~his~~ the officer's official bond for damages sustained by any 4154  
person by reason of such officer's misconduct. 4155

**Sec. 2152.02.** As used in this chapter: 4156

(A) "Act charged" means the act that is identified in a 4157  
complaint, indictment, or information alleging that a child is a 4158  
delinquent child. 4159

(B) "Admitted to a department of youth services facility" 4160  
includes admission to a facility operated, or contracted for, by 4161  
the department and admission to a comparable facility outside this 4162  
state by another state or the United States. 4163

(C)(1) "Child" means a person who is under eighteen years of 4164  
age, except as otherwise provided in divisions (C)(2) to (6) of 4165  
this section. 4166

(2) Subject to division (C)(3) of this section, any person 4167  
who violates a federal or state law or a municipal ordinance prior 4168

to attaining eighteen years of age shall be deemed a "child" 4169  
irrespective of that person's age at the time the complaint with 4170  
respect to that violation is filed or the hearing on the complaint 4171  
is held. 4172

(3) Any person who, while under eighteen years of age, 4173  
commits an act that would be a felony if committed by an adult and 4174  
who is not taken into custody or apprehended for that act until 4175  
after the person attains twenty-one years of age is not a child in 4176  
relation to that act. 4177

(4) Any person whose case is transferred for criminal 4178  
prosecution pursuant to section 2152.12 of the Revised Code shall 4179  
be deemed after the transfer not to be a child in the transferred 4180  
case. 4181

(5) Any person whose case is transferred for criminal 4182  
prosecution pursuant to section 2152.12 of the Revised Code and 4183  
who subsequently is convicted of or pleads guilty to a felony in 4184  
that case, and any person who is adjudicated a delinquent child 4185  
for the commission of an act, who has a serious youthful offender 4186  
dispositional sentence imposed for the act pursuant to section 4187  
2152.13 of the Revised Code, and whose adult portion of the 4188  
dispositional sentence is invoked pursuant to section 2152.14 of 4189  
the Revised Code, shall be deemed after the transfer or invocation 4190  
not to be a child in any case in which a complaint is filed 4191  
against the person. 4192

(6) The juvenile court has jurisdiction over a person who is 4193  
adjudicated a delinquent child or juvenile traffic offender prior 4194  
to attaining eighteen years of age until the person attains 4195  
twenty-one years of age, and, for purposes of that jurisdiction 4196  
related to that adjudication, a person who is so adjudicated a 4197  
delinquent child or juvenile traffic offender shall be deemed a 4198  
"child" until the person attains twenty-one years of age. 4199

(D) "Chronic truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for seven or more consecutive school days, ten or more school days in one school month, or fifteen or more school days in a school year.

(E) "Community corrections facility," "public safety beds," "release authority," and "supervised release" have the same meanings as in section 5139.01 of the Revised Code.

(F) "Delinquent child" includes any of the following:

(1) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult;

(2) Any child who violates any lawful order of the court made under this chapter or under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code;

(3) Any child who violates division (A) of section 2923.211 of the Revised Code;

(4) Any child who is a habitual truant and who previously has been adjudicated an unruly child for being a habitual truant;

(5) Any child who is a chronic truant.

(G) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.

(H) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.

(I) "Discretionary transfer" means that the juvenile court

has discretion to transfer a case for criminal prosecution under 4230  
division (B) of section 2152.12 of the Revised Code. 4231

(J) "Drug abuse offense," "felony drug abuse offense," and 4232  
"minor drug possession offense" have the same meanings as in 4233  
section 2925.01 of the Revised Code. 4234

(K) "~~Electronic monitoring~~" and "~~electronic monitoring~~" 4235  
~~device," "certified electronic monitoring device," "electronically~~ 4236  
~~monitored house arrest," "electronic monitoring system," and~~ 4237  
~~"certified electronic monitoring system"~~ have the same meanings as 4238  
in section ~~2929.23~~ 2929.01 of the Revised Code. 4239

(L) "Economic loss" means any economic detriment suffered by 4240  
a victim of a delinquent act as a result of the delinquent act and 4241  
includes any loss of income due to lost time at work because of 4242  
any injury caused to the victim and any property loss, medical 4243  
cost, or funeral expense incurred as a result of the delinquent 4244  
act. 4245

(M) "Firearm" has the same meaning as in section 2923.11 of 4246  
the Revised Code. 4247

(N) "Juvenile traffic offender" means any child who violates 4248  
any traffic law, traffic ordinance, or traffic regulation of this 4249  
state, the United States, or any political subdivision of this 4250  
state, other than a resolution, ordinance, or regulation of a 4251  
political subdivision of this state the violation of which is 4252  
required to be handled by a parking violations bureau or a joint 4253  
parking violations bureau pursuant to Chapter 4521. of the Revised 4254  
Code. 4255

(O) A "legitimate excuse for absence from the public school 4256  
the child is supposed to attend" has the same meaning as in 4257  
section 2151.011 of the Revised Code. 4258

(P) "Mandatory serious youthful offender" means a person who 4259  
is eligible for a mandatory SYO and who is not transferred to 4260



adult court under a mandatory or discretionary transfer. 4261

(Q) "Mandatory SYO" means a case in which the juvenile court 4262  
is required to impose a mandatory serious youthful offender 4263  
disposition under section 2152.13 of the Revised Code. 4264

(R) "Mandatory transfer" means that a case is required to be 4265  
transferred for criminal prosecution under division (A) of section 4266  
2152.12 of the Revised Code. 4267

(S) "Mental illness" has the same meaning as in section 4268  
5122.01 of the Revised Code. 4269

(T) "Mentally retarded person" has the same meaning as in 4270  
section 5123.01 of the Revised Code. 4271

(U) "Monitored time" and "repeat violent offender" have the 4272  
same meanings as in section 2929.01 of the Revised Code. 4273

(V) "Of compulsory school age" has the same meaning as in 4274  
section 3321.01 of the Revised Code. 4275

(W) "Public record" has the same meaning as in section 149.43 4276  
of the Revised Code. 4277

(X) "Serious youthful offender" means a person who is 4278  
eligible for a mandatory SYO or discretionary SYO but who is not 4279  
transferred to adult court under a mandatory or discretionary 4280  
transfer. 4281

(Y) "Sexually oriented offense," "habitual sex offender," 4282  
"juvenile sex offender registrant," and "sexual predator" have the 4283  
same meanings as in section 2950.01 of the Revised Code. 4284

(Z) "Traditional juvenile" means a case that is not 4285  
transferred to adult court under a mandatory or discretionary 4286  
transfer, that is eligible for a disposition under sections 4287  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 4288  
that is not eligible for a disposition under section 2152.13 of 4289  
the Revised Code. 4290

(AA) "Transfer" means the transfer for criminal prosecution 4291  
of a case involving the alleged commission by a child of an act 4292  
that would be an offense if committed by an adult from the 4293  
juvenile court to the appropriate court that has jurisdiction of 4294  
the offense. 4295

(BB) "Category one offense" means any of the following: 4296

(1) A violation of section 2903.01 or 2903.02 of the Revised 4297  
Code; 4298

(2) A violation of section 2923.02 of the Revised Code 4299  
involving an attempt to commit aggravated murder or murder. 4300

(CC) "Category two offense" means any of the following: 4301

(1) A violation of section 2903.03, 2905.01, 2907.02, 4302  
2909.02, 2911.01, or 2911.11 of the Revised Code; 4303

(2) A violation of section 2903.04 of the Revised Code that 4304  
is a felony of the first degree; 4305

(3) A violation of section 2907.12 of the Revised Code as it 4306  
existed prior to September 3, 1996. 4307

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 4308  
child, the court may make any of the following orders of 4309  
disposition, in addition to any other disposition authorized or 4310  
required by this chapter: 4311

(1) Any order that is authorized by section 2151.353 of the 4312  
Revised Code for the care and protection of an abused, neglected, 4313  
or dependent child. 4314

(2) Commit the child to the temporary custody of any school, 4315  
camp, institution, or other facility operated for the care of 4316  
delinquent children by the county, by a district organized under 4317  
section 2152.41 or 2151.65 of the Revised Code, or by a private 4318  
agency or organization, within or without the state, that is 4319

authorized and qualified to provide the care, treatment, or 4320  
placement required; 4321

(3) Place the child on community control under any sanctions, 4322  
services, and conditions that the court prescribes. As a condition 4323  
of community control in every case and in addition to any other 4324  
condition that it imposes upon the child, the court shall require 4325  
the child to abide by the law during the period of community 4326  
control. As referred to in this division, community control 4327  
includes, but is not limited to, the following sanctions and 4328  
conditions: 4329

(a) A period of basic probation supervision in which the 4330  
child is required to maintain contact with a person appointed to 4331  
supervise the child in accordance with sanctions imposed by the 4332  
court; 4333

(b) A period of intensive probation supervision in which the 4334  
child is required to maintain frequent contact with a person 4335  
appointed by the court to supervise the child while the child is 4336  
seeking or maintaining employment and participating in training, 4337  
education, and treatment programs as the order of disposition; 4338

(c) A period of day reporting in which the child is required 4339  
each day to report to and leave a center or another approved 4340  
reporting location at specified times in order to participate in 4341  
work, education or training, treatment, and other approved 4342  
programs at the center or outside the center; 4343

(d) A period of community service of up to five hundred hours 4344  
for an act that would be a felony or a misdemeanor of the first 4345  
degree if committed by an adult, up to two hundred hours for an 4346  
act that would be a misdemeanor of the second, third, or fourth 4347  
degree if committed by an adult, or up to thirty hours for an act 4348  
that would be a minor misdemeanor if committed by an adult; 4349

(e) A requirement that the child obtain a high school 4350

diploma, a certificate of high school equivalence, vocational  
training, or employment;

(f) A period of drug and alcohol use monitoring;

(g) A requirement of alcohol or drug assessment or  
counseling, or a period in an alcohol or drug treatment program  
with a level of security for the child as determined necessary by  
the court;

(h) A period in which the court orders the child to observe a  
curfew that may involve daytime or evening hours;

(i) A requirement that the child serve monitored time;

(j) A period of house arrest ~~with or~~ without electronic  
monitoring;

(k) A period of electronic monitoring without house arrest or  
~~electronically monitored~~ house arrest with electronic monitoring  
that does not exceed the maximum sentence of imprisonment that  
could be imposed upon an adult who commits the same act.

A period of ~~electronically monitored~~ house arrest with  
electronic monitoring imposed under this division shall not extend  
beyond the child's twenty-first birthday. If a court imposes a  
period of ~~electronically monitored~~ house arrest with electronic  
monitoring upon a child under this division, it shall require the  
child: ~~to wear, otherwise have attached to the child's person, or~~  
~~otherwise be subject to monitoring by a certified electronic~~  
~~monitoring device or to participate in the operation of and~~  
~~monitoring by a certified electronic monitoring system;~~ to remain  
in the child's home or other specified premises for the entire  
period of ~~electronically monitored~~ house arrest with electronic  
monitoring except when the court permits the child to leave those  
premises to go to school or to other specified premises; to be  
monitored by a central system that can determine the child's  
location at designated times; to report periodically to a person

designated by the court; and to enter into a written contract with the court agreeing to comply with all requirements imposed by the court, agreeing to pay any fee imposed by the court for the costs of the ~~electronically-monitored~~ house arrest with electronic monitoring, and agreeing to waive the right to receive credit for any time served on ~~electronically-monitored~~ house arrest with electronic monitoring toward the period of any other dispositional order imposed upon the child if the child violates any of the requirements of the dispositional order of ~~electronically monitored~~ house arrest with electronic monitoring. The court also may impose other reasonable requirements upon the child.

Unless ordered by the court, a child shall not receive credit for any time served on ~~electronically-monitored~~ house arrest with electronic monitoring toward any other dispositional order imposed upon the child for the act for which was imposed the dispositional order of ~~electronically-monitored~~ house arrest with electronic monitoring.

(1) A suspension of the driver's license, probationary driver's license, or temporary instruction permit issued to the child or a suspension of the registration of all motor vehicles registered in the name of the child. A child whose license or permit is so suspended is ineligible for issuance of a license or permit during the period of suspension. At the end of the period of suspension, the child shall not be reissued a license or permit until the child has paid any applicable reinstatement fee and complied with all requirements governing license reinstatement.

(4) Commit the child to the custody of the court;

(5) Require the child to not be absent without legitimate excuse from the public school the child is supposed to attend for five or more consecutive days, seven or more school days in one school month, or twelve or more school days in a school year;

(6)(a) If a child is adjudicated a delinquent child for being

a chronic truant or an habitual truant who previously has been 4414  
adjudicated an unruly child for being a habitual truant, do either 4415  
or both of the following: 4416

(i) Require the child to participate in a truancy prevention 4417  
mediation program; 4418

(ii) Make any order of disposition as authorized by this 4419  
section, except that the court shall not commit the child to a 4420  
facility described in division (A)(2) of this section unless the 4421  
court determines that the child violated a lawful court order made 4422  
pursuant to division (C)(1)(e) of section 2151.354 of the Revised 4423  
Code or division (A)(5) of this section. 4424

(b) If a child is adjudicated a delinquent child for being a 4425  
chronic truant or a habitual truant who previously has been 4426  
adjudicated an unruly child for being a habitual truant and the 4427  
court determines that the parent, guardian, or other person having 4428  
care of the child has failed to cause the child's attendance at 4429  
school in violation of section 3321.38 of the Revised Code, do 4430  
either or both of the following: 4431

(i) Require the parent, guardian, or other person having care 4432  
of the child to participate in a truancy prevention mediation 4433  
program; 4434

(ii) Require the parent, guardian, or other person having 4435  
care of the child to participate in any community service program, 4436  
preferably a community service program that requires the 4437  
involvement of the parent, guardian, or other person having care 4438  
of the child in the school attended by the child. 4439

(7) Make any further disposition that the court finds proper, 4440  
except that the child shall not be placed in any of the following: 4441  
4442

(a) A state correctional institution, a county, multicounty, 4443  
or municipal jail or workhouse, or another place in which an adult 4444

convicted of a crime, under arrest, or charged with a crime is 4445  
held; 4446

(b) A community corrections facility, if the child would be 4447  
covered by the definition of public safety beds for purposes of 4448  
sections 5139.41 to 5139.45 of the Revised Code if the court 4449  
exercised its authority to commit the child to the legal custody 4450  
of the department of youth services for institutionalization or 4451  
institutionalization in a secure facility pursuant to this 4452  
chapter. 4453

(B) If a child is adjudicated a delinquent child, in addition 4454  
to any order of disposition made under division (A) of this 4455  
section, the court, in the following situations, shall suspend the 4456  
child's temporary instruction permit, restricted license, 4457  
probationary driver's license, or nonresident operating privilege, 4458  
or suspend the child's ability to obtain such a permit: 4459

(1) The child is adjudicated a delinquent child for violating 4460  
section 2923.122 of the Revised Code, with the suspension and 4461  
denial being in accordance with division (E)(1)(a), (c), (d), or 4462  
(e) of section 2923.122 of the Revised Code. 4463

(2) The child is adjudicated a delinquent child for 4464  
committing an act that if committed by an adult would be a drug 4465  
abuse offense or for violating division (B) of section 2917.11 of 4466  
the Revised Code, with the suspension continuing until the child 4467  
attends and satisfactorily completes a drug abuse or alcohol abuse 4468  
education, intervention, or treatment program specified by the 4469  
court. During the time the child is attending the program, the 4470  
court shall retain any temporary instruction permit, probationary 4471  
driver's license, or driver's license issued to the child, and the 4472  
court shall return the permit or license when the child 4473  
satisfactorily completes the program. 4474

(C) The court may establish a victim-offender mediation 4475

program in which victims and their offenders meet to discuss the  
offense and suggest possible restitution. If the court obtains the  
assent of the victim of the delinquent act committed by the child,  
the court may require the child to participate in the program.

(D)(1) If a child is adjudicated a delinquent child for  
committing an act that would be a felony if committed by an adult  
and if the child caused, attempted to cause, threatened to cause,  
or created a risk of physical harm to the victim of the act, the  
court, prior to issuing an order of disposition under this  
section, shall order the preparation of a victim impact statement  
by the probation department of the county in which the victim of  
the act resides, by the court's own probation department, or by a  
victim assistance program that is operated by the state, a county,  
a municipal corporation, or another governmental entity. The court  
shall consider the victim impact statement in determining the  
order of disposition to issue for the child.

(2) Each victim impact statement shall identify the victim of  
the act for which the child was adjudicated a delinquent child,  
itemize any economic loss suffered by the victim as a result of  
the act, identify any physical injury suffered by the victim as a  
result of the act and the seriousness and permanence of the  
injury, identify any change in the victim's personal welfare or  
familial relationships as a result of the act and any  
psychological impact experienced by the victim or the victim's  
family as a result of the act, and contain any other information  
related to the impact of the act upon the victim that the court  
requires.

(3) A victim impact statement shall be kept confidential and  
is not a public record. However, the court may furnish copies of  
the statement to the department of youth services if the  
delinquent child is committed to the department or to both the



adjudicated delinquent child or the adjudicated delinquent child's 4508  
counsel and the prosecuting attorney. The copy of a victim impact 4509  
statement furnished by the court to the department pursuant to 4510  
this section shall be kept confidential and is not a public 4511  
record. The copies of a victim impact statement that are made 4512  
available to the adjudicated delinquent child or the adjudicated 4513  
delinquent child's counsel and the prosecuting attorney pursuant 4514  
to this division shall be returned to the court by the person to 4515  
whom they were made available immediately following the imposition 4516  
of an order of disposition for the child under this chapter. 4517

(4) The department of youth services shall work with local 4518  
probation departments and victim assistance programs to develop a 4519  
standard victim impact statement. 4520

(E) If a child is adjudicated a delinquent child for being a 4521  
chronic truant or an habitual truant who previously has been 4522  
adjudicated an unruly child for being an habitual truant and the 4523  
court determines that the parent, guardian, or other person having 4524  
care of the child has failed to cause the child's attendance at 4525  
school in violation of section 3321.38 of the Revised Code, in 4526  
addition to any order of disposition it makes under this section, 4527  
the court shall warn the parent, guardian, or other person having 4528  
care of the child that any subsequent adjudication of the child as 4529  
an unruly or delinquent child for being an habitual or chronic 4530  
truant may result in a criminal charge against the parent, 4531  
guardian, or other person having care of the child for a violation 4532  
of division (C) of section 2919.21 or section 2919.24 of the 4533  
Revised Code. 4534

(F)(1) During the period of a delinquent child's community 4535  
control granted under this section, authorized probation officers 4536  
who are engaged within the scope of their supervisory duties or 4537  
responsibilities may search, with or without a warrant, the person 4538  
of the delinquent child, the place of residence of the delinquent 4539

child, and a motor vehicle, another item of tangible or intangible  
personal property, or other real property in which the delinquent  
child has a right, title, or interest or for which the delinquent  
child has the express or implied permission of a person with a  
right, title, or interest to use, occupy, or possess if the  
probation officers have reasonable grounds to believe that the  
delinquent child is not abiding by the law or otherwise is not  
complying with the conditions of the delinquent child's community  
control. The court that places a delinquent child on community  
control under this section shall provide the delinquent child with  
a written notice that informs the delinquent child that authorized  
probation officers who are engaged within the scope of their  
supervisory duties or responsibilities may conduct those types of  
searches during the period of community control if they have  
reasonable grounds to believe that the delinquent child is not  
abiding by the law or otherwise is not complying with the  
conditions of the delinquent child's community control. The court  
also shall provide the written notice described in division (E)(2)  
of this section to each parent, guardian, or custodian of the  
delinquent child who is described in that division.

(2) The court that places a child on community control under  
this section shall provide the child's parent, guardian, or other  
custodian with a written notice that informs them that authorized  
probation officers may conduct searches pursuant to division  
(E)(1) of this section. The notice shall specifically state that a  
permissible search might extend to a motor vehicle, another item  
of tangible or intangible personal property, or a place of  
residence or other real property in which a notified parent,  
guardian, or custodian has a right, title, or interest and that  
the parent, guardian, or custodian expressly or impliedly permits  
the child to use, occupy, or possess.

(G) If a juvenile court commits a delinquent child to the

custody of any person, organization, or entity pursuant to this 4572  
section and if the delinquent act for which the child is so 4573  
committed is a sexually oriented offense, the court in the order 4574  
of disposition shall inform the person, organization, or entity 4575  
that it is the preferred course of action in this state that the 4576  
child be provided treatment as described in division (A)(2) of 4577  
section 5139.13 of the Revised Code and shall encourage the 4578  
person, organization, or entity to provide that treatment. 4579

**Sec. 2152.20.** (A) If a child is adjudicated a delinquent 4580  
child or a juvenile traffic offender, the court may order any of 4581  
the following dispositions, in addition to any other disposition 4582  
authorized or required by this chapter: 4583

(1) Impose a fine in accordance with the following schedule: 4584

(a) For an act that would be a minor misdemeanor or an 4585  
unclassified misdemeanor if committed by an adult, a fine not to 4586  
exceed fifty dollars; 4587

(b) For an act that would be a misdemeanor of the fourth 4588  
degree if committed by an adult, a fine not to exceed one hundred 4589  
dollars; 4590

(c) For an act that would be a misdemeanor of the third 4591  
degree if committed by an adult, a fine not to exceed one hundred 4592  
fifty dollars; 4593

(d) For an act that would be a misdemeanor of the second 4594  
degree if committed by an adult, a fine not to exceed two hundred 4595  
dollars; 4596

(e) For an act that would be a misdemeanor of the first 4597  
degree if committed by an adult, a fine not to exceed two hundred 4598  
fifty dollars; 4599

(f) For an act that would be a felony of the fifth degree or 4600  
an unclassified felony if committed by an adult, a fine not to 4601

exceed three hundred dollars;

(g) For an act that would be a felony of the fourth degree if  
committed by an adult, a fine not to exceed four hundred dollars;

(h) For an act that would be a felony of the third degree if  
committed by an adult, a fine not to exceed seven hundred fifty  
dollars;

(i) For an act that would be a felony of the second degree if  
committed by an adult, a fine not to exceed one thousand dollars;

(j) For an act that would be a felony of the first degree if  
committed by an adult, a fine not to exceed one thousand five  
hundred dollars;

(k) For an act that would be aggravated murder or murder if  
committed by an adult, a fine not to exceed two thousand dollars.

(2) Require the child to pay costs;

(3) Require the child to make restitution to the victim of  
the child's delinquent act or, if the victim is deceased, to a  
survivor of the victim in an amount based upon the victim's  
economic loss caused by or related to the delinquent act.  
Restitution required under this division shall be made directly to  
the victim in open court or to the probation department that  
serves the jurisdiction or the clerk of courts on behalf of the  
victim. The restitution may include reimbursement to third  
parties, other than the delinquent child's insurer, for amounts  
paid to the victim or to any survivor of the victim for economic  
loss resulting from the delinquent act. If reimbursement to a  
third party is required, the reimbursement shall be made to any  
governmental agency to repay any amounts the agency paid to the  
victim or any survivor of the victim before any reimbursement is  
made to any other person.

Restitution required under this division may be in the form 4633  
of a cash reimbursement paid in a lump sum or in installments, the 4634  
performance of repair work to restore any damaged property to its 4635  
original condition, the performance of a reasonable amount of 4636  
labor for the victim or survivor of the victim, the performance of 4637  
community service work, any other form of restitution devised by 4638  
the court, or any combination of the previously described forms of 4639  
restitution. 4640

The court may base the restitution order under this division 4641  
on an amount recommended by the victim or survivor of the victim, 4642  
the delinquent child, a presentence investigation report, 4643  
estimates or receipts indicating the cost of repairing or 4644  
replacing property, and any other information. If the amount of 4645  
the restitution is disputed by the victim or survivor or by the 4646  
delinquent child, the court shall hold a hearing on the 4647  
restitution. The court shall determine, or order the determination 4648  
of, the amount of restitution to be paid by the delinquent child. 4649  
All restitution payments shall be credited against any recovery of 4650  
economic loss in a civil action brought by or on behalf of the 4651  
victim against the delinquent child or the delinquent child's 4652  
parent, guardian, or other custodian. 4653

The court may order that the delinquent child pay a 4654  
surcharge, in an amount not exceeding five per cent of the amount 4655  
of restitution otherwise ordered under this division, to the 4656  
entity responsible for collecting and processing the restitution 4657  
payments. 4658

The victim or the survivor of the victim may request that the 4659  
prosecuting authority file a motion, or the delinquent child may 4660  
file a motion, for modification of the payment terms of any 4661  
restitution ordered under this division, based on a substantial 4662  
change in the delinquent child's ability to pay. 4663

(4) Require the child to reimburse any or all of the costs 4664

incurred for services or sanctions provided or imposed, including, 4665  
but not limited to, the following: 4666

(a) All or part of the costs of implementing any community 4667  
control imposed as a disposition under section 2152.19 of the 4668  
Revised Code, including a supervision fee; 4669

(b) All or part of the costs of confinement in a residential 4670  
facility described in section 2152.19 of the Revised Code or in a 4671  
department of youth services institution, including, but not 4672  
limited to, a per diem fee for room and board, the costs of 4673  
medical and dental treatment provided, and the costs of repairing 4674  
property the delinquent child damaged while so confined. The 4675  
amount of reimbursement ordered for a child under this division 4676  
shall not exceed the total amount of reimbursement the child is 4677  
able to pay as determined at a hearing and shall not exceed the 4678  
actual cost of the confinement. The court may collect any 4679  
reimbursement ordered under this division. If the court does not 4680  
order reimbursement under this division, confinement costs may be 4681  
assessed pursuant to a repayment policy adopted under section 4682  
2929.29 of the Revised Code and division (E)(D) of section 307.93, 4683  
division (A) of section 341.06, division (D)(C) of section 341.23, 4684  
or division (C)(B) of section 753.02, 753.04, 2301.56, or 2947.19 4685  
of the Revised Code. 4686

(B)(1) If a child is adjudicated a delinquent child for 4687  
violating section 2923.32 of the Revised Code, the court shall 4688  
enter an order of criminal forfeiture against the child in 4689  
accordance with divisions (B)(3), (4), (5), and (6) and (C) to (F) 4690  
of section 2923.32 of the Revised Code. 4691

(2) Sections 2925.41 to 2925.45 of the Revised Code apply to 4692  
children who are adjudicated or could be adjudicated by a juvenile 4693  
court to be delinquent children for an act that, if committed by 4694  
an adult, would be a felony drug abuse offense. Subject to 4695  
division (B) of section 2925.42 and division (E) of section 4696

2925.43 of the Revised Code, a delinquent child of that nature  
loses any right to the possession of, and forfeits to the state  
any right, title, and interest that the delinquent child may have  
in, property as defined in section 2925.41 of the Revised Code and  
further described in section 2925.42 or 2925.43 of the Revised  
Code.

(3) Sections 2923.44 to 2923.47 of the Revised Code apply to  
children who are adjudicated or could be adjudicated by a juvenile  
court to be delinquent children for an act in violation of section  
2923.42 of the Revised Code. Subject to division (B) of section  
2923.44 and division (E) of section 2923.45 of the Revised Code, a  
delinquent child of that nature loses any right to the possession  
of, and forfeits to the state any right, title, and interest that  
the delinquent child may have in, property as defined in section  
2923.41 of the Revised Code and further described in section  
2923.44 or 2923.45 of the Revised Code.

(C) The court may hold a hearing if necessary to determine  
whether a child is able to pay a sanction under this section.

(D) If a child who is adjudicated a delinquent child is  
indigent, the court shall consider imposing a term of community  
service under division (A) of section 2152.19 of the Revised Code  
in lieu of imposing a financial sanction under this section. If a  
child who is adjudicated a delinquent child is not indigent, the  
court may impose a term of community service under that division  
in lieu of, or in addition to, imposing a financial sanction under  
this section. The court may order community service for an act  
that if committed by an adult would be a minor misdemeanor.

If a child fails to pay a financial sanction imposed under  
this section, the court may impose a term of community service in  
lieu of the sanction.

(E) The clerk of the court, or another person authorized by

law or by the court to collect a financial sanction imposed under 4728  
this section, may do any of the following: 4729

(1) Enter into contracts with one or more public agencies or 4730  
private vendors for the collection of the amounts due under the 4731  
financial sanction, which amounts may include interest from the 4732  
date of imposition of the financial sanction; 4733

(2) Permit payment of all, or any portion of, the financial 4734  
sanction in installments, by credit or debit card, by another type 4735  
of electronic transfer, or by any other reasonable method, within 4736  
any period of time, and on any terms that the court considers 4737  
just, except that the maximum time permitted for payment shall not 4738  
exceed five years. The clerk may pay any fee associated with 4739  
processing an electronic transfer out of public money and may 4740  
charge the fee to the delinquent child. 4741

(3) To defray administrative costs, charge a reasonable fee 4742  
to a child who elects a payment plan rather than a lump sum 4743  
payment of a financial sanction. 4744

**Sec. 2301.03.** (A) In Franklin county, the judges of the court 4745  
of common pleas whose terms begin on January 1, 1953, January 2, 4746  
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 4747  
successors, shall have the same qualifications, exercise the same 4748  
powers and jurisdiction, and receive the same compensation as 4749  
other judges of the court of common pleas of Franklin county and 4750  
shall be elected and designated as judges of the court of common 4751  
pleas, division of domestic relations. They shall have all the 4752  
powers relating to juvenile courts, and all cases under Chapters 4753  
2151. and 2152. of the Revised Code, all parentage proceedings 4754  
under Chapter 3111. of the Revised Code over which the juvenile 4755  
court has jurisdiction, and all divorce, dissolution of marriage, 4756  
legal separation, and annulment cases shall be assigned to them. 4757  
In addition to the judge's regular duties, the judge who is senior 4758



in point of service shall serve on the children services board and 4759  
the county advisory board and shall be the administrator of the 4760  
domestic relations division and its subdivisions and departments. 4761

4762

(B) In Hamilton county: 4763

(1) The judge of the court of common pleas, whose term begins 4764  
on January 1, 1957, and successors, and the judge of the court of 4765  
common pleas, whose term begins on February 14, 1967, and 4766  
successors, shall be the juvenile judges as provided in Chapters 4767  
2151. and 2152. of the Revised Code, with the powers and 4768  
jurisdiction conferred by those chapters. 4769

(2) The judges of the court of common pleas whose terms begin 4770  
on January 5, 1957, January 16, 1981, and July 1, 1991, and 4771  
successors, shall be elected and designated as judges of the court 4772  
of common pleas, division of domestic relations, and shall have 4773  
assigned to them all divorce, dissolution of marriage, legal 4774  
separation, and annulment cases coming before the court. On or 4775  
after the first day of July and before the first day of August of 4776  
1991 and each year thereafter, a majority of the judges of the 4777  
division of domestic relations shall elect one of the judges of 4778  
the division as administrative judge of that division. If a 4779  
majority of the judges of the division of domestic relations are 4780  
unable for any reason to elect an administrative judge for the 4781  
division before the first day of August, a majority of the judges 4782  
of the Hamilton county court of common pleas, as soon as possible 4783  
after that date, shall elect one of the judges of the division of 4784  
domestic relations as administrative judge of that division. The 4785  
term of the administrative judge shall begin on the earlier of the 4786  
first day of August of the year in which the administrative judge 4787  
is elected or the date on which the administrative judge is 4788  
elected by a majority of the judges of the Hamilton county court 4789  
of common pleas and shall terminate on the date on which the 4790

administrative judge's successor is elected in the following year. 4791

In addition to the judge's regular duties, the administrative 4792  
judge of the division of domestic relations shall be the 4793  
administrator of the domestic relations division and its 4794  
subdivisions and departments and shall have charge of the 4795  
employment, assignment, and supervision of the personnel of the 4796  
division engaged in handling, servicing, or investigating divorce, 4797  
dissolution of marriage, legal separation, and annulment cases, 4798  
including any referees considered necessary by the judges in the 4799  
discharge of their various duties. 4800

The administrative judge of the division of domestic 4801  
relations also shall designate the title, compensation, expense 4802  
allowances, hours, leaves of absence, and vacations of the 4803  
personnel of the division, and shall fix the duties of its 4804  
personnel. The duties of the personnel, in addition to those 4805  
provided for in other sections of the Revised Code, shall include 4806  
the handling, servicing, and investigation of divorce, dissolution 4807  
of marriage, legal separation, and annulment cases and counseling 4808  
and conciliation services that may be made available to persons 4809  
requesting them, whether or not the persons are parties to an 4810  
action pending in the division. 4811

The board of county commissioners shall appropriate the sum 4812  
of money each year as will meet all the administrative expenses of 4813  
the division of domestic relations, including reasonable expenses 4814  
of the domestic relations judges and the division counselors and 4815  
other employees designated to conduct the handling, servicing, and 4816  
investigation of divorce, dissolution of marriage, legal 4817  
separation, and annulment cases, conciliation and counseling, and 4818  
all matters relating to those cases and counseling, and the 4819  
expenses involved in the attendance of division personnel at 4820  
domestic relations and welfare conferences designated by the 4821  
division, and the further sum each year as will provide for the 4822

adequate operation of the division of domestic relations. 4823

The compensation and expenses of all employees and the salary 4824  
and expenses of the judges shall be paid by the county treasurer 4825  
from the money appropriated for the operation of the division, 4826  
upon the warrant of the county auditor, certified to by the 4827  
administrative judge of the division of domestic relations. 4828

The summonses, warrants, citations, subpoenas, and other 4829  
writs of the division may issue to a bailiff, constable, or staff 4830  
investigator of the division or to the sheriff of any county or 4831  
any marshal, constable, or police officer, and the provisions of 4832  
law relating to the subpoenaing of witnesses in other cases shall 4833  
apply insofar as they are applicable. When a summons, warrant, 4834  
citation, subpoena, or other writ is issued to an officer, other 4835  
than a bailiff, constable, or staff investigator of the division, 4836  
the expense of serving it shall be assessed as a part of the costs 4837  
in the case involved. 4838

(3) The judge of the court of common pleas of Hamilton county 4839  
whose term begins on January 3, 1997, shall be elected and 4840  
designated for one term only as the drug court judge of the court 4841  
of common pleas of Hamilton county, and the successors to that 4842  
judge shall be elected and designated as judges of the general 4843  
division of the court of common pleas of Hamilton county and shall 4844  
not have the authority granted by division (B)(3) of this section. 4845  
The drug court judge may accept or reject any case referred to the 4846  
drug court judge under division (B)(3) of this section. After the 4847  
drug court judge accepts a referred case, the drug court judge has 4848  
full authority over the case, including the authority to conduct 4849  
arraignment, accept pleas, enter findings and dispositions, 4850  
conduct trials, order treatment, and if treatment is not 4851  
successfully completed pronounce and enter sentence. 4852

A judge of the general division of the court of common pleas 4853  
of Hamilton county and a judge of the Hamilton county municipal 4854

court may refer to the drug court judge any case, and any  
companion cases, the judge determines meet the criteria described  
under divisions (B)(3)(a) and (b) of this section. If the drug  
court judge accepts referral of a referred case, the case, and any  
companion cases, shall be transferred to the drug court judge. A  
judge may refer a case meeting the criteria described in divisions  
(B)(3)(a) and (b) of this section that involves a violation of a  
~~term of probation~~ condition of a community control sanction to the  
drug court judge, and, if the drug court judge accepts the  
referral, the referring judge and the drug court judge have  
concurrent jurisdiction over the case.

A judge of the general division of the court of common pleas  
of Hamilton county and a judge of the Hamilton county municipal  
court may refer a case to the drug court judge under division  
(B)(3) of this section if the judge determines that both of the  
following apply:

(a) One of the following applies:

(i) The case involves a drug abuse offense, as defined in  
section 2925.01 of the Revised Code, that is a felony of the third  
or fourth degree if the offense is committed prior to July 1,  
1996, a felony of the third, fourth, or fifth degree if the  
offense is committed on or after July 1, 1996, or a misdemeanor.

(ii) The case involves a theft offense, as defined in section  
2913.01 of the Revised Code, that is a felony of the third or  
fourth degree if the offense is committed prior to July 1, 1996, a  
felony of the third, fourth, or fifth degree if the offense is  
committed on or after July 1, 1996, or a misdemeanor, and the  
defendant is drug or alcohol dependent or in danger of becoming  
drug or alcohol dependent and would benefit from treatment.

(b) All of the following apply:

(i) The case involves ~~a probationable~~ an offense for which a 4886  
community control sanction may be imposed or is a case in which a 4887  
mandatory prison term or a mandatory jail term is not required to 4888  
be imposed. 4889

(ii) The defendant has no history of violent behavior. 4890

(iii) The defendant has no history of mental illness. 4891

(iv) The defendant's current or past behavior, or both, is 4892  
drug or alcohol driven. 4893

(v) The defendant demonstrates a sincere willingness to 4894  
participate in a fifteen-month treatment process. 4895

(vi) The defendant has no acute health condition. 4896

(vii) If the defendant is incarcerated, the county prosecutor 4897  
approves of the referral. 4898

(4) If the administrative judge of the court of common pleas 4899  
of Hamilton county determines that the volume of cases pending 4900  
before the drug court judge does not constitute a sufficient 4901  
caseload for the drug court judge, the administrative judge, in 4902  
accordance with the Rules of Superintendence for Courts of Common 4903  
Pleas, shall assign individual cases to the drug court judge from 4904  
the general docket of the court. If the assignments so occur, the 4905  
administrative judge shall cease the assignments when the 4906  
administrative judge determines that the volume of cases pending 4907  
before the drug court judge constitutes a sufficient caseload for 4908  
the drug court judge. 4909

(5) As used in division (B) of this section, "community 4910  
control sanction," "mandatory prison term," and "mandatory jail 4911  
term" have the same meanings as in section 2929.01 of the Revised 4912  
Code. 4913

(C) In Lorain county, the judges of the court of common pleas 4914  
whose terms begin on January 3, 1959, January 4, 1989, and January 4915

2, 1999, and successors, shall have the same qualifications, 4916  
exercise the same powers and jurisdiction, and receive the same 4917  
compensation as the other judges of the court of common pleas of 4918  
Lorain county and shall be elected and designated as the judges of 4919  
the court of common pleas, division of domestic relations. They 4920  
shall have all of the powers relating to juvenile courts, and all 4921  
cases under Chapters 2151. and 2152. of the Revised Code, all 4922  
parentage proceedings over which the juvenile court has 4923  
jurisdiction, and all divorce, dissolution of marriage, legal 4924  
separation, and annulment cases shall be assigned to them, except 4925  
cases that for some special reason are assigned to some other 4926  
judge of the court of common pleas. 4927

(D) In Lucas county: 4928

(1) The judges of the court of common pleas whose terms begin 4929  
on January 1, 1955, and January 3, 1965, and successors, shall 4930  
have the same qualifications, exercise the same powers and 4931  
jurisdiction, and receive the same compensation as other judges of 4932  
the court of common pleas of Lucas county and shall be elected and 4933  
designated as judges of the court of common pleas, division of 4934  
domestic relations. All divorce, dissolution of marriage, legal 4935  
separation, and annulment cases shall be assigned to them. 4936

The judge of the division of domestic relations, senior in 4937  
point of service, shall be considered as the presiding judge of 4938  
the court of common pleas, division of domestic relations, and 4939  
shall be charged exclusively with the assignment and division of 4940  
the work of the division and the employment and supervision of all 4941  
other personnel of the domestic relations division. 4942

(2) The judges of the court of common pleas whose terms begin 4943  
on January 5, 1977, and January 2, 1991, and successors shall have 4944  
the same qualifications, exercise the same powers and 4945  
jurisdiction, and receive the same compensation as other judges of 4946  
the court of common pleas of Lucas county, shall be elected and 4947

designated as judges of the court of common pleas, juvenile 4948  
division, and shall be the juvenile judges as provided in Chapters 4949  
2151. and 2152. of the Revised Code with the powers and 4950  
jurisdictions conferred by those chapters. In addition to the 4951  
judge's regular duties, the judge of the court of common pleas, 4952  
juvenile division, senior in point of service, shall be the 4953  
administrator of the juvenile division and its subdivisions and 4954  
departments and shall have charge of the employment, assignment, 4955  
and supervision of the personnel of the division engaged in 4956  
handling, servicing, or investigating juvenile cases, including 4957  
any referees considered necessary by the judges of the division in 4958  
the discharge of their various duties. 4959

The judge of the court of common pleas, juvenile division, 4960  
senior in point of service, also shall designate the title, 4961  
compensation, expense allowance, hours, leaves of absence, and 4962  
vacation of the personnel of the division and shall fix the duties 4963  
of the personnel of the division. The duties of the personnel, in 4964  
addition to other statutory duties include the handling, 4965  
servicing, and investigation of juvenile cases and counseling and 4966  
conciliation services that may be made available to persons 4967  
requesting them, whether or not the persons are parties to an 4968  
action pending in the division. 4969

(3) If one of the judges of the court of common pleas, 4970  
division of domestic relations, or one of the judges of the 4971  
juvenile division is sick, absent, or unable to perform that 4972  
judge's judicial duties or the volume of cases pending in that 4973  
judge's division necessitates it, the duties shall be performed by 4974  
the judges of the other of those divisions. 4975

(E) In Mahoning county: 4976

(1) The judge of the court of common pleas whose term began 4977  
on January 1, 1955, and successors, shall have the same 4978  
qualifications, exercise the same powers and jurisdiction, and 4979

receive the same compensation as other judges of the court of  
common pleas of Mahoning county, shall be elected and designated  
as judge of the court of common pleas, division of domestic  
relations, and shall be assigned all the divorce, dissolution of  
marriage, legal separation, and annulment cases coming before the  
court. In addition to the judge's regular duties, the judge of the  
court of common pleas, division of domestic relations, shall be  
the administrator of the domestic relations division and its  
subdivisions and departments and shall have charge of the  
employment, assignment, and supervision of the personnel of the  
division engaged in handling, servicing, or investigating divorce,  
dissolution of marriage, legal separation, and annulment cases,  
including any referees considered necessary in the discharge of  
the various duties of the judge's office.

The judge also shall designate the title, compensation,  
expense allowances, hours, leaves of absence, and vacations of the  
personnel of the division and shall fix the duties of the  
personnel of the division. The duties of the personnel, in  
addition to other statutory duties, include the handling,  
servicing, and investigation of divorce, dissolution of marriage,  
legal separation, and annulment cases and counseling and  
conciliation services that may be made available to persons  
requesting them, whether or not the persons are parties to an  
action pending in the division.

(2) The judge of the court of common pleas whose term began  
on January 2, 1969, and successors, shall have the same  
qualifications, exercise the same powers and jurisdiction, and  
receive the same compensation as other judges of the court of  
common pleas of Mahoning county, shall be elected and designated  
as judge of the court of common pleas, juvenile division, and  
shall be the juvenile judge as provided in Chapters 2151. and  
2152. of the Revised Code, with the powers and jurisdictions



conferred by those chapters. In addition to the judge's regular  
duties, the judge of the court of common pleas, juvenile division,  
shall be the administrator of the juvenile division and its  
subdivisions and departments and shall have charge of the  
employment, assignment, and supervision of the personnel of the  
division engaged in handling, servicing, or investigating juvenile  
cases, including any referees considered necessary by the judge in  
the discharge of the judge's various duties.

The judge also shall designate the title, compensation,  
expense allowances, hours, leaves of absence, and vacation of the  
personnel of the division and shall fix the duties of the  
personnel of the division. The duties of the personnel, in  
addition to other statutory duties, include the handling,  
servicing, and investigation of juvenile cases and counseling and  
conciliation services that may be made available to persons  
requesting them, whether or not the persons are parties to an  
action pending in the division.

(3) If a judge of the court of common pleas, division of  
domestic relations or juvenile division, is sick, absent, or  
unable to perform that judge's judicial duties, or the volume of  
cases pending in that judge's division necessitates it, that  
judge's duties shall be performed by another judge of the court of  
common pleas.

(F) In Montgomery county:

(1) The judges of the court of common pleas whose terms begin  
on January 2, 1953, and January 4, 1977, and successors, shall  
have the same qualifications, exercise the same powers and  
jurisdiction, and receive the same compensation as other judges of  
the court of common pleas of Montgomery county and shall be  
elected and designated as judges of the court of common pleas,  
division of domestic relations. These judges shall have assigned  
to them all divorce, dissolution of marriage, legal separation,

and annulment cases.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the assignment and division of the work of the division and shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any necessary referees, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12, 2301.18, and 2301.19 of the Revised Code. The judge of the division of domestic relations, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties.

(2) The judges of the court of common pleas whose terms begin on January 1, 1953, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code.

In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence,

and vacation of the personnel of the division and shall fix their 5076  
duties. The duties of the personnel, in addition to other 5077  
statutory duties, shall include the handling, servicing, and 5078  
investigation of juvenile cases and of any counseling and 5079  
conciliation services that are available upon request to persons, 5080  
whether or not they are parties to an action pending in the 5081  
division. 5082

If one of the judges of the court of common pleas, division 5083  
of domestic relations, or one of the judges of the court of common 5084  
pleas, juvenile division, is sick, absent, or unable to perform 5085  
that judge's duties or the volume of cases pending in that judge's 5086  
division necessitates it, the duties of that judge may be 5087  
performed by the judge or judges of the other of those divisions. 5088

(G) In Richland county, the judge of the court of common 5089  
pleas whose term begins on January 1, 1957, and successors, shall 5090  
have the same qualifications, exercise the same powers and 5091  
jurisdiction, and receive the same compensation as the other 5092  
judges of the court of common pleas of Richland county and shall 5093  
be elected and designated as judge of the court of common pleas, 5094  
division of domestic relations. That judge shall have all of the 5095  
powers relating to juvenile courts, and all cases under Chapters 5096  
2151. and 2152. of the Revised Code, all parentage proceedings 5097  
over which the juvenile court has jurisdiction, and all divorce, 5098  
dissolution of marriage, legal separation, and annulment cases 5099  
shall be assigned to that judge, except in cases that for some 5100  
special reason are assigned to some other judge of the court of 5101  
common pleas. 5102

(H) In Stark county, the judges of the court of common pleas 5103  
whose terms begin on January 1, 1953, January 2, 1959, and January 5104  
1, 1993, and successors, shall have the same qualifications, 5105  
exercise the same powers and jurisdiction, and receive the same 5106  
compensation as other judges of the court of common pleas of Stark 5107

county and shall be elected and designated as judges of the court 5108  
of common pleas, division of domestic relations. They shall have 5109  
all the powers relating to juvenile courts, and all cases under 5110  
Chapters 2151. and 2152. of the Revised Code, all parentage 5111  
proceedings over which the juvenile court has jurisdiction, and 5112  
all divorce, dissolution of marriage, legal separation, and 5113  
annulment cases, except cases that are assigned to some other 5114  
judge of the court of common pleas for some special reason, shall 5115  
be assigned to the judges. 5116

The judge of the division of domestic relations, second most 5117  
senior in point of service, shall have charge of the employment 5118  
and supervision of the personnel of the division engaged in 5119  
handling, servicing, or investigating divorce, dissolution of 5120  
marriage, legal separation, and annulment cases, and necessary 5121  
referees required for the judge's respective court. 5122

The judge of the division of domestic relations, senior in 5123  
point of service, shall be charged exclusively with the 5124  
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 5125  
of the Revised Code and with the assignment and division of the 5126  
work of the division and the employment and supervision of all 5127  
other personnel of the division, including, but not limited to, 5128  
that judge's necessary referees, but excepting those employees who 5129  
may be appointed by the judge second most senior in point of 5130  
service. The senior judge further shall serve in every other 5131  
position in which the statutes permit or require a juvenile judge 5132  
to serve. 5133

(I) In Summit county: 5134

(1) The judges of the court of common pleas whose terms begin 5135  
on January 4, 1967, and January 6, 1993, and successors, shall 5136  
have the same qualifications, exercise the same powers and 5137  
jurisdiction, and receive the same compensation as other judges of 5138  
the court of common pleas of Summit county and shall be elected 5139

and designated as judges of the court of common pleas, division of 5140  
domestic relations. The judges of the division of domestic 5141  
relations shall have assigned to them and hear all divorce, 5142  
dissolution of marriage, legal separation, and annulment cases 5143  
that come before the court. Except in cases that are subject to 5144  
the exclusive original jurisdiction of the juvenile court, the 5145  
judges of the division of domestic relations shall have assigned 5146  
to them and hear all cases pertaining to paternity, custody, 5147  
visitation, child support, or the allocation of parental rights 5148  
and responsibilities for the care of children and all post-decree 5149  
proceedings arising from any case pertaining to any of those 5150  
matters. The judges of the division of domestic relations shall 5151  
have assigned to them and hear all proceedings under the uniform 5152  
interstate family support act contained in Chapter 3115. of the 5153  
Revised Code. 5154

The judge of the division of domestic relations, senior in 5155  
point of service, shall be the administrator of the domestic 5156  
relations division and its subdivisions and departments and shall 5157  
have charge of the employment, assignment, and supervision of the 5158  
personnel of the division, including any necessary referees, who 5159  
are engaged in handling, servicing, or investigating divorce, 5160  
dissolution of marriage, legal separation, and annulment cases. 5161  
That judge also shall designate the title, compensation, expense 5162  
allowances, hours, leaves of absence, and vacations of the 5163  
personnel of the division and shall fix their duties. The duties 5164  
of the personnel, in addition to other statutory duties, shall 5165  
include the handling, servicing, and investigation of divorce, 5166  
dissolution of marriage, legal separation, and annulment cases and 5167  
of any counseling and conciliation services that are available 5168  
upon request to all persons, whether or not they are parties to an 5169  
action pending in the division. 5170

(2) The judge of the court of common pleas whose term begins 5171

on January 1, 1955, and successors, shall have the same 5172  
qualifications, exercise the same powers and jurisdiction, and 5173  
receive the same compensation as other judges of the court of 5174  
common pleas of Summit county, shall be elected and designated as 5175  
judge of the court of common pleas, juvenile division, and shall 5176  
be, and have the powers and jurisdiction of, the juvenile judge as 5177  
provided in Chapters 2151. and 2152. of the Revised Code. Except 5178  
in cases that are subject to the exclusive original jurisdiction 5179  
of the juvenile court, the judge of the juvenile division shall 5180  
not have jurisdiction or the power to hear, and shall not be 5181  
assigned, any case pertaining to paternity, custody, visitation, 5182  
child support, or the allocation of parental rights and 5183  
responsibilities for the care of children or any post-decree 5184  
proceeding arising from any case pertaining to any of those 5185  
matters. The judge of the juvenile division shall not have 5186  
jurisdiction or the power to hear, and shall not be assigned, any 5187  
proceeding under the uniform interstate family support act 5188  
contained in Chapter 3115. of the Revised Code. 5189

The juvenile judge shall be the administrator of the juvenile 5190  
division and its subdivisions and departments and shall have 5191  
charge of the employment, assignment, and supervision of the 5192  
personnel of the juvenile division, including any necessary 5193  
referees, who are engaged in handling, servicing, or investigating 5194  
juvenile cases. The judge also shall designate the title, 5195  
compensation, expense allowances, hours, leaves of absence, and 5196  
vacation of the personnel of the division and shall fix their 5197  
duties. The duties of the personnel, in addition to other 5198  
statutory duties, shall include the handling, servicing, and 5199  
investigation of juvenile cases and of any counseling and 5200  
conciliation services that are available upon request to persons, 5201  
whether or not they are parties to an action pending in the 5202  
division. 5203

(J) In Trumbull county, the judges of the court of common 5204  
pleas whose terms begin on January 1, 1953, and January 2, 1977, 5205  
and successors, shall have the same qualifications, exercise the 5206  
same powers and jurisdiction, and receive the same compensation as 5207  
other judges of the court of common pleas of Trumbull county and 5208  
shall be elected and designated as judges of the court of common 5209  
pleas, division of domestic relations. They shall have all the 5210  
powers relating to juvenile courts, and all cases under Chapters 5211  
2151. and 2152. of the Revised Code, all parentage proceedings 5212  
over which the juvenile court has jurisdiction, and all divorce, 5213  
dissolution of marriage, legal separation, and annulment cases 5214  
shall be assigned to them, except cases that for some special 5215  
reason are assigned to some other judge of the court of common 5216  
pleas. 5217

(K) In Butler county: 5218

(1) The judges of the court of common pleas whose terms begin 5219  
on January 1, 1957, and January 4, 1993, and successors, shall 5220  
have the same qualifications, exercise the same powers and 5221  
jurisdiction, and receive the same compensation as other judges of 5222  
the court of common pleas of Butler county and shall be elected 5223  
and designated as judges of the court of common pleas, division of 5224  
domestic relations. The judges of the division of domestic 5225  
relations shall have assigned to them all divorce, dissolution of 5226  
marriage, legal separation, and annulment cases coming before the 5227  
court, except in cases that for some special reason are assigned 5228  
to some other judge of the court of common pleas. The judge senior 5229  
in point of service shall be charged with the assignment and 5230  
division of the work of the division and with the employment and 5231  
supervision of all other personnel of the domestic relations 5232  
division. 5233

The judge senior in point of service also shall designate the 5234  
title, compensation, expense allowances, hours, leaves of absence, 5235

and vacations of the personnel of the division and shall fix their 5236  
duties. The duties of the personnel, in addition to other 5237  
statutory duties, shall include the handling, servicing, and 5238  
investigation of divorce, dissolution of marriage, legal 5239  
separation, and annulment cases and providing any counseling and 5240  
conciliation services that the division makes available to 5241  
persons, whether or not the persons are parties to an action 5242  
pending in the division, who request the services. 5243

(2) The judges of the court of common pleas whose terms begin 5244  
on January 3, 1987, and January 2, 2003, and successors, shall 5245  
have the same qualifications, exercise the same powers and 5246  
jurisdiction, and receive the same compensation as other judges of 5247  
the court of common pleas of Butler county, shall be elected and 5248  
designated as judges of the court of common pleas, juvenile 5249  
division, and shall be the juvenile judges as provided in Chapters 5250  
2151. and 2152. of the Revised Code, with the powers and 5251  
jurisdictions conferred by those chapters. The judge of the court 5252  
of common pleas, juvenile division, who is senior in point of 5253  
service, shall be the administrator of the juvenile division and 5254  
its subdivisions and departments. The judge, senior in point of 5255  
service, shall have charge of the employment, assignment, and 5256  
supervision of the personnel of the juvenile division who are 5257  
engaged in handling, servicing, or investigating juvenile cases, 5258  
including any referees whom the judge considers necessary for the 5259  
discharge of the judge's various duties. 5260

The judge, senior in point of service, also shall designate 5261  
the title, compensation, expense allowances, hours, leaves of 5262  
absence, and vacation of the personnel of the division and shall 5263  
fix their duties. The duties of the personnel, in addition to 5264  
other statutory duties, include the handling, servicing, and 5265  
investigation of juvenile cases and providing any counseling and 5266  
conciliation services that the division makes available to 5267



persons, whether or not the persons are parties to an action 5268  
pending in the division, who request the services. 5269

(3) If a judge of the court of common pleas, division of 5270  
domestic relations or juvenile division, is sick, absent, or 5271  
unable to perform that judge's judicial duties or the volume of 5272  
cases pending in the judge's division necessitates it, the duties 5273  
of that judge shall be performed by the other judges of the 5274  
domestic relations and juvenile divisions. 5275

(L)(1) In Cuyahoga county, the judges of the court of common 5276  
pleas whose terms begin on January 8, 1961, January 9, 1961, 5277  
January 18, 1975, January 19, 1975, and January 13, 1987, and 5278  
successors, shall have the same qualifications, exercise the same 5279  
powers and jurisdiction, and receive the same compensation as 5280  
other judges of the court of common pleas of Cuyahoga county and 5281  
shall be elected and designated as judges of the court of common 5282  
pleas, division of domestic relations. They shall have all the 5283  
powers relating to all divorce, dissolution of marriage, legal 5284  
separation, and annulment cases, except in cases that are assigned 5285  
to some other judge of the court of common pleas for some special 5286  
reason. 5287

(2) The administrative judge is administrator of the domestic 5288  
relations division and its subdivisions and departments and has 5289  
the following powers concerning division personnel: 5290

(a) Full charge of the employment, assignment, and 5291  
supervision; 5292

(b) Sole determination of compensation, duties, expenses, 5293  
allowances, hours, leaves, and vacations. 5294

(3) "Division personnel" include persons employed or referees 5295  
engaged in hearing, servicing, investigating, counseling, or 5296  
conciliating divorce, dissolution of marriage, legal separation 5297  
and annulment matters. 5298

(M) In Lake county: 5299

(1) The judge of the court of common pleas whose term begins 5300  
on January 2, 1961, and successors, shall have the same 5301  
qualifications, exercise the same powers and jurisdiction, and 5302  
receive the same compensation as the other judges of the court of 5303  
common pleas of Lake county and shall be elected and designated as 5304  
judge of the court of common pleas, division of domestic 5305  
relations. The judge shall be assigned all the divorce, 5306  
dissolution of marriage, legal separation, and annulment cases 5307  
coming before the court, except in cases that for some special 5308  
reason are assigned to some other judge of the court of common 5309  
pleas. The judge shall be charged with the assignment and division 5310  
of the work of the division and with the employment and 5311  
supervision of all other personnel of the domestic relations 5312  
division. 5313

The judge also shall designate the title, compensation, 5314  
expense allowances, hours, leaves of absence, and vacations of the 5315  
personnel of the division and shall fix their duties. The duties 5316  
of the personnel, in addition to other statutory duties, shall 5317  
include the handling, servicing, and investigation of divorce, 5318  
dissolution of marriage, legal separation, and annulment cases and 5319  
providing any counseling and conciliation services that the 5320  
division makes available to persons, whether or not the persons 5321  
are parties to an action pending in the division, who request the 5322  
services. 5323

(2) The judge of the court of common pleas whose term begins 5324  
on January 4, 1979, and successors, shall have the same 5325  
qualifications, exercise the same powers and jurisdiction, and 5326  
receive the same compensation as other judges of the court of 5327  
common pleas of Lake county, shall be elected and designated as 5328  
judge of the court of common pleas, juvenile division, and shall 5329  
be the juvenile judge as provided in Chapters 2151. and 2152. of 5330

the Revised Code, with the powers and jurisdictions conferred by  
those chapters. The judge of the court of common pleas, juvenile  
division, shall be the administrator of the juvenile division and  
its subdivisions and departments. The judge shall have charge of  
the employment, assignment, and supervision of the personnel of  
the juvenile division who are engaged in handling, servicing, or  
investigating juvenile cases, including any referees whom the  
judge considers necessary for the discharge of the judge's various  
duties.

The judge also shall designate the title, compensation,  
expense allowances, hours, leaves of absence, and vacation of the  
personnel of the division and shall fix their duties. The duties  
of the personnel, in addition to other statutory duties, include  
the handling, servicing, and investigation of juvenile cases and  
providing any counseling and conciliation services that the  
division makes available to persons, whether or not the persons  
are parties to an action pending in the division, who request the  
services.

(3) If a judge of the court of common pleas, division of  
domestic relations or juvenile division, is sick, absent, or  
unable to perform that judge's judicial duties or the volume of  
cases pending in the judge's division necessitates it, the duties  
of that judge shall be performed by the other judges of the  
domestic relations and juvenile divisions.

(N) In Erie county, the judge of the court of common pleas  
whose term begins on January 2, 1971, and successors, shall have  
the same qualifications, exercise the same powers and  
jurisdiction, and receive the same compensation as the other judge  
of the court of common pleas of Erie county and shall be elected  
and designated as judge of the court of common pleas, division of  
domestic relations. The judge shall have all the powers relating  
to juvenile courts, and shall be assigned all cases under Chapters

2151. and 2152. of the Revised Code, parentage proceedings over 5363  
which the juvenile court has jurisdiction, and divorce, 5364  
dissolution of marriage, legal separation, and annulment cases, 5365  
except cases that for some special reason are assigned to some 5366  
other judge. 5367

(O) In Greene county: 5368

(1) The judge of the court of common pleas whose term begins 5369  
on January 1, 1961, and successors, shall have the same 5370  
qualifications, exercise the same powers and jurisdiction, and 5371  
receive the same compensation as the other judges of the court of 5372  
common pleas of Greene county and shall be elected and designated 5373  
as the judge of the court of common pleas, division of domestic 5374  
relations. The judge shall be assigned all divorce, dissolution of 5375  
marriage, legal separation, annulment, uniform reciprocal support 5376  
enforcement, and domestic violence cases and all other cases 5377  
related to domestic relations, except cases that for some special 5378  
reason are assigned to some other judge of the court of common 5379  
pleas. 5380

The judge shall be charged with the assignment and division 5381  
of the work of the division and with the employment and 5382  
supervision of all other personnel of the division. The judge also 5383  
shall designate the title, compensation, hours, leaves of absence, 5384  
and vacations of the personnel of the division and shall fix their 5385  
duties. The duties of the personnel of the division, in addition 5386  
to other statutory duties, shall include the handling, servicing, 5387  
and investigation of divorce, dissolution of marriage, legal 5388  
separation, and annulment cases and the provision of counseling 5389  
and conciliation services that the division considers necessary 5390  
and makes available to persons who request the services, whether 5391  
or not the persons are parties in an action pending in the 5392  
division. The compensation for the personnel shall be paid from 5393  
the overall court budget and shall be included in the 5394

appropriations for the existing judges of the general division of 5395  
the court of common pleas. 5396

(2) The judge of the court of common pleas whose term begins 5397  
on January 1, 1995, and successors, shall have the same 5398  
qualifications, exercise the same powers and jurisdiction, and 5399  
receive the same compensation as the other judges of the court of 5400  
common pleas of Greene county, shall be elected and designated as 5401  
judge of the court of common pleas, juvenile division, and, on or 5402  
after January 1, 1995, shall be the juvenile judge as provided in 5403  
Chapters 2151. and 2152. of the Revised Code with the powers and 5404  
jurisdiction conferred by those chapters. The judge of the court 5405  
of common pleas, juvenile division, shall be the administrator of 5406  
the juvenile division and its subdivisions and departments. The 5407  
judge shall have charge of the employment, assignment, and 5408  
supervision of the personnel of the juvenile division who are 5409  
engaged in handling, servicing, or investigating juvenile cases, 5410  
including any referees whom the judge considers necessary for the 5411  
discharge of the judge's various duties. 5412

The judge also shall designate the title, compensation, 5413  
expense allowances, hours, leaves of absence, and vacation of the 5414  
personnel of the division and shall fix their duties. The duties 5415  
of the personnel, in addition to other statutory duties, include 5416  
the handling, servicing, and investigation of juvenile cases and 5417  
providing any counseling and conciliation services that the court 5418  
makes available to persons, whether or not the persons are parties 5419  
to an action pending in the court, who request the services. 5420

(3) If one of the judges of the court of common pleas, 5421  
general division, is sick, absent, or unable to perform that 5422  
judge's judicial duties or the volume of cases pending in the 5423  
general division necessitates it, the duties of that judge of the 5424  
general division shall be performed by the judge of the division 5425  
of domestic relations and the judge of the juvenile division. 5426

(P) In Portage county, the judge of the court of common 5427  
pleas, whose term begins January 2, 1987, and successors, shall 5428  
have the same qualifications, exercise the same powers and 5429  
jurisdiction, and receive the same compensation as the other 5430  
judges of the court of common pleas of Portage county and shall be 5431  
elected and designated as judge of the court of common pleas, 5432  
division of domestic relations. The judge shall be assigned all 5433  
divorce, dissolution of marriage, legal separation, and annulment 5434  
cases coming before the court, except in cases that for some 5435  
special reason are assigned to some other judge of the court of 5436  
common pleas. The judge shall be charged with the assignment and 5437  
division of the work of the division and with the employment and 5438  
supervision of all other personnel of the domestic relations 5439  
division. 5440

The judge also shall designate the title, compensation, 5441  
expense allowances, hours, leaves of absence, and vacations of the 5442  
personnel of the division and shall fix their duties. The duties 5443  
of the personnel, in addition to other statutory duties, shall 5444  
include the handling, servicing, and investigation of divorce, 5445  
dissolution of marriage, legal separation, and annulment cases and 5446  
providing any counseling and conciliation services that the 5447  
division makes available to persons, whether or not the persons 5448  
are parties to an action pending in the division, who request the 5449  
services. 5450

(Q) In Clermont county, the judge of the court of common 5451  
pleas, whose term begins January 2, 1987, and successors, shall 5452  
have the same qualifications, exercise the same powers and 5453  
jurisdiction, and receive the same compensation as the other 5454  
judges of the court of common pleas of Clermont county and shall 5455  
be elected and designated as judge of the court of common pleas, 5456  
division of domestic relations. The judge shall be assigned all 5457  
divorce, dissolution of marriage, legal separation, and annulment 5458

cases coming before the court, except in cases that for some  
special reason are assigned to some other judge of the court of  
common pleas. The judge shall be charged with the assignment and  
division of the work of the division and with the employment and  
supervision of all other personnel of the domestic relations  
division.

The judge also shall designate the title, compensation,  
expense allowances, hours, leaves of absence, and vacations of the  
personnel of the division and shall fix their duties. The duties  
of the personnel, in addition to other statutory duties, shall  
include the handling, servicing, and investigation of divorce,  
dissolution of marriage, legal separation, and annulment cases and  
providing any counseling and conciliation services that the  
division makes available to persons, whether or not the persons  
are parties to an action pending in the division, who request the  
services.

(R) In Warren county, the judge of the court of common pleas,  
whose term begins January 1, 1987, and successors, shall have the  
same qualifications, exercise the same powers and jurisdiction,  
and receive the same compensation as the other judges of the court  
of common pleas of Warren county and shall be elected and  
designated as judge of the court of common pleas, division of  
domestic relations. The judge shall be assigned all divorce,  
dissolution of marriage, legal separation, and annulment cases  
coming before the court, except in cases that for some special  
reason are assigned to some other judge of the court of common  
pleas. The judge shall be charged with the assignment and division  
of the work of the division and with the employment and  
supervision of all other personnel of the domestic relations  
division.

The judge also shall designate the title, compensation,  
expense allowances, hours, leaves of absence, and vacations of the

personnel of the division and shall fix their duties. The duties 5491  
of the personnel, in addition to other statutory duties, shall 5492  
include the handling, servicing, and investigation of divorce, 5493  
dissolution of marriage, legal separation, and annulment cases and 5494  
providing any counseling and conciliation services that the 5495  
division makes available to persons, whether or not the persons 5496  
are parties to an action pending in the division, who request the 5497  
services. 5498

(S) In Licking county, the judge of the court of common 5499  
pleas, whose term begins January 1, 1991, and successors, shall 5500  
have the same qualifications, exercise the same powers and 5501  
jurisdiction, and receive the same compensation as the other 5502  
judges of the court of common pleas of Licking county and shall be 5503  
elected and designated as judge of the court of common pleas, 5504  
division of domestic relations. The judge shall be assigned all 5505  
divorce, dissolution of marriage, legal separation, and annulment 5506  
cases, all cases arising under Chapter 3111. of the Revised Code, 5507  
all proceedings involving child support, the allocation of 5508  
parental rights and responsibilities for the care of children and 5509  
the designation for the children of a place of residence and legal 5510  
custodian, parenting time, and visitation, and all post-decree 5511  
proceedings and matters arising from those cases and proceedings, 5512  
except in cases that for some special reason are assigned to 5513  
another judge of the court of common pleas. The judge shall be 5514  
charged with the assignment and division of the work of the 5515  
division and with the employment and supervision of the personnel 5516  
of the division. 5517

The judge shall designate the title, compensation, expense 5518  
allowances, hours, leaves of absence, and vacations of the 5519  
personnel of the division and shall fix the duties of the 5520  
personnel of the division. The duties of the personnel of the 5521  
division, in addition to other statutory duties, shall include the 5522



handling, servicing, and investigation of divorce, dissolution of 5523  
marriage, legal separation, and annulment cases, cases arising 5524  
under Chapter 3111. of the Revised Code, and proceedings involving 5525  
child support, the allocation of parental rights and 5526  
responsibilities for the care of children and the designation for 5527  
the children of a place of residence and legal custodian, 5528  
parenting time, and visitation and providing any counseling and 5529  
conciliation services that the division makes available to 5530  
persons, whether or not the persons are parties to an action 5531  
pending in the division, who request the services. 5532

(T) In Allen county, the judge of the court of common pleas, 5533  
whose term begins January 1, 1993, and successors, shall have the 5534  
same qualifications, exercise the same powers and jurisdiction, 5535  
and receive the same compensation as the other judges of the court 5536  
of common pleas of Allen county and shall be elected and 5537  
designated as judge of the court of common pleas, division of 5538  
domestic relations. The judge shall be assigned all divorce, 5539  
dissolution of marriage, legal separation, and annulment cases, 5540  
all cases arising under Chapter 3111. of the Revised Code, all 5541  
proceedings involving child support, the allocation of parental 5542  
rights and responsibilities for the care of children and the 5543  
designation for the children of a place of residence and legal 5544  
custodian, parenting time, and visitation, and all post-decree 5545  
proceedings and matters arising from those cases and proceedings, 5546  
except in cases that for some special reason are assigned to 5547  
another judge of the court of common pleas. The judge shall be 5548  
charged with the assignment and division of the work of the 5549  
division and with the employment and supervision of the personnel 5550  
of the division. 5551

The judge shall designate the title, compensation, expense 5552  
allowances, hours, leaves of absence, and vacations of the 5553  
personnel of the division and shall fix the duties of the 5554

personnel of the division. The duties of the personnel of the 5555  
division, in addition to other statutory duties, shall include the 5556  
handling, servicing, and investigation of divorce, dissolution of 5557  
marriage, legal separation, and annulment cases, cases arising 5558  
under Chapter 3111. of the Revised Code, and proceedings involving 5559  
child support, the allocation of parental rights and 5560  
responsibilities for the care of children and the designation for 5561  
the children of a place of residence and legal custodian, 5562  
parenting time, and visitation, and providing any counseling and 5563  
conciliation services that the division makes available to 5564  
persons, whether or not the persons are parties to an action 5565  
pending in the division, who request the services. 5566

(U) In Medina county, the judge of the court of common pleas 5567  
whose term begins January 1, 1995, and successors, shall have the 5568  
same qualifications, exercise the same powers and jurisdiction, 5569  
and receive the same compensation as other judges of the court of 5570  
common pleas of Medina county and shall be elected and designated 5571  
as judge of the court of common pleas, division of domestic 5572  
relations. The judge shall be assigned all divorce, dissolution of 5573  
marriage, legal separation, and annulment cases, all cases arising 5574  
under Chapter 3111. of the Revised Code, all proceedings involving 5575  
child support, the allocation of parental rights and 5576  
responsibilities for the care of children and the designation for 5577  
the children of a place of residence and legal custodian, 5578  
parenting time, and visitation, and all post-decree proceedings 5579  
and matters arising from those cases and proceedings, except in 5580  
cases that for some special reason are assigned to another judge 5581  
of the court of common pleas. The judge shall be charged with the 5582  
assignment and division of the work of the division and with the 5583  
employment and supervision of the personnel of the division. 5584

The judge shall designate the title, compensation, expense 5585  
allowances, hours, leaves of absence, and vacations of the 5586

personnel of the division and shall fix the duties of the 5587  
personnel of the division. The duties of the personnel, in 5588  
addition to other statutory duties, include the handling, 5589  
servicing, and investigation of divorce, dissolution of marriage, 5590  
legal separation, and annulment cases, cases arising under Chapter 5591  
3111. of the Revised Code, and proceedings involving child 5592  
support, the allocation of parental rights and responsibilities 5593  
for the care of children and the designation for the children of a 5594  
place of residence and legal custodian, parenting time, and 5595  
visitation, and providing counseling and conciliation services 5596  
that the division makes available to persons, whether or not the 5597  
persons are parties to an action pending in the division, who 5598  
request the services. 5599

(V) In Fairfield county, the judge of the court of common 5600  
pleas whose term begins January 2, 1995, and successors, shall 5601  
have the same qualifications, exercise the same powers and 5602  
jurisdiction, and receive the same compensation as the other 5603  
judges of the court of common pleas of Fairfield county and shall 5604  
be elected and designated as judge of the court of common pleas, 5605  
division of domestic relations. The judge shall be assigned all 5606  
divorce, dissolution of marriage, legal separation, and annulment 5607  
cases, all cases arising under Chapter 3111. of the Revised Code, 5608  
all proceedings involving child support, the allocation of 5609  
parental rights and responsibilities for the care of children and 5610  
the designation for the children of a place of residence and legal 5611  
custodian, parenting time, and visitation, and all post-decree 5612  
proceedings and matters arising from those cases and proceedings, 5613  
except in cases that for some special reason are assigned to 5614  
another judge of the court of common pleas. The judge also has 5615  
concurrent jurisdiction with the probate-juvenile division of the 5616  
court of common pleas of Fairfield county with respect to and may 5617  
hear cases to determine the custody of a child, as defined in 5618

section 2151.011 of the Revised Code, who is not the ward of 5619  
another court of this state, cases that are commenced by a parent, 5620  
guardian, or custodian of a child, as defined in section 2151.011 5621  
of the Revised Code, to obtain an order requiring a parent of the 5622  
child to pay child support for that child when the request for 5623  
that order is not ancillary to an action for divorce, dissolution 5624  
of marriage, annulment, or legal separation, a criminal or civil 5625  
action involving an allegation of domestic violence, an action for 5626  
support under Chapter 3115. of the Revised Code, or an action that 5627  
is within the exclusive original jurisdiction of the 5628  
probate-juvenile division of the court of common pleas of 5629  
Fairfield county and that involves an allegation that the child is 5630  
an abused, neglected, or dependent child, and post-decree 5631  
proceedings and matters arising from those types of cases. 5632

The judge of the domestic relations division shall be charged 5633  
with the assignment and division of the work of the division and 5634  
with the employment and supervision of the personnel of the 5635  
division. 5636

The judge shall designate the title, compensation, expense 5637  
allowances, hours, leaves of absence, and vacations of the 5638  
personnel of the division and shall fix the duties of the 5639  
personnel of the division. The duties of the personnel of the 5640  
division, in addition to other statutory duties, shall include the 5641  
handling, servicing, and investigation of divorce, dissolution of 5642  
marriage, legal separation, and annulment cases, cases arising 5643  
under Chapter 3111. of the Revised Code, and proceedings involving 5644  
child support, the allocation of parental rights and 5645  
responsibilities for the care of children and the designation for 5646  
the children of a place of residence and legal custodian, 5647  
parenting time, and visitation, and providing any counseling and 5648  
conciliation services that the division makes available to 5649  
persons, regardless of whether the persons are parties to an 5650

5651 action pending in the division, who request the services. When the  
5652 judge hears a case to determine the custody of a child, as defined  
5653 in section 2151.011 of the Revised Code, who is not the ward of  
5654 another court of this state or a case that is commenced by a  
5655 parent, guardian, or custodian of a child, as defined in section  
5656 2151.011 of the Revised Code, to obtain an order requiring a  
5657 parent of the child to pay child support for that child when the  
5658 request for that order is not ancillary to an action for divorce,  
5659 dissolution of marriage, annulment, or legal separation, a  
5660 criminal or civil action involving an allegation of domestic  
5661 violence, an action for support under Chapter 3115. of the Revised  
5662 Code, or an action that is within the exclusive original  
5663 jurisdiction of the probate-juvenile division of the court of  
5664 common pleas of Fairfield county and that involves an allegation  
5665 that the child is an abused, neglected, or dependent child, the  
5666 duties of the personnel of the domestic relations division also  
5667 include the handling, servicing, and investigation of those types  
5668 of cases.

5669 (W)(1) In Clark county, the judge of the court of common  
5670 pleas whose term begins on January 2, 1995, and successors, shall  
5671 have the same qualifications, exercise the same powers and  
5672 jurisdiction, and receive the same compensation as other judges of  
5673 the court of common pleas of Clark county and shall be elected and  
5674 designated as judge of the court of common pleas, domestic  
5675 relations division. The judge shall have all the powers relating  
5676 to juvenile courts, and all cases under Chapters 2151. and 2152.  
5677 of the Revised Code and all parentage proceedings under Chapter  
5678 3111. of the Revised Code over which the juvenile court has  
5679 jurisdiction shall be assigned to the judge of the division of  
5680 domestic relations. All divorce, dissolution of marriage, legal  
5681 separation, annulment, uniform reciprocal support enforcement, and  
5682 other cases related to domestic relations shall be assigned to the

domestic relations division, and the presiding judge of the court 5683  
of common pleas shall assign the cases to the judge of the 5684  
domestic relations division and the judges of the general 5685  
division. 5686

(2) In addition to the judge's regular duties, the judge of 5687  
the division of domestic relations shall serve on the children 5688  
services board and the county advisory board. 5689

(3) If the judge of the court of common pleas of Clark 5690  
county, division of domestic relations, is sick, absent, or unable 5691  
to perform that judge's judicial duties or if the presiding judge 5692  
of the court of common pleas of Clark county determines that the 5693  
volume of cases pending in the division of domestic relations 5694  
necessitates it, the duties of the judge of the division of 5695  
domestic relations shall be performed by the judges of the general 5696  
division or probate division of the court of common pleas of Clark 5697  
county, as assigned for that purpose by the presiding judge of 5698  
that court, and the judges so assigned shall act in conjunction 5699  
with the judge of the division of domestic relations of that 5700  
court. 5701

(X) In Scioto county, the judge of the court of common pleas 5702  
whose term begins January 2, 1995, and successors, shall have the 5703  
same qualifications, exercise the same powers and jurisdiction, 5704  
and receive the same compensation as other judges of the court of 5705  
common pleas of Scioto county and shall be elected and designated 5706  
as judge of the court of common pleas, division of domestic 5707  
relations. The judge shall be assigned all divorce, dissolution of 5708  
marriage, legal separation, and annulment cases, all cases arising 5709  
under Chapter 3111. of the Revised Code, all proceedings involving 5710  
child support, the allocation of parental rights and 5711  
responsibilities for the care of children and the designation for 5712  
the children of a place of residence and legal custodian, 5713  
parenting time, visitation, and all post-decree proceedings and 5714

matters arising from those cases and proceedings, except in cases  
that for some special reason are assigned to another judge of the  
court of common pleas. The judge shall be charged with the  
assignment and division of the work of the division and with the  
employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense  
allowances, hours, leaves of absence, and vacations of the  
personnel of the division and shall fix the duties of the  
personnel of the division. The duties of the personnel, in  
addition to other statutory duties, include the handling,  
servicing, and investigation of divorce, dissolution of marriage,  
legal separation, and annulment cases, cases arising under Chapter  
3111. of the Revised Code, and proceedings involving child  
support, the allocation of parental rights and responsibilities  
for the care of children and the designation for the children of a  
place of residence and legal custodian, parenting time, and  
visitation, and providing counseling and conciliation services  
that the division makes available to persons, whether or not the  
persons are parties to an action pending in the division, who  
request the services.

(Y) In Auglaize county, the judge of the probate and juvenile  
divisions of the Auglaize county court of common pleas also shall  
be the administrative judge of the domestic relations division of  
the court and shall be assigned all divorce, dissolution of  
marriage, legal separation, and annulment cases coming before the  
court. The judge shall have all powers as administrator of the  
domestic relations division and shall have charge of the personnel  
engaged in handling, servicing, or investigating divorce,  
dissolution of marriage, legal separation, and annulment cases,  
including any referees considered necessary for the discharge of  
the judge's various duties.

(Z)(1) In Marion county, the judge of the court of common

pleas whose term begins on February 9, 1999, and the successors to  
that judge, shall have the same qualifications, exercise the same  
powers and jurisdiction, and receive the same compensation as the  
other judges of the court of common pleas of Marion county and  
shall be elected and designated as judge of the court of common  
pleas, domestic relations-juvenile-probate division. Except as  
otherwise specified in this division, that judge, and the  
successors to that judge, shall have all the powers relating to  
juvenile courts, and all cases under Chapters 2151. and 2152. of  
the Revised Code, all cases arising under Chapter 3111. of the  
Revised Code, all divorce, dissolution of marriage, legal  
separation, and annulment cases, all proceedings involving child  
support, the allocation of parental rights and responsibilities  
for the care of children and the designation for the children of a  
place of residence and legal custodian, parenting time, and  
visitation, and all post-decree proceedings and matters arising  
from those cases and proceedings shall be assigned to that judge  
and the successors to that judge. Except as provided in division  
(Z)(2) of this section and notwithstanding any other provision of  
any section of the Revised Code, on and after February 9, 2003,  
the judge of the court of common pleas of Marion county whose term  
begins on February 9, 1999, and the successors to that judge,  
shall have all the powers relating to the probate division of the  
court of common pleas of Marion county in addition to the powers  
previously specified in this division, and shall exercise  
concurrent jurisdiction with the judge of the probate division of  
that court over all matters that are within the jurisdiction of  
the probate division of that court under Chapter 2101., and other  
provisions, of the Revised Code in addition to the jurisdiction of  
the domestic relations-juvenile-probate division of that court  
otherwise specified in division (Z)(1) of this section.

(2) The judge of the domestic relations-juvenile-probate 5778



division of the court of common pleas of Marion county or the 5779  
judge of the probate division of the court of common pleas of 5780  
Marion county, whichever of those judges is senior in total length 5781  
of service on the court of common pleas of Marion county, 5782  
regardless of the division or divisions of service, shall serve as 5783  
the clerk of the probate division of the court of common pleas of 5784  
Marion county. 5785

(3) On and after February 9, 2003, all references in law to 5786  
"the probate court," "the probate judge," "the juvenile court," or 5787  
"the judge of the juvenile court" shall be construed, with respect 5788  
to Marion county, as being references to both "the probate 5789  
division" and "the domestic relations-juvenile-probate division" 5790  
and as being references to both "the judge of the probate 5791  
division" and "the judge of the domestic relations- 5792  
juvenile-probate division." On and after February 9, 2003, all 5793  
references in law to "the clerk of the probate court" shall be 5794  
construed, with respect to Marion county, as being references to 5795  
the judge who is serving pursuant to division (Z)(2) of this 5796  
section as the clerk of the probate division of the court of 5797  
common pleas of Marion county. 5798

(AA) In Muskingum county, the judge of the court of common 5799  
pleas whose term begins on January 2, 2003, and successors, shall 5800  
have the same qualifications, exercise the same powers and 5801  
jurisdiction, and receive the same compensation as the other 5802  
judges of the court of common pleas of Muskingum county and shall 5803  
be elected and designated as the judge of the court of common 5804  
pleas, division of domestic relations. The judge shall have all of 5805  
the powers relating to juvenile courts and shall be assigned all 5806  
cases under Chapter 2151. or 2152. of the Revised Code, all 5807  
parentage proceedings over which the juvenile court has 5808  
jurisdiction, all divorce, dissolution of marriage, legal 5809  
separation, and annulment cases, all cases arising under Chapter 5810

3111. of the Revised Code, all proceedings involving child 5811  
support, the allocation of parental rights and responsibilities 5812  
for the care of children, the designation for the children of a 5813  
place of residence and legal custodian, and visitation, and all 5814  
post-decree proceedings and matters arising from those cases and 5815  
proceedings, except cases that for some special reason are 5816  
assigned to some other judge of the court of common pleas. 5817

(BB) If a judge of the court of common pleas, division of 5818  
domestic relations, or juvenile judge, of any of the counties 5819  
mentioned in this section is sick, absent, or unable to perform 5820  
that judge's judicial duties or the volume of cases pending in the 5821  
judge's division necessitates it, the duties of that judge shall 5822  
be performed by another judge of the court of common pleas of that 5823  
county, assigned for that purpose by the presiding judge of the 5824  
court of common pleas of that county to act in place of or in 5825  
conjunction with that judge, as the case may require. 5826

**Sec. 2301.27.** (A)(1) The court of common pleas may establish 5827  
a county department of probation. The establishment of the 5828  
department shall be entered upon the journal of the court, and the 5829  
clerk of the court of common pleas shall certify a copy of the 5830  
journal entry establishing the department to each elective officer 5831  
and board of the county. The department shall consist of a chief 5832  
probation officer and the number of other probation officers and 5833  
employees, clerks, and stenographers that is fixed from time to 5834  
time by the court. The court shall appoint those individuals, fix 5835  
their salaries, and supervise their work. The court shall not 5836  
appoint as a probation officer any person who does not possess the 5837  
training, experience, and other qualifications prescribed by the 5838  
adult parole authority created by section 5149.02 of the Revised 5839  
Code. Probation officers have all the powers of regular police 5840  
officers and shall perform any duties that are designated by the 5841  
judge or judges of the court. All positions within the department 5842

of probation shall be in the classified service of the civil 5843  
service of the county. 5844

(2) If two or more counties desire to jointly establish a 5845  
probation department for those counties, the judges of the courts 5846  
of common pleas of those counties may establish a probation 5847  
department for those counties. If a probation department is 5848  
established pursuant to division (A)(2) of this section to serve 5849  
more than one county, the judges of the courts of common pleas 5850  
that established the department shall designate the county 5851  
treasurer of one of the counties served by the department as the 5852  
treasurer to whom probation fees paid under section 2951.021 of 5853  
the Revised Code are to be appropriated and transferred under 5854  
division (A)(2) of section 321.44 of the Revised Code for deposit 5855  
into the multicounty probation services fund established under 5856  
division (B) of section 321.44 of the Revised Code. 5857

The cost of the administration and operation of a probation 5858  
department established for two or more counties shall be prorated 5859  
to the respective counties on the basis of population. 5860

(3) Probation officers shall receive, in addition to their 5861  
respective salaries, their necessary and reasonable travel and 5862  
other expenses incurred in the performance of their duties. Their 5863  
salaries and expenses shall be paid monthly from the county 5864  
treasury in the manner provided for the payment of the 5865  
compensation of other appointees of the court. 5866

(B)(1) In lieu of establishing a county department of 5867  
probation under division (A) of this section and in lieu of 5868  
entering into an agreement with the adult parole authority as 5869  
described in division (B) of section 2301.32 of the Revised Code, 5870  
the court of common pleas may request the board of county 5871  
commissioners to contract with, and upon that request the board 5872  
may contract with, any nonprofit, public or private agency, 5873

association, or organization for the provision of probation 5874  
services and supervisory services for persons placed under 5875  
community control sanctions. The contract shall specify that each 5876  
individual providing the probation services and supervisory 5877  
services shall possess the training, experience, and other 5878  
qualifications prescribed by the adult parole authority. The 5879  
individuals who provide the probation services and supervisory 5880  
services shall not be included in the classified or unclassified 5881  
civil service of the county. 5882

(2) In lieu of establishing a county department of probation 5883  
under division (A) of this section and in lieu of entering into an 5884  
agreement with the adult parole authority as described in division 5885  
(B) of section 2301.32 of the Revised Code, the courts of common 5886  
pleas of two or more adjoining counties jointly may request the 5887  
boards of county commissioners of those counties to contract with, 5888  
and upon that request the boards of county commissioners of two or 5889  
more adjoining counties jointly may contract with, any nonprofit, 5890  
public or private agency, association, or organization for the 5891  
provision of probation services and supervisory services for 5892  
persons placed under community control sanctions for those 5893  
counties. The contract shall specify that each individual 5894  
providing the probation services and supervisory services shall 5895  
possess the training, experience, and other qualifications 5896  
prescribed by the adult parole authority. The individuals who 5897  
provide the probation services and supervisory services shall not 5898  
be included in the classified or unclassified civil service of any 5899  
of those counties. 5900

(C) The chief probation officer may grant permission to a 5901  
probation officer to carry firearms when required in the discharge 5902  
of official duties, provided that any probation officer who is 5903  
granted permission to carry firearms in the discharge of official 5904  
duties, within six months of receiving permission to carry a 5905

firearm, shall successfully complete a basic firearm training  
program that is conducted at a training school approved by the  
Ohio peace officer training commission and that is substantially  
similar to the basic firearm training program for peace officers  
conducted at the Ohio peace officer training academy and receive a  
certificate of satisfactory completion of that program from the  
executive director of the Ohio peace officer training commission.  
Any probation officer who does not successfully complete a basic  
firearm training program within the six-month period after  
receiving permission to carry a firearm shall not carry, after the  
expiration of that six-month period, a firearm in the discharge of  
official duties until the probation officer has successfully  
completed a basic firearm training program. A probation officer  
who has received a certificate of satisfactory completion of a  
basic firearm training program, to maintain the right to carry a  
firearm in the discharge of official duties, annually shall  
successfully complete a firearms requalification program in  
accordance with section 109.801 of the Revised Code.

(D) As used in this section and sections 2301.28 to 2301.32  
of the Revised Code, "community control sanction" has the same  
meaning as in section 2929.01 of the Revised Code.

**Sec. 2301.28.** The court of common pleas of a county in which  
a county department of probation has been established under  
division (A) of section 2301.27 of the Revised Code, in addition  
to employing the department in investigation and in the  
administration of its own orders of probation imposing community  
control sanctions, shall receive into the legal control or  
supervision of the department any person who is a resident of the  
county and who has been placed on probation under a community  
control sanction by order of any other court exercising criminal  
jurisdiction in this state, whether within or without the county  
in which the department of probation is located, upon the request

of the other court and subject to its continuing jurisdiction. The 5938  
court of common pleas also shall receive into the legal custody or 5939  
supervision of the department any person who is paroled, released 5940  
under a post-release control sanction, or conditionally pardoned 5941  
from a state correctional institution and who resides or remains 5942  
in the county, if requested by the adult parole authority created 5943  
by section 5149.02 of the Revised Code or any other authority 5944  
having power to parole or release from any institution of that 5945  
nature. 5946

As used in this section and section 2301.30 of the Revised 5947  
Code, "post-release control sanction" has the same meaning as in 5948  
section 2967.01 of the Revised Code. 5949

**Sec. 2301.30.** The court of common pleas of a county in which 5950  
a county department of probation is established under division (A) 5951  
of section 2301.27 of the Revised Code shall require the 5952  
department, in the rules through which the supervision of the 5953  
department is exercised or otherwise, to do all of the following: 5954

(A) Furnish to each person under a community control sanction 5955  
or post-release control sanction or on ~~probation or~~ parole under 5956  
its supervision or in its custody, a written statement of the 5957  
conditions of ~~probation~~ the community control sanction, 5958  
post-release control sanction, or parole and instruct ~~him~~ the 5959  
person regarding the conditions; 5960

(B) Keep informed concerning the conduct and condition of 5961  
each person in its custody or under its supervision by visiting, 5962  
the requiring of reports, and otherwise; 5963

(C) Use all suitable methods, not inconsistent with the 5964  
conditions of ~~probation~~ the community control sanction, 5965  
post-release control sanction, or parole, to aid and encourage the 5966  
persons under its supervision or in its custody and to bring about 5967

improvement in their conduct and condition; 5968

(D) Keep detailed records of the work of the department, keep 5969  
accurate and complete accounts of all moneys collected from 5970  
persons under its supervision or in its custody, and keep or give 5971  
receipts for those moneys; 5972

(E) Make reports to the adult parole authority created by 5973  
section 5149.02 of the Revised Code that it requires. 5974

**Sec. 2301.32.** (A) In any county in which a county department 5975  
of probation has been established under division (A) of section 5976  
2301.27 of the Revised Code and complies with standards and 5977  
conditions prescribed by the adult parole authority created by 5978  
section 5149.02 of the Revised Code, an agreement may be entered 5979  
into between the court of common pleas and the authority under 5980  
which the county department of probation ~~correctional~~ may receive 5981  
supplemental investigation or supervisory services from the 5982  
authority. 5983

(B) In any county in which a county department of probation 5984  
has not been established under division (A) of section 2301.27 of 5985  
the Revised Code, an agreement may be entered into between the 5986  
court of common pleas of that county and the adult parole 5987  
authority under which the court of common pleas may place 5988  
defendants ~~on probation~~ under a community control sanction in 5989  
charge of the authority, and, in consideration of those 5990  
placements, the county shall pay to the state from time to time 5991  
the amounts that are provided for in the agreement. 5992

**Sec. 2301.56.** (A) A judicial corrections board that proposes 5993  
or establishes one or more community-based correctional facilities 5994  
and programs or district community-based correctional facilities 5995  
and programs may apply to the division of parole and community 5996  
services for state financial assistance for the cost of 5997

renovation, maintenance, and operation of any of the facilities 5998  
and programs. If the judicial corrections board has proposed or 5999  
established more than one facility and program and if it desires 6000  
state financial assistance for more than one of the facilities and 6001  
programs, the board shall submit a separate application for each 6002  
facility and program for which it desires the financial 6003  
assistance. 6004

An application for state financial assistance under this 6005  
section may be made when the judicial corrections board submits 6006  
for the approval of the section its proposal for the establishment 6007  
of the facility and program in question to the division of parole 6008  
and community services under division (B) of section 2301.51 of 6009  
the Revised Code, or at any time after the section has approved 6010  
the proposal. All applications for state financial assistance for 6011  
proposed or approved facilities and programs shall be made on 6012  
forms that are prescribed and furnished by the department of 6013  
rehabilitation and correction, and in accordance with section 6014  
5120.112 of the Revised Code. 6015

The judicial corrections board may submit a request for 6016  
funding of some or all of its community-based correctional 6017  
facilities and programs or district community-based correctional 6018  
facilities and programs to the board of county commissioners of 6019  
the county, if the judicial corrections board serves a 6020  
community-based correctional facility and program, or to the 6021  
boards of county commissioners of all of the member counties, if 6022  
the judicial corrections board serves a district community-based 6023  
correctional facility and program. The board or boards may 6024  
appropriate, but are not required to appropriate, a sum of money 6025  
for funding all aspects of each facility and program as outlined 6026  
in sections 2301.51 to 2301.56 of the Revised Code. The judicial 6027  
corrections board has no recourse against a board or boards of 6028  
county commissioners, either under Chapter 2731. of the Revised 6029



Code, under its contempt power, or under any other authority, if  
the board or boards of county commissioners do not appropriate  
money for funding any facility or program or if they appropriate  
money for funding a facility and program in an amount less than  
the total amount of the submitted request for funding.

~~(B)(1) A Pursuant to section 2929.29 of the Revised Code, a~~  
board of county commissioners may require a person who was  
convicted of an offense and who is confined in a community-based  
correctional facility or district community-based correctional  
facility as provided in sections 2301.51 to 2301.56 of the Revised  
Code, to reimburse the county for its expenses incurred by reason  
of the person's confinement, ~~including, but not limited to, the~~  
~~expenses relating to the provision of food, clothing, shelter,~~  
~~medical care, personal hygiene products, including, but not~~  
~~limited to, toothpaste, toothbrushes, and feminine hygiene items,~~  
~~and up to two hours of overtime costs the sheriff or municipal~~  
~~corporation incurred relating to the trial of the person. The~~  
~~amount of reimbursement may be the actual cost of the person's~~  
~~confinement plus the authorized trial overtime costs or a lesser~~  
~~amount determined by the board of county commissioners for the~~  
~~county, provided that the lesser amount shall be determined by a~~  
~~formula that is uniformly applied to persons incarcerated in the~~  
~~facility. The amount of reimbursement shall be determined by a~~  
~~court at a hearing held pursuant to section 2929.18 of the Revised~~  
~~Code if the person is confined for a felony or section 2929.223 of~~  
~~the Revised Code if the person is confined for a misdemeanor. The~~  
~~amount or amounts paid in reimbursement by a person confined for a~~  
~~misdemeanor or the amount recovered from a person confined for a~~  
~~misdemeanor by executing upon the judgment obtained pursuant to~~  
~~section 2929.223 of the Revised Code shall be paid into the~~  
~~treasury of the county that incurred the expenses. If a person is~~  
~~confined for a felony and the court imposes a sanction under~~

~~section 2929.18 of the Revised Code that requires the person to~~ 6062  
~~reimburse the costs of confinement, the prosecuting attorney shall~~ 6063  
~~bring an action to recover the expenses of confinement in~~ 6064  
~~accordance with section 2929.18 of the Revised Code.~~ 6065

~~(2) A board of county commissioners may adopt a resolution~~ 6066  
~~specifying that a person who is convicted of a felony and who is~~ 6067  
~~confined in a community-based correctional facility or district~~ 6068  
~~community-based correctional facility as provided in sections~~ 6069  
~~2301.51 to 2301.56 of the Revised Code is not required to~~ 6070  
~~reimburse the county for its expenses incurred by reason of the~~ 6071  
~~person's confinement, including the expenses listed in division~~ 6072  
~~(B)(1) of this section. If the board adopts a resolution of that~~ 6073  
~~nature, the board shall provide a copy to the court of common~~ 6074  
~~pleas of the county, and the court that sentences a person~~ 6075  
~~convicted of a felony shall not impose a sanction under section~~ 6076  
~~2929.18 of the Revised Code that requires the person to reimburse~~ 6077  
~~the costs of the confinement.~~ 6078

~~(C) In lieu of requiring offenders to reimburse the political~~ 6079  
~~subdivision for expenses incurred by reason of the person's~~ 6080  
~~confinement pursuant to division (B) of this section, the board or~~ 6081  
~~boards of county commissioners, acting jointly with the judicial~~ 6082  
~~corrections board, may adopt a prisoner reimbursement policy for~~ 6083  
~~the community-based correctional facility under this division to~~ 6084  
~~be administered under the direction of the director of the~~ 6085  
~~facility. The director may appoint a reimbursement coordinator to~~ 6086  
~~administer the facility's prisoner reimbursement policy. A~~ 6087  
~~prisoner reimbursement policy adopted under this division is a~~ 6088  
~~policy that requires a person confined to the facility to~~ 6089  
~~reimburse the county or counties for any expenses it incurs by~~ 6090  
~~reason of the person's confinement in the facility, which expenses~~ 6091  
~~may include, but are not limited to, the following:~~ 6092

~~(1) A per diem fee for room and board of not more than sixty~~ 6093

~~dollars per day or the actual per diem cost, whichever is less,  
for the entire period of time the person is confined to the  
facility;~~

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~~(2) Actual charges for medical and dental treatment;~~

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~~(3) Reimbursement for government property damaged by the  
person while confined to the facility.~~

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~~Rates charged shall be on a sliding scale determined by the  
director with the approval of the judicial corrections board based  
on the ability of the person confined to the facility to pay and  
on consideration of any legal obligation of the person to support  
a spouse, minor children, or other dependents and any moral  
obligation to support dependents to whom the person is providing  
or has in fact provided support.~~

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~~The reimbursement coordinator or another person designated by  
the director may investigate the financial status of the confined  
person and obtain information necessary to investigate that  
status, by means that may include contacting employers and  
reviewing income tax records. The coordinator may work with the  
confined person to create a repayment plan to be implemented upon  
the person's release. At the end of the person's incarceration,  
the person shall be presented with a billing statement signed by  
the director.~~

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~~The reimbursement coordinator or another person designated by  
the director may collect, or the judicial corrections board may  
enter into a contract with one or more public agencies or private  
vendors to collect, any amounts remaining unpaid. Within twelve  
months after the date of the confined person's release, the  
prosecuting attorney may file a civil action in the name of the  
state in the court of common pleas of the county in which the  
facility is located to seek reimbursement from that person for any  
billing amount that remains unpaid. No judgment obtained under~~

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~~this section shall be enforced by means of execution against the person's homestead. For purposes of this section, "homestead" has the same meaning as in division (A) of section 323.151 of the Revised Code. Any reimbursement received under this section shall be credited to the general fund of the county that bore the expense, to be used for general fund purposes.~~

~~(D)(1) Notwithstanding any contrary provision in this section or section 2929.18 or 2929.223 of the Revised Code, the judicial corrections board may establish a policy that requires any person who is not indigent and who is confined in the community-based correctional facility or district community-based correctional facility to pay a reasonable fee for any medical treatment or service requested by and provided to that person. This fee shall not exceed the actual cost of the treatment or service provided. No person confined to a community-based correctional facility or district community-based correctional facility who is indigent shall be required to pay those fees, and no person confined to any facility of that type shall be denied any necessary medical care because of inability to pay those fees.~~

~~Upon provision of the requested medical treatment or service, payment of the required fee may be automatically deducted from a person's account record in the facility's business office. If the person has no funds in the person's account, a deduction may be made at a later date during the person's confinement in the facility if funds later become available in that person's account. If the person is released from the facility and has an unpaid balance of these fees, the judicial corrections board may bill the person for payment of the remaining unpaid fees. Fees received for medical treatment or services shall be paid into the commissary fund, if one has been created for the facility, or if no such fund exists, into the county treasury of the county that actually paid for the treatment or service.~~

~~(2) If a person confined to a community-based correctional facility or district community-based correctional facility is required under division (B) or (C) of this section or section 2929.18 or 2929.223 of the Revised Code to reimburse the county for expenses incurred by reason of the person's confinement to the facility, any fees paid by the person under division (D)(1) of this section shall be deducted from the expenses required to be reimbursed under division (B) or (C) of this section or section 2929.18 or 2929.223 of the Revised Code.~~

~~(E)(C)~~ If a person who has been convicted of or pleaded guilty to an offense is confined in a community-based correctional facility or district community-based correctional facility, at the time of reception and at other times the person in charge of the operation of the facility determines to be appropriate, the person in charge of the operation of the facility may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the facility may cause a convicted offender in the facility who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

**Sec. 2305.234.** (A) As used in this section:

(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.11 of the Revised Code.

(2) "Dental claim" has the same meaning as in section 2305.11 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.

(3) "Governmental health care program" has the same meaning 6188  
as in section 4731.65 of the Revised Code. 6189

(4) "Health care professional" means any of the following who 6190  
provide medical, dental, or other health-related diagnosis, care, 6191  
or treatment: 6192

(a) Physicians authorized under Chapter 4731. of the Revised 6193  
Code to practice medicine and surgery or osteopathic medicine and 6194  
surgery; 6195

(b) Registered nurses and licensed practical nurses licensed 6196  
under Chapter 4723. of the Revised Code; 6197

(c) Physician assistants authorized to practice under Chapter 6198  
4730. of the Revised Code; 6199

(d) Dentists and dental hygienists licensed under Chapter 6200  
4715. of the Revised Code; 6201

(e) Physical therapists licensed under Chapter 4755. of the 6202  
Revised Code; 6203

(f) Chiropractors licensed under Chapter 4734. of the Revised 6204  
Code; 6205

(g) Optometrists licensed under Chapter 4725. of the Revised 6206  
Code; 6207

(h) Podiatrists authorized under Chapter 4731. of the Revised 6208  
Code to practice podiatry; 6209

(i) Dietitians licensed under Chapter 4759. of the Revised 6210  
Code; 6211

(j) Pharmacists licensed under Chapter 4729. of the Revised 6212  
Code. 6213

(5) "Health care worker" means a person other than a health 6214  
care professional who provides medical, dental, or other 6215  
health-related care or treatment under the direction of a health 6216

care professional with the authority to direct that individual's 6217  
activities, including medical technicians, medical assistants, 6218  
dental assistants, orderlies, aides, and individuals acting in 6219  
similar capacities. 6220

(6) "Indigent and uninsured person" means a person who meets 6221  
all of the following requirements: 6222

(a) The person's income is not greater than one hundred fifty 6223  
per cent of the current poverty line as defined by the United 6224  
States office of management and budget and revised in accordance 6225  
with section 673(2) of the "Omnibus Budget Reconciliation Act of 6226  
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 6227

(b) The person is not eligible to receive medical assistance 6229  
under Chapter 5111., disability assistance medical assistance 6230  
under Chapter 5115. of the Revised Code, or assistance under any 6231  
other governmental health care program. 6232

(c) Either of the following applies: 6233

(i) The person is not a policyholder, certificate holder, 6234  
insured, contract holder, subscriber, enrollee, member, 6235  
beneficiary, or other covered individual under a health insurance 6236  
or health care policy, contract, or plan. 6237

(ii) The person is a policyholder, certificate holder, 6238  
insured, contract holder, subscriber, enrollee, member, 6239  
beneficiary, or other covered individual under a health insurance 6240  
or health care policy, contract, or plan, but the insurer, policy, 6241  
contract, or plan denies coverage or is the subject of insolvency 6242  
or bankruptcy proceedings in any jurisdiction. 6243

(7) "Operation" means any procedure that involves cutting or 6244  
otherwise infiltrating human tissue by mechanical means, including 6245  
surgery, laser surgery, ionizing radiation, therapeutic 6246  
ultrasound, or the removal of intraocular foreign bodies. 6247

"Operation" does not include the administration of medication by 6248  
injection, unless the injection is administered in conjunction 6249  
with a procedure infiltrating human tissue by mechanical means 6250  
other than the administration of medicine by injection. 6251

(8) "Nonprofit shelter or health care facility" means a 6252  
charitable nonprofit corporation organized and operated pursuant 6253  
to Chapter 1702. of the Revised Code, or any charitable 6254  
organization not organized and not operated for profit, that 6255  
provides shelter, health care services, or shelter and health care 6256  
services to indigent and uninsured persons, except that "shelter 6257  
or health care facility" does not include a hospital as defined in 6258  
section 3727.01 of the Revised Code, a facility licensed under 6259  
Chapter 3721. of the Revised Code, or a medical facility that is 6260  
operated for profit. 6261

(9) "Tort action" means a civil action for damages for 6262  
injury, death, or loss to person or property other than a civil 6263  
action for damages for a breach of contract or another agreement 6264  
between persons or government entities. 6265

(10) "Volunteer" means an individual who provides any 6266  
medical, dental, or other health-care related diagnosis, care, or 6267  
treatment without the expectation of receiving and without receipt 6268  
of any compensation or other form of remuneration from an indigent 6269  
and uninsured person, another person on behalf of an indigent and 6270  
uninsured person, any shelter or health care facility, or any 6271  
other person or government entity. 6272

(11) "Community control sanction" has the same meaning as in 6273  
section 2929.01 of the Revised Code. 6274

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 6275  
health care professional who is a volunteer and complies with 6276  
division (B)(2) of this section is not liable in damages to any 6277  
person or government entity in a tort or other civil action, 6278



including an action on a medical, dental, chiropractic, 6279  
optometric, or other health-related claim, for injury, death, or 6280  
loss to person or property that allegedly arises from an action or 6281  
omission of the volunteer in the provision at a nonprofit shelter 6282  
or health care facility to an indigent and uninsured person of 6283  
medical, dental, or other health-related diagnosis, care, or 6284  
treatment, including the provision of samples of medicine and 6285  
other medical products, unless the action or omission constitutes 6286  
willful or wanton misconduct. 6287

(2) To qualify for the immunity described in division (B)(1) 6288  
of this section, a health care professional shall do all of the 6289  
following prior to providing diagnosis, care, or treatment: 6290

(a) Determine, in good faith, that the indigent and uninsured 6291  
person is mentally capable of giving informed consent to the 6292  
provision of the diagnosis, care, or treatment and is not subject 6293  
to duress or under undue influence; 6294

(b) Inform the person of the provisions of this section; 6295

(c) Obtain the informed consent of the person and a written 6296  
waiver, signed by the person or by another individual on behalf of 6297  
and in the presence of the person, that states that the person is 6298  
mentally competent to give informed consent and, without being 6299  
subject to duress or under undue influence, gives informed consent 6300  
to the provision of the diagnosis, care, or treatment subject to 6301  
the provisions of this section. 6302

(3) A physician or podiatrist who is not covered by medical 6303  
malpractice insurance, but complies with division (B)(2) of this 6304  
section, is not required to comply with division (A) of section 6305  
4731.143 of the Revised Code. 6306

(C) Subject to divisions (E) and (F)(3) of this section, 6307  
health care workers who are volunteers are not liable in damages 6308  
to any person or government entity in a tort or other civil 6309

action, including an action upon a medical, dental, chiropractic, 6310  
optometric, or other health-related claim, for injury, death, or 6311  
loss to person or property that allegedly arises from an action or 6312  
omission of the health care worker in the provision at a nonprofit 6313  
shelter or health care facility to an indigent and uninsured 6314  
person of medical, dental, or other health-related diagnosis, 6315  
care, or treatment, unless the action or omission constitutes 6316  
willful or wanton misconduct. 6317

(D) Subject to divisions (E) and (F)(3) of this section and 6318  
section 3701.071 of the Revised Code, a nonprofit shelter or 6319  
health care facility associated with a health care professional 6320  
described in division (B)(1) of this section or a health care 6321  
worker described in division (C) of this section is not liable in 6322  
damages to any person or government entity in a tort or other 6323  
civil action, including an action on a medical, dental, 6324  
chiropractic, optometric, or other health-related claim, for 6325  
injury, death, or loss to person or property that allegedly arises 6326  
from an action or omission of the health care professional or 6327  
worker in providing for the shelter or facility medical, dental, 6328  
or other health-related diagnosis, care, or treatment to an 6329  
indigent and uninsured person, unless the action or omission 6330  
constitutes willful or wanton misconduct. 6331

(E)(1) Except as provided in division (E)(2) of this section, 6332  
the immunities provided by divisions (B), (C), and (D) of this 6333  
section are not available to an individual or to a nonprofit 6334  
shelter or health care facility if, at the time of an alleged 6335  
injury, death, or loss to person or property, the individuals 6336  
involved are providing one of the following: 6337

(a) Any medical, dental, or other health-related diagnosis, 6338  
care, or treatment pursuant to a community service work order 6339  
entered by a court under division ~~(F)~~(B) of section 2951.02 of the 6340  
Revised Code ~~as a condition of probation or other suspension of a~~ 6341

~~term of imprisonment or imposed by a court as a community control~~ 6342  
~~sanction pursuant to sections 2929.15 and 2929.17 of the Revised~~ 6343  
~~Code.~~ 6344

(b) Performance of an operation. 6345

(c) Delivery of a baby. 6346

(2) Division (E)(1) of this section does not apply to an 6347  
individual who provides, or a nonprofit shelter or health care 6348  
facility at which the individual provides, diagnosis, care, or 6349  
treatment that is necessary to preserve the life of a person in a 6350  
medical emergency. 6351

(F)(1) This section does not create a new cause of action or 6352  
substantive legal right against a health care professional, health 6353  
care worker, or nonprofit shelter or health care facility. 6354

(2) This section does not affect any immunities from civil 6355  
liability or defenses established by another section of the 6356  
Revised Code or available at common law to which an individual or 6357  
a nonprofit shelter or health care facility may be entitled in 6358  
connection with the provision of emergency or other diagnosis, 6359  
care, or treatment. 6360

(3) This section does not grant an immunity from tort or 6361  
other civil liability to an individual or a nonprofit shelter or 6362  
health care facility for actions that are outside the scope of 6363  
authority of health care professionals or health care workers. 6364

(4) This section does not affect any legal responsibility of 6365  
a health care professional or health care worker to comply with 6366  
any applicable law of this state or rule of an agency of this 6367  
state. 6368

(5) This section does not affect any legal responsibility of 6369  
a nonprofit shelter or health care facility to comply with any 6370  
applicable law of this state, rule of an agency of this state, or 6371  
local code, ordinance, or regulation that pertains to or regulates 6372

building, housing, air pollution, water pollution, sanitation, 6373  
health, fire, zoning, or safety. 6374

**Sec. 2313.29.** No person whose name is drawn and who is 6375  
notified to attend a term or part of a term of a court of record 6376  
as a juror shall fail to attend at the time specified in the 6377  
notice, or from day to day. 6378

A fine imposed for the violation of this section under 6379  
~~division (A) of section 2313.99~~ 2929.18 of the Revised Code may be 6380  
wholly or partly remitted by direction of the judge in open court, 6381  
before the end of the same term, and upon good cause shown; 6382  
otherwise it shall not be remitted. Each remission so made by the 6383  
judge, with the reason for the remission, shall be entered on the 6384  
journal of the court. This section applies to an additional grand 6385  
juror or a special juror, as well as to the regular petit juror. 6386

**Sec. 2903.13.** (A) No person shall knowingly cause or attempt 6387  
to cause physical harm to another or to another's unborn. 6388

(B) No person shall recklessly cause serious physical harm to 6389  
another or to another's unborn. 6390

(C) Whoever violates this section is guilty of assault. 6391  
Except as otherwise provided in division (C)(1), (2), (3), (4), or 6392  
(5) of this section, assault is a misdemeanor of the first degree. 6393  
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(1) Except as otherwise provided in this division, if the 6395  
offense is committed by a caretaker against a functionally 6396  
impaired person under the caretaker's care, assault is a felony of 6397  
the fourth degree. If the offense is committed by a caretaker 6398  
against a functionally impaired person under the caretaker's care, 6399  
if the offender previously has been convicted of or pleaded guilty 6400  
to a violation of this section or section 2903.11 or 2903.16 of 6401  
the Revised Code, and if in relation to the previous conviction 6402

the offender was a caretaker and the victim was a functionally  
impaired person under the offender's care, assault is a felony of  
the third degree.

(2) If the offense is committed in any of the following  
circumstances, assault is a felony of the fifth degree:

(a) The offense occurs in or on the grounds of a state  
correctional institution or an institution of the department of  
youth services, the victim of the offense is an employee of the  
department of rehabilitation and correction, the department of  
youth services, or a probation department or is on the premises of  
the particular institution for business purposes or as a visitor,  
and the offense is committed by a person incarcerated in the state  
correctional institution, by a person institutionalized in the  
department of youth services institution pursuant to a commitment  
to the department of youth services, by a ~~probationer~~ or parolee,  
by an offender under transitional control, under a community  
control sanction, or on an escorted visit, by a person under  
post-release control, or by an offender under any other type of  
supervision by a government agency.

(b) The offense occurs in or on the grounds of a local  
correctional facility, the victim of the offense is an employee of  
the local correctional facility or a probation department or is on  
the premises of the facility for business purposes or as a  
visitor, and the offense is committed by a person who is under  
custody in the facility subsequent to the person's arrest for any  
crime or delinquent act, subsequent to the person's being charged  
with or convicted of any crime, or subsequent to the person's  
being alleged to be or adjudicated a delinquent child.

(c) The offense occurs off the grounds of a state  
correctional institution and off the grounds of an institution of  
the department of youth services, the victim of the offense is an  
employee of the department of rehabilitation and correction, the

department of youth services, or a probation department, the 6435  
offense occurs during the employee's official work hours and while 6436  
the employee is engaged in official work responsibilities, and the 6437  
offense is committed by a person incarcerated in a state 6438  
correctional institution or institutionalized in the department of 6439  
youth services who temporarily is outside of the institution for 6440  
any purpose, by a ~~probationer or~~ parolee, by an offender under 6441  
transitional control, under a community control sanction, or on an 6442  
escorted visit, by a person under post-release control, or by an 6443  
offender under any other type of supervision by a government 6444  
agency. 6445

(d) The offense occurs off the grounds of a local 6446  
correctional facility, the victim of the offense is an employee of 6447  
the local correctional facility or a probation department, the 6448  
offense occurs during the employee's official work hours and while 6449  
the employee is engaged in official work responsibilities, and the 6450  
offense is committed by a person who is under custody in the 6451  
facility subsequent to the person's arrest for any crime or 6452  
delinquent act, subsequent to the person being charged with or 6453  
convicted of any crime, or subsequent to the person being alleged 6454  
to be or adjudicated a delinquent child and who temporarily is 6455  
outside of the facility for any purpose or by a ~~probationer or~~ 6456  
parolee, by an offender under transitional control, under a 6457  
community control sanction, or on an escorted visit, by a person 6458  
under post-release control, or by an offender under any other type 6459  
of supervision by a government agency. 6460

(e) The victim of the offense is a school teacher or 6461  
administrator or a school bus operator, and the offense occurs in 6462  
a school, on school premises, in a school building, on a school 6463  
bus, or while the victim is outside of school premises or a school 6464  
bus and is engaged in duties or official responsibilities 6465  
associated with the victim's employment or position as a school 6466

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.

(3) If the victim of the offense is a peace officer, 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.

(4) If the victim of the offense is a peace officer 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.

(5) 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.

(D) As used in this section:

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

(2) "Firefighter" has the same meaning as in section 3937.41 6498  
of the Revised Code. 6499

(3) "Emergency medical service" has the same meaning as in 6500  
section 4765.01 of the Revised Code. 6501

(4) "Local correctional facility" means a county, 6502  
multicounty, municipal, municipal-county, or multicounty-municipal 6503  
jail or workhouse, a minimum security jail established under 6504  
section 341.23 or 753.21 of the Revised Code, or another county, 6505  
multicounty, municipal, municipal-county, or multicounty-municipal 6506  
facility used for the custody of persons arrested for any crime or 6507  
delinquent act, persons charged with or convicted of any crime, or 6508  
persons alleged to be or adjudicated a delinquent child. 6509

(5) "Employee of a local correctional facility" means a 6510  
person who is an employee of the political subdivision or of one 6511  
or more of the affiliated political subdivisions that operates the 6512  
local correctional facility and who operates or assists in the 6513  
operation of the facility. 6514

(6) "School teacher or administrator" means either of the 6515  
following: 6516

(a) A person who is employed in the public schools of the 6517  
state under a contract described in section 3319.08 of the Revised 6518  
Code in a position in which the person is required to have a 6519  
certificate issued pursuant to sections 3319.22 to 3319.311 of the 6520  
Revised Code. 6521

(b) A person who is employed by a nonpublic school for which 6522  
the state board of education prescribes minimum standards under 6523  
section 3301.07 of the Revised Code and who is certificated in 6524  
accordance with section 3301.071 of the Revised Code. 6525

(7) "Community control sanction" has the same meaning as in 6526  
section 2929.01 of the Revised Code. 6527



(8) "Escorted visit" means an escorted visit granted under 6528  
section 2967.27 of the Revised Code. 6529

(9) "Post-release control" and "transitional control" have 6530  
the same meanings as in section 2967.01 of the Revised Code. 6531

**Sec. 2905.12.** (A) No person, with purpose to coerce another 6532  
into taking or refraining from action concerning which ~~he~~ the 6533  
other person has a legal freedom of choice, shall do any of the 6534  
following: 6535

(1) Threaten to commit any offense; 6536

(2) Utter or threaten any calumny against any person; 6537

(3) Expose or threaten to expose any matter tending to 6538  
subject any person to hatred, contempt, or ridicule, ~~or~~ to damage 6539  
~~his~~ any person's personal or business reputation, or to impair ~~his~~ any 6540  
person's credit; 6541

(4) Institute or threaten criminal proceedings against any 6542  
person; 6543

(5) Take ~~or~~ or withhold, or threaten to take or withhold 6544  
official action, or cause or threaten to cause official action to 6545  
be taken or withheld. 6546

(B) Divisions (A)(4) and (5) of this section shall not be 6547  
construed to prohibit a prosecutor or court from doing any of the 6548  
following in good faith and in the interests of justice: 6549

(1) Offering or agreeing to grant, or granting immunity from 6550  
prosecution pursuant to section 2945.44 of the Revised Code; 6551

(2) In return for a plea of guilty to one or more offenses 6552  
charged or to one or more other or lesser offenses, or in return 6553  
for the testimony of the accused in a case to which ~~he~~ the accused 6554  
is not a party, offering or agreeing to dismiss, or dismissing one 6555  
or more charges pending against an accused, or offering or 6556

agreeing to impose, or imposing a certain sentence or modification  
of sentence;

(3) Imposing ~~probation~~ a community control sanction on  
certain conditions, including without limitation requiring the  
offender to make restitution or redress to the victim of ~~his~~ the  
offense.

(C) It is an affirmative defense to a charge under division  
(A)(3), (4), or (5) of this section that the actor's conduct was a  
reasonable response to the circumstances ~~which~~ that occasioned it,  
and that ~~his~~ the actor's purpose was limited to any of the  
following:

(1) Compelling another to refrain from misconduct or to  
desist from further misconduct;

(2) Preventing or redressing a wrong or injustice;

(3) Preventing another from taking action for which the actor  
reasonably believed ~~such~~ the other person to be disqualified;

(4) Compelling another to take action ~~which~~ that the actor  
reasonably believed ~~such~~ the other person to be under a duty to  
take.

(D) Whoever violates this section is guilty of coercion, a  
misdemeanor of the second degree.

(E) As used in this section, ~~"threat~~:

(1) "Threat" includes a direct threat and a threat by  
innuendo.

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

**Sec. 2907.15.** (A) As used in this section:

(1) "Public retirement system" means the public employees

retirement system, state teachers retirement system, school  
employees retirement system, Ohio police and fire pension fund,  
state highway patrol retirement system, or a municipal retirement  
system of a municipal corporation of this state.

(2) "Government deferred compensation program" means such a  
program offered by the Ohio public employees deferred compensation  
board; a municipal corporation; or a governmental unit, as defined  
in section 148.06 of the Revised Code.

(3) "Deferred compensation program participant" means a  
"participating employee" or "continuing member," as defined in  
section 148.01 of the Revised Code, or any other public employee  
who has funds in a government deferred compensation program.

(4) "Alternative retirement plan" means an ~~alternative~~  
alternative retirement plan provided pursuant to Chapter 3305. of  
the Revised Code.

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

In any case in which a sentencing court orders restitution to  
the victim under section 2929.18 or 2929.28 of the Revised Code  
for a violation of section 2907.02, 2907.03, 2907.04, or 2907.05  
of the Revised Code and in which the offender is a government  
deferred compensation program participant, is an electing  
employee, as defined in section 3305.01 of the Revised Code, or is  
a member of, or receiving a pension, benefit, or allowance, other  
than a survivorship benefit, from, a public retirement system and  
committed the offense against a child, student, patient, or other  
person with whom the offender had contact in the context of the  
offender's public employment, at the request of the victim the  
prosecutor shall file a motion with the sentencing court  
specifying the government deferred compensation program,  
alternative retirement plan, or public retirement system and

requesting that the court issue an order requiring the government 6617  
deferred compensation program, alternative retirement plan, or 6618  
public retirement system to withhold the amount required as 6619  
restitution from one or more of the following: any payment to be 6620  
made from a government deferred compensation program, any payment 6621  
or benefit under an alternative retirement plan, or under a 6622  
pension, annuity, allowance, or any other benefit, other than a 6623  
survivorship benefit, that has been or is in the future granted to 6624  
the offender; from any payment of accumulated employee 6625  
contributions standing to the offender's credit with the 6626  
government deferred compensation program, alternative retirement 6627  
plan, or public retirement system; or from any payment of any 6628  
other amounts to be paid to the offender pursuant to Chapter 145., 6629  
148., 742., 3307., 3309., or 5505. of the Revised Code on 6630  
withdrawal of contributions. The motion may be filed at any time 6631  
subsequent to the conviction of the offender or entry of a guilty 6632  
plea. On the filing of the motion, the clerk of the court in which 6633  
the motion is filed shall notify the offender and the government 6634  
deferred compensation program, alternative retirement plan, or 6635  
public retirement system, in writing, of all of the following: 6636  
that the motion was filed; that the offender will be granted a 6637  
hearing on the issuance of the requested order if the offender 6638  
files a written request for a hearing with the clerk prior to the 6639  
expiration of thirty days after the offender receives the notice; 6640  
that, if a hearing is requested, the court will schedule a hearing 6641  
as soon as possible and notify the offender and the government 6642  
deferred compensation program, alternative retirement plan, or 6643  
public retirement system of the date, time, and place of the 6644  
hearing; that, if a hearing is conducted, it will be limited to a 6645  
consideration of whether the offender can show good cause why the 6646  
order should not be issued; that, if a hearing is conducted, the 6647  
court will not issue the order if the court determines, based on 6648  
evidence presented at the hearing by the offender, that there is 6649

good cause for the order not to be issued; that the court will 6650  
issue the order if a hearing is not requested or if a hearing is 6651  
conducted but the court does not determine, based on evidence 6652  
presented at the hearing by the offender, that there is good cause 6653  
for the order not to be issued; and that, if the order is issued, 6654  
the government deferred compensation program, alternative 6655  
retirement plan, or public retirement system specified in the 6656  
motion will be required to withhold the amount required as 6657  
restitution from payments to the offender. 6658

(B) In any case in which a motion requesting the issuance of 6659  
a withholding order as described in division (A) of this section 6660  
is filed, the offender may receive a hearing on the motion by 6661  
delivering a written request for a hearing to the court prior to 6662  
the expiration of thirty days after the offender's receipt of the 6663  
notice provided pursuant to division (A) of this section. If the 6664  
offender requests a hearing within the prescribed time, the court 6665  
shall schedule a hearing as soon as possible after the request is 6666  
made and notify the offender and the government deferred 6667  
compensation program, alternative retirement plan, or public 6668  
retirement system of the date, time, and place of the hearing. A 6669  
hearing scheduled under this division shall be limited to a 6670  
consideration of whether there is good cause, based on evidence 6671  
presented by the offender, for the requested order not to be 6672  
issued. If the court determines, based on evidence presented by 6673  
the offender, that there is good cause for the order not to be 6674  
issued, the court shall deny the motion and shall not issue the 6675  
order. Good cause for not issuing the order includes a 6676  
determination by the court that the order would severely impact 6677  
the offender's ability to support the offender's dependents. 6678

If the offender does not request a hearing within the 6679  
prescribed time or the court conducts a hearing but does not 6680  
determine, based on evidence presented by the offender, that there 6681

is good cause for the order not to be issued, the court shall  
order the government deferred compensation program, alternative  
retirement plan, or public retirement system to withhold the  
amount required as restitution from one or more of the following:  
any payments to be made from a government deferred compensation  
program, any payment or benefit under an alternative retirement  
plan, or under a pension, annuity, allowance, or under any other  
benefit, other than a survivorship benefit, that has been or is in  
the future granted to the offender; from any payment of  
accumulated employee contributions standing to the offender's  
credit with the government deferred compensation program,  
alternative retirement plan, or public retirement system; or from  
any payment of any other amounts to be paid to the offender upon  
withdrawal of contributions pursuant to Chapter 145., 148., 742.,  
3307., 3309., or 5505. of the Revised Code and to continue the  
withholding for that purpose, in accordance with the order, out of  
each payment to be made on or after the date of issuance of the  
order, until further order of the court. On receipt of an order  
issued under this division, the government deferred compensation  
program, alternative retirement plan, or public retirement system  
shall withhold the amount required as restitution, in accordance  
with the order, from any such payments and immediately forward the  
amount withheld to the clerk of the court in which the order was  
issued for payment to the person to whom restitution is to be  
made. The order shall not apply to any portion of payments made  
from a government deferred compensation program, alternative  
retirement plan, or public retirement system to a person other  
than the offender pursuant to a previously issued domestic court  
order.

(C) Service of a notice required by division (A) or (B) of  
this section shall be effected in the same manner as provided in  
the Rules of Civil Procedure for the service of process.

(D) Upon the filing of charges under section 2907.02, 6714  
2907.03, 2907.04, or 2907.05 of the Revised Code against a person 6715  
who is a deferred compensation program participant, an electing 6716  
employee participating in an alternative retirement plan, or a 6717  
member of, or receiving a pension benefit, or allowance, other 6718  
than a survivorship benefit, from a public retirement system for 6719  
an offense against a child, student, patient, or other person with 6720  
whom the offender had contact in the context of the offender's 6721  
public employment, the prosecutor shall send written notice that 6722  
charges have been filed against that person to the appropriate 6723  
government deferred compensation program, alternative retirement 6724  
plan, or public retirement system. The notice shall specifically 6725  
identify the person charged. 6726

**Sec. 2907.27.** (A)(1) If a person is charged with a violation 6727  
of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 6728  
2907.25 of the Revised Code or with a violation of a municipal 6729  
ordinance that is substantially equivalent to any of those 6730  
sections, the arresting authorities or a court, upon the request 6731  
of the prosecutor in the case or upon the request of the victim, 6732  
shall cause the accused to submit to one or more appropriate tests 6733  
to determine if the accused is suffering from a venereal disease. 6734

(2) If the accused is found to be suffering from a venereal 6735  
disease in an infectious stage, the accused shall be required to 6736  
submit to medical treatment for that disease. The cost of the 6737  
medical treatment shall be charged to and paid by the accused who 6738  
undergoes the treatment. If the accused is indigent, the court 6739  
shall order the accused to report to a facility operated by a city 6740  
health district or a general health district for treatment. If the 6741  
accused is convicted of or pleads guilty to the offense with which 6742  
the accused is charged and is placed on probation under a 6743  
community control sanction, a condition of ~~probation~~ community 6744  
control shall be that the offender submit to and faithfully follow 6745

a course of medical treatment for the venereal disease. If the 6746  
offender does not seek the required medical treatment, the court 6747  
may revoke the offender's ~~probation~~ community control and order 6748  
the offender to undergo medical treatment during the period of the 6749  
offender's incarceration and to pay the cost of that treatment. 6750

(B)(1)(a) Notwithstanding the requirements for informed 6751  
consent in section 3701.242 of the Revised Code, if a person is 6752  
charged with a violation of division (B) of section 2903.11 or of 6753  
section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 6754  
2907.241, or 2907.25 of the Revised Code or with a violation of a 6755  
municipal ordinance that is substantially equivalent to that 6756  
division or any of those sections, the court, upon the request of 6757  
the prosecutor in the case, upon the request of the victim, or 6758  
upon the request of any other person whom the court reasonably 6759  
believes had contact with the accused in circumstances related to 6760  
the violation that could have resulted in the transmission to that 6761  
person of a virus that causes acquired immunodeficiency syndrome, 6762  
shall cause the accused to submit to one or more tests designated 6763  
by the director of health under section 3701.241 of the Revised 6764  
Code to determine if the accused is a carrier of a virus that 6765  
causes acquired immunodeficiency syndrome. The court, upon the 6766  
request of the prosecutor in the case, upon the request of the 6767  
victim with the agreement of the prosecutor, or upon the request 6768  
of any other person with the agreement of the prosecutor, may 6769  
cause an accused who is charged with a violation of any other 6770  
section of the Revised Code or with a violation of any other 6771  
municipal ordinance to submit to one or more tests so designated 6772  
by the director of health if the circumstances of the violation 6773  
indicate probable cause to believe that the accused, if the 6774  
accused is infected with the virus that causes acquired 6775  
immunodeficiency syndrome, might have transmitted the virus to any 6776  
of the following persons in committing the violation: 6777



(i) In relation to a request made by the prosecuting attorney, to the victim or to any other person; 6778  
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(ii) In relation to a request made by the victim, to the victim making the request; 6780  
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(iii) In relation to a request made by any other person, to the person making the request. 6782  
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(b) The results of a test performed under division (B)(1)(a) of this section shall be communicated in confidence to the court, and the court shall inform the accused of the result. The court shall inform the victim that the test was performed and that the victim has a right to receive the results on request. If the test was performed upon the request of a person other than the prosecutor in the case and other than the victim, the court shall inform the person who made the request that the test was performed and that the person has a right to receive the results upon request. Additionally, regardless of who made the request that was the basis of the test being performed, if the court reasonably believes that, in circumstances related to the violation, a person other than the victim had contact with the accused that could have resulted in the transmission of the virus to that person, the court may inform that person that the test was performed and that the person has a right to receive the results of the test on request. If the accused tests positive for a virus that causes acquired immunodeficiency syndrome, the test results shall be reported to the department of health in accordance with section 3701.24 of the Revised Code and to the sheriff, head of the state correctional institution, or other person in charge of any jail or prison in which the accused is incarcerated. If the accused tests positive for a virus that causes acquired immunodeficiency syndrome and the accused was charged with, and was convicted of or pleaded guilty to, a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code or a violation of a municipal 6784  
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ordinance that is substantially equivalent to any of those  
sections, the test results also shall be reported to the law  
enforcement agency that arrested the accused, and the law  
enforcement agency may use the test results as the basis for any  
future charge of a violation of division (B) of any of those  
sections or a violation of a municipal ordinance that is  
substantially equivalent to division (B) of any of those sections.  
No other disclosure of the test results or the fact that a test  
was performed shall be made, other than as evidence in a grand  
jury proceeding or as evidence in a judicial proceeding in  
accordance with the Rules of Evidence. If the test result is  
negative, and the charge has not been dismissed or if the accused  
has been convicted of the charge or a different offense arising  
out of the same circumstances as the offense charged, the court  
shall order that the test be repeated not earlier than three  
months nor later than six months after the original test.

(2) If an accused who is free on bond refuses to submit to a  
test ordered by the court pursuant to division (B)(1) of this  
section, the court may order that the accused's bond be revoked  
and that the accused be incarcerated until the test is performed.  
If an accused who is incarcerated refuses to submit to a test  
ordered by the court pursuant to division (B)(1) of this section,  
the court shall order the person in charge of the jail or prison  
in which the accused is incarcerated to take any action necessary  
to facilitate the performance of the test, including the forcible  
restraint of the accused for the purpose of drawing blood to be  
used in the test.

(3) A state agency, a political subdivision of the state, or  
an employee of a state agency or of a political subdivision of the  
state is immune from liability in a civil action to recover  
damages for injury, death, or loss to person or property allegedly  
caused by any act or omission in connection with the performance

of the duties required under division (B)(2) of this section 6842  
unless the acts or omissions are with malicious purpose, in bad 6843  
faith, or in a wanton or reckless manner. 6844

(C) As used in this section, "community control sanction" has 6845  
the same meaning as in section 2929.01 of the Revised Code. 6846

**Sec. 2919.22.** (A) No person, who is the parent, guardian, 6847  
custodian, person having custody or control, or person in loco 6848  
parentis of a child under eighteen years of age or a mentally or 6849  
physically handicapped child under twenty-one years of age, shall 6850  
create a substantial risk to the health or safety of the child, by 6851  
violating a duty of care, protection, or support. It is not a 6852  
violation of a duty of care, protection, or support under this 6853  
division when the parent, guardian, custodian, or person having 6854  
custody or control of a child treats the physical or mental 6855  
illness or defect of the child by spiritual means through prayer 6856  
alone, in accordance with the tenets of a recognized religious 6857  
body. 6858

(B) No person shall do any of the following to a child under 6859  
eighteen years of age or a mentally or physically handicapped 6860  
child under twenty-one years of age: 6861

(1) Abuse the child; 6862

(2) Torture or cruelly abuse the child; 6863

(3) Administer corporal punishment or other physical 6864  
disciplinary measure, or physically restrain the child in a cruel 6865  
manner or for a prolonged period, which punishment, discipline, or 6866  
restraint is excessive under the circumstances and creates a 6867  
substantial risk of serious physical harm to the child; 6868

(4) Repeatedly administer unwarranted disciplinary measures 6869  
to the child, when there is a substantial risk that such conduct, 6870  
if continued, will seriously impair or retard the child's mental 6871

health or development; 6872

(5) Entice, coerce, permit, encourage, compel, hire, employ, 6873  
use, or allow the child to act, model, or in any other way 6874  
participate in, or be photographed for, the production, 6875  
presentation, dissemination, or advertisement of any material or 6876  
performance that the offender knows or reasonably should know is 6877  
obscene, is sexually oriented matter, or is nudity-oriented 6878  
matter. 6879

(C)(1) No person shall operate a vehicle, streetcar, or 6880  
trackless trolley within this state in violation of division (A) 6881  
of section 4511.19 of the Revised Code when one or more children 6882  
under eighteen years of age are in the vehicle, streetcar, or 6883  
trackless trolley. Notwithstanding any other provision of law, a 6884  
person may be convicted at the same trial or proceeding of a 6885  
violation of this division and a violation of division (A) of 6886  
section 4511.19 of the Revised Code that constitutes the basis of 6887  
the charge of the violation of this division. For purposes of 6888  
section 4511.191 of the Revised Code and all related provisions of 6889  
law, a person arrested for a violation of this division shall be 6890  
considered to be under arrest for operating a vehicle while under 6891  
the influence of alcohol, a drug of abuse, or alcohol and a drug 6892  
of abuse or for operating a vehicle with a prohibited 6893  
concentration of alcohol in the blood, breath, or urine. 6894

(2) As used in division (C)(1) of this section, "vehicle," 6895  
"streetcar," and "trackless trolley" have the same meanings as in 6896  
section 4511.01 of the Revised Code. 6897

(D)(1) Division (B)(5) of this section does not apply to any 6898  
material or performance that is produced, presented, or 6899  
disseminated for a bona fide medical, scientific, educational, 6900  
religious, governmental, judicial, or other proper purpose, by or 6901  
to a physician, psychologist, sociologist, scientist, teacher, 6902  
person pursuing bona fide studies or research, librarian, member 6903

of the clergy, prosecutor, judge, or other person having a proper  
interest in the material or performance.

(2) Mistake of age is not a defense to a charge under  
division (B)(5) of this section.

(3) In a prosecution under division (B)(5) of this section,  
the trier of fact may infer that an actor, model, or participant  
in the material or performance involved is a juvenile if the  
material or performance, through its title, text, visual  
representation, or otherwise, represents or depicts the actor,  
model, or participant as a juvenile.

(4) As used in this division and division (B)(5) of this  
section:

(a) "Material," "performance," "obscene," and "sexual  
activity" have the same meanings as in section 2907.01 of the  
Revised Code.

(b) "Nudity-oriented matter" means any material or  
performance that shows a minor in a state of nudity and that,  
taken as a whole by the average person applying contemporary  
community standards, appeals to prurient interest.

(c) "Sexually oriented matter" means any material or  
performance that shows a minor participating or engaging in sexual  
activity, masturbation, or bestiality.

(E)(1) Whoever violates this section is guilty of endangering  
children.

(2) If the offender violates division (A) or (B)(1) of this  
section, endangering children is one of the following:

(a) Except as otherwise provided in division (E)(2)(b), (c),  
or (d) of this section, a misdemeanor of the first degree;

(b) If the offender previously has been convicted of an  
offense under this section or of any offense involving neglect,

abandonment, contributing to the delinquency of, or physical abuse 6934  
of a child, except as otherwise provided in division (E)(2)(c) or 6935  
(d) of this section, a felony of the fourth degree; 6936

(c) If the violation is a violation of division (A) of this 6937  
section and results in serious physical harm to the child 6938  
involved, a felony of the third degree; 6939

(d) If the violation is a violation of division (B)(1) of 6940  
this section and results in serious physical harm to the child 6941  
involved, a felony of the second degree. 6942

(3) If the offender violates division (B)(2), (3), or (4) of 6943  
this section, except as otherwise provided in this division, 6944  
endangering children is a felony of the third degree. If the 6945  
violation results in serious physical harm to the child involved, 6946  
or if the offender previously has been convicted of an offense 6947  
under this section or of any offense involving neglect, 6948  
abandonment, contributing to the delinquency of, or physical abuse 6949  
of a child, endangering children is a felony of the second degree. 6950

(4) If the offender violates division (B)(5) of this section, 6951  
endangering children is a felony of the second degree. 6952

(5) If the offender violates division (C) of this section, 6953  
the offender shall be punished as follows: 6954

(a) Except as otherwise provided in division (E)(5)(b) or (c) 6955  
of this section, endangering children in violation of division (C) 6956  
of this section is a misdemeanor of the first degree. 6957

(b) If the violation results in serious physical harm to the 6958  
child involved or the offender previously has been convicted of an 6959  
offense under this section or any offense involving neglect, 6960  
abandonment, contributing to the delinquency of, or physical abuse 6961  
of a child, except as otherwise provided in division (E)(5)(c) of 6962  
this section, endangering children in violation of division (C) of 6963  
this section is a felony of the fifth degree. 6964

(c) If the violation results in serious physical harm to the child involved and if the offender previously has been convicted of a violation of division (C) of this section, section 2903.06 or 2903.08 of the Revised Code, section 2903.07 of the Revised Code as it existed prior to March 23, 2000, or section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, endangering children in violation of division (C) of this section is a felony of the fourth degree.

(d) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to division (E)(5)(a), (b), or (c) of this section or pursuant to any other provision of law, the court also may impose upon the offender one or both of the following sanctions:

(i) It may require the offender, as part of the offender's sentence and in the manner described in division (F) of this section, to perform not more than two hundred hours of supervised community service work under the authority of any agency, political subdivision, or charitable organization of the type described in division ~~(F)(1)(B)~~ of section 2951.02 of the Revised Code, ~~provided that the court shall not require the offender to perform supervised community service work under this division unless the offender agrees to perform the supervised community service work.~~

(ii) It may suspend the driver's or commercial driver's license or permit or nonresident operating privilege of the offender for up to ninety days, in addition to any suspension or revocation of the offender's driver's or commercial driver's license or permit or nonresident operating privilege under Chapter 4506., 4507., 4509., or 4511. of the Revised Code or under any other provision of law.

(e) In addition to any term of imprisonment, fine, or other

6997 sentence, penalty, or sanction imposed upon the offender pursuant  
6998 to division (E)(5)(a), (b), (c), or (d) of this section or  
6999 pursuant to any other provision of law for the violation of  
7000 division (C) of this section, if as part of the same trial or  
7001 proceeding the offender also is convicted of or pleads guilty to a  
7002 separate charge charging the violation of division (A) of section  
7003 4511.19 of the Revised Code that was the basis of the charge of  
7004 the violation of division (C) of this section, the offender also  
7005 shall be sentenced, in accordance with section 4511.99 of the  
7006 Revised Code, for that violation of division (A) of section  
7007 4511.19 of the Revised Code and also shall be subject to all other  
7008 sanctions that are required or authorized by any provision of law  
7009 for that violation of division (A) of section 4511.19 of the  
7010 Revised Code.

7011 (F)(1)(a) If a court, pursuant to division (E)(5)(d)(i) of  
7012 this section, requires an offender to perform supervised community  
7013 service work under the authority of an agency, subdivision, or  
7014 charitable organization, the requirement shall be part of the  
7015 community control sanction or sentence of the offender, and the  
7016 court shall impose the community service in accordance with and  
7017 subject to divisions (F)(1)(a) and (b) of this section. The court  
7018 may require an offender whom it requires to perform supervised  
7019 community service work as part of the offender's community control  
7020 sanction or sentence to pay the court a reasonable fee to cover  
7021 the costs of the offender's participation in the work, including,  
7022 but not limited to, the costs of procuring a policy or policies of  
7023 liability insurance to cover the period during which the offender  
7024 will perform the work. If the court requires the offender to  
7025 perform supervised community service work as part of the  
7026 offender's community control sanction or sentence, the court shall  
7027 do so in accordance with the following limitations and criteria:

7028 (i) The court shall require that the community service work



be performed after completion of the term of imprisonment imposed  
upon the offender for the violation of division (C) of this  
section, if applicable.

(ii) ~~The~~ Subject to division (E)(5)(d)(i) of this section,  
the supervised community service work shall be subject to the  
limitations set forth in divisions ~~(F)(1)(a) to (c)~~ (B)(1), (2),  
and (3) of section 2951.02 of the Revised Code.

(iii) The community service work shall be supervised in the  
manner described in division ~~(F)(1)(d)~~ (B)(4) of section 2951.02 of  
the Revised Code by an official or person with the qualifications  
described in that division. The official or person periodically  
shall report in writing to the court concerning the conduct of the  
offender in performing the work.

(iv) The court shall inform the offender in writing that if  
the offender does not adequately perform, as determined by the  
court, all of the required community service work, the court may  
order that the offender be committed to a jail or workhouse for a  
period of time that does not exceed the term of imprisonment that  
the court could have imposed upon the offender for the violation  
of division (C) of this section, reduced by the total amount of  
time that the offender actually was imprisoned under the sentence  
or term that was imposed upon the offender for that violation and  
by the total amount of time that the offender was confined for any  
reason arising out of the offense for which the offender was  
convicted and sentenced as described in sections 2949.08 and  
2967.191 of the Revised Code, and that, if the court orders that  
the offender be so committed, the court is authorized, but not  
required, to grant the offender credit upon the period of the  
commitment for the community service work that the offender  
adequately performed.

(b) If a court, pursuant to this division and division  
(E)(5)(d)(i) of this section, orders an offender to perform

community service work as part of the offender's community control 7061  
sanction or sentence and if the offender does not adequately 7062  
perform all of the required community service work, as determined 7063  
by the court, the court may order that the offender be committed 7064  
to a jail or workhouse for a period of time that does not exceed 7065  
the term of imprisonment that the court could have imposed upon 7066  
the offender for the violation of division (C) of this section, 7067  
reduced by the total amount of time that the offender actually was 7068  
imprisoned under the sentence or term that was imposed upon the 7069  
offender for that violation and by the total amount of time that 7070  
the offender was confined for any reason arising out of the 7071  
offense for which the offender was convicted and sentenced as 7072  
described in sections 2949.08 and 2967.191 of the Revised Code. 7073  
The court may order that a person committed pursuant to this 7074  
division shall receive hour-for-hour credit upon the period of the 7075  
commitment for the community service work that the offender 7076  
adequately performed. No commitment pursuant to this division 7077  
shall exceed the period of the term of imprisonment that the 7078  
sentencing court could have imposed upon the offender for the 7079  
violation of division (C) of this section, reduced by the total 7080  
amount of time that the offender actually was imprisoned under 7081  
that sentence or term and by the total amount of time that the 7082  
offender was confined for any reason arising out of the offense 7083  
for which the offender was convicted and sentenced as described in 7084  
sections 2949.08 and 2967.191 of the Revised Code. 7085

(2) Divisions (E)(5)(d)(i) and (F)(1) of this section do not 7086  
limit or affect the authority of the court to suspend the sentence 7087  
imposed upon a misdemeanor offender and place the offender on 7088  
~~probation or otherwise suspend the sentence under a community~~ 7089  
~~control sanction pursuant to sections 2929.51 and 2951.02 section~~ 7090  
~~2929.25~~ of the Revised Code, to require the a misdemeanor or 7091  
felony offender, ~~as a condition of the offender's probation or of~~ 7092

~~otherwise suspending the offender's sentence,~~ to perform 7093  
supervised community service work in accordance with division 7094  
~~(F)(B)~~ of section 2951.02 of the Revised Code, or to place a 7095  
felony offender under a community control sanction. 7096

(G)(1) If a court suspends an offender's driver's or 7097  
commercial driver's license or permit or nonresident operating 7098  
privilege under division (E)(5)(d)(ii) of this section, the period 7099  
of the suspension shall be consecutive to, and commence after, the 7100  
period of suspension or revocation of the offender's driver's or 7101  
commercial driver's license or permit or nonresident operating 7102  
privilege that is imposed under Chapter 4506., 4507., 4509., or 7103  
4511. of the Revised Code or under any other provision of law in 7104  
relation to the violation of division (C) of this section that is 7105  
the basis of the suspension under division (E)(5)(d)(ii) of this 7106  
section or in relation to the violation of division (A) of section 7107  
4511.19 of the Revised Code that is the basis for that violation 7108  
of division (C) of this section. 7109

(2) An offender is not entitled to request, and the court 7110  
shall not grant to the offender, occupational driving privileges 7111  
under division (G) of this section if the offender's license, 7112  
permit, or privilege has been suspended under division 7113  
(E)(5)(d)(ii) of this section and the offender, within the 7114  
preceding seven years, has been convicted of or pleaded guilty to 7115  
three or more violations of one or more of the following: 7116

(a) Division (C) of this section; 7117

(b) Division (A) or (B) of section 4511.19 of the Revised 7118  
Code; 7119

(c) A municipal ordinance relating to operating a vehicle 7120  
while under the influence of alcohol, a drug of abuse, or alcohol 7121  
and a drug of abuse; 7122

(d) A municipal ordinance relating to operating a vehicle 7123

with a prohibited concentration of alcohol in the blood, breath,  
or urine;

(e) Section 2903.04 of the Revised Code in a case in which  
the offender was subject to the sanctions described in division  
(D) of that section;

(f) Division (A)(1) of section 2903.06 or division (A)(1) of  
section 2903.08 of the Revised Code or a municipal ordinance that  
is substantially similar to either of those divisions;

(g) Division (A)(2), (3), or (4) of section 2903.06, division  
(A)(2) of section 2903.08, or former section 2903.07 of the  
Revised Code, or a municipal ordinance that is substantially  
similar to any of those divisions or that former section, in a  
case in which the jury or judge found that the offender was under  
the influence of alcohol, a drug of abuse, or alcohol and a drug  
of abuse;

(h) A statute of the United States or of any other state or a  
municipal ordinance of a municipal corporation located in any  
other state that is substantially similar to division (A) or (B)  
of section 4511.19 of the Revised Code.

(3) Any other offender who is not described in division  
(G)(2) of this section and whose license, permit, or nonresident  
operating privilege has been suspended under division  
(E)(5)(d)(ii) of this section may file with the sentencing court a  
petition alleging that the suspension would seriously affect the  
offender's ability to continue employment. Upon satisfactory proof  
that there is reasonable cause to believe that the suspension  
would seriously affect the offender's ability to continue  
employment, the court may grant the offender occupational driving  
privileges during the period during which the suspension otherwise  
would be imposed, except that the court shall not grant  
occupational driving privileges for employment as a driver of

commercial motor vehicles to any person who is disqualified from 7155  
operating a commercial motor vehicle under section 3123.611 or 7156  
4506.16 of the Revised Code or whose commercial driver's license 7157  
or commercial driver's temporary instruction permit has been 7158  
suspended under section 3123.58 of the Revised Code. 7159

(H)(1) If a person violates division (C) of this section and 7160  
if, at the time of the violation, there were two or more children 7161  
under eighteen years of age in the motor vehicle involved in the 7162  
violation, the offender may be convicted of a violation of 7163  
division (C) of this section for each of the children, but the 7164  
court may sentence the offender for only one of the violations. 7165

(2)(a) If a person is convicted of or pleads guilty to a 7166  
violation of division (C) of this section but the person is not 7167  
also convicted of and does not also plead guilty to a separate 7168  
charge charging the violation of division (A) of section 4511.19 7169  
of the Revised Code that was the basis of the charge of the 7170  
violation of division (C) of this section, both of the following 7171  
apply: 7172

(i) For purposes of the provisions of section 4511.99 of the 7173  
Revised Code that set forth the penalties and sanctions for a 7174  
violation of division (A) of section 4511.19 of the Revised Code, 7175  
the conviction of or plea of guilty to the violation of division 7176  
(C) of this section shall not constitute a violation of division 7177  
(A) of section 4511.19 of the Revised Code; 7178

(ii) For purposes of any provision of law that refers to a 7179  
conviction of or plea of guilty to a violation of division (A) of 7180  
section 4511.19 of the Revised Code and that is not described in 7181  
division (H)(2)(a)(i) of this section, the conviction of or plea 7182  
of guilty to the violation of division (C) of this section shall 7183  
constitute a conviction of or plea of guilty to a violation of 7184  
division (A) of section 4511.19 of the Revised Code. 7185

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(I) As used in this section, "community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

**Sec. 2919.25.** (A) No person shall knowingly do any of the following:

(1) Cause serious physical harm to a family or household member;

(2) Cause or attempt to cause physical harm to a family or household member by means of a deadly weapon or dangerous ordnance.

(B) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

~~(B)~~(C) No person shall recklessly cause serious physical harm to a family or household member.

~~(C)~~(D) No person shall knowingly cause a family or household member to believe that the offender will cause imminent serious physical harm to the family or household member.

(E) No person, ~~by threat of force,~~ shall knowingly cause a family or household member to believe that the offender will cause

imminent physical harm to the family or household member. 7216

~~(D)~~(F)(1) Whoever violates this section is guilty of domestic 7217  
violence. ~~Except~~ 7218

(2) A violation of division (A) of this section is a felony 7219  
of the second degree. 7220

(3) ~~Except~~ as ~~otherwise~~ provided in ~~this~~ division ~~(F)(4)~~ of 7221  
this section, a violation of division (B) or (C) of this section 7222  
is a misdemeanor of the ~~fourth~~ first degree, ~~and~~ a violation of 7223  
division ~~(A) or (B)~~(D) of this section is a misdemeanor of the 7224  
~~first~~ second degree. ~~If, and a violation of division (E) of this~~ 7225  
section is a misdemeanor of the fourth degree. 7226

(4) If the offender previously has been convicted of domestic 7227  
violence, of a violation of a municipal ordinance that is 7228  
substantially similar to domestic violence, of a violation of 7229  
section 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, 2903.211, 7230  
2903.22, 2911.211, or 2919.22 of the Revised Code involving a 7231  
person who was a family or household member at the time of the 7232  
violation, or of a violation of a municipal ordinance that is 7233  
substantially similar to one of those sections involving a person 7234  
who was a family or household member at the time of the violation, 7235  
a violation of division ~~(A) or (B)~~ or (C) of this section is a 7236  
felony of the fifth degree, ~~and~~ a violation of division ~~(C)~~(D) of 7237  
this section is a misdemeanor of the ~~third~~ first degree, ~~and a~~ 7238  
violation of division (E) of this section is a misdemeanor of the 7239  
third degree. 7240

~~(E)~~(G) No parent, guardian, or custodian of a child shall be 7241  
guilty of a violation of this section for using or threatening to 7242  
use corporal punishment as a method of disciplining the child, 7243  
unless the use of or threat to use corporal punishment violates 7244  
division (B) of section 2919.22 of the Revised Code. 7245

(H) As used in this section and sections 2919.251 and 2919.26 7246

of the Revised Code: 7247

(1) "Family or household member" means any of the following: 7248

(a) Any of the following who is residing or has resided with 7249  
the offender: 7250

(i) A spouse, a person living as a spouse, or a former spouse 7251  
of the offender; 7252

(ii) A parent or a child of the offender, or another person 7253  
related by consanguinity or affinity to the offender; 7254

(iii) A parent or a child of a spouse, person living as a 7255  
spouse, or former spouse of the offender, or another person 7256  
related by consanguinity or affinity to a spouse, person living as 7257  
a spouse, or former spouse of the offender. 7258

(b) The natural parent of any child of whom the offender is 7259  
the other natural parent or is the putative other natural parent. 7260

(2) "Person living as a spouse" means a person who is living 7261  
or has lived with the offender in a common law marital 7262  
relationship, who otherwise is cohabiting with the offender, or 7263  
who otherwise has cohabited with the offender within five years 7264  
prior to the date of the alleged commission of the act in 7265  
question. 7266

(3) "Deadly weapon" and "dangerous ordnance" have the same 7267  
meanings as in section 2923.11 of the Revised Code. 7268

**Sec. 2923.14.** (A) Any person who, solely by reason of ~~his~~ the 7269  
person's disability under division (A)(2) or (3) of section 7270  
2923.13 of the Revised Code, is prohibited from acquiring, having, 7271  
carrying, or using firearms, may apply to the court of common 7272  
pleas in the county ~~where he~~ in which the person resides for 7273  
relief from such prohibition. 7274

(B) The application shall recite the following: 7275



(1) All indictments, convictions, or adjudications upon which 7276  
the applicant's disability is based, the sentence imposed and 7277  
served, and ~~probation~~ any release granted under a community 7278  
control sanction, post-release control sanction, or parole, ~~or~~ any 7279  
partial or conditional pardon granted, or other disposition of 7280  
each case; 7281

(2) Facts showing the applicant to be a fit subject for 7282  
relief under this section. 7283

(C) A copy of the application shall be served on the county 7284  
prosecutor, ~~who~~. The county prosecutor shall cause the matter to 7285  
be investigated, and shall raise before the court ~~such~~ any 7286  
objections to granting relief ~~as~~ that the investigation reveals. 7287

(D) Upon hearing, the court may grant the applicant relief 7288  
pursuant to this section, if all of the following apply: 7289

(1) The applicant has been fully discharged from 7290  
imprisonment, ~~probation~~ community control, post-release control, 7291  
and parole, or, if ~~he~~ the applicant is under indictment, has been 7292  
released on bail or recognizance~~+~~. 7293

(2) The applicant has led a law-abiding life since ~~his~~ 7294  
discharge or release, and appears likely to continue to do so~~+~~. 7295

(3) The applicant is not otherwise prohibited by law from 7296  
acquiring, having, or using firearms. 7297

(E) Costs of the proceeding shall be charged as in other 7298  
civil cases, and taxed to the applicant. 7299

(F) Relief from disability granted pursuant to this section: 7300

(1) Applies only with respect to indictments, convictions, or 7301  
adjudications recited in the application; 7302

(2) Applies only with respect to firearms lawfully acquired, 7303  
possessed, carried, or used by the applicant; 7304

(3) Does not apply with respect to dangerous ordnance; 7305

(4) May be revoked by the court at any time for good cause 7306  
shown and upon notice to the applicant; 7307

(5) Is automatically void upon commission by the applicant of 7308  
any offense ~~embraced by~~ set forth in division (A)(2) or (3) of 7309  
section 2923.13 of the Revised Code, or upon the applicant's 7310  
becoming one of the class of persons named in division (A)(1), 7311  
(4), or (5) of ~~such~~ that section. 7312

(G) As used in this section: 7313

(1) "Community control sanction" has the same meaning as in 7314  
section 2929.01 of the Revised Code. 7315

(2) "Post-release control" and "post-release control 7316  
sanction" have the same meanings as in section 2967.01 of the 7317  
Revised Code. 7318

**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, 7319  
or use a controlled substance. 7320

(B) This section does not apply to any of the following: 7321

(1) Manufacturers, licensed health professionals authorized 7322  
to prescribe drugs, pharmacists, owners of pharmacies, and other 7323  
persons whose conduct was in accordance with Chapters 3719., 7324  
4715., 4723., 4729., 4731., and 4741. of the Revised Code; 7325

(2) If the offense involves an anabolic steroid, any person 7326  
who is conducting or participating in a research project involving 7327  
the use of an anabolic steroid if the project has been approved by 7328  
the United States food and drug administration; 7329

(3) Any person who sells, offers for sale, prescribes, 7330  
dispenses, or administers for livestock or other nonhuman species 7331  
an anabolic steroid that is expressly intended for administration 7332  
through implants to livestock or other nonhuman species and 7333

approved for that purpose under the "Federal Food, Drug, and 7334  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 7335  
and is sold, offered for sale, prescribed, dispensed, or 7336  
administered for that purpose in accordance with that act; 7337

(4) Any person who obtained the controlled substance pursuant 7338  
to a prescription issued by a licensed health professional 7339  
authorized to prescribe drugs. 7340

(C) Whoever violates division (A) of this section is guilty 7341  
of one of the following: 7342

(1) If the drug involved in the violation is a compound, 7343  
mixture, preparation, or substance included in schedule I or II, 7344  
with the exception of marihuana, cocaine, L.S.D., heroin, and 7345  
hashish, whoever violates division (A) of this section is guilty 7346  
of aggravated possession of drugs. The penalty for the offense 7347  
shall be determined as follows: 7348

(a) Except as otherwise provided in division (C)(1)(b), (c), 7349  
(d), or (e) of this section, aggravated possession of drugs is a 7350  
felony of the fifth degree, and division (B) of section 2929.13 of 7351  
the Revised Code applies in determining whether to impose a prison 7352  
term on the offender. 7353

(b) If the amount of the drug involved equals or exceeds the 7354  
bulk amount but is less than five times the bulk amount, 7355  
aggravated possession of drugs is a felony of the third degree, 7356  
and there is a presumption for a prison term for the offense. 7357

(c) If the amount of the drug involved equals or exceeds five 7358  
times the bulk amount but is less than fifty times the bulk 7359  
amount, aggravated possession of drugs is a felony of the second 7360  
degree, and the court shall impose as a mandatory prison term one 7361  
of the prison terms prescribed for a felony of the second degree. 7362

(d) If the amount of the drug involved equals or exceeds 7363  
fifty times the bulk amount but is less than one hundred times the 7364

bulk amount, aggravated possession of drugs is a felony of the  
first degree, and the court shall impose as a mandatory prison  
term one of the prison terms prescribed for a felony of the first  
degree.

(e) If the amount of the drug involved equals or exceeds one  
hundred times the bulk amount, aggravated possession of drugs is a  
felony of the first degree, the offender is a major drug offender,  
and the court shall impose as a mandatory prison term the maximum  
prison term prescribed for a felony of the first degree and may  
impose an additional mandatory prison term prescribed for a major  
drug offender under division (D)(3)(b) of section 2929.14 of the  
Revised Code.

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

(a) Except as otherwise provided in division (C)(2)(b), (c),  
or (d) of this section, possession of drugs is a misdemeanor of  
the third degree or, if the offender previously has been convicted  
of a drug abuse offense, a misdemeanor of the second degree. If  
the drug involved in the violation is an anabolic steroid included  
in schedule III and if the offense is a misdemeanor of the third  
degree under this division, in lieu of sentencing the offender to  
a term of imprisonment in a detention facility, the court may  
place the offender on conditional probation under a community  
control sanction that requires the offender to perform supervised  
community service work pursuant to division ~~(F)~~(B) of section  
2951.02 of the Revised Code.

(b) If the amount of the drug involved equals or exceeds the  
bulk amount but is less than five times the bulk amount,  
possession of drugs is a felony of the fourth degree, and division

(C) of section 2929.13 of the Revised Code applies in determining 7397  
whether to impose a prison term on the offender. 7398

(c) If the amount of the drug involved equals or exceeds five 7399  
times the bulk amount but is less than fifty times the bulk 7400  
amount, possession of drugs is a felony of the third degree, and 7401  
there is a presumption for a prison term for the offense. 7402

(d) If the amount of the drug involved equals or exceeds 7403  
fifty times the bulk amount, possession of drugs is a felony of 7404  
the second degree, and the court shall impose upon the offender as 7405  
a mandatory prison term one of the prison terms prescribed for a 7406  
felony of the second degree. 7407

(3) If the drug involved in the violation is marihuana or a 7408  
compound, mixture, preparation, or substance containing marihuana 7409  
other than hashish, whoever violates division (A) of this section 7410  
is guilty of possession of marihuana. The penalty for the offense 7411  
shall be determined as follows: 7412

(a) Except as otherwise provided in division (C)(3)(b), (c), 7413  
(d), (e), or (f) of this section, possession of marihuana is a 7414  
minor misdemeanor. 7415

(b) If the amount of the drug involved equals or exceeds one 7416  
hundred grams but is less than two hundred grams, possession of 7417  
marihuana is a misdemeanor of the fourth degree. 7418

(c) If the amount of the drug involved equals or exceeds two 7419  
hundred grams but is less than one thousand grams, possession of 7420  
marihuana is a felony of the fifth degree, and division (B) of 7421  
section 2929.13 of the Revised Code applies in determining whether 7422  
to impose a prison term on the offender. 7423

(d) If the amount of the drug involved equals or exceeds one 7424  
thousand grams but is less than five thousand grams, possession of 7425  
marihuana is a felony of the third degree, and division (C) of 7426  
section 2929.13 of the Revised Code applies in determining whether 7427

to impose a prison term on the offender.

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

(f) If the amount of the drug involved equals or exceeds twenty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree.

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

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

(b) If the amount of the drug involved equals or exceeds five grams but is less than twenty-five grams of cocaine that is not crack cocaine or equals or exceeds one gram but is less than five grams of crack cocaine, possession of cocaine is a felony of the fourth degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds twenty-five grams but is less than one hundred grams of cocaine that is not crack cocaine or equals or exceeds five grams but is less than ten grams of crack cocaine, possession of cocaine is a

felony of the third degree, and the court shall impose as a  
mandatory prison term one of the prison terms prescribed for a  
felony of the third degree.

(d) If the amount of the drug involved equals or exceeds one  
hundred grams but is less than five hundred grams of cocaine that  
is not crack cocaine or equals or exceeds ten grams but is less  
than twenty-five grams of crack cocaine, possession of cocaine is  
a felony of the second degree, and the court shall impose as a  
mandatory prison term one of the prison terms prescribed for a  
felony of the second degree.

(e) If the amount of the drug involved equals or exceeds five  
hundred grams but is less than one thousand grams of cocaine that  
is not crack cocaine or equals or exceeds twenty-five grams but is  
less than one hundred grams of crack cocaine, possession of  
cocaine is a felony of the first degree, and the court shall  
impose as a mandatory prison term one of the prison terms  
prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds one  
thousand grams of cocaine that is not crack cocaine or equals or  
exceeds one hundred grams of crack cocaine, possession of cocaine  
is a felony of the first degree, the offender is a major drug  
offender, and the court shall impose as a mandatory prison term  
the maximum prison term prescribed for a felony of the first  
degree and may impose an additional mandatory prison term  
prescribed for a major drug offender under division (D)(3)(b) of  
section 2929.14 of the Revised Code.

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

(a) Except as otherwise provided in division (C)(5)(b), (c),

(d), (e), or (f) of this section, possession of L.S.D. is a felony 7490  
of the fifth degree, and division (B) of section 2929.13 of the 7491  
Revised Code applies in determining whether to impose a prison 7492  
term on the offender. 7493

(b) If the amount of L.S.D. involved equals or exceeds ten 7494  
unit doses but is less than fifty unit doses of L.S.D. in a solid 7495  
form or equals or exceeds one gram but is less than five grams of 7496  
L.S.D. in a liquid concentrate, liquid extract, or liquid 7497  
distillate form, possession of L.S.D. is a felony of the fourth 7498  
degree, and division (C) of section 2929.13 of the Revised Code 7499  
applies in determining whether to impose a prison term on the 7500  
offender. 7501

(c) If the amount of L.S.D. involved equals or exceeds fifty 7502  
unit doses, but is less than two hundred fifty unit doses of 7503  
L.S.D. in a solid form or equals or exceeds five grams but is less 7504  
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 7505  
extract, or liquid distillate form, possession of L.S.D. is a 7506  
felony of the third degree, and there is a presumption for a 7507  
prison term for the offense. 7508

(d) If the amount of L.S.D. involved equals or exceeds two 7509  
hundred fifty unit doses but is less than one thousand unit doses 7510  
of L.S.D. in a solid form or equals or exceeds twenty-five grams 7511  
but is less than one hundred grams of L.S.D. in a liquid 7512  
concentrate, liquid extract, or liquid distillate form, possession 7513  
of L.S.D. is a felony of the second degree, and the court shall 7514  
impose as a mandatory prison term one of the prison terms 7515  
prescribed for a felony of the second degree. 7516

(e) If the amount of L.S.D. involved equals or exceeds one 7517  
thousand unit doses but is less than five thousand unit doses of 7518  
L.S.D. in a solid form or equals or exceeds one hundred grams but 7519  
is less than five hundred grams of L.S.D. in a liquid concentrate, 7520  
liquid extract, or liquid distillate form, possession of L.S.D. is 7521



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

(f) If the amount of L.S.D. involved equals or exceeds five  
thousand unit doses of L.S.D. in a solid form or equals or exceeds  
five hundred grams of L.S.D. in a liquid concentrate, liquid  
extract, or liquid distillate form, possession of L.S.D. is a  
felony of the first degree, the offender is a major drug offender,  
and the court shall impose as a mandatory prison term the maximum  
prison term prescribed for a felony of the first degree and may  
impose an additional mandatory prison term prescribed for a major  
drug offender under division (D)(3)(b) of section 2929.14 of the  
Revised Code.

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

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

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

(c) If the amount of the drug involved equals or exceeds  
fifty unit doses but is less than one hundred unit doses or equals

or exceeds five grams but is less than ten grams, possession of 7553  
heroin is a felony of the third degree, and there is a presumption 7554  
for a prison term for the offense. 7555

(d) If the amount of the drug involved equals or exceeds one 7556  
hundred unit doses but is less than five hundred unit doses or 7557  
equals or exceeds ten grams but is less than fifty grams, 7558  
possession of heroin is a felony of the second degree, and the 7559  
court shall impose as a mandatory prison term one of the prison 7560  
terms prescribed for a felony of the second degree. 7561

(e) If the amount of the drug involved equals or exceeds five 7562  
hundred unit doses but is less than two thousand five hundred unit 7563  
doses or equals or exceeds fifty grams but is less than two 7564  
hundred fifty grams, possession of heroin is a felony of the first 7565  
degree, and the court shall impose as a mandatory prison term one 7566  
of the prison terms prescribed for a felony of the first degree. 7567

(f) If the amount of the drug involved equals or exceeds two 7568  
thousand five hundred unit doses or equals or exceeds two hundred 7569  
fifty grams, possession of heroin is a felony of the first degree, 7570  
the offender is a major drug offender, and the court shall impose 7571  
as a mandatory prison term the maximum prison term prescribed for 7572  
a felony of the first degree and may impose an additional 7573  
mandatory prison term prescribed for a major drug offender under 7574  
division (D)(3)(b) of section 2929.14 of the Revised Code. 7575

(7) If the drug involved in the violation is hashish or a 7576  
compound, mixture, preparation, or substance containing hashish, 7577  
whoever violates division (A) of this section is guilty of 7578  
possession of hashish. The penalty for the offense shall be 7579  
determined as follows: 7580

(a) Except as otherwise provided in division (C)(7)(b), (c), 7581  
(d), (e), or (f) of this section, possession of hashish is a minor 7582  
misdemeanor. 7583

(b) If the amount of the drug involved equals or exceeds five 7584  
grams but is less than ten grams of hashish in a solid form or 7585  
equals or exceeds one gram but is less than two grams of hashish 7586  
in a liquid concentrate, liquid extract, or liquid distillate 7587  
form, possession of hashish is a misdemeanor of the fourth degree. 7588  
7589

(c) If the amount of the drug involved equals or exceeds ten 7590  
grams but is less than fifty grams of hashish in a solid form or 7591  
equals or exceeds two grams but is less than ten grams of hashish 7592  
in a liquid concentrate, liquid extract, or liquid distillate 7593  
form, possession of hashish is a felony of the fifth degree, and 7594  
division (B) of section 2929.13 of the Revised Code applies in 7595  
determining whether to impose a prison term on the offender. 7596

(d) If the amount of the drug involved equals or exceeds 7597  
fifty grams but is less than two hundred fifty grams of hashish in 7598  
a solid form or equals or exceeds ten grams but is less than fifty 7599  
grams of hashish in a liquid concentrate, liquid extract, or 7600  
liquid distillate form, possession of hashish is a felony of the 7601  
third degree, and division (C) of section 2929.13 of the Revised 7602  
Code applies in determining whether to impose a prison term on the 7603  
offender. 7604

(e) If the amount of the drug involved equals or exceeds two 7605  
hundred fifty grams but is less than one thousand grams of hashish 7606  
in a solid form or equals or exceeds fifty grams but is less than 7607  
two hundred grams of hashish in a liquid concentrate, liquid 7608  
extract, or liquid distillate form, possession of hashish is a 7609  
felony of the third degree, and there is a presumption that a 7610  
prison term shall be imposed for the offense. 7611

(f) If the amount of the drug involved equals or exceeds one 7612  
thousand grams of hashish in a solid form or equals or exceeds two 7613  
hundred grams of hashish in a liquid concentrate, liquid extract, 7614  
or liquid distillate form, possession of hashish is a felony of 7615

the second degree, and the court shall impose as a mandatory  
prison term the maximum prison term prescribed for a felony of the  
second degree.

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

(E) In addition to any prison term authorized or required by  
division (C) of this section and sections 2929.13 and 2929.14 of  
the Revised Code and in addition to any other sanction that is  
imposed for the offense under this section or sections 2929.11 to  
2929.18 of the Revised Code, the court that sentences an offender  
who is convicted of or pleads guilty to a violation of division  
(A) of this section shall do all of the following that are  
applicable regarding the offender:

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

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

(c) If a person is charged with a violation of this section 7647  
that is a felony of the first, second, or third degree, posts 7648  
bail, and forfeits the bail, the clerk shall pay the forfeited 7649  
bail pursuant to division (E)(1)(b) of this section as if it were 7650  
a mandatory fine imposed under division (E)(1)(a) of this section. 7651

(2) The court shall suspend for not less than six months or 7652  
more than five years the driver's or commercial driver's license 7653  
or permit of any person who is convicted of or has pleaded guilty 7654  
to a violation of this section. 7655

(3) If the offender is a professionally licensed person or a 7656  
person who has been admitted to the bar by order of the supreme 7657  
court in compliance with its prescribed and published rules, in 7658  
addition to any other sanction imposed for a violation of this 7659  
section, the court forthwith shall comply with section 2925.38 of 7660  
the Revised Code. 7661

(F) It is an affirmative defense, as provided in section 7662  
2901.05 of the Revised Code, to a charge of a fourth degree felony 7663  
violation under this section that the controlled substance that 7664  
gave rise to the charge is in an amount, is in a form, is 7665  
prepared, compounded, or mixed with substances that are not 7666  
controlled substances in a manner, or is possessed under any other 7667  
circumstances, that indicate that the substance was possessed 7668  
solely for personal use. Notwithstanding any contrary provision of 7669  
this section, if, in accordance with section 2901.05 of the 7670  
Revised Code, an accused who is charged with a fourth degree 7671  
felony violation of division (C)(2), (4), (5), or (6) of this 7672  
section sustains the burden of going forward with evidence of and 7673  
establishes by a preponderance of the evidence the affirmative 7674  
defense described in this division, the accused may be prosecuted 7675  
for and may plead guilty to or be convicted of a misdemeanor 7676  
violation of division (C)(2) of this section or a fifth degree 7677  
felony violation of division (C)(4), (5), or (6) of this section 7678

respectively.

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

**Sec. 2929.01.** As used in this chapter:

(A)(1) "Alternative residential facility" means, subject to division (A)(2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:

(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.

(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.

(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.

(B) "Bad time" means the time by which the parole board administratively extends an offender's stated prison term or terms pursuant to section 2967.11 of the Revised Code because the parole board finds by clear and convincing evidence that the offender, while serving the prison term or terms, committed an act that is a criminal offense under the law of this state or the United States, whether or not the offender is prosecuted for the commission of that act.

(C) "Basic probation supervision" means a requirement that

the offender maintain contact with a person appointed to supervise 7709  
the offender in accordance with sanctions imposed by the court or 7710  
imposed by the parole board pursuant to section 2967.28 of the 7711  
Revised Code. "Basic probation supervision" includes basic parole 7712  
supervision and basic post-release control supervision. 7713

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 7714  
"unit dose" have the same meanings as in section 2925.01 of the 7715  
Revised Code. 7716

(E) "Community-based correctional facility" means a 7717  
community-based correctional facility and program or district 7718  
community-based correctional facility and program developed 7719  
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 7720

(F) "Community control sanction" means a sanction that is not 7721  
a prison term and that is described in section 2929.15, 2929.16, 7722  
2929.17, or 2929.18 of the Revised Code or a sanction that is not 7723  
a jail term and that is described in section 2929.26, 2929.27, or 7724  
2929.28 of the Revised Code. "Community control sanction" includes 7725  
probation if the sentence involved was imposed for a felony that 7726  
was committed prior to July 1, 1996, or if the sentence involved 7727  
was imposed for a misdemeanor that was committed prior to July 1, 7728  
2000. 7729

(G) "Controlled substance," "marihuana," "schedule I," and 7730  
"schedule II" have the same meanings as in section 3719.01 of the 7731  
Revised Code. 7732

(H) "Curfew" means a requirement that an offender during a 7733  
specified period of time be at a designated place. 7734

(I) "Day reporting" means a sanction pursuant to which an 7735  
offender is required each day to report to and leave a center or 7736  
other approved reporting location at specified times in order to 7737  
participate in work, education or training, treatment, and other 7738  
approved programs at the center or outside the center. 7739

(J) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 7740  
7741

(K) "Drug and alcohol use monitoring" means a program under 7742  
which an offender agrees to submit to random chemical analysis of 7743  
the offender's blood, breath, or urine to determine whether the 7744  
offender has ingested any alcohol or other drugs. 7745

(L) "Drug treatment program" means any program under which a 7746  
person undergoes assessment and treatment designed to reduce or 7747  
completely eliminate the person's physical or emotional reliance 7748  
upon alcohol, another drug, or alcohol and another drug and under 7749  
which the person may be required to receive assessment and 7750  
treatment on an outpatient basis or may be required to reside at a 7751  
facility other than the person's home or residence while 7752  
undergoing assessment and treatment. 7753

(M) "Economic loss" means any economic detriment suffered by 7754  
a victim as a result of the commission of a felony and includes 7755  
any loss of income due to lost time at work because of any injury 7756  
caused to the victim, and any property loss, medical cost, or 7757  
funeral expense incurred as a result of the commission of the 7758  
felony. 7759

(N) "Education or training" includes study at, or in 7760  
conjunction with a program offered by, a university, college, or 7761  
technical college or vocational study and also includes the 7762  
completion of primary school, secondary school, and literacy 7763  
curricula or their equivalent. 7764

~~(O) "Electronically monitored house arrest" has the same~~ 7765  
~~meaning as in section 2929.23 of the Revised Code.~~ 7766

~~(P) "Eligible offender" has the same meaning as in section~~ 7767  
~~2929.23 of the Revised Code except as otherwise specified in~~ 7768  
~~section 2929.20 of the Revised Code.~~ 7769

~~(Q)~~ "Firearm" has the same meaning as in section 2923.11 of 7770



the Revised Code.

~~(R)~~(P) "Halfway house" means a facility licensed by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

~~(S)~~(Q) "House arrest" means a period of confinement of an ~~eligible~~ offender that is in the ~~eligible~~ offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code, ~~that may be electronically monitored house arrest,~~ and during which all of the following apply:

(1) The ~~eligible~~ offender is required to remain in the ~~eligible~~ offender's home or other specified premises for the specified period of confinement, except for periods of time during which the ~~eligible~~ offender is at the ~~eligible~~ offender's place of employment or at other premises as authorized by the sentencing court or by the parole board.

(2) The ~~eligible~~ offender is required to report periodically to a person designated by the court or parole board.

(3) The ~~eligible~~ offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

~~(T)~~(R) "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. 7802

~~(U)~~(S) "Jail" means a jail, workhouse, minimum security jail, 7803  
or other residential facility used for the confinement of alleged 7804  
or convicted offenders that is operated by a political subdivision 7805  
or a combination of political subdivisions of this state. 7806  
7807

(T) "Jail term" means the term in a jail that a sentencing 7808  
court is authorized to impose pursuant to section 2929.24 or 7809  
2929.25 of the Revised Code. 7810

(U) "Mandatory jail term" means the term in a jail that a 7811  
sentencing court is required to impose pursuant to division (G) of 7812  
section 1547.99 of the Revised Code, division (B) of section 7813  
4507.99 of the Revised Code, or division (A) of section 4511.99 of 7814  
the Revised Code. 7815

(V) "Delinquent child" has the same meaning as in section 7817  
2152.02 of the Revised Code. 7818

(W) "License violation report" means a report that is made by 7819  
a sentencing court, or by the parole board pursuant to section 7820  
2967.28 of the Revised Code, to the regulatory or licensing board 7821  
or agency that issued an offender a professional license or a 7822  
license or permit to do business in this state and that specifies 7823  
that the offender has been convicted of or pleaded guilty to an 7824  
offense that may violate the conditions under which the offender's 7825  
professional license or license or permit to do business in this 7826  
state was granted or an offense for which the offender's 7827  
professional license or license or permit to do business in this 7828  
state may be revoked or suspended. 7829

(X) "Major drug offender" means an offender who is convicted 7830  
of or pleads guilty to the possession of, sale of, or offer to 7831  
sell any drug, compound, mixture, preparation, or substance that 7832

consists of or contains at least one thousand grams of hashish; at  
least one hundred grams of crack cocaine; at least one thousand  
grams of cocaine that is not crack cocaine; at least two thousand  
five hundred unit doses or two hundred fifty grams of heroin; at  
least five thousand unit doses of L.S.D. or five hundred grams of  
L.S.D. in a liquid concentrate, liquid extract, or liquid  
distillate form; 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.

(Y) "Mandatory prison term" means any of the following:

(1) Subject to division (Y)(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) of section 2929.13 and  
division (D) 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 of the Revised  
Code, a mandatory prison term described in this division may be  
any prison term authorized for the level of 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 OMVI offense pursuant to division (G)(2) of  
section 2929.13 and division (A)(4) or (8) of section 4511.99 of  
the Revised Code.

(3) The term in prison imposed pursuant to 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 and that term as modified or terminated pursuant to section  
2971.05 of the Revised Code.

(Z) "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.

(AA) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.

(BB) "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 but does not include a violation sanction center operated under authority of section 2967.141 of the Revised Code.

(CC) "Prison term" includes any of the following sanctions for an offender:

(1) A stated prison term;

(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code;

(3) A term in prison extended by bad time imposed pursuant to section 2967.11 of the Revised Code or imposed for a violation of post-release control pursuant to section 2967.28 of the Revised Code.

(DD) "Repeat violent offender" means a person about whom both of the following apply:

(1) The person has been convicted of or has pleaded guilty to, and is being sentenced for committing, for complicity in committing, or for an attempt to commit, aggravated murder, murder, involuntary manslaughter, a felony of the first degree other than one set forth in Chapter 2925. of the Revised Code, a felony of the first degree set forth in Chapter 2925. of the Revised Code that involved an attempt to cause serious physical

harm to a person or that resulted in serious physical harm to a 7895  
person, or a felony of the second degree that involved an attempt 7896  
to cause serious physical harm to a person or that resulted in 7897  
serious physical harm to a person. 7898

(2) Either of the following applies: 7899

(a) The person previously was convicted of or pleaded guilty 7900  
to, and served a prison term for, any of the following: 7901

(i) Aggravated murder, murder, involuntary manslaughter, 7902  
rape, felonious sexual penetration as it existed under section 7903  
2907.12 of the Revised Code prior to September 3, 1996, a felony 7904  
of the first or second degree that resulted in the death of a 7905  
person or in physical harm to a person, or complicity in or an 7906  
attempt to commit any of those offenses; 7907

(ii) An offense under an existing or former law of this 7908  
state, another state, or the United States that is or was 7909  
substantially equivalent to an offense listed under division 7910  
(DD)(2)(a)(i) of this section and that resulted in the death of a 7911  
person or in physical harm to a person. 7912

(b) The person previously was adjudicated a delinquent child 7913  
for committing an act that if committed by an adult would have 7914  
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 7915  
section, and the person was committed to the department of youth 7916  
services for that delinquent act. 7917

(EE) "Sanction" means any penalty imposed upon an offender 7918  
who is convicted of or pleads guilty to an offense, as punishment 7919  
for the offense. "Sanction" includes any sanction imposed pursuant 7920  
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 7921  
2929.28 of the Revised Code. 7922

(FF) "Sentence" means the sanction or combination of 7923  
sanctions imposed by the sentencing court on an offender who is 7924  
convicted of or pleads guilty to ~~a felony~~ an offense. 7925

(GG) "Stated prison term" means the prison term, mandatory  
prison term, or combination of all prison terms and mandatory  
prison terms imposed by the sentencing court pursuant to section  
2929.14 or 2971.03 of the Revised Code. "Stated prison term"  
includes any credit received by the offender for time spent in  
jail awaiting trial, sentencing, or transfer to prison for the  
offense and any time spent under house arrest or electronically  
monitored house arrest imposed after earning credits pursuant to  
section 2967.193 of the Revised Code.

(HH) "Victim-offender mediation" means a reconciliation or  
mediation program that involves an offender and the victim of the  
offense committed by the offender and that includes a meeting in  
which the offender and the victim may discuss the offense, discuss  
restitution, and consider other sanctions for the offense.

(II) "Fourth degree felony OMVI offense" means a violation of  
division (A) of section 4511.19 of the Revised Code that, under  
section 4511.99 of the Revised Code, is a felony of the fourth  
degree.

(JJ) "Mandatory term of local incarceration" means the term  
of sixty or one hundred twenty days in a jail, a community-based  
correctional facility, a halfway house, or an alternative  
residential facility that a sentencing court may impose upon a  
person who is convicted of or pleads guilty to a fourth degree  
felony OMVI offense pursuant to division (G)(1) of section 2929.13  
of the Revised Code and division (A)(4) or (8) of section 4511.99  
of the Revised Code.

(KK) "Designated homicide, assault, or kidnapping offense,"  
"sexual motivation specification," "sexually violent offense,"  
"sexually violent predator," and "sexually violent predator  
specification" have the same meanings as in section 2971.01 of the  
Revised Code.

(LL) "Habitual sex offender," "sexually oriented offense," 7957  
and "sexual predator" have the same meanings as in section 2950.01 7958  
of the Revised Code. 7959

(MM) An offense is "committed in the vicinity of a child" if 7960  
the offender commits the offense within thirty feet of or within 7961  
the same residential unit as a child who is under eighteen years 7962  
of age, regardless of whether the offender knows the age of the 7963  
child or whether the offender knows the offense is being committed 7964  
within thirty feet of or within the same residential unit as the 7965  
child and regardless of whether the child actually views the 7966  
commission of the offense. 7967

(NN) "Family or household member" has the same meaning as in 7968  
section 2919.25 of the Revised Code. 7969

(OO) "Motor vehicle" and "manufactured home" have the same 7970  
meanings as in section 4501.01 of the Revised Code. 7971

(PP) "Detention" and "detention facility" have the same 7972  
meanings as in section 2921.01 of the Revised Code. 7973

(QQ) "Third degree felony OMVI offense" means a violation of 7974  
division (A) of section 4511.19 of the Revised Code that, under 7975  
section 4511.99 of the Revised Code, is a felony of the third 7976  
degree. 7977

(RR) "Random drug testing" has the same meaning as in section 7978  
5120.63 of the Revised Code. 7979

(SS) "Felony sex offense" has the same meaning as in section 7980  
~~2957.28~~ 2967.28 of the Revised Code. 7981

~~(RR)~~(TT) "Body armor" has the same meaning as in section 7982  
2941.1411 of the Revised Code. 7983

(UU) "Electronic monitoring" means monitoring through the use 7984  
of an electronic monitoring device. 7985

(VV) "Electronic monitoring device" means any of the 7986

following:

(1) Any device that can be operated by electrical or battery power and that conforms with all of the following:

(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (VV)(1)(b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an appropriate signal to that receiver if the person to whom it is attached travels a specified distance from that receiver.

(b) The device has a receiver that can receive continuously the signals transmitted by a transmitter of the type described in division (VV)(1)(a) of this section, can transmit continuously those signals by telephone to a central monitoring computer of the type described in division (VV)(1)(c) of this section, and can transmit continuously an appropriate signal to that central monitoring computer if the receiver is turned off or altered without prior court approval or otherwise tampered with.

(c) The device has a central monitoring computer that can receive continuously the signals transmitted by telephone by a receiver of the type described in division (VV)(1)(b) of this section and can monitor continuously the person to whom an electronic monitoring device of the type described in division (VV)(1)(a) of this section is attached.

(2) Any device that is not a device of the type described in



division (VV)(1) of this section and that conforms with all of the  
following:

(a) The device includes a transmitter and receiver that can  
monitor and determine the location of a subject person at any  
time, or at a designated point in time, through the use of a  
central monitoring computer or through other electronic means.

(b) The device includes a transmitter and receiver that can  
determine at any time, or at a designated point in time, through  
the use of a central monitoring computer or other electronic means  
the fact that the transmitter is turned off or altered in any  
manner without prior approval of the court in relation to the  
electronic monitoring or without prior approval of the department  
of rehabilitation and correction in relation to the use of an  
electronic monitoring device for an inmate on transitional control  
or otherwise is tampered with.

(3) Any type of technology that can adequately track or  
determine the location of a subject person at any time and that is  
approved by the director of rehabilitation and correction,  
including, but not limited to, any satellite technology, voice  
tracking system, or retinal scanning system that is so approved.

**Sec. 2929.17.** The court imposing a sentence for a felony upon  
an offender who is not required to serve a mandatory prison term  
may impose any nonresidential sanction or combination of  
nonresidential sanctions authorized under this section. If the  
court imposes one or more nonresidential sanctions authorized  
under this section, the court shall impose as a condition of the  
sanction that, during the period of the nonresidential sanction,  
the offender shall abide by the law and shall not leave the state  
without the permission of the court or the offender's probation  
officer.

The court imposing a sentence for a fourth degree felony OMVI

offense under division (G)(1) of section 2929.13 of the Revised  
Code may impose upon the offender, in addition to the mandatory  
term of local incarceration imposed under that division, a  
nonresidential sanction or combination of nonresidential sanctions  
under this section, and the offender shall serve or satisfy the  
sanction or combination of sanctions after the offender has served  
the mandatory term of local incarceration required for the  
offense. Nonresidential sanctions include, but are not limited to,  
the following:

(A) A term of day reporting;

(B) A term of ~~electronically-monitored~~ house arrest with  
electronic monitoring, a term of electronic monitoring without  
house arrest, or a term of house arrest without electronic  
monitoring;

(C) A term of community service of up to five hundred hours  
pursuant to division ~~(F)~~(B) of section 2951.02 of the Revised Code  
or, if the court determines that the offender is financially  
incapable of fulfilling a financial sanction described in section  
2929.18 of the Revised Code, a term of community service as an  
alternative to a financial sanction;

(D) A term in a drug treatment program with a level of  
security for the offender as determined necessary by the court;

(E) A term of intensive probation supervision;

(F) A term of basic probation supervision;

(G) A term of monitored time;

(H) A term of drug and alcohol use monitoring, including  
random drug testing ~~pursuant to section 2951.05 of the Revised~~  
~~Code~~;

(I) A curfew term;

(J) A requirement that the offender obtain employment;

(K) A requirement that the offender obtain education or training; 8079  
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(L) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation; 8081  
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(M) A license violation report; 8084

(N) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, a requirement that the offender obtain counseling. This division does not limit the court in requiring the offender to obtain counseling for any offense or in any circumstance not specified in this division. 8085  
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**Sec. 2929.18.** (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section ~~2929.25~~ 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section. If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another governmental entity, the court imposing sentence upon an offender for a felony shall comply with division (A)(4)(b) of this section 8096  
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in determining whether to sentence the offender to a financial 8110  
sanction described in division (A)(4)(a) of this section. 8111  
Financial sanctions that may be imposed pursuant to this section 8112  
include, but are not limited to, the following: 8113

(1) Restitution by the offender to the victim of the 8114  
offender's crime or any survivor of the victim, in an amount based 8115  
on the victim's economic loss. The court shall order that the 8116  
restitution be made to the victim in open court, to the adult 8117  
probation department that serves the county on behalf of the 8118  
victim, to the clerk of courts, or to another agency designated by 8119  
the court, ~~except that it. The order~~ may include a requirement 8120  
that reimbursement be made to third parties for amounts paid to or 8121  
on behalf of the victim or any survivor of the victim for economic 8122  
loss resulting from the offense. If reimbursement to third parties 8123  
is required, the reimbursement shall be made to any governmental 8124  
agency to repay any amounts paid by the agency to or on behalf of 8125  
the victim or any survivor of the victim for economic loss 8126  
resulting from the offense before any reimbursement is made to any 8127  
person other than a governmental agency. If no governmental agency 8128  
incurred expenses for economic loss of the victim or any survivor 8129  
of the victim resulting from the offense, the reimbursement shall 8130  
be made to any person other than a governmental agency to repay 8131  
amounts paid by that person to or on behalf of the victim or any 8132  
survivor of the victim for economic loss of the victim resulting 8133  
from the offense. The court shall not require an offender to repay 8134  
an insurance company for any amounts the company paid on behalf of 8135  
the offender pursuant to a policy of insurance. At sentencing, the 8136  
court shall determine the amount of restitution to be made by the 8137  
offender. The court may base the amount of restitution it orders 8138  
on an amount recommended by the victim, the offender, a 8139  
presentence investigation report, estimates or receipts indicating 8140  
the cost of repairing or replacing property, and other 8141  
information. The court shall hold a hearing on restitution if the 8142

offender, victim, or survivor disputes the amount. All restitution 8143  
payments shall be credited against any recovery of economic loss 8144  
in a civil action brought by the victim or any survivor of the 8145  
victim against the offender. 8146

The court may order that the offender pay a surcharge of not 8147  
more than five per cent of the amount of the restitution otherwise 8148  
ordered to the entity responsible for collecting and processing 8149  
restitution payments. 8150

The victim or survivor may request that the prosecuting 8151  
attorney file a motion, or the offender may file a motion, for 8152  
modification of the payment terms of any restitution ordered based 8153  
on a substantial change in the offender's ability to pay. 8154

(2) Except as provided in division (B)(1), (3), or (4) of 8155  
this section, a fine payable by the offender to the state, to a 8156  
political subdivision, or as described in division (B)(2) of this 8157  
section to one or more law enforcement agencies, with the amount 8158  
of the fine based on a standard percentage of the offender's daily 8159  
income over a period of time determined by the court and based 8160  
upon the seriousness of the offense. A fine ordered under this 8161  
division shall not exceed the ~~statutory~~ maximum conventional fine 8162  
amount authorized for the level of the offense under division 8163  
(A)(3) of this section. 8164

(3) Except as provided in division (B)(1), (3), or (4) of 8165  
this section, a fine payable by the offender to the state, to a 8166  
political subdivision when appropriate for a felony, or as 8167  
described in division (B)(2) of this section to one or more law 8168  
enforcement agencies, in the following amount: 8169

(a) For a felony of the first degree, not more than twenty 8170  
thousand dollars; 8171

(b) For a felony of the second degree, not more than fifteen 8172  
thousand dollars; 8173

(c) For a felony of the third degree, not more than ten 8174  
thousand dollars; 8175

(d) For a felony of the fourth degree, not more than five 8176  
thousand dollars; 8177

(e) For a felony of the fifth degree, not more than two 8178  
thousand five hundred dollars. 8179

(4) A state fine or cost as defined in section 2949.111 of 8180  
the Revised Code; 8181

(5)(a) Subject to division (A)(4)(b) of this section, 8182  
reimbursement by the offender of any or all of the costs of 8183  
sanctions incurred by the government, including the following: 8184

(i) All or part of the costs of implementing any community 8185  
control sanction, including a supervision fee under section 8186  
2951.021 of the Revised Code; 8187

(ii) All or part of the costs of confinement under a sanction 8188  
imposed pursuant to section 2929.14 or 2929.16 of the Revised 8189  
Code, provided that the amount of reimbursement ordered under this 8190  
division shall not exceed the total amount of reimbursement the 8191  
offender is able to pay as determined at a hearing and shall not 8192  
exceed the actual cost of the confinement; 8193

(b) If the offender is sentenced to a sanction of confinement 8194  
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 8195  
to be served in a facility operated by a board of county 8196  
commissioners, a legislative authority of a municipal corporation, 8197  
or another local governmental entity, one of the following 8198  
applies: 8199

(i) If, pursuant to section 307.93, 341.14, 341.19, 341.23, 8200  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code, 8201  
the board, legislative authority, or other local governmental 8202  
entity requires prisoners ~~convicted of an offense other than a~~ 8203

~~minor misdemeanor~~ to reimburse the county, municipal corporation, 8204  
or other entity for its expenses incurred by reason of the 8205  
prisoner's confinement pursuant to section 2929.29 of the Revised 8206  
Code, the court shall impose a financial sanction under division 8207  
(A)(4)(a) of this section that requires the offender to reimburse 8208  
the county, municipal corporation, or other local governmental 8209  
entity for the cost of the confinement pursuant to section 2929.29 8210  
of the Revised Code. In addition, the court may impose any other 8211  
financial sanction under this section. 8212

(ii) If, pursuant to any section identified in division 8213  
(A)(4)(b)(i) of this section, the board, legislative authority, or 8214  
other local governmental entity has adopted a resolution or 8215  
ordinance specifying that prisoners convicted of felonies are not 8216  
required to reimburse the county, municipal corporation, or other 8217  
local governmental entity for its expenses incurred by reason of 8218  
the prisoner's confinement, the court shall not impose a financial 8219  
sanction under division (A)(4)(a) of this section that requires 8220  
the offender to reimburse the county, municipal corporation, or 8221  
other local governmental entity for the cost of the confinement, 8222  
but the court may impose any other financial sanction under this 8223  
section. 8224

(iii) If neither division (A)(4)(b)(i) nor (A)(4)(b)(ii) of 8225  
this section applies, the court may impose, but is not required to 8226  
impose, any financial sanction under this section. 8227

(c) Reimbursement by the offender for costs pursuant to 8228  
~~section 2929.28~~ 2929.71 of the Revised Code. 8229

(B)(1) For a first, second, or third degree felony violation 8230  
of any provision of Chapter 2925., 3719., or 4729. of the Revised 8231  
Code, the sentencing court shall impose upon the offender a 8232  
mandatory fine of at least one-half of, but not more than, the 8233  
maximum statutory fine amount authorized for the level of the 8234  
offense pursuant to division (A)(3) of this section. If an 8235

offender alleges in an affidavit filed with the court prior to 8236  
sentencing that the offender is indigent and unable to pay the 8237  
mandatory fine and if the court determines the offender is an 8238  
indigent person and is unable to pay the mandatory fine described 8239  
in this division, the court shall not impose the mandatory fine 8240  
upon the offender. 8241

(2) Any mandatory fine imposed upon an offender under 8242  
division (B)(1) of this section and any fine imposed upon an 8243  
offender under division (A)(2) or (3) of this section for any 8244  
fourth or fifth degree felony violation of any provision of 8245  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 8246  
to law enforcement agencies pursuant to division (F) of section 8247  
2925.03 of the Revised Code. 8248

(3) For a fourth degree felony OMVI offense and for a third 8249  
degree felony OMVI offense, the sentencing court shall impose upon 8250  
the offender a mandatory fine in the amount specified in division 8251  
(A)(4) or (8) of section 4511.99 of the Revised Code. The 8252  
mandatory fine so imposed shall be disbursed as provided in 8253  
division (A)(4) or (8) of section 4511.99 of the Revised Code. 8254

(4) Notwithstanding any fine otherwise authorized or required 8255  
to be imposed under division (A)(2) or (3) or (B)(1) of this 8256  
section or section 2929.31 of the Revised Code for a violation of 8257  
section 2925.03 of the Revised Code, in addition to any penalty or 8258  
sanction imposed for that offense under section 2925.03 or 8259  
sections 2929.11 to 2929.18 of the Revised Code and in addition to 8260  
the forfeiture of property in connection with the offense as 8261  
prescribed in sections 2925.42 to 2925.45 of the Revised Code, the 8262  
court that sentences an offender for a violation of section 8263  
2925.03 of the Revised Code may impose upon the offender a fine in 8264  
addition to any fine imposed under division (A)(2) or (3) of this 8265  
section and in addition to any mandatory fine imposed under 8266  
division (B)(1) of this section. The fine imposed under division 8267



(B)(4) of this section shall be used as provided in division (H) of section 2925.03 of the Revised Code. A fine imposed under division (B)(4) of this section shall not exceed whichever of the following is applicable:

(a) The total value of any personal or real property in which the offender has an interest and that was used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of section 2925.03 of the Revised Code, including any property that constitutes proceeds derived from that offense;

(b) If the offender has no interest in any property of the type described in division (B)(4)(a) of this section or if it is not possible to ascertain whether the offender has an interest in any property of that type in which the offender may have an interest, the amount of the mandatory fine for the offense imposed under division (B)(1) of this section or, if no mandatory fine is imposed under division (B)(1) of this section, the amount of the fine authorized for the level of the offense imposed under division (A)(3) of this section.

(5) Prior to imposing a fine under division (B)(4) of this section, the court shall determine whether the offender has an interest in any property of the type described in division (B)(4)(a) of this section. Except as provided in division (B)(6) or (7) of this section, a fine that is authorized and imposed under division (B)(4) of this section does not limit or affect the imposition of the penalties and sanctions for a violation of section 2925.03 of the Revised Code prescribed under those sections or sections 2929.11 to 2929.18 of the Revised Code and does not limit or affect a forfeiture of property in connection with the offense as prescribed in sections ~~2925.42~~ 2925.42 to 2925.45 of the Revised Code.

(6) If the sum total of a mandatory fine amount imposed for a

first, second, or third degree felony violation of section 2925.03 8300  
of the Revised Code under division (B)(1) of this section plus the 8301  
amount of any fine imposed under division (B)(4) of this section 8302  
does not exceed the maximum statutory fine amount authorized for 8303  
the level of the offense under division (A)(3) of this section or 8304  
section 2929.31 of the Revised Code, the court may impose a fine 8305  
for the offense in addition to the mandatory fine and the fine 8306  
imposed under division (B)(4) of this section. The sum total of 8307  
the amounts of the mandatory fine, the fine imposed under division 8308  
(B)(4) of this section, and the additional fine imposed under 8309  
division (B)(6) of this section shall not exceed the maximum 8310  
statutory fine amount authorized for the level of the offense 8311  
under division (A)(3) of this section or section 2929.31 of the 8312  
Revised Code. The clerk of the court shall pay any fine that is 8313  
imposed under division (B)(6) of this section to the county, 8314  
township, municipal corporation, park district as created pursuant 8315  
to section 511.18 or 1545.04 of the Revised Code, or state law 8316  
enforcement agencies in this state that primarily were responsible 8317  
for or involved in making the arrest of, and in prosecuting, the 8318  
offender pursuant to division (F) of section 2925.03 of the 8319  
Revised Code. 8320

(7) If the sum total of the amount of a mandatory fine 8321  
imposed for a first, second, or third degree felony violation of 8322  
section 2925.03 of the Revised Code plus the amount of any fine 8323  
imposed under division (B)(4) of this section exceeds the maximum 8324  
statutory fine amount authorized for the level of the offense 8325  
under division (A)(3) of this section or section 2929.31 of the 8326  
Revised Code, the court shall not impose a fine under division 8327  
(B)(6) of this section. 8328

(C)(1) The offender shall pay reimbursements imposed upon the 8329  
offender pursuant to division (A)(4)(a) of this section to pay the 8330  
costs incurred by the department of rehabilitation and correction 8331

in operating a prison or other facility used to confine offenders 8332  
pursuant to sanctions imposed under section 2929.14 or 2929.16 of 8333  
the Revised Code to the treasurer of state. The treasurer of state 8334  
shall deposit the reimbursements in the confinement cost 8335  
reimbursement fund that is hereby created in the state treasury. 8336  
The department of rehabilitation and correction shall use the 8337  
amounts deposited in the fund to fund the operation of facilities 8338  
used to confine offenders pursuant to sections 2929.14 and 2929.16 8339  
of the Revised Code. 8340

(2) Except as provided in section 2951.021 of the Revised 8341  
Code, the offender shall pay reimbursements imposed upon the 8342  
offender pursuant to division (A)(4)(a) of this section to pay the 8343  
costs incurred by a county pursuant to any sanction imposed under 8344  
this section or section 2929.16 or 2929.17 of the Revised Code or 8345  
in operating a facility used to confine offenders pursuant to a 8346  
sanction imposed under section 2929.16 of the Revised Code to the 8347  
county treasurer. The county treasurer shall deposit the 8348  
reimbursements in the sanction cost reimbursement fund that each 8349  
board of county commissioners shall create in its county treasury. 8350  
The county shall use the amounts deposited in the fund to pay the 8351  
costs incurred by the county pursuant to any sanction imposed 8352  
under this section or section 2929.16 or 2929.17 of the Revised 8353  
Code or in operating a facility used to confine offenders pursuant 8354  
to a sanction imposed under section 2929.16 of the Revised Code. 8355

(3) Except as provided in section 2951.021 of the Revised 8356  
Code, the offender shall pay reimbursements imposed upon the 8357  
offender pursuant to division (A)(4)(a) of this section to pay the 8358  
costs incurred by a municipal corporation pursuant to any sanction 8359  
imposed under this section or section 2929.16 or 2929.17 of the 8360  
Revised Code or in operating a facility used to confine offenders 8361  
pursuant to a sanction imposed under section 2929.16 of the 8362  
Revised Code to the treasurer of the municipal corporation. The 8363

treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(4) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A)(4)(a) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code to the provider.

(D) ~~A~~ Except as otherwise provided in this division, a financial sanction imposed pursuant to division (A) or (B) of this section is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, ~~except that a.~~ A financial sanction of reimbursement imposed pursuant to division (A)(4)(a)(ii) of this section upon an offender who is incarcerated in a state facility or a municipal jail is a judgment in favor of the state or the municipal corporation, ~~a.~~ A financial sanction of reimbursement imposed upon an offender pursuant to this section for costs incurred by a private provider of sanctions is a judgment in favor of the private provider, ~~and a.~~ A financial sanction of restitution imposed pursuant to this section is a judgment in favor of the victim of the offender's criminal act. The offender subject to the sanction is the judgment debtor. Imposition of a financial sanction and execution on the judgment does not preclude any other power of the court to impose or enforce sanctions on the offender. Once the financial sanction is imposed as a judgment, the victim, private provider, state, or political subdivision may bring an

action to do any of the following:	8396
(1) Obtain execution of the judgment through any available procedure, including:	8397 8398
(a) An execution against the property of the judgment debtor under Chapter 2329. of the Revised Code;	8399 8400
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	8401 8402
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	8403 8404
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	8405 8406 8407
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	8408 8409
(iii) A creditor's suit under section 2333.01 of the Revised Code.	8410 8411
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	8412 8413
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	8414 8415
(2) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	8416 8417
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	8418 8419 8420 8421
(F) Each court imposing a financial sanction upon an offender under this section or under section <del>2929.25</del> <u>2929.32</u> of the Revised Code may designate <del>a the clerk of the court employee or another</del>	8422 8423 8424

person to collect, or the financial sanction. The clerk or other 8425  
person authorized by law or the court to collect the financial 8426  
sanction may enter into contracts with one or more public agencies 8427  
or private vendors for the collection of, amounts due under the 8428  
financial sanction imposed pursuant to this section or section 8429  
~~2929.25~~ 2929.32 of the Revised Code. Before entering into a 8430  
contract for the collection of amounts due from an offender 8431  
pursuant to any financial sanction imposed pursuant to this 8432  
section or section ~~2929.25~~ 2929.32 of the Revised Code, a court 8433  
shall comply with sections 307.86 to 307.92 of the Revised Code. 8434

(G) If a court that imposes a financial sanction under 8435  
division (A) or (B) of this section finds that an offender 8436  
satisfactorily has completed all other sanctions imposed upon the 8437  
offender and that all restitution that has been ordered has been 8438  
paid as ordered, the court may suspend any financial sanctions 8439  
imposed pursuant to this section or section ~~2929.25~~ 2929.32 of the 8440  
Revised Code that have not been paid. 8441

(H) No financial sanction imposed under this section or 8442  
section ~~2929.25~~ 2929.32 of the Revised Code shall preclude a 8443  
victim from bringing a civil action against the offender. 8444

**Sec. 2929.19.** (A)(1) The court shall hold a sentencing 8445  
hearing before imposing a sentence under this chapter upon an 8446  
offender who was convicted of or pleaded guilty to a felony and 8447  
before resentencing an offender who was convicted of or pleaded 8448  
guilty to a felony and whose case was remanded pursuant to section 8449  
2953.07 or 2953.08 of the Revised Code. At the hearing, the 8450  
offender, the prosecuting attorney, the victim or the victim's 8451  
representative in accordance with section 2930.14 of the Revised 8452  
Code, and, with the approval of the court, any other person may 8453  
present information relevant to the imposition of sentence in the 8454  
case. The court shall inform the offender of the verdict of the 8455  
jury or finding of the court and ask the offender whether the 8456

offender has anything to say as to why sentence should not be 8457  
imposed upon the offender. 8458

(2) Except as otherwise provided in this division, before 8459  
imposing sentence on an offender who is being sentenced for a 8460  
sexually oriented offense that was committed on or after January 8461  
1, 1997, and that is not a sexually violent offense, and before 8462  
imposing sentence on an offender who is being sentenced for a 8463  
sexually violent offense committed on or after January 1, 1997, 8464  
and who was not charged with a sexually violent predator 8465  
specification in the indictment, count in the indictment, or 8466  
information charging the sexually violent offense, the court shall 8467  
conduct a hearing in accordance with division (B) of section 8468  
2950.09 of the Revised Code to determine whether the offender is a 8469  
sexual predator. The court shall not conduct a hearing under that 8470  
division if the offender is being sentenced for a sexually violent 8471  
offense and a sexually violent predator specification was included 8472  
in the indictment, count in the indictment, or information 8473  
charging the sexually violent offense. Before imposing sentence on 8474  
an offender who is being sentenced for a sexually oriented 8475  
offense, the court also shall comply with division (E) of section 8476  
2950.09 of the Revised Code. 8477

(B)(1) At the sentencing hearing, the court, before imposing 8478  
sentence, shall consider the record, any information presented at 8479  
the hearing by any person pursuant to division (A) of this 8480  
section, and, if one was prepared, the presentence investigation 8481  
report made pursuant to section 2951.03 of the Revised Code or 8482  
Criminal Rule 32.2, and any victim impact statement made pursuant 8483  
to section 2947.051 of the Revised Code. 8484

(2) The court shall impose a sentence and shall make a 8485  
finding that gives its reasons for selecting the sentence imposed 8486  
in any of the following circumstances: 8487

(a) Unless the offense is a sexually violent offense for 8488

which the court is required to impose sentence pursuant to 8489  
division (G) of section 2929.14 of the Revised Code, if it imposes 8490  
a prison term for a felony of the fourth or fifth degree or for a 8491  
felony drug offense that is a violation of a provision of Chapter 8492  
2925. of the Revised Code and that is specified as being subject 8493  
to division (B) of section 2929.13 of the Revised Code for 8494  
purposes of sentencing, its reasons for imposing the prison term, 8495  
based upon the overriding purposes and principles of felony 8496  
sentencing set forth in section 2929.11 of the Revised Code, and 8497  
any factors listed in divisions (B)(1)(a) to (i) of section 8498  
2929.13 of the Revised Code that it found to apply relative to the 8499  
offender. 8500

(b) If it does not impose a prison term for a felony of the 8501  
first or second degree or for a felony drug offense that is a 8502  
violation of a provision of Chapter 2925. of the Revised Code and 8503  
for which a presumption in favor of a prison term is specified as 8504  
being applicable, its reasons for not imposing the prison term and 8505  
for overriding the presumption, based upon the overriding purposes 8506  
and principles of felony sentencing set forth in section 2929.11 8507  
of the Revised Code, and the basis of the findings it made under 8508  
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 8509

(c) If it imposes consecutive sentences under section 2929.14 8510  
of the Revised Code, its reasons for imposing the consecutive 8511  
sentences; 8512

(d) If the sentence is for one offense and it imposes a 8513  
prison term for the offense that is the maximum prison term 8514  
allowed for that offense by division (A) of section 2929.14 of the 8515  
Revised Code, its reasons for imposing the maximum prison term; 8516

(e) If the sentence is for two or more offenses arising out 8517  
of a single incident and it imposes a prison term for those 8518  
offenses that is the maximum prison term allowed for the offense 8519  
of the highest degree by division (A) of section 2929.14 of the 8520



Revised Code, its reasons for imposing the maximum prison term. 8521

(3) Subject to division (B)(4) of this section, if the 8522  
sentencing court determines at the sentencing hearing that a 8523  
prison term is necessary or required, the court shall do all of 8524  
the following: 8525

(a) Impose a stated prison term; 8526

(b) Notify the offender that, as part of the sentence, the 8527  
parole board may extend the stated prison term for certain 8528  
violations of prison rules for up to one-half of the stated prison 8529  
term; 8530

(c) Notify the offender that the offender will be supervised 8531  
under section 2967.28 of the Revised Code after the offender 8532  
leaves prison if the offender is being sentenced for a felony of 8533  
the first degree or second degree, for a felony sex offense, or 8534  
for a felony of the third degree in the commission of which the 8535  
offender caused or threatened to cause physical harm to a person; 8536

(d) Notify the offender that the offender may be supervised 8537  
under section 2967.28 of the Revised Code after the offender 8538  
leaves prison if the offender is being sentenced for a felony of 8539  
the third, fourth, or fifth degree that is not subject to division 8540  
(B)(3)(c) of this section; 8541

(e) Notify the offender that, if a period of supervision is 8542  
imposed following the offender's release from prison, as described 8543  
in division (B)(3)(c) or (d) of this section, and if the offender 8544  
violates that supervision or a condition of post-release control 8545  
imposed under division (B) of section 2967.131 of the Revised 8546  
Code, the parole board may impose a prison term, as part of the 8547  
sentence, of up to one-half of the stated prison term originally 8548  
imposed upon the offender; 8549

(f) Require that the offender not ingest or be injected with 8550  
a drug of abuse and submit to random drug testing as provided in 8551

section 341.26, 753.33, or 5120.63 of the Revised Code, whichever  
is applicable to the offender who is serving a prison term, and  
require that the results of the drug test administered under any  
of those sections indicate that the offender did not ingest or was  
not injected with a drug of abuse.

(4) If the offender is being sentenced for a sexually violent  
offense that the offender committed on or after January 1, 1997,  
and the offender also is convicted of or pleads guilty to a  
sexually violent predator specification that was included in the  
indictment, count in the indictment, or information charging the  
sexually violent offense or if the offender is being sentenced for  
a sexually oriented offense that the offender committed on or  
after January 1, 1997, and the court imposing the sentence has  
determined pursuant to division (B) of section 2950.09 of the  
Revised Code that the offender is a sexual predator, the court  
shall include in the offender's sentence a statement that the  
offender has been adjudicated as being a sexual predator and shall  
comply with the requirements of section 2950.03 of the Revised  
Code. Additionally, in the circumstances described in division (G)  
of section 2929.14 of the Revised Code, the court shall impose  
sentence on the offender as described in that division.

(5) If the sentencing court determines at the sentencing  
hearing that a community control sanction should be imposed and  
the court is not prohibited from imposing a community control  
sanction, the court shall impose a community control sanction. The  
court shall notify the offender that, if the conditions of the  
sanction are violated, if the offender commits a violation of any  
law, or if the offender leaves this state without the permission  
of the court or the offender's probation officer, the court may  
impose a longer time under the same sanction, may impose a more  
restrictive sanction, or may impose a prison term on the offender  
and shall indicate the specific prison term that may be imposed as

a sanction for the violation, as selected by the court from the 8584  
range of prison terms for the offense pursuant to section 2929.14 8585  
of the Revised Code. 8586

(6) Before imposing a financial sanction under section 8587  
2929.18 of the Revised Code or a fine under section ~~2929.25~~ 8588  
2929.32 of the Revised Code, the court shall consider the 8589  
offender's present and future ability to pay the amount of the 8590  
sanction or fine. 8591

(C)(1) If the offender is being sentenced for a fourth degree 8592  
felony OMVI offense under division (G)(1) of section 2929.13 of 8593  
the Revised Code, the court shall impose the mandatory term of 8594  
local incarceration in accordance with that division, shall impose 8595  
a mandatory fine in accordance with division (B)(3) of section 8596  
2929.18 of the Revised Code, and, in addition, may impose 8597  
additional sanctions as specified in sections 2929.15, 2929.16, 8598  
2929.17, and 2929.18 of the Revised Code. The court shall not 8599  
impose a prison term on the offender. 8600

(2) If the offender is being sentenced for a third or fourth 8601  
degree felony OMVI offense under division (G)(2) of section 8602  
2929.13 of the Revised Code, the court shall impose the mandatory 8603  
prison term in accordance with that division, shall impose a 8604  
mandatory fine in accordance with division (B)(3) of section 8605  
2929.18 of the Revised Code, and, in addition, may impose an 8606  
additional prison term as specified in section 2929.14 of the 8607  
Revised Code. The court shall not impose any community control 8608  
sanction on the offender. 8609

(D) If the sentencing court determines at the sentencing 8610  
hearing that an offender is eligible for placement in a program of 8611  
shock incarceration under section 5120.031 of the Revised Code or 8612  
in an intensive program prison under section 5120.032 of the 8613  
Revised Code, the court, pursuant to division (K) of section 8614  
2929.14 of the Revised Code, may recommend placement of the 8615

offender in a program of shock incarceration or an intensive  
program prison, disapprove placement of the offender in a program  
or prison of that nature, or make no recommendation. The court  
shall make a finding that gives its reasons for its recommendation  
or disapproval.

Sec. 2929.21. (A) A court that sentences an offender for a  
misdemeanor or minor misdemeanor shall be guided by the overriding  
purposes of misdemeanor sentencing. The overriding purposes of  
misdemeanor sentencing are to protect the public from future crime  
by the offender and others and to punish the offender. To achieve  
those purposes, the sentencing court shall consider the impact of  
the offense upon the victim and the need for changing the  
offender's behavior, rehabilitating the offender, and making  
restitution to the victim of the offense, the public, or the  
victim and the public.

(B) A sentence imposed for a misdemeanor or minor misdemeanor  
shall be reasonably calculated to achieve the two overriding  
purposes of misdemeanor sentencing set forth in division (A) of  
this section, commensurate with and not demeaning to the  
seriousness of the offender's conduct and its impact upon the  
victim, and consistent with sentences imposed for similar offenses  
committed by similar offenders.

(C) A court that imposes a sentence upon an offender for a  
misdemeanor or minor misdemeanor shall not base the sentence upon  
the race, ethnic background, gender, or religion of the offender.

Sec. 2929.22. (A) Unless a mandatory jail term is required to  
be imposed by division (G) of section 1547.99, division (B) of  
section 4507.99, or division (A) of section 4511.99 of the Revised  
Code, a court that imposes a sentence under this chapter upon an  
offender for a misdemeanor or minor misdemeanor has discretion to

determine the most effective way to achieve the purposes and  
principles of sentencing set forth in section 2929.21 of the  
Revised Code.

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Unless a specific sanction is required to be imposed or is  
precluded from being imposed by the section setting forth an  
offense or the penalty for an offense or by any provision of  
sections 2929.23 to 2929.28 of the Revised Code, a court that  
imposes a sentence upon an offender for a misdemeanor may impose  
on the offender any sanction or combination of sanctions under  
sections 2929.24 to 2929.28 of the Revised Code. The court shall  
consider the burden imposed by the sentence on local government  
resources.

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(B)(1) In determining the appropriate sentence for a  
misdemeanor, the court shall consider all of the following  
factors:

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(a) The nature and circumstances of the offense or offenses;

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(b) The criminal history and character of the offender;

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(c) Whether the offender is likely to commit future crimes.

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(2) In determining the appropriate sentence for a  
misdemeanor, the court may consider any other factors that are  
relevant to achieving the purposes and principles of sentencing  
set forth in section 2929.21 of the Revised Code.

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(C) Before imposing a jail term as a sentence for a  
misdemeanor, a court may impose a community control sanction or a  
combination of community control sanctions under sections 2929.25,  
2929.26, 2929.27, and 2929.28 of the Revised Code. A court shall  
impose the longest jail term authorized under section 2929.24 of  
the Revised Code only upon offenders who commit the worst forms of  
the offense or upon offenders whose conduct and response to prior  
sanctions for prior offenses demonstrate that the imposition of

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the longest jail term is necessary to deter the offender from  
committing a future crime.

(D)(1) A sentencing court shall consider any relevant oral or  
written statement made by the victim, the defendant, the defense  
attorney, or the prosecuting authority regarding sentencing for a  
misdemeanor. This division does not create any rights to notice  
other than those rights authorized by Chapter 2930. of the Revised  
Code.

(2) At the time of sentencing for a misdemeanor or as soon as  
possible after sentencing, the court shall notify the victim of  
the offense of the victim's right to file an application for an  
award of reparations pursuant to sections 2743.51 to 2743.72 of  
the Revised Code.

**Sec. 2929.23.** (A) If an offender is being sentenced for a  
sexually oriented offense that is a misdemeanor committed on or  
after January 1, 1997, and if the judge imposing sentence for the  
sexually oriented offense determines pursuant to division (B) of  
section 2950.09 of the Revised Code that the offender is a sexual  
predator, the judge shall include in the offender's sentence a  
statement that the offender has been adjudicated a sexual  
predator, shall comply with the requirements of section 2950.03 of  
the Revised Code, and shall require the offender to submit to a  
DNA specimen collection procedure pursuant to section 2901.07 of  
the Revised Code.

(B) Before imposing sentence on an offender who is being  
sentenced for a sexually oriented offense that is a misdemeanor  
committed on or after January 1, 1997, the judge shall conduct a  
hearing in accordance with division (B) of section 2950.09 of the  
Revised Code to determine whether the offender is a sexual  
predator. Before imposing sentence on an offender who is being  
sentenced for a sexually oriented offense, the court also shall

comply with division (E) of section 2950.09 of the Revised Code. 8707

(C) If an offender is being sentenced for a sexually oriented offense that is a misdemeanor committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duty to register pursuant to section 2950.04 of the Revised Code, the offender's duty to provide notice of a change in residence address and register the new residence address pursuant to section 2950.05 of the Revised Code, the offender's duty to periodically verify the offender's current residence address pursuant to section 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 and, if required under division (A)(2) of section 2950.03 of the Revised Code, shall perform the duties specified in that section. 8708  
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**Sec. 2929.24.** (A) Except as provided in section 2929.23 of the Revised Code and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this chapter, the court shall impose a definite jail term that shall be one of the following: 8721  
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(1) For a misdemeanor of the first degree, not more than one hundred eighty days; 8728  
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(2) For a misdemeanor of the second degree, not more than ninety days; 8730  
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(3) For a misdemeanor of the third degree, not more than sixty days; 8732  
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(4) For a misdemeanor of the fourth degree, not more than thirty days. 8734  
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(B) A court that sentences an offender to a jail term under 8736

this section may permit the offender to serve the sentence in  
intermittent confinement or may authorize a limited release of the  
offender as provided in division (B) of section 2929.26 of the  
Revised Code.

(C) If a court sentences an offender to a jail term under  
this section and the court assigns the offender to a county jail  
that has established a county jail industry program pursuant to  
section 5147.30 of the Revised Code, the court shall specify, as  
part of the sentence, whether the offender may be considered for  
participation in the program. During the offender's term in the  
county jail, the court retains jurisdiction to modify its  
specification regarding the offender's participation in the county  
jail industry program.

**Sec. 2929.25.** (A)(1) In sentencing an offender for a  
misdemeanor, other than a minor misdemeanor, the sentencing court  
may do either of the following:

(a) Directly impose a sentence that consists of one or more  
community control sanctions authorized by section 2929.26,  
2929.27, or 2929.28 of the Revised Code. The court may impose any  
other conditions of release under a community control sanction  
that the court considers appropriate, including, but not limited  
to, requiring that the offender not ingest or be injected with a  
drug of abuse and submit to random drug testing as provided in  
section 2951.05 of the Revised Code to determine whether the  
offender ingested or was injected with a drug of abuse and  
requiring that the results of the drug test indicate that the  
offender did not ingest or was not injected with a drug of abuse.  
If the court imposes a jail term upon the offender, the court may  
impose any community control sanction or combination of community  
control sanctions in addition to the jail term.

(b) Impose a jail term from the range of jail terms



authorized for the offense under section 2929.24 of the Revised Code, suspend all or a portion of the jail term imposed, and place the offender under a community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code.

(2) The duration of all community control sanctions imposed upon an offender and in effect for an offender at any time shall not exceed five years.

(3) At sentencing, if a court directly imposes a community control sanction or combination of community control sanctions pursuant to division (A)(1)(a) of this section, the court shall state the duration of the community control sanctions imposed and shall notify the offender that if any of the conditions of the community control sanctions are violated the court may do any of the following:

(a) Impose a longer time under the same community control sanction if the total time under all of the offender's community control sanctions does not exceed the five-year limit specified in division (A)(2) of this section;

(b) Impose a more restrictive community control sanction under section 2929.26, 2929.27, or 2929.28 of the Revised Code, but the court is not required to impose any particular sanction or sanctions;

(c) Impose a definite jail term from the range of jail terms authorized for the offense under section 2929.24 of the Revised Code.

(B)(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

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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.

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(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 requirements on the offender. The offender's compliance with the additional requirements also shall be a condition of the community control sanction imposed upon the offender.

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(C)(1) If the court imposing sentence upon an offender sentences the 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, and if the offender violates any of the conditions of the sanctions, the public or private person or entity that supervises or administers the program or activity that comprises the sanction shall report the violation directly to the sentencing court or to the department of probation or probation officer with general control and supervision over the offender. If the public or private person or entity reports the violation to the department of probation or

probation officer, the department or officer shall report the  
violation to the sentencing court.

(2) If an offender violates any condition of a community  
control sanction, the sentencing court may impose upon the  
violation a longer time under the same community control sanction  
if the total time under all of the community control sanctions  
imposed on the violator does not exceed the five-year limit  
specified in division (A)(2) of this section or may impose on the  
violation a more restrictive community control sanction or  
combination of community control sanctions, including a jail term.  
If the court imposes a jail term upon a violator pursuant to this  
division, the total time spent in jail for the misdemeanor offense  
and the violation of a condition of the community control sanction  
shall not exceed the maximum jail term available for the offense  
for which the sanction that was violated was imposed. The court  
may reduce the longer period of time that the violator is required  
to spend under the longer sanction or the more restrictive  
sanction by all or part of the time the violator successfully  
spent under the sanction that was initially imposed.

(D) Except as otherwise provided in this division, if an  
offender, for a significant period of time, fulfills the  
conditions of a community control sanction imposed pursuant to  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an  
exemplary manner, the court may reduce the period of time under  
the community control sanction or impose a less restrictive  
community control sanction. Fulfilling the conditions of a  
community control sanction does not relieve the offender of a duty  
to make restitution under section 2929.28 of the Revised Code.

**Sec. 2929.26.** (A) Except as otherwise provided in sections  
2929.21 to 2929.28 of the Revised Code, the court imposing a  
sentence for a misdemeanor, other than a minor misdemeanor, may

impose any community residential sanction or combination of  
community residential sanctions under this section. Community  
residential sanctions include, but are not limited to, the  
following:

(1) A term of up to one hundred eighty days in a halfway  
house or a term in a halfway house not to exceed the longest jail  
term available for the offense, whichever is shorter;

(2) A term of up to one hundred eighty days in an alternative  
residential facility or a term in an alternative residential  
facility not to exceed the longest jail term available for the  
offense, whichever is shorter. The court may specify the level of  
security in the alternative residential facility that is needed  
for the offender.

(B) The court that sentences an offender to a community  
residential sanction under this section may do either or both of  
the following:

(1) Permit the offender to serve the offender's sentence in  
intermittent confinement, overnight, on weekends or at any other  
time or times that will allow the offender to continue at the  
offender's occupation or care for the offender's family;

(2) Authorize the offender to be released so that the  
offender may seek or maintain employment, receive education or  
training, receive treatment, perform community service, or  
otherwise fulfill an obligation imposed by law or by the court. A  
release pursuant to this division shall be only for the duration  
of time that is needed to fulfill the purpose of the release and  
for travel that reasonably is necessary to fulfill the purposes of  
the release.

(C) The court may order that a reasonable portion of the  
income earned by the offender upon a release pursuant to division

(B) of this section be applied to any financial sanction imposed 8892  
under section 2929.28 of the Revised Code. 8893

(D) No court shall sentence any person to a prison term for a 8894  
misdemeanor or minor misdemeanor. 8895

(E) If a court sentences a person who has been convicted of 8896  
or pleaded guilty to a misdemeanor to a community residential 8897  
sanction as described in division (A) of this section, at the time 8898  
of reception and at other times the person in charge of the 8899  
operation of the halfway house, alternative residential facility, 8900  
or other place at which the offender will serve the residential 8901  
sanction determines to be appropriate, the person in charge of the 8902  
operation of the halfway house, alternative residential facility, 8903  
or other place may cause the convicted offender to be examined and 8904  
tested for tuberculosis, HIV infection, hepatitis, including, but 8905  
not limited to, hepatitis A, B, and C, and other contagious 8906  
diseases. The person in charge of the operation of the halfway 8907  
house, alternative residential facility, or other place at which 8908  
the offender will serve the residential sanction may cause a 8909  
convicted offender in the halfway house, alternative residential 8910  
facility, or other place who refuses to be tested or treated for 8911  
tuberculosis, HIV infection, hepatitis, including, but not limited 8912  
to, hepatitis A, B, and C, or another contagious disease to be 8913  
tested and treated involuntarily. 8914

**Sec. 2929.27.** (A) Except when a mandatory jail term is 8915  
required by law, the court imposing a sentence for a misdemeanor, 8916  
other than a minor misdemeanor, may impose any nonresidential 8917  
sanction or combination of nonresidential sanctions authorized 8918  
under this division. Nonresidential sanctions include, but are not 8919  
limited to, the following: 8920

(1) A term of day reporting; 8921

(2) A term of house arrest with electronic monitoring, a term 8922

<u>of electronic monitoring without house arrest, or a term of house</u>	8923
<u>arrest without electronic monitoring;</u>	8924
<u>(3) A term of community service of up to five hundred hours</u>	8925
<u>for a misdemeanor of the first degree or two hundred hours for a</u>	8926
<u>misdemeanor of the second, third, or fourth degree;</u>	8927
<u>(4) A term in a drug treatment program with a level of</u>	8928
<u>security for the offender as determined necessary by the court;</u>	8929
<u>(5) A term of intensive probation supervision;</u>	8930
<u>(6) A term of basic probation supervision;</u>	8931
<u>(7) A term of monitored time;</u>	8932
<u>(8) A term of drug and alcohol use monitoring, including</u>	8933
<u>random drug testing pursuant to section 2951.05 of the Revised</u>	8934
<u>Code;</u>	8935
<u>(9) A curfew term;</u>	8936
<u>(10) A requirement that the offender obtain employment;</u>	8937
<u>(11) A requirement that the offender obtain education or</u>	8938
<u>training;</u>	8939
<u>(12) Provided the court obtains the prior approval of the</u>	8940
<u>victim, a requirement that the offender participate in</u>	8941
<u>victim-offender mediation;</u>	8942
<u>(13) If authorized by law, suspension of the offender's</u>	8943
<u>privilege to operate a motor vehicle, immobilization or forfeiture</u>	8944
<u>of the offender's motor vehicle, a requirement that the offender</u>	8945
<u>obtain a valid motor vehicle operator's license, or any other</u>	8946
<u>related sanction;</u>	8947
<u>(14) A requirement that the offender obtain counseling if the</u>	8948
<u>offense is a violation of section 2919.25 or a violation of</u>	8949
<u>section 2903.13 of the Revised Code involving a person who was a</u>	8950
<u>family or household member at the time of the violation, if the</u>	8951

offender committed the offense in the vicinity of one or more  
children who are not victims of the offense, and if the offender  
or the victim of the offense is a parent, guardian, custodian, or  
person in loco parentis of one or more of those children. This  
division does not limit the court in requiring that the offender  
obtain counseling for any offense or in any circumstance not  
specified in this division.

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(B) In addition to the sanctions authorized under division  
(A) of this section, the court imposing a sentence for a  
misdemeanor, other than a minor misdemeanor, upon an offender who  
is not required to serve a mandatory jail term may impose any  
other sanction that is intended to discourage the offender or  
other persons from committing a similar offense if the sanction is  
reasonably related to the overriding purposes and principles of  
misdemeanor sentencing.

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(C) The court imposing a sentence for a minor misdemeanor may  
impose a term of community service in lieu of all or part of a  
fine. The term of community service imposed for a minor  
misdemeanor shall not exceed thirty hours.

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**Sec. 2929.28.** (A) The court imposing a sentence upon an  
offender for a misdemeanor, including a minor misdemeanor, may  
sentence the offender to any financial sanction or combination of  
financial sanctions authorized under this section. Financial  
sanctions that may be imposed pursuant to this section include,  
but are not limited to, the following:

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(1) Restitution by the offender to the victim of the  
offender's crime or any survivor of the victim, in an amount based  
on the victim's economic loss. The court shall order that the  
restitution be made to the victim in open court or to the adult  
probation department that serves the jurisdiction or the clerk of  
the court on behalf of the victim. The order may include a

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requirement that reimbursement be made to third parties, other  
than the offender's insurer, for amounts paid to the victim or any  
survivor of the victim for economic loss resulting from the  
offense. If reimbursement to third parties is required, the  
offender shall make the reimbursement to any governmental agency  
to repay any amounts paid by the agency to the victim or survivor  
before the offender makes any reimbursement to any other person.

The court shall determine, or order to be determined, the  
amount of restitution to be paid by the offender. The court may  
base the amount of restitution it orders on an amount recommended  
by the victim, the offender, a presentence investigation report,  
estimates or receipts indicating the cost of repairing or  
replacing property, and other information. The court shall hold a  
hearing on restitution if the offender, victim, or survivor  
dispute the amount of restitution.

All restitution payments shall be credited against any  
recovery of economic loss in a civil action brought by the victim  
or any survivor of the victim against the offender.

The court may order that the offender pay a surcharge, of not  
more than five per cent of the amount of the restitution otherwise  
ordered, to the entity responsible for collecting and processing  
restitution payments.

The victim or survivor may request that the prosecuting  
attorney file a motion, or the offender may file a motion, for  
modification of the payment terms of any restitution ordered based  
on a substantial change in the offender's ability to pay.

(2) A fine of the type described in divisions (A)(2)(a) to  
(c) of this section payable to the appropriate entity as required  
by law:

(a) A day fine that is based on a standard percentage of the  
offender's daily income over a period of time determined by the



court and based upon the seriousness of the offense. A day fine 9014  
ordered shall not exceed the maximum conventional fine authorized 9015  
for the level of the offense under division (A)(2)(b) of this 9016  
section. If the court imposes a day fine on the offender for the 9017  
offense, the court shall not impose a conventional fine on the 9018  
offender under division (A)(2)(b) of this section. 9019

(b) A conventional fine, the imposition of which precludes 9020  
the imposition of a day fine on the offender under division 9021  
(A)(2)(a) of this section, in the following amount: 9022

(i) For a misdemeanor of the first degree, not more than one 9023  
thousand dollars; 9024

(ii) For a misdemeanor of the second degree, not more than 9025  
seven hundred fifty dollars; 9026

(iii) For a misdemeanor of the third degree, not more than 9027  
five hundred dollars; 9028

(iv) For a misdemeanor of the fourth degree, not more than 9029  
two hundred fifty dollars; 9030

(v) For a minor misdemeanor, not more than one hundred fifty 9031  
dollars. 9032

(c) A state fine or cost as defined in section 2949.111 of 9033  
the Revised Code. 9034

(3)(a) Reimbursement by the offender of any or all of the 9035  
costs of sanctions incurred by the government, including, but not 9036  
limited to, the following: 9037

(i) All or part of the costs of implementing any community 9038  
control sanction, including a supervision fee under section 9039  
2951.021 of the Revised Code; 9040

(ii) All or part of the costs of confinement in a jail or 9041  
other residential facility, including, but not limited to, a per 9042  
diem fee for room and board, the costs of medical and dental 9043

treatment, and the costs of repairing property damaged by the  
offender while confined.

(b) The amount of reimbursement ordered under division  
(A)(3)(a) of this section shall not exceed the total amount of  
reimbursement the offender is able to pay and shall not exceed the  
actual cost of the sanctions. The court may collect any amount of  
reimbursement the offender is required to pay under that division.  
If the court does not order reimbursement under that division,  
confinement costs may be assessed pursuant to a repayment policy  
adopted under section 2929.29 of the Revised Code.

(4) Court costs.

(B) If the court determines a hearing is necessary, the court  
may hold a hearing to determine whether the offender is able to  
pay the sanction imposed pursuant to this section or is likely in  
the future to be able to pay it.

If the court determines that the offender is indigent and  
unable to pay the sanction, the court shall consider imposing and  
may impose a term of community service under division (A) of  
section 2929.27 of the Revised Code in lieu of imposing a  
financial sanction. If the court does not determine that the  
offender is indigent, the court may impose a term of community  
service under division (A) of section 2929.27 of the Revised Code  
in lieu of or in addition to imposing a financial sanction under  
this section. The court may order community service for a minor  
misdemeanor pursuant to division (C) of section 2929.27 of the  
Revised Code in lieu of or in addition to imposing a financial  
sanction under this section. If a person fails to pay a financial  
sanction, the court may order community service in lieu of the  
financial sanction.

(C)(1) The offender shall pay reimbursements imposed upon the  
offender pursuant to division (A)(3) of this section to pay the

costs incurred by a county pursuant to any sanction imposed under 9075  
this section or section 2929.26 or 2929.27 of the Revised Code or 9076  
in operating a facility used to confine offenders pursuant to a 9077  
sanction imposed under section 2929.26 of the Revised Code to the 9078  
county treasurer. The county treasurer shall deposit the 9079  
reimbursements in the sanction cost reimbursement fund that each 9080  
board of county commissioners shall create in its county treasury. 9081  
The county shall use the amounts deposited in the fund to pay the 9082  
costs incurred by the county pursuant to any sanction imposed 9083  
under this section or section 2929.26 or 2929.27 of the Revised 9084  
Code or in operating a facility used to confine offenders pursuant 9085  
to a sanction imposed under section 2929.26 of the Revised Code. 9086

(2) The offender shall pay reimbursements imposed upon the 9087  
offender pursuant to division (A)(3) of this section to pay the 9088  
costs incurred by a municipal corporation pursuant to any sanction 9089  
imposed under this section or section 2929.26 or 2929.27 of the 9090  
Revised Code or in operating a facility used to confine offenders 9091  
pursuant to a sanction imposed under section 2929.26 of the 9092  
Revised Code to the treasurer of the municipal corporation. The 9093  
treasurer shall deposit the reimbursements in a special fund that 9094  
shall be established in the treasury of each municipal 9095  
corporation. The municipal corporation shall use the amounts 9096  
deposited in the fund to pay the costs incurred by the municipal 9097  
corporation pursuant to any sanction imposed under this section or 9098  
section 2929.26 or 2929.27 of the Revised Code or in operating a 9099  
facility used to confine offenders pursuant to a sanction imposed 9100  
under section 2929.26 of the Revised Code. 9101

(3) The offender shall pay reimbursements imposed pursuant to 9102  
division (A)(3) of this section for the costs incurred by a 9103  
private provider pursuant to a sanction imposed under this section 9104  
or section 2929.26 or 2929.27 of the Revised Code to the provider. 9105

(D) Except as otherwise provided in this division, a 9106

financial sanction imposed under division (A) of this section is a 9107  
judgment in favor of the state or the political subdivision that 9108  
operates the court that imposed the financial sanction. A 9109  
financial sanction of reimbursement imposed pursuant to division 9110  
(A)(3)(a)(i) of this section upon an offender is a judgment in 9111  
favor of the entity administering the community control sanction. 9112  
A financial sanction of reimbursement imposed pursuant to division 9113  
(A)(3)(a)(ii) of this section upon an offender confined in a jail 9114  
or other residential facility is a judgment in favor of the entity 9115  
operating the jail or other residential facility. A financial 9116  
sanction of restitution imposed pursuant to division (A)(1) of 9117  
this section is a judgment in favor of the victim of the 9118  
offender's criminal act. The offender subject to the financial 9119  
sanction is the judgment debtor. 9120

Once the financial sanction is imposed as a judgment, the 9121  
victim, private provider, state, or political subdivision may 9122  
bring an action to do any of the following: 9123

(1) Obtain execution of the judgment through any available 9124  
procedure, including: 9125

(a) An execution against the property of the judgment debtor 9126  
under Chapter 2329. of the Revised Code; 9127

(b) An execution against the person of the judgment debtor 9128  
under Chapter 2331. of the Revised Code; 9129

(c) A proceeding in aid of execution under Chapter 2333. of 9130  
the Revised Code, including any of the following: 9131

(i) A proceeding for the examination of the judgment debtor 9132  
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 9133  
of the Revised Code; 9134

(ii) A proceeding for attachment of the person of the 9135  
judgment debtor under section 2333.28 of the Revised Code; 9136

<u>(iii) A creditor's suit under section 2333.01 of the Revised Code.</u>	9137 9138
<u>(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;</u>	9139 9140
<u>(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.</u>	9141 9142
<u>(2) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.</u>	9143 9144
<u>(E) The civil remedies authorized under division (D) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.</u>	9145 9146 9147
<u>(F) Each court imposing a financial sanction upon an offender under this section may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following:</u>	9148 9149 9150 9151 9152
<u>(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with sections 307.86 to 307.92 of the Revised Code.</u>	9153 9154 9155 9156 9157 9158
<u>(2) Permit payment of all or any portion of the sanction in installments, by credit or debit card, by another electronic transfer, or by any other reasonable method, in any time, and on any terms that court considers just, except that the maximum time permitted for payment shall not exceed five years. The clerk may pay any fee associated with processing an electronic transfer out of public money or may charge the fee to the offender.</u>	9159 9160 9161 9162 9163 9164 9165
<u>(3) To defray administrative costs, charge a reasonable fee</u>	9166

to an offender who elects a payment plan rather than a lump sum  
payment of any financial sanction.

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(G) No financial sanction imposed under this section shall  
preclude a victim from bringing a civil action against the  
offender.

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(H)(1) Reimbursement imposed under this section to pay costs  
incurred by a county, other than the costs of confinement imposed  
under division (A)(3)(a)(ii) of this section and any supervision  
fee imposed under division (A)(3)(a)(i) of this section shall be  
paid to the county treasury and deposited in the sanction cost  
reimbursement fund that shall be created for that purpose. The  
fund shall be used to pay the costs incurred by the county in  
administering the sanctions.

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(2) Reimbursement imposed under this section to pay costs  
incurred by a municipal corporation, other than the costs of  
confinement imposed under division (A)(3)(a)(ii) of this section  
and any supervision fee imposed under division (A)(3)(a)(i) of  
this section, shall be paid to the municipal treasury and  
deposited in the sanction cost reimbursement fund that shall be  
created for that purpose. The fund shall be used to pay the costs  
incurred by the municipal corporation in administering the  
sanctions.

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(3) Reimbursement imposed under division (A)(3)(a)(ii) of  
this section shall be paid to the general revenue fund of the  
political subdivision that incurred the expenses of the offender's  
confinement. Reimbursement for a supervision fee under division  
(A)(3)(a)(i) of this section shall be paid in accordance with  
section 2951.021 of the Revised Code.

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**Sec. 2929.29.** (A) A board of county commissioners, in an  
agreement with the sheriff, a legislative authority of a municipal  
corporation, a corrections commission, a judicial corrections

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board, or any other public or private entity that operates a  
residential facility at which a community residential sanction  
imposed pursuant to section 2929.16 of the Revised Code or a  
residential sanction imposed pursuant to section 2929.26 of the  
Revised Code is served, may adopt, pursuant to section 307.93,  
341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56,  
or 2947.19 of the Revised Code, a policy that requires a person  
confined in the residential facility to pay all or part of the  
costs of confinement in that residential facility.

The costs of confinement may include, but are not limited to,  
the costs of repairing property damaged by the person while  
confined and, if the person has been convicted of or pleaded  
guilty to the offense for which the person is confined, a per diem  
fee for room and board, medical and dental treatment costs, and  
the fee for a random drug test assessed under division (E) of  
section 341.26 and division (E) of section 753.33 of the Revised  
Code minus any fees deducted under division (D) of this section.  
Any policy adopted under this section shall be used when a court  
does not order reimbursement of confinement costs under section  
2929.28 of the Revised Code. The amount assessed under this  
section shall not exceed the total amount that the person is able  
to pay.

(B) Each person covered by a repayment policy adopted under  
division (A) of this section shall receive a billing statement  
within thirty days after release from confinement. The policy  
shall allow periodic payments on a schedule to be implemented upon  
a person's release. The policy may authorize an entity described  
in division (A) of this section that operates the sanction to  
enter into a contract with one or more public agencies or private  
vendors to collect unpaid amounts.

Within twelve months after the person's release or, if the

person is on a periodic payment plan, within twelve months after  
the person's failure to make payments under the plan, the  
prosecuting attorney or a person designated in the repayment  
policy may file a civil action to seek repayment from that person  
for any amount billed under this section that remains unpaid. No  
judgment shall be executed against the person's homestead.

(C) Except as provided in division (D) of this section, any  
repayment received under this section shall be credited to the  
general fund of the treasury of the political subdivision that  
incurred the expenses.

(D) A board of commissioners of a county, in an agreement  
with the sheriff, a legislative authority of a municipal  
corporation, a corrections commission, a judicial corrections  
board, or any other public or private entity that operates a  
residential facility described in division (A) of this section,  
may establish a policy that requires any person who is confined in  
the residential facility as a result of pleading guilty to or  
having been convicted of an offense to pay a reasonable fee for  
any medical or dental treatment or service requested by, and  
provided to, that person, and to pay the fee for a random drug  
test assessed under division (E) of section 341.26, and division  
(E) of section 753.33 of the Revised Code. The fee for the medical  
treatment or service shall not exceed the actual cost of the  
treatment or service provided. No person who is confined to the  
jail or residential facility shall be denied any necessary medical  
care because of inability to pay the fees.

Upon provision of the requested medical treatment or service,  
payment of the required fee or assessment of a fee for a random  
drug test may be automatically deducted from the person's inmate  
account in the business office of the facility in which the person  
is confined. If there is no money in the account, a deduction may  
be made at a later date during the person's confinement if the



9261 money becomes available in the account. If, after release, the  
9262 person has an unpaid balance of those fees, the sheriff,  
9263 legislative authority of the municipal corporation, corrections  
9264 commission, judicial corrections board, or other public or private  
9265 entity that operates the residential facility described in  
9266 division (A) of this section may bill the person for the payment  
9267 of the unpaid fees. Fees received for medical or dental treatment  
9268 or services shall be paid to the commissary fund, if one exists  
9269 for the facility, or if no commissary fund exists, to the general  
9270 fund of the treasury of the political subdivision that incurred  
9271 the expenses, in the same proportion as those expenses were borne  
9272 by the political subdivision.

9273 Any fee paid by a person under division (D) of this section  
9274 shall be deducted from any medical or dental costs that the person  
9275 is ordered to reimburse under section 2929.28 of the Revised Code  
9276 or to repay under a policy adopted under division (A) of this  
9277 section.

9278 (E) As used in this section:

9279 (1) "Homestead" has the same meaning as in section 323.151 of  
9280 the Revised Code.

9281 (2) "Inmate account" has the same meaning as in section  
9282 2969.21 of the Revised Code.

9283 **Sec. 2929.31.** (A) Regardless of the penalties provided in  
9284 sections 2929.02, 2929.14 to 2929.18, and ~~2929.21~~ 2929.24 to  
9285 2929.28 of the Revised Code, an organization convicted of an  
9286 offense pursuant to section 2901.23 of the Revised Code shall be  
9287 fined in accordance with this section. The court shall fix the  
9288 fine as follows:

9289 (1) For aggravated murder, not more than one hundred thousand  
9290 dollars;

(2) For murder, not more than fifty thousand dollars;	9291
(3) For a felony of the first degree, not more than twenty-five thousand dollars;	9292 9293
(4) For a felony of the second degree, not more than twenty thousand dollars;	9294 9295
(5) For a felony of the third degree, not more than fifteen thousand dollars;	9296 9297
(6) For a felony of the fourth degree, not more than ten thousand dollars;	9298 9299
(7) For a felony of the fifth degree, not more than seventy-five hundred dollars;	9300 9301
(8) For a misdemeanor of the first degree, not more than five thousand dollars;	9302 9303
(9) For a misdemeanor of the second degree, not more than four thousand dollars;	9304 9305
(10) For a misdemeanor of the third degree, not more than three thousand dollars;	9306 9307
(11) For a misdemeanor of the fourth degree, not more than two thousand dollars;	9308 9309
(12) For a minor misdemeanor, not more than one thousand dollars;	9310 9311
(13) For a felony not specifically classified, not more than ten thousand dollars;	9312 9313
(14) For a misdemeanor not specifically classified, not more than two thousand dollars;	9314 9315
(15) For a minor misdemeanor not specifically classified, not more than one thousand dollars.	9316 9317
(B) When an organization is convicted of an offense that is	9318

not specifically classified, and the section defining the offense 9319  
or penalty plainly indicates a purpose to impose the penalty 9320  
provided for violation upon organizations, then the penalty so 9321  
provided shall be imposed in lieu of the penalty provided in this 9322  
section. 9323

(C) When an organization is convicted of an offense that is 9324  
not specifically classified, and the penalty provided includes a 9325  
higher fine than the fine that is provided in this section, then 9326  
the penalty imposed shall be pursuant to the penalty provided for 9327  
the violation of the section defining the offense. 9328

(D) This section does not prevent the imposition of available 9329  
civil sanctions against an organization convicted of an offense 9330  
pursuant to section 2901.23 of the Revised Code, either in 9331  
addition to or in lieu of a fine imposed pursuant to this section. 9332

**Sec. ~~2929.25~~ 2929.32.** (A)(1) Subject to division (A)(2) of 9333  
this section, notwithstanding the fines prescribed in section 9334  
2929.02 of the Revised Code for a person who is convicted of or 9335  
pleads guilty to aggravated murder or murder, the fines prescribed 9336  
in section 2929.18 of the Revised Code for a person who is 9337  
convicted of or pleads guilty to a felony, the fines prescribed in 9338  
section ~~2929.21~~ 2929.28 of the Revised Code for a person who is 9339  
convicted of or pleads guilty to a misdemeanor, the fines 9340  
prescribed in section 2929.31 of the Revised Code for an 9341  
organization that is convicted of or pleads guilty to an offense, 9342  
and the fines prescribed in any other section of the Revised Code 9343  
for a person who is convicted of or pleads guilty to an offense, a 9344  
sentencing court may impose upon the offender a fine of not more 9345  
than one million dollars if any of the following applies to the 9346  
offense and the offender: 9347

(a) There are three or more victims, as defined in section 9348  
2969.11 of the Revised Code, of the offense for which the offender 9349

is being sentenced.

(b) The offender previously has been convicted of or pleaded guilty to one or more offenses, and, for the offense for which the offender is being sentenced and all of the other offenses, there is a total of three or more victims, as defined in section 2969.11 of the Revised Code.

(c) The offense for which the offender is being sentenced is aggravated murder, murder, or a felony of the first degree that, if it had been committed prior to July 1, 1996, would have been an aggravated felony of the first degree.

(2) If the offense in question is a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the court shall impose upon the offender the mandatory fine described in division (B) of section 2929.18 of the Revised Code, and, in addition, may impose a fine under division (A)(1) of this section, provided that the total of the mandatory fine and the fine imposed under division (A)(1) of this section shall not exceed one million dollars. The mandatory fine shall be paid as described in division (D) of section 2929.18 of the Revised Code, and the fine imposed under division (A)(1) of this section shall be deposited pursuant to division (B) of this section.

(B) If a sentencing court imposes a fine upon an offender pursuant to division (A)(1) of this section, all moneys paid in satisfaction of the fine or collected pursuant to division (C)(1) of this section in satisfaction of the fine shall be deposited into the crime victims recovery fund created by division (D) of this section and shall be distributed as described in that division.

(C)(1) Subject to division (C)(2) of this section, notwithstanding any contrary provision of any section of the

Revised Code, if a sentencing court imposes a fine upon an  
offender pursuant to division (A)(1) of this section or pursuant  
to another section of the Revised Code, the fine shall be a  
judgment against the offender in favor of the state, and both of  
the following apply to that judgment:

(a) The state may collect the judgment by garnishing,  
attaching, or otherwise executing against any income, profits, or  
other real or personal property in which the offender has any  
right, title, or interest, including property acquired after the  
imposition of the fine, in the same manner as if the judgment had  
been rendered against the offender and in favor of the state in a  
civil action. If the fine is imposed pursuant to division (A)(1)  
of this section, the moneys collected as a result of the  
garnishment, attachment, or other execution shall be deposited and  
distributed as described in divisions (B) and (D) of this section.  
If the fine is not imposed pursuant to division (A)(1) of this  
section, the moneys collected as a result of the garnishment,  
attachment, or other execution shall be distributed as otherwise  
provided by law for the distribution of money paid in satisfaction  
of a fine.

(b) The provisions of Chapter 2329. of the Revised Code  
relative to the establishment of court judgments and decrees as  
liens and to the enforcement of those liens apply to the judgment.

(2) Division (C)(1) of this section does not apply to any  
financial sanction imposed pursuant to section 2929.18 of the  
Revised Code upon a person who is convicted of or pleads guilty to  
a felony.

(D) There is hereby created in the state treasury the crime  
victims recovery fund. If a sentencing court imposes a fine upon  
an offender pursuant to division (A)(1) of this section, all  
moneys paid in satisfaction of the fine and all moneys collected  
in satisfaction of the fine pursuant to division (C)(1) of this

section shall be deposited into the fund. The fund shall be 9413  
administered and the moneys in it shall be distributed in 9414  
accordance with sections 2969.11 to 2969.14 of the Revised Code. 9415

**Sec. ~~2929.221~~ 2929.36.** (A) A person who is convicted of or 9416  
pleads guilty to aggravated murder, murder, or an offense 9417  
punishable by life imprisonment and who is sentenced to a term of 9418  
imprisonment pursuant to that conviction shall serve that term of 9419  
imprisonment in an institution under the control of the department 9420  
of rehabilitation and correction. 9421

(B)(1) A person who is convicted of or pleads guilty to a 9422  
felony other than aggravated murder, murder, or an offense 9423  
punishable by life imprisonment and who is sentenced to a term of 9424  
imprisonment pursuant to that conviction shall serve that term of 9425  
imprisonment as follows: 9426

(a) Subject to divisions (B)(1)(b) and (B)(2) of this 9427  
section, in an institution under the control of the department of 9428  
rehabilitation and correction if the term of imprisonment is a 9429  
prison term or shall serve it as otherwise determined by the 9430  
sentencing court pursuant to section 2929.16 of the Revised Code 9431  
if the term is not a prison term; 9432

(b) In a facility of a type described in division (G)(1) of 9433  
section 2929.13 of the Revised Code, if the offender is sentenced 9434  
pursuant to that division. 9435

(2) If the term of imprisonment is a prison term, the person 9436  
may be imprisoned in a jail that is not a minimum security 9437  
misdemeanant jail pursuant to agreement under section 5120.161 of 9438  
the Revised Code between the department of rehabilitation and 9439  
correction and the local authority that operates the jail. 9440

(C) A person who is convicted of or pleads guilty to one or 9441  
more misdemeanors and who is sentenced to a jail term of 9442

imprisonment pursuant to the conviction or convictions shall serve 9443  
that jail term of ~~imprisonment~~ in a county, multicounty, 9444  
municipal, municipal-county, or multicounty-municipal jail or 9445  
workhouse or, if the misdemeanor or misdemeanors are not offenses 9446  
of violence, in a minimum security misdemeanant jail. 9447

(D) Nothing in this section prohibits the commitment, 9448  
referral, or sentencing of a person who is convicted of or pleads 9449  
guilty to a felony to a community-based correctional facility and 9450  
program or district community-based correctional facility and 9451  
program in accordance with sections 2301.51 to 2301.56 of the 9452  
Revised Code. 9453

**Sec. ~~2929.24~~ 2929.42.** (A) The prosecutor in any case against 9454  
any person licensed, certified, registered, or otherwise 9455  
authorized to practice under Chapter 3719., 4715., 4723., 4729., 9456  
4730., 4731., 4734., or 4741. of the Revised Code shall notify the 9457  
appropriate licensing board, on forms provided by the board, of 9458  
any of the following regarding the person: 9459

(1) A plea of guilty to, or a conviction of, a felony, or a 9460  
court order dismissing a felony charge on technical or procedural 9461  
grounds; 9462

(2) A plea of guilty to, or a conviction of, a misdemeanor 9463  
committed in the course of practice or in the course of business, 9464  
or a court order dismissing such a misdemeanor charge on technical 9465  
or procedural grounds; 9466

(3) A plea of guilty to, or a conviction of, a misdemeanor 9467  
involving moral turpitude, or a court order dismissing such a 9468  
charge on technical or procedural grounds. 9469

(B) The report required by division (A) of this section shall 9470  
include the name and address of the person, the nature of the 9471  
offense, and certified copies of court entries in the action. 9472

**Sec. ~~2929.29~~ 2929.43.** (A) As used in this section: 9473

(1) "Peace officer" has the same meaning as in section 109.71 9474  
of the Revised Code. 9475

(2) "Felony" has the same meaning as in section 109.511 of 9476  
the Revised Code. 9477

(B)(1) Prior to accepting a plea of guilty to an indictment, 9478  
information, or complaint charging a felony, the court shall 9479  
determine whether the defendant is a peace officer. If the court 9480  
determines that the defendant is a peace officer, it shall address 9481  
the defendant personally and provide the following advisement to 9482  
the defendant that shall be entered in the record of the court. 9483

"You are hereby advised that conviction of the felony offense 9484  
to which you are pleading guilty will result in the termination of 9485  
your employment as a peace officer and in your decertification as 9486  
a peace officer pursuant to the laws of Ohio." 9487

Upon the request of the defendant, the court shall allow the 9488  
defendant additional time to consider the appropriateness of the 9489  
plea of guilty in light of the advisement described in division 9490  
(B)(1) of this section. 9491

The court shall not accept a plea of guilty of a defendant 9492  
who is a peace officer unless, in addition to any other procedures 9493  
required under the Rules of Criminal Procedure, the court 9494  
determines that the defendant voluntarily and intelligently enters 9495  
that plea after being given the advisement described in division 9496  
(B)(1) of this section. 9497

(2) After accepting under division (B)(1) of this section a 9498  
plea of guilty to an indictment, information, or complaint 9499  
charging a felony, the court shall provide to the clerk of the 9500  
court of common pleas a written notice of the plea of guilty of 9501  
the defendant peace officer, the name and address of the peace 9502



officer, the law enforcement agency or other governmental entity 9503  
that employs the peace officer and its address, the date of the 9504  
plea, the nature of the felony offense, and certified copies of 9505  
court entries in the action. Upon receiving the written notice 9506  
required by division (B)(2) of this section, the clerk of the 9507  
court of common pleas shall transmit to the employer of the peace 9508  
officer and to the Ohio peace officer training council a report 9509  
that includes the information contained in the written notice and 9510  
the certified copies of the court entries in the action. 9511

(C)(1) Upon the conviction of a defendant, after trial, of a 9512  
felony, the trial judge shall determine whether the defendant is a 9513  
peace officer. If the judge determines that the defendant is a 9514  
peace officer or if the defendant states on the record that the 9515  
defendant is a peace officer, the judge shall provide to the clerk 9516  
of the court of common pleas a written notice of the conviction of 9517  
the defendant peace officer, the name and address of the peace 9518  
officer, the law enforcement agency or other governmental entity 9519  
that employs the peace officer and its address, the date of the 9520  
conviction, the nature of the felony offense, and certified copies 9521  
of court entries in the action. Upon receiving the written notice 9522  
required by division (C)(1) of this section, the clerk of the 9523  
court of common pleas shall transmit to the employer of the peace 9524  
officer and to the Ohio peace officer training council a report 9525  
that includes the information contained in the written notice and 9526  
the certified copies of the court entries in the action. 9527

(2) Upon the conclusion of the final appeal of a defendant 9528  
who is a peace officer and who has been convicted of a felony, 9529  
upon expiration of the time period within which that peace officer 9530  
may appeal the conviction if no appeal is taken, or otherwise upon 9531  
the final disposition of the criminal action against that peace 9532  
officer, the trial judge shall provide to the clerk of the court 9533  
of common pleas a written notice of the final disposition of the 9534

action that shall include, as appropriate, notice of the final  
conviction of the peace officer of the felony, the acquittal of  
the peace officer of the felony, the conviction of the peace  
officer of a misdemeanor, or the dismissal of the felony charge  
against the peace officer. The judge also shall provide to the  
clerk of the court of common pleas certified copies of the court  
entries in the action. Upon receiving the written notice required  
by division (C)(2) of this section, the clerk of the court of  
common pleas shall transmit to the employer of the peace officer  
and to the Ohio peace officer training council a report that  
includes the information contained in the written notice and the  
certified copies of the court entries in the action.

(D) If pursuant to a negotiated plea agreement between a  
prosecuting attorney and a defendant who is a peace officer and  
who is charged with a felony, in which the defendant agrees to  
enter a plea of guilty to a misdemeanor and to surrender the  
certificate awarded to the defendant under section 109.77 of the  
Revised Code, the trial judge issues an order to the defendant to  
surrender that certificate, the trial judge shall provide to the  
clerk of the court a written notice of the order, the name and  
address of the peace officer, the law enforcement agency or other  
governmental entity that employs the peace officer and its  
address, the date of the plea, the nature of the misdemeanor to  
which the peace officer pleaded guilty, and certified copies of  
court entries in the action. Upon receiving the written notice  
required by this division, the clerk of the court shall transmit  
to the employer of the peace officer and to the executive director  
of the Ohio peace officer training council a report that includes  
the information contained in the written notice and the certified  
copies of the court entries in the action.

**Sec. ~~2929.28~~ 2929.71.** (A) As used in this section:

(1) "Agency" means any law enforcement agency, other public agency, or public official involved in the investigation or prosecution of the offender or in the investigation of the fire or explosion in an aggravated arson, arson, or criminal damaging or endangering case. An "agency" includes, but is not limited to, a sheriff's office, a municipal corporation, township, or township police district police department, the office of a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation, the fire marshal's office, a municipal corporation, township, or township fire district fire department, the office of a fire prevention officer, and any state, county, or municipal corporation crime laboratory.

(2) "Assets" includes all forms of real or personal property.

(3) "Itemized statement" means the statement of costs described in division (B) of this section.

(4) "Offender" means the person who has been convicted of or pleaded guilty to committing, attempting to commit, or complicity in committing a violation of section 2909.02 or 2909.03 of the Revised Code, or, when the means used are fire or explosion, division (A)(2) of section 2909.06 of the Revised Code.

(5) "Costs" means the reasonable value of the time spent by an officer or employee of an agency on the aggravated arson, arson, or criminal damaging or endangering case, any moneys spent by the agency on that case, and the reasonable fair market value of resources used or expended by the agency on that case.

(B) Prior to the sentencing of an offender, the court shall enter an order that directs agencies that wish to be reimbursed by the offender for the costs they incurred in the investigation or prosecution of the offender or in the investigation of the fire or explosion involved in the case, to file with the court within a specified time an itemized statement of those costs. The order

also shall require that a copy of the itemized statement be given  
to the offender or ~~his~~ offender's attorney within the specified  
time. Only itemized statements so filed and given shall be  
considered at the hearing described in division (C) of this  
section.

(C) The court shall set a date for a hearing on all the  
itemized statements filed with it and given to the offender or ~~his~~  
the offender's attorney in accordance with division (B) of this  
section. The hearing shall be held prior to the sentencing of the  
offender, but may be held on the same day as ~~his~~ the sentencing.  
Notice of the hearing date shall be given to the offender or ~~his~~  
the offender's attorney and to the agencies whose itemized  
statements are involved. At the hearing, each agency has the  
burden of establishing by a preponderance of the evidence that the  
costs set forth in its itemized statement were incurred in the  
investigation or prosecution of the offender or in the  
investigation of the fire or explosion involved in the case, and  
of establishing by a preponderance of the evidence that the  
offender has assets available for the reimbursement of all or a  
portion of the costs.

The offender may cross-examine all witnesses and examine all  
documentation presented by the agencies at the hearing, and ~~he~~ the  
offender may present at the hearing witnesses and documentation ~~he~~  
the offender has obtained without a subpoena or a subpoena duces  
tecum or, in the case of documentation, that belongs to ~~him~~ the  
offender. ~~He~~ The offender also may issue subpoenas and subpoenas  
duces tecum for, and present and examine at the hearing, witnesses  
and documentation, subject to the following applying to the  
witnesses or documentation subpoenaed:

(1) The testimony of witnesses subpoenaed or documentation  
subpoenaed is material to the preparation or presentation by the  
offender of ~~his~~ the offender's defense to the claims of the

agencies for a reimbursement of costs; 9629

(2) If witnesses to be subpoenaed are personnel of an agency 9630  
or documentation to be subpoenaed belongs to an agency, the 9631  
personnel or documentation may be subpoenaed only if the agency 9632  
involved has indicated, pursuant to this division, that it intends 9633  
to present the personnel as witnesses or use the documentation at 9634  
the hearing. The offender shall submit, in writing, a request to 9635  
an agency as described in this division to ascertain whether the 9636  
agency intends to present various personnel as witnesses or to use 9637  
particular documentation. The request shall indicate that the 9638  
offender is considering issuing subpoenas to personnel of the 9639  
agency who are specifically named or identified by title or 9640  
position, or for documentation of the agency that is specifically 9641  
described or generally identified, and shall request the agency to 9642  
indicate, in writing, whether it intends to present such personnel 9643  
as witnesses or to use such documentation at the hearing. The 9644  
agency shall promptly reply to the request of the offender. An 9645  
agency is prohibited from presenting personnel as witnesses or 9646  
from using documentation at the hearing if it indicates to the 9647  
offender it does not intend to do so in response to a request of 9648  
the offender under this division, or if it fails to reply or 9649  
promptly reply to such a request. 9650

(D) Following the hearing, the court shall determine which of 9651  
the agencies established by a preponderance of the evidence that 9652  
costs set forth in their itemized statements were incurred as 9653  
described in division (C) of this section and that the offender 9654  
has assets available for reimbursement purposes. The court also 9655  
shall determine whether the offender has assets available to 9656  
reimburse all such agencies, in whole or in part, for their 9657  
established costs, and if it determines that the assets are 9658  
available, it shall order the offender, as part of ~~his~~ the 9659  
offender's sentence, to reimburse the agencies from ~~his~~ the 9660

offender's assets for all or a specified portion of their 9661  
established costs. 9662

**Sec. 2935.33.** (A) If a person charged with a misdemeanor is 9663  
taken before a judge of a court of record and if it appears to the 9664  
judge that the person is an alcoholic or is suffering from acute 9665  
alcohol intoxication and that the person would benefit from 9666  
services provided by an alcohol and drug addiction program 9667  
certified under Chapter 3793. of the Revised Code, the judge may 9668  
place the person temporarily in a program certified under that 9669  
chapter in the area in which the court has jurisdiction for 9670  
inpatient care and treatment for an indefinite period not 9671  
exceeding five days. The commitment does not limit the right to 9672  
release on bail. The judge may dismiss a charge of a violation of 9673  
division (B) of section 2917.11 of the Revised Code or of a 9674  
municipal ordinance substantially equivalent to that division if 9675  
the defendant complies with all the conditions of treatment 9676  
ordered by the court. 9677

The court may order that any fines or court costs collected 9678  
by the court from defendants who have received inpatient care from 9679  
an alcohol and drug addiction program be paid, for the benefit of 9680  
the program, to the board of alcohol, drug addiction, and mental 9681  
health services of the alcohol, drug addiction, and mental health 9682  
service district in which the program is located or to the 9683  
director of alcohol and drug addiction services. 9684

(B) If a person is being sentenced for a violation of 9685  
division (B) of section 2917.11 or section 4511.19 of the Revised 9686  
Code, a misdemeanor violation of section 2919.25 of the Revised 9687  
Code, a misdemeanor violation of section 2919.27 of the Revised 9688  
Code involving a protection order issued or consent agreement 9689  
approved pursuant to section 2919.26 or 3113.31 of the Revised 9690  
Code, or a violation of a municipal ordinance substantially 9691  
equivalent to that division or any of those sections and if it 9692

appears to the judge at the time of sentencing that the person is  
an alcoholic or is suffering from acute alcohol intoxication and  
that, in lieu of imprisonment, the person would benefit from  
services provided by an alcohol and drug addiction program  
certified under Chapter 3793. of the Revised Code, the court may  
commit the person to close supervision in any facility in the area  
in which the court has jurisdiction that is, or is operated by,  
such a program. ~~A commitment to close supervision for a  
misdemeanor violation of section 2919.25 of the Revised Code, a  
misdemeanor violation of section 2919.27 of the Revised Code  
involving a protection order issued or consent agreement approved  
pursuant to section 2919.26 or 3113.31 of the Revised Code, or a  
violation of any substantially equivalent municipal ordinance  
shall be in accordance with division (B) of section 2929.51 of the  
Revised Code.~~ Such close supervision may include outpatient  
services and part-time release, except that a person convicted of  
a violation of division (A) of section 4511.19 of the Revised Code  
shall be confined to the facility for at least three days and  
except that a person convicted of a misdemeanor violation of  
section 2919.25 of the Revised Code, a misdemeanor violation of  
section 2919.27 of the Revised Code involving a protection order  
issued or consent agreement approved pursuant to section 2919.26  
or 3113.31 of the Revised Code, or a violation of a substantially  
equivalent municipal ordinance shall be confined to the facility  
in accordance with the order of commitment. A commitment of a  
person to a facility for purposes of close supervision shall not  
exceed the maximum term for which the person could be imprisoned.

(C) A law enforcement officer who finds a person subject to  
prosecution for violation of division (B) of section 2917.11 of  
the Revised Code or a municipal ordinance substantially equivalent  
to that division and who has reasonable cause to believe that the  
person is an alcoholic or is suffering from acute alcohol

intoxication and would benefit from immediate treatment 9725  
immediately may place the person in an alcohol and drug addiction 9726  
program certified under Chapter 3793. of the Revised Code in the 9727  
area in which the person is found, for emergency treatment, in 9728  
lieu of other arrest procedures, for a maximum period of 9729  
forty-eight hours. During that time, if the person desires to 9730  
leave such custody, ~~he~~ the person shall be released forthwith. 9731

(D) As used in this section: 9732

(1) "Alcoholic" has the same meaning as in section 3793.01 of 9733  
the Revised Code; 9734

(2) "Acute alcohol intoxication" means a heavy consumption of 9735  
alcohol over a relatively short period of time, resulting in 9736  
dysfunction of the brain centers controlling behavior, speech, and 9737  
memory and causing characteristic withdrawal symptoms. 9738

**Sec. 2937.07.** If the offense ~~be~~ is a misdemeanor and the 9739  
accused pleads guilty ~~thereto to the offense~~, the court or 9740  
magistrate shall receive and enter ~~such~~ the plea unless ~~he~~ the 9741  
court or magistrate believes that it was made through fraud, 9742  
~~collusion, or mistake in which case he~~. If the court or 9743  
magistrate so believes, the court or magistrate shall enter a plea 9744  
of not guilty and set the matter for trial pursuant to Chapter 9745  
2938. of the Revised Code. Upon receiving a plea of guilty ~~being~~ 9746  
~~received~~, the court or magistrate shall call for an explanation of 9747  
the circumstances of the offense from the affiant or complainant 9748  
or ~~his~~ the affiant's or complainant's representatives, ~~and after~~. 9749  
After hearing the ~~same~~ explanation of circumstances, together with 9750  
any statement of the accused, the court or magistrate shall 9751  
proceed to pronounce the sentence or shall continue the matter for 9752  
the purpose of imposing the sentence ~~or admitting the defendant to~~ 9753  
~~probation~~. 9754

~~If the~~ A plea ~~be~~ to a misdemeanor offense of "no contest" or 9755



words of similar import ~~in pleading to a misdemeanor, it shall~~ 9756  
constitute a stipulation that the judge or magistrate may make a 9757  
finding of guilty or not guilty from the explanation of the 9758  
circumstances, ~~and if guilt be found, of the offense. If a finding~~ 9759  
~~of guilty is made, the judge or magistrate shall impose the~~ 9760  
sentence or continue the case for ~~sentence~~ sentencing accordingly. 9761  
~~Such~~ A plea of "no contest" or words of similar import shall not 9762  
be construed ~~to import~~ as an admission of any fact at issue in the 9763  
criminal charge in any subsequent civil or criminal action or 9764  
proceeding, ~~whether civil or criminal.~~ 9765

**Sec. 2945.17.** At any trial, in any court, for the violation 9766  
of any statute of this state, or of any ordinance of any municipal 9767  
corporation, ~~except in cases in which if the offense carries a~~ 9768  
~~potential penalty involved does not exceed a fine of one hundred~~ 9769  
~~dollars incarceration,~~ the accused has the right to be tried by a 9770  
jury. This section does not apply to, and there is no right to a 9771  
jury trial for, a person who is the subject of a complaint filed 9772  
under section 2151.27 of the Revised Code against both a child and 9773  
the parent, guardian, or other person having care of the child. 9774

**Sec. 2947.06.** (A)(1) The trial court may hear testimony in 9775  
mitigation of a sentence at the term of conviction or plea or at 9776  
the next term. The prosecuting attorney may offer testimony on 9777  
behalf of the state to give the court a true understanding of the 9778  
case. The court shall determine whether sentence ~~ought~~ should 9779  
immediately ~~to be imposed or whether, if the offense is a~~ 9780  
~~misdemeanor, to place the defendant on probation.~~ The court on its 9781  
own motion may direct the department of probation of the county in 9782  
which the defendant resides, or its own regular probation officer, 9783  
to make any inquiries and presentence investigation reports that 9784  
the court requires concerning the defendant. 9785

9786

(2) The provisions of section 2951.03 of the Revised Code 9787  
shall govern the preparation of, the provision, receipt, and 9788  
retention of copies of, the use of, and the confidentiality, 9789  
nonpublic record character, and sealing of a presentence 9790  
investigation report prepared pursuant to division (A)(1) of this 9791  
section. 9792

(B) The court may appoint not more than two psychologists or 9793  
psychiatrists to make any reports concerning the defendant that 9794  
the court requires for the purpose of determining the disposition 9795  
of the case. Each psychologist or psychiatrist shall receive a fee 9796  
to be fixed by the court and taxed in the costs of the case. The 9797  
psychologist's or psychiatrist's reports shall be made in writing, 9798  
in open court, and in the presence of the defendant, except in 9799  
misdemeanor cases in which sentence may be pronounced in the 9800  
absence of the defendant. A copy of each report of a psychologist 9801  
or psychiatrist may be furnished to the defendant, if present, who 9802  
may examine the persons making the report, under oath, as to any 9803  
matter or thing contained in the report. 9804

**Sec. 2947.19.** (A) In a county that has no workhouse but in 9805  
which is located a city that has a workhouse maintained by the 9806  
city, the board of county commissioners may agree with the proper 9807  
authorities of that city upon terms under which persons convicted 9808  
of misdemeanors shall be maintained in the city workhouse at the 9809  
expense of the county. In the case of persons committed to the 9810  
city workhouse for the violation of a law of this state, whether 9811  
the commitment is from the court of common pleas, magistrate's 9812  
court, or other court, the cost of maintaining those persons 9813  
committed shall be paid out of the general fund of the county, on 9814  
the allowance of the board of county commissioners, provided that 9815  
all persons committed to the city workhouse for the violation of 9816  
ordinances of the city shall be maintained in that workhouse at 9817  
the sole cost of the city. 9818

(B)(1) ~~The Pursuant to section 2929.29 of the Revised Code,~~ 9819  
~~the board of county commissioners or the legislative authority of~~ 9820  
~~the city may require a person who was convicted of an offense and~~ 9821  
~~who is confined in the city workhouse as provided in division (A)~~ 9822  
~~of this section to reimburse the county or the city, as the case~~ 9823  
~~may be, for its expenses incurred by reason of the person's~~ 9824  
~~confinement, including, but not limited to, the expenses relating~~ 9825  
~~to the provision of food, clothing, shelter, medical care,~~ 9826  
~~personal hygiene products, including, but not limited to,~~ 9827  
~~toothpaste, toothbrushes, and feminine hygiene items, and up to~~ 9828  
~~two hours of overtime costs the sheriff or municipal corporation~~ 9829  
~~incurred relating to the trial of the person. The amount of~~ 9830  
~~reimbursement may be the actual cost of the prisoner's confinement~~ 9831  
~~plus the authorized trial overtime costs or a lesser amount~~ 9832  
~~determined by the board of county commissioners for the county or~~ 9833  
~~the legislative authority of the city, provided that the lesser~~ 9834  
~~amount shall be determined by a formula that is uniformly applied~~ 9835  
~~to persons incarcerated in the workhouse. The court shall~~ 9836  
~~determine the amount of reimbursement at a hearing held pursuant~~ 9837  
~~to section 2929.18 of the Revised Code if the person is confined~~ 9838  
~~for a felony or section 2929.223 of the Revised Code if the person~~ 9839  
~~is confined for a misdemeanor. The amount or amounts paid in~~ 9840  
~~reimbursement by a prisoner confined for a misdemeanor or the~~ 9841  
~~amount recovered from a prisoner confined for a misdemeanor by~~ 9842  
~~executing upon the judgment obtained pursuant to section 2929.223~~ 9843  
~~of the Revised Code shall be paid into the treasury of the county~~ 9844  
~~or city that incurred the expenses. If a person is convicted of or~~ 9845  
~~pleads guilty to a felony and the court imposes a sanction that~~ 9846  
~~requires the offender to serve a term in a city workhouse,~~ 9847  
~~sections 341.23, 753.02, 753.04, and 753.16 of the Revised Code~~ 9848  
~~govern the determination of whether the court may impose a~~ 9849  
~~sanction under section 2929.18 of the Revised Code that requires~~ 9850  
~~the offender to reimburse the expenses of confinement. If a person~~ 9851

~~is confined for a felony and the court imposes a sanction under 9852  
section 2929.18 of the Revised Code that requires the offender to 9853  
reimburse the costs of confinement, the prosecuting attorney of 9854  
the county or city director of law shall bring an action to 9855  
recover the expenses of confinement in accordance with section 9856  
2929.18 of the Revised Code. 9857~~

~~(2) The board of county commissioners or the legislative 9858  
authority of the city may adopt a resolution or ordinance 9859  
specifying that a person who is convicted of a felony and who is 9860  
confined in the city workhouse as provided in division (A) of this 9861  
section is not required to reimburse the county or city, as the 9862  
case may be, for its expenses incurred by reason of the person's 9863  
confinement, including the expenses listed in division (B)(1) of 9864  
this section. If the board or legislative authority adopts a 9865  
resolution or ordinance of that nature, the court that sentences a 9866  
person convicted of a felony shall not impose a sanction under 9867  
section 2929.18 of the Revised Code that requires the person to 9868  
reimburse the costs of the confinement. 9869~~

~~(C) In lieu of requiring offenders to reimburse the county or 9870  
the city for expenses incurred by reason of the person's 9871  
confinement under division (A) of this section, the board of 9872  
county commissioners or the legislative authority of the city may 9873  
adopt a prisoner reimbursement policy for the city workhouse under 9874  
this division. The workhouse administrator may appoint a 9875  
reimbursement coordinator to administer the prisoner reimbursement 9876  
policy. A prisoner reimbursement policy adopted under this 9877  
division is a policy that requires a person confined to the 9878  
workhouse to reimburse the county or city for any expenses it 9879  
incurs by reason of the person's confinement in the workhouse, 9880  
which expenses may include, but are not limited to, the following: 9881~~

~~(1) A per diem fee for room and board of not more than sixty 9882  
dollars per day or the actual per diem cost, whichever is less for 9883~~

~~the entire period of time the person is confined to the workhouse;~~ 9884

~~(2) Actual charges for medical and dental treatment;~~ 9885

~~(3) Reimbursement for government property damaged by the  
person while confined to the workhouse.~~ 9886  
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~~Rates charged shall be on a sliding scale determined by the  
board of county commissioners or the legislative authority of the  
city, based on the ability of the person confined in the workhouse  
to pay and on consideration of any legal obligation of the person  
to support a spouse, minor children, or other dependents and any  
moral obligation to support dependents to whom the person is  
providing or has in fact provided support.~~ 9888  
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~~The reimbursement coordinator or another person designated by  
the workhouse administrator may investigate the financial status  
of the confined person and obtain information necessary to  
investigate that status, by means that may include contacting  
employers and reviewing income tax records. The coordinator may  
work with the confined person to create a repayment plan to be  
implemented upon the person's release. At the end of the person's  
incarceration, the person shall be presented with a billing  
statement.~~ 9895  
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~~The reimbursement coordinator or another person designated by  
the workhouse administrator may collect, or the board of county  
commissioners or the legislative authority of the city may enter  
into a contract with one or more public agencies or private  
vendors to collect, any amounts remaining unpaid. Within twelve  
months after the date of the confined person's release, the  
prosecuting attorney or city director of law may file a civil  
action to seek reimbursement from that person for any billing  
amount that remains unpaid. The county or city shall not enforce  
any judgment obtained under this section by means of execution  
against the person's homestead. For purposes of this section,~~ 9904  
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~~"homestead" has the same meaning as in division (A) of section 323.151 of the Revised Code. Any reimbursement received under this section shall be credited to the general fund of the county or city that bore the expense, to be used for general fund purposes.~~

~~(D)(1) Notwithstanding any contrary provision in this section or section 2929.18 or 2929.223 of the Revised Code, the board of county commissioners or the legislative authority of the city may establish a policy that requires any person who is not indigent and who is confined in the city workhouse to pay a reasonable fee for any medical treatment or service requested by and provided to that person. This fee shall not exceed the actual cost of the treatment or service provided. No person confined to a city workhouse who is indigent shall be required to pay those fees, and no person confined to a city workhouse shall be denied any necessary medical care because of inability to pay those fees.~~

~~Upon provision of the requested medical treatment or service, payment of the required fee may be automatically deducted from a person's account record in the workhouse's business office. If the person has no funds in the person's account, a deduction may be made at a later date during the person's confinement in the workhouse if funds later become available in the person's account. If the person is released from the workhouse and has an unpaid balance of these fees, the board of county commissioners or the legislative authority may bill the person for payment of the remaining unpaid fees. Fees received for medical treatment or services shall be paid into the commissary fund, if one has been created for the workhouse, or if no commissary fund exists, into the county or city treasury.~~

~~(2) If a person confined to a city workhouse is required under division (B) of this section or section 2929.18 or 2929.223 of the Revised Code to reimburse the county or city for expenses~~

~~incurred by reason of the person's confinement to the workhouse,~~ 9947  
~~any fees paid by the person under division (D)(1) of this section~~ 9948  
~~shall be deducted from the expenses required to be reimbursed~~ 9949  
~~under division (b) of this section or section 2929.18 or 2929.223~~ 9950  
~~of the Revised Code.~~ 9951

~~(E)~~(C) If a person who has been convicted of or pleaded 9952  
guilty to an offense is confined in the workhouse as provided in 9953  
division (A) of this section, at the time of reception and at 9954  
other times the person in charge of the operation of the workhouse 9955  
determines to be appropriate, the person in charge of the 9956  
operation of the workhouse may cause the convicted offender to be 9957  
examined and tested for tuberculosis, HIV infection, hepatitis, 9958  
including but not limited to hepatitis A, B, and C, and other 9959  
contagious diseases. The person in charge of the operation of the 9960  
workhouse may cause a convicted offender in the workhouse who 9961  
refuses to be tested or treated for tuberculosis, HIV infection, 9962  
hepatitis, including but not limited to hepatitis A, B, and C, or 9963  
another contagious disease to be tested and treated involuntarily. 9964

**Sec. 2947.21.** When a person is sentenced to a workhouse by 9965  
the court of common pleas, the clerk of the court of common pleas 9966  
shall make and deliver to the sheriff a certified copy of the 9967  
judgment. The copy shall describe the crime charged and the 9968  
sentence of the court. The sheriff shall deliver the copy to the 9969  
officer in charge of the workhouse, and the copy shall be that 9970  
officer's warrant for detaining the person in custody. In case of 9971  
such a conviction by any other court or magistrate, the court or 9972  
magistrate shall make a certified transcript of the docket in the 9973  
case, which, in like manner, shall be delivered to the marshal, 9974  
constable, or sheriff to be delivered by the marshal, constable, 9975  
or sheriff to the proper officer in charge of the workhouse and be 9976  
that officer's warrant for detaining the person in custody. 9977

When a person is sentenced to a jail or workhouse under 9978  
~~division (A)(3) of section 2929.51~~ 2929.24 of the Revised Code, 9979  
the court shall certify a transcript of the docket in the case, 9980  
and the court shall deliver the certified transcript to the proper 9981  
officer in charge of the workhouse or jail, and the certified 9982  
transcript is the officer's warrant for detaining the person in 9983  
custody during the prescribed period or periods. 9984

**Sec. 2949.111.** (A) As used in this section: 9985

(1) "~~Costs~~ Court costs" means any ~~court costs~~ assessment that 9986  
the court requires an offender to pay, to defray the costs of 9987  
operating the court. 9988

(2) "State fines or costs" means any costs imposed or 9989  
forfeited bail collected by the court under section 2743.70 of the 9990  
Revised Code for deposit into the reparations fund or under 9991  
section 2949.091 of the Revised Code for deposit into the 9992  
reparations fund and all fines, penalties, and forfeited bail 9993  
collected by the court and paid to a law library association under 9994  
section 3375.50 of the Revised Code. 9995

(3) "Reimbursement" means any reimbursement for the costs of 9996  
confinement that the court orders an offender to pay pursuant to 9997  
section ~~2929.223~~ 2929.18, 2929.28, or 2929.29 of the Revised Code, 9998  
any supervision fee, any fee for the costs of electronically 9999  
monitored house arrest that an offender agrees to pay ~~pursuant to~~ 10000  
~~section 2929.23 of the Revised Code,~~ any reimbursement for the 10001  
costs of an investigation or prosecution that the court orders an 10002  
offender to pay pursuant to section ~~2929.28~~ 2929.71 of the Revised 10003  
Code, or any other costs that the court orders an offender to pay. 10004

~~(2)~~(4) "Supervision fees" means any fees that a court, 10005  
pursuant to ~~section~~ sections 2929.18, 2929.28, and 2951.021 of the 10006  
Revised Code ~~and as a condition of probation, requires an offender~~ 10007  
~~who is placed on probation to pay for probation services or that a~~ 10008



court, pursuant to ~~section 2929.18 of the Revised Code~~, requires 10009  
an offender who is under a community control sanction to pay for 10010  
supervision services. 10011

~~(3)~~(5) "Community control sanction" has the same meaning as 10012  
in section 2929.01 of the Revised Code. 10013

(B) Unless the court, in accordance with division (C) of this 10014  
section, enters in the record of the case a different method of 10015  
assigning ~~a payment toward the satisfaction of costs, restitution,~~ 10016  
~~a fine, or supervision fees payments,~~ if a person who is charged 10017  
with a misdemeanor is convicted of or pleads guilty to the 10018  
offense, if the court orders the offender to pay any combination 10019  
of court costs, state fines or costs, restitution, a conventional 10020  
fine, a day fine, or supervision fees any reimbursement, and if 10021  
the offender makes any payment of any of them to a clerk of court 10022  
~~toward the satisfaction of the costs, restitution, fine, or~~ 10023  
~~supervision fees,~~ the clerk of the court shall assign the 10024  
offender's payment ~~so made toward the satisfaction of the costs,~~ 10025  
~~restitution, fine, or supervision fees~~ in the following manner: 10026  
10027

(1) If the court ordered the offender to pay any court costs, 10028  
the offender's payment shall be assigned toward the satisfaction 10029  
of ~~the those court costs~~ until ~~the court costs they~~ have been 10030  
entirely paid. 10031

(2) If the court ordered the offender to pay any state fines 10032  
or costs and if all of the court costs that the court ordered the 10033  
offender to pay have been paid, the remainder of the offender's 10034  
payment shall be assigned on a pro rata basis toward the 10035  
satisfaction of the state fines or costs until they have been 10036  
entirely paid. 10037

(3) If the court ordered the offender to pay any restitution 10038  
and if all of the court costs and state fines or costs that the 10039  
court ordered the offender to pay, ~~if any,~~ have been paid, the 10040

remainder of the offender's payment ~~after any assignment required~~ 10041  
~~under division (B)(1) of this section~~ shall be assigned toward the 10042  
satisfaction of the restitution until ~~the restitution it~~ has been 10043  
entirely paid. 10044

~~(3)~~(4) If the court ordered the offender to pay any 10045  
conventional fine or day fine and if all of the court costs, state 10046  
finest or costs, and restitution that the court ordered the 10047  
offender to pay, ~~if any,~~ have been paid, the remainder of the 10048  
offender's payment ~~after any assignments required under divisions~~ 10049  
~~(B)(1) and (2) of this section~~ shall be assigned toward the 10050  
satisfaction of the fine until ~~the fine it~~ has been entirely paid. 10051

~~(4)~~(5) If the court ordered the offender to pay any 10052  
~~supervision fees reimbursement~~ and if all of the court costs, 10053  
state fines or costs, restitution, conventional fines, and fine 10054  
day fines that the court ordered the offender to pay, ~~if any,~~ have 10055  
been paid, the remainder of the offender's payment ~~after any~~ 10056  
~~assignments required under divisions (B)(1), (2), and (3) of this~~ 10057  
~~section~~ shall be assigned toward the satisfaction of the 10058  
~~supervision fees reimbursements~~ until ~~the supervision fees they~~ 10059  
have been entirely paid. 10060

(C) If a person who is charged with a misdemeanor is 10061  
convicted of or pleads guilty to the offense and if the court 10062  
orders the offender to pay any combination of court costs, state 10063  
finest or costs, restitution, ~~a fine~~ conventional fines, day fines, 10064  
or ~~supervision fees reimbursements,~~ the court, at the time it 10065  
orders the offender to ~~pay the combination of costs, restitution,~~ 10066  
~~a fine, or supervision fees make those payments,~~ may prescribe ~~a~~ 10067  
method an order of assigning payments that ~~the person makes toward~~ 10068  
~~the satisfaction of the costs, restitution, fine, or supervision~~ 10069  
~~fees~~ that differs from the method order set forth in division (B) 10070  
of this section. ~~If the court prescribes a method of assigning~~ 10071  
~~payments under this division, the court shall enter by entering in~~ 10072

the record of the case the ~~method order~~ so prescribed. Upon the 10073  
~~entry~~ If a different order is entered in the record of the case of 10074  
~~the method of assigning payments prescribed pursuant to this~~ 10075  
~~division, if the offender makes any payment to a clerk of court~~ 10076  
~~for the costs, restitution, fine, or supervision fees, on receipt~~ 10077  
~~of any payment,~~ the clerk of the court shall assign the payment ~~so~~ 10078  
~~made toward the satisfaction of the costs, restitution, fine, or~~ 10079  
~~supervision fees~~ in the manner prescribed by the court ~~and entered~~ 10080  
~~in the record of the case instead of in the manner set forth in~~ 10081  
~~division (B) of this section.~~ 10082

**Sec. 2950.01.** As used in this chapter, unless the context 10083  
clearly requires otherwise: 10084

(A) "Confinement" includes, but is not limited to, a 10085  
community residential sanction imposed pursuant to section 2929.16 10086  
or 2929.26 of the Revised Code. 10087

(B) "Habitual sex offender" means, except when a juvenile 10088  
judge removes this classification pursuant to division (A)(2) of 10089  
section 2152.84 or division (C)(2) of section 2152.85 of the 10090  
Revised Code, a person to whom both of the following apply: 10091

(1) The person is convicted of or pleads guilty to a sexually 10092  
oriented offense, or the person is adjudicated a delinquent child 10093  
for committing on or after ~~the effective date of this amendment~~ 10094  
January 1, 2002, a sexually oriented offense, was fourteen years 10095  
of age or older at the time of committing the offense, and is 10096  
classified a juvenile sex offender registrant based on that 10097  
adjudication. 10098

(2) The person previously has been convicted of or pleaded 10099  
guilty to one or more sexually oriented offenses or, regarding a 10100  
delinquent child, previously has been adjudicated a delinquent 10101  
child for committing one or more sexually oriented offenses. 10102

(C) "Prosecutor" has the same meaning as in section 2935.01 10103

of the Revised Code. 10104

(D) "Sexually oriented offense" means any of the following: 10105

(1) Subject to division (D)(2) of this section, any of the 10106  
following violations or offenses: 10107

(a) Regardless of the age of the victim of the offense, a 10108  
violation of section 2907.02, 2907.03, or 2907.05 of the Revised 10109  
Code; 10110

(b) Any of the following offenses involving a minor, in the 10111  
circumstances specified: 10112

(i) A violation of section 2905.01, 2905.02, 2905.03, 10113  
2905.04, 2905.05, or 2907.04 of the Revised Code when the victim 10114  
of the offense is under eighteen years of age; 10115

(ii) A violation of section 2907.21 of the Revised Code when 10116  
the person who is compelled, induced, procured, encouraged, 10117  
solicited, requested, or facilitated to engage in, paid or agreed 10118  
to be paid for, or allowed to engage in the sexual activity in 10119  
question is under eighteen years of age; 10120

(iii) A violation of division (A)(1) or (3) of section 10121  
2907.321 or 2907.322 of the Revised Code; 10122

(iv) A violation of division (A)(1) or (2) of section 10123  
2907.323 of the Revised Code; 10124

(v) A violation of division (B)(5) of section 2919.22 of the 10125  
Revised Code when the child who is involved in the offense is 10126  
under eighteen years of age. 10127

(c) Regardless of the age of the victim of the offense, a 10128  
violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the 10129  
Revised Code, or of division (A) of section 2903.04 of the Revised 10130  
Code, that is committed with a purpose to gratify the sexual needs 10131  
or desires of the offender; 10132

(d) A sexually violent offense;	10133
(e) A violation of any former law of this state that was	10134
substantially equivalent to any offense listed in division	10135
(D)(1)(a), (b), (c), or (d) of this section;	10136
(f) A violation of an existing or former municipal ordinance	10137
or law of another state or the United States, a violation under	10138
the law applicable in a military court, or a violation under the	10139
law applicable in an Indian tribal court that is or was	10140
substantially equivalent to any offense listed in division	10141
(D)(1)(a), (b), (c), or (d) of this section;	10142
(g) An attempt to commit, conspiracy to commit, or complicity	10143
in committing any offense listed in division (D)(1)(a), (b), (c),	10144
(d), (e), or (f) of this section.	10145
(2) An act committed by a person under eighteen years of age	10146
that is any of the following:	10147
(a) Except for the violations specifically described in	10148
divisions (D)(2)(b) and (c) of this section and subject to	10149
division (D)(2)(d) of this section, any violation listed in	10150
division (D)(1) of this section that, if committed by an adult,	10151
would be a felony of the first, second, third, or fourth degree;	10152
(b) Subject to division (A)(2)(d) of this section, a	10153
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or	10154
2905.02 of the Revised Code, a violation of division (A) of	10155
section 2903.04 of the Revised Code, or an attempt to violate any	10156
of those sections or that division that is committed with a	10157
purpose to gratify the sexual needs or desires of the child	10158
committing the violation;	10159
(c) Subject to division (A)(2)(d) of this section, a	10160
violation of division (A)(1) or (3) of section 2907.321, division	10161
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of	10162
section 2907.323 of the Revised Code, or an attempt to violate any	10163

of those divisions, if the person who violates or attempts to  
violate the division is four or more years older than the minor  
who is the victim of the offense;

(d) If the child's case has been transferred for criminal  
prosecution under section 2152.12 of the Revised Code, the act is  
any violation listed in division (D)(1)(a), (b), (c), (d), (e),  
(f), or (g) of this section or would be any offense listed in any  
of those divisions if committed by an adult.

(E) "Sexual predator" means a person to whom either of the  
following applies:

(1) The person has been convicted of or pleaded guilty to  
committing a sexually oriented offense and is likely to engage in  
the future in one or more sexually oriented offenses.

(2) The person has been adjudicated a delinquent child for  
committing a sexually oriented offense, was fourteen years of age  
or older at the time of committing the offense, was classified a  
juvenile sex offender registrant based on that adjudication, and  
is likely to engage in the future in one or more sexually oriented  
offenses.

(F) "Supervised release" means a release of an offender from  
a prison term, a term of imprisonment, or another type of  
confinement that satisfies either of the following conditions:

(1) The release is on parole, a conditional pardon, ~~or~~  
~~probation under a community control sanction~~, under transitional  
control, or under a post-release control sanction, and it requires  
the person to report to or be supervised by a parole officer,  
probation officer, field officer, or another type of supervising  
officer.

(2) The release is any type of release that is not described  
in division (F)(1) of this section and that requires the person to  
report to or be supervised by a probation officer, a parole

officer, a field officer, or another type of supervising officer. 10195

(G) An offender or delinquent child is "adjudicated as being 10196  
a sexual predator" if any of the following applies and if that 10197  
status has not been removed pursuant to section 2152.84, 2152.85, 10198  
or 2950.09 of the Revised Code: 10199

(1) The offender is convicted of or pleads guilty to 10200  
committing, on or after January 1, 1997, a sexually oriented 10201  
offense that is a sexually violent offense and also is convicted 10202  
of or pleads guilty to a sexually violent predator specification 10203  
that was included in the indictment, count in the indictment, or 10204  
information that charged the sexually violent offense. 10205

(2) Regardless of when the sexually oriented offense was 10206  
committed, on or after January 1, 1997, the offender is sentenced 10207  
for a sexually oriented offense, and the sentencing judge 10208  
determines pursuant to division (B) of section 2950.09 of the 10209  
Revised Code that the offender is a sexual predator. 10210

(3) The delinquent child is adjudicated a delinquent child 10211  
for committing a sexually oriented offense, was fourteen years of 10212  
age or older at the time of committing the offense, and has been 10213  
classified a juvenile sex offender registrant based on that 10214  
adjudication, and the adjudicating judge or that judge's successor 10215  
in office determines pursuant to division (B) of section 2950.09 10216  
or pursuant to division (B) of section 2152.83, section 2152.84, 10217  
or section 2152.85 of the Revised Code that the delinquent child 10218  
is a sexual predator. 10219

(4) Prior to January 1, 1997, the offender was convicted of 10220  
or pleaded guilty to, and was sentenced for, a sexually oriented 10221  
offense, the offender is imprisoned in a state correctional 10222  
institution on or after January 1, 1997, and the court determines 10223  
pursuant to division (C) of section 2950.09 of the Revised Code 10224  
that the offender is a sexual predator. 10225

(5) Regardless of when the sexually oriented offense was committed, the offender or delinquent child is convicted of or pleads guilty to, has been convicted of or pleaded guilty to, or is adjudicated a delinquent child for committing a sexually oriented offense in another state or in a federal court, military court, or an Indian tribal court, as a result of that conviction, plea of guilty, or adjudication, the offender or delinquent child is required, under the law of the jurisdiction in which the offender was convicted or pleaded guilty or the delinquent child was adjudicated, to register as a sex offender until the offender's or delinquent child's death and to verify the offender's or delinquent child's address on at least a quarterly basis each year, and, on or after July 1, 1997, for offenders or ~~the effective date of this amendment~~ January 1, 2002, for delinquent children the offender or delinquent child moves to and resides in this state or temporarily is domiciled in this state for more than seven days, unless a court of common pleas or juvenile court determines that the offender or delinquent child is not a sexual predator pursuant to division (F) of section 2950.09 of the Revised Code.

(H) "Sexually violent predator specification" and "sexually violent offense" have the same meanings as in section 2971.01 of the Revised Code.

(I) "Post-release control sanction" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.

(J) "Juvenile sex offender registrant" means a person who is adjudicated a delinquent child for committing on or after ~~the effective date of this amendment~~ January 1, 2002, a sexually oriented offense, who is fourteen years of age or older at the time of committing the offense, and who a juvenile court judge, pursuant to an order issued under section 2152.82, 2152.83,



2152.84, or 2152.85 of the Revised Code, classifies as a juvenile 10258  
sex offender registrant and specifies has a duty to register under 10259  
section 2950.04 of the Revised Code. 10260

(K) "Secure facility" means any facility that is designed and 10261  
operated to ensure that all of its entrances and exits are locked 10262  
and under the exclusive control of its staff and to ensure that, 10263  
because of that exclusive control, no person who is 10264  
institutionalized or confined in the facility may leave the 10265  
facility without permission or supervision. 10266

(L) "Out-of-state juvenile sex offender registrant" means a 10267  
person who is adjudicated a delinquent child for committing a 10268  
sexually oriented offense in another state or in a federal court, 10269  
military court, or Indian tribal court, who on or after ~~the~~ 10270  
~~effective date of this amendment~~ January 1, 2002, moves to and 10271  
resides in this state or temporarily is domiciled in this state 10272  
for more than seven days, and who under section 2950.04 of the 10273  
Revised Code has a duty to register in this state as described in 10274  
that section. 10275

(M) "Juvenile court judge" includes a magistrate to whom the 10276  
juvenile court judge confers duties pursuant to division (A)(15) 10277  
of section 2151.23 of the Revised Code. 10278

(N) "Community control sanction" has the same meaning as in 10279  
section 2929.01 of the Revised Code. 10280

**Sec. 2950.99.** (A) Whoever violates a prohibition in section 10281  
2950.04, 2950.05, or 2950.06 of the Revised Code is guilty of a 10282  
felony of the fifth degree if the most serious sexually oriented 10283  
offense that was the basis of the registration, change of address 10284  
notification, or address verification requirement that was 10285  
violated under the prohibition is a felony if committed by an 10286  
adult, and a misdemeanor of the first degree if the most serious 10287  
sexually oriented offense that was the basis of the registration, 10288

change of address notification, or address verification 10289  
requirement that was violated under the prohibition is a 10290  
misdemeanor if committed by an adult. In addition to any penalty 10291  
or sanction imposed for the violation, if the offender or 10292  
delinquent child is subject to a community control sanction, is on 10293  
~~probation or~~ parole, is subject to one or more post-release 10294  
control sanctions, or is subject to any other type of supervised 10295  
release at the time of the violation, the violation shall 10296  
constitute a violation of the terms and conditions of the 10297  
~~probation~~ community control sanction, parole, post-release control 10298  
sanction, or other type of supervised release. 10299

(B) If a person violates a prohibition in section 2950.04, 10300  
2950.05, or 2950.06 of the Revised Code that applies to the person 10301  
as a result of the person being adjudicated a delinquent child and 10302  
being classified a juvenile sex offender registrant or is an 10303  
out-of-state juvenile sex offender registrant, both of the 10304  
following apply: 10305

(1) If the violation occurs while the person is under 10306  
eighteen years of age, the person is subject to proceedings under 10307  
Chapter 2152. of the Revised Code based on the violation. 10308

(2) If the violation occurs while the person is eighteen 10309  
years of age or older, the person is subject to criminal 10310  
prosecution based on the violation. 10311

**Sec. 2951.01.** ~~The definition of "magistrate" set forth~~ As 10312  
used in this section: 10313

(A) "Magistrate" has the same meaning as in section 2931.01 10314  
of the Revised Code ~~applies to Chapter 2951. of the Revised Code.~~ 10315

(B) "Community control sanction" has the same meaning as in 10316  
section 2929.01 of the Revised Code. 10317

(C) "Ignition interlock device" has the same meaning as in 10318

section 4511.83 of the Revised Code. 10319

(D) "Multicounty department of probation" means a probation department established under section 2301.27 of the Revised Code to serve more than one county. 10320  
10321  
10322

(E) "Probation agency" means a county department of probation, a multicounty department of probation, a municipal court department of probation established under section 1901.33 of the Revised Code, or the adult parole authority. 10323  
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10325  
10326

(F) "County-operated municipal court" and "legislative authority" have the same meanings as in section 1901.03 of the Revised Code. 10327  
10328  
10329

(G) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code. 10330  
10331

(H) "Repeat offender" and "dangerous offender" have the same meanings as in section 2935.36 of the Revised Code. 10332  
10333

(I) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 10334  
10335

(J) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 10336  
10337

(K) "Firearm," "deadly weapon," and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. 10338  
10339

**Sec. 2951.011.** (A)(1) Chapter 2951. of the Revised Code, as it existed prior to July 1, 1996, applies to a person upon whom a court imposed a term of imprisonment prior to July 1, 1996, and a person upon whom a court, on or after July 1, 1996, and in accordance with law existing prior to July 1, 1996, imposed a term of imprisonment for an offense that was committed prior to July 1, 1996. 10340  
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~~(B)~~(2) Chapter 2951. of the Revised Code as it exists on and 10347

after July 1, 1996, applies to a person upon whom a court imposed 10348  
a stated prison term for an offense committed on or after July 1, 10349  
1996. 10350

(B)(1) Except as provided in division (A)(1) of this section, 10351  
Chapter 2951. of the Revised Code, as it existed prior to July 1, 10352  
2002, applies to a person upon whom a court imposed a sentence for 10353  
a misdemeanor offense prior to July 1, 2002, and a person upon 10354  
whom a court, on or after July 1, 2002, and in accordance with law 10355  
existing prior to July 1, 2002, imposed a sentence for a 10356  
misdemeanor offense that was committed prior to July 1, 2002. 10357

(2) Except as provided in division (A)(2) of this section, 10358  
Chapter 2951. of the Revised Code as it exists on and after July 10359  
1, 2002, applies to a person upon whom a court imposes a sentence 10360  
for a misdemeanor offense committed on or after July 1, 2002. 10361

**Sec. 2951.02.** ~~(A)(1) In determining whether to suspend a~~ 10362  
~~sentence of imprisonment imposed upon an offender for a~~ 10363  
~~misdemeanor and place the offender on probation or whether to~~ 10364  
~~otherwise suspend a sentence of imprisonment imposed upon an~~ 10365  
~~offender for a misdemeanor pursuant to division (A) of section~~ 10366  
~~2929.51 of the Revised Code, the court shall consider the risk~~ 10367  
~~that the offender will commit another offense and the need for~~ 10368  
~~protecting the public from the risk, the nature and circumstances~~ 10369  
~~of the offense, and the history, character, and condition of the~~ 10370  
~~offender.~~ 10371

~~(2) An offender who has been convicted of or pleaded guilty~~ 10372  
~~to a misdemeanor shall not be placed on probation and shall not~~ 10373  
~~otherwise have the sentence of imprisonment imposed upon the~~ 10374  
~~offender suspended pursuant to division (A) of section 2929.51 of~~ 10375  
~~the Revised Code if either of the following applies:~~ 10376

~~(a) The offender is a repeat or dangerous offender.~~ 10377

~~(b) The misdemeanor offense involved was not a violation of~~ 10378

~~section 2923.12 of the Revised Code and was committed while the~~ 10379  
~~offender was armed with a firearm or dangerous ordnance.~~ 10380

~~(B) The following do not control the court's discretion but~~ 10381  
~~the court shall consider them in favor of placing an offender who~~ 10382  
~~has been convicted of or pleaded guilty to a misdemeanor on~~ 10383  
~~probation or in favor of otherwise suspending the offender's~~ 10384  
~~sentence of imprisonment pursuant to division (A) of section~~ 10385  
~~2929.51 of the Revised Code:~~ 10386

~~(1) The offense neither caused nor threatened serious harm to~~ 10387  
~~persons or property, or the offender did not contemplate that it~~ 10388  
~~would do so.~~ 10389

~~(2) The offense was the result of circumstances unlikely to~~ 10390  
~~recur.~~ 10391

~~(3) The victim of the offense induced or facilitated it.~~ 10392

~~(4) There are substantial grounds tending to excuse or~~ 10393  
~~justify the offense, though failing to establish a defense.~~ 10394

~~(5) The offender acted under strong provocation.~~ 10395

~~(6) The offender has no history of prior delinquency or~~ 10396  
~~criminal activity, or has led a law-abiding life for a substantial~~ 10397  
~~period before commission of the present offense.~~ 10398

~~(7) The offender is likely to respond affirmatively to~~ 10399  
~~probationary or other court-imposed treatment.~~ 10400

~~(8) The character and attitudes of the offender indicate that~~ 10401  
~~the offender is unlikely to commit another offense.~~ 10402

~~(9) The offender has made or will make restitution or~~ 10403  
~~reparation to the victim of the offender's offense for the injury,~~ 10404  
~~damage, or loss sustained.~~ 10405

~~(10) Imprisonment of the offender will entail undue hardship~~ 10406  
~~to the offender or the offender's dependents.~~ 10407

~~(C)(1) When an offender who has been convicted of or pleaded guilty to a misdemeanor is placed on probation or the sentence of that type of offender otherwise is suspended pursuant to division (A) of section 2929.51 of the Revised Code, the probation or other suspension shall be at least on condition that, during the period of probation or other suspension, the offender shall abide by the law and shall 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 requirements on the offender. Compliance with the additional requirements imposed under this division also shall be a condition of the offender's probation or other suspension. The additional requirements so imposed may include, but shall not be limited to, any of the following:~~

~~(a) A requirement that the offender make restitution pursuant to section 2929.21 of the Revised Code for all or part of the property damage that is caused by the offender's offense and for all or part of the value of the property that is the subject of any theft offense that the offender committed;~~

~~(b) If the offense is a violation of section 2919.25 or a violation of section 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, a requirement that the offender obtain counseling. This division does not limit the court in imposing a requirement that the offender obtain counseling for any offense or in any circumstance not specified in this division.~~

~~(c) A requirement that the offender not ingest or be injected~~

with a drug of abuse and submit to random drug testing and 10440  
requiring that the results of the drug test indicate that the 10441  
offender did not ingest or was not injected with a drug of abuse. 10442  
If the court requires the offender to submit to random drug 10443  
testing under division (C)(1)(c) of this section, the county 10444  
department of probation, the multicounty department of probation, 10445  
or the adult parole authority, as appropriate, that has general 10446  
control and supervision of offenders who are on probation or other 10447  
suspension or are under a nonresidential sanction, shall cause the 10448  
offender to submit to random drug testing pursuant to section 10449  
2951.05 of the Revised Code. 10450

(2) During the period of a misdemeanor offender's probation 10451  
community control sanction or other suspension or during the 10452  
period of a ~~felon's~~ felony offender's nonresidential sanction, 10453  
authorized probation officers who are engaged within the scope of 10454  
their supervisory duties or responsibilities may search, with or 10455  
without a warrant, the person of the offender, the place of 10456  
residence of the offender, and a motor vehicle, another item of 10457  
tangible or intangible personal property, or other real property 10458  
in which the offender has a right, title, or interest or for which 10459  
the offender has the express or implied permission of a person 10460  
with a right, title, or interest to use, occupy, or possess if the 10461  
probation officers have reasonable grounds to believe that the 10462  
offender is not abiding by the law or otherwise is not complying 10463  
with the conditions of the misdemeanor offender's ~~probation or~~ 10464  
~~other suspension~~ community control sanction or the conditions of 10465  
the felony offender's nonresidential sanction. If a ~~felon~~ felony 10466  
offender who is sentenced to a nonresidential sanction is under 10467  
the general control and supervision of the adult parole authority, 10468  
as described in division (A)(2)(a) of section 2929.15 of the 10469  
Revised Code, adult parole authority field officers with 10470  
supervisory responsibilities over the ~~felon~~ felony offender shall 10471

have the same search authority relative to the ~~felon~~ felony 10472  
offender during the period of the sanction ~~as that~~ is described 10473  
under this division for probation officers. The court that places 10474  
the misdemeanor offender ~~on probation or suspends the misdemeanor~~ 10475  
~~offender's sentence of imprisonment~~ under a community control 10476  
sanction pursuant to ~~division (D)(2) or (4) of section 2929.51~~ 10477  
2929.25 of the Revised Code or that sentences the ~~felon~~ felony 10478  
offender to a nonresidential sanction pursuant to section 2929.17 10479  
of the Revised Code shall provide the offender with a written 10480  
notice that informs the offender that authorized probation 10481  
officers or adult parole authority field officers with supervisory 10482  
responsibilities over the offender who are engaged within the 10483  
scope of their supervisory duties or responsibilities may conduct 10484  
those types of searches during the period of ~~probation or other~~ 10485  
~~suspension or during the period of the~~ community control sanction 10486  
or nonresidential sanction if they have reasonable grounds to 10487  
believe that the offender is not abiding by the law or otherwise 10488  
is not complying with the conditions of the offender's ~~probation~~ 10489  
~~or other suspension or the conditions of the offender's~~ community 10490  
control sanction or nonresidential sanction. 10491

~~(D) The following do not control the court's discretion but~~ 10492  
~~the court shall consider them against placing an offender who has~~ 10493  
~~been convicted of or pleaded guilty to a misdemeanor on probation~~ 10494  
~~and against otherwise suspending the offender's sentence of~~ 10495  
~~imprisonment pursuant to division (A) of section 2929.51 of the~~ 10496  
~~Revised Code:~~ 10497

~~(1) The offender recently violated the conditions of pardon,~~ 10498  
~~post-release control pursuant to section 2967.28 of the Revised~~ 10499  
~~Code, or a probation or suspension pursuant to division (A) of~~ 10500  
~~section 2929.51 of the Revised Code, previously granted the~~ 10501  
~~offender.~~ 10502

~~(2) There is a substantial risk that, while at liberty during~~ 10503



~~the period of probation or other suspension, the offender will  
commit another offense.~~

~~(3) The offender is in need of correctional or rehabilitative  
treatment that can be provided best by the offender's commitment  
to a locally governed and operated residential facility.~~

~~(4) Regardless of whether the offender knew the age of the  
victim, the victim of the offense was sixty-five years of age or  
older or permanently and totally disabled at the time of the  
commission of the offense.~~

~~(E) The criteria listed in divisions (B) and (D) of this  
section shall not be construed to limit the matters that may be  
considered in determining whether to suspend sentence of  
imprisonment and place an offender who has been convicted of or  
pleaded guilty to a misdemeanor on probation or whether to  
otherwise suspend the offender's sentence of imprisonment pursuant  
to division (A) of section 2929.51 of the Revised Code.~~

~~(F)(1) When (B) If an offender is convicted of or pleads  
guilty to a misdemeanor, the court may require the offender, as a  
condition of probation or as a condition of otherwise suspending  
the offender's sentence pursuant to division (A) of section  
2929.51 of the Revised Code, in addition to the conditions of  
probation or other suspension imposed pursuant to division (C) of  
this section of a community control sanction, to perform  
supervised community service work in accordance with this  
division. If an offender is convicted of or pleads guilty to a  
felony, the court, pursuant to sections 2929.15 and 2929.17 of the  
Revised Code, may impose a sanction that requires the offender to  
perform supervised community service work in accordance with this  
division. The supervised community service work shall be under the  
authority of health districts, park districts, counties, municipal  
corporations, townships, other political subdivisions of the~~

state, or agencies of the state or any of its political 10536  
subdivisions, or under the authority of charitable organizations 10537  
that render services to the community or its citizens, in 10538  
accordance with this division. ~~Supervised community service work~~ 10539  
~~shall not be required as a condition of probation or other~~ 10540  
~~suspension under this division unless the offender agrees to~~ 10541  
~~perform the work offered as a condition of probation or other~~ 10542  
~~suspension by the court.~~ The court may require an offender who 10543  
agrees is ordered to perform the work to pay to it a reasonable 10544  
fee to cover the costs of the offender's participation in the 10545  
work, including, but not limited to, the costs of procuring a 10546  
policy or policies of liability insurance to cover the period 10547  
during which the offender will perform the work. 10548

A court may permit any offender convicted of a felony or a 10549  
misdemeanor to satisfy the payment of a fine imposed for the 10550  
offense pursuant to section 2929.18 or 2929.28 of the Revised Code 10551  
by performing supervised community service work as described in 10552  
this division if the offender requests an opportunity to satisfy 10553  
the payment by this means and if the court determines that the 10554  
offender is financially unable to pay the fine. 10555

The supervised community service work that may be imposed 10556  
under this division shall be subject to the following limitations: 10557

~~(a)~~(1) The court shall fix the period of the work and, if 10558  
necessary, shall distribute it over weekends or over other 10559  
appropriate times that will allow the offender to continue at the 10560  
offender's occupation or to care for the offender's family. The 10561  
period of the work as fixed by the court shall not exceed ~~an~~ in 10562  
the aggregate of two hundred the number of hours of community 10563  
service imposed by the court pursuant to section 2929.17 or 10564  
2929.27 of the Revised Code. 10565

~~(b)~~(2) An agency, political subdivision, or charitable 10566  
organization must agree to accept the offender for the work before 10567

the court requires the offender to perform the work for the 10568  
entity. A court shall not require an offender to perform 10569  
supervised community service work for an agency, political 10570  
subdivision, or charitable organization at a location that is an 10571  
unreasonable distance from the offender's residence or domicile, 10572  
unless the offender is provided with transportation to the 10573  
location where the work is to be performed. 10574

~~(c)~~(3) A court may enter into an agreement with a county 10575  
department of job and family services for the management, 10576  
placement, and supervision of offenders eligible for community 10577  
service work in work activities, developmental activities, and 10578  
alternative work activities under sections 5107.40 to 5107.69 of 10579  
the Revised Code. If a court and a county department of job and 10580  
family services have entered into an agreement of that nature, the 10581  
clerk of that court is authorized to pay directly to the county 10582  
department all or a portion of the fees collected by the court 10583  
pursuant to this division in accordance with the terms of its 10584  
agreement. 10585

~~(d)~~(4) Community service work that a court requires under 10586  
this division shall be supervised by an official of the agency, 10587  
political subdivision, or charitable organization for which the 10588  
work is performed or by a person designated by the agency, 10589  
political subdivision, or charitable organization. The official or 10590  
designated person shall be qualified for the supervision by 10591  
education, training, or experience, and periodically shall report, 10592  
in writing, to the court and to the offender's probation officer 10593  
concerning the conduct of the offender in performing the work. 10594

~~(2) When an offender is convicted of a felony, the court may 10595  
impose pursuant to sections 2929.15 and 2929.17 of the Revised 10596  
Code a sanction that requires the offender to perform supervised 10597  
community service work in accordance with this division and under 10598  
the authority of any agency, political subdivision, or charitable 10599~~

~~organization as described in division (F)(1) of this section. The  
court may require an offender who is ordered to perform the work  
to pay to it a reasonable fee to cover the costs of the offender's  
participation in the work, including, but not limited to, the  
costs of procuring a policy or policies of liability insurance to  
cover the period during which the offender will perform the work.~~

~~A court may permit an offender convicted of a felony to  
satisfy the payment of a fine imposed for the offense pursuant to  
section 2929.18 of the Revised Code by performing supervised  
community service work as described in this division if the court  
determines that the offender is financially unable to pay the  
fine.~~

~~The supervised community service work that may be imposed  
under this division shall be subject to the limitations specified  
in divisions (F)(1)(a) to (d) of this section, except that the  
court is not required to obtain the agreement of the offender to  
impose supervised community work as a sanction. Additionally, the  
(5) The total of any period of supervised community service work  
imposed on an offender under this 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.~~

~~(G)(C)(1) When~~ If an offender is convicted of a violation of  
section 4511.19 of the Revised Code, a municipal ordinance  
relating to operating a vehicle while under the influence of  
alcohol, a drug of abuse, or alcohol and a drug of abuse, or a  
municipal ordinance relating to operating a vehicle with a  
prohibited concentration of alcohol in the blood, breath, or  
urine, the court may require, as a condition of ~~probation in~~  
~~addition to the required conditions of probation and the~~

~~discretionary conditions of probation that may be imposed pursuant~~ 10632  
~~to division (C) of this section a community control sanction,~~ any 10633  
suspension or revocation of a driver's or commercial driver's 10634  
license or permit or nonresident operating privilege, and all 10635  
other penalties provided by law or by ordinance, that the offender 10636  
operate only a motor vehicle equipped with an ignition interlock 10637  
device that is certified pursuant to section 4511.83 of the 10638  
Revised Code. 10639

(2) ~~When~~ If a court requires an offender, as a condition of 10640  
~~probation a community control sanction~~ pursuant to division 10641  
~~(G)(C)(1)~~ of this section, to operate only a motor vehicle 10642  
equipped with an ignition interlock device that is certified 10643  
pursuant to section 4511.83 of the Revised Code, the offender 10644  
immediately shall surrender the offender's driver's or commercial 10645  
driver's license or permit to the court. Upon the receipt of the 10646  
offender's license or permit, the court shall issue an order 10647  
authorizing the offender to operate a motor vehicle equipped with 10648  
a certified ignition interlock device, deliver the offender's 10649  
license or permit to the bureau of motor vehicles, and include in 10650  
the abstract of the case forwarded to the bureau pursuant to 10651  
section 4507.021 of the Revised Code the conditions of ~~probation~~ 10652  
the community control sanction imposed pursuant to division 10653  
~~(G)(C)(1)~~ of this section. The court shall give the offender a 10654  
copy of its order, and that copy shall be used by the offender in 10655  
lieu of a driver's or commercial driver's license or permit until 10656  
the bureau issues a restricted license to the offender. 10657

(3) Upon receipt of an offender's driver's or commercial 10658  
driver's license or permit pursuant to division ~~(G)(C)(2)~~ of this 10659  
section, the bureau of motor vehicles shall issue a restricted 10660  
license to the offender. The restricted license shall be identical 10661  
to the surrendered license, except that it shall have printed on 10662  
its face a statement that the offender is prohibited from 10663

operating a motor vehicle that is not equipped with an ignition 10664  
interlock device that is certified pursuant to section 4511.83 of 10665  
the Revised Code. The bureau shall deliver the offender's 10666  
surrendered license or permit to the court upon receipt of a court 10667  
order requiring it to do so, or reissue the offender's license or 10668  
permit under section 4507.54 of the Revised Code if the registrar 10669  
destroyed the offender's license or permit under that section. The 10670  
offender shall surrender the restricted license to the court upon 10671  
receipt of the offender's surrendered license or permit. 10672  
10673

(4) If an offender violates a requirement of the court 10674  
imposed under division ~~(G)~~(C)(1) of this section, the offender's 10675  
driver's or commercial driver's license or permit or nonresident 10676  
operating privilege may be suspended as provided in section 10677  
4507.16 of the Revised Code. 10678

~~(H) As used in this section:~~ 10679

~~(1) "Repeat offender" and "dangerous offender" have the same 10680  
meanings as in section 2935.36 of the Revised Code. 10681~~

~~(2) "Firearm" and "dangerous ordnance" have the same meanings 10682  
as in section 2923.11 of the Revised Code. 10683~~

~~(3) "Theft offense" has the same meaning as in section 10684  
2913.01 of the Revised Code. 10685~~

~~(4) "Random drug testing" has the same meaning as in section 10686  
5120.63 of the Revised Code. 10687~~

~~(5) "Ignition interlock device" has the same meaning as in 10688  
section 4511.83 of the Revised Code. 10689~~

**Sec. 2951.021.** ~~(A) As used in this section:~~ 10690

~~(1) "Multicounty department of probation" means a probation 10691  
department established under section 2301.27 of the Revised Code 10692  
to serve more than one county. 10693~~

~~(2) "Probation agency" means a county department of probation, a multicounty department of probation, a municipal court department of probation established under section 1901.33 of the Revised Code, or the adult parole authority.~~

~~(3) "County-operated municipal court" and "legislative authority" have the same meanings as in section 1901.03 of the Revised Code.~~

~~(4) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.~~

~~(B)(1) If a court places a misdemeanor offender on probation under a community control sanction under section 2929.26, 2929.27, or 2929.28 of the Revised Code or places a felony offender under a community control sanction under section 2929.16, 2929.17, or 2929.18 of the Revised Code and if the court places the offender under the control and supervision of a probation agency, the court may require the offender, as a condition of probation or of community control, to pay a monthly supervision fee of not more than fifty dollars for supervision services. If the court requires an offender to pay a monthly supervision fee and the offender will be under the control of a county department of probation, a multicounty department of probation, or a municipal court department of probation established under section 1901.33 of the Revised Code, the court shall specify whether the offender is to pay the fee to the probation agency that will have control over the offender or to the clerk of the court for which the supervision agency is established. If the court requires an offender to pay a monthly probation fee and the offender will be under the control of the adult parole authority, the court shall specify that the offender is to pay the fee to the clerk of the court of common pleas.~~

(2) No person shall be assessed, in any month, more than fifty dollars in supervision fees.

(3) The prosecuting attorney of the county or the chief legal officer of a municipal corporation in which is located the court that imposed sentence upon an offender may bring a civil action to recover unpaid monthly supervision fees that the offender was required to pay. Any amount recovered in the civil action shall be paid into the appropriate county or municipal probation services fund in accordance with division ~~(C)~~(B) of this section.

(4) The failure of an offender to comply with a condition of ~~probation or of~~ community control that requires the offender to pay a monthly supervision fee and that is imposed under division ~~(B)~~(A)(1) of this section shall not constitute the basis for a ~~revocation of the offender's probation and the imposition of the offender's sentence under section 2951.09 of the Revised Code or~~ the modification of the offender's community control sanctions pursuant to section 2929.15 or 2929.25 of the Revised Code but may be considered with any other factors that form the basis of a ~~revocation of probation or~~ modification of a sanction for violating a community control sanction under those sections. If the court determines ~~at a hearing held pursuant to section 2951.09 of the Revised Code~~ that a misdemeanor offender on ~~probation~~ community control failed to pay a monthly supervision fee imposed under division ~~(B)~~(A)(1) of this section and that no other factors warranting ~~revocation of probation~~ the modification of the offender's community control sanction are present, the court shall ~~not revoke the offender's probation, shall~~ remand the offender to the custody of the probation agency, and may impose any additional conditions of ~~probation~~ community control upon the offender, including a requirement that the offender perform community service, as the ends of justice require. Any requirement imposed pursuant to division ~~(B)~~(A)(4) of this section that the offender perform community service shall be in addition to and shall not



limit or otherwise affect any order that the offender perform 10758  
community service pursuant to division ~~(F)(1)(a)~~(B) of section 10759  
2951.02 of the Revised Code. 10760

~~(C)~~(B) Prior to the last day of the month in each month 10761  
during the period of ~~probation or of~~ community control, an 10762  
offender who is ordered to pay a monthly supervision fee under 10763  
this section shall pay the fee to the probation agency that has 10764  
control and supervision over the offender or to the clerk of the 10765  
court for which the probation agency is established, as specified 10766  
by the court, except that, if the probation agency is the adult 10767  
parole authority, the offender shall pay the fee to the clerk of 10768  
the court of common pleas. Each probation agency or clerk of a 10769  
court that receives any monthly supervision fees shall keep a 10770  
record of the monthly supervision fees that are paid to the agency 10771  
or the clerk and shall give a written receipt to each person who 10772  
pays a supervision fee to the agency or clerk. 10773

~~(D)~~(C) Subject to division ~~(F)~~(E) of this section, all 10774  
monthly supervision fees collected under this section by a 10775  
probation agency or the clerk of a court shall be disposed of in 10776  
the following manner: 10777

(1) For offenders who are under the control and supervision 10778  
of a county department of probation or a municipal court 10779  
department of probation in a county-operated municipal court, on 10780  
or before the fifth business day of each month, the chief 10781  
probation officer, the chief probation officer's designee, or the 10782  
clerk of the court shall pay all monthly supervision fees 10783  
collected in the previous month to the county treasurer of the 10784  
county in which the county department of probation or municipal 10785  
court department of probation is established for deposit into the 10786  
county probation services fund established in the county treasury 10787  
of that county pursuant to division (A)(1) section 321.44 of the 10788  
Revised Code. 10789

(2) For offenders who are under the control and supervision 10790  
of a multicounty department of probation, on or before the fifth 10791  
business day of each month, the chief probation officer, the chief 10792  
probation officer's designee, or the clerk of the court shall pay 10793  
all monthly supervision fees collected in the previous month to 10794  
the county treasurer of the county in which is located the court 10795  
of common pleas that placed the offender ~~on probation or~~ under a 10796  
community control sanction under the control of the department for 10797  
deposit into the county probation services fund established in the 10798  
county treasury of that county pursuant to division (A)(1) of 10799  
section 321.44 of the Revised Code and for subsequent 10800  
appropriation and transfer in accordance with division (A)(2) of 10801  
that section to the appropriate multicounty probation services 10802  
fund established pursuant to division (B) of that section. 10803

(3) For offenders who are under the control and supervision 10804  
of a municipal court department of probation in a municipal court 10805  
that is not a county-operated municipal court, on or before the 10806  
fifth business day of each month, the chief probation officer, the 10807  
chief probation officer's designee, or the clerk of the court 10808  
shall pay all monthly supervision fees collected in the previous 10809  
month to the treasurer of the municipal corporation for deposit 10810  
into the municipal probation services fund established pursuant to 10811  
section 737.41 of the Revised Code. 10812

(4) For offenders who are under the control and supervision 10813  
of the adult parole authority, the clerk of the court of common 10814  
pleas, on or before the fifth business day of January, April, 10815  
July, and October, shall pay all monthly supervision fees 10816  
collected by the clerk in the previous three months to the 10817  
treasurer of the county in which is located the court of common 10818  
pleas that placed the offender ~~on probation or~~ under a community 10819  
control sanction under the control of the authority for deposit 10820  
into the county probation services fund established in the county 10821

treasury of that county pursuant to division (A)(1) of section 10822  
321.44 of the Revised Code and for subsequent appropriation and 10823  
transfer in accordance with division (A)(2) of that section to the 10824  
adult parole authority probation services fund established 10825  
pursuant to section 5149.06 of the Revised Code. 10826

~~(E)~~(D) Not later than the first day of December of each year, 10827  
each probation agency shall prepare a report regarding its use of 10828  
money from a county probation services fund, a multicounty 10829  
probation services fund, a municipal probation services fund, or 10830  
the adult parole authority probation services fund, whichever is 10831  
applicable. The report shall specify the amount appropriated from 10832  
the fund to the probation agency during the current calendar year, 10833  
an estimate of the amount that the probation agency will expend by 10834  
the end of the year, a summary of how the amount appropriated has 10835  
been expended for probation services, and an estimate of the 10836  
amount of supervision fees that the probation agency will collect 10837  
and pay to the appropriate treasurer for deposit in the 10838  
appropriate fund in the next calendar year. The report shall be 10839  
filed with one of the following: 10840

(1) If the probation agency is a county department of 10841  
probation or a municipal court department of probation in a 10842  
county-operated municipal court, with the board of county 10843  
commissioners of that county; 10844

(2) If the probation agency is a multicounty department of 10845  
probation, with the board of county commissioners of the county 10846  
whose treasurer, in accordance with section 2301.27 of the Revised 10847  
Code, is designated as the treasurer to whom supervision fees 10848  
collected under this section are to be appropriated and 10849  
transferred under division (A)(2) of section 321.44 of the Revised 10850  
Code; 10851

(3) If the probation agency is a department of probation of a 10852  
municipal court that is not a county-operated municipal court, 10853

with the legislative authority of the municipal corporation that 10854  
operates the court; 10855

(4) If the probation agency is the adult parole authority, 10856  
with the ~~chairmen~~ chairpersons of the finance committees of the 10857  
senate and the house of representatives, the directors of the 10858  
office of budget and management and the legislative ~~budget office~~ 10859  
service commission, and the board of county commissioners in each 10860  
county for which the adult parole authority provides probation 10861  
services. 10862

~~(F)~~(E) If the clerk of a court of common pleas or the clerk 10863  
of a municipal court collects any monthly supervision fees under 10864  
this section, the clerk may retain up to two per cent of the fees 10865  
so collected to cover any administrative costs experienced in 10866  
complying with the clerk's duties under this section. 10867

**Sec. 2951.041.** (A)(1) If an offender is charged with a 10868  
criminal offense and the court has reason to believe that drug or 10869  
alcohol usage by the offender was a factor leading to the 10870  
offender's criminal behavior, the court may accept, prior to the 10871  
entry of a guilty plea, the offender's request for intervention in 10872  
lieu of conviction. The request shall include a waiver of the 10873  
defendant's right to a speedy trial, the preliminary hearing, the 10874  
time period within which the grand jury may consider an indictment 10875  
against the offender, and arraignment, unless the hearing, 10876  
indictment, or arraignment has already occurred. The court may 10877  
reject an offender's request without a hearing. If the court 10878  
elects to consider an offender's request, the court shall conduct 10879  
a hearing to determine whether the offender is eligible under this 10880  
section for intervention in lieu of conviction and shall stay all 10881  
criminal proceedings pending the outcome of the hearing. If the 10882  
court schedules a hearing, the court shall order an assessment of 10883  
the offender for the purpose of determining the offender's 10884

eligibility for intervention in lieu of conviction and 10885  
recommending an appropriate intervention plan. 10886

(2) The victim notification provisions of division (C) of 10887  
section 2930.08 of the Revised Code apply in relation to any 10888  
hearing held under division (A)(1) of this section. 10889

(B)~~(1)~~ An offender is eligible for intervention in lieu of 10890  
conviction if the court finds all of the following: 10891

(1)~~(a)~~ The offender previously has not been convicted of or 10892  
pleaded guilty to a felony, previously has not been through 10893  
intervention in lieu of conviction under this section or any 10894  
similar regimen, and is charged with a felony for which the court, 10895  
upon conviction, would impose sentence under division (B)(2)(b) of 10896  
section 2929.13 of the Revised Code or with a misdemeanor. 10897

(2)~~(b)~~ The offense is not a felony of the first, second, or 10898  
third degree, is not an offense of violence, is not a violation of 10899  
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 10900  
not a violation of division (A)(1) of section 2903.08 of the 10901  
Revised Code, is not a violation of division (A) of section 10902  
4511.19 of the Revised Code or a municipal ordinance that is 10903  
substantially similar to that division, and is not an offense for 10904  
which a sentencing court is required to impose a mandatory prison 10905  
term, a mandatory term of local incarceration, or a mandatory term 10906  
of imprisonment in a jail. 10907

(3)~~(c)~~ The offender is not charged with a violation of 10908  
section 2925.02, 2925.03, 2925.04, 2925.06, or 2925.11 of the 10909  
Revised Code that is a felony of the first, second, or third 10910  
degree. 10911

(4)~~(d)~~ The offender is not charged with a violation of 10912  
section 2925.11 of the Revised Code that is a felony of the fourth 10913  
degree, or the offender is charged with a violation of that 10914  
section that is a felony of the fourth degree, and the prosecutor 10915

in the case has recommended that the offender be classified as 10916  
being eligible for intervention in lieu of conviction under this 10917  
section. 10918

(5)~~(e)~~ The offender has been assessed by an appropriately 10919  
licensed provider, certified facility, or licensed and 10920  
credentialed professional, including, but not limited to, a 10921  
program licensed by the department of alcohol and drug addiction 10922  
services pursuant to section 3793.11 of the Revised Code, a 10923  
program certified by that department pursuant to section 3793.06 10924  
of the Revised Code, a public or private hospital, the United 10925  
States department of veterans affairs, another appropriate agency 10926  
of the government of the United States, or a licensed physician, 10927  
psychiatrist, psychologist, independent social worker, 10928  
professional counselor, or chemical dependency counselor for the 10929  
purpose of determining the offender's eligibility for intervention 10930  
in lieu of conviction and recommending an appropriate intervention 10931  
plan. 10932

(6)~~(f)~~ The offender's drug or alcohol usage was a factor 10933  
leading to the criminal offense with which the offender is 10934  
charged, intervention in lieu of conviction would not demean the 10935  
seriousness of the offense, and intervention would substantially 10936  
reduce the likelihood of any future criminal activity. 10937

(7) The alleged victim of the offense was not sixty-five 10938  
years of age or older, permanently and totally disabled, under 10939  
thirteen years of age, or a peace officer engaged in the officer's 10940  
official duties at the time of the alleged offense. 10941

(8) If the offender is charged with a violation of section 10942  
2925.24 of the Revised Code, the alleged violation did not result 10943  
in physical harm to any person, and the offender previously has 10944  
not been treated for drug abuse. 10945

(9) The offender is willing to comply with all terms and 10946  
conditions imposed by the court pursuant to division (D) of this 10947

section. 10948

(C)(2) At the conclusion of a hearing held pursuant to 10949  
division (A) of this section, the court shall enter its 10950  
determination as to whether the offender is eligible for 10951  
intervention in lieu of conviction and as to whether to grant the 10952  
offender's request. If the court finds under division (B)(1) of 10953  
this section that the offender is eligible for ~~treatment~~ 10954  
intervention in lieu of conviction and grants the offender's 10955  
request, the court shall accept the offender's plea of guilty and 10956  
waiver of the defendant's right to a speedy trial, the preliminary 10957  
hearing, the time period within which the grand jury may consider 10958  
an indictment against the offender, and arraignment, unless the 10959  
hearing, indictment, or arraignment has already occurred. In 10960  
addition, the court then may stay all criminal proceedings and 10961  
order the offender to comply with all terms and conditions imposed 10962  
by the court pursuant to division (D) of this section. If the 10963  
court finds that the offender is not eligible or does not grant 10964  
the offender's request, the criminal proceedings against the 10965  
offender shall proceed as if the offender's request for 10966  
intervention in lieu of conviction had not been made. 10967

(D) If the court grants an offender's request for 10968  
intervention in lieu of conviction, the court shall place the 10969  
offender under the general control and supervision of the county 10970  
probation department, the adult parole authority, or another 10971  
appropriate local probation or court services agency, if one 10972  
exists, as if the offender was subject to a community control 10973  
sanction imposed under section 2929.15 ~~or, 2929.18, or 2929.25~~ of 10974  
the Revised Code ~~or was on probation under sections 2929.51 and~~ 10975  
~~2951.02 of the Revised Code and other provisions of the~~ 10976  
~~misdemeanor sentencing law.~~ The court shall establish an 10977  
intervention plan for the offender. The terms and conditions of 10978  
the intervention plan shall require the offender, for at least one 10979

year from the date on which the court grants the order of 10980  
intervention in lieu of conviction, to abstain from the use of 10981  
illegal drugs and alcohol and to submit to regular random testing 10982  
for drug and alcohol use and may include any other treatment terms 10983  
and conditions, or terms and conditions similar to community 10984  
control sanctions, that are ordered by the court. 10985

(E) If the court grants an offender's request for 10986  
intervention in lieu of conviction and the court finds that the 10987  
offender has successfully completed the intervention plan for the 10988  
offender, including the requirement that the offender abstain from 10989  
using drugs and alcohol for a period of at least one year from the 10990  
date on which the court granted the order of intervention in lieu 10991  
of conviction and all other terms and conditions ordered by the 10992  
court, the court shall dismiss the proceedings against the 10993  
offender. Successful completion of the intervention plan and 10994  
period of abstinence under this section shall be without 10995  
adjudication of guilt and is not a criminal conviction for 10996  
purposes of any disqualification or disability imposed by law and 10997  
upon conviction of a crime, and the court may order the sealing of 10998  
records related to the offense in question in the manner provided 10999  
in sections 2953.31 to 2953.36 of the Revised Code. 11000

(F) If the court grants an offender's request for 11001  
intervention in lieu of conviction and the offender fails to 11002  
comply with any term or condition imposed as part of the 11003  
intervention plan for the offender, the supervising authority for 11004  
the offender promptly shall advise the court of this failure, and 11005  
the court shall hold a hearing to determine whether the offender 11006  
failed to comply with any term or condition imposed as part of the 11007  
plan. If the court determines that the offender has failed to 11008  
comply with any of those terms and conditions, it shall enter a 11009  
finding of guilty and shall impose an appropriate sanction under 11010  
Chapter 2929. of the Revised Code. 11011



(G) As used in this section: 11012

(1) "Community control sanction" has the same meaning as in 11013  
section 2929.01 of the Revised Code. 11014

(2) "Intervention in lieu of conviction" means any 11015  
court-supervised activity that complies with this section. 11016

(3) "Peace officer" has the same meaning as in section 11017  
2935.01 of the Revised Code. 11018

**Sec. 2951.05.** (A) ~~If an offender mentioned in section 2951.02 11019~~  
~~of the Revised Code resides in the county in which the trial was 11020~~  
~~conducted, the court that issues an order of probation shall place 11021~~  
~~the offender under the control and supervision of a department of 11022~~  
~~probation in the county that serves the court. If there is no 11023~~  
~~department of probation in the county that serves the court, the 11024~~  
~~probation order, under section 2301.32 of the Revised Code, may 11025~~  
~~place the offender on probation in charge of the adult parole 11026~~  
~~authority created by section 5149.02 of the Revised Code that then 11027~~  
~~shall have the powers and duties of a county department of 11028~~  
~~probation. If the offender resides in a county other than the 11029~~  
~~county in which the court granting probation is located and a 11030~~  
~~county department of probation has been established in the county 11031~~  
~~of residence or the county of residence is served by a multicounty 11032~~  
~~probation department, the order of probation may request the court 11033~~  
~~of common pleas of the county in which the offender resides to 11034~~  
~~receive the offender into the control and supervision of that 11035~~  
~~county or multicounty department of probation, subject to the 11036~~  
~~jurisdiction of the trial judge over and with respect to the 11037~~  
~~person of the offender, and to the rules governing that department 11038~~  
~~of probation. If the offender's county of residence has no county 11039~~  
~~or multicounty department of probation, the judge may place the 11040~~  
~~offender on probation in charge of the adult parole authority 11041~~  
~~created by section 5149.02 of the Revised Code. 11042~~

~~(B)(1)~~ A county department of probation, a multicounty department of probation, or the adult parole authority, ~~as appropriate under division (A) of this section,~~ that has general control and supervision of offenders who are required to submit to random drug testing under division ~~(C)(1)(c)~~ (A)(1)(a) of section ~~2951.02~~ 2929.25 of the Revised Code or who are subject to a nonresidential sanction that includes random drug testing under section 2929.17 or 2929.27 of the Revised Code, may cause each offender to submit to random drug testing performed by a laboratory or entity that has entered into a contract with any of the governmental entities or officers authorized to enter into a contract with that laboratory or entity under section 341.26, 753.33, or 5120.63 of the Revised Code.

(2) If no laboratory or entity described in division ~~(B)(A)(1)~~ of this section has entered into a contract as specified in ~~those divisions~~ that division, the county department of probation, the multicounty department of probation, or the adult parole authority, as appropriate, that has general control and supervision of offenders ~~described in division (B)(1) of this section~~ shall cause the offender to submit to random drug testing performed by a reputable public laboratory to determine whether the individual who is the subject of the drug test ingested or was injected with a drug of abuse.

(3) A laboratory or entity that has entered into a contract ~~pursuant to as specified in division (A)(1) of this section~~ 341.26, 753.33, or 5120.63 of the Revised Code shall perform the random drug testing ~~under division (B)(1) of this section~~ in accordance with the applicable standards that are included in the terms of that contract. A public laboratory shall perform the random drug tests ~~under division (B)(3) of this section~~ in accordance with the standards set forth in the policies and procedures established by the department of rehabilitation and

correction pursuant to section 5120.63 of the Revised Code. An 11075  
offender ~~who is required to submit to random drug testing under~~ 11076  
~~division (C)(1)(c) of section 2951.02 of the Revised Code or who~~ 11077  
is subject to a nonresidential sanction that includes random drug 11078  
testing under section 2929.17 or 2929.27 of the Revised Code shall 11079  
pay the fee for the drug test if the test results indicate that 11080  
the offender ingested or was injected with a drug of abuse and if 11081  
the county department of probation, the multicounty department of 11082  
probation, or the adult parole authority that has general control 11083  
and supervision of the offender requires payment of a fee. A 11084  
laboratory or entity that performs the random drug testing on an 11085  
offender ~~under division (B)(1) or (2) of this section~~ shall 11086  
transmit the results of the drug test to the appropriate county 11087  
probation department, multicounty probation department, or adult 11088  
parole authority that has general control and supervision of the 11089  
offender. 11090

~~(C)~~(B) As used in this section: 11091

(1) "Multicounty department of probation" means a probation 11092  
department established under section 2301.27 of the Revised Code 11093  
to serve more than one county. 11094

(2) "Random drug testing" has the same meaning as in section 11095  
5120.63 of the Revised Code. 11096

**Sec. 2951.06.** Upon entry in the records of the judge or 11097  
magistrate, ~~of the order for probation~~ sentence of a community 11098  
control sanction provided for in section ~~2951.02~~ 2929.15 or 11099  
2929.25 of the Revised Code, the defendant shall be released from 11100  
custody as soon as the requirements and conditions required by the 11101  
judge supervising the ~~probation,~~ community control sanction have 11102  
been met. The defendant shall continue under the control and 11103  
supervision of the ~~adult parole authority created by section~~ 11104  
~~5149.02 of the Revised Code or the county department of~~ 11105

appropriate probation agency, to the extent required by law, the 11106  
conditions of the ~~order of probation community control sanction~~, 11107  
and the rules and regulations governing ~~said agency of the~~ 11108  
probation agency. 11109

**Sec. 2951.07.** ~~Probation under section 2951.02 of the Revised~~ 11110  
~~Code~~ A community control sanction continues for the period that 11111  
the judge or magistrate determines and, subject to ~~division~~ 11112  
~~(F)(1)(a) of that~~ the five-year limit specified in section 2929.15 11113  
or 2929.25 of the Revised Code, may be extended. ~~Except as~~ 11114  
~~provided in division (F)(1)(a) of that section, the total period~~ 11115  
~~of an offender's probation shall not exceed five years.~~ If the 11116  
~~probationer~~ offender under community control absconds or otherwise 11117  
~~absents himself or herself from~~ leaves the jurisdiction of the 11118  
court without permission from the ~~county department of~~ probation 11119  
officer, the probation agency, or the court to do so, or if the 11120  
~~probationer~~ offender is confined in any institution for the 11121  
commission of any offense ~~whatever~~, the ~~probation~~ period of 11122  
community control ceases to run until ~~such the time as that~~ the 11123  
~~probationer~~ offender is brought before the court for its further 11124  
action. 11125

**Sec. 2951.08.** (A) During a period of ~~probation or~~ community 11126  
control, any field officer or probation officer may arrest the 11127  
person ~~on probation or~~ under a community control sanction without 11128  
a warrant and bring the person before the judge or magistrate 11129  
before whom the cause was pending. During a period of ~~probation or~~ 11130  
community control, any peace officer may arrest the person ~~on~~ 11131  
~~probation or~~ under a community control sanction without a warrant 11132  
upon the written order of the chief ~~county~~ probation officer of 11133  
the probation agency if the person ~~on probation or~~ under a 11134  
community control sanction is under the supervision of that ~~county~~ 11135  
~~department of probation agency~~ or on the order of an officer of 11136

the adult parole authority created pursuant to section 5149.02 of 11137  
the Revised Code if the person ~~on probation or~~ under a community 11138  
control sanction is under the supervision of the authority. During 11139  
a period of ~~probation or~~ community control, any peace officer may 11140  
arrest the person ~~on probation or~~ under a community control 11141  
sanction on the warrant of the judge or magistrate before whom the 11142  
cause was pending. 11143

During a period of ~~probation or~~ community control, any peace 11144  
officer may arrest the person ~~on probation or~~ under a community 11145  
control sanction without a warrant if the peace officer has 11146  
reasonable ground to believe that the person has violated or is 11147  
violating any of the following that is a condition of the person's 11148  
~~probation or of the person's~~ community control sanction: 11149

(1) A condition that prohibits ownership, possession, or use 11150  
of a firearm, deadly weapon, ammunition, or dangerous ordnance; 11151

(2) A condition that prohibits the person from being within a 11152  
specified structure or geographic area; 11153

(3) A condition that confines the person to a residence, 11154  
facility, or other structure; 11155

(4) A condition that prohibits the person from contacting or 11156  
communicating with any specified individual; 11157

(5) A condition that prohibits the person from associating 11158  
with a specified individual; 11159

(6) A condition as provided in division ~~(C)(1)(c)~~ (A)(1)(a) of 11160  
section ~~2951.02~~ 2929.25 of the Revised Code or in division (A)(1) 11161  
of section 2929.15 or (A)(8) of section 2929.27 of the Revised 11162  
Code that requires that the person not ingest or be injected with 11163  
a drug of abuse and submit to random drug testing and requires 11164  
that the results of the drug test indicate that the person did not 11165  
ingest or was not injected with a drug of abuse. 11166

(B) Upon making an arrest under this section, the arresting 11167

field officer, probation officer, or peace officer or the 11168  
department or agency of the arresting officer promptly shall 11169  
notify the chief probation officer or the chief probation 11170  
officer's designee that the person has been arrested. Upon being 11171  
notified that a peace officer has made an arrest under this 11172  
section, the chief probation officer or designee, or another 11173  
probation officer designated by the chief probation officer, 11174  
promptly shall bring the person who was arrested before the judge 11175  
or magistrate before whom the cause was pending. 11176

(C) Nothing in this section limits the powers of arrest 11177  
granted to certain law enforcement officers and citizens under 11178  
sections 2935.03 and 2935.04 of the Revised Code. 11179

(D) A probation officer shall receive the actual and 11180  
necessary expenses incurred in the performance of the officer's 11181  
duties. 11182

(E) As used in this section: 11183

~~(1) "Peace officer" has the same meaning as in section~~ 11184  
~~2935.01 of the Revised Code.~~ 11185

~~(2) "Firearm," "deadly weapon," and "dangerous ordnance" have~~ 11186  
~~the same meanings as in section 2923.11 of the Revised Code.~~ 11187

~~(3) "Community control sanction" has the same meaning as in~~ 11188  
~~section 2929.01 of the Revised Code.~~ 11189

~~(4) "Random, "random drug testing" has the same meaning as in~~ 11190  
~~section 5120.63 of the Revised Code.~~ 11191

**Sec. 2951.10.** An order suspending the imposition of a 11192  
sentence for a misdemeanor under section 2929.25 of the Revised 11193  
Code and placing the defendant on probation under a community 11194  
control sanction is a final order from which appeal may be 11195  
prosecuted. 11196

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the 11197  
Revised Code: 11198

(A) "First offender" means anyone who has been convicted of 11199  
an offense in this state or any other jurisdiction and who 11200  
previously or subsequently has not been convicted of the same or a 11201  
different offense in this state or any other jurisdiction. When 11202  
two or more convictions result from or are connected with the same 11203  
act or result from offenses committed at the same time, they shall 11204  
be counted as one conviction. When two or three convictions result 11205  
from the same indictment, information, or complaint, from the same 11206  
plea of guilty, or from the same official proceeding, and result 11207  
from related criminal acts that were committed within a 11208  
three-month period but do not result from the same act or from 11209  
offenses committed at the same time, they shall be counted as one 11210  
conviction, provided that a court may decide as provided in 11211  
division (C)(1)(a) of section 2953.32 of the Revised Code that it 11212  
is not in the public interest for the two or three convictions to 11213  
be counted as one conviction. 11214

For purposes of, and except as otherwise provided in, this 11215  
division, a conviction for a minor misdemeanor, a conviction for a 11216  
violation of any section in Chapter 4511., 4513., or 4549. of the 11217  
Revised Code, or a conviction for a violation of a municipal 11218  
ordinance that is substantially similar to any section in those 11219  
chapters is not a previous or subsequent conviction. A conviction 11220  
for a violation of section 4511.19, 4511.192, 4511.251, 4549.02, 11221  
4549.021, 4549.03, 4549.042, or 4549.07 or sections 4549.41 to 11222  
4549.46 of the Revised Code, or a conviction for a violation of a 11223  
municipal ordinance that is substantially similar to any of those 11224  
sections, shall be considered a previous or subsequent conviction. 11225

(B) "Prosecutor" means the county prosecuting attorney, city 11226  
director of law, village solicitor, or similar chief legal 11227

officer, who has the authority to prosecute a criminal case in the court in which the case is filed.

(C) "Bail forfeiture" means the forfeiture of bail by a defendant who is arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic Rule 2, if the forfeiture is pursuant to an agreement with the court and prosecutor in the case.

(D) "Official records" has the same meaning as in division (D) of section 2953.51 of the Revised Code.

(E) "Official proceeding" has the same meaning as in section 2921.01 of the Revised Code.

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

(G) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.

**Sec. 2953.32.** (A)(1) Except as provided in section 2953.61 of the Revised Code, a first offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing of the conviction record. Application may be made at the expiration of three years after the offender's final discharge if convicted of a felony, or at the expiration of one year after the offender's final discharge if convicted of a misdemeanor.

(2) Any person who has been arrested for any misdemeanor offense and who has effected a bail forfeiture may apply to the court in which the misdemeanor criminal case was pending when bail was forfeited for the sealing of the record of 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 one year from the



date on which the bail forfeiture was entered upon the minutes of  
the court or the journal, whichever entry occurs first.

(B) Upon the filing of an application under this section, the  
court shall set a date for a hearing and shall notify the  
prosecutor for the case of the hearing on the application. The  
prosecutor may object to the granting of the application by filing  
an objection with the court prior to the date set for the hearing.  
The prosecutor shall specify in the objection the reasons for  
believing a denial of the application is justified. The court  
shall direct its regular probation officer, a state probation  
officer, or the department of probation of the county in which the  
applicant resides to make inquiries and written reports as the  
court requires concerning the applicant.

(C)(1) The court shall do each of the following:

(a) Determine whether the applicant is a first offender or  
whether the forfeiture of bail was agreed to by the applicant and  
the prosecutor in the case. If the applicant applies as a first  
offender pursuant to division (A)(1) of this section and has two  
or three convictions that 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, in making its determination under this division, the court  
initially shall determine whether it is not in the public interest  
for the two or three convictions to be counted as one conviction.  
If the court determines that it is not in the public interest for  
the two or three convictions to be counted as one conviction, the  
court shall determine that the applicant is not a first offender;  
if the court does not make that determination, the court shall  
determine that the offender is a first offender.

(b) Determine whether criminal proceedings are pending 11290  
against the applicant; 11291

(c) If the applicant is a first offender who applies pursuant 11292  
to division (A)(1) of this section, determine whether the 11293  
applicant has been rehabilitated to the satisfaction of the court; 11294

(d) If the prosecutor has filed an objection in accordance 11295  
with division (B) of this section, consider the reasons against 11296  
granting the application specified by the prosecutor in the 11297  
objection; 11298

(e) Weigh the interests of the applicant in having the 11299  
records pertaining to the applicant's conviction sealed against 11300  
the legitimate needs, if any, of the government to maintain those 11301  
records. 11302

(2) If the court determines, after complying with division 11303  
(C)(1) of this section, that the applicant is a first offender or 11304  
the subject of a bail forfeiture, that no criminal proceeding is 11305  
pending against the applicant, and that the interests of the 11306  
applicant in having the records pertaining to the applicant's 11307  
conviction or bail forfeiture sealed are not outweighed by any 11308  
legitimate governmental needs to maintain those records, and that 11309  
the rehabilitation of an applicant who is a first offender 11310  
applying pursuant to division (A)(1) of this section has been 11311  
attained to the satisfaction of the court, the court, except as 11312  
provided in division (G) of this section, shall order all official 11313  
records pertaining to the case sealed and, except as provided in 11314  
division (F) of this section, all index references to the case 11315  
deleted and, in the case of bail forfeitures, shall dismiss the 11316  
charges in the case. The proceedings in the case shall be 11317  
considered not to have occurred and the conviction or bail 11318  
forfeiture of the person who is the subject of the proceedings 11319  
shall be sealed, except that upon conviction of a subsequent 11320  
offense, the sealed record of prior conviction or bail forfeiture 11321

may be considered by the court in determining the sentence or  
other appropriate disposition, including the relief provided for  
in sections 2953.31 to 2953.33 of the Revised Code.

(3) Upon the filing of an application under this section, the  
applicant, unless indigent, shall pay a fee of fifty dollars. The  
court shall pay thirty dollars of the fee into the state treasury.  
It shall pay twenty dollars of the fee into the county general  
revenue fund if the sealed conviction or bail forfeiture was  
pursuant to a state statute, or into the general revenue fund of  
the municipal corporation involved if the sealed conviction or  
bail forfeiture was pursuant to a municipal ordinance.

(D) Inspection of the sealed records included in the order  
may be made only by the following persons or for the following  
purposes:

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

(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 probation 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;

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

(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;

(5) By a prosecuting attorney or the prosecuting attorney's

assistants, to determine a defendant's eligibility to enter a 11353  
pre-trial diversion program established pursuant to section 11354  
2935.36 of the Revised Code; 11355

(6) By any law enforcement agency or any authorized employee 11356  
of a law enforcement agency or by the department of rehabilitation 11357  
and correction as part of a background investigation of a person 11358  
who applies for employment with the agency as a law enforcement 11359  
officer or with the department as a corrections officer; 11360

(7) By any law enforcement agency or any authorized employee 11361  
of a law enforcement agency, for the purposes set forth in, and in 11362  
the manner provided in, section 2953.321 of the Revised Code; 11363

(8) By the bureau of criminal identification and 11364  
investigation or any authorized employee of the bureau for the 11365  
purpose of providing information to a board or person pursuant to 11366  
division (F) or (G) of section 109.57 of the Revised Code; 11367

(9) By the bureau of criminal identification and 11368  
investigation or any authorized employee of the bureau for the 11369  
purpose of performing a criminal history records check on a person 11370  
to whom a certificate as prescribed in section 109.77 of the 11371  
Revised Code is to be awarded. 11372

When the nature and character of the offense with which a 11373  
person is to be charged would be affected by the information, it 11374  
may be used for the purpose of charging the person with an 11375  
offense. 11376

(E) In any criminal proceeding, proof of any otherwise 11377  
admissible prior conviction may be introduced and proved, 11378  
notwithstanding the fact that for any such prior conviction an 11379  
order of sealing previously was issued pursuant to sections 11380  
2953.31 to 2953.36 of the Revised Code. 11381

(F) The person or governmental agency, office, or department 11382  
that maintains sealed records pertaining to convictions or bail 11383

forfeitures that have been sealed pursuant to this section may 11384  
maintain a manual or computerized index to the sealed records. The 11385  
index shall contain only the name of, and alphanumeric identifiers 11386  
that relate to, the persons who are the subject of the sealed 11387  
records, the word "sealed," and the name of the person, agency, 11388  
office, or department that has custody of the sealed records, and 11389  
shall not contain the name of the crime committed. The index shall 11390  
be made available by the person who has custody of the sealed 11391  
records only for the purposes set forth in divisions (C), (D), and 11392  
(E) of this section. 11393

(G) Notwithstanding any provision of this section or section 11394  
2953.33 of the Revised Code that requires otherwise, a board of 11395  
education of a city, local, exempted village, or joint vocational 11396  
school district that maintains records of an individual who has 11397  
been permanently excluded under sections 3301.121 and 3313.662 of 11398  
the Revised Code is permitted to maintain records regarding a 11399  
conviction that was used as the basis for the individual's 11400  
permanent exclusion, regardless of a court order to seal the 11401  
record. An order issued under this section to seal the record of a 11402  
conviction does not revoke the adjudication order of the 11403  
superintendent of public instruction to permanently exclude the 11404  
individual who is the subject of the sealing order. An order 11405  
issued under this section to seal the record of a conviction of an 11406  
individual may be presented to a district superintendent as 11407  
evidence to support the contention that the superintendent should 11408  
recommend that the permanent exclusion of the individual who is 11409  
the subject of the sealing order be revoked. Except as otherwise 11410  
authorized by this division and sections 3301.121 and 3313.662 of 11411  
the Revised Code, any school employee in possession of or having 11412  
access to the sealed conviction records of an individual that were 11413  
the basis of a permanent exclusion of the individual is subject to 11414  
section 2953.35 of the Revised Code. 11415

**Sec. 2953.33.** (A) Except as provided in division (G) of 11416  
section 2953.32 of the Revised Code, an order to seal the record 11417  
of a person's conviction restores the person who is the subject of 11418  
the order to all rights and privileges not otherwise restored by 11419  
termination of the sentence or probation community control 11420  
sanction or by final release on parole or post-release control. 11421

(B) In any application for employment, license, or other 11422  
right or privilege, any appearance as a witness, or any other 11423  
inquiry, except as provided in division (E) of section 2953.32 of 11424  
the Revised Code, a person may be questioned only with respect to 11425  
convictions not sealed, bail forfeitures not expunged under 11426  
section 2953.42 of the Revised Code as it existed prior to June 11427  
29, 1988, and bail forfeitures not sealed, unless the question 11428  
bears a direct and substantial relationship to the position for 11429  
which the person is being considered. 11430

**Sec. 2961.01.** (A) A person convicted of a felony under the 11431  
laws of this or any other state or the United States, unless the 11432  
conviction is reversed or annulled, is incompetent to be an 11433  
elector or juror or to hold an office of honor, trust, or profit. 11434  
When any person convicted of a felony under any law of that type 11435  
is granted ~~probation~~, parole, judicial release, or a conditional 11436  
pardon or is released under a community control sanction or a 11437  
post-release control sanction, the person is competent to be an 11438  
elector during the period of ~~probation community control~~, parole, 11439  
post-release control, or release or until the conditions of the 11440  
pardon have been performed or have transpired and is competent to 11441  
be an elector thereafter following final discharge. The full 11442  
pardon of a convict restores the rights and privileges so 11443  
forfeited under this section, but a pardon shall not release a 11444  
convict from the costs of the convict's conviction in this state, 11445  
unless so specified. 11446

(B) As used in this section: 11447

(1) "Community control sanction" has the same meaning as in 11448  
section 2929.01 of the Revised Code. 11449

(2) "Post-release control" and "post-release control 11450  
sanction" have the same meanings as in section 2967.01 of the 11451  
Revised Code. 11452

**Sec. 2963.01.** As used in sections 2963.01 to 2963.27~~7~~, 11453  
~~inclusive~~, of the Revised Code: 11454

(A) "Governor" includes any person performing the functions 11455  
of governor by authority of the law of this state. 11456

(B) "Executive authority" includes the governor, and any 11457  
person performing the functions of governor in a state other than 11458  
this state. 11459

(C) "State," referring to a state other than this state, 11460  
includes any state or territory, organized or unorganized, of the 11461  
United States. 11462

(D) "Community control sanction" has the same meaning as in 11463  
section 2929.01 of the Revised Code. 11464

(E) "Post-release control" and "post-release control 11465  
sanction" have the same meanings as in section 2967.01 of the 11466  
Revised Code. 11467

**Sec. 2963.11.** When, on the oath of a credible person before 11468  
any judge or magistrate of this state, any person within this 11469  
state is charged with the commission of any crime in any other 11470  
state and with having fled from justice, or with having been 11471  
convicted of a crime in that state and having escaped from 11472  
confinement, or having broken the terms of the person's bail~~7~~, 11473  
~~probation~~, or parole or violated the conditions of a community 11474  
control sanction ~~imposed under section 2929.16, 2929.17, or~~ 11475

~~2929.18 of the Revised Code~~ or of post-release control under 11476  
~~section 2967.28 of the Revised Code~~ sanction, or whenever 11477  
complaint has been made before any judge or magistrate in this 11478  
state setting forth on the affidavit of any credible person in 11479  
another state that a crime has been committed in the other state 11480  
and that the accused has been charged in that state with the 11481  
commission of the crime, and~~7~~ has fled from justice, or with 11482  
having been convicted of a crime in that state and having escaped 11483  
from confinement, or having broken the terms of bail, probation, 11484  
or parole, and is believed to be in this state, the judge or 11485  
magistrate shall issue a warrant directed to any peace officer, 11486  
commanding the peace officer to apprehend the person named in the 11487  
warrant, wherever the person may be found in this state, and to 11488  
bring the person before the same or any other judge, magistrate, 11489  
or court ~~which~~ that may be available in or convenient of access to 11490  
the place where the arrest may be made, to answer the charge or 11491  
complaint and affidavit, and a certified copy of the sworn charge 11492  
or complaint and upon which the warrant is issued shall be 11493  
attached to the warrant. 11494

This section does not apply to cases arising under section 11495  
2963.06 of the Revised Code. 11496

**Sec. 2963.20.** Whenever the governor demands a person charged 11497  
with crime, ~~or~~ with escaping from confinement, or with breaking 11498  
the terms of ~~his~~ the person's bail, ~~probation~~, or parole in this 11499  
state or violating the conditions of a community control sanction 11500  
or post-release control sanction imposed in this state, from the 11501  
executive authority of any other state, or from the chief justice 11502  
or an associate justice of the supreme court of the District of 11503  
Columbia authorized to receive ~~such~~ that demand under the laws of 11504  
the United States, ~~he~~ the governor shall issue a warrant under the 11505  
seal of this state, to ~~some~~ an agent, commanding ~~him~~ the agent to 11506



receive the person so charged and convey ~~such~~ that person to the 11507  
proper officer of the county in which the offense was committed. 11508

**Sec. 2963.21.** When the return to this state of a person 11509  
charged with crime in this state is required, the prosecuting 11510  
attorney shall present to the governor a written application for a 11511  
requisition for the return of the person charged. The application 11512  
shall state the name of the person charged, the crime charged 11513  
against the person, the approximate time, place, and circumstances 11514  
of its commission, the state in which the person charged is 11515  
believed to be located, and the location of the person in that 11516  
state at the time the application is made. The prosecuting 11517  
attorney shall certify that in the prosecuting attorney's opinion 11518  
the ends of justice require the arrest and return of the person 11519  
charged to this state for trial and that the proceeding is not 11520  
instituted to enforce a private claim. 11521

When the return to this state is required of a person who has 11522  
been convicted of a crime in this state and has escaped from 11523  
confinement or broken the terms of the person's bail, ~~probation~~, 11524  
parole, community control sanction, or post-release control 11525  
sanction, the prosecuting attorney of the county in which the 11526  
offense was committed, the adult parole authority, or the warden 11527  
of the institution or sheriff of the county from which escape was 11528  
made shall present to the governor a written application for a 11529  
requisition for the return of the person. The application shall 11530  
state the person's name, the crime of which the person was 11531  
convicted, the circumstances of the person's escape from 11532  
confinement or of the breach of the terms of the person's bail, 11533  
~~probation~~, parole, community control sanction, or post-release 11534  
control sanction, the state in which the person is believed to be 11535  
located, and the location of the person in that state at the time 11536  
the application is made. 11537

An application presented under this section shall be verified 11538  
by affidavit, executed in duplicate, and accompanied by two 11539  
certified copies of the indictment returned, of the information 11540  
and affidavit filed, of the complaint made to the judge or 11541  
magistrate, stating the offense with which the accused is charged, 11542  
of the judgment of conviction, or of the sentence. The prosecuting 11543  
attorney, adult parole authority, warden, or sheriff also may 11544  
attach any other affidavits or documents in duplicate that the 11545  
prosecuting attorney, adult parole authority, warden, or sheriff 11546  
finds proper to be submitted with the application. One copy of the 11547  
application, with the action of the governor indicated by 11548  
indorsement on the application, and one of the certified copies of 11549  
the indictment, complaint, information, and affidavits, of the 11550  
judgment of conviction, or of the sentence shall be filed in the 11551  
office of the secretary of state to remain of record in that 11552  
office. The other copies of all papers shall be forwarded with the 11553  
governor's requisition. 11554

**Sec. 2967.02.** (A) ~~Sections~~ The adult parole authority created 11555  
by section 5149.02 of the Revised Code shall administer sections 11556  
2967.01 to 2967.28 of the Revised Code, and other sections of the 11557  
Revised Code governing pardon, ~~probation~~ community control 11558  
sanctions, post-release control, and parole, ~~shall be administered~~ 11559  
~~by the adult parole authority created by section 5149.02 of the~~ 11560  
~~Revised Code.~~ 11561

(B) The governor may grant a pardon after conviction, may 11562  
grant an absolute and entire pardon or a partial pardon, and may 11563  
grant a pardon upon conditions precedent or subsequent. 11564

(C) The adult parole authority shall supervise all parolees. 11565  
The department of rehabilitation and correction has legal custody 11566  
of a parolee until the authority grants the parolee a final 11567  
release pursuant to section 2967.16 of the Revised Code. 11568

(D) The department of rehabilitation and correction has legal custody of a releasee until the adult parole authority grants the releasee a final release pursuant to section 2967.16 of the Revised Code.

**Sec. 2967.22.** Whenever it is brought to the attention of the adult parole authority or a ~~county~~ department of probation that a parolee, ~~probationer~~ person under a community control sanction, person under transitional control, or releasee appears to be a mentally ill person subject to hospitalization by court order, as defined in section 5122.01 of the Revised Code, or a mentally retarded person subject to institutionalization by court order, as defined in section 5123.01 of the Revised Code, the parole or probation officer, subject to the approval of the chief of the adult parole authority, the designee of the chief of the adult parole authority, or the chief probation officer, may file an affidavit under section 5122.11 or 5123.71 of the Revised Code. A parolee, ~~probationer~~ person under a community control sanction, or releasee who is involuntarily detained under Chapter 5122. or 5123. of the Revised Code shall receive credit against the period of parole or ~~probation~~ community control or the term of post-release control for the period of involuntary detention.

If a parolee, ~~probationer~~ person under a community control sanction, person under transitional control, or releasee escapes from an institution or facility within the department of mental health or the department of mental retardation and developmental disabilities, the superintendent of the institution immediately shall notify the chief of the adult parole authority or the chief probation officer. Notwithstanding the provisions of section 5122.26 of the Revised Code, the procedure for the apprehension, detention, and return of the parolee, ~~probationer~~ person under a community control sanction, person under transitional control, or releasee is the same as that provided for the apprehension,

detention, and return of persons who escape from institutions 11601  
operated by the department of rehabilitation and correction. If 11602  
the escaped parolee, person under transitional control, or 11603  
releasee is not apprehended and returned to the custody of the 11604  
department of mental health or the department of mental 11605  
retardation and developmental disabilities within ninety days 11606  
after the escape, the parolee, person under transitional control, 11607  
or releasee shall be discharged from the custody of the department 11608  
of mental health or the department of mental retardation and 11609  
developmental disabilities and returned to the custody of the 11610  
department of rehabilitation and correction. If the escaped 11611  
~~probationer~~ person under a community control sanction is not 11612  
apprehended and returned to the custody of the department of 11613  
mental health or the department of mental retardation and 11614  
developmental disabilities within ninety days after the escape, 11615  
the ~~probationer~~ person under a community control sanction shall be 11616  
discharged from the custody of the department of mental health or 11617  
the department of mental retardation and developmental 11618  
disabilities and returned to the custody of the court that 11619  
sentenced ~~the probationer~~ that person. 11620

**Sec. 2967.26.** (A)(1) The department of rehabilitation and 11621  
correction, by rule, may establish a transitional control program 11622  
for the purpose of closely monitoring a prisoner's adjustment to 11623  
community supervision during the final one hundred eighty days of 11624  
the prisoner's confinement. If the department establishes a 11625  
transitional control program under this division, the adult parole 11626  
authority may transfer eligible prisoners to transitional control 11627  
status under the program during the final one hundred eighty days 11628  
of their confinement and under the terms and conditions 11629  
established by the department, shall provide for the confinement 11630  
as provided in this division of each eligible prisoner so 11631  
transferred, and shall supervise each eligible prisoner so 11632

transferred in one or more community control sanctions. Each 11633  
eligible prisoner who is transferred to transitional control 11634  
status under the program shall be confined in a suitable facility 11635  
that is licensed pursuant to division (C) of section 2967.14 of 11636  
the Revised Code, or shall be confined in a residence the 11637  
department has approved for this purpose and be monitored pursuant 11638  
to an electronic monitoring device, ~~as defined in section 2929.23~~ 11639  
~~of the Revised Code~~. If the department establishes a transitional 11640  
control program under this division, the rules establishing the 11641  
program shall include criteria that define which prisoners are 11642  
eligible for the program, criteria that must be satisfied to be 11643  
approved as a residence that may be used for confinement under the 11644  
program of a prisoner that is transferred to it and procedures for 11645  
the department to approve residences that satisfy those criteria, 11646  
and provisions of the type described in division (C) of this 11647  
section. At a minimum, the criteria that define which prisoners 11648  
are eligible for the program shall provide all of the following: 11649

(a) That a prisoner is eligible for the program if the 11650  
prisoner is serving a prison term or term of imprisonment for an 11651  
offense committed prior to ~~the effective date of this amendment~~ 11652  
March 17, 1998, and if, at the time at which eligibility is being 11653  
determined, the prisoner would have been eligible for a furlough 11654  
under this section as it existed immediately prior to ~~the~~ 11655  
~~effective date of this amendment~~ March 17, 1998, or would have 11656  
been eligible for conditional release under former section 2967.23 11657  
of the Revised Code as that section existed immediately prior to 11658  
~~the effective date of this amendment~~ March 17, 1998; 11659

(b) That no prisoner who is serving a mandatory prison term 11660  
is eligible for the program until after expiration of the 11661  
mandatory term; 11662

(c) That no prisoner who is serving a prison term or term of 11663  
life imprisonment without parole imposed pursuant to section 11664

2971.03 of the Revised Code is eligible for the program. 11665

(2) At least three weeks prior to transferring to 11666  
transitional control under this section a prisoner who is serving 11667  
a term of imprisonment or prison term for an offense committed on 11668  
or after July 1, 1996, the adult parole authority shall give 11669  
notice of the pendency of the transfer to transitional control to 11670  
the court of common pleas of the county in which the indictment 11671  
against the prisoner was found and of the fact that the court may 11672  
disapprove the transfer of the prisoner to transitional control 11673  
and shall include a report prepared by the head of the state 11674  
correctional institution in which the prisoner is confined. The 11675  
head of the state correctional institution in which the prisoner 11676  
is confined, upon the request of the adult parole authority, shall 11677  
provide to the authority for inclusion in the notice sent to the 11678  
court under this division a report on the prisoner's conduct in 11679  
the institution and in any institution from which the prisoner may 11680  
have been transferred. The report shall cover the prisoner's 11681  
participation in school, vocational training, work, treatment, and 11682  
other rehabilitative activities and any disciplinary action taken 11683  
against the prisoner. If the court disapproves of the transfer of 11684  
the prisoner to transitional control, the court shall notify the 11685  
authority of the disapproval within thirty days after receipt of 11686  
the notice. If the court timely disapproves the transfer of the 11687  
prisoner to transitional control, the authority shall not proceed 11688  
with the transfer. If the court does not timely disapprove the 11689  
transfer of the prisoner to transitional control, the authority 11690  
may transfer the prisoner to transitional control. 11691

(3) If the victim of an offense for which a prisoner was 11692  
sentenced to a prison term or term of imprisonment has requested 11693  
notification under section 2930.16 of the Revised Code and has 11694  
provided the department of rehabilitation and correction with the 11695  
victim's name and address, the adult parole authority, at least 11696

three weeks prior to transferring the prisoner to transitional control pursuant to this section, shall notify the victim of the pendency of the transfer and of the victim's right to submit a statement to the authority regarding the impact of the transfer of the prisoner to transitional control. If the victim subsequently submits a statement of that nature to the authority, the authority shall consider the statement in deciding whether to transfer the prisoner to transitional control.

(B) Each prisoner transferred to transitional control under this section shall be confined in the manner described in division (A) of this section during any period of time that the prisoner is not actually working at the prisoner's approved employment, engaged in a vocational training or another educational program, engaged in another program designated by the director, or engaged in other activities approved by the department.

(C) The department of rehabilitation and correction shall adopt rules for transferring eligible prisoners to transitional control, supervising and confining prisoners so transferred, administering the transitional control program in accordance with this section, and using the moneys deposited into the transitional control fund established under division (E) of this section.

(D) The department of rehabilitation and correction may adopt rules for the issuance of passes for the limited purposes described in this division to prisoners who are transferred to transitional control under this section. If the department adopts rules of that nature, the rules shall govern the granting of the passes and shall provide for the supervision of prisoners who are temporarily released pursuant to one of those passes. Upon the adoption of rules under this division, the department may issue passes to prisoners who are transferred to transitional control status under this section in accordance with the rules and the provisions of this division. All passes issued under this division

shall be for a maximum of forty-eight hours and may be issued only 11729  
for the following purposes: 11730

(1) To visit a dying relative; 11731

(2) To attend the funeral of a relative; 11732

(3) To visit with family; 11733

(4) To otherwise aid in the rehabilitation of the prisoner. 11734

(E) The adult parole authority may require a prisoner who is 11735  
transferred to transitional control to pay to the division of 11736  
parole and community services the reasonable expenses incurred by 11737  
the division in supervising or confining the prisoner while under 11738  
transitional control. Inability to pay those reasonable expenses 11739  
shall not be grounds for refusing to transfer an otherwise 11740  
eligible prisoner to transitional control. Amounts received by the 11741  
division of parole and community services under this division 11742  
shall be deposited into the transitional control fund, which is 11743  
hereby created in the state treasury and which hereby replaces and 11744  
succeeds the furlough services fund that formerly existed in the 11745  
state treasury. All moneys that remain in the furlough services 11746  
fund on ~~the effective date of this amendment~~ March 17, 1998, shall 11747  
be transferred on that date to the transitional control fund. The 11748  
transitional control fund shall be used solely to pay costs 11749  
related to the operation of the transitional control program 11750  
established under this section. The director of rehabilitation and 11751  
correction shall adopt rules in accordance with section 111.15 of 11752  
the Revised Code for the use of the fund. 11753

(F) A prisoner who violates any rule established by the 11754  
department of rehabilitation and correction under division (A), 11755  
(C), or (D) of this section may be transferred to a state 11756  
correctional institution pursuant to rules adopted under division 11757  
(A), (C), or (D) of this section, but the prisoner shall receive 11758  
credit towards completing the prisoner's sentence for the time 11759



spent under transitional control. 11760

If a prisoner is transferred to transitional control under 11761  
this section, upon successful completion of the period of 11762  
transitional control, the prisoner may be released on parole or 11763  
under post-release control pursuant to section 2967.13 or 2967.28 11764  
of the Revised Code and rules adopted by the department of 11765  
rehabilitation and correction. If the prisoner is released under 11766  
post-release control, the duration of the post-release control, 11767  
the type of post-release control sanctions that may be imposed, 11768  
the enforcement of the sanctions, and the treatment of prisoners 11769  
who violate any sanction applicable to the prisoner are governed 11770  
by section 2967.28 of the Revised Code. 11771

**Sec. 2969.11.** As used in sections 2969.11 to 2969.14 of the 11772  
Revised Code: 11773

(A) "Crime victims recovery fund" means the fund created by 11774  
division (D) of section ~~2929.25~~ 2929.32 of the Revised Code. 11775

(B) "Victim" means a person who suffers personal injury, 11776  
death, or property loss as a result of any of the following, or 11777  
the beneficiaries of an action for the wrongful death of any 11778  
person killed as a result of any of the following: 11779

(1) An offense committed by an offender in whose name a 11780  
separate account is maintained in the crime victims recovery fund 11781  
pursuant to section 2969.12 of the Revised Code; 11782

(2) The good faith effort of a person to prevent an offense 11783  
committed by an offender in whose name a separate account is 11784  
maintained in the crime victims recovery fund pursuant to section 11785  
2969.12 of the Revised Code; 11786

(3) The good faith effort of a person to apprehend a person 11787  
suspected of engaging in an offense committed by an offender in 11788  
whose name a separate account is maintained in the crime victims 11789

recovery fund pursuant to section 2969.12 of the Revised Code. 11790

**Sec. 2969.12.** (A) The clerk of the court of claims shall 11791  
administer the crime victims recovery fund and shall maintain in 11792  
the fund in the name of each offender a separate account for money 11793  
received, or money received from the sale or other disposition of 11794  
property, pursuant to section ~~2929.25~~ 2929.32 of the Revised Code 11795  
in connection with that offender. The clerk shall distribute the 11796  
money in that separate account in accordance with division (C) of 11797  
this section. 11798

(B) Notwithstanding a contrary provision of any section of 11799  
the Revised Code that deals with the limitation of actions, a 11800  
victim of an offense committed by an offender in whose name a 11801  
separate account is maintained in the crime victims recovery fund 11802  
may bring a civil action against the offender or the 11803  
representatives of the offender at any time within three years 11804  
after the establishment of the separate account. 11805

In order to recover from a separate account maintained in the 11806  
fund in the name of an offender, a victim of that offender shall 11807  
do all of the following: 11808

(1) Within the three-year period or, if the action was 11809  
initiated before the separate account was established, within 11810  
ninety days after the separate account is established, notify the 11811  
clerk of the court of claims that a civil action has been brought 11812  
against the offender or the representatives of the offender; 11813

(2) Notify the clerk of the court of claims of the entry of 11814  
any judgment in the civil action; 11815

(3) Within ninety days after the judgment in the civil action 11816  
is final or, if the judgment was obtained before the separate 11817  
account was established, within ninety days after the separate 11818  
account is established, request the clerk of the court of claims 11819

to pay from the separate account the judgment that the victim is 11820  
awarded in the civil action. 11821

If a civil action is brought against an offender or the 11822  
representatives of the offender after the expiration of the 11823  
statute of limitations that would apply to the civil action but 11824  
for this division, the court shall state in a judgment in favor of 11825  
the victim that the judgment may be enforced only against the 11826  
separate account maintained in the name of that offender in the 11827  
crime victims recovery fund. 11828

(C)(1) The clerk of the court of claims shall not make a 11829  
payment from the separate account maintained in the name of an 11830  
offender in the crime victims recovery fund to a victim of the 11831  
offender until the expiration of the later of the following 11832  
periods: 11833

(a) The expiration of three years after the establishment of 11834  
the separate account, provided that no action of which the clerk 11835  
was notified under division (B)(1) of this section is pending; 11836

(b) If three years has elapsed since the establishment of the 11837  
separate account and if one or more actions of which the clerk was 11838  
notified under division (B)(1) of this section is pending at the 11839  
expiration of that three-year period, the date of the final 11840  
disposition of the last of those pending actions. 11841

(2) Upon the expiration of the applicable period of time set 11842  
forth in division (C)(1) of this section, the clerk of the court 11843  
of claims shall make payments from the separate account maintained 11844  
in the name of the offender in the crime victims recovery fund to 11845  
the victims of the offender who obtained a judgment against the 11846  
offender or the representatives of the offender for damages 11847  
resulting from the offense committed by the offender. The payments 11848  
shall be made as provided in this division. 11849

When a separate account is maintained in the name of an 11850

offender in the crime victims recovery fund, the clerk of the  
court of claims shall determine on the second day of January and  
the first day of April, July, and October of each year the amount  
of money in that separate account. After the expiration of the  
applicable period of time set forth in division (C)(1) of this  
section, the clerk shall pay from that separate account any  
judgment for which a victim of that offender has requested payment  
pursuant to division (B)(3) of this section and has requested  
payment prior to the date of the most recent quarterly  
determination described in this division. If at a time that  
payments would be made from that separate account there are  
insufficient funds in that separate account to pay all of the  
applicable judgments against the offender or the representatives  
of the offender, the clerk of the court of claims shall pay the  
judgments on a pro rata basis.

**Sec. 2969.13.** All moneys that are collected pursuant to  
section ~~2929.25~~ 2929.32 of the Revised Code and required to be  
deposited in the crime victims recovery fund shall be credited by  
the treasurer of state to the fund. Any interest earned on the  
money in the fund shall be credited to the fund.

**Sec. 2969.14.** (A) If a separate account has been maintained  
in the name of an offender in the crime victims recovery fund and  
if there is no further requirement to pay into the fund money, or  
the monetary value of property, pursuant to section ~~2929.25~~  
2929.32 of the Revised Code, unless otherwise ordered by a court  
of record in which a judgment has been rendered against the  
offender or the representatives of the offender, the clerk of the  
court of claims shall pay the money remaining in the separate  
account in accordance with division (B) of this section, if all of  
the following apply:

(1) The applicable period of time that governs the making of

payments from the separate account, as set forth in division 11882  
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 11883

(2) None of the civil actions against the offender or the 11884  
representatives of the offender of which the clerk of the court of 11885  
claims has been notified pursuant to division (B)(1) of section 11886  
2969.12 of the Revised Code is pending. 11887

(3) All judgments for which payment was requested pursuant to 11888  
division (B)(3) of section 2969.12 of the Revised Code have been 11889  
paid. 11890

(B) If the clerk of the court of claims is required by 11891  
division (A) of this section to pay the money remaining in the 11892  
separate account established in the name of an offender in 11893  
accordance with this division, the clerk shall pay the money as 11894  
follows: 11895

(1) If the offender was confined for a felony in a prison or 11896  
other facility operated by the department of rehabilitation and 11897  
correction under a sanction imposed pursuant to section 2929.14 or 11898  
2929.16 of the Revised Code, the clerk shall pay the money to the 11899  
treasurer of state, in accordance with division (C)(1) of section 11900  
2929.18 of the Revised Code, to cover the costs of the 11901  
confinement. If any money remains in the separate account after 11902  
the payment of the costs of the confinement pursuant to this 11903  
division, the clerk shall pay the remaining money in accordance 11904  
with divisions (B)(2), (3), and (5) of this section. 11905

(2) If the offender was confined for a felony in a facility 11906  
operated by a county or a municipal corporation, after payment of 11907  
any costs required to be paid under division (B)(1) of this 11908  
section, the clerk shall pay the money to the treasurer of the 11909  
county or of the municipal corporation that operated the facility, 11910  
in accordance with division (C)(2) or (3) of section 2929.18 of 11911  
the Revised Code, to cover the costs of the confinement. If more 11912

than one county or municipal corporation operated a facility in 11913  
which the offender was confined, the clerk shall equitably 11914  
apportion the money among each of those counties and municipal 11915  
corporations. If any money remains in the separate account after 11916  
the payment of the costs of the confinement pursuant to this 11917  
division, the clerk shall pay the remaining money in accordance 11918  
with divisions (B)(3) and (5) of this section. 11919

(3) If the offender was sentenced for a felony to any 11920  
community control sanction other than a sanction described in 11921  
division (B)(2) of this section, after payment of any costs 11922  
required to be paid under division (B)(1) or (2) of this section, 11923  
the clerk shall pay the money to the treasurer of the county or of 11924  
the municipal corporation that incurred costs pursuant to the 11925  
sanction, in accordance with division (C)(2) or (3) of section 11926  
2929.18 of the Revised Code, to cover the costs so incurred. If 11927  
more than one county or municipal corporation incurred costs 11928  
pursuant to the sanction, the clerk shall equitably apportion the 11929  
money among each of those counties and municipal corporations. If 11930  
any money remains in the separate account after the payment of the 11931  
costs of the sanction pursuant to this division, the clerk shall 11932  
pay the remaining money in accordance with division (B)(5) of this 11933  
section. 11934

(4) If the offender was imprisoned or incarcerated for a 11935  
misdemeanor, to the treasurer of the political subdivision that 11936  
operates the facility in which the offender was imprisoned or 11937  
incarcerated, to cover the costs of the imprisonment or 11938  
incarceration. If more than one political subdivision operated a 11939  
facility in which the offender was confined, the clerk shall 11940  
equitably apportion the money among each of those political 11941  
subdivisions. If any money remains in the separate account after 11942  
the payment of the costs of the imprisonment or incarceration 11943  
under this division, the clerk shall pay the remaining money in 11944

accordance with division (B)(5) of this section. 11945

(5) If any money remains in the separate account after 11946  
payment of any costs required to be paid under division (B)(1), 11947  
(2), (3), or (4) of this section, or if no provision of division 11948  
(B)(1), (2), (3), or (4) of this section applies, the clerk shall 11949  
distribute the amount of the money remaining in the separate 11950  
account as otherwise provided by law for the distribution of money 11951  
paid in satisfaction of a fine, as if that amount was a fine paid 11952  
by the offender. 11953

**Sec. 3313.65.** (A) As used in this section and section 3313.64 11954  
of the Revised Code: 11955

(1) A person is "in a residential facility" if the person is 11956  
a resident or a resident patient of an institution, home, or other 11957  
residential facility that is: 11958

(a) Licensed as a nursing home, residential care facility, or 11959  
home for the aging by the director of health under section 3721.02 11960  
of the Revised Code or licensed as a community alternative home by 11961  
the director of health under section 3724.03 of the Revised Code; 11962  
11963

(b) Licensed as an adult care facility by the director of 11964  
health under Chapter 3722. of the Revised Code; 11965

(c) Maintained as a county home or district home by the board 11966  
of county commissioners or a joint board of county commissioners 11967  
under Chapter 5155. of the Revised Code; 11968

(d) Operated or administered by a board of alcohol, drug 11969  
addiction, and mental health services under section 340.03 or 11970  
340.06 of the Revised Code, or provides residential care pursuant 11971  
to contracts made under section 340.03 or 340.033 of the Revised 11972  
Code; 11973

(e) Maintained as a state institution for the mentally ill 11974

under Chapter 5119. of the Revised Code; 11975

(f) Licensed by the department of mental health under section 11976  
5119.20 or 5119.22 of the Revised Code; 11977

(g) Licensed as a residential facility by the department of 11978  
mental retardation and developmental disabilities under section 11979  
5123.19 of the Revised Code; 11980

(h) Operated by the veteran's administration or another 11981  
agency of the United States government; 11982

(i) The Ohio soldiers' and sailors' home. 11983

(2) A person is "in a correctional facility" if any of the 11984  
following apply: 11985

(a) The person is an Ohio resident and is: 11986

(i) Imprisoned, as defined in section 1.05 of the Revised 11987  
Code; 11988

(ii) Serving a term in a community-based correctional 11989  
facility or a district community-based correctional facility; 11990

(iii) Required, as a condition of parole, ~~probation a~~ 11991  
~~post-release control sanction, a community control sanction,~~ 11992  
transitional control, or early release from imprisonment, as a 11993  
condition of shock parole or shock probation granted under the law 11994  
in effect prior to July 1, 1996, or as a condition of a furlough 11995  
granted under the version of section 2967.26 of the Revised Code 11996  
in effect prior to ~~the effective date of this amendment~~ March 17, 11997  
1998, to reside in a halfway house or other community residential 11998  
center licensed under section 2967.14 of the Revised Code or a 11999  
similar facility designated by the ~~common pleas~~ court of common 12000  
pleas that established the condition or by the adult parole 12001  
authority. 12002

(b) The person is imprisoned in a state correctional 12003  
institution of another state or a federal correctional institution 12004



but was an Ohio resident at the time the sentence was imposed for  
the crime for which the person is imprisoned.

(3) A person is "in a juvenile residential placement" if the  
person is an Ohio resident who is under twenty-one years of age  
and has been removed, by the order of a juvenile court, from the  
place the person resided at the time the person became subject to  
the court's jurisdiction in the matter that resulted in the  
person's removal.

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

(5) "Post-release control sanction" has the same meaning as  
in section 2967.01 of the Revised Code.

(B) If the circumstances described in division (C) of this  
section apply, the determination of what school district must  
admit a child to its schools and what district, if any, is liable  
for tuition shall be made in accordance with this section, rather  
than section 3313.64 of the Revised Code.

(C) A child who does not reside in the school district in  
which the child's parent resides and for whom a tuition obligation  
previously has not been established under division (C)(2) of  
section 3313.64 of the Revised Code shall be admitted to the  
schools of the district in which the child resides if at least one  
of the child's parents is in a residential or correctional  
facility or a juvenile residential placement and the other parent,  
if living and not in such a facility or placement, is not known to  
reside in this state.

(D) Regardless of who has custody or care of the child,  
whether the child resides in a home, or whether the child receives  
special education, if a district admits a child under division (C)  
of this section, tuition shall be paid to that district as  
follows:

(1) If the child's parent is in a juvenile residential placement, by the district in which the child's parent resided at the time the parent became subject to the jurisdiction of the juvenile court;

(2) If the child's parent is in a correctional facility, by the district in which the child's parent resided at the time the sentence was imposed;

(3) If the child's parent is in a residential facility, by the district in which the parent resided at the time the parent was admitted to the residential facility, except that if the parent was transferred from another residential facility, tuition shall be paid by the district in which the parent resided at the time the parent was admitted to the facility from which the parent first was transferred;

(4) In the event of a disagreement as to which school district is liable for tuition under division (C)(1), (2), or (3) of this section, the superintendent of public instruction shall determine which district shall pay tuition.

(E) If a child covered by division (D) of this section receives special education in accordance with Chapter 3323. of the Revised Code, the tuition shall be paid in accordance with section 3323.13 or 3323.14 of the Revised Code. Tuition for children who do not receive special education shall be paid in accordance with division (I) of section 3313.64 of the Revised Code.

**Sec. 3321.38.** (A) No parent, guardian, or other person having care of a child of compulsory school age shall violate any provision of section 3321.01, 3321.03, 3321.04, 3321.07, 3321.10, 3321.19, 3321.20, or 3331.14 of the Revised Code. The juvenile court, which has exclusive original jurisdiction over any violation of this section pursuant to section 2151.23 of the Revised Code, may require a person convicted of violating this

division to give bond in a sum of not more than five hundred 12067  
dollars with sureties to the approval of the court, conditioned 12068  
that the person will cause the child under the person's charge to 12069  
attend upon instruction as provided by law, and remain as a pupil 12070  
in the school or class during the term prescribed by law. If the 12071  
juvenile court adjudicates the child as an unruly or delinquent 12072  
child for being an habitual or chronic truant pursuant to section 12073  
2151.35 of the Revised Code, the court shall warn the parent, 12074  
guardian, or other person having care of the child that any 12075  
subsequent adjudication of that nature involving the child may 12076  
result in a criminal charge against the parent, guardian, or other 12077  
person having care of the child for a violation of division (C) of 12078  
section 2919.21 or section 2919.24 of the Revised Code. 12079

(B) This section does not relieve from prosecution and 12080  
conviction any parent, guardian, or other person upon further 12081  
violation of any provision in any of the sections specified in 12082  
division (A) of this section, any provision of section 2919.222 or 12083  
2919.24 of the Revised Code, or division (C) of section 2919.21 of 12084  
the Revised Code. A forfeiture of the bond shall not relieve that 12085  
parent, guardian, or other person from prosecution and conviction 12086  
upon further violation of any provision in any of those sections 12087  
or that division. 12088

(C) Section 4109.13 of the Revised Code applies to this 12089  
section. 12090

(D) No parent, guardian, or other person having care of a 12091  
child of compulsory school age shall fail to give bond as required 12092  
by division (A) of this section in the sum of one hundred dollars 12093  
with sureties as required by the court. 12094

**Sec. 3345.04.** (A) As used in this section, "felony" has the 12095  
same meaning as in section 109.511 of the Revised Code. 12096

(B) Subject to division (C) of this section, the board of 12097

trustees of a state university, the board of trustees of the  
medical college of Ohio at Toledo, the board of trustees of the  
northeastern Ohio universities college of medicine, the board of  
trustees of a state community college, and the board of trustees  
of a technical college or community college district operating a  
technical or a community college may designate one or more  
employees of the institution, as a state university law  
enforcement officer, in accordance with section 109.77 of the  
Revised Code, and, as state university law enforcement officers,  
those employees shall take an oath of office, wear the badge of  
office, serve as peace officers for the college or university, and  
give bond to the state for the proper and faithful discharge of  
their duties in the amount that the board of trustees requires.

(C)(1) The board of trustees of an institution listed in  
division (B) of this section shall not designate an employee of  
the institution as a state university law enforcement officer  
pursuant to that division on a permanent basis, on a temporary  
basis, for a probationary term, or on other than a permanent basis  
if the employee previously has been convicted of or has pleaded  
guilty to a felony.

(2)(a) The board of trustees shall terminate the employment  
as a state university law enforcement officer of an employee  
designated as a state university law enforcement officer under  
division (B) of this section if that employee does either of the  
following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section ~~2929.29~~  
2929.43 of the Revised Code in which the employee agrees to  
surrender the certificate awarded to the employee under section  
109.77 of the Revised Code.

(b) The board of trustees shall suspend from employment as a state university law enforcement officer an employee designated as a state university law enforcement officer under division (B) of this section if that employee is convicted, after trial, of a felony. If the state university law enforcement officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the state university law enforcement officer does not file a timely appeal, the board of trustees shall terminate the employment of that state university law enforcement officer. If the state university law enforcement officer files an appeal that results in that officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that officer, the board of trustees shall reinstate that state university law enforcement officer. A state university law enforcement officer who is reinstated under division (C)(2)(b) of this section shall not receive any back pay unless that officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the officer of the felony.

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a state university law enforcement officer under division (C)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 3719.12.** Unless a report has been made pursuant to section ~~2929.24~~ 2929.42 of the Revised Code, on the conviction of a manufacturer, wholesaler, terminal distributor of dangerous drugs, pharmacist, pharmacy intern, dentist, chiropractor, physician, podiatrist, registered nurse, licensed practical nurse,

physician assistant, optometrist, or veterinarian of the violation 12160  
of this chapter or Chapter 2925. of the Revised Code, the 12161  
prosecutor in the case promptly shall report the conviction to the 12162  
board that licensed, certified, or registered the person to 12163  
practice or to carry on business. The responsible board shall 12164  
provide forms to the prosecutor. Within thirty days of the receipt 12165  
of this information, the board shall initiate action in accordance 12166  
with Chapter 119. of the Revised Code to determine whether to 12167  
suspend or revoke the person's license, certificate, or 12168  
registration. 12169

**Sec. 3719.121.** (A) Except as otherwise provided in section 12170  
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, or 4734.41 of the 12171  
Revised Code, the license, certificate, or registration of any 12172  
dentist, chiropractor, physician, podiatrist, registered nurse, 12173  
licensed practical nurse, physician assistant, pharmacist, 12174  
pharmacy intern, optometrist, or veterinarian who is or becomes 12175  
addicted to the use of controlled substances shall be suspended by 12176  
the board that authorized the person's license, certificate, or 12177  
registration until the person offers satisfactory proof to the 12178  
board that the person no longer is addicted to the use of 12179  
controlled substances. 12180

(B) If the board under which a person has been issued a 12181  
license, certificate, or evidence of registration determines that 12182  
there is clear and convincing evidence that continuation of the 12183  
person's professional practice or method of prescribing or 12184  
personally furnishing controlled substances presents a danger of 12185  
immediate and serious harm to others, the board may suspend the 12186  
person's license, certificate, or registration without a hearing. 12187  
Except as otherwise provided in sections 4715.30, 4723.281, 12188  
4729.16, 4730.25, 4731.22, and 4734.36 of the Revised Code, the 12189  
board shall follow the procedure for suspension without a prior 12190

hearing in section 119.07 of the Revised Code. The suspension 12191  
shall remain in effect, unless removed by the board, until the 12192  
board's final adjudication order becomes effective, except that if 12193  
the board does not issue its final adjudication order within 12194  
ninety days after the hearing, the suspension shall be void on the 12195  
ninety-first day after the hearing. 12196

(C) On receiving notification pursuant to section ~~2929.24~~ 12197  
2929.42 or 3719.12 of the Revised Code, the board under which a 12198  
person has been issued a license, certificate, or evidence of 12199  
registration immediately shall suspend the license, certificate, 12200  
or registration of that person on a plea of guilty to, a finding 12201  
by a jury or court of the person's guilt of, or conviction of a 12202  
felony drug abuse offense; a finding by a court of the person's 12203  
eligibility for intervention in lieu of conviction; a plea of 12204  
guilty to, or a finding by a jury or court of the person's guilt 12205  
of, or the person's conviction of an offense in another 12206  
jurisdiction that is essentially the same as a felony drug abuse 12207  
offense; or a finding by a court of the person's eligibility for 12208  
treatment or intervention in lieu of conviction in another 12209  
jurisdiction. The board shall notify the holder of the license, 12210  
certificate, or registration of the suspension, which shall remain 12211  
in effect until the board holds an adjudicatory hearing under 12212  
Chapter 119. of the Revised Code. 12213

**Sec. 3719.70.** (A) When testimony, information, or other 12214  
evidence in the possession of a person who uses, possesses, or 12215  
trafficks in any drug of abuse appears necessary to an 12216  
investigation by law enforcement authorities into illicit sources 12217  
of any drug of abuse, or appears necessary to successfully 12218  
institute, maintain, or conclude a prosecution for any drug abuse 12219  
offense, as defined in section 2925.01 of the Revised Code, a 12220  
judge of the court of common pleas may grant to that person 12221  
immunity from prosecution for any offense based upon the 12222

testimony, information, or other evidence furnished by that 12223  
person, other than a prosecution of that person for giving false 12224  
testimony, information, or other evidence. 12225

(B)(1) When a person is convicted of any misdemeanor drug 12226  
abuse offense, the court, in determining whether to ~~suspend~~ 12227  
~~sentence or place the person on probation~~ under a community 12228  
control sanction pursuant to section 2929.25 of the Revised Code, 12229  
shall take into consideration whether the person truthfully has 12230  
revealed all information within the person's knowledge concerning 12231  
illicit traffic in or use of drugs of abuse and, when required, 12232  
has testified as to that information in any proceeding to obtain a 12233  
search or arrest warrant against another or to prosecute another 12234  
for any offense involving a drug of abuse. The information shall 12235  
include, but is not limited to, the identity and whereabouts of 12236  
accomplices, accessories, aiders, and abettors, if any, of the 12237  
person or persons from whom any drug of abuse was obtained or to 12238  
whom any drug of abuse was distributed, and of persons known or 12239  
believed to be drug dependent persons, together with the location 12240  
of any place or places where and the manner in which any drug of 12241  
abuse is illegally cultivated, manufactured, sold, possessed, or 12242  
used. The information also shall include all facts and 12243  
circumstances surrounding any illicit traffic in or use of drugs 12244  
of abuse of that nature. 12245

(2) If a person otherwise is eligible for intervention in 12246  
lieu of conviction and being ordered to a period of rehabilitation 12247  
under section 2951.041 of the Revised Code but the person has 12248  
failed to cooperate with law enforcement authorities by providing 12249  
them with the types of information described in division (B)(1) of 12250  
this section, the person's lack of cooperation may be considered 12251  
by the court under section 2951.041 of the Revised Code in 12252  
determining whether to stay all criminal proceedings and order the 12253  
person to a requested period of intervention. 12254



(C) In the absence of a competent and voluntary waiver of the right against self-incrimination, no information or testimony furnished pursuant to division (B) of this section shall be used in a prosecution of the person furnishing it for any offense other than a prosecution of that person for giving false testimony, information, or other evidence.

**Sec. 3734.44.** Notwithstanding the provisions of any law to the contrary, no permit or license shall be issued or renewed by the director of environmental protection, the hazardous waste facility board, or a board of health:

(A) Unless the director, the hazardous waste facility board, or the board of health finds that the applicant, in any prior performance record in the transportation, transfer, treatment, storage, or disposal of solid wastes, infectious wastes, or hazardous waste, has exhibited sufficient reliability, expertise, and competency to operate the solid waste, infectious waste, or hazardous waste facility, given the potential for harm to human health and the environment that could result from the irresponsible operation of the facility, or, if no prior record exists, that the applicant is likely to exhibit that reliability, expertise, and competence;

(B) If any individual or business concern required to be listed in the disclosure statement or shown to have a beneficial interest in the business of the applicant or the permittee, other than an equity interest or debt liability, by the investigation thereof, has been convicted of any of the following crimes under the laws of this state or equivalent laws of any other jurisdiction:

(1) Murder;

(2) Kidnapping;

(3) Gambling;	12285
(4) Robbery;	12286
(5) Bribery;	12287
(6) Extortion;	12288
(7) Criminal usury;	12289
(8) Arson;	12290
(9) Burglary;	12291
(10) Theft and related crimes;	12292
(11) Forgery and fraudulent practices;	12293
(12) Fraud in the offering, sale, or purchase of securities;	12294
(13) Alteration of motor vehicle identification numbers;	12295
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	12296 12297
(15) Unlawful possession or use of destructive devices or explosives;	12298 12299
(16) <del>Violation</del> <u>A violation</u> of section 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;	12300 12301 12302 12303 12304 12305 12306
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	12307 12308
(18) <del>Violation</del> <u>A violation</u> of <u>the</u> criminal provisions of Chapter 1331. of the Revised Code;	12309 12310
(19) Any violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations that	12311 12312

is committed knowingly or recklessly, as defined in section 12313  
2901.22 of the Revised Code; 12314

(20) ~~Violation~~ A violation of any provision of Chapter 2909. 12315  
of the Revised Code; 12316

(21) Any offense specified in Chapter 2921. of the Revised 12317  
Code. 12318

(C) Notwithstanding division (B) of this section, no 12319  
applicant shall be denied the issuance or renewal of a permit or 12320  
license on the basis of a conviction of any individual or business 12321  
concern required to be listed in the disclosure statement or shown 12322  
to have a beneficial interest in the business of the applicant or 12323  
the permittee, other than an equity interest or debt liability, by 12324  
the investigation thereof for any of the offenses enumerated in 12325  
that division as disqualification criteria if that applicant has 12326  
affirmatively demonstrated rehabilitation of the individual or 12327  
business concern by a preponderance of the evidence. If any such 12328  
individual was convicted of any of the offenses so enumerated that 12329  
are felonies, a permit shall be denied unless five years have 12330  
elapsed since the individual was fully discharged from 12331  
imprisonment and parole for the offense, from a community control 12332  
sanction imposed under section 2929.15 of the Revised Code, from a 12333  
post-release control sanction imposed under section 2967.28 of the 12334  
Revised Code for the offense, or imprisonment, probation, and 12335  
parole for an offense that was committed prior to ~~the effective~~ 12336  
~~date of this amendment~~ July 1, 1996. In determining whether an 12337  
applicant has affirmatively demonstrated rehabilitation, the 12338  
director, the hazardous waste facility board, or the board of 12339  
health shall request a recommendation on the matter from the 12340  
attorney general and shall consider and base the determination on 12341  
the following factors: 12342

(1) The nature and responsibilities of the position a 12343  
convicted individual would hold; 12344

(2) The nature and seriousness of the offense;	12345
(3) The circumstances under which the offense occurred;	12346
(4) The date of the offense;	12347
(5) The age of the individual when the offense was committed;	12348
	12349
(6) Whether the offense was an isolated or repeated incident;	12350
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(7) Any social conditions that may have contributed to the offense;	12352
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(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs, or the recommendation of persons who have or have had the applicant under their supervision;	12354
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(9) In the instance of an applicant that is a business concern, rehabilitation shall be established if the applicant has implemented formal management controls to minimize and prevent the occurrence of violations and activities that will or may result in permit or license denial or revocation or if the applicant has formalized those controls as a result of a revocation or denial of a permit or license. Those controls may include, but are not limited to, instituting environmental auditing programs to help ensure the adequacy of internal systems to achieve, maintain, and monitor compliance with applicable environmental laws and standards or instituting an antitrust compliance auditing program to help ensure full compliance with applicable antitrust laws. The business concern shall prove by a preponderance of the evidence that the management controls are effective in preventing the violations that are the subject of concern.	12360
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(D) Unless the director, the hazardous waste facility board, 12375  
or the board of health finds that the applicant has a history of 12376  
compliance with environmental laws in this state and other 12377  
jurisdictions and is presently in substantial compliance with, or 12378  
on a legally enforceable schedule that will result in compliance 12379  
with, environmental laws in this state and other jurisdictions. 12380

(E) With respect to the approval of a permit, if the director 12381  
or the hazardous waste facility board determines that current 12382  
prosecutions or pending charges in any jurisdiction for any of the 12383  
offenses enumerated in division (B) of this section against any 12384  
individual or business concern required to be listed in the 12385  
disclosure statement or shown by the investigation to have a 12386  
beneficial interest in the business of the applicant other than an 12387  
equity interest or debt liability are of such magnitude that they 12388  
prevent making the finding required under division (A) of this 12389  
section, provided that at the request of the applicant or the 12390  
individual or business concern charged, the director or the 12391  
hazardous waste facility board shall defer decision upon the 12392  
application during the pendency of the charge. 12393

**Sec. 3735.311.** (A) As used in this section, "felony" has the 12394  
same meaning as in section 109.511 of the Revised Code. 12395

(B)(1) A metropolitan housing authority shall not employ a 12396  
person as a member of the police force of the metropolitan housing 12397  
authority on a permanent basis, on a temporary basis, for a 12398  
probationary term, or on other than a permanent basis if the 12399  
person previously has been convicted of or has pleaded guilty to a 12400  
felony. 12401

(2)(a) A metropolitan housing authority shall terminate the 12402  
employment of a member of the police force of the metropolitan 12403  
housing authority who does either of the following: 12404

(i) Pleads guilty to a felony; 12405

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section ~~2929.29~~ 2929.43 of the Revised Code in which the member of the police force agrees to surrender the certificate awarded to that member under section 109.77 of the Revised Code.

(b) A metropolitan housing authority shall suspend from employment a member of the police force of the metropolitan housing authority who is convicted, after trial, of a felony. If the member of the police force files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the member of the police force does not file a timely appeal, the metropolitan housing authority shall terminate the employment of that member of the police force. If the member of the police force files an appeal that results in that member's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that member, the metropolitan housing authority shall reinstate that member of the police force. A member of the police force who is reinstated under division (B)(2)(b) of this section shall not receive any back pay unless that member's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the member of the police force of the felony.

(3) Division (B) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a member of the police force of a metropolitan housing authority under division (B)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 3748.99.** (A) Except as otherwise provided in division (B) of this section, whoever violates section 3748.15 of the

Revised Code is guilty of a misdemeanor and shall be fined not 12437  
more than one thousand dollars. 12438

(B)(1) Except as otherwise provided in division (B)(2) of 12439  
this section, whoever recklessly violates section 3748.10 of the 12440  
Revised Code or an order issued under division (B) of section 12441  
3748.17 of the Revised Code to enforce that section is guilty of a 12442  
felony of the fourth degree. Notwithstanding the ~~statutory~~ 12443  
conventional fines specified for felonies in section 2929.18 of 12444  
the Revised Code, if the court imposes a fine as a sanction, the 12445  
fine shall be not less than ten thousand nor more than twenty-five 12446  
thousand dollars. Each day of violation is a separate offense. 12447

(2) Upon a second or subsequent conviction of a violation of 12448  
section 3748.10 of the Revised Code or an order issued under 12449  
division (B) of section 3748.17 of the Revised Code to enforce 12450  
that section that was committed recklessly, the offender is guilty 12451  
of a felony of the fourth degree. Notwithstanding the ~~statutory~~ 12452  
conventional fines specified for felonies in section 2929.18 of 12453  
the Revised Code, if the court imposes a fine as a sanction, the 12454  
fine shall be not less than twenty thousand nor more than fifty 12455  
thousand dollars per day of violation. Each day of violation is a 12456  
separate offense. 12457

**Sec. 3793.13.** (A) Records or information, other than court 12458  
journal entries or court docket entries, pertaining to the 12459  
identity, diagnosis, or treatment of any patient ~~which~~ that are 12460  
maintained in connection with the performance of any drug 12461  
treatment program licensed by, or certified by, the director of 12462  
alcohol and drug addiction services, under section 3793.11 of the 12463  
Revised Code, shall be kept confidential, may be disclosed only 12464  
for the purposes and under the circumstances expressly authorized 12465  
under this section, and may not otherwise be divulged in any 12466  
civil, criminal, administrative, or legislative proceeding. 12467

(B) When the patient, with respect to whom any record or information referred to in division (A) of this section is maintained, gives ~~his~~ consent in the form of a written release signed by the patient, the content of the record or information may be disclosed if the written release:

(1) Specifically identifies the person, official, or entity to whom the information is to be provided;

(2) Describes with reasonable specificity the record, records, or information to be disclosed; and

(3) Describes with reasonable specificity the purposes of the disclosure and the intended use of the disclosed information.

(C) A patient who is subject to a community control sanction, parole, ~~probation~~, or a post-release control sanction or who is ordered to rehabilitation in lieu of conviction, and who has agreed to participate in a drug treatment or rehabilitation program as a condition of the community control sanction, post-release control sanction, parole, ~~probation~~, or order to rehabilitation, shall be considered to have consented to the release of records and information relating to the progress of treatment, frequency of treatment, adherence to treatment requirements, and probable outcome of treatment. Release of information and records under this division shall be limited to the court or governmental personnel having the responsibility for supervising ~~his probation~~ the patient's community control sanction, post-release control sanction, parole, ~~probation~~, or order to rehabilitation. A patient, described in this division, who refuses to allow disclosure may be considered in violation of the conditions of ~~his~~ the patient's community control sanction, post-release control sanction, parole, ~~probation~~, or order to rehabilitation.

(D) Disclosure of a patient's record may be made without ~~his~~



the patient's consent to qualified personnel for the purpose of 12499  
conducting scientific research, management, financial audits, or 12500  
program evaluation, but these personnel may not identify, directly 12501  
or indirectly, any individual patient in any report of the 12502  
research, audit, or evaluation, or otherwise disclose a patient's 12503  
identity in any manner. 12504

(E) Upon the request of a prosecuting attorney or the 12505  
director of alcohol and drug addiction services, a court of 12506  
competent jurisdiction may order the disclosure of records or 12507  
information referred to in division (A) of this section if the 12508  
court has reason to believe that a treatment program or facility 12509  
is being operated or used in a manner contrary to law. The use of 12510  
any information or record so disclosed shall be limited to the 12511  
prosecution of persons who are or may be charged with any offense 12512  
related to the illegal operation or use of the drug treatment 12513  
program or facility, or to the decision to withdraw the authority 12514  
of a drug treatment program or facility to continue operation. For 12515  
purposes of this division the court shall: 12516

(1) Limit disclosure to those parts of the patient's record 12517  
considered essential to fulfill the objective for which the order 12518  
was granted; 12519

(2) Require, where appropriate, that all information be 12520  
disclosed in chambers; 12521

(3) Include any other appropriate measures to keep disclosure 12522  
to a minimum, consistent with the protection of the patients, the 12523  
physician-patient relationship, and the administration of the drug 12524  
treatment and rehabilitation program. 12525

(F) As used in this section: 12526

(1) "Community control sanction" has the same meaning as in 12527  
section 2929.01 of the Revised Code. 12528

(2) "Post-release control sanction" has the same meaning as 12529

in section 2967.01 of the Revised Code. 12530

**Sec. 3937.43.** (A) As used in this section: 12531

(1) "Automobile insurance policies" has the same meaning as 12532  
in section 3937.30 of the Revised Code. 12533

(2) "Moving violation" means any violation of any statute or 12534  
ordinance that regulates the operation of vehicles, streetcars, or 12535  
trackless trolleys on highways or streets or that regulates size 12536  
or load limitations or fitness requirements of vehicles. "Moving 12537  
violation" does not include the violation of any statute or 12538  
ordinance that regulates pedestrians or the parking of vehicles. 12539

(3) "Community control sanction" has the same meaning as in 12540  
section 2929.01 of the Revised Code. 12541

(B) Every rating plan or schedule of rates for automobile 12542  
insurance policies that is filed with the superintendent of 12543  
insurance shall provide for an appropriate reduction in premium 12544  
charges for any insured or applicant for insurance under the 12545  
following conditions: 12546

(1) The applicant or insured is sixty years of age or older; 12547

(2) The applicant or insured successfully completes a motor 12548  
vehicle accident prevention course, which includes classroom 12549  
instruction and the passing of an examination in accordance with 12550  
both of the following: 12551

(a) The state highway patrol shall approve the course and the 12552  
examination. However, the state highway patrol shall not approve 12553  
any correspondence course or any other course that does not 12554  
provide classroom instruction. 12555

(b) The examination shall include an actual demonstration of 12556  
the applicant's or insured's ability to exercise ordinary and 12557  
reasonable control in the operation of a motor vehicle. 12558

(3) The applicant or insured submits to the insurer a 12559  
certificate that is issued by the sponsor of the motor vehicle 12560  
accident prevention course and attests to the successful 12561  
completion of the course by the applicant or insured; 12562

(4) The insurer may consider the driving record of the 12563  
applicant or insured in accordance with divisions (C) and (D) of 12564  
this section. 12565

(C) In determining whether to grant a reduction in premium 12566  
charges in accordance with this section, the insurer may consider 12567  
the driving record of the insured or applicant for a three-year 12568  
period prior to the successful completion of a motor vehicle 12569  
accident prevention course. 12570

(D)(1) Subject to division (D)(2) of this section, every 12571  
reduction in premium charges granted in accordance with this 12572  
section shall be effective for an insured for a three-year period 12573  
after each successful completion of a motor vehicle accident 12574  
prevention course. 12575

(2) As a condition of maintaining a reduction in premium 12576  
charges granted in accordance with this section, an insurer may 12577  
require that the insured, during the three-year period for which 12578  
the reduction has been granted, neither be involved in an accident 12579  
for which the insured is primarily at fault, nor be convicted of 12580  
more than one moving violation. 12581

(E) A reduction in premium charges granted in accordance with 12582  
this section shall not become effective until the first full term 12583  
of coverage following the successful completion of a motor vehicle 12584  
accident prevention course in accordance with division (B) of this 12585  
section. 12586

(F) The superintendent of the state highway patrol shall 12587  
adopt rules in accordance with Chapter 119. of the Revised Code 12588  
that are necessary to carry out the duties of the state highway 12589

patrol under this section. 12590

(G) This section does not apply to any automobile insurance 12591  
policy issued under an assigned risk plan pursuant to section 12592  
4509.70 of the Revised Code. 12593

(H) This section does not apply to circumstances in which the 12594  
motor vehicle accident prevention course is required by a court as 12595  
a condition of ~~probation or suspension of sentence~~ a community 12596  
control sanction imposed for a moving violation. 12597

**Sec. 3959.13.** Any person who, while licensed as an 12598  
administrator, is convicted of a felony, shall report the 12599  
conviction to the superintendent of insurance within thirty days 12600  
of the entry date of the judgment of conviction. Within that 12601  
thirty-day period, the person shall also provide the 12602  
superintendent with a copy of the judgment, the ~~probation or~~ 12603  
commitment order or the order imposing a community control 12604  
sanction, and any other relevant documents. 12605

As used in this section, "community control sanction" has the 12606  
same meaning as in section 2929.01 of the Revised Code. 12607

**Sec. 4507.021.** (A) Every county court judge, mayor of a 12608  
mayor's court, and clerk of a court of record shall keep a full 12609  
record of every case in which a person is charged with any 12610  
violation of sections 4511.01 to 4511.771, 4511.99, and 4513.01 to 12611  
4513.36 of the Revised Code, or of any other law or ordinance 12612  
regulating the operation of vehicles, streetcars, and trackless 12613  
trolleys on highways or streets. 12614

A United States district court whose jurisdiction lies within 12615  
this state may keep a full record of every case in which a person 12616  
is charged with any violation of sections 4511.01 to 4511.771, 12617  
4511.99, and 4513.01 to 4513.36 of the Revised Code, or of any 12618  
other law or ordinance regulating the operation of vehicles, 12619

streetcars, and trackless trolleys on highways or streets located 12620  
on federal property within this state. 12621

(B) If a person is convicted of or forfeits bail in relation 12622  
to a violation of any section listed in division (A) of this 12623  
section or a violation of any other law or ordinance regulating 12624  
the operation of vehicles, streetcars, and trackless trolleys on 12625  
highways or streets, the county court judge, mayor of a mayor's 12626  
court, or clerk, within ten days after the conviction or bail 12627  
forfeiture, shall prepare and immediately forward to the bureau of 12628  
motor vehicles an abstract, certified by the preparer to be true 12629  
and correct, of the court record covering the case in which the 12630  
person was convicted or forfeited bail. 12631

If a person is convicted of or forfeits bail in relation to a 12632  
violation of any section listed in division (A) of this section or 12633  
a violation of any other law or ordinance regulating the operation 12634  
of vehicles, streetcars, and trackless trolleys on highways or 12635  
streets, a United States district court whose jurisdiction lies 12636  
within this state, within ten days after the conviction or bail 12637  
forfeiture, may prepare and immediately forward to the bureau an 12638  
abstract, certified by the preparer to be true and correct, of the 12639  
court record covering the case in which the person was convicted 12640  
or forfeited bail. 12641

(C)(1) Each abstract required by division (B) of this section 12642  
shall be made upon a form approved and furnished by the bureau and 12643  
shall include the name and address of the person charged, the 12644  
number of the person's driver's or commercial driver's license, 12645  
the registration number of the vehicle involved, the nature of the 12646  
offense, the date of the offense, the date of hearing, the plea, 12647  
the judgment, or whether bail was forfeited, and the amount of the 12648  
fine or forfeiture. 12649

If a United States district court whose jurisdiction lies 12650  
within this state utilizes the provision contained in division (B) 12651

of this section and forwards an abstract to the bureau, on a form 12652  
approved and furnished by the bureau, containing all the 12653  
information prescribed in division (C)(1) of this section, the 12654  
bureau shall accept and process the abstract in the same manner as 12655  
it accepts and processes an abstract received from a county judge, 12656  
mayor of a mayor's court, or clerk of a court of record. 12657

(2)(a) If a person is charged with a violation of section 12658  
4511.19 of the Revised Code or a violation of any ordinance 12659  
relating to operating a vehicle while under the influence of 12660  
alcohol, a drug of abuse, or alcohol and a drug of abuse or 12661  
relating to operating a vehicle with a prohibited concentration of 12662  
alcohol in the blood, breath, or urine; if that charge is 12663  
dismissed or reduced; if the person is convicted of or forfeits 12664  
bail in relation to a violation of any other section of the 12665  
Revised Code or of any ordinance that regulates the operation of 12666  
vehicles, streetcars, and trackless trolleys on highways and 12667  
streets but that does not relate to operating a vehicle while 12668  
under the influence of alcohol, a drug of abuse, or alcohol and a 12669  
drug of abuse or to operating a vehicle with a prohibited 12670  
concentration of alcohol in the blood, breath, or urine; and if 12671  
the violation of which the person was convicted or in relation to 12672  
which the person forfeited bail arose out of the same facts and 12673  
circumstances and the same act as did the charge that was 12674  
dismissed or reduced, the abstract also shall set forth the charge 12675  
that was dismissed or reduced, indicate that it was dismissed or 12676  
reduced, and indicate that the violation resulting in the 12677  
conviction or bail forfeiture arose out of the same facts and 12678  
circumstances and the same act as did the charge that was 12679  
dismissed or reduced. 12680

(b) If a charge against a person of a violation of division 12681  
(B)(1) or (D)(2) of section 4507.02 of the Revised Code or any 12682  
municipal ordinance that is substantially equivalent to that 12683

division is dismissed or reduced and if the person is convicted of 12684  
or forfeits bail in relation to a violation of any other section 12685  
of the Revised Code or any other ordinance that regulates the 12686  
operation of vehicles, streetcars, and trackless trolleys on 12687  
highways and streets that arose out of the same facts and 12688  
circumstances as did the charge that was dismissed or reduced, the 12689  
abstract also shall set forth the charge that was dismissed or 12690  
reduced, indicate that it was dismissed or reduced, and indicate 12691  
that the violation resulting in the conviction or bail forfeiture 12692  
arose out of the same facts and circumstances and the same act as 12693  
did the charge that was dismissed or reduced. 12694

(3) If a person was convicted of or pleaded guilty to a 12695  
violation of division (B)(1) or (D)(2) of section 4507.02 of the 12696  
Revised Code, a substantially equivalent municipal ordinance, 12697  
section 4507.33 or division (A) of section 4511.19 of the Revised 12698  
Code, or a municipal ordinance relating to operating a vehicle 12699  
while under the influence of alcohol, a drug of abuse, or alcohol 12700  
and a drug of abuse or with a prohibited concentration of alcohol 12701  
in the blood, breath, or urine, and division (E) of section 12702  
4503.234 of the Revised Code prohibits the registrar of motor 12703  
vehicles and all deputy registrars from accepting an application 12704  
for the registration of, or registering, any motor vehicle in the 12705  
name of that person, the abstract shall specifically set forth 12706  
these facts and clearly indicate the date on which the order of 12707  
criminal forfeiture was issued or would have been issued but for 12708  
the operation of division (C) of section 4503.234 or section 12709  
4503.235 of the Revised Code. If the registrar receives an 12710  
abstract containing this information relating to a person, the 12711  
registrar, in accordance with sections 4503.12 and 4503.234 of the 12712  
Revised Code, shall take all necessary measures to prevent the 12713  
registrar's office or any deputy registrar from accepting from the 12714  
person, for the period of time ending five years after the date on 12715

which the order was issued or would have been issued and as 12716  
described in division (E) of section 4503.234 of the Revised Code, 12717  
any new application for the registration of any motor vehicle in 12718  
the name of the person. 12719

(D)(1) Every court of record also shall forward to the bureau 12720  
an abstract of the court record as described in division (C) of 12721  
this section upon the conviction of any person of aggravated 12722  
vehicular homicide or vehicular homicide or of a felony in the 12723  
commission of which a vehicle was used. 12724

A United States district court whose jurisdiction lies within 12725  
this state also may forward to the bureau an abstract as described 12726  
in division (C) of this section upon the conviction of any person 12727  
of aggravated vehicular homicide or vehicular homicide or of a 12728  
felony in the commission of which a vehicle was used. 12729

(2)(a) If a child has been adjudicated an unruly or 12730  
delinquent child or a juvenile traffic offender for having 12731  
committed any act that if committed by an adult would be a drug 12732  
abuse offense, as defined in section 2925.01 of the Revised Code, 12733  
or any violation of division (B) of section 2917.11 or of section 12734  
4511.19 of the Revised Code, the court shall notify the bureau, by 12735  
means of an abstract of the court record as described in divisions 12736  
(B) and (C) of this section, within ten days after the 12737  
adjudication. 12738

(b) If a court requires a child as provided in division 12739  
(D)(2)(a) of this section to attend a drug abuse or alcohol abuse 12740  
education, intervention, or treatment program, the abstract 12741  
required by that division and forwarded to the bureau also shall 12742  
include the name and address of the operator of the program and 12743  
the date that the child entered the program. If the child 12744  
satisfactorily completes the program, the court, immediately upon 12745  
receipt of such information, shall send to the bureau an updated 12746  
abstract that also shall contain the date on which the child 12747



satisfactorily completed the program. 12748

(E) The purposeful failure or refusal of the officer to 12749  
comply with this section constitutes misconduct in office and is a 12750  
ground for removal from the office. 12751

(F) The bureau shall record within ten days and keep all 12752  
abstracts received under this section at its main office and shall 12753  
maintain records of convictions and bond forfeitures for any 12754  
violation of law or ordinance regulating the operation of 12755  
vehicles, streetcars, and trackless trolleys on highways and 12756  
streets, except as to parking a motor vehicle. The bureau also 12757  
shall record any abstract of a case involving a first violation of 12758  
division (D) of section 4511.21 of the Revised Code, whether or 12759  
not points are to be assessed therefor, in such a manner that it 12760  
becomes a part of the person's permanent record and assists a 12761  
court in monitoring the assessment of points under division (G) of 12762  
this section. 12763

(G) Every court of record or mayor's court before which a 12764  
person is charged with a violation for which points are chargeable 12765  
by this section shall assess and transcribe to the abstract of 12766  
conviction report, furnished by the bureau, the number of points 12767  
chargeable by this section in the correct space assigned on the 12768  
reporting form. A United States district court whose jurisdiction 12769  
lies within this state and before whom a person is charged with a 12770  
violation for which points are chargeable by this section may 12771  
assess and transcribe to the abstract of conviction report, 12772  
furnished by the bureau, the number of points chargeable by this 12773  
section in the correct space assigned on the reporting form. If 12774  
the court so assesses and transcribes to the abstract of 12775  
conviction report the number of points chargeable, the bureau 12776  
shall record the points in the same manner as those assessed and 12777  
transcribed by every court of record or mayor's court of this 12778  
state. The points shall be assessed based on the following 12779

formula:	12780
(1) Violation of division (B), (C), or (D) of section 4507.02 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension or revocation .....	6 points 12785
(2) Violation of section 2913.03 of the Revised Code, except the provisions relating to use or operation of an aircraft or motorboat, or any ordinance prohibiting the operation of a vehicle without the consent of the owner .....	6 points 12790
(3) Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter, aggravated vehicular assault, or vehicular assault, when the offense involves the operation of a vehicle, streetcar, or trackless trolley on a highway or street .....	6 points 12795
(4) 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 alcohol and a drug of abuse, 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 in the blood, breath, or urine .....	6 points 12804
(5) Violation of section 4549.02 or 4549.021 of the Revised Code or any ordinance requiring the driver of a vehicle to stop and disclose identity at the scene of an accident .....	6 points 12808
(6) Violation of section 2921.331 of the Revised Code or any ordinance prohibiting the willful fleeing or eluding of a police officer .....	6 points 12811
(7) Any crime punishable as a felony under the motor	12812

vehicle laws of this state, or any other felony in	12813
the commission of which a motor vehicle was used .... 6 points	12814
(8) Operating a motor vehicle in violation of a	12815
restriction imposed by a registrar ..... 2 points	12816
(9) Violation of section 4511.251 of the Revised Code or	12817
any ordinance prohibiting street racing ..... 6 points	12818
(10) Violation of section 4511.20 of the Revised Code or	12819
any ordinance prohibiting the operation of a motor	12820
vehicle in willful or wanton disregard of the safety	12821
of persons or property ..... 4 points	12822
(11) Violation of division (B) of section 4511.19 of the	12823
Revised Code or any ordinance substantially	12824
equivalent to that division prohibiting the	12825
operation of a vehicle with a prohibited	12826
concentration of alcohol in the blood, breath,	12827
or urine ..... 4 points	12828
(12) Violation of any law or ordinance pertaining to	12829
speed, except as otherwise provided in this section	12830
and in division (G) of section 4511.21 of the	12831
Revised Code ..... 2 points	12832
(13) Upon a first violation of a limitation under division	12833
(D) of section 4511.21 of the Revised Code at a speed	12834
in excess of seventy-five miles per hour ..... 2 points	12835
(14) Upon a second violation within one year of the first	12836
violation of a limitation under division (D) of	12837
section 4511.21 of the Revised Code, for each	12838
increment of five miles per hour in excess of the	12839
posted speed limit, exclusive of the first five	12840
miles per hour over the limitation ..... 1 point	12841
(15) Upon a third or subsequent violation within one year	12842
of the first violation of a limitation under division	12843
(D) of section 4511.21 of the Revised Code, for each	12844
increment of five miles per hour in excess of the	12845

posted speed limit, exclusive of the first five miles 12846  
per hour over the limitation ..... 2 points 12847

(16) All other moving violations pertaining to the 12848  
operation of motor vehicles reported under this 12849  
section, except any violations of section 4513.263 12850  
of the Revised Code or any substantively comparable 12851  
ordinance, or violations under Chapter 5577. of the 12852  
Revised Code ..... 2 points 12853

(H) Upon receiving notification from the proper court, 12854  
including a United States district court whose jurisdiction lies 12855  
within this state, the bureau shall delete any points entered for 12856  
bond forfeiture in the event the driver is acquitted of the 12857  
offense for which bond was posted. 12858

(I) In the event a person is convicted of, or forfeits bail 12859  
for two or more offenses, arising out of the same facts, and 12860  
points are chargeable for each of the offenses, points shall be 12861  
charged for only the conviction or bond forfeiture for which the 12862  
greater number of points is chargeable, and if the number of 12863  
points chargeable for each offense is equal, only one offense 12864  
shall be recorded and points charged therefor. 12865

(J) Whenever the points charged against any person exceed 12866  
five, the registrar shall forward to the person at the person's 12867  
last known address, via regular mail, a warning letter listing the 12868  
reported violations, along with the number of points charged for 12869  
each, and outlining the suspension provision of this section. 12870

(K) When, upon determination of the registrar, any person has 12871  
charged against the person a total of not less than twelve points 12872  
within a period of two years from the date of the first conviction 12873  
within the two-year period, the registrar shall send written 12874  
notification to the person at the person's last known address, 12875  
that the person's driver's or commercial driver's license shall be 12876  
suspended for six months, effective on the twentieth day after 12877

mailing the notice, unless the person files a petition in the  
municipal court or the county court, or in case such person is  
under the age of eighteen years, in the juvenile court, in whose  
jurisdiction such person resides, or in the case of a nonresident,  
in the Franklin county municipal court. By filing an appeal the  
person is agreeing to pay the cost of the proceedings and is  
alleging that the person can show cause why the person's driving  
privileges should not be suspended for a period of six months.

(L) Any person who has charged against the person more than  
five but not more than eleven points, for the purpose of obtaining  
a credit of two points against the total amount of points on the  
person's driving record, may enroll for one time only in a course  
of remedial driving instruction, as approved by the director of  
public safety. Such a credit, subject to successful completion of  
an approved remedial driving course taken at a time when more than  
five but not more than eleven points are charged against the  
person, shall be approved by the registrar.

(M) When the driving privileges of any person are suspended  
by any trial judge of any court of record pursuant to section  
4507.16 of the Revised Code, and points are charged against the  
person under this section for the offense which resulted in the  
suspension, that period of suspension shall be credited against  
the time of any subsequent suspension under this section for which  
the points were considered in making the subsequent suspension.

When the driving privileges of a person are suspended  
pursuant to the "Assimilative Crimes Act," 102 Stat. 4381 (1988),  
18 U.S.C.A. 13, as amended, by a United States district court  
whose jurisdiction lies within this state and the court utilizes  
the provision contained in division (B) of this section, and  
points are charged against the person under this section for the  
offense that resulted in the suspension, the period of suspension  
imposed by the district court shall be credited against the time

of any subsequent suspension imposed under this section for which 12910  
the points were considered in making the subsequent suspension. 12911

(N) The registrar, upon written request of a licensee 12912  
petitioning under division (K) of this section, shall furnish the 12913  
licensee a copy of the registrar's record of the convictions and 12914  
bond forfeitures of the person certified by the registrar. This 12915  
record shall include the name, address, and birthdate of the 12916  
person so charged; the number of the person's driver's or 12917  
commercial driver's license; the name of the court in which each 12918  
conviction or bail forfeiture took place; the nature of the 12919  
offense; the date of hearing; the number of points charged against 12920  
each conviction or bail forfeiture; and such other information as 12921  
the registrar considers necessary. When the record includes not 12922  
less than twelve points charged against the person within a 12923  
two-year period, it is prima-facie evidence that the person is a 12924  
repeat traffic offender and the person's driving privilege shall 12925  
be suspended as provided in this section. 12926

In hearing the matter and determining whether the person has 12927  
shown cause why the person's driving privileges should not be 12928  
suspended, the court shall decide the issue upon the record 12929  
certified by the registrar and such additional relevant, 12930  
competent, and material evidence as either the registrar or the 12931  
person whose license is sought to be suspended submits. 12932

In such proceedings, the registrar shall be represented by 12933  
the prosecuting attorney of the county in which the person resides 12934  
if the petition is filed in the county court, except where the 12935  
petitioner is a resident of a city or village within the 12936  
jurisdiction of a county court in which case the city director of 12937  
law or village solicitor shall represent the registrar. If the 12938  
petition is filed in the municipal court, the registrar shall be 12939  
represented as provided in section 1901.34 of the Revised Code. 12940

If the court finds from the evidence submitted that the 12941

person has failed to show cause why the person's driving 12942  
privileges should not be suspended, then the court shall assess 12943  
the cost of the ~~proceeding~~ proceedings against the person and 12944  
shall impose the suspension provided in division (K) of this 12945  
section or withhold the suspension, or part ~~thereof~~ of the 12946  
suspension, and provide ~~such any~~ conditions ~~or probation as that~~ 12947  
the court deems proper or impose a community control sanction 12948  
pursuant to section 2929.15 or 2929.25 of the Revised Code. If the 12949  
court finds that the person has shown cause why the person's 12950  
driving privileges should not be suspended, the cost of the 12951  
proceedings shall be paid out of the county treasury of the county 12952  
in which the proceedings were held. 12953

Any person whose license is suspended under this section is 12954  
not entitled to apply for or receive a new license during the 12955  
effective period of the suspension. 12956

Upon termination of any suspension or other penalty imposed 12957  
under this section involving surrender of a license or permit and 12958  
upon request of the person whose license or permit was so 12959  
suspended or surrendered, the registrar shall return the license 12960  
or permit to the person upon determining that all provisions of 12961  
section 4507.022 of the Revised Code have been met or shall 12962  
reissue the person's license or permit under section 4507.54 of 12963  
the Revised Code, if the registrar destroyed the license or permit 12964  
under that section. 12965

Any person whose license, permit, or privilege to operate a 12966  
motor vehicle has been suspended as a repeat traffic offender 12967  
under this section and who, during such suspension, drives any 12968  
motor vehicle upon any highway is guilty of a misdemeanor of the 12969  
first degree, and no court shall suspend the first three days of 12970  
any such sentence. 12971

(O) The privilege of driving a motor vehicle on the highways 12972  
or streets of this state, given to nonresidents under section 12973

4507.04 of the Revised Code, is subject to suspension by the registrar.

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**Sec. 4507.022.** Any person whose driver's or commercial driver's license or permit is suspended, or who is ~~put on probation~~ placed under a community control sanction or granted limited or occupational driving privileges, under section 4507.021 or division (E) of section 4507.16 of the Revised Code, is not eligible to retain the person's license, or to have the person's driving privileges reinstated, until each of the following has occurred:

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(A) The person successfully completes a course of remedial driving instruction approved by the director of public safety, provided the person commences taking the course after the person's driver's or commercial driver's license or permit is suspended under section 4507.021 or division (E) of section 4507.16 of the Revised Code. A minimum of twenty-five per cent of the number of hours of instruction included in the course shall be devoted to instruction on driver attitude.

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The course also shall devote a number of hours to instruction in the area of alcohol and drugs and the operation of motor vehicles. The instruction shall include, but not be limited to, a review of the laws governing the operation of a motor vehicle while under the influence of alcohol, drugs, or both, the dangers of operating a motor vehicle while under the influence of alcohol, drugs, or both, and other information relating to the operation of motor vehicles and the consumption of alcoholic beverages and use of drugs. The director, in consultation with the director of alcohol and drug addiction services, shall prescribe the content of the instruction. The number of hours devoted to the area of alcohol and drugs and the operation of motor vehicles shall comprise a minimum of twenty-five per cent of the number of hours

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of instruction included in the course. 13005

(B) The person is examined in the manner provided for in 13006  
section 4507.20 of the Revised Code, and found by the registrar of 13007  
motor vehicles to be qualified to operate a motor vehicle; 13008

(C) The person gives and maintains proof of financial 13009  
responsibility, in accordance with section 4509.45 of the Revised 13010  
Code. 13011

As used in this section, "community control sanction" has the 13012  
same meaning as in section 2929.01 of the Revised Code. 13013

**Sec. 4507.16.** (A)(1) The trial judge of any court of record, 13014  
in addition to or independent of all other penalties provided by 13015  
law or by ordinance, shall suspend for not less than thirty days 13016  
or more than three years or shall revoke the driver's or 13017  
commercial driver's license or permit or nonresident operating 13018  
privilege of any person who is convicted of or pleads guilty to 13019  
any of the following: 13020

(a) Perjury or the making of a false affidavit under this 13021  
chapter, or any other law of this state requiring the registration 13022  
of motor vehicles or regulating their operation on the highway; 13023

(b) Any crime punishable as a felony under the motor vehicle 13024  
laws of this state or any other felony in the commission of which 13025  
a motor vehicle is used; 13026

(c) Failing to stop and disclose identity at the scene of the 13027  
accident when required by law or ordinance to do so; 13028

(d) Street racing as defined in section 4511.251 of the 13029  
Revised Code or any substantially similar municipal ordinance; 13030

(e) Willfully eluding or fleeing a police officer; 13031

(f) Trafficking in cigarettes with the intent to avoid 13032  
payment of the cigarette tax under division (A) of section 13033

5743.112 of the Revised Code.

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(2) Subject to division (D)(1) of this section, the trial judge of any court of record, in addition to or independent of all other penalties provided by law or by ordinance, shall suspend the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of section 2903.06 or 2903.08 of the Revised Code. The suspension shall be for the period of time specified in section 2903.06 or 2903.08 of the Revised Code, whichever is applicable.

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(3) If a person is convicted of or pleads guilty to a violation of section 2907.24 of the Revised Code, an attempt to commit a violation of that section, or a violation of or an attempt to commit a violation of a municipal ordinance that is substantially equivalent to that section and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the trial judge of a court of record, in addition to or independent of all other penalties provided by law or ordinance, shall suspend for thirty days the person's driver's or commercial driver's license or permit.

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The trial judge of any court of record, in addition to suspensions or revocations of licenses, permits, or privileges pursuant to this division and in addition to or independent of all other penalties provided by law or by ordinance, shall impose a suspended jail sentence not to exceed six months, if imprisonment was not imposed for the offense for which the person was convicted.

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(4) If the trial judge of any court of record suspends or revokes the driver's or commercial driver's license or permit or nonresident operating privilege of a person who is convicted of or pleads guilty to any offense for which such suspension or revocation is provided by law or ordinance, in addition to all

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other penalties provided by law or ordinance, the judge may issue  
an order prohibiting the offender from registering, renewing, or  
transferring the registration of any vehicle during the period  
that the offender's license, permit, or privilege is suspended or  
revoked. The court promptly shall send a copy of the order to the  
registrar of motor vehicles.

Upon receipt of such an order, neither the registrar nor any  
deputy registrar shall accept any application for the  
registration, registration renewal, or transfer of registration of  
any motor vehicle owned or leased by the person named in the order  
during the period that the person's license, permit, or privilege  
is suspended or revoked, unless the registrar is properly notified  
by the court that the order of suspension or revocation has been  
canceled. When the period of suspension or revocation expires or  
the order is canceled, the registrar or deputy registrar shall  
accept the application for registration, registration renewal, or  
transfer of registration of the person named in the order.

(B) Except as otherwise provided in this section, the trial  
judge of any court of record and the mayor of a mayor's court, in  
addition to or independent of all other penalties provided by law  
or by ordinance, shall revoke the driver's or commercial driver's  
license or permit or nonresident operating privilege of any person  
who is convicted of or pleads guilty to a violation of division  
(A) of section 4511.19 of the Revised Code, of a municipal  
ordinance relating to operating a vehicle while under the  
influence of alcohol, a drug of abuse, or alcohol and a drug of  
abuse, or of a municipal ordinance that is substantially  
equivalent to division (A) of section 4511.19 of the Revised Code  
relating to operating a vehicle with a prohibited concentration of  
alcohol in the blood, breath, or urine or suspend the license,  
permit, or privilege as follows:

(1) Except when division (B)(2), (3), or (4) of this section

applies and the judge or mayor is required to suspend or revoke 13098  
the offender's license or permit pursuant to that division, the 13099  
judge or mayor shall suspend the offender's driver's or commercial 13100  
driver's license or permit or nonresident operating privilege for 13101  
not less than six months nor more than three years. 13102

(2) Subject to division (B)(4) of this section, if, within 13103  
six years of the offense, the offender has been convicted of or 13104  
pleaded guilty to one violation of division (A) or (B) of section 13105  
4511.19 of the Revised Code, a municipal ordinance relating to 13106  
operating a vehicle while under the influence of alcohol, a drug 13107  
of abuse, or alcohol and a drug of abuse, a municipal ordinance 13108  
relating to operating a motor vehicle with a prohibited 13109  
concentration of alcohol in the blood, breath, or urine, section 13110  
2903.04 of the Revised Code in a case in which the offender was 13111  
subject to the sanctions described in division (D) of that 13112  
section, section 2903.06 or 2903.08 of the Revised Code, former 13113  
section 2903.07 of the Revised Code, or a municipal ordinance that 13114  
is substantially similar to former section 2903.07 of the Revised 13115  
Code in a case in which the jury or judge found that the offender 13116  
was under the influence of alcohol, a drug of abuse, or alcohol 13117  
and a drug of abuse, or a statute of the United States or of any 13118  
other state or a municipal ordinance of a municipal corporation 13119  
located in any other state that is substantially similar to 13120  
division (A) or (B) of section 4511.19 of the Revised Code, the 13121  
judge shall suspend the offender's driver's or commercial driver's 13122  
license or permit or nonresident operating privilege for not less 13123  
than one year nor more than five years. 13124

(3) Subject to division (B)(4) of this section, if, within 13125  
six years of the offense, the offender has been convicted of or 13126  
pleaded guilty to two violations described in division (B)(2) of 13127  
this section, or a statute of the United States or of any other 13128  
state or a municipal ordinance of a municipal corporation located 13129

in any other state that is substantially similar to division (A) 13130  
or (B) of section 4511.19 of the Revised Code, the judge shall 13131  
suspend the offender's driver's or commercial driver's license or 13132  
permit or nonresident operating privilege for not less than one 13133  
year nor more than ten years. 13134

(4) If, within six years of the offense, the offender has 13135  
been convicted of or pleaded guilty to three or more violations 13136  
described in division (B)(2) of this section, a statute of the 13137  
United States or of any other state or a municipal ordinance of a 13138  
municipal corporation located in any other state that is 13139  
substantially similar to division (A) or (B) of section 4511.19 of 13140  
the Revised Code, or if the offender previously has been convicted 13141  
of or pleaded guilty to a violation of division (A) of section 13142  
4511.19 of the Revised Code under circumstances in which the 13143  
violation was a felony and regardless of when the violation and 13144  
the conviction or guilty plea occurred, the judge shall suspend 13145  
the offender's driver's or commercial driver's license or permit 13146  
or nonresident operating privilege for a period of time set by the 13147  
court but not less than three years, and the judge may permanently 13148  
revoke the offender's driver's or commercial driver's license or 13149  
permit or nonresident operating privilege. 13150

(5) The filing of an appeal by a person whose driver's or 13151  
commercial driver's license is suspended or revoked under division 13152  
(B)(1), (2), (3), or (4) of this section regarding any aspect of 13153  
the person's trial or sentence does not stay the operation of the 13154  
suspension or revocation. 13155

(C) The trial judge of any court of record or the mayor of a 13156  
mayor's court, in addition to or independent of all other 13157  
penalties provided by law or by ordinance, may suspend the 13158  
driver's or commercial driver's license or permit or nonresident 13159  
operating privilege of any person who violates a requirement or 13160  
prohibition of the court imposed under division (F) of this 13161

section or division ~~(C)~~(C)(1) of section 2951.02 of the Revised Code as follows: 13162  
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(1) For not more than one year, upon conviction for a first violation of the requirement or prohibition; 13164  
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(2) For not more than five years, upon conviction for a second or subsequent violation of the requirement or prohibition during the same period of required use of an ignition interlock device that is certified pursuant to section 4511.83 of the Revised Code. 13166  
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(D)(1) The trial judge of any court of record, in addition to or independent of all other penalties provided by law or by ordinance, shall permanently revoke the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of section 2903.04 or 2903.06 of the Revised Code in a case in which division (D) of section 2903.04 or division (B) of section 2903.06 of the Revised Code requires the judge to permanently revoke the license, permit, or privilege. 13171  
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(2) In addition to any prison term authorized or required by the section that establishes the offense and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under the section that establishes the offense or sections 2929.11 to 2929.182 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code either shall revoke or, if it does not revoke, shall suspend for not less than six months or more than five years, as specified in the section that establishes the offense, the person's driver's or commercial driver's license or permit. If the person's driver's or commercial driver's license or permit is 13180  
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under suspension on the date the court imposes sentence upon the person, any revocation imposed upon the person that is referred to in division (D)(2) of this section shall take effect immediately. If the person's driver's or commercial driver's license or permit is under suspension on the date the court imposes sentence upon the person, any period of suspension imposed upon the person that is referred to in division (D)(2) of this section shall take effect on the next day immediately following the end of that period of suspension. If the person is sixteen years of age or older and is a resident of this state but does not have a current, valid Ohio driver's or commercial driver's license or permit, the court shall order the registrar to deny to the person the issuance of a driver's or commercial driver's license or permit for six months beginning on the date the court imposes a sentence upon the person. If the person has not attained the age of sixteen years on the date the court sentences the person for the violation, the period of denial shall commence on the date the person attains the age of sixteen years.

(E) Except as otherwise provided in this section, the trial judge of any court of record and the mayor of a mayor's court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend for not less than sixty days nor more than two years the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of division (B) of section 4511.19 of the Revised Code or of a municipal ordinance substantially equivalent to that division relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.

(F)(1) A person is not entitled to request, and a judge or mayor shall not grant to the person, occupational driving privileges under division (F) of this section if a person's

driver's or commercial driver's license or permit or nonresident 13226  
operating privilege has been suspended pursuant to division (B) or 13227  
(C) of this section or pursuant to division (F) of section 13228  
4511.191 of the Revised Code, and the person, within the preceding 13229  
seven years, has been convicted of or pleaded guilty to three or 13230  
more violations of one or more of the following: 13231

(a) Division (A) or (B) of section 4511.19 of the Revised 13232  
Code; 13233

(b) A municipal ordinance relating to operating a vehicle 13234  
while under the influence of alcohol, a drug of abuse, or alcohol 13235  
and a drug of abuse; 13236

(c) A municipal ordinance relating to operating a vehicle 13237  
with a prohibited concentration of alcohol in the blood, breath, 13238  
or urine; 13239

(d) Section 2903.04 of the Revised Code in a case in which 13240  
the person was subject to the sanctions described in division (D) 13241  
of that section; 13242

(e) Division (A)(1) of section 2903.06 or division (A)(1) of 13243  
section 2903.08 of the Revised Code or a municipal ordinance that 13244  
is substantially similar to either of those divisions; 13245

(f) Division (A)(2), (3), or (4) of section 2903.06, division 13246  
(A)(2) of section 2903.08, or former section 2903.07 of the 13247  
Revised Code, or a municipal ordinance that is substantially 13248  
similar to any of those divisions or that former section, in a 13249  
case in which the jury or judge found that the person was under 13250  
the influence of alcohol, a drug of abuse, or alcohol and a drug 13251  
of abuse; 13252

(g) A statute of the United States or of any other state or a 13253  
municipal ordinance of a municipal corporation located in any 13254  
other state that is substantially similar to division (A) or (B) 13255  
of section 4511.19 of the Revised Code. 13256



(2) Any other person who is not described in division (F)(1) 13257  
of this section and whose driver's or commercial driver's license 13258  
or nonresident operating privilege has been suspended under any of 13259  
those divisions may file a petition that alleges that the 13260  
suspension would seriously affect the person's ability to continue 13261  
the person's employment. The petition of a person whose license, 13262  
permit, or privilege was suspended pursuant to division (F) of 13263  
section 4511.191 of the Revised Code shall be filed in the court 13264  
specified in division (I)(4) of that section, and the petition of 13265  
a person whose license, permit, or privilege was suspended under 13266  
division (B) or (C) of this section shall be filed in the 13267  
municipal, county, mayor's, or in the case of a minor, juvenile 13268  
court that has jurisdiction over the place of arrest. Upon 13269  
satisfactory proof that there is reasonable cause to believe that 13270  
the suspension would seriously affect the person's ability to 13271  
continue the person's employment, the judge of the court or mayor 13272  
of the mayor's court may grant the person occupational driving 13273  
privileges during the period during which the suspension otherwise 13274  
would be imposed, except that the judge or mayor shall not grant 13275  
occupational driving privileges for employment as a driver of 13276  
commercial motor vehicles to any person who is disqualified from 13277  
operating a commercial motor vehicle under section 3123.611 or 13278  
4506.16 of the Revised Code or whose commercial driver's license 13279  
or commercial driver's temporary instruction permit has been 13280  
suspended under section 3123.58 of the Revised Code, and shall not 13281  
grant occupational driving privileges during any of the following 13282  
periods of time: 13283

(a) The first fifteen days of suspension imposed upon an 13284  
offender whose license, permit, or privilege is suspended pursuant 13285  
to division (B)(1) of this section or division (F)(1) of section 13286  
4511.191 of the Revised Code. On or after the sixteenth day of 13287  
suspension, the court may grant the offender occupational driving 13288

privileges, but the court may provide that the offender shall not  
exercise the occupational driving privileges unless the vehicles  
the offender operates are equipped with ignition interlock  
devices.

(b) The first thirty days of suspension imposed upon an  
offender whose license, permit, or privilege is suspended pursuant  
to division (B)(2) of this section or division (F)(2) of section  
4511.191 of the Revised Code. On or after the thirty-first day of  
suspension, the court may grant the offender occupational driving  
privileges, but the court may provide that the offender shall not  
exercise the occupational driving privileges unless the vehicles  
the offender operates are equipped with ignition interlock  
devices.

(c) The first one hundred eighty days of suspension imposed  
upon an offender whose license, permit, or privilege is suspended  
pursuant to division (B)(3) of this section or division (F)(3) of  
section 4511.191 of the Revised Code. The judge may grant  
occupational driving privileges to an offender who receives a  
suspension under either of those divisions on or after the one  
hundred eighty-first day of the suspension only if division (F) of  
this section does not prohibit the judge from granting the  
privileges and only if the judge, at the time of granting the  
privileges, also issues an order prohibiting the offender, while  
exercising the occupational driving privileges during the period  
commencing with the one hundred eighty-first day of suspension and  
ending with the first year of suspension, from operating any motor  
vehicle unless it is equipped with a certified ignition interlock  
device. After the first year of the suspension, the court may  
authorize the offender to continue exercising the occupational  
driving privileges in vehicles that are not equipped with ignition  
interlock devices. If the offender does not petition for  
occupational driving privileges until after the first year of

suspension and if division (F) of this section does not prohibit 13321  
the judge from granting the privileges, the judge may grant the 13322  
offender occupational driving privileges without requiring the use 13323  
of a certified ignition interlock device. 13324

(d) The first three years of suspension imposed upon an 13325  
offender whose license, permit, or privilege is suspended pursuant 13326  
to division (B)(4) of this section or division (F)(4) of section 13327  
4511.191 of the Revised Code. The judge may grant occupational 13328  
driving privileges to an offender who receives a suspension under 13329  
either of those divisions after the first three years of 13330  
suspension only if division (F) of this section does not prohibit 13331  
the judge from granting the privileges and only if the judge, at 13332  
the time of granting the privileges, also issues an order 13333  
prohibiting the offender from operating any motor vehicle, for the 13334  
period of suspension following the first three years of 13335  
suspension, unless the motor vehicle is equipped with a certified 13336  
ignition interlock device. 13337

(G) If a person's driver's or commercial driver's license or 13338  
permit or nonresident operating privilege has been suspended under 13339  
division (E) of this section, and the person, within the preceding 13340  
seven years, has been convicted of or pleaded guilty to three or 13341  
more violations identified in division (F)(1) of this section, the 13342  
person is not entitled to request, and the judge or mayor shall 13343  
not grant to the person, occupational driving privileges under 13344  
this division. Any other person whose driver's or commercial 13345  
driver's license or nonresident operating privilege has been 13346  
suspended under division (E) of this section may file a petition 13347  
that alleges that the suspension would seriously affect the 13348  
person's ability to continue the person's employment. The petition 13349  
shall be filed in the municipal, county, or mayor's court that has 13350  
jurisdiction over the place of arrest. Upon satisfactory proof 13351  
that there is reasonable cause to believe that the suspension 13352

would seriously affect the person's ability to continue the 13353  
person's employment, the judge of the court or mayor of the 13354  
mayor's court may grant the person occupational driving privileges 13355  
during the period during which the suspension otherwise would be 13356  
imposed, except that the judge or mayor shall not grant 13357  
occupational driving privileges for employment as a driver of 13358  
commercial motor vehicles to any person who is disqualified from 13359  
operating a commercial motor vehicle under section 4506.16 of the 13360  
Revised Code, and shall not grant occupational driving privileges 13361  
during the first sixty days of suspension imposed upon an offender 13362  
whose driver's or commercial driver's license or permit or 13363  
nonresident operating privilege is suspended pursuant to division 13364  
(E) of this section. 13365

(H)(1) After a driver's or commercial driver's license or 13366  
permit has been suspended or revoked pursuant to this section, the 13367  
judge of the court or mayor of the mayor's court that suspended or 13368  
revoked the license or permit shall cause the offender to deliver 13369  
the license or permit to the court. The judge, mayor, or clerk of 13370  
the court or mayor's court, if the license or permit has been 13371  
suspended or revoked in connection with any of the offenses listed 13372  
in this section, forthwith shall forward it to the registrar with 13373  
notice of the action of the court. 13374

(2) Suspension of a commercial driver's license under this 13375  
section shall be concurrent with any period of disqualification 13376  
under section 3123.611 or 4506.16 of the Revised Code or any 13377  
period of suspension under section 3123.58 of the Revised Code. No 13378  
person who is disqualified for life from holding a commercial 13379  
driver's license under section 4506.16 of the Revised Code shall 13380  
be issued a driver's license under this chapter during the period 13381  
for which the commercial driver's license was suspended under this 13382  
section, and no person whose commercial driver's license is 13383  
suspended under this section shall be issued a driver's license 13384

under this chapter during the period of the suspension. 13385

(I) No judge shall suspend the first thirty days of 13386  
suspension of a driver's or commercial driver's license or permit 13387  
or a nonresident operating privilege required under division (A) 13388  
of this section, no judge or mayor shall suspend the first six 13389  
months of suspension required under division (B)(1) of this 13390  
section, no judge shall suspend the first year of suspension 13391  
required under division (B)(2) of this section, no judge shall 13392  
suspend the first year of suspension required under division 13393  
(B)(3) of this section, no judge shall suspend the first three 13394  
years of suspension required under division (B)(4) of this 13395  
section, no judge or mayor shall suspend the revocation required 13396  
by division (D) of this section, and no judge or mayor shall 13397  
suspend the first sixty days of suspension required under division 13398  
(E) of this section, except that the court shall credit any period 13399  
of suspension imposed pursuant to section 4511.191 or 4511.196 of 13400  
the Revised Code against any time of suspension imposed pursuant 13401  
to division (B) or (E) of this section as described in division 13402  
(J) of this section. 13403

(J) The judge of the court or mayor of the mayor's court 13404  
shall credit any time during which an offender was subject to an 13405  
administrative suspension of the offender's driver's or commercial 13406  
driver's license or permit or nonresident operating privilege 13407  
imposed pursuant to division (E) or (F) of section 4511.191 or a 13408  
suspension imposed by a judge, referee, or mayor pursuant to 13409  
division (B)(1) or (2) of section 4511.196 of the Revised Code 13410  
against the time to be served under a related suspension imposed 13411  
pursuant to this section. 13412

(K) The judge or mayor shall notify the bureau of any 13413  
determinations made, and of any suspensions or revocations 13414  
imposed, pursuant to division (B) of this section. 13415

(L)(1) If a court issues an ignition interlock order under 13416

division (F) of this section, the order shall authorize the  
offender during the specified period to operate a motor vehicle  
only if it is equipped with a certified ignition interlock device.  
The court shall provide the offender with a copy of an ignition  
interlock order issued under division (F) of this section, and the  
copy of the order shall be used by the offender in lieu of an Ohio  
driver's or commercial driver's license or permit until the  
registrar or a deputy registrar issues the offender a restricted  
license.

An order issued under division (F) of this section does not  
authorize or permit the offender to whom it has been issued to  
operate a vehicle during any time that the offender's driver's or  
commercial driver's license or permit is suspended or revoked  
under any other provision of law.

(2) The offender may present the ignition interlock order to  
the registrar or to a deputy registrar. Upon presentation of the  
order to the registrar or a deputy registrar, the registrar or  
deputy registrar shall issue the offender a restricted license. A  
restricted license issued under this division shall be identical  
to an Ohio driver's license, except that it shall have printed on  
its face a statement that the offender is prohibited during the  
period specified in the court order from operating any motor  
vehicle that is not equipped with a certified ignition interlock  
device, and except that the date of commencement and the date of  
termination of the period shall be indicated conspicuously upon  
the face of the license.

(3) As used in this section:

(a) "Ignition interlock device" has the same meaning as in  
section 4511.83 of the Revised Code.

(b) "Certified ignition interlock device" means an ignition  
interlock device that is certified pursuant to section 4511.83 of

the Revised Code.

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**Sec. 4507.99.** (A) Whoever violates division (B)(2) or (D)(1) of section 4507.02 of the Revised Code is guilty of driving under suspension or revocation or in violation of license restrictions, a misdemeanor of the first degree. Whoever violates division (C) of section 4507.02 of the Revised Code is guilty of driving without paying a license reinstatement fee, a misdemeanor of the first degree. Except as otherwise provided in division (D) of section 4507.162 of the Revised Code, the court, in addition to or independent of all other penalties provided by law, may suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of any person who pleads guilty to or is convicted of a violation of division (B)(2), (C), or (D)(1) of section 4507.02 of the Revised Code.

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(B) Whoever violates division (D)(2) of section 4507.02 of the Revised Code is guilty of driving under OMVI suspension or revocation and shall be punished as provided in division (B)(1), (2), or (3) and divisions (B)(4) to (8) of this section.

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(1) Except as otherwise provided in division (B)(2) or (3) of this section, driving under OMVI suspension or revocation is a misdemeanor of the first degree, and the court shall sentence the offender to a jail term ~~of imprisonment~~ of not less than three consecutive days and may sentence the offender pursuant to section ~~2929.21~~ 2929.24 of the Revised Code to a longer jail term ~~of imprisonment~~. As an alternative to the jail term ~~of imprisonment~~ required to be imposed by this division, but subject to division (B)(6) of this section, the court may sentence the offender to a term of not less than thirty consecutive days of ~~electronically monitored~~ house arrest ~~as defined in division (A)(4) of section 2929.23 of the Revised Code~~ with electronic monitoring. The period

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of ~~electronically monitored~~ house arrest with electronic 13479  
monitoring shall not exceed six months. In addition, the court 13480  
shall impose upon the offender a fine of not less than two hundred 13481  
fifty and not more than one thousand dollars. 13482

Regardless of whether the vehicle the offender was operating 13483  
at the time of the offense is registered in the offender's name or 13484  
in the name of another person, the court, in addition to or 13485  
independent of any other sentence that it imposes upon the 13486  
offender and subject to section 4503.235 of the Revised Code, 13487  
shall order the immobilization for thirty days of the vehicle the 13488  
offender was operating at the time of the offense and the 13489  
impoundment for thirty days of the identification license plates 13490  
of that vehicle. The order for immobilization and impoundment 13491  
shall be issued and enforced in accordance with section 4503.233 13492  
of the Revised Code. 13493

(2) If, within five years of the offense, the offender has 13494  
been convicted of or pleaded guilty to one violation of division 13495  
(D)(2) of section 4507.02 of the Revised Code or a municipal 13496  
ordinance that is substantially equivalent to that division, 13497  
driving under OMVI suspension or revocation is a misdemeanor, and 13498  
the court shall sentence the offender to a jail term of 13499  
~~imprisonment~~ of not less than ten consecutive days and may 13500  
sentence the offender to a longer definite jail term of 13501  
~~imprisonment~~ of not more than one year. As an alternative to the 13502  
jail term of ~~imprisonment~~ required to be imposed by this division, 13503  
but subject to division (B)(6) of this section, the court may 13504  
sentence the offender to a term of not less than ninety 13505  
consecutive days of ~~electronically monitored~~ house arrest as 13506  
~~defined in division (A)(4) of section 2929.23 of the Revised Code~~ 13507  
with electronic monitoring. The period of ~~electronically monitored~~ 13508  
house arrest with electronic monitoring shall not exceed one year. 13509  
In addition, the court shall impose upon the offender a fine of 13510



not less than five hundred and not more than two thousand five 13511  
hundred dollars. 13512

Regardless of whether the vehicle the offender was operating 13513  
at the time of the offense is registered in the offender's name or 13514  
in the name of another person, the court, in addition to or 13515  
independent of any other sentence that it imposes upon the 13516  
offender and subject to section 4503.235 of the Revised Code, 13517  
shall order the immobilization for sixty days of the vehicle the 13518  
offender was operating at the time of the offense and the 13519  
impoundment for sixty days of the identification license plates of 13520  
that vehicle. The order for immobilization and impoundment shall 13521  
be issued and enforced in accordance with section 4503.233 of the 13522  
Revised Code. 13523

(3) If, within five years of the offense, the offender has 13524  
been convicted of or pleaded guilty to two or more violations of 13525  
division (D)(2) of section 4507.02 of the Revised Code or a 13526  
municipal ordinance that is substantially equivalent to that 13527  
division, driving under OMVI suspension or revocation is guilty of 13528  
a misdemeanor. The court shall sentence the offender to a jail 13529  
~~term of imprisonment~~ of not less than thirty consecutive days and 13530  
may sentence the offender to a longer definite jail term of 13531  
~~imprisonment~~ of not more than one year. The court shall not 13532  
sentence the offender to a term of ~~electronically monitored~~ house 13533  
~~arrest as defined in division (A)(4) of section 2929.23 of the~~ 13534  
~~Revised Code with electronic monitoring.~~ In addition, the court 13535  
shall impose upon the offender a fine of not less than five 13536  
hundred and not more than two thousand five hundred dollars. 13537

Regardless of whether the vehicle the offender was operating 13538  
at the time of the offense is registered in the offender's name or 13539  
in the name of another person, the court, in addition to or 13540  
independent of any other sentence that it imposes upon the 13541  
offender and subject to section 4503.235 of the Revised Code, 13542

shall order the criminal forfeiture to the state of the vehicle 13543  
the offender was operating at the time of the offense. The order 13544  
of criminal forfeiture shall be issued and enforced in accordance 13545  
with section 4503.234 of the Revised Code. 13546

If title to a motor vehicle that is subject to an order for 13547  
criminal forfeiture under this section is assigned or transferred 13548  
and division (C)(2) or (3) of section 4503.234 of the Revised Code 13549  
applies, in addition to or independent of any other penalty 13550  
established by law, the court may fine the offender the value of 13551  
the vehicle as determined by publications of the national auto 13552  
dealer's association. The proceeds from any fine imposed under 13553  
this division shall be distributed in accordance with division 13554  
(D)(4) of section 4503.234 of the Revised Code. 13555

(4) In addition to or independent of all other penalties 13556  
provided by law or ordinance, the trial judge of any court of 13557  
record or the mayor of a mayor's court shall suspend for a period 13558  
not to exceed one year the driver's or commercial driver's license 13559  
or permit or nonresident operating privilege of an offender who is 13560  
sentenced under division (B)(1), (2), or (3) of this section. 13561

(5) Fifty per cent of any fine imposed by a court under 13562  
division (B)(1), (2), or (3) of this section shall be deposited 13563  
into the county indigent drivers alcohol treatment fund or 13564  
municipal indigent drivers alcohol treatment fund under the 13565  
control of that court, as created by the county or municipal 13566  
corporation pursuant to division (N) of section 4511.191 of the 13567  
Revised Code. 13568

(6) No court shall impose the alternative sentence of not 13569  
less than thirty consecutive days of ~~electronically monitored~~ 13570  
house arrest with electronic monitoring permitted to be imposed by 13571  
division (B)(1) of this section or the alternative sentence of a 13572  
term of not less than ninety consecutive days of ~~electronically~~ 13573  
~~monitored~~ house arrest with electronic monitoring permitted to be 13574

imposed by division (B)(2) of this section, unless within sixty 13575  
days of the date of sentencing, the court issues a written 13576  
finding, entered into the record, that, due to the unavailability 13577  
of space at the incarceration facility where the offender is 13578  
required to serve the jail term ~~of imprisonment~~ imposed upon the 13579  
offender, the offender will not be able to begin serving that jail 13580  
term ~~of imprisonment~~ within the sixty-day period following the 13581  
date of sentencing. If the court issues such a finding, the court 13582  
may impose the alternative sentence comprised of or including 13583  
~~electronically monitored~~ house arrest with electronic monitoring 13584  
permitted to be imposed by division (B)(1) or (2) of this section. 13585

(7) An offender sentenced under this section to a period of 13586  
~~electronically monitored~~ house arrest with electronic monitoring 13587  
shall be permitted work release during such period. The duration 13588  
of the work release shall not exceed the time necessary each day 13589  
for the offender to commute to and from the place of employment 13590  
and the offender's home or other place specified by the sentencing 13591  
court and the time actually spent under employment. 13592

(8) Suspension of a commercial driver's license under this 13593  
section shall be concurrent with any period of disqualification 13594  
under section 3123.611 or 4506.16 of the Revised Code or any 13595  
period of suspension under section 3123.58 of the Revised Code. No 13596  
person who is disqualified for life from holding a commercial 13597  
driver's license under section 4506.16 of the Revised Code shall 13598  
be issued a driver's license under this chapter during the period 13599  
for which the commercial driver's license was suspended under this 13600  
section, and no person whose commercial driver's license is 13601  
suspended under this section shall be issued a driver's license 13602  
under this chapter during the period of the suspension. 13603

(9) As used in division (B) of this section "electronic 13604  
monitoring" has the same meaning as in section 2929.01 of the 13605  
Revised Code. 13606

(C) Whoever violates division (B)(1) of section 4507.02 of the Revised Code is guilty of driving under financial responsibility law suspension or revocation and shall be punished as provided in division (C)(1), (2), or (3) and division (C)(4) of this section.

(1) Except as otherwise provided in division (C)(2) or (3) of this section, driving under financial responsibility law suspension or revocation is a misdemeanor of the first degree.

Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to or independent of any other sentence that it imposes upon the offender and subject to section 4503.235 of the Revised Code, shall order the immobilization for thirty days of the vehicle the offender was operating at the time of the offense and the impoundment for thirty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.

(2) If, within five years of the offense, the offender has been convicted of or pleaded guilty to one violation of division (B)(1) of section 4507.02 of the Revised Code or a municipal ordinance that is substantially equivalent to that division, driving under financial responsibility law suspension or revocation is a misdemeanor of the first degree.

Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to or independent of any other sentence that it imposes upon the offender and subject to section 4503.235 of the Revised Code, shall order the immobilization for sixty days of the vehicle the offender was operating at the time of the offense and the

impoundment for sixty days of the identification license plates of 13639  
that vehicle. The order for immobilization and impoundment shall 13640  
be issued and enforced in accordance with section 4503.233 of the 13641  
Revised Code. 13642

(3) If, within five years of the offense, the offender has 13643  
been convicted of or pleaded guilty to two or more violations of 13644  
division (B)(1) of section 4507.02 of the Revised Code or a 13645  
municipal ordinance that is substantially equivalent to that 13646  
division, driving under financial responsibility law suspension or 13647  
revocation is a misdemeanor of the first degree. 13648

Regardless of whether the vehicle the offender was operating 13649  
at the time of the offense is registered in the offender's name or 13650  
in the name of another person, the court, in addition to or 13651  
independent of any other sentence that it imposes upon the 13652  
offender and subject to section 4503.235 of the Revised Code, 13653  
shall order the criminal forfeiture to the state of the vehicle 13654  
the offender was operating at the time of the offense. The order 13655  
of criminal forfeiture shall be issued and enforced in accordance 13656  
with section 4503.234 of the Revised Code. 13657

If title to a motor vehicle that is subject to an order for 13658  
criminal forfeiture under this section is assigned or transferred 13659  
and division (C)(2) or (3) of section 4503.234 of the Revised Code 13660  
applies, in addition to or independent of any other penalty 13661  
established by law, the court may fine the offender the value of 13662  
the vehicle as determined by publications of the national auto 13663  
dealer's association. The proceeds from any fine imposed under 13664  
this division shall be distributed in accordance with division 13665  
(D)(4) of section 4503.234 of the Revised Code. 13666

(4) Except as otherwise provided in division (D) of section 13667  
4507.162 of the Revised Code, the court, in addition to or 13668  
independent of all other penalties provided by law, may suspend 13669  
for a period not to exceed one year the driver's or commercial 13670

driver's license or permit or nonresident operating privilege of 13671  
an offender who is sentenced under division (C)(1), (2), or (3) of 13672  
this section. 13673

(5) The court shall not release a vehicle from the 13674  
immobilization ordered under division (C)(1) or (2) of this 13675  
section unless the court is presented with current proof of 13676  
financial responsibility with respect to that vehicle. 13677

(D) Whoever violates division (A)(1) or (3) of section 13678  
4507.02 of the Revised Code by operating a motor vehicle when the 13679  
offender's driver's or commercial driver's license has been 13680  
expired for no more than six months is guilty of a minor 13681  
misdemeanor. Whoever violates division (B) of section 4507.13 or 13682  
division (C) of section 4507.52 of the Revised Code is guilty of a 13683  
minor misdemeanor. 13684

(E) Whoever violates section 4507.33 of the Revised Code is 13685  
guilty of permitting the operation of a vehicle by a person with 13686  
no legal right to operate a vehicle and shall be punished as 13687  
provided in division (E)(1) or (2) of this section. 13688

(1) Except as otherwise provided in division (E)(2) of this 13689  
section, permitting the operation of a vehicle by a person with no 13690  
legal right to operate a vehicle is a misdemeanor of the first 13691  
degree. In addition to or independent of any other sentence that 13692  
it imposes upon the offender and subject to section 4503.235 of 13693  
the Revised Code, the court shall order the immobilization for 13694  
thirty days of the vehicle involved in the offense and the 13695  
impoundment for thirty days of the identification license plates 13696  
of that vehicle. The order for immobilization and impoundment 13697  
shall be issued and enforced in accordance with section 4503.233 13698  
of the Revised Code. 13699

(2) If the offender previously has been convicted of or 13700  
pleaded guilty to one or more violations of section 4507.33 of the 13701

Revised Code, permitting the operation of a vehicle by a person 13702  
with no legal right to operate a vehicle is a misdemeanor of the 13703  
first degree. In addition to or independent of any other sentence 13704  
that it imposes upon the offender and subject to section 4503.235 13705  
of the Revised Code, the court shall order the criminal forfeiture 13706  
to the state of the vehicle involved in the offense. The order of 13707  
criminal forfeiture shall be issued and enforced in accordance 13708  
with section 4503.234 of the Revised Code. 13709

If title to a motor vehicle that is subject to an order for 13710  
criminal forfeiture under this section is assigned or transferred 13711  
and division (C)(2) or (3) of section 4503.234 of the Revised Code 13712  
applies, in addition to or independent of any other penalty 13713  
established by law, the court may fine the offender the value of 13714  
the vehicle as determined by publications of the national auto 13715  
dealer's association. The proceeds from any fine imposed under 13716  
this division shall be distributed in accordance with division 13717  
(D)(4) of section 4503.234 of the Revised Code. 13718

(F) Whoever violates division (F)(1) or (2) of section 13719  
4507.05, or division (B) or (D) of section 4507.071 of the Revised 13720  
Code is guilty of a minor misdemeanor. 13721

(G) Whoever violates division (G) of section 4507.21 of the 13722  
Revised Code shall be fined one hundred dollars. 13723

(H) Except as provided in divisions (A) to (E) of this 13724  
section and unless another penalty is provided by the laws of this 13725  
state, whoever violates any provision of sections 4507.01 to 13726  
4507.081 or 4507.10 to 4507.37 of the Revised Code is guilty of a 13727  
misdemeanor of the first degree. 13728

(I) Whenever a person is found guilty of a violation of 13729  
section 4507.32 of the Revised Code, the trial judge of any court 13730  
of record, in addition to or independent of all other penalties 13731  
provided by law or ordinance, may suspend for any period of time 13732

not exceeding three years or revoke the license of any person, 13733  
partnership, association, or corporation, issued under section 13734  
4511.763 of the Revised Code. 13735

(J) Whenever a person is found guilty of a violation of a 13736  
traffic offense specified in Traffic Rule 13(B) that requires the 13737  
person's appearance in court, the court shall require the person 13738  
to verify the existence at the time of the offense of proof of 13739  
financial responsibility covering the person's operation of the 13740  
motor vehicle, or the motor vehicle if registered in the person's 13741  
name, and notify the registrar pursuant to division (D) of section 13742  
4509.101 of the Revised Code if the person fails to verify the 13743  
existence of such proof of financial responsibility. 13744

**Sec. 4511.83.** (A) As used in this section: 13745

(1) "Ignition interlock device" means a device that connects 13746  
a breath analyzer to a motor vehicle's ignition system, that is 13747  
constantly available to monitor the concentration by weight of 13748  
alcohol in the breath of any person attempting to start that motor 13749  
vehicle by using its ignition system, and that deters starting the 13750  
motor vehicle by use of its ignition system unless the person 13751  
attempting to so start the vehicle provides an appropriate breath 13752  
sample for the device and the device determines that the 13753  
concentration by weight of alcohol in the person's breath is below 13754  
a preset level. 13755

(2) "Offender with restricted driving privileges" means an 13756  
offender who is subject to an order that was issued under division 13757  
(F) of section 4507.16 of the Revised Code as a condition of the 13758  
granting of occupational driving privileges or an offender whose 13759  
driving privilege is restricted as a condition of ~~probation a~~ 13760  
community control sanction pursuant to division ~~(G)~~(C) of section 13761  
2951.02 of the Revised Code. 13762

(3) "Community control sanction" has the same meaning as in 13763



section 2929.01 of the Revised Code.

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(B)(1) Except in cases of a substantial emergency when no other person is reasonably available to drive in response to the emergency, no person shall knowingly rent, lease, or lend a motor vehicle to any offender with restricted driving privileges, unless the vehicle is equipped with a functioning ignition interlock device that is certified pursuant to division (D) of this section.

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(2) Any offender with restricted driving privileges who rents, leases, or borrows a motor vehicle from another person shall notify the person who rents, leases, or lends the motor vehicle to the offender that the offender has restricted driving privileges and of the nature of the restriction.

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(3) Any offender with restricted driving privileges who is required to operate a motor vehicle owned by the offender's employer in the course and scope of the offender's employment may operate that vehicle without the installation of an ignition interlock device, provided that the employer has been notified that the offender has restricted driving privileges and of the nature of the restriction and provided further that the offender has proof of the employer's notification in the offender's possession while operating the employer's vehicle for normal business duties. A motor vehicle owned by a business that is partly or entirely owned or controlled by an offender with restricted driving privileges is not a motor vehicle owned by an employer, for purposes of this division.

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(C) If a court, pursuant to division (F) of section 4507.16 of the Revised Code, imposes the use of an ignition interlock device as a condition of the granting of occupational driving privileges, the court shall require the offender to provide proof of compliance to the court at least once quarterly or more frequently as ordered by the court in its discretion. If a court imposes the use of an ignition interlock device as a condition of

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~~probation~~ a community control sanction under division ~~(G)~~(C) of 13796  
section 2951.02 of the Revised Code, the court shall require the 13797  
offender to provide proof of compliance to the court or probation 13798  
officer prior to issuing any driving privilege or continuing the 13799  
~~probation~~ community control status. In either case in which a 13800  
court imposes the use of such a device, the offender, at least 13801  
once quarterly or more frequently as ordered by the court in its 13802  
discretion, shall have the device inspected as ordered by the 13803  
court for accurate operation and shall provide the results of the 13804  
inspection to the court or, if applicable, to the offender's 13805  
probation officer. 13806

(D)(1) The director of public safety, upon consultation with 13807  
the director of health and in accordance with Chapter 119. of the 13808  
Revised Code, shall certify ignition interlock devices and shall 13809  
publish and make available to the courts, without charge, a list 13810  
of approved devices together with information about the 13811  
manufacturers of the devices and where they may be obtained. The 13812  
cost of obtaining the certification of an ignition interlock 13813  
device shall be paid by the manufacturer of the device to the 13814  
director of public safety and shall be deposited in the statewide 13815  
treatment and prevention fund established by section 4301.30 of 13816  
the Revised Code. 13817

(2) The director of public safety, in accordance with Chapter 13818  
119. of the Revised Code, shall adopt and publish rules setting 13819  
forth the requirements for obtaining the certification of an 13820  
ignition interlock device. No ignition interlock device shall be 13821  
certified by the director of public safety pursuant to division 13822  
(D)(1) of this section unless it meets the requirements specified 13823  
and published by the director in the rules adopted pursuant to 13824  
this division. The requirements shall include provisions for 13825  
setting a minimum and maximum calibration range and shall include, 13826  
but shall not be limited to, specifications that the device 13827

complies with all of the following: 13828

(a) It does not impede the safe operation of the vehicle. 13829

(b) It has features that make circumvention difficult and 13830  
that do not interfere with the normal use of the vehicle. 13831

(c) It correlates well with established measures of alcohol 13832  
impairment. 13833

(d) It works accurately and reliably in an unsupervised 13834  
environment. 13835

(e) It is resistant to tampering and shows evidence of 13836  
tampering if tampering is attempted. 13837

(f) It is difficult to circumvent and requires premeditation 13838  
to do so. 13839

(g) It minimizes inconvenience to a sober user. 13840

(h) It requires a proper, deep-lung breath sample or other 13841  
accurate measure of the concentration by weight of alcohol in the 13842  
breath. 13843

(i) It operates reliably over the range of automobile 13844  
environments. 13845

(j) It is made by a manufacturer who is covered by product 13846  
liability insurance. 13847

(3) The director of public safety may adopt, in whole or in 13848  
part, the guidelines, rules, regulations, studies, or independent 13849  
laboratory tests performed and relied upon by other states, or 13850  
their agencies or commissions, in the certification or approval of 13851  
ignition interlock devices. 13852

(4) The director of public safety shall adopt rules in 13853  
accordance with Chapter 119. of the Revised Code for the design of 13854  
a warning label that shall be affixed to each ignition interlock 13855  
device upon installation. The label shall contain a warning that 13856

any person tampering, circumventing, or otherwise misusing the 13857  
device is subject to a fine, imprisonment, or both and may be 13858  
subject to civil liability. 13859

(E)(1) No offender with restricted driving privileges, during 13860  
any period that the offender is required to operate only a motor 13861  
vehicle equipped with an ignition interlock device, shall request 13862  
or permit any other person to breathe into the device or start a 13863  
motor vehicle equipped with the device, for the purpose of 13864  
providing the offender with an operable motor vehicle. 13865

(2)(a) Except as provided in division (E)(2)(b) of this 13866  
section, no person shall breathe into an ignition interlock device 13867  
or start a motor vehicle equipped with an ignition interlock 13868  
device for the purpose of providing an operable motor vehicle to 13869  
an offender with restricted driving privileges. 13870

(b) Division (E)(2)(a) of this section does not apply to an 13871  
offender with restricted driving privileges who breathes into an 13872  
ignition interlock device or starts a motor vehicle equipped with 13873  
an ignition interlock device for the purpose of providing the 13874  
offender with an operable motor vehicle. 13875

(3) No unauthorized person shall tamper with or circumvent 13876  
the operation of an ignition interlock device. 13877

**Sec. 4511.99.** (A) Whoever violates division (A)(1), (2), (3), 13878  
or (4) of section 4511.19 of the Revised Code, in addition to the 13879  
license suspension or revocation provided in section 4507.16 of 13880  
the Revised Code and any disqualification imposed under section 13881  
4506.16 of the Revised Code, shall be punished as provided in 13882  
division (A)(1), (2), (3), or (4) of this section. Whoever 13883  
violates division (A)(5), (6), or (7) of section 4511.19 of the 13884  
Revised Code, in addition to the license suspension or revocation 13885  
provided in section 4507.16 of the Revised Code and any 13886  
disqualification imposed under section 4506.16 of the Revised 13887

Code, shall be punished as provided in division (A)(5), (6), (7), 13888  
or (8) of this section. 13889

(1) Except as otherwise provided in division (A)(2), (3), or 13890  
(4) of this section, the offender is guilty of a misdemeanor of 13891  
the first degree and the court shall sentence the offender to a 13892  
jail term of ~~imprisonment~~ of three consecutive days and may 13893  
sentence the offender pursuant to section ~~2929.21~~ 2929.24 of the 13894  
Revised Code to a longer jail term of ~~imprisonment~~. In addition, 13895  
the court shall impose upon the offender a fine of not less than 13896  
two hundred fifty and not more than one thousand dollars. 13897

The court may suspend the execution of the mandatory jail 13898  
term of three consecutive days of ~~imprisonment~~ that it is required 13899  
to impose by this division, if the court, in lieu of the suspended 13900  
jail term of ~~imprisonment~~, places the offender on probation under 13901  
a community control sanction pursuant to section 2929.25 of the 13902  
Revised Code and requires the offender to attend, for three 13903  
consecutive days, a drivers' intervention program that is 13904  
certified pursuant to section 3793.10 of the Revised Code. The 13905  
court also may suspend the execution of any part of the mandatory 13906  
jail term of three consecutive days of ~~imprisonment~~ that it is 13907  
required to impose by this division, if the court places the 13908  
offender on probation under a community control sanction pursuant 13909  
to section 2929.25 of the Revised Code for part of the three 13910  
consecutive days; requires the offender to attend, for that part 13911  
of the three consecutive days, a drivers' intervention program 13912  
that is certified pursuant to section 3793.10 of the Revised Code; 13913  
and sentences the offender to a jail term of ~~imprisonment~~ equal to 13914  
the remainder of the three consecutive days that the offender does 13915  
not spend attending the drivers' intervention program. The court 13916  
may require the offender, as a condition of ~~probation~~ community 13917  
control, to attend and satisfactorily complete any treatment or 13918  
education programs that comply with the minimum standards adopted 13919

pursuant to Chapter 3793. of the Revised Code by the director of 13920  
alcohol and drug addiction services, in addition to the required 13921  
attendance at a drivers' intervention program, that the operators 13922  
of the drivers' intervention program determine that the offender 13923  
should attend and to report periodically to the court on the 13924  
offender's progress in the programs. The court also may impose any 13925  
other conditions of ~~probation~~ community control on the offender 13926  
that it considers necessary. 13927

Of the fine imposed pursuant to this division, twenty-five 13928  
dollars shall be paid to an enforcement and education fund 13929  
established by the legislative authority of the law enforcement 13930  
agency in this state that primarily was responsible for the arrest 13931  
of the offender, as determined by the court that imposes the fine. 13932  
This share shall be used by the agency to pay only those costs it 13933  
incurs in enforcing section 4511.19 of the Revised Code or a 13934  
substantially similar municipal ordinance and in informing the 13935  
public of the laws governing the operation of a motor vehicle 13936  
while under the influence of alcohol, the dangers of operating a 13937  
motor vehicle while under the influence of alcohol, and other 13938  
information relating to the operation of a motor vehicle and the 13939  
consumption of alcoholic beverages. Fifty dollars of the fine 13940  
imposed pursuant to this division shall be paid to the political 13941  
subdivision that pays the cost of housing the offender during the 13942  
offender's term of incarceration to the credit of the fund that 13943  
pays the cost of the incarceration. If the offender was confined 13944  
as a result of the offense prior to being sentenced for the 13945  
offense but is not sentenced to a term of incarceration, the fifty 13946  
dollars shall be paid to the political subdivision that paid the 13947  
cost of housing the offender during that period of confinement. 13948  
The political subdivision shall use this share to pay or reimburse 13949  
incarceration or treatment costs it incurs in housing or providing 13950  
drug and alcohol treatment to persons who violate section 4511.19 13951  
of the Revised Code or a substantially similar municipal ordinance 13952

and to pay for ignition interlock devices and electronic house 13953  
arrest equipment for persons who violate that section. Twenty-five 13954  
dollars of the fine imposed pursuant to this division shall be 13955  
deposited into the county indigent drivers alcohol treatment fund 13956  
or municipal indigent drivers alcohol treatment fund under the 13957  
control of that court, as created by the county or municipal 13958  
corporation pursuant to division (N) of section 4511.191 of the 13959  
Revised Code. The balance of the fine shall be disbursed as 13960  
otherwise provided by law. 13961

(2)(a) Except as otherwise provided in division (A)(4) of 13962  
this section, the offender is guilty of a misdemeanor of the first 13963  
degree, and, except as provided in this division, the court shall 13964  
sentence the offender to a jail term of ~~imprisonment~~ of ten 13965  
consecutive days and may sentence the offender pursuant to section 13966  
~~2929.21~~ 2929.24 of the Revised Code to a longer jail term of 13967  
~~imprisonment~~ if, within six years of the offense, the offender has 13968  
been convicted of or pleaded guilty to one violation of the 13969  
following: 13970

(i) Division (A) or (B) of section 4511.19 of the Revised 13971  
Code; 13972

(ii) A municipal ordinance relating to operating a vehicle 13973  
while under the influence of alcohol, a drug of abuse, or alcohol 13974  
and a drug of abuse; 13975

(iii) A municipal ordinance relating to operating a vehicle 13976  
with a prohibited concentration of alcohol in the blood, breath, 13977  
or urine; 13978

(iv) Section 2903.04 of the Revised Code in a case in which 13979  
the offender was subject to the sanctions described in division 13980  
(D) of that section; 13981

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 13982  
section 2903.08 of the Revised Code or a municipal ordinance that 13983

is substantially similar to either of those divisions;

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(vi) Division (A)(2), (3), or (4) of section 2903.06,  
division (A)(2) of section 2903.08, or former section 2903.07 of  
the Revised Code, or a municipal ordinance that is substantially  
similar to any of those divisions or that former section, in a  
case in which the jury or judge found that the offender was under  
the influence of alcohol, a drug of abuse, or alcohol and a drug  
of abuse;

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(vii) A statute of the United States or of any other state or  
a municipal ordinance of a municipal corporation located in any  
other state that is substantially similar to division (A) or (B)  
of section 4511.19 of the Revised Code.

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As an alternative to the jail term of ~~imprisonment~~ required  
to be imposed by this division, but subject to division (A)(12) of  
this section, the court may impose upon the offender a sentence  
consisting of both a jail term of ~~imprisonment~~ of five consecutive  
days and not less than eighteen consecutive days of ~~electronically~~  
~~monitored~~ house arrest ~~as defined in division (A) of section~~  
~~2929.23 of the Revised Code~~ with electronic monitoring. The jail  
term of five consecutive days of ~~imprisonment~~ and the period of  
~~electronically monitored~~ house arrest with electronic monitoring  
shall not exceed six months. The jail term of five consecutive  
days of ~~imprisonment~~ do ~~does~~ not have to be served prior to or  
consecutively with the period of ~~electronically monitored~~ house  
arrest with electronic monitoring.

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In addition, the court shall impose upon the offender a fine  
of not less than three hundred fifty and not more than one  
thousand five hundred dollars.

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In addition to any other sentence that it imposes upon the  
offender, the court may require the offender to attend a drivers'  
intervention program that is certified pursuant to section 3793.10

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of the Revised Code. If the officials of the drivers' intervention  
program determine that the offender is alcohol dependent, they  
shall notify the court, and the court shall order the offender to  
obtain treatment through an alcohol and drug addiction program  
authorized by section 3793.02 of the Revised Code. The cost of the  
treatment shall be paid by the offender.

Of the fine imposed pursuant to this division, thirty-five  
dollars shall be paid to an enforcement and education fund  
established by the legislative authority of the law enforcement  
agency in this state that primarily was responsible for the arrest  
of the offender, as determined by the court that imposes the fine.  
This share shall be used by the agency to pay only those costs it  
incurs in enforcing section 4511.19 of the Revised Code or a  
substantially similar municipal ordinance and in informing the  
public of the laws governing the operation of a motor vehicle  
while under the influence of alcohol, the dangers of operating a  
motor vehicle while under the influence of alcohol, and other  
information relating to the operation of a motor vehicle and the  
consumption of alcoholic beverages. One hundred fifteen dollars of  
the fine imposed pursuant to this division shall be paid to the  
political subdivision that pays the cost of housing the offender  
during the offender's term of incarceration. This share shall be  
used by the political subdivision to pay or reimburse  
incarceration or treatment costs it incurs in housing or providing  
drug and alcohol treatment to persons who violate section 4511.19  
of the Revised Code or a substantially similar municipal ordinance  
and to pay for ignition interlock devices and electronic house  
arrest equipment for persons who violate that section, and shall  
be paid to the credit of the fund that pays the cost of the  
incarceration. Fifty dollars of the fine imposed pursuant to this  
division shall be deposited into the county indigent drivers  
alcohol treatment fund or municipal indigent drivers alcohol

treatment fund under the control of that court, as created by the  
county or municipal corporation pursuant to division (N) of  
section 4511.191 of the Revised Code. The balance of the fine  
shall be disbursed as otherwise provided by law.

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(b) Regardless of whether the vehicle the offender was  
operating at the time of the offense is registered in the  
offender's name or in the name of another person, the court, in  
addition to the penalties imposed under division (A)(2)(a) of this  
section and all other penalties provided by law and subject to  
section 4503.235 of the Revised Code, shall order the  
immobilization for ninety days of the vehicle the offender was  
operating at the time of the offense and the impoundment for  
ninety days of the identification license plates of that vehicle.  
The order for the immobilization and impoundment shall be issued  
and enforced in accordance with section 4503.233 of the Revised  
Code.

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(3)(a) Except as otherwise provided in division (A)(4) of  
this section and except as provided in this division, if, within  
six years of the offense, the offender has been convicted of or  
pleaded guilty to two violations identified in division (A)(2) of  
this section, the court shall sentence the offender to a jail term  
~~of imprisonment~~ of thirty consecutive days and may sentence the  
offender to a longer definite jail term ~~of imprisonment~~ of not  
more than one year. As an alternative to the jail term ~~of~~  
~~imprisonment~~ required to be imposed by this division, but subject  
to division (A)(12) of this section, the court may impose upon the  
offender a sentence consisting of both a jail term ~~of imprisonment~~  
of fifteen consecutive days and not less than fifty-five  
consecutive days of ~~electronically monitored~~ house arrest ~~as~~  
~~defined in division (A) of section 2929.23 of the Revised Code~~  
with electronic monitoring. The jail term of fifteen consecutive  
days ~~of imprisonment~~ and the period of ~~electronically monitored~~

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house arrest with electronic monitoring shall not exceed one year. 14079  
The jail term of fifteen consecutive days ~~of imprisonment~~ do does 14080  
not have to be served prior to or consecutively with the period of 14081  
~~electronically monitored~~ house arrest with electronic monitoring. 14082

In addition, the court shall impose upon the offender a fine 14083  
of not less than five hundred fifty and not more than two thousand 14084  
five hundred dollars. 14085

In addition to any other sentence that it imposes upon the 14086  
offender, the court shall require the offender to attend an 14087  
alcohol and drug addiction program authorized by section 3793.02 14088  
of the Revised Code. The cost of the treatment shall be paid by 14089  
the offender. If the court determines that the offender is unable 14090  
to pay the cost of attendance at the treatment program, the court 14091  
may order that payment of the cost of the offender's attendance at 14092  
the treatment program be made from that court's indigent drivers 14093  
alcohol treatment fund. 14094

Of the fine imposed pursuant to this division, one hundred 14095  
twenty-three dollars shall be paid to an enforcement and education 14096  
fund established by the legislative authority of the law 14097  
enforcement agency in this state that primarily was responsible 14098  
for the arrest of the offender, as determined by the court that 14099  
imposes the fine. This share shall be used by the agency to pay 14100  
only those costs it incurs in enforcing section 4511.19 of the 14101  
Revised Code or a substantially similar municipal ordinance and in 14102  
informing the public of the laws governing the operation of a 14103  
motor vehicle while under the influence of alcohol, the dangers of 14104  
operating a motor vehicle while under the influence of alcohol, 14105  
and other information relating to the operation of a motor vehicle 14106  
and the consumption of alcoholic beverages. Two hundred 14107  
seventy-seven dollars of the fine imposed pursuant to this 14108  
division shall be paid to the political subdivision that pays the 14109  
cost of housing the offender during the offender's term of 14110

incarceration. This share shall be used by the political  
subdivision to pay or reimburse incarceration or treatment costs  
it incurs in housing or providing drug and alcohol treatment to  
persons who violate section 4511.19 of the Revised Code or a  
substantially similar municipal ordinance and to pay for ignition  
interlock devices and electronic house arrest equipment for  
persons who violate that section and shall be paid to the credit  
of the fund that pays the cost of incarceration. The balance of  
the fine shall be disbursed as otherwise provided by law.

(b) Regardless of whether the vehicle the offender was  
operating at the time of the offense is registered in the  
offender's name or in the name of another person, the court, in  
addition to the penalties imposed under division (A)(3)(a) of this  
section and all other penalties provided by law and subject to  
section 4503.235 of the Revised Code, shall order the criminal  
forfeiture to the state of the vehicle the offender was operating  
at the time of the offense. The order of criminal forfeiture shall  
be issued and enforced in accordance with section 4503.234 of the  
Revised Code.

(4)(a)(i) If, within six years of the offense, the offender  
has been convicted of or pleaded guilty to three or more  
violations identified in division (A)(2) of this section, and if  
sentence is not required to be imposed under division  
(A)(4)(a)(ii) of this section, the offender is guilty of a felony  
of the fourth degree and, notwithstanding division (A)(4) of  
section 2929.14 of the Revised Code, may be sentenced to a  
definite prison term that shall be not less than six months and  
not more than thirty months. The court shall sentence the offender  
in accordance with sections 2929.11 to 2929.19 of the Revised Code  
and shall impose as part of the sentence either a mandatory term  
of local incarceration of sixty consecutive days ~~of imprisonment~~  
in accordance with division (G)(1) of section 2929.13 of the

Revised Code or a mandatory prison term of sixty consecutive days 14143  
~~of imprisonment~~ in accordance with division (G)(2) of that 14144  
section. If the court requires the offender to serve a mandatory 14145  
term of local incarceration of sixty consecutive days ~~of~~ 14146  
~~imprisonment~~ in accordance with division (G)(1) of section 2929.13 14147  
of the Revised Code, the court, pursuant to section 2929.17 of the 14148  
Revised Code, may impose upon the offender a sentence that 14149  
includes a term of ~~electronically-monitored~~ house arrest with 14150  
electronic monitoring, provided that the term of ~~electronically~~ 14151  
~~monitored~~ house arrest with electronic monitoring shall not 14152  
commence until after the offender has served the mandatory term of 14153  
local incarceration. 14154

(ii) If the offender previously has been convicted of or 14155  
pleaded guilty to a violation of division (A) of section 4511.19 14156  
of the Revised Code under circumstances in which the violation was 14157  
a felony, regardless of when the prior violation and the prior 14158  
conviction or guilty plea occurred, the offender is guilty of a 14159  
felony of the third degree. The court shall sentence the offender 14160  
in accordance with sections 2929.11 to 2929.19 of the Revised Code 14161  
and shall impose as part of the sentence a mandatory prison term 14162  
of sixty consecutive days ~~of imprisonment~~ in accordance with 14163  
division (G)(2) of section 2929.13 of the Revised Code. 14164

(iii) In addition to all other sanctions imposed on an 14165  
offender under division (A)(4)(a)(i) or (ii) of this section, the 14166  
court shall impose upon the offender, pursuant to section 2929.18 14167  
of the Revised Code, a fine of not less than eight hundred nor 14168  
more than ten thousand dollars. 14169

In addition to any other sanction that it imposes upon the 14170  
offender under division (A)(4)(a)(i) or (ii) of this section, the 14171  
court shall require the offender to attend an alcohol and drug 14172  
addiction program authorized by section 3793.02 of the Revised 14173  
Code. The cost of the treatment shall be paid by the offender. If 14174

the court determines that the offender is unable to pay the cost 14175  
of attendance at the treatment program, the court may order that 14176  
payment of the cost of the offender's attendance at the treatment 14177  
program be made from the court's indigent drivers alcohol 14178  
treatment fund. 14179

Of the fine imposed pursuant to this division, two hundred 14180  
ten dollars shall be paid to an enforcement and education fund 14181  
established by the legislative authority of the law enforcement 14182  
agency in this state that primarily was responsible for the arrest 14183  
of the offender, as determined by the court that imposes the fine. 14184  
This share shall be used by the agency to pay only those costs it 14185  
incurs in enforcing section 4511.19 of the Revised Code or a 14186  
substantially similar municipal ordinance and in informing the 14187  
public of the laws governing operation of a motor vehicle while 14188  
under the influence of alcohol, the dangers of operation of a 14189  
motor vehicle while under the influence of alcohol, and other 14190  
information relating to the operation of a motor vehicle and the 14191  
consumption of alcoholic beverages. Four hundred forty dollars of 14192  
the fine imposed pursuant to this division shall be paid to the 14193  
political subdivision that pays the cost of housing the offender 14194  
during the offender's term of incarceration. This share shall be 14195  
used by the political subdivision to pay or reimburse 14196  
incarceration or treatment costs it incurs in housing or providing 14197  
drug and alcohol treatment to persons who violate section 4511.19 14198  
of the Revised Code or a substantially similar municipal ordinance 14199  
and to pay for ignition interlock devices and electronic house 14200  
arrest equipment for persons who violate that section, and shall 14201  
be paid to the credit of the fund that pays the cost of 14202  
incarceration. The balance of the fine shall be disbursed as 14203  
otherwise provided by law. 14204

(b) Regardless of whether the vehicle the offender was 14205  
operating at the time of the offense is registered in the 14206

offender's name or in the name of another person, the court, in 14207  
addition to the sanctions imposed under division (A)(4)(a) of this 14208  
section and all other sanctions provided by law and subject to 14209  
section 4503.235 of the Revised Code, shall order the criminal 14210  
forfeiture to the state of the vehicle the offender was operating 14211  
at the time of the offense. The order of criminal forfeiture shall 14212  
be issued and enforced in accordance with section 4503.234 of the 14213  
Revised Code. 14214

(c) As used in division (A)(4)(a) of this section, "mandatory 14215  
prison term" and "mandatory term of local incarceration" have the 14216  
same meanings as in section 2929.01 of the Revised Code. 14217

(d) If title to a motor vehicle that is subject to an order 14218  
for criminal forfeiture under this section is assigned or 14219  
transferred and division (C)(2) or (3) of section 4503.234 of the 14220  
Revised Code applies, in addition to or independent of any other 14221  
penalty established by law, the court may fine the offender the 14222  
value of the vehicle as determined by publications of the national 14223  
auto dealer's association. The proceeds from any fine imposed 14224  
under this division shall be distributed in accordance with 14225  
division (D)(4) of section 4503.234 of the Revised Code. 14226  
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(5)(a) Except as otherwise provided in division (A)(6), (7), 14228  
or (8) of this section, the offender is guilty of a misdemeanor of 14229  
the first degree, and the court shall sentence the offender to one 14230  
of the following: 14231

(i) A jail term of ~~imprisonment~~ of at least three consecutive 14232  
days and a requirement that the offender attend, for three 14233  
consecutive days, a drivers' intervention program that is 14234  
certified pursuant to section 3793.10 of the Revised Code; 14235

(ii) If the court determines that the offender is not 14236  
conducive to treatment in the program, if the offender refuses to 14237

attend the program, or if the place of imprisonment can provide a  
drivers' intervention program, a jail term of ~~imprisonment~~ of at  
least six consecutive days.

(b) In addition, the court shall impose upon the offender a  
fine of not less than two hundred fifty and not more than one  
thousand dollars.

The court may require the offender, ~~as a condition of~~  
~~probation~~ under a community control sanction imposed pursuant to  
section 2929.25 of the Revised Code, to attend and satisfactorily  
complete any treatment or education programs that comply with the  
minimum standards adopted pursuant to Chapter 3793. of the Revised  
Code by the director of alcohol and drug addiction services, in  
addition to the required attendance at a drivers' intervention  
program, that the operators of the drivers' intervention program  
determine that the offender should attend and to report  
periodically to the court on the offender's progress in the  
programs. The court also may impose any other conditions of  
~~probation~~ community control on the offender that it considers  
necessary.

Of the fine imposed pursuant to this division, twenty-five  
dollars shall be paid to an enforcement and education fund  
established by the legislative authority of the law enforcement  
agency in this state that primarily was responsible for the arrest  
of the offender, as determined by the court that imposes the fine.  
The agency shall use this share to pay only those costs it incurs  
in enforcing section 4511.19 of the Revised Code or a  
substantially similar municipal ordinance and in informing the  
public of the laws governing the operation of a motor vehicle  
while under the influence of alcohol, the dangers of operating a  
motor vehicle while under the influence of alcohol, and other  
information relating to the operation of a motor vehicle and the  
consumption of alcoholic beverages. Fifty dollars of the fine



imposed pursuant to this division shall be paid to the political  
subdivision that pays the cost of housing the offender during the  
offender's term of incarceration to the credit of the fund that  
pays the cost of the incarceration. The political subdivision  
shall use this share to pay or reimburse incarceration or  
treatment costs it incurs in housing or providing drug and alcohol  
treatment to persons who violate section 4511.19 of the Revised  
Code or a substantially similar municipal ordinance and to pay for  
ignition interlock devices and electronic house arrest equipment  
for persons who violate that section. Twenty-five dollars of the  
fine imposed pursuant to this division shall be deposited into the  
county indigent drivers alcohol treatment fund or municipal  
indigent drivers alcohol treatment fund under the control of that  
court, as created by the county or municipal corporation pursuant  
to division (N) of section 4511.191 of the Revised Code. The  
balance of the fine shall be disbursed as otherwise provided by  
law.

(6)(a) Except as otherwise provided in division (A)(8) of  
this section and except as provided in this division, if, within  
six years of the offense, the offender has been convicted of or  
pleaded guilty to one violation of ~~division (A) or (B) of section~~  
~~4511.19 of the Revised Code, a municipal ordinance relating to~~  
~~operating a vehicle while under the influence of alcohol, a drug~~  
~~of abuse, or alcohol and a drug of abuse, a municipal ordinance~~  
~~relating to operating a vehicle with a prohibited concentration of~~  
~~alcohol in the blood, breath, or urine, section 2903.04 of the~~  
~~Revised Code in a case in which the offender was subject to the~~  
~~sanctions described in division (D) of that section, section~~  
~~2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal~~  
~~ordinance that is substantially similar to section 2903.07 of the~~  
~~Revised Code in a case in which the jury or judge found that the~~  
~~offender was under the influence of alcohol, a drug of abuse, or~~

~~alcohol and a drug of abuse, or a statute of the United States or~~ 14302  
~~of any other state or a municipal ordinance of a municipal~~ 14303  
~~corporation located in any other state that is substantially~~ 14304  
~~similar to division (A) or (B) of section 4511.19 of the Revised~~ 14305  
~~Code identified in division (A)(2) of this section,~~ the offender 14306  
is guilty of a misdemeanor of the first degree, and the court 14307  
shall sentence the offender to a jail term ~~of imprisonment~~ of 14308  
twenty consecutive days and may sentence the offender pursuant to 14309  
section ~~2929.21~~ 2929.24 of the Revised Code to a longer term of 14310  
imprisonment. As an alternative to the jail term ~~of imprisonment~~ 14311  
required to be imposed by this division, but subject to division 14312  
(A)(12) of this section, the court may impose upon the offender a 14313  
sentence consisting of both a jail term ~~of imprisonment~~ of ten 14314  
consecutive days and not less than thirty-six consecutive days of 14315  
~~electronically monitored~~ house arrest ~~as defined in division (A)~~ 14316  
~~of section 2929.23 of the Revised Code~~ with electronic monitoring. 14317  
The jail term of ten consecutive days ~~of imprisonment~~ and the 14318  
period of ~~electronically monitored~~ house arrest with electronic 14319  
monitoring shall not exceed six months. The jail term of ten 14320  
consecutive days ~~of imprisonment~~ do ~~does~~ not have to be served 14321  
prior to or consecutively ~~with~~ to the period of ~~electronically~~ 14322  
~~monitored~~ house arrest with electronic monitoring. 14323

In addition, the court shall impose upon the offender a fine 14324  
of not less than three hundred fifty and not more than one 14325  
thousand five hundred dollars. 14326

In addition to any other sentence that it imposes upon the 14327  
offender, the court may require the offender to attend a drivers' 14328  
intervention program that is certified pursuant to section 3793.10 14329  
of the Revised Code. If the officials of the drivers' intervention 14330  
program determine that the offender is alcohol dependent, they 14331  
shall notify the court, and the court shall order the offender to 14332  
obtain treatment through an alcohol and drug addiction program 14333

authorized by section 3793.02 of the Revised Code. The offender 14334  
shall pay the cost of the treatment. 14335

Of the fine imposed pursuant to this division, thirty-five 14336  
dollars shall be paid to an enforcement and education fund 14337  
established by the legislative authority of the law enforcement 14338  
agency in this state that primarily was responsible for the arrest 14339  
of the offender, as determined by the court that imposes the fine. 14340  
The agency shall use this share to pay only those costs it incurs 14341  
in enforcing section 4511.19 of the Revised Code or a 14342  
substantially similar municipal ordinance and in informing the 14343  
public of the laws governing the operation of a motor vehicle 14344  
while under the influence of alcohol, the dangers of operating a 14345  
motor vehicle while under the influence of alcohol, and other 14346  
information relating to the operation of a motor vehicle and the 14347  
consumption of alcoholic beverages. One hundred fifteen dollars of 14348  
the fine imposed pursuant to this division shall be paid to the 14349  
political subdivision that pays the cost of housing the offender 14350  
during the offender's term of incarceration. The political 14351  
subdivision shall use this share to pay or reimburse incarceration 14352  
or treatment costs it incurs in housing or providing drug and 14353  
alcohol treatment to persons who violate section 4511.19 of the 14354  
Revised Code or a substantially similar municipal ordinance and to 14355  
pay for ignition interlock devices and electronic house arrest 14356  
equipment for persons who violate that section, and this share 14357  
shall be paid to the credit of the fund that pays the cost of the 14358  
incarceration. Fifty dollars of the fine imposed pursuant to this 14359  
division shall be deposited into the county indigent drivers 14360  
alcohol treatment fund or municipal indigent drivers alcohol 14361  
treatment fund under the control of that court, as created by the 14362  
county or municipal corporation pursuant to division (N) of 14363  
section 4511.191 of the Revised Code. The balance of the fine 14364  
shall be disbursed as otherwise provided by law. 14365

(b) Regardless of whether the vehicle the offender was 14366  
operating at the time of the offense is registered in the 14367  
offender's name or in the name of another person, the court, in 14368  
addition to the penalties imposed under division (A)(6)(a) of this 14369  
section and all other penalties provided by law and subject to 14370  
section 4503.235 of the Revised Code, shall order the 14371  
immobilization for ninety days of the vehicle the offender was 14372  
operating at the time of the offense and the impoundment for 14373  
ninety days of the identification license plates of that vehicle. 14374  
The order for the immobilization and impoundment shall be issued 14375  
and enforced in accordance with section 4503.233 of the Revised 14376  
Code. 14377

(7)(a) Except as otherwise provided in division (A)(8) of 14378  
this section and except as provided in this division, if, within 14379  
six years of the offense, the offender has been convicted of or 14380  
pleaded guilty to two violations of ~~division (A) or (B) of section~~ 14381  
~~4511.19 of the Revised Code, a municipal ordinance relating to~~ 14382  
~~operating a vehicle while under the influence of alcohol, a drug~~ 14383  
~~of abuse, or alcohol and a drug of abuse, a municipal ordinance~~ 14384  
~~relating to operating a vehicle with a prohibited concentration of~~ 14385  
~~alcohol in the blood, breath, or urine, section 2903.04 of the~~ 14386  
~~Revised Code in a case in which the offender was subject to the~~ 14387  
~~sanctions described in division (D) of that section, section~~ 14388  
~~2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal~~ 14389  
~~ordinance that is substantially similar to section 2903.07 of the~~ 14390  
~~Revised Code in a case in which the jury or judge found that the~~ 14391  
~~offender was under the influence of alcohol, a drug of abuse, or~~ 14392  
~~alcohol and a drug of abuse, or a statute of the United States or~~ 14393  
~~of any other state or a municipal ordinance of a municipal~~ 14394  
~~corporation located in any other state that is substantially~~ 14395  
~~similar to division (A) or (B) of section 4511.19 of the Revised~~ 14396  
~~Code identified in division (A)(2) of this section,~~ the court 14397

shall sentence the offender to a jail term ~~of imprisonment~~ of 14398  
sixty consecutive days and may sentence the offender to a longer 14399  
definite jail term ~~of imprisonment~~ of not more than one year. As 14400  
an alternative to the jail term ~~of imprisonment~~ required to be 14401  
imposed by this division, but subject to division (A)(12) of this 14402  
section, the court may impose upon the offender a sentence 14403  
consisting of both a jail term ~~of imprisonment~~ of thirty 14404  
consecutive days and not less than one hundred ten consecutive 14405  
days of ~~electronically monitored~~ house arrest ~~as defined in~~ 14406  
~~division (A) of section 2929.23 of the Revised Code with~~ 14407  
electronic monitoring. The jail term of thirty consecutive days ~~of~~ 14408  
~~imprisonment~~ and the period of ~~electronically monitored~~ house 14409  
arrest with electronic monitoring shall not exceed one year. The 14410  
jail term of thirty consecutive days ~~of imprisonment~~ ~~do~~ does not 14411  
have to be served prior to or consecutively with the period of 14412  
~~electronically monitored~~ house arrest with electronic monitoring. 14413

In addition, the court shall impose upon the offender a fine 14414  
of not less than five hundred fifty and not more than two thousand 14415  
five hundred dollars. 14416

In addition to any other sentence that it imposes upon the 14417  
offender, the court shall require the offender to attend an 14418  
alcohol and drug addiction program authorized by section 3793.02 14419  
of the Revised Code. The offender shall pay the cost of the 14420  
treatment. If the court determines that the offender is unable to 14421  
pay the cost of attendance at the treatment program, the court may 14422  
order that payment of the cost of the offender's attendance at the 14423  
treatment program be made from that court's indigent drivers 14424  
alcohol treatment fund. 14425

Of the fine imposed pursuant to this division, one hundred 14426  
twenty-three dollars shall be paid to an enforcement and education 14427  
fund established by the legislative authority of the law 14428  
enforcement agency in this state that primarily was responsible 14429

for the arrest of the offender, as determined by the court that 14430  
imposes the fine. The agency shall use this share to pay only 14431  
those costs it incurs in enforcing section 4511.19 of the Revised 14432  
Code or a substantially similar municipal ordinance and in 14433  
informing the public of the laws governing the operation of a 14434  
motor vehicle while under the influence of alcohol, the dangers of 14435  
operating a motor vehicle while under the influence of alcohol, 14436  
and other information relating to the operation of a motor vehicle 14437  
and the consumption of alcoholic beverages. Two hundred 14438  
seventy-seven dollars of the fine imposed pursuant to this 14439  
division shall be paid to the political subdivision that pays the 14440  
cost of housing the offender during the offender's term of 14441  
incarceration. The political subdivision shall use this share to 14442  
pay or reimburse incarceration or treatment costs it incurs in 14443  
housing or providing drug and alcohol treatment to persons who 14444  
violate section 4511.19 of the Revised Code or a substantially 14445  
similar municipal ordinance and to pay for ignition interlock 14446  
devices and electronic house arrest equipment for persons who 14447  
violate that section, and this share shall be paid to the credit 14448  
of the fund that pays the cost of incarceration. The balance of 14449  
the fine shall be disbursed as otherwise provided by law. 14450

(b) Regardless of whether the vehicle the offender was 14451  
operating at the time of the offense is registered in the 14452  
offender's name or in the name of another person, the court, in 14453  
addition to the penalties imposed under division (A)(7)(a) of this 14454  
section and all other penalties provided by law and subject to 14455  
section 4503.235 of the Revised Code, shall order the 14456  
immobilization for one hundred eighty days of the vehicle the 14457  
offender was operating at the time of the offense and the 14458  
impoundment for one hundred eighty days of the identification 14459  
license plates of that vehicle. The order for the immobilization 14460  
and impoundment shall be issued and enforced in accordance with 14461

section 4503.233 of the Revised Code.

(8)(a)(i) If, within six years of the offense, the offender has been convicted of or pleaded guilty to three or more violations of ~~division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code~~ identified in division (A)(2) of this section, and if sentence is not required to be imposed under division (A)(8)(a)(ii) of this section, the offender is guilty of a felony of the fourth degree and, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, may be sentenced to a definite prison term that shall be not less than six months and not more than thirty months. The court shall sentence the offender in accordance with sections 2929.11 to 2929.19 of the Revised Code and shall impose as part of the sentence either a mandatory term of local incarceration of one hundred twenty consecutive days ~~of imprisonment~~ in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days ~~of imprisonment~~ in accordance with division (G)(2) of that section.

If the court requires the offender to serve a mandatory term of local incarceration of one hundred twenty consecutive days of ~~imprisonment~~ in accordance with division (G)(1) of section 2929.13 of the Revised Code, the court, pursuant to section 2929.17 of the Revised Code, may impose upon the offender a sentence that includes a term of ~~electronically-monitored~~ house arrest with electronic monitoring, provided that the term of ~~electronically-monitored~~ house arrest with electronic monitoring shall not commence until after the offender has served the mandatory term of local incarceration.

(ii) If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of section 4511.19 of the Revised Code under circumstances in which the violation was a felony, regardless of when the prior violation and the prior conviction or guilty plea occurred, the offender is guilty of a felony of the third degree. The court shall sentence the offender in accordance with sections 2929.11 to 2929.19 of the Revised Code and shall impose as part of the sentence a mandatory prison term of one hundred twenty consecutive days of ~~imprisonment~~ in accordance with division (G)(2) of section 2929.13 of the Revised Code.

(iii) In addition to all other sanctions imposed on an offender under division (A)(8)(a)(i) or (ii) of this section, the court shall impose upon the offender, pursuant to section 2929.18 of the Revised Code, a fine of not less than eight hundred nor more than ten thousand dollars.

In addition to any other sanction that it imposes upon the offender under division (A)(8)(a)(i) or (ii) of this section, the court shall require the offender to attend an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost



of attendance at the treatment program, the court may order that  
payment of the cost of the offender's attendance at the treatment  
program be made from the court's indigent drivers alcohol  
treatment fund.

Of the fine imposed pursuant to this division, two hundred  
ten dollars shall be paid to an enforcement and education fund  
established by the legislative authority of the law enforcement  
agency in this state that primarily was responsible for the arrest  
of the offender, as determined by the court that imposes the fine.  
The agency shall use this share to pay only those costs it incurs  
in enforcing section 4511.19 of the Revised Code or a  
substantially similar municipal ordinance and in informing the  
public of the laws governing operation of a motor vehicle while  
under the influence of alcohol, the dangers of operation of a  
motor vehicle while under the influence of alcohol, and other  
information relating to the operation of a motor vehicle and the  
consumption of alcoholic beverages. Four hundred forty dollars of  
the fine imposed pursuant to this division shall be paid to the  
political subdivision that pays the cost of housing the offender  
during the offender's term of incarceration. The political  
subdivision shall use this share to pay or reimburse incarceration  
or treatment costs it incurs in housing or providing drug and  
alcohol treatment to persons who violate section 4511.19 of the  
Revised Code or a substantially similar municipal ordinance and to  
pay for ignition interlock devices and electronic house arrest  
equipment for persons who violate that section, and this share  
shall be paid to the credit of the fund that pays the cost of  
incarceration. The balance of the fine shall be disbursed as  
otherwise provided by law.

(b) Regardless of whether the vehicle the offender was  
operating at the time of the offense is registered in the  
offender's name or in the name of another person, the court, in

addition to the sanctions imposed under division (A)(8)(a) of this  
section and all other sanctions provided by law and subject to  
section 4503.235 of the Revised Code, shall order the criminal  
forfeiture to the state of the vehicle the offender was operating  
at the time of the offense. The order of criminal forfeiture shall  
be issued and enforced in accordance with section 4503.234 of the  
Revised Code.

(c) As used in division (A)(8)(a) of this section, "mandatory  
prison term" and "mandatory term of local incarceration" have the  
same meanings as in section 2929.01 of the Revised Code.

(d) If title to a motor vehicle that is subject to an order  
for criminal forfeiture under this section is assigned or  
transferred and division (C)(2) or (3) of section 4503.234 of the  
Revised Code applies, in addition to or independent of any other  
penalty established by law, the court may fine the offender the  
value of the vehicle as determined by publications of the national  
auto dealer's association. The proceeds from any fine imposed  
under this division shall be distributed in accordance with  
division (D)(4) of section 4503.234 of the Revised Code.

(9)(a) Except as provided in division (A)(9)(b) of this  
section, upon a showing that imprisonment or serving a jail term  
would seriously affect the ability of an offender sentenced  
pursuant to division (A)(1), (2), (3), (4), (5), (6), (7), or (8)  
of this section to continue the offender's employment, the court  
may authorize that the offender be granted work release ~~from~~  
~~imprisonment~~ after the offender has served the mandatory jail term  
of three, six, ten, twenty, thirty, or sixty consecutive days ~~of~~  
~~imprisonment~~ or the mandatory term of local incarceration of sixty  
or one hundred twenty consecutive days that the court is required  
by division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this  
section to impose. No court shall authorize work release ~~from~~

~~imprisonment~~ during the mandatory jail term of three, six, ten, 14590  
twenty, thirty, or sixty consecutive days ~~of imprisonment~~ or the 14591  
mandatory term of local incarceration or mandatory prison term of 14592  
sixty or one hundred twenty consecutive days that the court is 14593  
required by division (A)(1), (2), (3), (4), (5), (6), (7), or (8) 14594  
of this section to impose. The duration of the work release shall 14595  
not exceed the time necessary each day for the offender to commute 14596  
to and from the place of employment and the place of ~~imprisonment~~ 14597  
incarceration and the time actually spent under employment. 14598

(b) An offender who is sentenced pursuant to division (A)(2), 14599  
(3), (6), or (7) of this section to a jail term of imprisonment 14600  
followed by a period of ~~electronically monitored~~ house arrest with 14601  
electronic monitoring is not eligible for work release ~~from~~ 14602  
~~imprisonment while serving the jail term~~, but that person shall be 14603  
permitted work release during the period of ~~electronically~~ 14604  
~~monitored~~ house arrest with electronic monitoring. The duration of 14605  
the work release shall not exceed the time necessary each day for 14606  
the offender to commute to and from the place of employment and 14607  
the offender's home or other place specified by the sentencing 14608  
court and the time actually spent under employment. 14609

(10) Notwithstanding any section of the Revised Code that 14611  
authorizes the suspension of the imposition or execution of a 14612  
sentence, the placement of an offender in any treatment program in 14613  
lieu of imprisonment, or the use of a community control sanction 14614  
for an offender convicted of a felony or a misdemeanor, no court 14615  
shall suspend the mandatory jail term of ten, twenty, thirty, or 14616  
sixty consecutive days ~~of imprisonment~~ required to be imposed on 14617  
an offender by division (A)(2), (3), (6), or (7) of this section, 14618  
no court shall place an offender who is sentenced pursuant to 14619  
division (A)(2), (3), (4), (6), (7), or (8) of this section in any 14620  
treatment program in lieu of imprisonment until after the offender 14621

has served the mandatory jail term of ten, twenty, thirty, or 14622  
sixty consecutive days ~~of imprisonment~~ or the mandatory term of 14623  
local incarceration or mandatory prison term of sixty or one 14624  
hundred twenty consecutive days required to be imposed pursuant to 14625  
division (A)(2), (3), (4), (6), (7), or (8) of this section, no 14626  
court that sentences an offender under division (A)(4) or (8) of 14627  
this section shall impose any sanction other than a mandatory term 14628  
of local incarceration or mandatory prison term to apply to the 14629  
offender until after the offender has served the mandatory term of 14630  
local incarceration or mandatory prison term of sixty or one 14631  
hundred twenty consecutive days required to be imposed pursuant to 14632  
division (A)(4) or (8) of this section, and no court that imposes 14633  
a sentence of ~~imprisonment~~ a jail term and a period of 14634  
~~electronically-monitored~~ house arrest with electronic monitoring 14635  
upon an offender under division (A)(2), (3), (6), or (7) of this 14636  
section shall suspend any portion of the sentence or place the 14637  
offender in any treatment program in lieu of imprisonment or 14638  
~~electronically-monitored~~ house arrest with electronic monitoring. 14639  
Notwithstanding any section of the Revised Code that authorizes 14640  
the suspension of the imposition or execution of a sentence or the 14641  
placement of an offender in any treatment program in lieu of 14642  
imprisonment, no court, except as specifically authorized by 14643  
division (A)(1) or (5) of this section, shall suspend the 14644  
mandatory jail term of three or more consecutive days ~~of~~ 14645  
~~imprisonment~~ required to be imposed by division (A)(1) or (5) of 14646  
this section or place an offender who is sentenced pursuant to 14647  
division (A)(1) or (5) of this section in any treatment program in 14648  
lieu of imprisonment until after the offender has served the 14649  
mandatory jail term of three or more consecutive days ~~of~~ 14650  
~~imprisonment~~ required to be imposed pursuant to division (A)(1) or 14651  
(5) of this section. 14652

(11) No court shall sentence an offender to an alcohol 14653  
treatment program pursuant to division (A)(1), (2), (3), (4), (5), 14654

(6), (7), or (8) of this section unless the treatment program  
complies with the minimum standards adopted pursuant to Chapter  
3793. of the Revised Code by the director of alcohol and drug  
addiction services.

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(12) No court shall impose the alternative sentence of a jail  
term of ~~imprisonment~~ plus a term of ~~electronically monitored~~ house  
arrest with electronic monitoring permitted to be imposed by  
division (A)(2), (3), (6), or (7) of this section, unless within  
sixty days of the date of sentencing, the court issues a written  
finding, entered into the record, that due to the unavailability  
of space at the incarceration facility where the offender is  
required to serve the jail term of ~~imprisonment~~ imposed upon the  
offender, the offender will not be able to commence serving the  
jail term of ~~imprisonment~~ within the sixty-day period following  
the date of sentencing. If the court issues such a written  
finding, the court may impose the alternative sentence comprised  
of a jail term of ~~imprisonment~~ and a term of ~~electronically~~  
~~monitored~~ house arrest with electronic monitoring permitted to be  
imposed by division (A)(2), (3), (6), or (7) of this section.

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(12) As used in division (A) of this section "electronic  
monitoring" has the same meaning as in section 2929.01 of the  
Revised Code.

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(B) Whoever violates section 4511.192, 4511.251, or 4511.85  
of the Revised Code is guilty of a misdemeanor of the first  
degree. The court, in addition to or independent of all other  
penalties provided by law, may suspend for a period not to exceed  
one year the driver's or commercial driver's license or permit or  
nonresident operating privilege of any person who pleads guilty to  
or is convicted of a violation of section 4511.192 of the Revised  
Code.

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(C) Whoever violates section 4511.63, 4511.76, 4511.761,  
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code is

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guilty of one of the following: 14687

(1) Except as otherwise provided in division (C)(2) of this 14688  
section, a minor misdemeanor. 14689

(2) If the offender previously has been convicted of or 14690  
pleaded guilty to one or more violations of section 4511.63, 14691  
4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the 14692  
Revised Code or a municipal ordinance that is substantially 14693  
similar to any of those sections, a misdemeanor of the fourth 14694  
degree. 14695

(D)(1) Whoever violates any provision of sections 4511.01 to 14696  
4511.76 or section 4511.84 of the Revised Code, for which no 14697  
penalty otherwise is provided in this section is guilty of one of 14698  
the following: 14699

(a) Except as otherwise provided in division (D)(1)(b), 14700  
(1)(c), (2), (3), or (4) of this section, a minor misdemeanor; 14701

(b) If, within one year of the offense, the offender 14702  
previously has been convicted of or pleaded guilty to one 14703  
violation of any provision of sections 4511.01 to 4511.76 or 14704  
section 4511.84 of the Revised Code for which no penalty otherwise 14705  
is provided in this section or a municipal ordinance that is 14706  
substantially similar to any provision of sections 4511.01 to 14707  
4511.76 or section 4511.84 of the Revised Code for which no 14708  
penalty otherwise is provided in this section, a misdemeanor of 14709  
the fourth degree; 14710

(c) If, within one year of the offense, the offender 14711  
previously has been convicted of or pleaded guilty to two or more 14712  
violations of any provision described in division (D)(1)(b) of 14713  
this section or any municipal ordinance that is substantially 14714  
similar to any of those provisions, a misdemeanor of the third 14715  
degree. 14716

(2) When any person is found guilty of a first offense for a 14717

violation of section 4511.21 of the Revised Code upon a finding  
that the person operated a motor vehicle faster than thirty-five  
miles an hour in a business district of a municipal corporation,  
or faster than fifty miles an hour in other portions, or faster  
than thirty-five miles an hour while passing through a school zone  
during recess or while children are going to or leaving school  
during the opening or closing hours, the person is guilty of a  
misdemeanor of the fourth degree.

(3) Notwithstanding section ~~2929.21~~ 2929.28 of the Revised  
Code, upon a finding that such person operated a motor vehicle in  
a construction zone where a sign was then posted in accordance  
with section 4511.98 of the Revised Code, the court, in addition  
to all other penalties provided by law, shall impose a fine of two  
times the usual amount imposed for the violation. No court shall  
impose a fine of two times the usual amount imposed for the  
violation upon an offender who alleges, in an affidavit filed with  
the court prior to the offender's sentencing, that the offender is  
indigent and is unable to pay the fine imposed pursuant to this  
division, provided the court determines the offender is an  
indigent person and is unable to pay the fine.

(4) Notwithstanding section 2929.21 of the Revised Code, upon  
a finding that a person operated a motor vehicle in violation of  
division (C) of section 4511.213 of the Revised Code, the court,  
in addition to all other penalties provided by law, shall impose a  
fine of two times the usual amount imposed for the violation.

(E) Whenever a person is found guilty in a court of record of  
a violation of section 4511.761, 4511.762, or 4511.77 of the  
Revised Code, the trial judge, in addition to or independent of  
all other penalties provided by law, may suspend for any period of  
time not exceeding three years, or revoke the license of any  
person, partnership, association, or corporation, issued under

section 4511.763 of the Revised Code.

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(F) Whoever violates division (E) or (F) of section 4511.51, division (A), (D), or (E) of section 4511.521, section 4511.681, division (A) or (C) of section 4511.69, section 4511.772, or division (A) or (B) of section 4511.82 of the Revised Code is guilty of a minor misdemeanor.

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(G) Whoever violates division (A) of section 4511.75 of the Revised Code may be fined an amount not to exceed five hundred dollars. A person who is issued a citation for a violation of division (A) of section 4511.75 of the Revised Code is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial, but instead must appear in person in the proper court to answer the charge.

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(H)(1) Whoever is a resident of this state and violates division (A) or (B) of section 4511.81 of the Revised Code shall be punished as follows:

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(a) Except as otherwise provided in division (H)(1)(b) of this section, the offender is guilty of a minor misdemeanor.

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(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A) or (B) of section 4511.81 of the Revised Code or of a municipal ordinance that is substantially similar to either of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

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(2) Whoever is not a resident of this state, violates division (A) or (B) of section 4511.81 of the Revised Code, and fails to prove by a preponderance of the evidence that the offender's use or nonuse of a child restraint system was in accordance with the law of the state of which the offender is a resident is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, that person is guilty of a misdemeanor of the fourth degree.

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(3) All fines imposed pursuant to division (H)(1) or (2) of 14781  
this section shall be forwarded to the treasurer of state for 14782  
deposit in the "child highway safety fund" created by division (G) 14783  
of section 4511.81 of the Revised Code. 14784

(I) Whoever violates section 4511.202 of the Revised Code is 14785  
guilty of operating a motor vehicle without being in control of 14786  
it, a minor misdemeanor. 14787

(J) Whoever violates division (B) of section 4511.74, 14788  
division (B)(1), (2), or (3), (C), or (E)(1), (2), or (3) of 14789  
section 4511.83 of the Revised Code is guilty of a misdemeanor of 14790  
the first degree. 14791

(K) Except as otherwise provided in this division, whoever 14792  
violates division (E) of section 4511.11, division (A) or (C) of 14793  
section 4511.17, or section 4511.18 of the Revised Code is guilty 14794  
of a misdemeanor of the third degree. If a violation of division 14795  
(A) or (C) of section 4511.17 of the Revised Code creates a risk 14796  
of physical harm to any person, the offender is guilty of a 14797  
misdemeanor of the first degree. A violation of division (A) or 14798  
(C) of section 4511.17 of the Revised Code that causes serious 14799  
physical harm to property that is owned, leased, or controlled by 14800  
a state or local authority is a felony of the fifth degree. 14801

(L) Whoever violates division (H) of section 4511.69 of the 14802  
Revised Code shall be punished as follows: 14803

(1) Except as otherwise provided in division (L)(2) of this 14804  
section, the offender shall be issued a warning. 14805

(2) If the offender previously has been convicted of or 14806  
pleaded guilty to a violation of division (H) of section 4511.69 14807  
of the Revised Code or of a municipal ordinance that is 14808  
substantially similar to that division, the offender shall not be 14809  
issued a warning but shall be fined not more than twenty-five 14810  
dollars for each parking location that is not properly marked or 14811

whose markings are not properly maintained. 14812

(M) Whoever violates division (A)(1) or (2) of section 14813  
4511.45 of the Revised Code is guilty of a misdemeanor of the 14814  
fourth degree on a first offense; on a second offense within one 14815  
year after the first offense, the person is guilty of a 14816  
misdemeanor of the third degree; and on each subsequent offense 14817  
within one year after the first offense, the person is guilty of a 14818  
misdemeanor of the second degree. 14819

(N)(1) Whoever violates division (B) of section 4511.19 of 14820  
the Revised Code is guilty of operating a motor vehicle after 14821  
under-age alcohol consumption and shall be punished as follows: 14822

(a) Except as otherwise provided in division (N)(1)(b) of 14823  
this section, the offender is guilty of a misdemeanor of the 14824  
fourth degree. 14825

(b) The offender is guilty of a misdemeanor of the third 14826  
degree if, within one year of the offense, the offender has been 14827  
convicted of or pleaded guilty to any violation of the following: 14828

(i) Division (A) or (B) of section 4511.19 of the Revised 14829  
Code; 14830

(ii) A municipal ordinance relating to operating a vehicle 14831  
while under the influence of alcohol, a drug of abuse, or alcohol 14832  
and a drug of abuse; 14833

(iii) A municipal ordinance relating to operating a vehicle 14834  
with a prohibited concentration of alcohol in the blood, breath, 14835  
or urine; 14836

(iv) Section 2903.04 of the Revised Code in a case in which 14837  
the offender was subject to the sanctions described in division 14838  
(D) of that section; 14839

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 14840  
section 2903.08 of the Revised Code or a municipal ordinance that 14841

is substantially similar to either of those divisions; 14842

(vi) Division (A)(2), (3), or (4) of section 2903.06 or 14843  
division (A)(2) of section 2903.08 of the Revised Code or a 14844  
municipal ordinance that is substantially similar to any of those 14845  
divisions, or former section 2903.07 of the Revised Code or a 14846  
substantially similar municipal ordinance, in a case in which the 14847  
jury or judge found that the offender was under the influence of 14848  
alcohol, a drug of abuse, or alcohol and a drug of abuse; 14849

(vii) A statute of the United States or of any other state or 14850  
a municipal ordinance of a municipal corporation located in any 14851  
other state that is substantially similar to division (A) or (B) 14852  
of section 4511.19 of the Revised Code. 14853

(2) In addition to or independent of all other penalties 14854  
provided by law, the offender's driver's or commercial driver's 14855  
license or permit or nonresident operating privilege shall be 14856  
suspended in accordance with, and for the period of time specified 14857  
in, division (E) of section 4507.16 of the Revised Code. 14858

(O) Whoever violates section 4511.62 of the Revised Code is 14859  
guilty of a misdemeanor of the fourth degree. 14860

(P) Whoever violates division (F)(1)(a) or (b) of section 14861  
4511.69 of the Revised Code is guilty of a misdemeanor and shall 14862  
be fined not less than two hundred fifty nor more than five 14863  
hundred dollars, but in no case shall an offender be sentenced to 14864  
any term of imprisonment. 14865

Arrest or conviction for a violation of division (F)(1)(a) or 14866  
(b) of section 4511.69 of the Revised Code does not constitute a 14867  
criminal record and need not be reported by the person so arrested 14868  
or convicted in response to any inquiries contained in any 14869  
application for employment, license, or other right or privilege, 14870  
or made in connection with the person's appearance as a witness. 14871

Every fine collected under this division shall be paid by the 14872

clerk of the court to the political subdivision in which the  
violation occurred. Except as provided in this division, the  
political subdivision shall use the fine moneys it receives under  
this division to pay the expenses it incurs in complying with the  
signage and notice requirements contained in division (E) of  
section 4511.69 of the Revised Code. The political subdivision may  
use up to fifty per cent of each fine it receives under this  
division to pay the costs of educational, advocacy, support, and  
assistive technology programs for persons with disabilities, and  
for public improvements within the political subdivision that  
benefit or assist persons with disabilities, if governmental  
agencies or nonprofit organizations offer the programs.

**Sec. 4717.05.** (A) Any person who desires to be licensed as an  
embalmer shall apply to the board of embalmers and funeral  
directors on a form provided by the board. The applicant shall  
include with the application an initial license fee as set forth  
in section 4717.07 of the Revised Code and evidence, verified by  
oath and satisfactory to the board, that the applicant meets all  
of the following requirements:

(1) The applicant is at least eighteen years of age and of  
good moral character.

(2) If the applicant has pleaded guilty to, has been found by  
a judge or jury to be guilty of, or has had a judicial finding of  
eligibility for treatment in lieu of conviction entered against  
the applicant in this state for aggravated murder, murder,  
voluntary manslaughter, felonious assault, kidnapping, rape,  
sexual battery, gross sexual imposition, aggravated arson,  
aggravated robbery, or aggravated burglary, or has pleaded guilty  
to, has been found by a judge or jury to be guilty of, or has had  
a judicial finding of eligibility for treatment in lieu of  
conviction entered against the applicant in another jurisdiction

for a substantially equivalent offense, at least five years has  
elapsed since the applicant was released from incarceration,  
~~probation~~ a community control sanction, a post-release control  
sanction, parole, or treatment in connection with the offense.

(3) The applicant holds at least a bachelor's degree from a  
college or university authorized to confer degrees by the Ohio  
board of regents or the comparable legal agency of another state  
in which the college or university is located and submits an  
official transcript from that college or university with the  
application.

(4) The applicant has satisfactorily completed at least  
twelve months of instruction in a prescribed course in mortuary  
science as approved by the board and has presented to the board a  
certificate showing successful completion of the course. The  
course of mortuary science college training may be completed  
either before or after the completion of the educational standard  
set forth in division (A)(3) of this section.

(5) The applicant has registered with the board prior to  
beginning an embalmer apprenticeship.

(6) The applicant has satisfactorily completed at least one  
year of apprenticeship under an embalmer licensed in this state  
and has assisted that person in embalming at least twenty-five  
dead human bodies.

(7) The applicant, upon meeting the educational standards  
provided for in divisions (A)(3) and (4) of this section and  
completing the apprenticeship required in division (A)(6) of this  
section, has completed the examination for an embalmer's license  
required by the board.

(B) Upon receiving satisfactory evidence verified by oath  
that the applicant meets all the requirements of division (A) of  
this section, the board shall issue the applicant an embalmer's

license. 14935

(C) Any person who desires to be licensed as a funeral 14936  
director shall apply to the board on a form provided by the board. 14937  
The application shall include an initial license fee as set forth 14938  
in section 4717.07 of the Revised Code and evidence, verified by 14939  
oath and satisfactory to the board, that the applicant meets all 14940  
of the following requirements: 14941

(1) Except as otherwise provided in division (D) of this 14942  
section, the applicant has satisfactorily met all the requirements 14943  
for an embalmer's license as described in divisions (A)(1) to (4) 14944  
of this section. 14945

(2) The applicant has registered with the board prior to 14946  
beginning a funeral director apprenticeship. 14947

(3) The applicant, following mortuary science college 14948  
training described in division (A)(4) of this section, has served 14949  
a one-year apprenticeship under a licensed funeral director in 14950  
this state and has assisted that person in directing at least 14951  
twenty-five funerals. 14952

(4) The applicant has satisfactorily completed the 14953  
examination for a funeral director's license as required by the 14954  
board. 14955

(D) In lieu of mortuary science college training required for 14956  
a funeral director's license under division (C)(1) of this 14957  
section, the applicant may substitute a two-year apprenticeship 14958  
under a licensed funeral director in this state assisting that 14959  
person in directing at least fifty funerals. 14960

(E) Upon receiving satisfactory evidence that the applicant 14961  
meets all the requirements of division (C) of this section, the 14962  
board shall issue to the applicant a funeral director's license. 14963

(F) As used in this section: 14964

(1) "Community control sanction" has the same meaning as in 14965  
section 2929.01 of the Revised Code. 14966

(2) "Post-release control sanction" has the same meaning as 14967  
in section 2967.01 of the Revised Code. 14968

**Sec. 4734.35.** (A) As used in this section, "prosecutor" has 14969  
the same meaning as in section 2935.01 of the Revised Code. 14970

(B) The prosecutor in any case against any chiropractor 14971  
holding a valid license issued under this chapter shall promptly 14972  
notify the state chiropractic board of any of the following: 14973

(1) A plea of guilty to, or a finding of guilt by a jury or 14974  
court of, a felony, or a case in which the trial court issues an 14975  
order of dismissal upon technical or procedural grounds of a 14976  
felony charge; 14977

(2) A plea of guilty to, or a finding of guilt by a jury or 14978  
court of, a misdemeanor committed in the course of practice, or a 14979  
case in which the trial court issues an order of dismissal upon 14980  
technical or procedural grounds of a charge of a misdemeanor, if 14981  
the alleged act was committed in the course of practice; 14982

(3) A plea of guilty to, or a finding of guilt by a jury or 14983  
court of, a misdemeanor involving moral turpitude, or a case in 14984  
which the trial court issues an order of dismissal upon technical 14985  
or procedural grounds of a charge of a misdemeanor involving moral 14986  
turpitude. 14987

(C) The report shall include the name and address of the 14988  
chiropractor, the nature of the offense for which the action was 14989  
taken, and the certified court documents recording the action. The 14990  
board may prescribe and provide forms for prosecutors to make 14991  
reports under this section. The form may be the same as the form 14992  
required to be provided under section ~~2929.24~~ 2929.42 of the 14993  
Revised Code. 14994

**Sec. 4761.13.** (A) As used in this section, "prosecutor" has 14995  
the same meaning as in section 2935.01 of the Revised Code. 14996

(B) The prosecutor in any case against any respiratory care 14997  
professional or an individual holding a limited permit issued 14998  
under this chapter shall promptly notify the Ohio respiratory care 14999  
board of any of the following: 15000

(1) A plea of guilty to, or a finding of guilt by a jury or 15001  
court of, a felony, or a case in which the trial court issues an 15002  
order of dismissal upon technical or procedural grounds of a 15003  
felony charge; 15004

(2) A plea of guilty to, or a finding of guilt by a jury or 15005  
court of, a misdemeanor committed in the course of practice, or a 15006  
case in which the trial court issues an order of dismissal upon 15007  
technical or procedural grounds of a charge of a misdemeanor, if 15008  
the alleged act was committed in the course of practice; 15009

(3) A plea of guilty to, or a finding of guilt by a jury or 15010  
court of, a misdemeanor involving moral turpitude, or a case in 15011  
which the trial court issues an order of dismissal upon technical 15012  
or procedural grounds of a charge of a misdemeanor involving moral 15013  
turpitude. 15014

(C) The report shall include the name and address of the 15015  
respiratory care professional or person holding a limited permit, 15016  
the nature of the offense for which the action was taken, and the 15017  
certified court documents recording the action. The board may 15018  
prescribe and provide forms for prosecutors to make reports under 15019  
this section. The form may be the same as the form required to be 15020  
provided under section ~~2929.24~~ 2929.42 of the Revised Code. 15021

**Sec. 4973.171.** (A) As used in this section, "felony" has the 15022  
same meaning as in section 109.511 of the Revised Code. 15023



(B)(1) The governor shall not appoint or commission a person 15024  
as a police officer for a railroad company under division (B) of 15025  
section 4973.17 of the Revised Code and shall not appoint or 15026  
commission a person as a police officer for a hospital under 15027  
division (D) of section 4973.17 of the Revised Code on a permanent 15028  
basis, on a temporary basis, for a probationary term, or on other 15029  
than a permanent basis if the person previously has been convicted 15030  
of or has pleaded guilty to a felony. 15031

(2)(a) The governor shall revoke the appointment or 15032  
commission of a person appointed or commissioned as a police 15033  
officer for a railroad company or as a police officer for a 15034  
hospital under division (B) or (D) of section 4973.17 of the 15035  
Revised Code if that person does either of the following: 15036

(i) Pleads guilty to a felony; 15037

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 15038  
plea agreement as provided in division (D) of section ~~2929.29~~ 15039  
2929.43 of the Revised Code in which the person agrees to 15040  
surrender the certificate awarded to that person under section 15041  
109.77 of the Revised Code. 15042

(b) The governor shall suspend the appointment or commission 15043  
of a person appointed or commissioned as a police officer for a 15044  
railroad company or as a police officer for a hospital under 15045  
division (B) or (D) of section 4973.17 of the Revised Code if that 15046  
person is convicted, after trial, of a felony. If the person files 15047  
an appeal from that conviction and the conviction is upheld by the 15048  
highest court to which the appeal is taken or if the person does 15049  
not file a timely appeal, the governor shall revoke the 15050  
appointment or commission of that person as a police officer for a 15051  
railroad company or as a police officer for a hospital. If the 15052  
person files an appeal that results in that person's acquittal of 15053  
the felony or conviction of a misdemeanor, or in the dismissal of 15054  
the felony charge against that person, the governor shall 15055

reinstate the appointment or commission of that person as a police officer for a railroad company or as a police officer for a hospital. A person whose appointment or commission is reinstated under division (B)(2)(b) of this section shall not receive any back pay unless that person's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the person of the felony.

(3) Division (B) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension or revocation of the appointment or commission of a person as a police officer for a railroad company or as a police officer for a hospital under division (B)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 5101.28.** (A) The department of job and family services shall enter into written agreements with law enforcement agencies to exchange, obtain, or share information regarding public assistance recipients to enable the department, county agencies, and law enforcement agencies to determine whether a recipient or a member of a recipient's assistance group is either of the following:

(1) A fugitive felon;

(2) Violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under state or federal law.

(B) The department and county agencies shall provide information regarding recipients of public assistance under a program administered by the state department or a county agency pursuant to Chapter 5107., 5108., or 5115. of the Revised Code to

law enforcement agencies on request for the purposes of 15086  
investigations, prosecutions, and criminal and civil proceedings 15087  
that are within the scope of the law enforcement agencies' 15088  
official duties. 15089

(C) Information about a recipient shall be exchanged, 15090  
obtained, or shared only if the department, county agency, or law 15091  
enforcement agency requesting the information gives sufficient 15092  
information to specifically identify the recipient. In addition to 15093  
the recipient's name, identifying information may include the 15094  
recipient's current or last known address, social security number, 15095  
other identifying number, age, gender, physical characteristics, 15096  
any information specified in an agreement entered into under 15097  
division (A) of this section, or any information considered 15098  
appropriate by the department or agency. 15099

(D)(1) The department and its officers and employees are not 15100  
liable in damages in a civil action for any injury, death, or loss 15101  
to person or property that allegedly arises from the release of 15102  
information in accordance with divisions (A), (B), and (C) of this 15103  
section. This section does not affect any immunity or defense that 15104  
the department and its officers and employees may be entitled to 15105  
under another section of the Revised Code or the common law of 15106  
this state, including section 9.86 of the Revised Code. 15107

(2) The county agencies and their employees are not liable in 15108  
damages in a civil action for any injury, death, or loss to person 15109  
or property that allegedly arises from the release of information 15110  
in accordance with divisions (A), (B), and (C) of this section. 15111  
"Employee" has the same meaning as in division (B) of section 15112  
2744.01 of the Revised Code. This section does not affect any 15113  
immunity or defense that the county agencies and their employees 15114  
may be entitled to under another section of the Revised Code or 15115  
the common law of this state, including section 2744.02 and 15116  
division (A)(6) of section 2744.03 of the Revised Code. 15117

(E) To the extent permitted by federal law, the department 15118  
and county agencies shall provide access to information to the 15119  
auditor of state acting pursuant to Chapter 117. or sections 15120  
5101.181 and 5101.182 of the Revised Code and to any other 15121  
government entity authorized by or federal law to conduct an audit 15122  
of or similar activity involving a public assistance program. 15123

(F) The auditor of state shall prepare an annual report on 15124  
the outcome of the agreements required under division (A) of this 15125  
section. The report shall include the number of fugitive felons 15126  
~~and, probation and parole violators, and violators of community~~ 15127  
control sanctions and post-release control sanctions apprehended 15128  
during the immediately preceding year as a result of the exchange 15129  
of information pursuant to that division. The auditor of state 15130  
shall file the report with the governor, the president and 15131  
minority leader of the senate, and the speaker and minority leader 15132  
of the house of representatives. The state department, county 15133  
agencies, and law enforcement agencies shall cooperate with the 15134  
auditor of state's office in gathering the information required 15135  
under this division. 15136

(G) To the extent permitted by federal law, the department of 15137  
job and family services, county departments of job and family 15138  
services, and employees of the departments may report to a public 15139  
children services agency or other appropriate agency information 15140  
on known or suspected physical or mental injury, sexual abuse or 15141  
exploitation, or negligent treatment or maltreatment, of a child 15142  
receiving public assistance, if circumstances indicate that the 15143  
child's health or welfare is threatened. 15144

(H) As used in this section: 15145

(1) "Community control sanction" has the same meaning as in 15146  
section 2929.01 of the Revised Code. 15147

(2) "Post-release control sanction" has the same meaning as 15148

in section 2967.01 of the Revised Code.

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**Sec. 5101.45.** The necessary expenses of such officers and employees of the state, county, and municipal boards, benevolent and correctional institutions, officials responsible for the administration of public funds used for the relief and maintenance of the poor, officials authorized to administer ~~probation~~ laws on community control sanctions, and members of the boards of county visitors as are invited by the department of job and family services to the conferences provided for in section 5101.44 of the Revised Code, shall be paid from any fund available for their respective offices, boards, and institutions, provided they first procure a certificate from the director of job and family services as evidence that they were invited to and were in attendance at the sessions of such conferences.

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As used in this section, "community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

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**Sec. 5119.14.** (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

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(B)(1) Subject to division (C) of this section, upon the recommendation of the director of mental health, the managing officer of an institution under the jurisdiction of the department of mental health may designate one or more employees to be special police officers of the department. The special police officers shall take an oath of office, wear the badge of office, and give bond for the proper and faithful discharge of their duties in an amount that the director requires.

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(2) In accordance with section 109.77 of the Revised Code, the special police officers shall be required to complete successfully a peace officer basic training program approved by the Ohio peace officer training commission and to be certified by

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the commission. The cost of the training shall be paid by the  
department of mental health.

(3) Special ~~police officers~~ police officers, on the premises  
of institutions under the jurisdiction of the department of mental  
health and subject to the rules of the department, shall protect  
the property of the institutions and the persons and property of  
patients in the institutions, suppress riots, disturbances, and  
breaches of the peace, and enforce the laws of the state and the  
rules of the department for the preservation of good order. They  
may arrest any person without a warrant and detain the person  
until a warrant can be obtained under the circumstances described  
in division (F) of section 2935.03 of the Revised Code.

(C)(1) The managing officer of an institution under the  
jurisdiction of the department of mental health shall not  
designate an employee as a special police officer of the  
department pursuant to division (B)(1) of this section on a  
permanent basis, on a temporary basis, for a probationary term, or  
on other than a permanent basis if the employee previously has  
been convicted of or has pleaded guilty to a felony.

(2)(a) The managing officer of an institution under the  
jurisdiction of the department of mental health shall terminate  
the employment as a special police officer of the department of an  
employee designated as a special police officer under division  
(B)(1) of this section if that employee does either of the  
following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section ~~2929.29~~  
2929.43 of the Revised Code in which the employee agrees to  
surrender the certificate awarded to that employee under section  
109.77 of the Revised Code.

(b) The managing officer shall suspend from employment as a special police officer of the department an employee designated as a special police officer under division (B)(1) of this section if that employee is convicted, after trial, of a felony. If the special police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the special police officer does not file a timely appeal, the managing officer shall terminate the employment of that special police officer. If the special police officer files an appeal that results in that special police officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that special police officer, the managing officer shall reinstate that special police officer. A special police officer of the department who is reinstated under division (C)(2)(b) of this section shall not receive any back pay unless that special police officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the special police officer of the felony.

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a special police officer under division (C)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 5120.10.** (A)(1) The director of rehabilitation and correction, by rule, shall promulgate minimum standards for jails in Ohio, including minimum security jails dedicated under section 341.34 or 753.21 of the Revised Code. Whenever the director files a rule or an amendment to a rule in final form with both the secretary of state and the director of the legislative service

commission pursuant to section 111.15 of the Revised Code, the 15241  
director of rehabilitation and correction promptly shall send a 15242  
copy of the rule or amendment, if the rule or amendment pertains 15243  
to minimum jail standards, by ordinary mail to the political 15244  
subdivisions or affiliations of political subdivisions that 15245  
operate jails to which the standards apply. 15246

(2) The rules promulgated in accordance with division (A)(1) 15247  
of this section shall serve as criteria for the investigative and 15248  
supervisory powers and duties vested by division (D) of this 15249  
section in the division of parole and community services of the 15250  
department of rehabilitation and correction or in another division 15251  
of the department to which those powers and duties are assigned. 15252

(B) The director may initiate an action in the court of 15253  
common pleas of the county in which a facility that is subject to 15254  
the rules promulgated under division (A)(1) of this section is 15255  
situated to enjoin compliance with the minimum standards for jails 15256  
or with the minimum standards and minimum renovation, 15257  
modification, and construction criteria for minimum security 15258  
jails. 15259

(C) Upon the request of an administrator of a jail facility, 15260  
the chief executive of a municipal corporation, or a board of 15261  
county commissioners, the director of rehabilitation and 15262  
correction or the director's designee shall grant a variance from 15263  
the minimum standards for jails in Ohio for a facility that is 15264  
subject to one of those minimum standards when the director 15265  
determines that strict compliance with the minimum standards would 15266  
cause unusual, practical difficulties or financial hardship, that 15267  
existing or alternative practices meet the intent of the minimum 15268  
standards, and that granting a variance would not seriously affect 15269  
the security of the facility, the supervision of the inmates, or 15270  
the safe, healthful operation of the facility. If the director or 15271  
the director's designee denies a variance, the applicant may 15272



appeal the denial pursuant to section 119.12 of the Revised Code. 15273

(D) The following powers and duties shall be exercised by the 15274  
division of parole and community services unless assigned to 15275  
another division by the director: 15276

(1) The investigation and supervision of county and municipal 15277  
jails, workhouses, minimum security jails, and other correctional 15278  
institutions and agencies; 15279

(2) The management and supervision of the adult parole 15280  
authority created by section 5149.02 of the Revised Code; 15281

(3) The review and approval of proposals for community-based 15282  
correctional facilities and programs and district community-based 15283  
correctional facilities and programs that are submitted pursuant 15284  
to division (B) of section 2301.51 of the Revised Code; 15285

(4) The distribution of funds made available to the division 15286  
for purposes of assisting in the renovation, maintenance, and 15287  
operation of community-based correctional facilities and programs 15288  
and district community-based correctional facilities and programs 15289  
in accordance with section 5120.112 of the Revised Code; 15290

(5) The performance of the duty imposed upon the department 15291  
of rehabilitation and correction in section 5149.31 of the Revised 15292  
Code to establish and administer a program of subsidies to 15293  
eligible municipal corporations, counties, and groups of 15294  
contiguous counties for the development, implementation, and 15295  
operation of community-based corrections programs; 15296

(6) Licensing halfway houses and community residential 15297  
centers for the care and treatment of adult offenders in 15298  
accordance with section 2967.14 of the Revised Code; 15299

(7) Contracting with a public or private agency or a 15300  
department or political subdivision of the state that operates a 15301  
licensed halfway house or community residential center for the 15302

provision of housing, supervision, and other services to parolees, 15303  
releasees, persons placed under a residential sanction, persons 15304  
under transitional control, and ~~probationers~~ other eligible 15305  
offenders in accordance with section 2967.14 of the Revised Code. 15306

Other powers and duties may be assigned by the director of 15307  
rehabilitation and correction to the division of parole and 15308  
community services. This section does not apply to the department 15309  
of youth services or its institutions or employees. 15310

**Sec. 5120.102.** As used in sections 5120.102 to 5120.105 of 15311  
the Revised Code: 15312

(A) "Private, nonprofit organization" means a private 15313  
association, organization, corporation, or other entity that is 15314  
exempt from federal income taxation under section 501(a) and is 15315  
described in section 501(c) of the "Internal Revenue Code of 15316  
1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended. 15317

(B) "Governmental agency" means a state agency; a municipal 15318  
corporation, county, township, other political subdivision or 15319  
special district in this state established by or pursuant to law, 15320  
or a combination of those political subdivisions or special 15321  
districts; the United States or a department, division, or agency 15322  
of the United States; or an agency, commission, or authority 15323  
established pursuant to an interstate compact or agreement. 15324

(C) "State agency" means the state or one of its branches, 15325  
offices, boards, commissions, authorities, departments, divisions, 15326  
or other units or agencies of the state. 15327

(D) "Halfway house organization" means a private, nonprofit 15328  
organization or a governmental agency that provides programs or 15329  
activities in areas directly concerned with housing and monitoring 15330  
offenders who are under the community supervision of the 15331  
department of rehabilitation and correction or whom a court places 15332

in a halfway house pursuant to section 2929.16 or 2929.26 of the  
Revised Code.

(E) "Halfway house facility" means a capital facility in this  
state to which all of the following apply:

(1) The construction of the capital facility is authorized or  
funded by the general assembly pursuant to division (C) of section  
5120.105 of the Revised Code.

(2) The state owns or has a sufficient real property interest  
in the capital facility or in the site of the capital facility for  
a period of not less than the greater of the useful life of the  
capital facility, as determined by the director of budget and  
management using the guidelines for maximum maturities as provided  
under divisions (B), (C), and (E) of section 133.20 of the Revised  
Code and certified to the department of rehabilitation and  
correction and the Ohio building authority, or the final maturity  
of obligations issued by the Ohio building authority to finance  
the capital facility.

(3) The capital facility is managed directly by, or by  
contract with, the department of rehabilitation and correction and  
is used for housing offenders who are under the community  
supervision of the department of rehabilitation and correction or  
whom a court places in a halfway house pursuant to section 2929.16  
or 2929.26 of the Revised Code.

(F) "Construction" includes acquisition, demolition,  
reconstruction, alteration, renovation, remodeling, enlargement,  
improvement, site improvements, and related equipping and  
furnishing.

(G) "General building services" means general building  
services for a halfway house facility that include, but are not  
limited to, general custodial care, security, maintenance, repair,  
painting, decoration, cleaning, utilities, fire safety, grounds

and site maintenance and upkeep, and plumbing. 15364

(H) "Manage," "operate," or "management" means the provision 15365  
of, or the exercise of control over the provision of, activities 15366  
that relate to the housing of offenders in correctional 15367  
facilities, including, but not limited to, providing for release 15368  
services for offenders who are under the community supervision of 15369  
the department of rehabilitation and correction or are placed by a 15370  
court in a halfway house pursuant to section 2929.16 or 2929.26 of 15371  
the Revised Code, and who reside in halfway house facilities. 15372

**Sec. 5120.103.** (A) To the extent that funds are available, 15373  
the department of rehabilitation and correction, in accordance 15374  
with this section and sections 5120.104 and 5120.105 of the 15375  
Revised Code, may construct or provide for the construction of 15376  
halfway house facilities for offenders whom a court places in a 15377  
halfway house pursuant to section 2929.16 or 2929.26 of the 15378  
Revised Code or who are eligible for community supervision by the 15379  
department of rehabilitation and correction. 15380

(B) A halfway house organization that seeks to assist in the 15381  
program planning of a halfway house facility described in division 15382  
(A) of this section shall file an application with the director of 15383  
rehabilitation and correction as set forth in a request for 15384  
proposal. Upon the submission of an application, the division of 15385  
parole and community services shall review it and, if the division 15386  
believes it is appropriate, shall submit a recommendation for its 15387  
approval to the director. When the division submits a 15388  
recommendation for approval of an application, the director may 15389  
approve the application. The director shall not take action or 15390  
fail to take action, or permit the taking of action or the failure 15391  
to take action, with respect to halfway house facilities that 15392  
would adversely affect the exclusion of interest on public 15393  
obligations or on fractionalized interests in public obligations 15394

from gross income for federal income tax purposes, or the  
classification or qualification of the public obligations or the  
interest on or fractionalized interests in public obligations for,  
or their exemption from, other treatment under the Internal  
Revenue Code.

(C) The director of rehabilitation and correction and the  
halfway house organization may enter into an agreement  
establishing terms for the program planning of the halfway house  
facility. Any terms so established shall conform to the terms of  
any covenant or agreement pertaining to an obligation from which  
the funds used for the construction of the halfway house facility  
are derived.

(D) The director of rehabilitation and correction, in  
accordance with Chapter 119. of the Revised Code, shall adopt  
rules that specify procedures by which a halfway house  
organization may apply for a contract for program planning of a  
halfway house facility constructed under this section, procedures  
for the department to follow in considering an application,  
criteria for granting approval of an application, and any other  
rules that are necessary for the selection of program planners of  
a halfway house facility.

**Sec. 5120.56.** (A) As used in this section:

(1) "Ancillary services" means services provided to an  
offender as necessary for the particular circumstances of the  
offender's personal supervision, including, but not limited to,  
specialized counseling, testing, or other services not included in  
the calculation of residential or supervision costs.

(2) "Cost debt" means a cost of incarceration or supervision  
that may be assessed against and collected from an offender as a  
debt to the state as described in division (D) of this section.

(3) "Detention facility" means any place used for the 15425  
confinement of a person charged with or convicted of any crime. 15426

(4) "Offender" means any inmate, parolee, ~~probationer~~ person 15427  
placed under a community control sanction, releasee, or other 15428  
person who has been convicted of or pleaded guilty to any felony 15429  
or misdemeanor and is sentenced to any of the following: 15430

(a) A term of imprisonment, a prison term, a jail term, or 15431  
another type of confinement in a detention facility; 15432

(b) Participation in another correctional program in lieu of 15433  
incarceration. 15434

(5) "Community control sanction," "prison term," and "jail 15435  
term" have the same meanings as in section 2929.01 of the Revised 15436  
Code. 15437

(6) "Parolee" and "releasee" have the same meanings as in 15438  
section 2967.01 of the Revised Code. 15439

(B) The department of rehabilitation and correction may 15440  
recover from an offender who is in its custody or under its 15441  
supervision any cost debt described in division (D) of this 15442  
section. To satisfy a cost debt described in that division that 15443  
relates to an offender, the department may apply directly assets 15444  
that are in the department's possession and that are being held 15445  
for that offender without further proceedings in aid of execution, 15446  
and, if assets belonging to or subject to the direction of that 15447  
offender are in the possession of a third party, the department 15448  
may request the attorney general to initiate proceedings to 15449  
collect the assets from the third party to satisfy the cost debt. 15450

(C) Except as otherwise provided in division (E) or (G) of 15451  
this section, all of the following assets of an offender shall be 15452  
subject to attachment, collection, or application toward the cost 15453  
debts described in division (D) of this section that are to be 15454  
recovered under division (B) of this section: 15455

(1) Subject to division (E) of this section, any pay the offender receives from the state; 15456  
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(2) Subject to division (E) of this section, any funds the offender receives from persons on an approved visitor list; 15458  
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(3) Any liquid assets belonging to the offender and in the custody of the department of rehabilitation and correction; 15460  
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(4) Any assets the offender acquires or any other income the offender earns subsequent to the offender's commitment. 15462  
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(D) Costs of incarceration or supervision that may be assessed against and collected from an offender under division (B) of this section as a debt to the state shall include, but are not limited to, all of the following costs that accrue while the offender is in the custody or under the supervision of the department of rehabilitation and correction: 15464  
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(1) Any user fee or copayment for services at a detention facility or housing facility, including, but not limited to, a fee or copayment for sick call visits; 15470  
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(2) Assessment for damage to or destruction of property in a detention facility subsequent to commitment; 15473  
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(3) Restitution to an offender or to a staff member of a state correctional institution for theft, loss, or damage to the personal property of the offender or staff member; 15475  
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(4) The cost of housing and feeding the offender in a detention facility; 15478  
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(5) The cost of supervision of the offender; 15480

(6) The cost of any ancillary services provided to the offender. 15481  
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(E) The cost of housing and feeding an offender in a state correctional institution shall not be collected from a payment 15483  
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made to the offender for performing an activity at a state job or  
assignment that pays less than the minimum wage or from money the  
offender receives from visitors, unless the combined assets in the  
offender's institution personal account exceed, at any time, one  
hundred dollars. If the combined assets in that account exceed one  
hundred dollars, the cost of housing and feeding the offender may  
be collected from the amount in excess of one hundred dollars.

(F)(1) The department of rehabilitation and correction shall  
adopt rules pursuant to section 111.15 of the Revised Code to  
implement the requirements of this section.

(2) The rules adopted under division (F)(1) of this section  
shall include, but are not limited to, rules that establish or  
contain all of the following:

(a) A process for ascertaining the items of cost to be  
assessed against an offender;

(b) Subject to division (F)(3) of this section, a process by  
which the offender shall have the opportunity to respond to the  
assessment of costs under division (B) of this section and to  
contest any item of cost in the department's calculation or as it  
applies to the offender;

(c) A requirement that the offender be notified, in writing,  
of a final decision to collect or apply the offender's assets  
under division (B) of this section and that the notification be  
provided after the offender has had an opportunity to contest the  
application or collection;

(d) Criteria for evaluating an offender's ongoing, permanent  
injury and evaluating the ability of that type of offender to  
provide for the offender after incarceration.

(3) The rules adopted under division (F)(1) of this section  
may allow the collection of a cost debt as a flat fee or over time  
in installments. If the cost debt is to be collected over time in



installments, the rules are not required to permit the offender an  
opportunity to contest the assessment of each installment. The  
rules may establish a standard fee to apply to all offenders who  
receive a particular service.

(G) The department of rehabilitation and correction shall not  
collect cost debts or apply offender assets toward a cost debt  
under division (B) of this section if, due to an ongoing,  
permanent injury, the collection or application would unjustly  
limit the offender's ability to provide for the offender after  
incarceration.

(H) If an offender acquires assets after the offender is  
convicted of or pleads guilty to an offense and if the transferor  
knows of the offender's status as an offender, the transferor  
shall notify the department of rehabilitation and correction in  
advance of the transfer.

(I) There is hereby created in the state treasury the  
offender financial responsibility fund. All moneys collected by or  
on behalf of the department under this section, and all moneys  
currently in the department's custody that are applied to satisfy  
an allowable cost debt under this section, shall be deposited into  
the fund. The department of rehabilitation and correction may  
expend moneys in the fund for goods and services of the same type  
as those for which offenders are assessed pursuant to this  
section.

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of  
the Revised Code:

(A) "Mental illness" means a substantial disorder of thought,  
mood, perception, orientation, or memory that grossly impairs  
judgment, behavior, capacity to recognize reality, or ability to  
meet the ordinary demands of life.

(B) "Mentally ill person subject to hospitalization by court order" means a mentally ill person who, because of the person's illness:

(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;

(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community; or

(4) Would benefit from treatment in a hospital for ~~his~~ the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or ~~himself~~ the person.

(C)(1) "Patient" means, subject to division (C)(2) of this section, a person who is admitted either voluntarily or involuntarily to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter, who is under observation or receiving treatment in such place.

(2) "Patient" does not include a person admitted to a hospital or other place under section 2945.39, 2945.40, 2945.401,

or 2945.402 of the Revised Code to the extent that the reference 15577  
in this chapter to patient, or the context in which the reference 15578  
occurs, is in conflict with any provision of sections 2945.37 to 15579  
2945.402 of the Revised Code. 15580

(D) "Licensed physician" means a person licensed under the 15581  
laws of this state to practice medicine or a medical officer of 15582  
the government of the United States while in this state in the 15583  
performance of the person's official duties. 15584

(E) "Psychiatrist" means a licensed physician who has 15585  
satisfactorily completed a residency training program in 15586  
psychiatry, as approved by the residency review committee of the 15587  
American medical association, the committee on post-graduate 15588  
education of the American osteopathic association, or the American 15589  
osteopathic board of neurology and psychiatry, or who on July 1, 15590  
1989, has been recognized as a psychiatrist by the Ohio state 15591  
medical association or the Ohio osteopathic association on the 15592  
basis of formal training and five or more years of medical 15593  
practice limited to psychiatry. 15594

(F) "Hospital" means a hospital or inpatient unit licensed by 15595  
the department of mental health under section 5119.20 of the 15596  
Revised Code, and any institution, hospital, or other place 15597  
established, controlled, or supervised by the department under 15598  
Chapter 5119. of the Revised Code. 15599

(G) "Public hospital" means a facility that is tax-supported 15600  
and under the jurisdiction of the department of mental health. 15601

(H) "Community mental health agency" means any agency, 15602  
program, or facility with which a board of alcohol, drug 15603  
addiction, and mental health services contracts to provide the 15604  
mental health services listed in section 340.09 of the Revised 15605  
Code. 15606

(I) "Licensed clinical psychologist" means a person who holds 15607

a current valid psychologist license issued under section 4732.12 15608  
or 4732.15 of the Revised Code, and in addition, meets either of 15609  
the following criteria: 15610

(1) Meets the educational requirements set forth in division 15611  
(B) of section 4732.10 of the Revised Code and has a minimum of 15612  
two years' full-time professional experience, or the equivalent as 15613  
determined by rule of the state board of psychology, at least one 15614  
year of which shall be post-doctoral, in clinical psychological 15615  
work in a public or private hospital or clinic or in private 15616  
practice, diagnosing and treating problems of mental illness or 15617  
mental retardation under the supervision of a psychologist who is 15618  
licensed or who holds a diploma issued by the American board of 15619  
professional psychology, or whose qualifications are substantially 15620  
similar to those required for licensure by the state board of 15621  
psychology when the supervision has occurred prior to enactment of 15622  
laws governing the practice of psychology; 15623

(2) Meets the educational requirements set forth in division 15624  
(B) of section 4732.15 of the Revised Code and has a minimum of 15625  
four years' full-time professional experience, or the equivalent 15626  
as determined by rule of the state board of psychology, in 15627  
clinical psychological work in a public or private hospital or 15628  
clinic or in private practice, diagnosing and treating problems of 15629  
mental illness or mental retardation under supervision, as set 15630  
forth in division (I)(1) of this section. 15631

(J) "Health officer" means any public health physician; 15632  
public health nurse; or other person authorized by or designated 15633  
by a city health district; a general health district; or a board 15634  
of alcohol, drug addiction, and mental health services to perform 15635  
the duties of a health officer under this chapter. 15636

(K) "Chief clinical officer" means the medical director of a 15637  
hospital, or a community mental health agency, or a board of 15638  
alcohol, drug addiction, and mental health services, or, if there 15639

is no medical director, the licensed physician responsible for the  
treatment a hospital or community mental health agency provides.  
The chief clinical officer may delegate to the attending physician  
responsible for a patient's care the duties imposed on the chief  
clinical officer by this chapter. Within a community mental health  
agency, the chief clinical officer shall be designated by the  
governing body of the agency and shall be a licensed physician or  
licensed clinical psychologist who supervises diagnostic and  
treatment services. A licensed physician or licensed clinical  
psychologist designated by the chief clinical officer may perform  
the duties and accept the responsibilities of the chief clinical  
officer in ~~his~~ the chief clinical officer's absence.

(L) "Working day" or "court day" means Monday, Tuesday,  
Wednesday, Thursday, and Friday, except when such day is a  
holiday.

(M) "Indigent" means unable without deprivation of  
satisfaction of basic needs to provide for the payment of an  
attorney and other necessary expenses of legal representation,  
including expert testimony.

(N) "Respondent" means the person whose detention,  
commitment, hospitalization, continued hospitalization or  
commitment, or discharge is being sought in any proceeding under  
this chapter.

(O) "Legal rights service" means the service established  
under section 5123.60 of the Revised Code.

(P) "Independent expert evaluation" means an evaluation  
conducted by a licensed clinical psychologist, psychiatrist, or  
licensed physician who has been selected by the respondent or ~~his~~  
the respondent's counsel and who consents to conducting the  
evaluation.

(Q) "Court" means the probate division of the court of common

pleas. 15671

(R) "Expunge" means: 15672

(1) The removal and destruction of court files and records, 15673  
originals and copies, and the deletion of all index references; 15674

(2) The reporting to the person of the nature and extent of 15675  
any information about ~~him~~ the person transmitted to any other 15676  
person by the court; 15677

(3) Otherwise insuring that any examination of court files 15678  
and records in question shall show no record whatever with respect 15679  
to the person; 15680

(4) That all rights and privileges are restored, and that the 15681  
person, the court, and any other person may properly reply that no 15682  
such record exists, as to any matter expunged. 15683

(S) "Residence" means a person's physical presence in a 15684  
county with intent to remain there, except that: 15685

(1) If a person is receiving a mental health service at a 15686  
facility that includes nighttime sleeping accommodations, 15687  
residence means that county in which the person maintained ~~his~~ the 15688  
person's primary place of residence at the time ~~he~~ the person 15689  
entered the facility; 15690

(2) If a person is committed pursuant to section 2945.38, 15691  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 15692  
residence means the county where the criminal charges were filed. 15693

When the residence of a person is disputed, the matter of 15694  
residence shall be referred to the department of mental health for 15695  
investigation and determination. Residence shall not be a basis 15696  
for a board's denying services to any person present in the 15697  
board's service district, and the board shall provide services for 15698  
a person whose residence is in dispute while residence is being 15699  
determined and for a person in an emergency situation. 15700

(T) "Admission" to a hospital or other place means that a patient is accepted for and stays at least one night at the hospital or other place.

(U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(V) "Treatment plan" means a written statement of reasonable objectives and goals for an individual established by the treatment team, with specific criteria to evaluate progress towards achieving those objectives. The active participation of the patient in establishing the objectives and goals shall be documented. The treatment plan shall be based on patient needs and include services to be provided to the patient while ~~he~~ the patient is hospitalized and after ~~he~~ the patient is discharged. The treatment plan shall address services to be provided upon discharge, including but not limited to housing, financial, and vocational services.

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

(X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

**Sec. 5122.10.** Any psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, or sheriff may take a person into custody, or the chief of the adult parole authority or a parole or probation officer with the approval of the chief of the authority may take a parolee, ~~probationer,~~ an offender on under a community control

sanction or a post-release control sanction, or an offender under 15732  
transitional control into custody and may immediately transport 15733  
the parolee, ~~probationer~~, offender on community control or 15734  
post-release control, or offender under transitional control to a 15735  
hospital or, notwithstanding section 5119.20 of the Revised Code, 15736  
to a general hospital not licensed by the department of mental 15737  
health where the parolee, ~~probationer~~, offender on community 15738  
control or post-release control, or offender under transitional 15739  
control may be held for the period prescribed in this section, if 15740  
the psychiatrist, licensed clinical psychologist, licensed 15741  
physician, health officer, parole officer, police officer, or 15742  
sheriff has reason to believe that the person is a mentally ill 15743  
person subject to hospitalization by court order under division 15744  
(B) of section 5122.01 of the Revised Code, and represents a 15745  
substantial risk of physical harm to self or others if allowed to 15746  
remain at liberty pending examination. 15747

A written statement shall be given to such hospital by the 15748  
transporting psychiatrist, licensed clinical psychologist, 15749  
licensed physician, health officer, parole officer, police 15750  
officer, chief of the adult parole authority, parole or probation 15751  
officer, or sheriff stating the circumstances under which such 15752  
person was taken into custody and the reasons for the 15753  
psychiatrist's, licensed clinical psychologist's, licensed 15754  
physician's, health officer's, parole officer's, police officer's, 15755  
chief of the adult parole authority's, parole or probation 15756  
officer's, or sheriff's belief. This statement shall be made 15757  
available to the respondent or the respondent's attorney upon 15758  
request of either. 15759

Every reasonable and appropriate effort shall be made to take 15760  
persons into custody in the least conspicuous manner possible. A 15761  
person taking the respondent into custody pursuant to this section 15762  
shall explain to the respondent: the name, professional 15763



designation, and agency affiliation of the person taking the 15764  
respondent into custody; that the custody-taking is not a criminal 15765  
arrest; and that the person is being taken for examination by 15766  
mental health professionals at a specified mental health facility 15767  
identified by name. 15768

If a person taken into custody under this section is 15769  
transported to a general hospital, the general hospital may admit 15770  
the person, or provide care and treatment for the person, or both, 15771  
notwithstanding section 5119.20 of the Revised Code, but by the 15772  
end of twenty-four hours after arrival at the general hospital, 15773  
the person shall be transferred to a hospital as defined in 15774  
section 5122.01 of the Revised Code. 15775

A person transported or transferred to a hospital or 15776  
community mental health agency under this section shall be 15777  
examined by the staff of the hospital or agency within twenty-four 15778  
hours after arrival at the hospital or agency. If to conduct the 15779  
examination requires that the person remain overnight, the 15780  
hospital or agency shall admit the person in an unclassified 15781  
status until making a disposition under this section. After the 15782  
examination, if the chief clinical officer of the hospital or 15783  
agency believes that the person is not a mentally ill person 15784  
subject to hospitalization by court order, the chief clinical 15785  
officer shall release or discharge the person immediately unless a 15786  
court has issued a temporary order of detention applicable to the 15787  
person under section 5122.11 of the Revised Code. After the 15788  
examination, if the chief clinical officer believes that the 15789  
person is a mentally ill person subject to hospitalization by 15790  
court order, the chief clinical officer may detain the person for 15791  
not more than three court days following the day of the 15792  
examination and during such period admit the person as a voluntary 15793  
patient under section 5122.02 of the Revised Code or file an 15794  
affidavit under section 5122.11 of the Revised Code. If neither 15795

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action is taken and a court has not otherwise issued a temporary  
order of detention applicable to the person under section 5122.11  
of the Revised Code, the chief clinical officer shall discharge  
the person at the end of the three-day period unless the person  
has been sentenced to the department of rehabilitation and  
correction and has not been released from the person's sentence,  
in which case the person shall be returned to that department.

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**Sec. 5122.21.** (A) The chief clinical officer shall as  
frequently as practicable, and at least once every thirty days,  
examine or cause to be examined every patient, and, whenever the  
chief clinical officer determines that the conditions justifying  
involuntary hospitalization or commitment no longer obtain, shall,  
except as provided in division (C) of this section, discharge the  
patient not under indictment or conviction for crime and  
immediately make a report of the discharge to the department of  
mental health. The chief clinical officer may discharge a patient  
who is under an indictment, a sentence of imprisonment, a  
community control sanction, or a post-release control sanction or  
on ~~probation or~~ parole ten days after written notice of intent to  
discharge the patient has been given by personal service or  
certified mail, return receipt requested, to the court having  
criminal jurisdiction over the patient. Except when the patient  
was found not guilty by reason of insanity and ~~his~~ the defendant's  
commitment is pursuant to section 2945.40 of the Revised Code, the  
chief clinical officer has final authority to discharge a patient  
who is under an indictment, a sentence of imprisonment, a  
community control sanction, or a post-release control sanction or  
on ~~probation or~~ parole.

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(B) After a finding pursuant to section 5122.15 of the  
Revised Code that a person is a mentally ill person subject to  
hospitalization by court order, the chief clinical officer of the  
hospital or agency to which the person is ordered or to which the

person is transferred under section 5122.20 of the Revised Code, 15828  
may, except as provided in division (C) of this section, grant a 15829  
discharge without the consent or authorization of any court. 15830

Upon discharge, the chief clinical officer shall notify the 15831  
court that caused the judicial hospitalization of the discharge 15832  
from the hospital. 15833

**Sec. 5122.26.** (A) If a patient is absent without leave, on a 15834  
verbal or written order issued within five days of the time of the 15835  
unauthorized absence by the department of mental health, the chief 15836  
clinical officer of the hospital from which the patient is absent 15837  
without leave, or the court of either the county from which the 15838  
patient was committed or in which the patient is found, any health 15839  
or police officer or sheriff may take the patient into custody and 15840  
transport the patient to the hospital in which the patient was 15841  
hospitalized or to a place that is designated in the order. The 15842  
officer immediately shall report such fact to the agency that 15843  
issued the order. 15844

The chief clinical officer of a hospital may discharge a 15845  
patient who is under an indictment, a sentence of imprisonment, a 15846  
community control sanction, or a post-release control sanction or 15847  
on ~~probation or~~ parole and who has been absent without leave for 15848  
more than thirty days, but shall give written notice of the 15849  
discharge to the court with criminal jurisdiction over the 15850  
patient. The chief clinical officer of a hospital may discharge 15851  
any other patient who has been absent without leave for more than 15852  
fourteen days. 15853

The chief clinical officer shall take all proper measures for 15854  
the apprehension of an escaped patient. The expense of the return 15855  
of an escaped patient shall be borne by the hospital where the 15856  
patient is hospitalized. 15857

(B)(1) Subject to division (B)(2) of this section, no patient 15858

hospitalized under Chapter 5122. of the Revised Code whose absence 15859  
without leave was caused or contributed to by ~~his~~ the patient's 15860  
mental illness shall be subject to a charge of escape. 15861

(2) Division (B)(1) of this section does not apply to any 15862  
person who was hospitalized, institutionalized, or confined in a 15863  
facility under an order made pursuant to or under authority of 15864  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 15865  
2945.402 of the Revised Code and who escapes from the facility, 15866  
from confinement in a vehicle for transportation to or from the 15867  
facility, or from supervision by an employee of the facility that 15868  
is incidental to hospitalization, institutionalization, or 15869  
confinement in the facility and that occurs outside the facility, 15870  
in violation of section 2921.34 of the Revised Code. 15871

**Sec. 5123.13.** (A) As used in this section, "felony" has the 15872  
same meaning as in section 109.511 of the Revised Code. 15873

(B)(1) Subject to division (C) of this section, upon the 15874  
recommendation of the director of mental retardation and 15875  
developmental disabilities, the managing officer of an institution 15876  
under the jurisdiction of the department of mental retardation and 15877  
developmental disabilities may designate one or more employees to 15878  
be special police officers of the department. The special police 15879  
officers shall take an oath of office, wear the badge of office, 15880  
and give bond for the proper and faithful discharge of their 15881  
duties in an amount that the director requires. 15882

(2) In accordance with section 109.77 of the Revised Code, 15883  
the special police officers shall be required to complete 15884  
successfully a peace officer basic training program approved by 15885  
the Ohio peace officer training commission and to be certified by 15886  
the commission. The cost of the training shall be paid by the 15887  
department of mental retardation and developmental disabilities. 15888

(3) Special police officers, on the premises of institutions 15889

under the jurisdiction of the department of mental retardation and  
developmental disabilities and subject to the rules of the  
department, shall protect the property of the institutions and the  
persons and property of patients in the institutions, suppress  
riots, disturbances, and breaches of the peace, and enforce the  
laws of the state and the rules of the department for the  
preservation of good order. They may arrest any person without a  
warrant and detain the person until a warrant can be obtained  
under the circumstances described in division (F) of section  
2935.03 of the Revised Code.

(C)(1) The managing officer of an institution under the  
jurisdiction of the department of mental retardation and  
developmental disabilities shall not designate an employee as a  
special police officer of the department pursuant to division  
(B)(1) of this section on a permanent basis, on a temporary basis,  
for a probationary term, or on other than a permanent basis if the  
employee previously has been convicted of or has pleaded guilty to  
a felony.

(2)(a) The managing officer of an institution under the  
jurisdiction of the department of mental retardation and  
developmental disabilities shall terminate the employment as a  
special police officer of the department of an employee designated  
as a special police officer under division (B)(1) of this section  
if that employee does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section ~~2929.29~~  
2929.43 of the Revised Code in which the employee agrees to  
surrender the certificate awarded to that employee under section  
109.77 of the Revised Code.

(b) The managing officer shall suspend from employment as a

special police officer of the department an employee designated as 15921  
a special police officer under division (B)(1) of this section if 15922  
that employee is convicted, after trial, of a felony. If the 15923  
special police officer files an appeal from that conviction and 15924  
the conviction is upheld by the highest court to which the appeal 15925  
is taken or if the special police officer does not file a timely 15926  
appeal, the managing officer shall terminate the employment of 15927  
that special police officer. If the special police officer files 15928  
an appeal that results in that special police officer's acquittal 15929  
of the felony or conviction of a misdemeanor, or in the dismissal 15930  
of the felony charge against that special police officer, the 15931  
managing officer shall reinstate that special police officer. A 15932  
special police officer of the department who is reinstated under 15933  
division (C)(2)(b) of this section shall not receive any back pay 15934  
unless that special police officer's conviction of the felony was 15935  
reversed on appeal, or the felony charge was dismissed, because 15936  
the court found insufficient evidence to convict the special 15937  
police officer of the felony. 15938

(3) Division (C) of this section does not apply regarding an 15939  
offense that was committed prior to January 1, 1997. 15940

(4) The suspension from employment, or the termination of the 15941  
employment, of a special police officer under division (C)(2) of 15942  
this section shall be in accordance with Chapter 119. of the 15943  
Revised Code. 15944

**Sec. 5145.01.** Courts shall impose sentences to a state 15945  
correctional institution for felonies pursuant to sections 2929.13 15946  
and 2929.14 of the Revised Code. All prison terms may be ended in 15947  
the manner provided by law, but no prison term shall exceed the 15948  
maximum term provided for the felony of which the prisoner was 15949  
convicted as extended pursuant to section 2967.11 or 2967.28 of 15950  
the Revised Code. 15951

If a prisoner is sentenced for two or more separate felonies, 15952  
the prisoner's term of imprisonment shall run as a concurrent 15953  
sentence, except if the consecutive sentence provisions of 15954  
sections 2929.14 and 2929.41 of the Revised Code apply. If 15955  
sentenced consecutively, for the purposes of sections 5145.01 to 15956  
5145.27 of the Revised Code, the prisoner shall be held to be 15957  
serving one continuous term of imprisonment. 15958

If a court imposes a sentence to a state correctional 15959  
institution for a felony of the fourth or fifth degree, the 15960  
department of rehabilitation and correction, notwithstanding the 15961  
court's designation of a state correctional institution as the 15962  
place of service of the sentence, may designate that the person 15963  
sentenced is to be housed in a county, multicounty, municipal, 15964  
municipal-county, or multicounty-municipal jail or workhouse if 15965  
authorized pursuant to section 5120.161 of the Revised Code. 15966

If, through oversight or otherwise, a person is sentenced to 15967  
a state correctional institution under a definite term for an 15968  
offense for which a definite term of imprisonment is not provided 15969  
by statute, the sentence shall not thereby become void, but the 15970  
person shall be subject to the liabilities of such sections and 15971  
receive the benefits thereof, as if the person had been sentenced 15972  
in the manner required by this section. 15973

As used in this section, "prison term" has the same meaning 15974  
as in section 2929.01 of the Revised Code. 15975

**Sec. 5147.12.** The labor or time of any person confined in any 15976  
workhouse or jail shall not be let, farmed out, given, sold, or 15977  
contracted to any person. Work performed under a work-release 15978  
program authorized under section 5147.28 of the Revised Code is 15979  
not in violation of this section. 15980

This section does not apply to any person serving a periodic 15981  
sentence under division ~~(A)(3)~~(B) of section ~~2929.51~~ 2929.26 of 15982

the Revised Code, insofar as that person is engaged between 15983  
periods of confinement in the person's regular trade or occupation 15984  
for the support of the person or the person's family. This section 15985  
does not apply to prisoners participating in a county jail 15986  
industry program established under section 5147.30 of the Revised 15987  
Code. 15988

**Sec. 5147.30.** (A) As used in this section, "prisoner" means 15989  
any person confined in the county jail in lieu of bail while 15990  
awaiting trial, any person committed to jail for nonpayment of a 15991  
fine, or any person sentenced by a court to the jail. 15992

(B) A board of county commissioners, by resolution adopted by 15993  
a majority vote of its members, may approve the establishment of a 15994  
county jail industry program for its county in accordance with 15995  
this section. 15996

(C) Upon the adoption by the board of the resolution 15997  
described in division (B) of this section, a jail industry board 15998  
shall be established, consisting of three voting members appointed 15999  
by the board of county commissioners, three voting members 16000  
appointed by the county sheriff, and one voting member appointed 16001  
jointly by the board of county commissioners and the county 16002  
sheriff. One of these voting members shall have knowledge of and 16003  
experience in the social services, one in the field of labor, one 16004  
in law enforcement, and one in business. The initial appointments 16005  
to the jail industry board shall be made on the same date. Of the 16006  
initial appointments, one by the board of county commissioners and 16007  
one by the county sheriff shall be for terms ending one year after 16008  
the date of appointment, two by the board of county commissioners 16009  
and two by the county sheriff shall be for terms ending two years 16010  
after that date, and the joint appointment shall be for a term 16011  
ending three years after that date. Thereafter, terms of office 16012  
for all appointed members shall be for three years, with each term 16013  
ending on the same day of the same month as did the term that it 16014



succeeds. Any vacancy on the board shall be filled in the same  
manner as the original appointment. Any member appointed to fill a  
vacancy occurring prior to the expiration date of the term for  
which the member's predecessor was appointed shall hold office as  
a member for the remainder of that term. Any member shall continue  
in office subsequent to the expiration date of the member's term  
until the member's successor takes office, or until a period of  
sixty days has elapsed, whichever occurs first.

The jail industry board, by majority vote, may appoint  
additional persons to serve as nonvoting members of the board.

Each member of the jail industry board shall be reimbursed  
for expenses actually and necessarily incurred in the performance  
of the member's duties as a board member. The board of county  
commissioners, by resolution, shall approve the expenses to be  
reimbursed.

(D) A jail industry board established under division (C) of  
this section shall establish a program for the employment of as  
many prisoners as possible, except those unable to perform labor  
because of illness or other health problems, security  
requirements, routine processing, disciplinary action, or other  
reasonable circumstances or because they are engaged in education  
or vocational or other training. The employment may be in jail  
manufacturing and service industries and agriculture, in private  
industry or agriculture that is located within or outside the  
jail, in public works, in institutional jobs necessary for the  
proper maintenance and operation of the jail, or in any other  
appropriate form of labor. The county shall attempt to employ,  
provide employment for, and seek employment for as many prisoners  
as possible through the program. The county is not required to  
provide employment for every employable prisoner when the  
available funds, facilities, or jobs are insufficient to provide  
the employment; however, a county that has a county jail industry

program shall continuously seek sources of employment for as many  
employable prisoners as possible.

(E) The jail industry program established under division (D)  
of this section shall do all of the following:

(1) Establish a system for assigning prisoners to perform  
jobs, for periodically evaluating the job performance of each  
prisoner, and for periodically evaluating the qualifications of  
each prisoner for other jobs;

(2) Attempt to provide jobs and job training for prisoners  
that will be useful to them in obtaining employment when released,  
except that institutional jobs at the jail need not be related to  
any previous employment of the prisoner or relevant to any job the  
prisoner intends to pursue after release from jail;

(3) Establish an accounting system to administer and allocate  
the earnings of each prisoner. The accounting system may permit  
earnings to be used for payment of the employee taxes and workers'  
compensation of the prisoner, for reimbursing the county for room  
and board and for the expense of providing employment to the  
prisoner, for restitution to the victims of the prisoner's  
offenses if the prisoner voluntarily requests or is under court  
order to make restitution payments, for fines and court costs, for  
support of the dependents of the prisoner, and for an account for  
the prisoner.

(4) Require all persons who employ prisoners to meet all  
applicable work safety standards.

(F) The jail industry board, with the approval of the county  
sheriff, shall adopt rules for the establishment and  
administration of the jail industry program. The rules shall  
provide for all of the following:

(1) A procedure for seeking the employment of prisoners in  
penal industries and agriculture, in private industry and

agriculture located within or outside the county jail, in public 16078  
works, in institutional jobs necessary for the proper maintenance 16079  
or operation of the county's institutions, and in other 16080  
appropriate forms of labor; 16081

(2) A system of compensation, allowances, hours, conditions 16082  
of employment, and advancement for prisoners employed in any form 16083  
of labor; 16084

(3) The regulation of the working conditions of prisoners 16085  
employed in any form of labor; 16086

(4) An accounting system for the allocation of the earnings 16087  
of each prisoner; 16088

(5) Any other rules on any subject that are necessary to 16089  
administer the program or to provide employment for as many 16090  
prisoners as possible. 16091

(G) In establishing and administering a county jail industry 16092  
program, the board of county commissioners, upon the 16093  
recommendation of the jail industry board and the county sheriff 16094  
may do any of the following: 16095

(1) Enter into contracts with private industry, agriculture, 16096  
and other organizations or persons, and receive grants to 16097  
establish test work programs within or outside institutions under 16098  
the control of the county; 16099

(2) Enter into contracts with private industry for the 16100  
establishment of manufacturing and service industries within or 16101  
near institutions under the control of the county for the 16102  
employment of prisoners; 16103

(3) Enter into contracts with private industry, agriculture, 16104  
and other organizations or persons to provide employment for 16105  
prisoners; 16106

(4) Enter into any other contracts or perform any other 16107

functions that are necessary for the county jail industry program. 16108

(H) The jail industry program established under division (D) 16109  
of this section shall be administered in accordance with any rules 16110  
adopted by the jail industry board pursuant to division (F) of 16111  
this section and with the following requirements: 16112

(1) The county sheriff at all times shall be responsible for 16113  
the security and discipline of the prisoners in the program. the 16114  
sheriff shall adopt a procedure for the discipline of a prisoner 16115  
who violates the requirements of a job in the program, and the 16116  
sheriff may remove a prisoner from the program if the sheriff 16117  
determines that considerations of security or discipline require 16118  
it. 16119

(2) When the sentence imposed on a prisoner includes a 16120  
specification pursuant to division ~~(F)~~(E) of section ~~2929.21~~ 16121  
2929.24 of the Revised Code, authorizing the county sheriff to 16122  
consider the prisoner for participation in the county jail 16123  
industry program, the sheriff shall review the qualifications of 16124  
the prisoner and determine whether the prisoner's participation in 16125  
the program is appropriate. 16126

(3) When making the initial job assignment for a prisoner 16127  
whom the county sheriff has approved for participation in the 16128  
program, the board shall consider the nature of the offense 16129  
committed by the prisoner, the availability of employment, the 16130  
security requirements of the prisoner, the prisoner's present 16131  
state of mind, the prisoner's jail record, and all other relevant 16132  
factors. When making the initial job assignment of a prisoner, the 16133  
board shall attempt to develop the work skills of the prisoner, 16134  
provide the prisoner rehabilitation, consider the proximity of the 16135  
job to the prisoner's family, and permit the prisoner to provide 16136  
support for the prisoner's dependents if the prisoner's earnings 16137  
are sufficient to make that feasible. 16138

(4) 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.

(5) 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.

**Sec. 5149.03.** (A) The adult parole authority shall administer Chapter 5149. and the provisions of Chapter 2967., Chapter 2971., and sections 2301.27 to 2301.32, 2941.46, ~~2951.05~~, 2951.06, and 2951.08 of the Revised Code that impose duties upon the authority.

The authority may enter into a written agreement with a person or government entity to share information, personnel, and services for one or more of the following purposes: training, crime interdiction, fugitive apprehension, and community supervision. The agreement may permit the authority to act in concert with and provide assistance to a law enforcement agency, as defined in section 5101.26 of the Revised Code, in detecting, tracking, apprehending, or detaining an individual subject to arrest.

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

(a) "Ohio prisoner" has the same meaning as in section 5120.64 of the Revised Code.

(b) "Out-of-state prisoner" and "private contractor" have the same meanings as in section 9.07 of the Revised Code.

(2) The adult parole authority, in order to discharge its

duties under Chapters 2967. and 5149. of the Revised Code, may  
enter into a contract with a private person or entity for the  
return of Ohio prisoners who are the responsibility of the  
department of rehabilitation and correction from outside of this  
state to a location in this state specified by the adult parole  
authority. If the adult parole authority enters into a contract as  
described in this division, subject to division (B)(3) of this  
section, the private person or entity in accordance with the  
contract may return Ohio prisoners from outside of this state to  
locations in this state specified by the adult parole authority. A  
contract entered into under this division shall include all of the  
following:

(a) Specific provisions that assign the responsibility for  
costs related to medical care of prisoners while they are being  
returned that is not covered by insurance of the private person or  
entity;

(b) Specific provisions that set forth the number of days,  
not exceeding ten, within which the private person or entity,  
after it receives the prisoner in the other state, must deliver  
the prisoner to the location in this state specified by the adult  
parole authority, subject to the exceptions adopted as described  
in division (B)(2)(c) of this section;

(c) Any exceptions to the specified number of days for  
delivery specified as described in division (B)(2)(b) of this  
section;

(d) A requirement that the private person or entity  
immediately report all escapes of prisoners who are being returned  
to this state, and the apprehension of all prisoners who are being  
returned and who have escaped, to the adult parole authority and  
to the local law enforcement agency of this state or another state  
that has jurisdiction over the place at which the escape occurs;

(e) A schedule of fines that the adult parole authority shall  
impose upon the private person or entity if the private person or  
entity fails to perform its contractual duties, and a requirement  
that, if the private person or entity fails to perform its  
contractual duties, the adult parole authority shall impose a fine  
on the private person or entity from the schedule of fines and, in  
addition, may exercise any other rights it has under the contract.

(f) If the contract is entered into on or after the effective  
date of the rules adopted by the department of rehabilitation and  
correction under section 5120.64 of the Revised Code, specific  
provisions that comport with all applicable standards that are  
contained in those rules.

(3) If the private person or entity that enters into the  
contract fails to perform its contractual duties, the adult parole  
authority shall impose upon the private person or entity a fine  
from the schedule, the money paid in satisfaction of the fine  
shall be paid into the state treasury, and the adult parole  
authority may exercise any other rights it has under the contract.  
If a fine is imposed under this division, the adult parole  
authority may reduce the payment owed to the private person or  
entity pursuant to any invoice in the amount of the fine.

(4) Upon the effective date of the rules adopted by the  
department of rehabilitation and correction under section 5120.64  
of the Revised Code, notwithstanding the existence of a contract  
entered into under division (B)(2) of this section, in no case  
shall the private person or entity that is a party to the contract  
return Ohio prisoners from outside of this state into this state  
for the adult parole authority unless the private person or entity  
complies with all applicable standards that are contained in the  
rules.

(5) Divisions (B)(1) to (4) of this section do not apply

regarding any out-of-state prisoner who is brought into this state 16232  
to be housed pursuant to section 9.07 of the Revised Code in a 16233  
correctional facility in this state that is managed and operated 16234  
by a private contractor. 16235

**Sec. 5149.18.** For the purposes of Chapter 5149. of the 16236  
Revised Code, all of the following apply: 16237

(A) "State, states, or States" means one or several of the 16238  
fifty states of the United States, Puerto Rico, the Virgin 16239  
Islands, and the District of Columbia. 16240

(B) The term "parole" includes post-release control under 16241  
section 2967.28 of the Revised Code. 16242

(C) The term "probation" includes non-prison sanctions 16243  
imposed under sections 2929.16, 2929.17, and 2929.18 of the 16244  
Revised Code and community control sanctions imposed under 16245  
sections 2929.26, 2929.27, and 2929.28 of the Revised Code. 16246

Pursuant to the consent and authorization contained in 16247  
Section 111 (b) of title 4 of the United States Code as cited in 16248  
section 5149.17 of the Revised Code, this state shall be a party 16249  
to "Interstate Compact for the Supervision of Parolees and 16250  
Probationers" with any additional jurisdiction legally joining 16251  
therein when such jurisdiction has entered in said compact in 16252  
accordance with its terms. 16253

**Sec. 5149.31.** The department of rehabilitation and correction 16254  
shall do all of the following: 16255

(A) Establish and administer a program of subsidies for 16256  
eligible counties and groups of counties for felony offenders and 16257  
a program of subsidies for eligible municipal corporations, 16258  
counties, and groups of counties for misdemeanor offenders for the 16259  
development, implementation, and operation of community 16260



corrections programs. Department expenditures for administration 16261  
of both programs of subsidies shall not exceed ten per cent of the 16262  
moneys appropriated for each of the purposes of this division. 16263

(B) Adopt and promulgate rules, under Chapter 119. of the 16264  
Revised Code, providing standards for community corrections 16265  
programs. The standards shall be designed to improve the quality 16266  
and efficiency of the programs and to reduce the number of persons 16267  
committed to state correctional institutions and to county, 16268  
multicounty, municipal, municipal-county, or multicounty-municipal 16269  
jails or workhouses for offenses for which community control 16270  
sanctions are authorized under section 2929.13 ~~or~~, 2929.15, or 16271  
2929.25 of the Revised Code. In developing the standards, the 16272  
department shall consult with, and seek the advice of, local 16273  
corrections agencies, law enforcement agencies, and other public 16274  
and private agencies concerned with corrections. The department 16275  
shall conduct, and permit participation by local corrections 16276  
planning boards established under section 5149.34 of the Revised 16277  
Code and joint county corrections planning boards established 16278  
under section 5149.35 of the Revised Code in, an annual review of 16279  
the standards to measure their effectiveness in promoting the 16280  
purposes specified in this division and shall amend or rescind any 16281  
existing rule providing a standard or adopt and promulgate 16282  
additional rules providing standards, under Chapter 119. of the 16283  
Revised Code, if the review indicates that the standards fail to 16284  
promote the purposes. 16285

(C) Accept and use any funds, goods, or services from the 16286  
federal government or any other public or private source for the 16287  
support of the subsidy programs established under division (A) of 16288  
this section. The department may comply with any conditions and 16289  
enter into any agreements that it considers necessary to obtain 16290  
these funds, goods, or services. 16291

(D) Adopt rules, in accordance with Chapter 119. of the 16292

Revised Code, and do all other things necessary to implement 16293  
sections 5149.30 to 5149.37 of the Revised Code; 16294

(E) Evaluate or provide for the evaluation of community 16295  
corrections programs funded by the subsidy programs established 16296  
under division (A) of this section and establish means of 16297  
measuring their effectiveness; 16298

(F) Prepare an annual report evaluating the subsidy programs 16299  
established under division (A) of this section. The report shall 16300  
include, but need not be limited to, analyses of the structure of 16301  
the programs and their administration by the department, the 16302  
effectiveness of the programs in the development and 16303  
implementation of community corrections programs, the specific 16304  
standards adopted and promulgated under division (B) of this 16305  
section and their effectiveness in promoting the purposes of the 16306  
programs, and the findings of the evaluations conducted under 16307  
division (E) of this section. The director of rehabilitation and 16308  
correction shall review and certify the accuracy of the report and 16309  
provide copies of it, upon request, to members of the general 16310  
assembly. 16311

(G) Provide training or assistance, upon the request of a 16312  
local corrections planning board or a joint county corrections 16313  
planning board, to any local unit of government, subject to 16314  
available resources of the department. 16315

**Sec. 5321.01.** As used in this chapter: 16316

(A) "Tenant" means a person entitled under a rental agreement 16317  
to the use and occupancy of residential premises to the exclusion 16318  
of others. 16319

(B) "Landlord" means the owner, lessor, or sublessor of 16320  
residential premises, the agent of the owner, lessor, or 16321  
sublessor, or any person authorized by the owner, lessor, or 16322

sublessor to manage the premises or to receive rent from a tenant 16323  
under a rental agreement. 16324

(C) "Residential premises" means a dwelling unit for 16325  
residential use and occupancy and the structure of which it is a 16326  
part, the facilities and appurtenances in it, and the grounds, 16327  
areas, and facilities for the use of tenants generally or the use 16328  
of which is promised the tenant. "Residential premises" includes a 16329  
dwelling unit that is owned or operated by a college or 16330  
university. "Residential premises" does not include any of the 16331  
following: 16332

(1) Prisons, jails, workhouses, and other places of 16333  
incarceration or correction, including, but not limited to, 16334  
halfway houses or residential arrangements ~~which~~ that are used or 16335  
occupied as a requirement of ~~probation~~ a community control 16336  
sanction, a post-release control sanction, or parole; 16337

(2) Hospitals and similar institutions with the primary 16338  
purpose of providing medical services, and homes licensed pursuant 16339  
to Chapter 3721. of the Revised Code; 16340

(3) Tourist homes, hotels, motels, and other similar 16341  
facilities where circumstances indicate a transient occupancy; 16342

(4) Elementary and secondary boarding schools, where the cost 16343  
of room and board is included as part of the cost of tuition; 16344

(5) Orphanages and similar institutions; 16345

(6) Farm residences furnished in connection with the rental 16346  
of land of a minimum of two acres for production of agricultural 16347  
products by one or more of the occupants; 16348

(7) Dwelling units subject to sections 3733.41 to 3733.49 of 16349  
the Revised Code; 16350

(8) Occupancy by an owner of a condominium unit; 16351

(9) Occupancy in a facility licensed as an SRO facility 16352

pursuant to Chapter 3731. of the Revised Code, if the facility is  
owned or operated by an organization that is exempt from taxation  
under section 501(c)(3) of the "Internal Revenue Code of 1986,"  
100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or  
group of entities in which such an organization has a controlling  
interest, and if either of the following applies:

(a) The occupancy is for a period of less than sixty days;

(b) The occupancy is for participation in a program operated  
by the facility, or by a public entity or private charitable  
organization pursuant to a contract with the facility, to provide  
either of the following:

(i) Services licensed, certified, registered, or approved by  
a governmental agency or private accrediting organization for the  
rehabilitation of mentally ill persons, developmentally disabled  
persons, adults or juveniles convicted of criminal offenses, or  
persons suffering from substance abuse;

(ii) Shelter for juvenile runaways, victims of domestic  
violence, or homeless persons.

(10) Emergency shelters operated by organizations exempt from  
federal income taxation under section 501(c)(3) of the "Internal  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as  
amended, for persons whose circumstances indicate a transient  
occupancy, including homeless people, victims of domestic  
violence, and juvenile runaways.

(D) "Rental agreement" means any agreement or lease, written  
or oral, which establishes or modifies the terms, conditions,  
rules, or any other provisions concerning the use and occupancy of  
residential premises by one of the parties.

(E) "Security deposit" means any deposit of money or property  
to secure performance by the tenant under a rental agreement.

(F) "Dwelling unit" means a structure or the part of a 16383  
structure that is used as a home, residence, or sleeping place by 16384  
one person who maintains a household or by two or more persons who 16385  
maintain a common household. 16386

(G) "Controlled substance" has the same meaning as in section 16387  
3719.01 of the Revised Code. 16388

(H) "Student tenant" means a person who occupies a dwelling 16389  
unit owned or operated by the college or university at which the 16390  
person is a student, and who has a rental agreement that is 16391  
contingent upon the person's status as a student. 16392

(I) "Community control sanction" has the same meaning as in 16393  
section 2929.01 of the Revised Code. 16394

(J) "Post-release control sanction" has the same meaning as 16395  
in section 2967.01 of the Revised Code. 16396

**Sec. 5502.14.** (A) As used in this section, "felony" has the 16397  
same meaning as in section 109.511 of the Revised Code. 16398

(B)(1) Any person who is employed by the department of public 16399  
safety and designated by the director of public safety to enforce 16400  
Title XLIII of the Revised Code, the rules adopted under it, and 16401  
the laws and rules regulating the use of food stamps shall be 16402  
known as an enforcement agent. The employment by the department of 16403  
public safety and the designation by the director of public safety 16404  
of a person as an enforcement agent shall be subject to division 16405  
(D) of this section. An enforcement agent has the authority vested 16406  
in peace officers pursuant to section 2935.03 of the Revised Code 16407  
to keep the peace, to enforce all applicable laws and rules on any 16408  
retail liquor permit premises, or on any other premises of public 16409  
or private property, where a violation of Title XLIII of the 16410  
Revised Code or any rule adopted under it is occurring, and to 16411  
enforce all laws and rules governing the use of food stamp 16412

coupons, women, infants, and children's coupons, electronically  
transferred benefits, or any other access device that is used  
alone or in conjunction with another access device to obtain  
payments, allotments, benefits, money, goods, or other things of  
value, or that can be used to initiate a transfer of funds,  
pursuant to the food stamp program established under the "Food  
Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended, or  
any supplemental food program administered by any department of  
this state pursuant to the "Child Nutrition Act of 1966," 80 Stat.  
885, 42 U.S.C.A. 1786. Enforcement agents, in enforcing compliance  
with the laws and rules described in this division, may keep the  
peace and make arrests for violations of those laws and rules.

(2) In addition to the authority conferred by division (B)(1)  
of this section, an enforcement agent also may execute search  
warrants and seize and take into custody any contraband, as  
defined in section 2901.01 of the Revised Code, or any property  
that is otherwise necessary for evidentiary purposes related to  
any violations of the laws or rules described in division (B)(1)  
of this section. An enforcement agent may enter public or private  
premises where activity alleged to violate the laws or rules  
described in division (B)(1) of this section is occurring.

(3) Enforcement agents who are on, immediately adjacent to,  
or across from retail liquor permit premises and who are  
performing investigative duties relating to that premises,  
enforcement agents who are on premises that are not liquor permit  
premises but on which a violation of Title XLIII of the Revised  
Code or any rule adopted under it allegedly is occurring, and  
enforcement agents who view a suspected violation of Title XLIII  
of the Revised Code, of a rule adopted under it, or of another law  
or rule described in division (B)(1) of this section have the  
authority to enforce the laws and rules described in division

(B)(1) of this section, authority to enforce any section in Title 16445  
XXIX of the Revised Code or any other section of the Revised Code 16446  
listed in section 5502.13 of the Revised Code if they witness a 16447  
violation of the section under any of the circumstances described 16448  
in this division, and authority to make arrests for violations of 16449  
the laws and rules described in division (B)(1) of this section 16450  
and violations of any of those sections. 16451

(4) The jurisdiction of an enforcement agent under division 16452  
(B) of this section shall be concurrent with that of the peace 16453  
officers of the county, township, or municipal corporation in 16454  
which the violation occurs. 16455

(C) Enforcement agents of the department of public safety who 16456  
are engaged in the enforcement of the laws and rules described in 16457  
division (B)(1) of this section may carry concealed weapons when 16458  
conducting undercover investigations pursuant to their authority 16459  
as law enforcement officers and while acting within the scope of 16460  
their authority pursuant to this chapter. 16461

(D)(1) The department of public safety shall not employ, and 16462  
the director of public safety shall not designate, a person as an 16463  
enforcement agent on a permanent basis, on a temporary basis, for 16464  
a probationary term, or on other than a permanent basis if the 16465  
person previously has been convicted of or has pleaded guilty to a 16466  
felony. 16467

(2)(a) The department of public safety shall terminate the 16468  
employment of a person who is designated as an enforcement agent 16469  
and who does either of the following: 16470

(i) Pleads guilty to a felony; 16471

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 16472  
plea agreement as provided in division (D) of section ~~2929.29~~ 16473  
2929.43 of the Revised Code in which the enforcement agent agrees 16474  
to surrender the certificate awarded to that agent under section 16475

109.77 of the Revised Code. 16476

(b) The department shall suspend the employment of a person 16477  
who is designated as an enforcement agent if the person is 16478  
convicted, after trial, of a felony. If the enforcement agent 16479  
files an appeal from that conviction and the conviction is upheld 16480  
by the highest court to which the appeal is taken or if no timely 16481  
appeal is filed, the department shall terminate the employment of 16482  
that agent. If the enforcement agent files an appeal that results 16483  
in that agent's acquittal of the felony or conviction of a 16484  
misdemeanor, or in the dismissal of the felony charge against the 16485  
agent, the department shall reinstate the agent. An enforcement 16486  
agent who is reinstated under division (D)(2)(b) of this section 16487  
shall not receive any back pay unless the conviction of that agent 16488  
of the felony was reversed on appeal, or the felony charge was 16489  
dismissed, because the court found insufficient evidence to 16490  
convict the agent of the felony. 16491

(3) Division (D) of this section does not apply regarding an 16492  
offense that was committed prior to January 1, 1997. 16493

(4) The suspension or termination of the employment of a 16494  
person designated as an enforcement agent under division (D)(2) of 16495  
this section shall be in accordance with Chapter 119. of the 16496  
Revised Code. 16497

**Sec. 5743.45.** (A) As used in this section, "felony" has the 16498  
same meaning as in section 109.511 of the Revised Code. 16499

(B) For purposes of enforcing this chapter and Chapters 16500  
5735., 5739., 5741., and 5747. of the Revised Code and subject to 16501  
division (C) of this section, the tax commissioner, by journal 16502  
entry, may delegate any investigation powers of the commissioner 16503  
to an employee of the department of taxation who has been 16504  
certified by the Ohio peace officer training commission and who is 16505  
engaged in the enforcement of those chapters. A separate journal 16506



entry shall be entered for each employee to whom that power is  
delegated. Each journal entry shall be a matter of public record  
and shall be maintained in an administrative portion of the  
journal as provided for in division (L) of section 5703.05 of the  
Revised Code. When that journal entry is completed, the employee  
to whom it pertains, while engaged within the scope of the  
employee's duties in enforcing the provisions of this chapter or  
Chapter 5735., 5739., 5741., or 5747. of the Revised Code, has the  
power of a police officer to carry concealed weapons, make  
arrests, and obtain warrants for violations of any provision in  
those chapters. The commissioner, at any time, may suspend or  
revoke ~~that~~ the commissioner's delegation by journal entry. No  
employee of the department shall divulge any information acquired  
as a result of an investigation pursuant to this chapter or  
Chapter 5735., 5739., 5741., or 5747. of the Revised Code, except  
as may be required by the commissioner or a court.

(C)(1) The tax commissioner shall not delegate any  
investigation powers to an employee of the department of taxation  
pursuant to division (B) of this section on a permanent basis, on  
a temporary basis, for a probationary term, or on other than a  
permanent basis if the employee previously has been convicted of  
or has pleaded guilty to a felony.

(2)(a) The tax commissioner shall revoke the delegation of  
investigation powers to an employee to whom the delegation was  
made pursuant to division (B) of this section if that employee  
does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section ~~2929.29~~  
2929.43 of the Revised Code in which the employee agrees to  
surrender the certificate awarded to that employee under section  
109.77 of the Revised Code.

(b) The tax commissioner shall suspend the delegation of investigation powers to an employee to whom the delegation was made pursuant to division (B) of this section if that employee is convicted, after trial, of a felony. If the employee files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the employee does not file a timely appeal, the commissioner shall revoke the delegation of investigation powers to that employee. If the employee files an appeal that results in that employee's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that employee, the commissioner shall reinstate the delegation of investigation powers to that employee. The suspension, revocation, and reinstatement of the delegation of investigation powers to an employee under division (C)(2) of this section shall be made by journal entry pursuant to division (B) of this section. An employee to whom the delegation of investigation powers is reinstated under division (C)(2)(b) of this section shall not receive any back pay for the exercise of those investigation powers unless that employee's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the employee of the felony.

(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension or revocation of the delegation of investigation powers to an employee under division (C)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 5907.021.** (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B)(1) The superintendent of the Ohio veterans' home shall

not appoint a person as a chief of police or an employee as an  
Ohio veterans' home police officer on a permanent basis, on a  
temporary basis, for a probationary term, or on other than a  
permanent basis if the person or employee previously has been  
convicted of or has pleaded guilty to a felony.

(2)(a) The superintendent of the Ohio veterans' home shall  
terminate the employment of a chief of police or the employment as  
an Ohio veterans' home police officer of an employee appointed as  
an Ohio veterans' home police officer if that chief of police or  
employee does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated  
plea agreement as provided in division (D) of section ~~2929.29~~  
2929.43 of the Revised Code in which the chief of police or  
employee agrees to surrender the certificate awarded to that chief  
of police or employee under section 109.77 of the Revised Code.

(b) The superintendent shall suspend from employment a chief  
of police or from employment as an Ohio veterans' home police  
officer an employee appointed as an Ohio veterans' home police  
officer if that chief of police or employee is convicted, after  
trial, of a felony. If the chief of police or the employee files  
an appeal from that conviction and the conviction is upheld by the  
highest court to which the appeal is taken or if the chief of  
police or the employee does not file a timely appeal, the  
superintendent shall terminate the employment of that chief of  
police or that employee as an Ohio veterans' home police officer.  
If the chief of police or the employee files an appeal that  
results in that chief of police's or that employee's acquittal of  
the felony or conviction of a misdemeanor, or in the dismissal of  
the felony charge against that chief of police or that employee,  
the superintendent shall reinstate that chief of police or that  
employee as an Ohio veterans' home police officer. A chief of

police or an employee who is reinstated as an Ohio veterans' home 16602  
police officer under division (B)(2)(b) of this section shall not 16603  
receive any back pay unless the conviction of that chief of police 16604  
or that employee of the felony was reversed on appeal, or the 16605  
felony charge was dismissed, because the court found insufficient 16606  
evidence to convict the chief of police or the employee of the 16607  
felony. 16608

(3) Division (B) of this section does not apply regarding an 16609  
offense that was committed prior to January 1, 1997. 16610

(4) The suspension from employment, or the termination of the 16611  
employment, of a chief of police or an Ohio veterans' home police 16612  
officer under division (B)(2) of this section shall be in 16613  
accordance with Chapter 119. of the Revised Code. 16614

**Sec. 6101.75.** (A) As used in this section, "felony" has the 16615  
same meaning as in section 109.511 of the Revised Code. 16616

(B) The board of directors of a conservancy district may 16617  
police the works of the district and, in times of great emergency, 16618  
may compel assistance in the protection of those works. The board 16619  
may prevent persons, vehicles, or livestock from passing over the 16620  
property or works of the district at any places or in any manner 16621  
that would result in damage to the property or works or in the 16622  
opinion of the board would endanger the property or works or the 16623  
safety of persons lawfully on the property or works. 16624

The employees that the board designates for that purpose have 16625  
all the powers of police officers within and adjacent to the 16626  
properties owned or controlled by the district. Before entering 16627  
upon the exercise of those powers, each employee shall take an 16628  
oath and give a bond to the state, in the amount that the board 16629  
prescribes, for the proper exercise of those powers. The cost of 16630  
the bond shall be borne by the district. This division is subject 16631  
to division (C) of this section. 16632

(C)(1) The board of directors shall not designate an employee 16633  
as provided in division (B) of this section on a permanent basis, 16634  
on a temporary basis, for a probationary term, or on other than a 16635  
permanent basis if the employee previously has been convicted of 16636  
or has pleaded guilty to a felony. 16637

(2)(a) The board of directors shall terminate the employment 16638  
of an employee designated as provided in division (B) of this 16639  
section if that employee does either of the following: 16640

(i) Pleads guilty to a felony; 16641

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 16642  
plea agreement as provided in division (D) of section ~~2929.29~~ 16643  
2929.43 of the Revised Code in which the employee agrees to 16644  
surrender the certificate awarded to that employee under section 16645  
109.77 of the Revised Code. 16646

(b) The board of directors shall suspend from employment an 16647  
employee designated as provided in division (B) of this section if 16648  
that employee is convicted, after trial, of a felony. If the 16649  
employee files an appeal from that conviction and the conviction 16650  
is upheld by the highest court to which the appeal is taken or if 16651  
the employee does not file a timely appeal, the board shall 16652  
terminate the employment of that employee. If the employee files 16653  
an appeal that results in that employee's acquittal of the felony 16654  
or conviction of a misdemeanor, or in the dismissal of the felony 16655  
charge against that employee, the board shall reinstate that 16656  
employee. An employee who is reinstated under division (C)(2)(b) 16657  
of this section shall not receive any back pay unless that 16658  
employee's conviction of the felony was reversed on appeal, or the 16659  
felony charge was dismissed, because the court found insufficient 16660  
evidence to convict the employee of the felony. 16661

(3) Division (C) of this section does not apply regarding an 16662  
offense that was committed prior to January 1, 1997. 16663

(4) The suspension from employment, or the termination of the employment, of an employee under division (C)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

**Section 2.** That existing sections 1.05, 109.42, 109.511, 109.77, 120.06, 120.16, 120.26, 149.43, 306.352, 307.93, 311.04, 321.44, 341.14, 341.19, 341.21, 341.23, 341.26, 505.49, 509.01, 511.232, 737.052, 737.162, 737.41, 753.02, 753.04, 753.16, 1501.013, 1503.29, 1517.10, 1531.132, 1541.11, 1545.13, 1547.523, 1547.99, 1702.80, 1713.50, 2101.09, 2152.02, 2152.19, 2152.20, 2301.03, 2301.27, 2301.28, 2301.30, 2301.32, 2301.56, 2305.234, 2313.29, 2903.13, 2905.12, 2907.15, 2907.27, 2919.22, 2919.25, 2923.14, 2925.11, 2929.01, 2929.17, 2929.18, 2929.19, 2929.221, 2929.24, 2929.25, 2929.28, 2929.29, 2929.31, 2935.33, 2937.07, 2945.17, 2947.06, 2947.19, 2947.21, 2949.111, 2950.01, 2950.99, 2951.01, 2951.011, 2951.02, 2951.021, 2951.041, 2951.05, 2951.06, 2951.07, 2951.08, 2951.10, 2953.31, 2953.32, 2953.33, 2961.01, 2963.01, 2963.11, 2963.20, 2963.21, 2967.02, 2967.22, 2967.26, 2969.11, 2969.12, 2969.13, 2969.14, 3313.65, 3321.38, 3345.04, 3719.12, 3719.121, 3719.70, 3734.44, 3735.311, 3748.99, 3793.13, 3937.43, 3959.13, 4507.021, 4507.022, 4507.16, 4507.99, 4511.83, 4511.99, 4717.05, 4734.35, 4761.13, 4973.171, 5101.28, 5101.45, 5119.14, 5120.10, 5120.102, 5120.103, 5120.56, 5122.01, 5122.10, 5122.21, 5122.26, 5123.13, 5145.01, 5147.12, 5147.30, 5149.03, 5149.18, 5149.31, 5321.01, 5502.14, 5743.45, 5907.021, and 6101.75; and sections 341.06, 737.30, 2929.21, 2929.22, 2929.223, 2929.23, 2929.51, 2933.16, and 2951.09 of the Revised Code are hereby repealed.

**Section 3.** The provisions of the Revised Code in existence prior to July 1, 2002, shall apply to a person upon whom a court imposed prior to that date a term of imprisonment for a

misdemeanor offense and to a person upon whom a court, on or after 16695  
that date and in accordance with the law in existence prior to 16696  
that date, imposed a term of imprisonment for a misdemeanor 16697  
offense that was committed prior to that date. 16698

The provisions of the Revised Code in existence on and after 16699  
July 1, 2002, apply to a person who commits a misdemeanor offense 16700  
on or after that date. 16701

**Section 4.** Sections 1 and 2 of this act shall take effect 16702  
July 1, 2002. 16703

**Section 5.** Section 1.05 of the Revised Code is presented in 16704  
this act as a composite of the section as amended by both Am. Sub. 16705  
S.B. 166 and Am. Sub. S.B. 269 of the 121st General Assembly. 16706  
Section 109.77 of the Revised Code is presented in this act as a 16707  
composite of the section as amended by Sub. H.B. 148, Am. Sub. 16708  
H.B. 163, and Am. S.B. 137 of the 123rd General Assembly. Section 16709  
1702.80 of the Revised Code is presented in this act as a 16710  
composite of the section as amended by both Am. Sub. H.B. 566 and 16711  
Sub. H.B. 670 of the 121st General Assembly. Section 1713.50 of 16712  
the Revised Code is presented in this act as a composite of the 16713  
section as amended by both Am. Sub. H.B. 566 and Sub. H.B. 670 of 16714  
the 121st General Assembly. Section 2301.32 of the Revised Code is 16715  
presented in this act as a composite of the section as amended by 16716  
both Am. Sub. H.B. 571 and Am. Sub. H.B. 406 of the 120th General 16717  
Assembly. Section 2919.25 of the Revised Code is presented in this 16718  
act as a composite of the section as amended by both Am. Sub. S.B. 16719  
1 and H.B. 238 of the 122nd General Assembly. Section 2929.01 of 16720  
the Revised Code is presented in this act as a composite of the 16721  
section as amended by Am. Sub. H.B. 349, Am. Sub. S.B. 179, and 16722  
Am. Sub. S.B. 222 of the 123rd General Assembly. Section 2929.17 16723  
of the Revised Code is presented in this act as a composite of the 16724

section as amended by Am. Sub. H.B. 349, Am. S.B. 9, Am. Sub. S.B. 16725  
22, and Am. Sub. S.B. 107 of the 123rd General Assembly. Section 16726  
2929.18 of the Revised Code is presented in this act as a 16727  
composite of the section as amended by Am. H.B. 528, Am. Sub. S.B. 16728  
22, and Am. Sub. S.B. 107 of the 123rd General Assembly. Section 16729  
2929.19 of the Revised Code is presented in this act as a 16730  
composite of the section as amended by Am. Sub. H.B. 349, Am. Sub. 16731  
S.B. 22, and Am. Sub. S.B. 107 of the 123rd General Assembly. 16732  
Section 2929.221 of the Revised Code is presented in this act as a 16733  
composite of the section as amended by both Am. Sub. S.B. 269 and 16734  
Am. Sub. S.B. 166 of the 121st General Assembly. Section 2951.041 16735  
of the Revised Code is presented in this act as a composite of the 16736  
section as amended by both Sub. H.B. 202 and Am. Sub. S.B. 107 of 16737  
the 123rd General Assembly. Section 3345.04 of the Revised Code is 16738  
presented in this act as a composite of the section as amended by 16739  
both Am. Sub. H.B. 566 and Am. Sub. H.B. 568 of the 121st General 16740  
Assembly. Section 5119.14 of the Revised Code is presented in this 16741  
act as a composite of the section as amended by both Am. Sub. H.B. 16742  
566 and Sub. H.B. 670 of the 121st General Assembly. Section 16743  
5123.13 of the Revised Code is presented in this act as a 16744  
composite of the section as amended by both Am. Sub. H.B. 566 and 16745  
Sub. H.B. 670 of the 121st General Assembly. Section 5743.45 of 16746  
the Revised Code is presented in this act as a composite of the 16747  
section as amended by both Am. Sub. H.B. 566 and Sub. H.B. 670 of 16748  
the 121st General Assembly. The General Assembly, applying the 16749  
principle stated in division (B) of section 1.52 of the Revised 16750  
Code that amendments are to be harmonized if reasonably capable of 16751  
simultaneous operation, finds that the composite is the resulting 16752  
version of the section in effect prior to the effective date of 16753  
the section as presented in this act. 16754