

# As Reported by the House Criminal Justice Committee

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 490

REPRESENTATIVES Latta, McGregor, Seitz, Fessler, Womer Benjamin,  
Willamowski

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## A BILL

To amend sections 1.05, 109.42, 109.511, 109.77, 1  
120.06, 120.16, 120.26, 149.43, 306.352, 311.04, 2  
321.44, 505.49, 509.01, 511.232, 737.052, 737.162, 3  
737.41, 1501.013, 1503.29, 1517.10, 1531.132, 4  
1541.11, 1545.13, 1547.523, 1547.99, 1702.80, 5  
1713.50, 2101.09, 2152.02, 2152.19, 2152.20, 6  
2301.03, 2301.27, 2301.28, 2301.30, 2301.32, 7  
2305.234, 2313.29, 2903.13, 2905.12, 2907.15, 8  
2907.27, 2919.22, 2923.14, 2925.11, 2929.01, 9  
2929.17, 2929.18, 2929.19, 2929.221, 2929.25, 10  
2929.28, 2929.31, 2935.33, 2937.07, 2945.17, 11  
2947.06, 2947.21, 2949.111, 2950.01, 2950.99, 12  
2951.01, 2951.011, 2951.02, 2951.021, 2951.041, 13  
2951.05, 2951.06, 2951.07, 2951.08, 2951.10, 14  
2953.31, 2953.32, 2953.33, 2961.01, 2963.01, 15  
2963.11, 2963.20, 2963.21, 2967.02, 2967.22, 16  
2967.26, 2969.11, 2969.12, 2969.13, 2969.14, 17  
3313.65, 3321.38, 3345.04, 3719.12, 3719.121, 18  
3719.70, 3734.44, 3735.311, 3748.99, 3793.13, 19  
3937.43, 3959.13, 4507.021, 4507.022, 4507.16, 20  
4507.99, 4511.83, 4511.99, 4717.05, 4734.35, 21  
4761.13, 4973.171, 5101.28, 5101.45, 5119.14, 22  
5120.10, 5120.102, 5120.103, 5120.56, 5122.01, 23  
5122.10, 5122.21, 5122.26, 5123.13, 5147.12, 24

5147.30, 5149.03, 5149.18, 5149.31, 5321.01, 25  
5502.14, 5743.45, 5907.021, and 6101.75; to amend, 26  
for the purpose of adopting new section numbers as 27  
indicated in parentheses, sections 2929.221 28  
(2929.36), 2929.24 (2929.42), 2929.25 (2929.32), 29  
2929.28 (2929.71), and 2929.29 (2929.43); to enact 30  
new sections 2929.21, 2929.22, 2929.23, 2929.24, 31  
2929.25, and 2929.28 and sections 1905.033, 32  
2929.26, and 2929.27; and to repeal sections 33  
737.30, 737.99, 2929.21, 2929.22, 2929.23, 2929.51, 34  
2933.16, and 2951.09 of the Revised Code to 35  
implement the recommendations of the Criminal 36  
Sentencing Commission pertaining to misdemeanor 37  
sentencing generally and to make other changes in 38  
the criminal law. 39

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

**Section 1.** That sections 1.05, 109.42, 109.511, 109.77, 40  
120.06, 120.16, 120.26, 149.43, 306.352, 311.04, 321.44, 505.49, 41  
509.01, 511.232, 737.052, 737.162, 737.41, 1501.013, 1503.29, 42  
1517.10, 1531.132, 1541.11, 1545.13, 1547.523, 1547.99, 1702.80, 43  
1713.50, 2101.09, 2152.02, 2152.19, 2152.20, 2301.03, 2301.27, 44  
2301.28, 2301.30, 2301.32, 2305.234, 2313.29, 2903.13, 2905.12, 45  
2907.15, 2907.27, 2919.22, 2923.14, 2925.11, 2929.01, 2929.17, 46  
2929.18, 2929.19, 2929.221, 2929.25, 2929.28, 2929.31, 2935.33, 47  
2937.07, 2945.17, 2947.06, 2947.21, 2949.111, 2950.01, 2950.99, 48  
2951.01, 2951.011, 2951.02, 2951.021, 2951.041, 2951.05, 2951.06, 49  
2951.07, 2951.08, 2951.10, 2953.31, 2953.32, 2953.33, 2961.01, 50  
2963.01, 2963.11, 2963.20, 2963.21, 2967.02, 2967.22, 2967.26, 51  
2969.11, 2969.12, 2969.13, 2969.14, 3313.65, 3321.38, 3345.04, 52  
3719.12, 3719.121, 3719.70, 3734.44, 3735.311, 3748.99, 3793.13, 53  
3937.43, 3959.13, 4507.021, 4507.022, 4507.16, 4507.99, 4511.83, 54

4511.99, 4717.05, 4734.35, 4761.13, 4973.171, 5101.28, 5101.45, 55  
5119.14, 5120.10, 5120.102, 5120.103, 5120.56, 5122.01, 5122.10, 56  
5122.21, 5122.26, 5123.13, 5147.12, 5147.30, 5149.03, 5149.18, 57  
5149.31, 5321.01, 5502.14, 5743.45, 5907.021, and 6101.75 be 58  
amended; sections 2929.221 (2929.36), 2929.24 (2929.42), 2929.25 59  
(2929.32), 2929.28 (2929.71), and 2929.29 (2929.43) be amended for 60  
the purpose of adopting new section numbers as indicated in 61  
parentheses; and new sections 2929.21, 2929.22, 2929.23, 2929.24, 62  
2929.25, and 2929.28 and sections 1905.033, 2929.26, and 2929.27 63  
of the Revised Code be enacted to read as follows: 64

**Sec. 1.05.** As used in the Revised Code, unless the context 65  
otherwise requires, "imprisoned" means+ 66

~~(A) Imprisoned in a county, multicounty, municipal, 67  
municipal county, or multicounty-municipal jail or workhouse, if 68  
the offense is a misdemeanor; 69~~

~~(B) Imprisoned in a state correctional institution, if the 70  
offense is aggravated murder, murder, or an offense punishable by 71  
life imprisonment or if the offense is another felony for which 72  
the offender is sentenced to prison pursuant to section 2929.14 or 73  
division (G)(2) of section 2929.13 of the Revised Code; 74~~

~~(C) Imprisoned in a county, multicounty, municipal, 75  
municipal county, or multicounty-municipal jail or workhouse 76  
pursuant to section 2929.16 of the Revised Code if the offense is 77  
a felony or imprisoned in a county, multicounty, municipal, 78  
municipal county, or multicounty-municipal jail or workhouse 79  
pursuant to section 5120.161 of the Revised Code if the offense is 80  
a felony of the fourth or fifth degree and is committed by a 81  
person who previously has not been convicted of or pleaded guilty 82  
to a felony, if the offense is not an offense of violence, and if 83  
the department of rehabilitation and correction designates, 84  
pursuant to that section, that the person is to be imprisoned in 85~~

~~the jail or workhouse;~~ 86

~~(D)(1) Serving a term in a community-based correctional 87  
facility pursuant to section 2929.16 of the Revised Code and 88  
consistent with sections 2301.51 to 2301.56 of the Revised Code 89  
and the rules of the division of parole and community services, 90  
the department of rehabilitation and correction, and the 91  
facility's judicial corrections board adopted pursuant to section 92  
2301.52 of the Revised Code;~~ 93

~~(2) Serving a term in a halfway house or an alternative a 94  
facility pursuant to of a type described in section 2929.16 or 95  
division (G)(1) of section 2929.13 of the Revised Code and 96  
consistent with section 2967.14 of the Revised Code and the rules 97  
of the division of parole and community services and of the 98  
director of rehabilitation and correction adopted pursuant to that 99  
section., if the offense is a felony and the offender is sentenced 100  
pursuant to that section or division.~~ 101

~~(3) The inclusion of a community-based correctional facility, 102  
a halfway house, and an alternative residential facility in 103  
division (D) of this section does not cause the facility or house 104  
to be financially responsible for the payment of any medical or 105  
other health care expenses incurred in connection with an offender 106  
who is serving a term in the facility or house pursuant to section 107  
2929.16 of the Revised Code. Unless another section of the Revised 108  
Code requires or authorizes a community-based correctional 109  
facility, halfway house, or alternative residential facility to 110  
pay for those types of expenses, an offender who is serving a term 111  
in the facility or house pursuant to section 2929.16 of the 112  
Revised Code shall be financially responsible for the payment of 113  
those types of expenses.~~ 114

~~(4) As used in division (D) of this section, "community-based 115  
correctional facility," "halfway house," and "alternative 116  
residential facility" have the same meanings as in section 2929.01 117~~

of the Revised Code being imprisoned or serving a term of 118  
imprisonment, prison term, jail term, term of local incarceration, 119  
or other term in an institution under the control of the 120  
department of rehabilitation and correction, a county, 121  
multicounty, municipal, municipal-county, or multicounty-municipal 122  
jail or workhouse, a minimum security misdemeanor jail, a 123  
community-based correctional facility, a halfway house, an 124  
alternative residential facility, or another facility described or 125  
referred to in section 2929.36 of the Revised Code for the type of 126  
criminal offense and under the circumstances specified or referred 127  
to in that section. 128

**Sec. 109.42.** (A) The attorney general shall prepare and have 129  
printed a pamphlet that contains a compilation of all statutes 130  
relative to victim's rights in which the attorney general lists 131  
and explains the statutes in the form of a victim's bill of 132  
rights. The attorney general shall distribute the pamphlet to all 133  
sheriffs, marshals, municipal corporation and township police 134  
departments, constables, and other law enforcement agencies, to 135  
all prosecuting attorneys, city directors of law, village 136  
solicitors, and other similar chief legal officers of municipal 137  
corporations, and to organizations that represent or provide 138  
services for victims of crime. The victim's bill of rights set 139  
forth in the pamphlet shall contain a description of all of the 140  
rights of victims that are provided for in Chapter 2930. or in any 141  
other section of the Revised Code and shall include, but not be 142  
limited to, all of the following: 143

(1) The right of a victim or a victim's representative to 144  
attend a proceeding before a grand jury, in a juvenile case, or in 145  
a criminal case pursuant to a subpoena without being discharged 146  
from the victim's or representative's employment, having the 147  
victim's or representative's employment terminated, having the 148  
victim's or representative's pay decreased or withheld, or 149

otherwise being punished, penalized, or threatened as a result of 150  
time lost from regular employment because of the victim's or 151  
representative's attendance at the proceeding pursuant to the 152  
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 153  
2945.451 of the Revised Code; 154

(2) The potential availability pursuant to section 2151.359 155  
or 2152.61 of the Revised Code of a forfeited recognizance to pay 156  
damages caused by a child when the delinquency of the child or 157  
child's violation of probation or community control is found to be 158  
proximately caused by the failure of the child's parent or 159  
guardian to subject the child to reasonable parental authority or 160  
to faithfully discharge the conditions of probation or community 161  
control; 162

(3) The availability of awards of reparations pursuant to 163  
sections 2743.51 to 2743.72 of the Revised Code for injuries 164  
caused by criminal offenses; 165

(4) The right of the victim in certain criminal or juvenile 166  
cases or a victim's representative to receive, pursuant to section 167  
2930.06 of the Revised Code, notice of the date, time, and place 168  
of the trial or delinquency proceeding in the case or, if there 169  
will not be a trial or delinquency proceeding, information from 170  
the prosecutor, as defined in section 2930.01 of the Revised Code, 171  
regarding the disposition of the case; 172

(5) The right of the victim in certain criminal or juvenile 173  
cases or a victim's representative to receive, pursuant to section 174  
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 175  
name of the person charged with the violation, the case or docket 176  
number assigned to the charge, and a telephone number or numbers 177  
that can be called to obtain information about the disposition of 178  
the case; 179

(6) The right of the victim in certain criminal or juvenile 180

cases or of the victim's representative pursuant to section 181  
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 182  
terms set by the court as authorized under section 2930.14 of the 183  
Revised Code, to make a statement about the victimization and, if 184  
applicable, a statement relative to the sentencing or disposition 185  
of the offender; 186

(7) The opportunity to obtain a court order, pursuant to 187  
section 2945.04 of the Revised Code, to prevent or stop the 188  
commission of the offense of intimidation of a crime victim or 189  
witness or an offense against the person or property of the 190  
complainant, or of the complainant's ward or child; 191

(8) The right of the victim in certain criminal or juvenile 192  
cases or a victim's representative pursuant to sections 2151.38, 193  
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 194  
receive notice of a pending motion for judicial release or early 195  
release of the person who committed the offense against the 196  
victim, to make an oral or written statement at the court hearing 197  
on the motion, and to be notified of the court's decision on the 198  
motion; 199

(9) The right of the victim in certain criminal or juvenile 200  
cases or a victim's representative pursuant to section 2930.16, 201  
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 202  
of any pending commutation, pardon, parole, transitional control, 203  
discharge, other form of authorized release, post-release control, 204  
or supervised release for the person who committed the offense 205  
against the victim or any application for release of that person 206  
and to send a written statement relative to the victimization and 207  
the pending action to the adult parole authority or the release 208  
authority of the department of youth services; 209

(10) The right of the victim to bring a civil action pursuant 210  
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 211  
from the offender's profit fund; 212

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

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

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

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

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

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(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.

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(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 pursuant to division (A) of this section and explain, upon request, the information in the pamphlet to the victim, the

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victim's family, or the victim's dependents. 276

(b) Subject to division (B)(1)(c) of this section, a law 277  
enforcement agency that investigates an offense or delinquent act 278  
committed in this state shall give the victim of the offense or 279  
delinquent act, the victim's family, or the victim's dependents a 280  
copy of the pamphlet prepared pursuant to division (A) of this 281  
section at one of the following times: 282

(i) Upon first contact with the victim, the victim's family, 283  
or the victim's dependents; 284

(ii) If the offense or delinquent act is an offense of 285  
violence, if the circumstances of the offense or delinquent act 286  
and the condition of the victim, the victim's family, or the 287  
victim's dependents indicate that the victim, the victim's family, 288  
or the victim's dependents will not be able to understand the 289  
significance of the pamphlet upon first contact with the agency, 290  
and if the agency anticipates that it will have an additional 291  
contact with the victim, the victim's family, or the victim's 292  
dependents, upon the agency's second contact with the victim, the 293  
victim's family, or the victim's dependents. 294

If the agency does not give the victim, the victim's family, 295  
or the victim's dependents a copy of the pamphlet upon first 296  
contact with them and does not have a second contact with the 297  
victim, the victim's family, or the victim's dependents, the 298  
agency shall mail a copy of the pamphlet to the victim, the 299  
victim's family, or the victim's dependents at their last known 300  
address. 301

(c) In complying on and after December 9, 1994, with the 302  
duties imposed by division (B)(1)(a) or (b) of this section, an 303  
official or a law enforcement agency shall use copies of the 304  
pamphlet that are in the official's or agency's possession on 305  
December 9, 1994, until the official or agency has distributed all 306

of those copies. After the official or agency has distributed all 307  
of those copies, the official or agency shall use only copies of 308  
the pamphlet that contain at least the information described in 309  
division (A)(1) to (17) of this section. 310

(2) The failure of a law enforcement agency or of a 311  
prosecuting attorney, assistant prosecuting attorney, city 312  
director of law, assistant city director of law, village 313  
solicitor, assistant village solicitor, or similar chief legal 314  
officer of a municipal corporation or an assistant to any of those 315  
officers to give, as required by division (B)(1) of this section, 316  
the victim of an offense or delinquent act, the victim's family, 317  
or the victim's dependents a copy of the pamphlet prepared 318  
pursuant to division (A) of this section does not give the victim, 319  
the victim's family, the victim's dependents, or a victim's 320  
representative any rights under section 122.95, 2743.51 to 321  
2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 322  
of the Revised Code or under any other provision of the Revised 323  
Code and does not affect any right under those sections. 324

(3) A law enforcement agency, a prosecuting attorney or 325  
assistant prosecuting attorney, or a city director of law, 326  
assistant city director of law, village solicitor, assistant 327  
village solicitor, or similar chief legal officer of a municipal 328  
corporation that distributes a copy of the pamphlet prepared 329  
pursuant to division (A) of this section shall not be required to 330  
distribute a copy of an information card or other printed material 331  
provided by the clerk of the court of claims pursuant to section 332  
2743.71 of the Revised Code. 333

(C) The cost of printing and distributing the pamphlet 334  
prepared pursuant to division (A) of this section shall be paid 335  
out of the reparations fund, created pursuant to section 2743.191 336  
of the Revised Code, in accordance with division (D) of that 337  
section. 338

(D) As used in this section:	339
(1) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code;	340
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	342
<b>Sec. 109.511.</b> (A) As used in this section, "felony" means any of the following:	344
(1) An offense committed in this state that is a felony under the law of this state;	346
(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.	348
(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.	351
(C)(1) The superintendent shall terminate the employment of an investigator or a special agent who does either of the following:	357
(a) Pleads guilty to a felony;	358
(b) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section <del>2929.29</del> <u>2929.43</u> 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.	359
(2) The superintendent shall suspend from employment an	360
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investigator or a special agent who is convicted, after trial, of 368  
a felony. If the investigator or special agent files an appeal 369  
from that conviction and the conviction is upheld by the highest 370  
court to which the appeal is taken or if the investigator or 371  
special agent does not file a timely appeal, the superintendent 372  
shall terminate the employment of that investigator or special 373  
agent. If the investigator or special agent files an appeal that 374  
results in that investigator's or special agent's acquittal of the 375  
felony or conviction of a misdemeanor, or in the dismissal of the 376  
felony charge against the investigator or special agent, the 377  
superintendent shall reinstate that investigator or special agent. 378  
An investigator or a special agent who is reinstated under this 379  
division shall not receive any back pay unless that investigator's 380  
or special agent's conviction of the felony was reversed on 381  
appeal, or the felony charge was dismissed, because the court 382  
found insufficient evidence to convict the investigator or special 383  
agent of the felony. 384

(D) This section does not apply regarding an offense that was 385  
committed prior to January 1, 1997. 386

(E) The suspension from employment or the termination of the 387  
employment of an investigator or a special agent under division 388  
(C) of this section shall be in accordance with Chapter 119. of 389  
the Revised Code. 390

**Sec. 109.77.** (A) As used in this section, "felony" has the 391  
same meaning as in section 109.511 of the Revised Code. 392

(B)(1) Notwithstanding any general, special, or local law or 393  
charter to the contrary, and except as otherwise provided in this 394  
section, no person shall receive an original appointment on a 395  
permanent basis as any of the following unless the person 396  
previously has been awarded a certificate by the executive 397  
director of the Ohio peace officer training commission attesting 398

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  
section 109.74 of the Revised Code, satisfactorily completes a  
state, county, municipal, or department of natural resources peace

officer basic training program for temporary or probationary 429  
officers and is awarded a certificate by the director attesting to 430  
the satisfactory completion of the program: 431

(a) A peace officer of any county, township, municipal 432  
corporation, regional transit authority, or metropolitan housing 433  
authority; 434

(b) A natural resources law enforcement staff officer, park 435  
officer, forest officer, preserve officer, wildlife officer, or 436  
state watercraft officer of the department of natural resources; 437

(c) An employee of a park district under section 511.232 or 438  
1545.13 of the Revised Code; 439

(d) An employee of a conservancy district who is designated 440  
pursuant to section 6101.75 of the Revised Code; 441

(e) A special police officer employed by the department of 442  
mental health pursuant to section 5119.14 of the Revised Code or 443  
the department of mental retardation and developmental 444  
disabilities pursuant to section 5123.13 of the Revised Code; 445

(f) An enforcement agent of the department of public safety 446  
whom the director of public safety designates under section 447  
5502.14 of the Revised Code; 448

(g) A special police officer employed by a port authority 449  
under section 4582.04 or 4582.28 of the Revised Code. 450

(3) For purposes of division (B) of this section, a state, 451  
county, municipal, or department of natural resources peace 452  
officer basic training program, regardless of whether the program 453  
is to be completed by peace officers appointed on a permanent or 454  
temporary, probationary, or other nonpermanent basis, shall 455  
include at least fifteen hours of training in the handling of the 456  
offense of domestic violence, other types of domestic 457  
violence-related offenses and incidents, and protection orders and 458

consent agreements issued or approved under section 2919.26 or 459  
3113.31 of the Revised Code and at least six hours of crisis 460  
intervention training. The requirement to complete fifteen hours 461  
of training in the handling of the offense of domestic violence, 462  
other types of domestic violence-related offenses and incidents, 463  
and protection orders and consent agreements issued or approved 464  
under section 2919.26 or 3113.31 of the Revised Code does not 465  
apply to any person serving as a peace officer on March 27, 1979, 466  
and the requirement to complete six hours of training in crisis 467  
intervention does not apply to any person serving as a peace 468  
officer on April 4, 1985. Any person who is serving as a peace 469  
officer on April 4, 1985, who terminates that employment after 470  
that date, and who subsequently is hired as a peace officer by the 471  
same or another law enforcement agency shall complete the six 472  
hours of training in crisis intervention within the time 473  
prescribed by rules adopted by the attorney general pursuant to 474  
section 109.742 of the Revised Code. No peace officer shall have 475  
employment as a peace officer terminated and then be reinstated 476  
with intent to circumvent this section. 477

(4) Division (B) of this section does not apply to any person 478  
serving on a permanent basis on March 28, 1985, as a park officer, 479  
forest officer, preserve officer, wildlife officer, or state 480  
watercraft officer of the department of natural resources or as an 481  
employee of a park district under section 511.232 or 1545.13 of 482  
the Revised Code, to any person serving on a permanent basis on 483  
March 6, 1986, as an employee of a conservancy district designated 484  
pursuant to section 6101.75 of the Revised Code, to any person 485  
serving on a permanent basis on January 10, 1991, as a preserve 486  
officer of the department of natural resources, to any person 487  
employed on a permanent basis on July 2, 1992, as a special police 488  
officer by the department of mental health pursuant to section 489  
5119.14 of the Revised Code or by the department of mental 490



retardation and developmental disabilities pursuant to section 491  
5123.13 of the Revised Code, to any person serving on a permanent 492  
basis on ~~the effective date of this amendment~~ May 17, 2000, as a 493  
special police officer employed by a port authority under section 494  
4582.04 or 4582.28 of the Revised Code, to any person serving on a 495  
permanent basis on June 19, 1978, as a state university law 496  
enforcement officer pursuant to section 3345.04 of the Revised 497  
Code and who, immediately prior to June 19, 1978, was serving as a 498  
special police officer designated under authority of that section, 499  
or to any person serving on a permanent basis on September 20, 500  
1984, as a liquor control investigator, known after June 30, 1999, 501  
as an enforcement agent of the department of public safety, 502  
engaged in the enforcement of Chapters 4301. and 4303. of the 503  
Revised Code. 504

(5) Division (B) of this section does not apply to any person 505  
who is appointed as a regional transit authority police officer 506  
pursuant to division (Y) of section 306.35 of the Revised Code if, 507  
on or before July 1, 1996, the person has completed satisfactorily 508  
an approved state, county, municipal, or department of natural 509  
resources peace officer basic training program and has been 510  
awarded a certificate by the executive director of the Ohio peace 511  
officer training commission attesting to the person's satisfactory 512  
completion of such an approved program and if, on July 1, 1996, 513  
the person is performing peace officer functions for a regional 514  
transit authority. 515

(C) No person, after September 20, 1984, shall receive an 516  
original appointment on a permanent basis as an Ohio veterans' 517  
home police officer designated under section 5907.02 of the 518  
Revised Code unless the person previously has been awarded a 519  
certificate by the executive director of the Ohio peace officer 520  
training commission attesting to the person's satisfactory 521  
completion of an approved police officer basic training program. 522

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.

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(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:

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(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;

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(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;

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(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

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section, the executive director of the Ohio peace officer training 554  
commission shall request the person to whom the certificate is to 555  
be awarded to disclose, and the person shall disclose, any 556  
previous criminal conviction of or plea of guilty of that person 557  
to a felony. 558

(2) Prior to the award by the executive director of the 559  
commission of any certificate prescribed in this section, the 560  
prospective employer of the person to whom the certificate is to 561  
be awarded or the commander of the peace officer training school 562  
attended by that person shall request the bureau of criminal 563  
identification and investigation to conduct a criminal history 564  
records check on the person. Upon receipt of the request, the 565  
bureau promptly shall conduct a criminal history records check on 566  
the person and, upon completion of the check, promptly shall 567  
provide a copy of the criminal history records check to the 568  
prospective employer or peace officer training school commander 569  
that made the request. Upon receipt of the copy of the criminal 570  
history records check from the bureau, the prospective employer or 571  
peace officer training school commander that made the request 572  
shall submit the copy to the executive director of the Ohio peace 573  
officer training commission. The executive director shall not 574  
award any certificate prescribed in this section unless the 575  
executive director has received a copy of the criminal history 576  
records check on the person to whom the certificate is to be 577  
awarded. 578

(3) The executive director of the commission shall not award 579  
a certificate prescribed in this section to a person who has been 580  
convicted of or has pleaded guilty to a felony or who fails to 581  
disclose any previous criminal conviction of or plea of guilty to 582  
a felony as required under division (E)(1) of this section. 583

(4) The executive director of the commission shall revoke the 584  
certificate awarded to a person as prescribed in this section, and 585

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.

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(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.

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(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.

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(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.

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(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.

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(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

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officer basic training program or receives the training within the 649  
time prescribed by rules adopted by the attorney general pursuant 650  
to section 109.741 of the Revised Code. 651

(J) No part of any approved state, county, or municipal basic 652  
training program for bailiffs and deputy bailiffs of courts of 653  
record and no part of any approved state, county, or municipal 654  
basic training program for criminal investigators employed by the 655  
state public defender shall be used as credit toward the 656  
completion by a peace officer of any part of the approved state, 657  
county, or municipal peace officer basic training program that the 658  
peace officer is required by this section to complete 659  
satisfactorily. 660

(K) This section does not apply to any member of the police 661  
department of a municipal corporation in an adjoining state 662  
serving in this state under a contract pursuant to section 737.04 663  
of the Revised Code. 664

**Sec. 120.06.** (A)(1) The state public defender, when 665  
designated by the court or requested by a county public defender 666  
or joint county public defender, may provide legal representation 667  
in all courts throughout the state to indigent adults and 668  
juveniles who are charged with the commission of an offense or act 669  
for which the penalty or any possible adjudication includes the 670  
potential loss of liberty. 671

(2) The state public defender may provide legal 672  
representation to any indigent person who, while incarcerated in 673  
any state correctional institution, is charged with a felony 674  
offense, for which the penalty or any possible adjudication that 675  
may be imposed by a court upon conviction includes the potential 676  
loss of liberty. 677

(3) The state public defender may provide legal 678  
representation to any person incarcerated in any correctional 679

institution of the state, in any matter in which the person 680  
asserts the person is unlawfully imprisoned or detained. 681

(4) The state public defender, in any case in which the state 682  
public defender has provided legal representation or is requested 683  
to do so by a county public defender or joint county public 684  
defender, may provide legal representation on appeal. 685

(5) The state public defender, when designated by the court 686  
or requested by a county public defender, joint county public 687  
defender, or the director of rehabilitation and correction, shall 688  
provide legal representation in parole and probation revocation 689  
matters or matters relating to the revocation of community control 690  
or post-release control under a community control sanction or 691  
post-release control sanction, unless the state public defender 692  
finds that the alleged parole or probation violator or alleged 693  
violator of a community control sanction or post-release control 694  
sanction has the financial capacity to retain the alleged 695  
violator's own counsel. 696

(6) If the state public defender contracts with a county 697  
public defender commission, a joint county public defender 698  
commission, or a board of county commissioners for the provision 699  
of services, under authority of division (C)(7) of section 120.04 700  
of the Revised Code, the state public defender shall provide legal 701  
representation in accordance with the contract. 702

(B) The state public defender shall not be required to 703  
prosecute any appeal, postconviction remedy, or other proceeding 704  
pursuant to division (A)(3), (4), or (5) of this section, unless 705  
the state public defender first is satisfied that there is 706  
arguable merit to the proceeding. 707

(C) A court may appoint counsel or allow an indigent person 708  
to select the indigent's own personal counsel to assist the state 709  
public defender as co-counsel when the interests of justice so 710

require. When co-counsel is appointed to assist the state public 711  
defender, the co-counsel shall receive any compensation that the 712  
court may approve, not to exceed the amounts provided for in 713  
section 2941.51 of the Revised Code. 714

(D) When the state public defender is designated by the court 715  
or requested by a county public defender or joint county public 716  
defender to provide legal representation for an indigent person in 717  
any case, other than pursuant to a contract entered into under 718  
authority of division (C)(7) of section 120.04 of the Revised 719  
Code, the state public defender shall send to the county in which 720  
the case is filed an itemized bill for fifty per cent of the 721  
actual cost of the representation. The county, upon receipt of an 722  
itemized bill from the state public defender pursuant to this 723  
division, shall pay fifty per cent of the actual cost of the legal 724  
representation as set forth in the itemized bill. There is hereby 725  
created in the state treasury the county representation fund for 726  
the deposit of moneys received from counties under this division. 727  
All moneys credited to the fund shall be used by the state public 728  
defender to provide legal representation for indigent persons when 729  
designated by the court or requested by a county or joint county 730  
public defender. 731

(E)(1) Notwithstanding any contrary provision of sections 732  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 733  
that pertains to representation by the attorney general, an 734  
assistant attorney general, or special counsel of an officer or 735  
employee, as defined in section 109.36 of the Revised Code, or of 736  
an entity of state government, the state public defender may elect 737  
to contract with, and to have the state pay pursuant to division 738  
(E)(2) of this section for the services of, private legal counsel 739  
to represent the Ohio public defender commission, the state public 740  
defender, assistant state public defenders, other employees of the 741  
commission or the state public defender, and attorneys described 742



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.

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(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:

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(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  
with the defense of the Ohio public defender commission, the state

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public defender, an assistant state public defender, an employee, 775  
or an attorney in a specified civil action or proceeding; a 776  
written itemization of those fees, costs, and expenses, including 777  
the signature of the state public defender and the state public 778  
defender's attestation that the fees, costs, and expenses were 779  
earned or incurred pursuant to division (E)(1) of this section to 780  
the best of the state public defender's knowledge and information; 781  
a written statement whether the fees, costs, and expenses are for 782  
all legal services to be rendered in connection with that defense, 783  
are only for legal services rendered to the date of the request 784  
and additional legal services likely will have to be provided in 785  
connection with that defense, or are for the final legal services 786  
rendered in connection with that defense; a written statement 787  
indicating whether the private legal counsel previously submitted 788  
a request for an award under division (E)(2) of this section in 789  
connection with that defense and, if so, the date and the amount 790  
of each award granted; and, if the fees, costs, and expenses are 791  
for all legal services to be rendered in connection with that 792  
defense or are for the final legal services rendered in connection 793  
with that defense, a certified copy of any judgment entry in the 794  
civil action or proceeding or a signed copy of any settlement 795  
agreement entered into between the parties to the civil action or 796  
proceeding. 797

(ii) Upon receipt of a request for an award of legal fees, 798  
court costs, and expenses and the requisite supportive 799  
documentation described in division (E)(2)(a)(i) of this section, 800  
the attorney general shall review the request and documentation; 801  
determine whether any of the limitations specified in division 802  
(E)(2)(b) of this section apply to the request; and, if an award 803  
of legal fees, court costs, or expenses is permissible after 804  
applying the limitations, prepare a document awarding legal fees, 805  
court costs, or expenses to the private legal counsel. The 806

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

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in the state public defender's appropriations, the director shall 839  
cause the payment to be made to the private legal counsel. If 840  
sufficient moneys do not exist in the emergency purposes account 841  
or other appropriation for emergencies or contingencies to pay an 842  
amount equal to the portion of the award that exceeds the 843  
sufficient available balance in the state public defender's 844  
appropriations, the private legal counsel shall request the 845  
general assembly to make an appropriation sufficient to pay an 846  
amount equal to the portion of the award that exceeds the 847  
sufficient available balance in the state public defender's 848  
appropriations, and no payment in that amount shall be made until 849  
the appropriation has been made. The private legal counsel shall 850  
make the request during the current biennium and during each 851  
succeeding biennium until a sufficient appropriation is made. 852

(b) An award of legal fees, court costs, and expenses 853  
pursuant to division (E) of this section is subject to the 854  
following limitations: 855

(i) The maximum award or maximum aggregate of a series of 856  
awards of legal fees, court costs, and expenses to the private 857  
legal counsel in connection with the defense of the Ohio public 858  
defender commission, the state public defender, an assistant state 859  
public defender, an employee, or an attorney in a specified civil 860  
action or proceeding shall not exceed fifty thousand dollars. 861

(ii) The private legal counsel shall not be awarded legal 862  
fees, court costs, or expenses to the extent the fees, costs, or 863  
expenses are covered by a policy of malpractice or other 864  
insurance. 865

(iii) The private legal counsel shall be awarded legal fees 866  
and expenses only to the extent that the fees and expenses are 867  
reasonable in light of the legal services rendered by the private 868  
legal counsel in connection with the defense of the Ohio public 869  
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defender commission, the state public defender, an assistant state  
public defender, an employee, or an attorney in a specified civil  
action or proceeding.

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(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.

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(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.

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(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

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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.

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(G) As used in this section:

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

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

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**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.

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(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.

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(B) The county public defender shall provide the legal  
representation authorized by division (A) of this section at every  
stage of the proceedings following arrest, detention, service of

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summons, or indictment. 933

(C) The county public defender may request the state public 934  
defender to prosecute any appeal or other remedy before or after 935  
conviction that the county public defender decides is in the 936  
interests of justice, and may provide legal representation in 937  
parole and probation revocation matters and matters relating to 938  
the revocation of community control or post-release control under 939  
a community control sanction or post-release control sanction. 940

(D) The county public defender shall not be required to 941  
prosecute any appeal, postconviction remedy, or other proceeding, 942  
unless the county public defender is first satisfied there is 943  
arguable merit to the proceeding. 944

(E) Nothing in this section shall prevent a court from 945  
appointing counsel other than the county public defender or from 946  
allowing an indigent person to select the indigent person's own 947  
personal counsel to represent the indigent person. A court may 948  
also appoint counsel or allow an indigent person to select the 949  
indigent person's own personal counsel to assist the county public 950  
defender as co-counsel when the interests of justice so require. 951

(F) Information as to the right to legal representation by 952  
the county public defender or assigned counsel shall be afforded 953  
to an accused person immediately upon arrest, when brought before 954  
a magistrate, or when formally charged, whichever occurs first. 955

(G) If a court appoints the office of the county public 956  
defender to represent a petitioner in a postconviction relief 957  
proceeding under section 2953.21 of the Revised Code, the 958  
petitioner has received a sentence of death, and the proceeding 959  
relates to that sentence, all of the attorneys who represent the 960  
petitioner in the proceeding pursuant to the appointment, whether 961  
an assistant county public defender or the county public defender, 962  
shall be certified under Rule 20 of the Rules of Superintendence 963

for the Courts of Ohio to represent indigent defendants charged 964  
with or convicted of an offense for which the death penalty can be 965  
or has been imposed. 966

(H) As used in this section: 967

(1) "Community control sanction" has the same meaning as in 968  
section 2929.01 of the Revised Code. 969

(2) "Post-release control sanction" has the same meaning as 970  
in section 2967.01 of the Revised Code. 971

**Sec. 120.26.** (A)(1) The joint county public defender shall 972  
provide legal representation to indigent adults and juveniles who 973  
are charged with the commission of an offense or act that is a 974  
violation of a state statute and for which the penalty or any 975  
possible adjudication includes the potential loss of liberty and 976  
in postconviction proceedings as defined in this section. 977

(2) The joint county public defender may provide legal 978  
representation to indigent adults and juveniles charged with the 979  
violation of an ordinance of a municipal corporation for which the 980  
penalty or any possible adjudication includes the potential loss 981  
of liberty, if the joint county public defender commission has 982  
contracted with the municipal corporation to provide legal 983  
representation for indigent persons charged with a violation of an 984  
ordinance of the municipal corporation. 985

(B) The joint county public defender shall provide the legal 986  
representation authorized by division (A) of this section at every 987  
stage of the proceedings following arrest, detention, service of 988  
summons, or indictment. 989

(C) The joint county public defender may request the Ohio 990  
public defender to prosecute any appeal or other remedy before or 991  
after conviction that the joint county public defender decides is 992  
in the interests of justice and may provide legal representation 993



in parole and probation revocation matters and matters relating to 994  
the revocation of community control or post-release control under 995  
a community control sanction or post-release control sanction. 996

(D) The joint county public defender shall not be required to 997  
prosecute any appeal, postconviction remedy, or other proceeding, 998  
unless the joint county public defender is first satisfied that 999  
there is arguable merit to the proceeding. 1000

(E) Nothing in this section shall prevent a court from 1001  
appointing counsel other than the joint county public defender or 1002  
from allowing an indigent person to select the indigent person's 1003  
own personal counsel to represent the indigent person. A court may 1004  
also appoint counsel or allow an indigent person to select the 1005  
indigent person's own personal counsel to assist the joint county 1006  
public defender as co-counsel when the interests of justice so 1007  
require. 1008

(F) Information as to the right to legal representation by 1009  
the joint county public defender or assigned counsel shall be 1010  
afforded to an accused person immediately upon arrest, when 1011  
brought before a magistrate, or when formally charged, whichever 1012  
occurs first. 1013

(G) If a court appoints the office of the joint county public 1014  
defender to represent a petitioner in a postconviction relief 1015  
proceeding under section 2953.21 of the Revised Code, the 1016  
petitioner has received a sentence of death, and the proceeding 1017  
relates to that sentence, all of the attorneys who represent the 1018  
petitioner in the proceeding pursuant to the appointment, whether 1019  
an assistant joint county defender or the joint county public 1020  
defender, shall be certified under Rule 20 of the Rules of 1021  
Superintendence for the Courts of Ohio to represent indigent 1022  
defendants charged with or convicted of an offense for which the 1023  
death penalty can be or has been imposed. 1024

<u>(H) As used in this section:</u>	1025
<u>(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.</u>	1026 1027
<u>(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.</u>	1028 1029
<b>Sec. 149.43.</b> (A) As used in this section:	1030
(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by a nonprofit or for profit entity operating such alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:	1031 1032 1033 1034 1035 1036 1037 1038
(a) Medical records;	1039
(b) Records pertaining to probation and parole proceedings <u>or to proceedings related to the imposition of community control sanctions and post-release control sanctions;</u>	1040 1041 1042
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	1043 1044 1045
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	1046 1047 1048
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a	1049 1050 1051 1052 1053

child support enforcement agency;	1054
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	1055 1056 1057
(g) Trial preparation records;	1058
(h) Confidential law enforcement investigatory records;	1059
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	1060 1061
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	1062 1063
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	1064 1065 1066 1067
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	1068 1069 1070 1071
(m) Intellectual property records;	1072
(n) Donor profile records;	1073
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	1074 1075
(p) Peace officer residential and familial information;	1076
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	1077 1078 1079
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	1080 1081

(s) Records provided to, statements made by review board 1082  
members during meetings of, and all work products of a child 1083  
fatality review board acting under sections 307.621 to 307.629 of 1084  
the Revised Code, other than the report prepared pursuant to 1085  
section 307.626 of the Revised Code; 1086

(t) Records provided to and statements made by the executive 1087  
director of a public children services agency or a prosecuting 1088  
attorney acting pursuant to section 5153.171 of the Revised Code 1089  
other than the information released under that section; 1090

(u) Test materials, examinations, or evaluation tools used in 1091  
an examination for licensure as a nursing home administrator that 1092  
the board of examiners of nursing home administrators administers 1093  
under section 4751.04 of the Revised Code or contracts under that 1094  
section with a private or government entity to administer; 1095

(v) Records the release of which is prohibited by state or 1097  
federal law. 1098

(2) "Confidential law enforcement investigatory record" means 1099  
any record that pertains to a law enforcement matter of a 1100  
criminal, quasi-criminal, civil, or administrative nature, but 1101  
only to the extent that the release of the record would create a 1102  
high probability of disclosure of any of the following: 1103

(a) The identity of a suspect who has not been charged with 1104  
the offense to which the record pertains, or of an information 1105  
source or witness to whom confidentiality has been reasonably 1106  
promised; 1107

(b) Information provided by an information source or witness 1108  
to whom confidentiality has been reasonably promised, which 1109  
information would reasonably tend to disclose the source's or 1110  
witness's identity; 1111

(c) Specific confidential investigatory techniques or 1112

procedures or specific investigatory work product; 1113

(d) Information that would endanger the life or physical 1114  
safety of law enforcement personnel, a crime victim, a witness, or 1115  
a confidential information source. 1116

(3) "Medical record" means any document or combination of 1117  
documents, except births, deaths, and the fact of admission to or 1118  
discharge from a hospital, that pertains to the medical history, 1119  
diagnosis, prognosis, or medical condition of a patient and that 1120  
is generated and maintained in the process of medical treatment. 1121

(4) "Trial preparation record" means any record that contains 1122  
information that is specifically compiled in reasonable 1123  
anticipation of, or in defense of, a civil or criminal action or 1124  
proceeding, including the independent thought processes and 1125  
personal trial preparation of an attorney. 1126

(5) "Intellectual property record" means a record, other than 1127  
a financial or administrative record, that is produced or 1128  
collected by or for faculty or staff of a state institution of 1129  
higher learning in the conduct of or as a result of study or 1130  
research on an educational, commercial, scientific, artistic, 1131  
technical, or scholarly issue, regardless of whether the study or 1132  
research was sponsored by the institution alone or in conjunction 1133  
with a governmental body or private concern, and that has not been 1134  
publicly released, published, or patented. 1135

(6) "Donor profile record" means all records about donors or 1136  
potential donors to a public institution of higher education 1137  
except the names and reported addresses of the actual donors and 1138  
the date, amount, and conditions of the actual donation. 1139

(7) "Peace officer residential and familial information" 1140  
means either of the following: 1141

(a) Any information maintained in a personnel record of a 1142  
peace officer that discloses any of the following: 1143

(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. 1175

(8) "Information pertaining to the recreational activities of 1176  
a person under the age of eighteen" means information that is kept 1177  
in the ordinary course of business by a public office, that 1178  
pertains to the recreational activities of a person under the age 1179  
of eighteen years, and that discloses any of the following: 1180

(a) The address or telephone number of a person under the age 1181  
of eighteen or the address or telephone number of that person's 1182  
parent, guardian, custodian, or emergency contact person; 1183

(b) The social security number, birth date, or photographic 1184  
image of a person under the age of eighteen; 1185

(c) Any medical record, history, or information pertaining to 1186  
a person under the age of eighteen; 1187

(d) Any additional information sought or required about a 1188  
person under the age of eighteen for the purpose of allowing that 1189  
person to participate in any recreational activity conducted or 1190  
sponsored by a public office or to use or obtain admission 1191  
privileges to any recreational facility owned or operated by a 1192  
public office. 1193

(9) "Community control sanction" has the same meaning as in 1194  
section 2929.01 of the Revised Code. 1195

(10) "Post-release control sanction" has the same meaning as 1196  
in section 2967.01 of the Revised Code. 1197

(B)(1) Subject to division (B)(4) of this section, all public 1198  
records shall be promptly prepared and made available for 1199  
inspection to any person at all reasonable times during regular 1200  
business hours. Subject to division (B)(4) of this section, upon 1201  
request, a public office or person responsible for public records 1202  
shall make copies available at cost, within a reasonable period of 1203  
time. In order to facilitate broader access to public records, 1204

public offices shall maintain public records in a manner that they 1205  
can be made available for inspection in accordance with this 1206  
division. 1207

(2) If any person chooses to obtain a copy of a public record 1208  
in accordance with division (B)(1) of this section, the public 1209  
office or person responsible for the public record shall permit 1210  
that person to choose to have the public record duplicated upon 1211  
paper, upon the same medium upon which the public office or person 1212  
responsible for the public record keeps it, or upon any other 1213  
medium upon which the public office or person responsible for the 1214  
public record determines that it reasonably can be duplicated as 1215  
an integral part of the normal operations of the public office or 1216  
person responsible for the public record. When the person seeking 1217  
the copy makes a choice under this division, the public office or 1218  
person responsible for the public record shall provide a copy of 1219  
it in accordance with the choice made by the person seeking the 1220  
copy. 1221

(3) Upon a request made in accordance with division (B)(1) of 1222  
this section, a public office or person responsible for public 1223  
records shall transmit a copy of a public record to any person by 1224  
United States mail within a reasonable period of time after 1225  
receiving the request for the copy. The public office or person 1226  
responsible for the public record may require the person making 1227  
the request to pay in advance the cost of postage and other 1228  
supplies used in the mailing. 1229

Any public office may adopt a policy and procedures that it 1230  
will follow in transmitting, within a reasonable period of time 1231  
after receiving a request, copies of public records by United 1232  
States mail pursuant to this division. A public office that adopts 1233  
a policy and procedures under this division shall comply with them 1234  
in performing its duties under this division. 1235

In any policy and procedures adopted under this division, a 1236



public office may limit the number of records requested by a 1237  
person that the office will transmit by United States mail to ten 1238  
per month, unless the person certifies to the office in writing 1239  
that the person does not intend to use or forward the requested 1240  
records, or the information contained in them, for commercial 1241  
purposes. For purposes of this division, "commercial" shall be 1242  
narrowly construed and does not include reporting or gathering 1243  
news, reporting or gathering information to assist citizen 1244  
oversight or understanding of the operation or activities of 1245  
government, or nonprofit educational research. 1246

(4) A public office or person responsible for public records 1247  
is not required to permit a person who is incarcerated pursuant to 1248  
a criminal conviction or a juvenile adjudication to inspect or to 1249  
obtain a copy of any public record concerning a criminal 1250  
investigation or prosecution or concerning what would be a 1251  
criminal investigation or prosecution if the subject of the 1252  
investigation or prosecution were an adult, unless the request to 1253  
inspect or to obtain a copy of the record is for the purpose of 1254  
acquiring information that is subject to release as a public 1255  
record under this section and the judge who imposed the sentence 1256  
or made the adjudication with respect to the person, or the 1257  
judge's successor in office, finds that the information sought in 1258  
the public record is necessary to support what appears to be a 1259  
justiciable claim of the person. 1260

(5) Upon written request made and signed by a journalist on 1261  
or after December 16, 1999, a public office, or person responsible 1262  
for public records, having custody of the records of the agency 1263  
employing a specified peace officer shall disclose to the 1264  
journalist the address of the actual personal residence of the 1265  
peace officer and, if the peace officer's spouse, former spouse, 1266  
or child is employed by a public office, the name and address of 1267  
the employer of the peace officer's spouse, former spouse, or 1268

child. The request shall include the journalist's name and title 1269  
and the name and address of the journalist's employer and shall 1270  
state that disclosure of the information sought would be in the 1271  
public interest. 1272

As used in division (B)(5) of this section, "journalist" 1273  
means a person engaged in, connected with, or employed by any news 1274  
medium, including a newspaper, magazine, press association, news 1275  
agency, or wire service, a radio or television station, or a 1276  
similar medium, for the purpose of gathering, processing, 1277  
transmitting, compiling, editing, or disseminating information for 1278  
the general public. 1279

(C) If a person allegedly is aggrieved by the failure of a 1280  
public office to promptly prepare a public record and to make it 1281  
available to the person for inspection in accordance with division 1282  
(B) of this section, or if a person who has requested a copy of a 1283  
public record allegedly is aggrieved by the failure of a public 1284  
office or the person responsible for the public record to make a 1285  
copy available to the person allegedly aggrieved in accordance 1286  
with division (B) of this section, the person allegedly aggrieved 1287  
may commence a mandamus action to obtain a judgment that orders 1288  
the public office or the person responsible for the public record 1289  
to comply with division (B) of this section and that awards 1290  
reasonable attorney's fees to the person that instituted the 1291  
mandamus action. The mandamus action may be commenced in the court 1292  
of common pleas of the county in which division (B) of this 1293  
section allegedly was not complied with, in the supreme court 1294  
pursuant to its original jurisdiction under Section 2 of Article 1295  
IV, Ohio Constitution, or in the court of appeals for the 1296  
appellate district in which division (B) of this section allegedly 1297  
was not complied with pursuant to its original jurisdiction under 1298  
Section 3 of Article IV, Ohio Constitution. 1299

(D) Chapter 1347. of the Revised Code does not limit the 1300

provisions of this section. 1301

(E)(1) The bureau of motor vehicles may adopt rules pursuant 1302  
to Chapter 119. of the Revised Code to reasonably limit the number 1303  
of bulk commercial special extraction requests made by a person 1304  
for the same records or for updated records during a calendar 1305  
year. The rules may include provisions for charges to be made for 1306  
bulk commercial special extraction requests for the actual cost of 1307  
the bureau, plus special extraction costs, plus ten per cent. The 1308  
bureau may charge for expenses for redacting information, the 1309  
release of which is prohibited by law. 1310

(2) As used in divisions (B)(3) and (E)(1) of this section: 1311

(a) "Actual cost" means the cost of depleted supplies, 1312  
records storage media costs, actual mailing and alternative 1313  
delivery costs, or other transmitting costs, and any direct 1314  
equipment operating and maintenance costs, including actual costs 1315  
paid to private contractors for copying services. 1316

(b) "Bulk commercial special extraction request" means a 1317  
request for copies of a record for information in a format other 1318  
than the format already available, or information that cannot be 1319  
extracted without examination of all items in a records series, 1320  
class of records, or data base by a person who intends to use or 1321  
forward the copies for surveys, marketing, solicitation, or resale 1322  
for commercial purposes. "Bulk commercial special extraction 1323  
request" does not include a request by a person who gives 1324  
assurance to the bureau that the person making the request does 1325  
not intend to use or forward the requested copies for surveys, 1326  
marketing, solicitation, or resale for commercial purposes. 1327

(c) "Commercial" means profit-seeking production, buying, or 1328  
selling of any good, service, or other product. 1329

(d) "Special extraction costs" means the cost of the time 1330  
spent by the lowest paid employee competent to perform the task, 1331

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

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

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

(B)(1) In the exercise of its authority under division (Y) of  
section 306.35 of the Revised Code, a regional transit authority  
shall not employ a person as a regional transit authority 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 transit authority shall terminate the employment  
of a person as a regional transit authority police officer if the  
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 police officer agrees to  
surrender the certificate awarded to that police officer under  
section 109.77 of the Revised Code.

(b) The transit authority shall suspend from employment a

person designated as a regional transit authority police officer 1362  
if that person is convicted, after trial, of a felony. If the 1363  
police officer files an appeal from that conviction and the 1364  
conviction is upheld by the highest court to which the appeal is 1365  
taken or if the police officer does not file a timely appeal, the 1366  
transit authority shall terminate the employment of that police 1367  
officer. If the police officer files an appeal that results in the 1368  
police officer's acquittal of the felony or conviction of a 1369  
misdemeanor, or in the dismissal of the felony charge against the 1370  
police officer, the transit authority shall reinstate that police 1371  
officer. A police officer who is reinstated under division 1372  
(B)(2)(b) of this section shall not receive any back pay unless 1373  
that officer's conviction of the felony was reversed on appeal, or 1374  
the felony charge was dismissed, because the court found 1375  
insufficient evidence to convict the police officer of the felony. 1376

(3) Division (B) of this section does not apply regarding an 1377  
offense that was committed prior to January 1, 1997. 1378

(4) The suspension from employment, or the termination of the 1379  
employment, of a regional transit authority police officer under 1380  
division (B)(2) of this section shall be in accordance with 1381  
Chapter 119. of the Revised Code. 1382

**Sec. 311.04.** (A) As used in this section, "felony" has the 1383  
same meaning as in section 109.511 of the Revised Code. 1384

(B)(1) Subject to division (C) of this section, the sheriff 1385  
may appoint, in writing, one or more deputies. At the time of the 1386  
appointment, the sheriff shall file the writing upon which the 1387  
appointment is made with the clerk of the court of common pleas, 1388  
and the clerk of the court shall enter it upon the journal of the 1389  
court. The sheriff shall pay the clerk's fees for the filing and 1390  
journal entry of the writing. In cases of emergency, the sheriff 1391  
may request of the sheriff of another county the aid of qualified 1392

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

sheriff's acquittal of the felony or conviction of a misdemeanor, 1424  
or in the dismissal of the felony charge against the deputy 1425  
sheriff, the sheriff shall reinstate that deputy sheriff. A deputy 1426  
sheriff who is reinstated under division (C)(2)(b) of this section 1427  
shall not receive any back pay unless that deputy sheriff's 1428  
conviction of the felony was reversed on appeal, or the felony 1429  
charge was dismissed, because the court found insufficient 1430  
evidence to convict the deputy sheriff of the felony. 1431

(3) Division (C) of this section does not apply regarding an 1432  
offense that was committed prior to January 1, 1997. 1433

(4) The suspension from employment, or the termination of the 1434  
employment, of a deputy sheriff under division (C)(2) of this 1435  
section shall be in accordance with Chapter 119. of the Revised 1436  
Code. 1437

**Sec. 321.44.** (A)(1) A county probation services fund shall be 1438  
established in the county treasury of each county. The fund a 1439  
county establishes under this division shall contain all moneys 1440  
paid to the treasurer of the county under section 2951.021 of the 1441  
Revised Code for deposit into the fund. The moneys paid into the 1442  
fund shall be deposited by the treasurer of the county into the 1443  
appropriate account established under divisions (A)(1)(a) to (d) 1444  
of this section. Separate accounts shall be maintained in 1445  
accordance with the following criteria in the fund a county 1446  
establishes under this division: 1447

(a) If a county department of probation is established in the 1448  
county, a separate account shall be maintained in the fund for the 1449  
county department of probation. 1450

(b) If the judges of the court of common pleas of the county 1451  
have affiliated with the judges of the court of common pleas of 1452  
one or more other counties and have established a multicounty 1453  
department of probation, a separate account shall be maintained in 1454

the fund for the multicounty department of probation. 1455

(c) If a department of probation is established in a 1456  
county-operated municipal court that has jurisdiction within the 1457  
county, a separate account shall be maintained in the fund for the 1458  
municipal court department of probation. 1459

(d) If a county department of probation has not been 1460  
established in the county and if the court of common pleas of the 1461  
county, pursuant to section 2301.32 of the Revised Code, has 1462  
entered into an agreement with the adult parole authority under 1463  
which the court may place defendants ~~on probation~~ under a 1464  
community control sanction in charge of the authority, a separate 1465  
account shall be maintained in the fund for the adult parole 1466  
authority. 1467

(2) For any county, if a county department of probation is 1468  
established in the county or if a department of probation is 1469  
established in a county-operated municipal court that has 1470  
jurisdiction within the county, the board of county commissioners 1471  
of the county shall appropriate to the county department of 1472  
probation or municipal court department of probation all money 1473  
that is contained in the department's account in the county 1474  
probation services fund established in the county for use only for 1475  
specialized staff, purchase of equipment, purchase of services, 1476  
reconciliation programs for offenders and victims, other treatment 1477  
programs, including alcohol and drug addiction programs certified 1478  
under section 3793.06 of the Revised Code, determined to be 1479  
appropriate by the chief probation officer of the department of 1480  
probation, and other similar ~~probation-related~~ expenses related to 1481  
placing offenders under a community control sanction. 1482

For any county, if the judges of the court of common pleas of 1483  
the county have affiliated with the judges of the court of common 1484  
pleas of one or more other counties and have established a 1485  
multicounty department of probation to serve the counties, the 1486



board of county commissioners of the county shall appropriate and 1487  
the county treasurer shall transfer to the multicounty probation 1488  
services fund established for the multicounty department of 1489  
probation under division (B) of this section all money that is 1490  
contained in the multicounty department of probation account in 1491  
the county probation services fund established in the county for 1492  
use in accordance with that division. 1493

For any county, if a county department of probation has not 1494  
been established in the county and if the court of common pleas of 1495  
the county, pursuant to section 2301.32 of the Revised Code, has 1496  
entered into an agreement with the adult parole authority under 1497  
which the court may place defendants ~~on probation~~ under a 1498  
community control sanction in charge of the authority, the board 1499  
of county commissioners of the county shall appropriate and the 1500  
county treasurer shall transfer to the adult parole authority 1501  
probation services fund established under section 5149.06 of the 1502  
Revised Code all money that is contained in the adult parole 1503  
authority account in the county probation services fund 1504  
established in the county for use in accordance with section 1505  
5149.06 of the Revised Code. 1506

(B) If the judges of the courts of common pleas of two or 1507  
more counties have established a multicounty department of 1508  
probation, a multicounty probation services fund shall be 1509  
established in the county treasury of the county whose treasurer, 1510  
in accordance with section 2301.27 of the Revised Code, is 1511  
designated by the judges of the courts of common pleas as the 1512  
treasurer to whom monthly supervision fees are to be appropriated 1513  
and transferred under division (A)(2) of this section for deposit 1514  
into the fund. The fund shall contain all moneys that are paid to 1515  
the treasurer of any member county under section 2951.021 of the 1516  
Revised Code for deposit into the county's probation services fund 1517  
and that subsequently are appropriated and transferred to the 1518

multicounty probation services fund under division (A)(2) of this 1519  
section. The board of county commissioners of the county in which 1520  
the multicounty probation services fund is established shall 1521  
appropriate the money contained in that fund to the multicounty 1522  
department of probation, for use only for specialized staff, 1523  
purchase of equipment, purchase of services, reconciliation 1524  
programs for offenders and victims, other treatment programs, 1525  
including alcohol and drug addiction programs certified under 1526  
section 3793.06 of the Revised Code, determined to be appropriate 1527  
by the chief probation officer, and for other similar 1528  
probation-related expenses related to placing offenders under a 1529  
community control sanction. 1530

(C) Any money in a county or multicounty probation services 1531  
fund at the end of a fiscal year shall not revert to the general 1532  
fund of the county but shall be retained in the fund. 1533

(D) As used in this section: 1534

(1) "County-operated municipal court" has the same meaning as 1535  
in section 1901.03 of the Revised Code. 1536

(2) "Multicounty department of probation" means a probation 1537  
department established under section 2301.27 of the Revised Code 1538  
to serve more than one county. 1539

(3) "Community control sanction" has the same meaning as in 1540  
section 2929.01 of the Revised Code. 1541

**Sec. 505.49.** (A) As used in this section, "felony" has the 1542  
same meaning as in section 109.511 of the Revised Code. 1543

(B)(1) The township trustees by a two-thirds vote of the 1544  
board may adopt rules necessary for the operation of the township 1545  
police district, including a determination of the qualifications 1546  
of the chief of police, patrol officers, and others to serve as 1547  
members of the district police force. 1548

(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 patrol officer appointed by the chief of police as a constable, as provided for in section 509.01 of the Revised Code, for the township police district.

(3) Except as provided in division (D) of this section, a patrol officer, other police district employee, or police constable, who has 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 patrol officer, police district employee, or police constable shall serve at the pleasure of the township trustees. In case of removal or suspension of an appointee by the board of township trustees, that appointee may appeal the decision of the board to the court of common pleas of the county in which the district is situated to determine the

sufficiency of the cause of removal or suspension. The appointee 1581  
shall take the appeal within ten days of written notice to the 1582  
appointee of the decision of the board. 1583

(C) Division (B) of this section does not apply to a township 1584  
that has a population of ten thousand or more persons residing 1585  
within the township and outside of any municipal corporation, that 1586  
has its own police department employing ten or more full-time paid 1587  
employees, and that has a civil service commission established 1588  
under division (B) of section 124.40 of the Revised Code. That 1589  
type of township shall comply with the procedures for the 1590  
employment, promotion, and discharge of police personnel provided 1591  
by Chapter 124. of the Revised Code, except that the board of 1592  
township trustees of the township may appoint the chief of police, 1593  
and a person so appointed shall be in the unclassified service 1594  
under section 124.11 of the Revised Code and shall serve at the 1595  
pleasure of the board. A person appointed chief of police under 1596  
these conditions who is removed by the board or who resigns from 1597  
the position shall be entitled to return to the classified service 1598  
in the township police department, in the position that person 1599  
held previous to the person's appointment as chief of police. The 1600  
board of township trustees shall determine the number of personnel 1601  
required and establish salary schedules and conditions of 1602  
employment not in conflict with Chapter 124. of the Revised Code. 1603  
Persons employed as police personnel in that type of township on 1604  
the date a civil service commission is appointed pursuant to 1605  
division (B) of section 124.40 of the Revised Code, without being 1606  
required to pass a competitive examination or a police training 1607  
program, shall retain their employment and any rank previously 1608  
granted them by action of the township trustees or otherwise, but 1609  
those persons are eligible for promotion only by compliance with 1610  
Chapter 124. of the Revised Code. This division does not apply to 1611  
constables appointed pursuant to section 509.01 of the Revised 1612

Code. This division is subject to division (D) of this section.

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(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.

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(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:

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(i) Pleads guilty to a felony;

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(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.

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(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

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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.

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

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

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

(F) The members of the police force of a township police  
district of a township that adopts the limited self-government  
form of township government shall serve as peace officers for the

township territory included in the district. 1677

(G) A chief of police or patrol officer of a township police 1678  
district, or of a township police department, may participate, as 1679  
the director of an organized crime task force established under 1680  
section 177.02 of the Revised Code or as a member of the 1681  
investigatory staff of that task force, in an investigation of 1682  
organized criminal activity in any county or counties in this 1683  
state under sections 177.01 to 177.03 of the Revised Code. 1684

**Sec. 509.01.** (A) As used in this section, "felony" has the 1685  
same meaning as in section 109.511 of the Revised Code. 1686

(B) Subject to division (C) of this section, the board of 1687  
township trustees may designate any qualified persons as police 1688  
constables and may provide them with the automobiles, 1689  
communication systems, uniforms, and police equipment that the 1690  
board considers necessary. Except as provided in division (C) of 1691  
this section, police constables designated under this division, 1692  
who have been awarded a certificate attesting to the satisfactory 1693  
completion of an approved state, county, or municipal police basic 1694  
training program, as required by section 109.77 of the Revised 1695  
Code, may be removed or suspended only under the conditions and by 1696  
the procedures in sections 505.491 to 505.495 of the Revised Code. 1697  
Any other police constable shall serve at the pleasure of the 1698  
township trustees. In case of removal or suspension of a police 1699  
constable by the board of township trustees, that police constable 1700  
may appeal the decision of the board to the court of common pleas 1701  
of the county to determine the sufficiency of the cause of removal 1702  
or suspension. The police constable shall take the appeal within 1703  
ten days of written notice to the police constable of the decision 1704  
of the board. The board may pay each police constable, from the 1705  
general funds of the township, the compensation that the board by 1706  
resolution prescribes for the time actually spent in keeping the 1707

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



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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.

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

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(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.

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**Sec. 511.232.** (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) 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 1770  
(C) of this section. 1771

(C)(1) The board of park commissioners of a township park 1772  
district shall not designate an employee as provided in division 1773  
(B) of this section on a permanent basis, on a temporary basis, 1774  
for a probationary term, or on other than a permanent basis if the 1775  
employee previously has been convicted of or has pleaded guilty to 1776  
a felony. 1777

(2)(a) The board of park commissioners of a township park 1778  
district shall terminate the employment of an employee designated 1779  
as provided in division (B) of this section if the employee does 1780  
either of the following: 1781

(i) Pleads guilty to a felony; 1782

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 1783  
plea agreement as provided in division (D) of section ~~2929.29~~ 1784  
2929.43 of the Revised Code in which the employee agrees to 1785  
surrender the certificate awarded to the employee under section 1786  
109.77 of the Revised Code. 1787

(b) The board shall suspend from employment an employee 1788  
designated as provided in division (B) of this section if the 1789  
employee is convicted, after trial, of a felony. If the employee 1790  
files an appeal from that conviction and the conviction is upheld 1791  
by the highest court to which the appeal is taken or if the 1792  
employee does not file a timely appeal, the board shall terminate 1793  
the employment of that employee. If the employee files an appeal 1794  
that results in that employee's acquittal of the felony or 1795  
conviction of a misdemeanor, or in the dismissal of the felony 1796  
charge against the employee, the board shall reinstate that 1797  
employee. An employee who is reinstated under division (C)(2)(b) 1798  
of this section shall not receive any back pay unless that 1799  
employee's conviction of the felony was reversed on appeal, or the 1800

felony charge was dismissed, because the court found insufficient  
evidence to convict the employee of the felony. 1801  
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(3) Division (C) of this section does not apply regarding an  
offense that was committed prior to January 1, 1997. 1803  
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(4) The suspension from employment, or the termination of the  
employment, of an employee under division (C)(2) of this section 1805  
shall be in accordance with Chapter 119. of the Revised Code. 1806  
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**Sec. 737.052.** (A) As used in this section, "felony" has the  
same meaning as in section 109.511 of the Revised Code. 1809  
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(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. 1811  
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(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: 1817  
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(i) Pleads guilty to a felony; 1820

(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. 1821  
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(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  
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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.

(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 the chief of police, member of the police department, or auxiliary police officer under division (B)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

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

(B)(1) The mayor shall not appoint a person as a marshal, a deputy marshal, a police officer, a night watchperson, a special police officer, 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 mayor shall terminate the employment of a marshal, 1862  
deputy marshal, police officer, night watchperson, special police 1863  
officer, or auxiliary police officer who does either of the 1864  
following: 1865

(i) Pleads guilty to a felony; 1866

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 1867  
plea agreement as provided in division (D) of section ~~2929.29~~ 1868  
2929.43 of the Revised Code in which the marshal, deputy marshal, 1869  
police officer, night watchperson, special police officer, or 1870  
auxiliary police officer agrees to surrender the certificate 1871  
awarded to that person under section 109.77 of the Revised Code. 1872

(b) The mayor shall suspend from employment a marshal, deputy 1873  
marshal, police officer, night watchperson, special police 1874  
officer, or auxiliary police officer who is convicted, after 1875  
trial, of a felony. If the marshal, deputy marshal, police 1876  
officer, night watchperson, special police officer, or auxiliary 1877  
police officer files an appeal from that conviction and the 1878  
conviction is upheld by the highest court to which the appeal is 1879  
taken or if that person does not file a timely appeal, the mayor 1880  
shall terminate that person's employment. If the marshal, deputy 1881  
marshal, police officer, night watchperson, special police 1882  
officer, or auxiliary police officer files an appeal that results 1883  
in that person's acquittal of the felony or conviction of a 1884  
misdemeanor, or in the dismissal of the felony charge against that 1885  
person, the mayor shall reinstate that person. A marshal, deputy 1886  
marshal, police officer, night watchperson, special police 1887  
officer, or auxiliary police officer who is reinstated under 1888  
division (B)(2)(b) of this section shall not receive any back pay 1889  
unless that person's conviction of the felony was reversed on 1890  
appeal, or the felony charge was dismissed, because the court 1891  
found insufficient evidence to convict that person of the felony. 1892

(3) Division (B) of this section does not apply regarding an 1893

offense that was committed prior to January 1, 1997. 1894

(4) The suspension from employment, or the termination of the 1895  
employment, of a marshal, deputy marshal, police officer, night 1896  
watchperson, special police officer, or auxiliary police officer 1897  
under division (B)(2) of this section shall be in accordance with 1898  
Chapter 119. of the Revised Code. 1899

**Sec. 737.41.** (A) The legislative authority of a municipal 1900  
corporation in which is established a municipal court, other than 1901  
a county-operated municipal court, that has a department of 1902  
probation shall establish in the municipal treasury a municipal 1903  
probation services fund. The fund shall contain all moneys paid to 1904  
the treasurer of the municipal corporation under section 2951.021 1905  
of the Revised Code for deposit into the fund. The treasurer of 1906  
the municipal corporation shall disburse the money contained in 1907  
the fund at the request of the municipal court department of 1908  
probation, for use only by that department for specialized staff, 1909  
purchase of equipment, purchase of services, reconciliation 1910  
programs for offenders and victims, other treatment programs, 1911  
including alcohol and drug addiction programs certified under 1912  
section 3793.06 of the Revised Code, determined to be appropriate 1913  
by the chief probation officer, and other similar 1914  
probation-related expenses related to placing offenders under a 1915  
community control sanction. 1916

(B) Any money in a municipal probation services fund at the 1917  
end of a fiscal year shall not revert to the treasury of the 1918  
municipal corporation but shall be retained in the fund. 1919

(C) As used in this section, "county-operated: 1920

(1) "County-operated municipal court" has the same meaning as 1921  
in section 1901.03 of the Revised Code. 1922

(2) "Community control sanction" has the same meaning as in 1923

section 2929.01 of the Revised Code.

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

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

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

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(3) Conduct internal investigations of employees of the  
department as necessary;

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

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

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

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

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(B)(1) As used in division (B) of this section, "felony" has 1954  
the same meaning as in section 109.511 of the Revised Code. 1955

(2) The director shall not designate a person as a natural 1956  
resources law enforcement staff officer under division (A) of this 1957  
section on a permanent basis, on a temporary basis, for a 1958  
probationary term, or on other than a permanent basis if the 1959  
person previously has been convicted of or has pleaded guilty to a 1960  
felony. 1961

(3) The director shall terminate the employment as a natural 1962  
resources law enforcement staff officer of a person designated as 1963  
such an officer if that person does either of the following: 1964

(a) Pleads guilty to a felony; 1965

(b) Pleads guilty to a misdemeanor pursuant to a negotiated 1966  
plea agreement as provided in division (D) of section ~~2929.29~~ 1967  
2929.43 of the Revised Code in which the natural resources law 1968  
enforcement staff officer agrees to surrender the certificate 1969  
awarded to that officer under section 109.77 of the Revised Code. 1970

(4) The director shall suspend from employment as a natural 1971  
resources law enforcement staff officer a person designated as 1972  
such an officer if that person is convicted, after trial, of a 1973  
felony. If the natural resources law enforcement staff officer 1974  
files an appeal from that conviction and the conviction is upheld 1975  
by the highest court to which the appeal is taken, or if the 1976  
officer does not file a timely appeal, the director shall 1977  
terminate the employment of the natural resources law enforcement 1978  
staff officer. If the natural resources law enforcement staff 1979  
officer files an appeal that results in the officer's acquittal of 1980  
the felony or conviction of a misdemeanor, or in the dismissal of 1981  
the felony charge against the officer, the director shall 1982  
reinstate the natural resources law enforcement staff officer. A 1983  
natural resources law enforcement staff officer who is reinstated 1984



under division (B)(4) of this section shall not receive any back 1985  
pay unless the officer's conviction of the felony was reversed on 1986  
appeal, or the felony charge was dismissed, because the court 1987  
found insufficient evidence to convict the officer of the felony. 1988

(5) Division (B) of this section does not apply regarding an 1989  
offense that was committed prior to January 1, 1999. 1990

(6) The suspension from employment, or the termination of the 1991  
employment, of a natural resources law enforcement staff officer 1992  
under division (B)(3) or (4) of this section shall be in 1993  
accordance with Chapter 119. of the Revised Code. 1994

**Sec. 1503.29.** (A) As used in this section, "felony" has the 1995  
same meaning as in section 109.511 of the Revised Code. 1996

(B)(1) Subject to division (D) of this section, any person 1997  
employed by the chief of the division of forestry for 1998  
administrative service in a state forest may be designated by the 1999  
chief and known as a forest officer. A forest officer, on any 2000  
lands or waters owned, controlled, maintained, or administered by 2001  
the department of natural resources and on highways, as defined in 2002  
section 4511.01 of the Revised Code, adjacent to lands and waters 2003  
owned, controlled, maintained, or administered by the division of 2004  
forestry, has the authority specified under section 2935.03 of the 2005  
Revised Code for peace officers of the department of natural 2006  
resources to keep the peace, to enforce all laws and rules 2007  
governing those lands and waters, and to make arrests for 2008  
violation of those laws and rules, provided that the authority 2009  
shall be exercised on lands or waters administered by another 2010  
division of the department only pursuant to an agreement with the 2011  
chief of that division or to a request for assistance by an 2012  
enforcement officer of that division in an emergency. 2013

(2) A forest officer, in or along any watercourse within, 2014  
abutting, or upstream from the boundary of any area administered 2015

by the department, has the authority to enforce section 3767.32 of  
the Revised Code and other laws prohibiting the dumping of refuse  
into or along waters and to make arrests for violation of those  
laws. The jurisdiction of forest officers shall be concurrent with  
that of the peace officers of the county, township, or municipal  
corporation in which the violation occurs.

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

(C)(1) A forest officer may render assistance to a state or  
local law enforcement officer at the request of that officer or  
may render assistance to a state or local law enforcement officer  
in the event of an emergency. Forest officers serving outside the  
division of forestry under this section or serving under the terms  
of a mutual aid compact authorized under section 1501.02 of the  
Revised Code shall be considered as performing services within  
their regular employment for the purposes of compensation, pension  
or indemnity fund rights, workers' compensation, and other rights  
or benefits to which they may be entitled as incidents of their  
regular employment.

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

section or under a mutual aid compact. 2048

(D)(1) The chief of the division of forestry shall not 2049  
designate a person as a forest officer pursuant to division (B)(1) 2050  
of this section on a permanent basis, on a temporary basis, for a 2051  
probationary term, or on other than a permanent basis if the 2052  
person previously has been convicted of or has pleaded guilty to a 2053  
felony. 2054

(2)(a) The chief of the division of forestry shall terminate 2055  
the employment as a forest officer of a person designated as a 2056  
forest officer under division (B)(1) of this section if that 2057  
person does either of the following: 2058

(i) Pleads guilty to a felony; 2059

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2060  
plea agreement as provided in division (D) of section ~~2929.29~~ 2061  
2929.43 of the Revised Code in which the forest officer agrees to 2062  
surrender the certificate awarded to the forest officer under 2063  
section 109.77 of the Revised Code. 2064

(b) The chief shall suspend from employment as a forest 2065  
officer a person designated as a forest officer under division 2066  
(B)(1) of this section if that person is convicted, after trial, 2067  
of a felony. If the forest officer files an appeal from that 2068  
conviction and the conviction is upheld by the highest court to 2069  
which the appeal is taken or if the forest officer does not file a 2070  
timely appeal, the chief shall terminate the employment of that 2071  
forest officer. If the forest officer files an appeal that results 2072  
in that forest officer's acquittal of the felony or conviction of 2073  
a misdemeanor, or in the dismissal of the felony charge against 2074  
the forest officer, the chief shall reinstate that forest officer. 2075  
A forest officer who is reinstated under division (D)(2)(b) of 2076  
this section shall not receive any back pay unless that forest 2077  
officer's conviction of the felony was reversed on appeal, or the 2078

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  
lands and waters operated or administered by the division shall be  
employed in conformity with the law applicable to the classified  
civil service of the state. Subject to division (C) of this  
section, the chief may designate that person as a preserve  
officer. A preserve officer, in any nature preserve, in any  
natural area owned or managed through easement, license, or lease  
by the department of natural resources and administered by the  
division, and on lands owned or managed through easement, license,  
or lease by the department and administered by the division that  
are within or adjacent to any wild, scenic, or recreational river  
area established under this chapter and along any trail  
established under Chapter 1519. of the Revised Code, has the  
authority specified under section 2935.03 of the Revised Code for  
peace officers of the department of natural resources to keep the  
peace, to enforce all laws and rules governing those lands and  
waters, and to make arrests for violation of those laws and rules,  
provided that the authority shall be exercised on lands or waters  
administered by another division of the department only pursuant

to an agreement with the chief of that division or to a request 2110  
for assistance by an enforcement officer of that division in an 2111  
emergency. A preserve officer, in or along any watercourse within, 2112  
abutting, or upstream from the boundary of any area administered 2113  
by the department, has the authority to enforce section 3767.32 of 2114  
the Revised Code and any other laws prohibiting the dumping of 2115  
refuse into or along waters and to make arrests for violation of 2116  
those laws. The jurisdiction of a preserve officer shall be 2117  
concurrent with that of the peace officers of the county, 2118  
township, or municipal corporation in which the violation occurs. 2119

The governor, upon the recommendation of the chief, shall 2120  
issue to each preserve officer a commission indicating authority 2121  
to make arrests as provided in this section. 2122

The chief shall furnish a suitable badge to each commissioned 2123  
preserve officer as evidence of the preserve officer's authority. 2124

(2) If any person employed under this section is designated 2125  
by the chief to act as an agent of the state in the collection of 2126  
money resulting from the sale of licenses, fees of any nature, or 2127  
other money belonging to the state, the chief shall require a 2128  
surety bond from the person in an amount not less than one 2129  
thousand dollars. 2130

(C)(1) The chief of the division of natural areas and 2131  
preserves shall not designate a person as a preserve officer 2132  
pursuant to division (B)(1) of this section on a permanent basis, 2133  
on a temporary basis, for a probationary term, or on other than a 2134  
permanent basis if the person previously has been convicted of or 2135  
has pleaded guilty to a felony. 2136

(2)(a) The chief of the division of natural areas and 2137  
preserves shall terminate the employment as a preserve officer of 2138  
a person designated as a preserve officer under division (B)(1) of 2139  
this section if that person does either of the following: 2140

(i) Pleads guilty to a felony;	2141
(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section <del>2929.29</del> <u>2929.43</u> 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.	2142 2143 2144 2145 2146
(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.	2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163
(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.	2164 2165
(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.	2166 2167 2168 2169
<b>Sec. 1531.132.</b> (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.	2170 2171

(B)(1) The chief of the division of wildlife shall not 2172  
designate a person as a game protector on a permanent basis, on a 2173  
temporary basis, for a probationary term, or on other than a 2174  
permanent basis if the person previously has been convicted of or 2175  
has pleaded guilty to a felony. 2176

(2)(a) The chief of the division of wildlife shall terminate 2177  
the employment of a person as a game protector if that person does 2178  
either of the following: 2179

(i) Pleads guilty to a felony; 2180

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2181  
plea agreement as provided in division (D) of section ~~2929.29~~ 2182  
2929.43 of the Revised Code in which the game protector agrees to 2183  
surrender the certificate awarded to the game protector under 2184  
section 109.77 of the Revised Code. 2185

(b) The chief shall suspend from employment as a game 2186  
protector a person designated as a game protector if that person 2187  
is convicted, after trial, of a felony. If the game protector 2188  
files an appeal from that conviction and the conviction is upheld 2189  
by the highest court to which the appeal is taken or if the game 2190  
protector does not file a timely appeal, the chief shall terminate 2191  
the employment of that game protector. If the game protector files 2192  
an appeal that results in the game protector's acquittal of the 2193  
felony or conviction of a misdemeanor, or in the dismissal of the 2194  
felony charge against the game protector, the chief shall 2195  
reinstate that game protector. A game protector who is reinstated 2196  
under division (B)(2)(b) of this section shall not receive any 2197  
back pay unless that game protector's conviction of the felony was 2198  
reversed on appeal, or the felony charge was dismissed, because 2199  
the court found insufficient evidence to convict the game 2200  
protector of the felony. 2201

(3) Division (B) of this section does not apply regarding an 2202

offense that was committed prior to January 1, 1997. 2203

(4) The suspension from employment, or the termination of the 2204  
employment, of a game protector under division (B)(2) of this 2205  
section shall be in accordance with Chapter 119. of the Revised 2206  
Code. 2207

**Sec. 1541.11.** (A) As used in this section, "felony" has the 2208  
same meaning as in section 109.511 of the Revised Code. 2209

(B)(1) The chief of the division of parks and recreation 2210  
shall not designate a person as a park officer under section 2211  
1541.10 of the Revised Code on a permanent basis, on a temporary 2212  
basis, for a probationary term, or on other than a permanent basis 2213  
if the person previously has been convicted of or has pleaded 2214  
guilty to a felony. 2215

(2)(a) The chief of the division of parks and recreation 2216  
shall terminate the employment as a park officer of a person 2217  
designated as a park officer under section 1541.10 of the Revised 2218  
Code if that person does either of the following: 2219

(i) Pleads guilty to a felony; 2220

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2221  
plea agreement as provided in division (D) of section ~~2929.29~~ 2222  
2929.43 of the Revised Code in which the park officer agrees to 2223  
surrender the certificate awarded to the park officer under 2224  
section 109.77 of the Revised Code. 2225

(b) The chief shall suspend from employment as a park officer 2226  
a person designated as a park officer if that person is convicted, 2227  
after trial, of a felony. If the park officer files an appeal from 2228  
that conviction and the conviction is upheld by the highest court 2229  
to which the appeal is taken or if the park officer does not file 2230  
a timely appeal, the chief shall terminate the employment of that 2231  
park officer. If the park officer files an appeal that results in 2232



the park officer's acquittal of the felony or conviction of a  
misdemeanor, or in the dismissal of the felony charge against the  
park officer, the chief shall reinstate that park officer. A park  
officer who is reinstated under division (B)(2)(b) of this section  
shall not receive any back pay unless that park 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 park officer of the felony.

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

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

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**Sec. 1545.13.** (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) The employees that the board of park commissioners  
designates for that purpose may exercise all the powers of police  
officers within and adjacent to the lands under the jurisdiction  
and control of the board or when acting as authorized by section  
1545.131 or 1545.132 of the Revised Code. Before exercising the  
powers of police officers, 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 in that respect. This division is subject to division  
(C) of this section.

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(C)(1) The board of park commissioners 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

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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 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 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.

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<b>Sec. 1547.523.</b> (A) As used in this section, "felony" has the	2296
same meaning as in section 109.511 of the Revised Code.	2297
(B)(1) The chief of the division of watercraft shall not	2298
appoint a person as a state watercraft officer on a permanent	2299
basis, on a temporary basis, for a probationary term, or on other	2300
than a permanent basis if the person previously has been convicted	2301
of or has pleaded guilty to a felony.	2302
(2)(a) The chief of the division of watercraft shall	2303
terminate the employment of a state watercraft officer who does	2304
either of the following:	2305
(i) Pleads guilty to a felony;	2306
(ii) Pleads guilty to a misdemeanor pursuant to a negotiated	2307
plea agreement as provided in division (D) of section <del>2929.29</del>	2308
<u>2929.43</u> of the Revised Code in which the state watercraft officer	2309
agrees to surrender the certificate awarded to that officer under	2310
section 109.77 of the Revised Code.	2311
(b) The chief shall suspend from employment a state	2312
watercraft officer who is convicted, after trial, of a felony. If	2313
the state watercraft officer files an appeal from that conviction	2314
and the conviction is upheld by the highest court to which the	2315
appeal is taken or if the state watercraft officer does not file a	2316
timely appeal, the chief shall terminate the employment of that	2317
state watercraft officer. If the state watercraft officer files an	2318
appeal that results in the state watercraft officer's acquittal of	2319
the felony or conviction of a misdemeanor, or in the dismissal of	2320
the felony charge against the state watercraft officer, the chief	2321
shall reinstate that state watercraft officer. A state watercraft	2322
officer who is reinstated under division (B)(2)(b) of this section	2323
shall not receive any back pay unless that state watercraft	2324
officer's conviction of the felony was reversed on appeal, or the	2325

felony charge was dismissed, because the court found insufficient 2326  
evidence to convict the state watercraft officer of the felony. 2327  
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(3) Division (B) of this section does not apply regarding an 2329  
offense that was committed prior to January 1, 1997. 2330

(4) The suspension from employment, or the termination of the 2331  
employment, of a state watercraft officer under division (B)(2) of 2332  
this section shall be in accordance with Chapter 119. of the 2333  
Revised Code. 2334

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the 2335  
Revised Code is guilty of a felony of the fourth degree. 2336

(B) Whoever violates section 1547.10, division (I) of section 2337  
1547.111, section 1547.13, or section 1547.66 of the Revised Code 2338  
is guilty of a misdemeanor of the first degree. 2339

(C) Whoever violates a provision of this chapter or a rule 2340  
adopted thereunder, for which no penalty is otherwise provided, is 2341  
guilty of a minor misdemeanor. 2342

(D) Whoever violates section 1547.07 or 1547.12 of the 2343  
Revised Code without causing injury to persons or damage to 2344  
property is guilty of a misdemeanor of the fourth degree. 2345

(E) Whoever violates section 1547.07 or 1547.12 of the 2346  
Revised Code causing injury to persons or damage to property is 2347  
guilty of a misdemeanor of the third degree. 2348

(F) Whoever violates division (M) of section 1547.54, 2349  
division (G) of section 1547.30, or section 1547.131, 1547.25, 2350  
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 2351  
of the Revised Code or a rule adopted under division (A)(2) of 2352  
section 1547.52 of the Revised Code is guilty of a misdemeanor of 2353  
the fourth degree. 2354

(G) Whoever violates section 1547.11 of the Revised Code is 2355

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

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(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.

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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~~  
probation under a community control sanction pursuant to section  
2929.25 of the Revised Code and requires the offender to attend,  
for three consecutive days, a drivers' intervention program that  
is certified pursuant to section 3793.10 of the Revised Code. The  
court also may suspend the execution of any part 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  
places the offender ~~on probation~~ under a community control  
sanction pursuant to section 2929.25 of the Revised Code for part  
of the three consecutive days; requires the offender to attend,  
for that part of the three consecutive days, a drivers'  
intervention program that is certified pursuant to section 3793.10  
of the Revised Code; and sentences the offender to a jail term ~~of~~  
~~imprisonment~~ equal to the remainder of the three consecutive days  
that the offender does not spend attending the drivers'  
intervention program. The court may require the offender, as a  
condition of ~~probation~~ community control, to attend and  
satisfactorily complete any treatment or education programs, in  
addition to the required attendance at a drivers' intervention

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program, that the operators of the drivers' intervention program 2388  
determine that the offender should attend and to report 2389  
periodically to the court on the offender's progress in the 2390  
programs. The court also may impose any other conditions of 2391  
~~probation~~ community control on the offender that it considers 2392  
necessary. 2393

(2) If, within five years of the offense, the offender has 2394  
been convicted of or pleaded guilty to one violation of section 2395  
1547.11 of the Revised Code, of a municipal ordinance relating to 2396  
operating a watercraft or manipulating any water skis, aquaplane, 2397  
or similar device while under the influence of alcohol, a drug of 2398  
abuse, or alcohol and a drug of abuse, of a municipal ordinance 2399  
relating to operating a watercraft or manipulating any water skis, 2400  
aquaplane, or similar device with a prohibited concentration of 2401  
alcohol in the blood, breath, or urine, of division (A)(1) of 2402  
section 2903.06 of the Revised Code, or of division (A)(2), (3), 2403  
or (4) of section 2903.06 of the Revised Code or former section 2404  
2903.06 or 2903.07 of the Revised Code in a case in which the jury 2405  
or judge found that the offender was under the influence of 2406  
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 2407  
court shall sentence the offender to a jail term ~~of imprisonment~~ 2408  
of ten consecutive days and may sentence the offender pursuant to 2409  
section ~~2929.21~~ 2929.24 of the Revised Code to a longer jail term 2410  
~~of imprisonment~~. In addition, the court shall impose upon the 2411  
offender a fine of not less than one hundred fifty nor more than 2412  
one thousand dollars. 2413

In addition to any other sentence that it imposes upon the 2414  
offender, the court may require the offender to attend a drivers' 2415  
intervention program that is certified pursuant to section 3793.10 2416  
of the Revised Code. 2417

(3) If, within five years of the offense, the offender has 2418  
been convicted of or pleaded guilty to more than one violation 2419

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  
the offender be granted work release ~~from imprisonment~~ after the  
offender has served the mandatory jail term of three, ten, or  
thirty consecutive days of ~~imprisonment~~ that the court is required  
by division (G)(1), (2), or (3) of this section to impose. No  
court shall authorize work release ~~from imprisonment~~ during the  
mandatory jail term of three, ten, or thirty consecutive days of  
~~imprisonment~~ that the court is required by division (G)(1), (2),  
or (3) of this section to impose. The duration of the work release  
shall not exceed the time necessary each day for the offender to  
commute to and from the place of employment and the place of  
~~imprisonment~~ in which the jail term is served and the time  
actually spent under employment.

(5) Notwithstanding any section of the Revised Code that  
authorizes the suspension of the imposition or execution of a  
sentence or the placement of an offender in any treatment program  
in lieu of imprisonment, no court shall suspend the mandatory jail  
term of ten or thirty consecutive days of ~~imprisonment~~ required to  
be imposed by division (G)(2) or (3) of this section or place an

offender who is sentenced pursuant to division (G)(2) or (3) of 2452  
this section in any treatment program in lieu of imprisonment 2453  
until after the offender has served the mandatory jail term of ten 2454  
or thirty consecutive days ~~of imprisonment~~ required to be imposed 2455  
pursuant to division (G)(2) or (3) of this section. 2456

Notwithstanding any section of the Revised Code that authorizes 2457  
the suspension of the imposition or execution of a sentence or the 2458  
placement of an offender in any treatment program in lieu of 2459  
imprisonment, no court, except as specifically authorized by 2460  
division (G)(1) of this section, shall suspend the mandatory jail 2461  
term of three consecutive days of imprisonment required to be 2462  
imposed by division (G)(1) of this section or place an offender 2463  
who is sentenced pursuant to division (G)(1) of this section in 2464  
any treatment program in lieu of imprisonment until after the 2465  
offender has served the mandatory jail term of three consecutive 2466  
days ~~of imprisonment~~ required to be imposed pursuant to division 2467  
(G)(1) of this section. 2468

(H) Whoever violates section 1547.304 of the Revised Code is 2469  
guilty of a misdemeanor of the fourth degree and also shall be 2470  
assessed any costs incurred by the state or a county, township, 2471  
municipal corporation, or other political subdivision in disposing 2472  
of an abandoned junk vessel or outboard motor, less any money 2473  
accruing to the state, county, township, municipal corporation, or 2474  
other political subdivision from that disposal. 2475

(I) Whoever violates division (B) or (C) of section 1547.49 2476  
of the Revised Code is guilty of a minor misdemeanor. 2477

(J) Whoever violates section 1547.31 of the Revised Code is 2478  
guilty of a misdemeanor of the fourth degree on a first offense. 2479  
On each subsequent offense, the person is guilty of a misdemeanor 2480  
of the third degree. 2481

(K) Whoever violates section 1547.05 or 1547.051 of the 2482  
Revised Code is guilty of a misdemeanor of the fourth degree if 2483



the violation is not related to a collision, injury to a person, 2484  
or damage to property and a misdemeanor of the third degree if the 2485  
violation is related to a collision, injury to a person, or damage 2486  
to property. 2487

(L) The sentencing court, in addition to the penalty provided 2488  
under this section for a violation of this chapter or a rule 2489  
adopted under it that involves a powercraft powered by more than 2490  
ten horsepower and that, in the opinion of the court, involves a 2491  
threat to the safety of persons or property, shall order the 2492  
offender to complete successfully a boating course approved by the 2493  
national association of state boating law administrators before 2494  
the offender is allowed to operate a powercraft powered by more 2495  
than ten horsepower on the waters in this state. Violation of a 2496  
court order entered under this division is punishable as contempt 2497  
under Chapter 2705. of the Revised Code. 2498

**Sec. 1702.80.** (A) As used in this section: 2500

(1) "Qualified nonprofit corporation" means a nonprofit 2501  
corporation that is established under this chapter and to which 2502  
all of the following apply: 2503

(a) The nonprofit corporation is a tax-exempt charitable 2504  
organization; 2505

(b) The nonprofit corporation has other organizations as 2506  
members, and at least twenty of its members are tax-exempt 2507  
charitable organizations; 2508

(c) The nonprofit corporation, together with its members that 2509  
are organizations, owns, leases, occupies, or uses an area of not 2510  
less than three hundred acres within which its police department 2511  
established under division (B) of this section will provide police 2512  
services; 2513

(d) The chief of police of each municipal corporation within 2514  
which the police department of the nonprofit corporation will be 2515  
eligible to provide police services has given approval for persons 2516  
who are appointed as police officers of that department to carry 2517  
out their powers and duties as police officers. 2518

(2) "Authorizing agreement" means the written agreement 2519  
entered into between a qualified nonprofit corporation and a 2520  
municipal corporation pursuant to division (B) of this section for 2521  
the provision of police services within the municipal corporation 2522  
by the police department of the nonprofit corporation established 2523  
under division (B) of this section. 2524

(3) "Tax exempt" means that a corporation or organization is 2525  
exempt from federal income taxation under subsection 501(a) and is 2526  
described in subsection 501(c)(3) of the Internal Revenue Code, 2527  
and that the corporation or organization has received from the 2528  
internal revenue service a determination letter that currently is 2529  
in effect stating that the corporation or organization is exempt 2530  
from federal income taxation under that subsection and is 2531  
described in that subsection. 2532

(4) "Internal Revenue Code" means the "Internal Revenue Code 2533  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 2534

(5) "Felony" has the same meaning as in section 109.511 of 2535  
the Revised Code. 2536

(B) A qualified nonprofit corporation may establish a police 2537  
department to provide police services, subject to the requirements 2538  
and limitations set forth in this division and divisions (C) and 2539  
(D) of this section, within one or more municipal corporations. 2540  
Subject to division (E) of this section, the board of trustees of 2541  
a qualified nonprofit corporation that establishes a police 2542  
department may appoint persons as police officers of the 2543  
department, and the corporation may employ the persons so 2544

appointed as police officers. 2545

A person so appointed and employed as a police officer is 2546  
authorized to act as a police officer only to the extent and in 2547  
the manner described in this section and only when directly 2548  
engaged in the discharge of that person's duties as a police 2549  
officer for the qualified nonprofit corporation. No person so 2550  
appointed and employed as a police officer shall engage in any 2551  
duties or activities as a police officer for a police department 2552  
established by a qualified nonprofit corporation unless both of 2553  
the following apply: 2554

(1) The person successfully has completed a training program 2555  
approved by the Ohio peace officer training commission and has 2556  
been certified by the commission as having successfully completed 2557  
the training program, or the person previously has successfully 2558  
completed a police officer basic training program certified by the 2559  
commission and has been awarded a certificate to that effect by 2560  
the commission. 2561

(2) The qualified nonprofit corporation has entered into a 2562  
written authorizing agreement, as described in division (C) of 2563  
this section, with the chief of police of each municipal 2564  
corporation within which the police department of the qualified 2565  
nonprofit corporation will provide police services. 2566

(C) An authorizing agreement entered into between a qualified 2567  
nonprofit corporation and a chief of police of a municipal 2568  
corporation shall apply only to the agreeing municipal 2569  
corporation, and a separate authorizing agreement shall be entered 2570  
into for each municipal corporation within which the police 2571  
department of the qualified nonprofit corporation will provide 2572  
police services. An authorizing agreement shall not require, or 2573  
contain any provision granting authority to, the chief of police 2574  
or any other officer, official, or employee of the municipal 2575  
corporation that enters into the agreement, to appoint or to 2576

approve or disapprove the appointment of any police officer 2577  
appointed and employed by the qualified nonprofit corporation 2578  
police department under division (B) of this section. An 2579  
authorizing agreement shall comply with any statutes and with any 2580  
municipal charter provisions, ordinances, or resolutions that may 2581  
apply to it. An authorizing agreement may prescribe, but is not 2582  
limited to, any of the following: 2583

(1) The geographical territory within the municipal 2584  
corporation in which the police department established by the 2585  
qualified nonprofit corporation under division (B) of this section 2586  
may provide police services; 2587

(2) The standards and criteria to govern the interaction 2588  
between the police officers employed by the police department 2589  
established by the qualified nonprofit corporation under division 2590  
(B) of this section and the law enforcement officers employed by 2591  
the municipal corporation, which standards and criteria may 2592  
include, but are not limited to, either of the following: 2593

(a) Provisions governing the reporting of offenses discovered 2594  
by the police officers employed by the qualified nonprofit 2595  
corporation police department to the police department of the 2596  
municipal corporation; 2597

(b) Provisions governing the processing and confinement of 2598  
persons arrested by police officers of the qualified nonprofit 2599  
corporation police department. 2600

(3) Any limitation on the qualified nonprofit corporation 2601  
police department's enforcement of municipal traffic ordinances 2602  
and regulations; 2603

(4) The duration, if any, of the agreement. 2604

(D) If a qualified nonprofit corporation establishes a police 2605  
department under this section, the qualified nonprofit 2606  
corporation, within the geographical territory specified for each 2607

municipal corporation that has entered into an authorizing  
agreement with it, concurrently with the municipal corporation,  
shall preserve the peace, protect persons and property, enforce  
the laws of the state, and enforce the charter provisions,  
ordinances, and regulations of the political subdivisions of the  
state that apply within that territory. Except as limited by the  
terms of any applicable authorizing agreement, each police officer  
who is employed by a police department established by a qualified  
nonprofit corporation and who satisfies the requirement set forth  
in division (B)(1) of this section is vested, while directly in  
the discharge of that police officer's duties as a police officer,  
with the same powers and authority as are vested in a police  
officer of a municipal corporation under Title XXIX of the Revised  
Code and the Rules of Criminal Procedure, and with the same powers  
and authority, including the operation of a public safety vehicle,  
as are vested in a police officer of a municipal corporation under  
Chapter 4511. of the Revised Code.

(E)(1) The board of trustees of a qualified nonprofit  
corporation that establishes a police department shall not appoint  
a person as a police officer of the department 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 trustees of a qualified nonprofit  
corporation shall terminate the employment of a police officer of  
its police department appointed under division (B) of this section  
if the police officer 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 officer agrees to

surrender the certificate awarded to the police officer under 2640  
section 109.77 of the Revised Code. 2641

(b) The board of trustees of a qualified nonprofit 2642  
corporation shall suspend from employment a police officer of its 2643  
police department appointed under division (B) of this section if 2644  
the police officer is convicted, after trial, of a felony. If the 2645  
police officer files an appeal from that conviction and the 2646  
conviction is upheld by the highest court to which the appeal is 2647  
taken or if the police officer does not file a timely appeal, the 2648  
board shall terminate the employment of that police officer. If 2649  
the police officer files an appeal that results in the police 2650  
officer's acquittal of the felony or conviction of a misdemeanor, 2651  
or in the dismissal of the felony charge against the police 2652  
officer, the board shall reinstate that police officer. A police 2653  
officer who is reinstated under division (E)(2)(b) of this section 2654  
shall not receive any back pay unless that police officer's 2655  
conviction of the felony was reversed on appeal, or the felony 2656  
charge was dismissed, because the court found insufficient 2657  
evidence to convict the police officer of the felony. 2658

(3) Division (E) of this section does not apply regarding an 2659  
offense that was committed prior to January 1, 1997. 2660

(4) The suspension from employment, or the termination of the 2661  
employment, of a police officer under division (E)(2) of this 2662  
section shall be in accordance with Chapter 119. of the Revised 2663  
Code. 2664

**Sec. 1713.50.** (A) As used in this section: 2665

(1) "Political subdivision" means a county, municipal 2666  
corporation, or township. 2667

(2) "Private college or university" means a college or 2668  
university that has all of the following characteristics: 2669

(a) It is not owned or controlled by the state or any political subdivision of the state. 2670  
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(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. 2672  
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(c) It is accredited by the north central association or another nationally recognized agency that accredits colleges and universities. 2676  
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(3) "Felony" has the same meaning as in section 109.511 of the Revised Code. 2679  
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(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. 2681  
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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 2694  
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department is located.

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

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(D) Except as otherwise provided in this division, the board of trustees of a private college or university shall provide to each member of a campus police department appointed under division (B) of this section, without cost to the member, liability insurance coverage that insures the member against any liability

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that may arise out of or in the course of the member's employment 2733  
and that is in an amount of not less than two hundred fifty 2734  
thousand dollars. A board of trustees may provide the liability 2735  
coverage required by this division by self-insurance. 2736

(E)(1) The board of trustees of a private college or 2737  
university that establishes a campus police department shall not 2738  
appoint a person as a member of the campus police department 2739  
pursuant to division (B) of this section on a permanent basis, on 2740  
a temporary basis, for a probationary term, or on other than a 2741  
permanent basis if the person previously has been convicted of or 2742  
has pleaded guilty to a felony. 2743

(2)(a) The board of trustees of a private college or 2744  
university shall terminate the employment of a member of its 2745  
campus police department appointed under division (B) of this 2746  
section if the member does either of the following: 2747

(i) Pleads guilty to a felony; 2748

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2749  
plea agreement as provided in division (D) of section ~~2929.29~~ 2750  
2929.43 of the Revised Code in which the member agrees to 2751  
surrender the certificate awarded to that member under section 2752  
109.77 of the Revised Code. 2753

(b) The board of trustees of a private college or university 2754  
shall suspend from employment a member of its campus police 2755  
department appointed under division (B) of this section if the 2756  
member is convicted, after trial, of a felony. If the member of 2757  
the campus police department files an appeal from that conviction 2758  
and the conviction is upheld by the highest court to which the 2759  
appeal is taken or if the member does not file a timely appeal, 2760  
the board shall terminate the employment of that member. If the 2761  
member of the campus police department files an appeal that 2762  
results in that member's acquittal of the felony or conviction of 2763

a misdemeanor, or in the dismissal of the felony charge against  
that member, the board shall reinstate that member. A member of a  
campus police department who is reinstated under division  
(E)(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 felony.

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

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

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

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

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(1) A report to the supreme court of all cases filed in the  
mayor's court and of all cases that are pending and are terminated  
in that court, and any financial, dispositional, and other  
information that the supreme court prescribes by rule. The mayor

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shall make the report under division (B)(1) of this section on a 2795  
form prescribed by the supreme court and not later than the 2796  
fifteenth day of January, April, July, and October of each year. 2797  
The report shall cover all cases filed, pending, and terminated in 2798  
the mayor's court for the calendar quarter preceding the 2799  
appropriate filing date. 2800

(2) A report to the bureau of criminal identification and 2801  
investigation of every conviction in the mayor's court for an 2802  
offense that is a misdemeanor on a first offense and a felony on 2803  
any subsequent offense. The mayor shall make the report under 2804  
division (B)(2) of this section upon entry of the judgment of 2805  
conviction for the offense. 2806

(C) No mayor of a municipal corporation shall conduct a 2807  
mayor's court without complying with the general law on 2808  
registering and reporting under this section. 2809

**Sec. 2101.09.** When required by the probate judge, sheriffs, 2810  
coroners, and constables shall attend ~~his~~ the judge's court and 2811  
serve and return process directed and delivered to them by such 2812  
judge. No such officer shall neglect or refuse to serve and return 2813  
such process. If such officer does neglect or refuse to serve and 2814  
return such process, the judge shall issue a summons specifying 2815  
the cause for amercement, directed to the officer, therein named, 2816  
commanding ~~him~~ the named officer to summon the officer guilty of 2817  
such misconduct to appear within two days after the service of 2818  
summons and show cause why ~~he~~ the latter officer should not be 2819  
amerced. In addition to a fine, as provided by section ~~2101.99~~ 2820  
2929.18 of the Revised Code, to be paid into the county treasury, 2821  
such officer and ~~his~~ the officer's sureties shall be liable upon 2822  
~~his~~ the officer's official bond for damages sustained by any 2823  
person by reason of such officer's misconduct. 2824

Sec. 2152.02. As used in this chapter:	2825
(A) "Act charged" means the act that is identified in a complaint, indictment, or information alleging that a child is a delinquent child.	2826 2827 2828
(B) "Admitted to a department of youth services facility" includes admission to a facility operated, or contracted for, by the department and admission to a comparable facility outside this state by another state or the United States.	2829 2830 2831 2832
(C)(1) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (C)(2) to (6) of this section.	2833 2834 2835
(2) Subject to division (C)(3) of this section, any person who violates a federal or state law or a municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's age at the time the complaint with respect to that violation is filed or the hearing on the complaint is held.	2836 2837 2838 2839 2840 2841
(3) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and who is not taken into custody or apprehended for that act until after the person attains twenty-one years of age is not a child in relation to that act.	2842 2843 2844 2845 2846
(4) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code shall be deemed after the transfer not to be a child in the transferred case.	2847 2848 2849 2850
(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case, and any person who is adjudicated a delinquent child	2851 2852 2853 2854

for the commission of an act, who has a serious youthful offender 2855  
dispositional sentence imposed for the act pursuant to section 2856  
2152.13 of the Revised Code, and whose adult portion of the 2857  
dispositional sentence is invoked pursuant to section 2152.14 of 2858  
the Revised Code, shall be deemed after the transfer or invocation 2859  
not to be a child in any case in which a complaint is filed 2860  
against the person. 2861

(6) The juvenile court has jurisdiction over a person who is 2862  
adjudicated a delinquent child or juvenile traffic offender prior 2863  
to attaining eighteen years of age until the person attains 2864  
twenty-one years of age, and, for purposes of that jurisdiction 2865  
related to that adjudication, a person who is so adjudicated a 2866  
delinquent child or juvenile traffic offender shall be deemed a 2867  
"child" until the person attains twenty-one years of age. 2868

(D) "Chronic truant" means any child of compulsory school age 2869  
who is absent without legitimate excuse for absence from the 2870  
public school the child is supposed to attend for seven or more 2871  
consecutive school days, ten or more school days in one school 2872  
month, or fifteen or more school days in a school year. 2873

(E) "Community corrections facility," "public safety beds," 2874  
"release authority," and "supervised release" have the same 2875  
meanings as in section 5139.01 of the Revised Code. 2876

(F) "Delinquent child" includes any of the following: 2877

(1) Any child, except a juvenile traffic offender, who 2878  
violates any law of this state or the United States, or any 2879  
ordinance of a political subdivision of the state, that would be 2880  
an offense if committed by an adult; 2881

(2) Any child who violates any lawful order of the court made 2882  
under this chapter or under Chapter 2151. of the Revised Code 2883  
other than an order issued under section 2151.87 of the Revised 2884  
Code; 2885

(3) Any child who violates division (A) of section 2923.211 of the Revised Code;	2886 2887
(4) Any child who is a habitual truant and who previously has been adjudicated an unruly child for being a habitual truant;	2888 2889
(5) Any child who is a chronic truant.	2890
(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.	2891 2892 2893
(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.	2894 2895 2896 2897
(I) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code.	2898 2899 2900
(J) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.	2901 2902 2903
(K) " <u>Electronic monitoring</u> " and " <u>electronic monitoring device</u> ," " <del>certified electronic monitoring device</del> ," " <del>electronically monitored house arrest</del> ," " <del>electronic monitoring system</del> ," and " <del>certified electronic monitoring system</del> " have the same meanings as in section <del>2929.23</del> <u>2929.01</u> of the Revised Code.	2904 2905 2906 2907 2908
(L) "Economic loss" means any economic detriment suffered by a victim of a delinquent act as a result of the delinquent act and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act.	2909 2910 2911 2912 2913 2914
(M) "Firearm" has the same meaning as in section 2923.11 of	2915

the Revised Code.	2916
(N) "Juvenile traffic offender" means any child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or any political subdivision of this state, other than a resolution, ordinance, or regulation of a political subdivision of this state the violation of which is required to be handled by a parking violations bureau or a joint parking violations bureau pursuant to Chapter 4521. of the Revised Code.	2917 2918 2919 2920 2921 2922 2923 2924
(O) A "legitimate excuse for absence from the public school the child is supposed to attend" has the same meaning as in section 2151.011 of the Revised Code.	2925 2926 2927
(P) "Mandatory serious youthful offender" means a person who is eligible for a mandatory SYO and who is not transferred to adult court under a mandatory or discretionary transfer.	2928 2929 2930
(Q) "Mandatory SYO" means a case in which the juvenile court is required to impose a mandatory serious youthful offender disposition under section 2152.13 of the Revised Code.	2931 2932 2933
(R) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of section 2152.12 of the Revised Code.	2934 2935 2936
(S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.	2937 2938
(T) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.	2939 2940
(U) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code.	2941 2942
(V) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	2943 2944
(W) "Public record" has the same meaning as in section 149.43	2945

of the Revised Code. 2946

(X) "Serious youthful offender" means a person who is 2947  
eligible for a mandatory SYO or discretionary SYO but who is not 2948  
transferred to adult court under a mandatory or discretionary 2949  
transfer. 2950

(Y) "Sexually oriented offense," "habitual sex offender," 2951  
"juvenile sex offender registrant," and "sexual predator" have the 2952  
same meanings as in section 2950.01 of the Revised Code. 2953

(Z) "Traditional juvenile" means a case that is not 2954  
transferred to adult court under a mandatory or discretionary 2955  
transfer, that is eligible for a disposition under sections 2956  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 2957  
that is not eligible for a disposition under section 2152.13 of 2958  
the Revised Code. 2959

(AA) "Transfer" means the transfer for criminal prosecution 2960  
of a case involving the alleged commission by a child of an act 2961  
that would be an offense if committed by an adult from the 2962  
juvenile court to the appropriate court that has jurisdiction of 2963  
the offense. 2964

(BB) "Category one offense" means any of the following: 2965

(1) A violation of section 2903.01 or 2903.02 of the Revised 2966  
Code; 2967

(2) A violation of section 2923.02 of the Revised Code 2968  
involving an attempt to commit aggravated murder or murder. 2969

(CC) "Category two offense" means any of the following: 2970

(1) A violation of section 2903.03, 2905.01, 2907.02, 2971  
2909.02, 2911.01, or 2911.11 of the Revised Code; 2972

(2) A violation of section 2903.04 of the Revised Code that 2973  
is a felony of the first degree; 2974



(3) A violation of section 2907.12 of the Revised Code as it 2975  
existed prior to September 3, 1996. 2976

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 2977  
child, the court may make any of the following orders of 2978  
disposition, in addition to any other disposition authorized or 2979  
required by this chapter: 2980

(1) Any order that is authorized by section 2151.353 of the 2981  
Revised Code for the care and protection of an abused, neglected, 2982  
or dependent child; 2983

(2) Commit the child to the temporary custody of any school, 2984  
camp, institution, or other facility operated for the care of 2985  
delinquent children by the county, by a district organized under 2986  
section 2152.41 or 2151.65 of the Revised Code, or by a private 2987  
agency or organization, within or without the state, that is 2988  
authorized and qualified to provide the care, treatment, or 2989  
placement required; 2990

(3) Place the child on community control under any sanctions, 2991  
services, and conditions that the court prescribes. As a condition 2992  
of community control in every case and in addition to any other 2993  
condition that it imposes upon the child, the court shall require 2994  
the child to abide by the law during the period of community 2995  
control. As referred to in this division, community control 2996  
includes, but is not limited to, the following sanctions and 2997  
conditions: 2998

(a) A period of basic probation supervision in which the 2999  
child is required to maintain contact with a person appointed to 3000  
supervise the child in accordance with sanctions imposed by the 3001  
court; 3002

(b) A period of intensive probation supervision in which the 3003  
child is required to maintain frequent contact with a person 3004

appointed by the court to supervise the child while the child is 3005  
seeking or maintaining employment and participating in training, 3006  
education, and treatment programs as the order of disposition; 3007

(c) A period of day reporting in which the child is required 3008  
each day to report to and leave a center or another approved 3009  
reporting location at specified times in order to participate in 3010  
work, education or training, treatment, and other approved 3011  
programs at the center or outside the center; 3012

(d) A period of community service of up to five hundred hours 3013  
for an act that would be a felony or a misdemeanor of the first 3014  
degree if committed by an adult, up to two hundred hours for an 3015  
act that would be a misdemeanor of the second, third, or fourth 3016  
degree if committed by an adult, or up to thirty hours for an act 3017  
that would be a minor misdemeanor if committed by an adult; 3018

(e) A requirement that the child obtain a high school 3019  
diploma, a certificate of high school equivalence, vocational 3020  
training, or employment; 3021

(f) A period of drug and alcohol use monitoring; 3022

(g) A requirement of alcohol or drug assessment or 3023  
counseling, or a period in an alcohol or drug treatment program 3024  
with a level of security for the child as determined necessary by 3025  
the court; 3026

(h) A period in which the court orders the child to observe a 3027  
curfew that may involve daytime or evening hours; 3028

(i) A requirement that the child serve monitored time; 3029

(j) A period of house arrest ~~with or~~ without electronic 3030  
monitoring; 3031

(k) A period of electronic monitoring without house arrest or 3032  
~~electronically monitored~~ house arrest with electronic monitoring 3033  
that does not exceed the maximum sentence of imprisonment that 3034

could be imposed upon an adult who commits the same act. 3035

A period of ~~electronically monitored~~ house arrest with 3036  
electronic monitoring imposed under this division shall not extend 3037  
beyond the child's twenty-first birthday. If a court imposes a 3038  
period of ~~electronically monitored~~ house arrest with electronic 3039  
monitoring upon a child under this division, it shall require the 3040  
child: ~~to wear, otherwise have attached to the child's person, or~~ 3041  
~~otherwise be subject to monitoring by a certified electronic~~ 3042  
~~monitoring device or to participate in the operation of and~~ 3043  
~~monitoring by a certified electronic monitoring system;~~ to remain 3044  
in the child's home or other specified premises for the entire 3045  
period of ~~electronically monitored~~ house arrest with electronic 3046  
monitoring except when the court permits the child to leave those 3047  
premises to go to school or to other specified premises; to be 3048  
monitored by a central system that can determine the child's 3049  
location at designated times; to report periodically to a person 3050  
designated by the court; and to enter into a written contract with 3051  
the court agreeing to comply with all requirements imposed by the 3052  
court, agreeing to pay any fee imposed by the court for the costs 3053  
of the ~~electronically monitored~~ house arrest with electronic 3054  
monitoring, and agreeing to waive the right to receive credit for 3055  
any time served on ~~electronically monitored~~ house arrest with 3056  
electronic monitoring toward the period of any other dispositional 3057  
order imposed upon the child if the child violates any of the 3058  
requirements of the dispositional order of ~~electronically~~ 3059  
~~monitored~~ house arrest with electronic monitoring. The court also 3060  
may impose other reasonable requirements upon the child. 3061

Unless ordered by the court, a child shall not receive credit 3062  
for any time served on ~~electronically monitored~~ house arrest with 3063  
electronic monitoring toward any other dispositional order imposed 3064  
upon the child for the act for which was imposed the dispositional 3065  
order of ~~electronically monitored~~ house arrest with electronic 3066

<u>monitoring.</u>	3067
(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.	3068 3069 3070 3071 3072 3073 3074 3075 3076
(4) Commit the child to the custody of the court;	3077
(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;	3078 3079 3080 3081
(6)(a) If a child is adjudicated a delinquent child for being a chronic truant or an habitual truant who previously has been adjudicated an unruly child for being a habitual truant, do either or both of the following:	3082 3083 3084 3085
(i) Require the child to participate in a truancy prevention mediation program;	3086 3087
(ii) Make any order of disposition as authorized by this section, except that the court shall not commit the child to a facility described in division (A)(2) of this section unless the court determines that the child violated a lawful court order made pursuant to division (C)(1)(e) of section 2151.354 of the Revised Code or division (A)(5) of this section.	3088 3089 3090 3091 3092 3093
(b) If a child is adjudicated a delinquent child for being a chronic truant or a habitual truant who previously has been adjudicated an unruly child for being a habitual truant and the court determines that the parent, guardian, or other person having	3094 3095 3096 3097

care of the child has failed to cause the child's attendance at 3098  
school in violation of section 3321.38 of the Revised Code, do 3099  
either or both of the following: 3100

(i) Require the parent, guardian, or other person having care 3101  
of the child to participate in a truancy prevention mediation 3102  
program; 3103

(ii) Require the parent, guardian, or other person having 3104  
care of the child to participate in any community service program, 3105  
preferably a community service program that requires the 3106  
involvement of the parent, guardian, or other person having care 3107  
of the child in the school attended by the child. 3108

(7) Make any further disposition that the court finds proper, 3109  
except that the child shall not be placed in any of the following: 3110  
3111

(a) A state correctional institution, a county, multicounty, 3112  
or municipal jail or workhouse, or another place in which an adult 3113  
convicted of a crime, under arrest, or charged with a crime is 3114  
held; 3115

(b) A community corrections facility, if the child would be 3116  
covered by the definition of public safety beds for purposes of 3117  
sections 5139.41 to 5139.45 of the Revised Code if the court 3118  
exercised its authority to commit the child to the legal custody 3119  
of the department of youth services for institutionalization or 3120  
institutionalization in a secure facility pursuant to this 3121  
chapter. 3122

(B) If a child is adjudicated a delinquent child, in addition 3123  
to any order of disposition made under division (A) of this 3124  
section, the court, in the following situations, shall suspend the 3125  
child's temporary instruction permit, restricted license, 3126  
probationary driver's license, or nonresident operating privilege, 3127  
or suspend the child's ability to obtain such a permit: 3128

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

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

(C) The court may establish a victim-offender mediation 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. 3161

(2) Each victim impact statement shall identify the victim of 3162  
the act for which the child was adjudicated a delinquent child, 3163  
itemize any economic loss suffered by the victim as a result of 3164  
the act, identify any physical injury suffered by the victim as a 3165  
result of the act and the seriousness and permanence of the 3166  
injury, identify any change in the victim's personal welfare or 3167  
familial relationships as a result of the act and any 3168  
psychological impact experienced by the victim or the victim's 3169  
family as a result of the act, and contain any other information 3170  
related to the impact of the act upon the victim that the court 3171  
requires. 3172

(3) A victim impact statement shall be kept confidential and 3173  
is not a public record. However, the court may furnish copies of 3174  
the statement to the department of youth services if the 3175  
delinquent child is committed to the department or to both the 3176  
adjudicated delinquent child or the adjudicated delinquent child's 3177  
counsel and the prosecuting attorney. The copy of a victim impact 3178  
statement furnished by the court to the department pursuant to 3179  
this section shall be kept confidential and is not a public 3180  
record. If an officer is preparing pursuant to section 2947.06 or 3181  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 3182  
investigation report pertaining to a person, the court shall make 3183  
available to the officer, for use in preparing the report, a copy 3184  
of any victim impact statement regarding that person. The copies 3185  
of a victim impact statement that are made available to the 3186  
adjudicated delinquent child or the adjudicated delinquent child's 3187  
counsel and the prosecuting attorney pursuant to this division 3188  
shall be returned to the court by the person to whom they were 3189  
made available immediately following the imposition of an order of 3190  
disposition for the child under this chapter. 3191

The copy of a victim impact statement that is made available 3192

pursuant to this division to an officer preparing a criminal 3193  
presentence investigation report shall be returned to the court by 3194  
the officer immediately following its use in preparing the report. 3195

(4) The department of youth services shall work with local 3196  
probation departments and victim assistance programs to develop a 3197  
standard victim impact statement. 3198

(E) If a child is adjudicated a delinquent child for being a 3199  
chronic truant or an habitual truant who previously has been 3200  
adjudicated an unruly child for being an habitual truant and the 3201  
court determines that the parent, guardian, or other person having 3202  
care of the child has failed to cause the child's attendance at 3203  
school in violation of section 3321.38 of the Revised Code, in 3204  
addition to any order of disposition it makes under this section, 3205  
the court shall warn the parent, guardian, or other person having 3206  
care of the child that any subsequent adjudication of the child as 3207  
an unruly or delinquent child for being an habitual or chronic 3208  
truant may result in a criminal charge against the parent, 3209  
guardian, or other person having care of the child for a violation 3210  
of division (C) of section 2919.21 or section 2919.24 of the 3211  
Revised Code. 3212

(F)(1) During the period of a delinquent child's community 3213  
control granted under this section, authorized probation officers 3214  
who are engaged within the scope of their supervisory duties or 3215  
responsibilities may search, with or without a warrant, the person 3216  
of the delinquent child, the place of residence of the delinquent 3217  
child, and a motor vehicle, another item of tangible or intangible 3218  
personal property, or other real property in which the delinquent 3219  
child has a right, title, or interest or for which the delinquent 3220  
child has the express or implied permission of a person with a 3221  
right, title, or interest to use, occupy, or possess if the 3222  
probation officers have reasonable grounds to believe that the 3223  
delinquent child is not abiding by the law or otherwise is not 3224



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 section and if the delinquent act for which the child is so committed is a sexually oriented offense, the court in the order of disposition shall do one of the following:

(1) Require that the child be provided treatment as described in division (A)(2) of section 5139.13 of the Revised Code;

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(2) Inform the person, organization, or entity that it is the preferred course of action in this state that the child be provided treatment as described in division (A)(2) of section 5139.13 of the Revised Code and encourage the person, organization, or entity to provide that treatment.

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

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

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

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

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

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

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

(f) For an act that would be a felony of the fifth degree or an unclassified felony if committed by an adult, a fine not to 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;	3286
	3287
(h) For an act that would be a felony of the third degree if	3288
committed by an adult, a fine not to exceed seven hundred fifty	3289
dollars;	3290
(i) For an act that would be a felony of the second degree if	3291
committed by an adult, a fine not to exceed one thousand dollars;	3292
	3293
(j) For an act that would be a felony of the first degree if	3294
committed by an adult, a fine not to exceed one thousand five	3295
hundred dollars;	3296
(k) For an act that would be aggravated murder or murder if	3297
committed by an adult, a fine not to exceed two thousand dollars.	3298
(2) Require the child to pay costs;	3299
(3) Require the child to make restitution to the victim of	3300
the child's delinquent act or, if the victim is deceased, to a	3301
survivor of the victim in an amount based upon the victim's	3302
economic loss caused by or related to the delinquent act.	3303
Restitution required under this division shall be made directly to	3304
the victim in open court or to the probation department that	3305
serves the jurisdiction or the clerk of courts on behalf of the	3306
victim. The restitution may include reimbursement to third	3307
parties, other than the delinquent child's insurer, for amounts	3308
paid to the victim or to any survivor of the victim for economic	3309
loss resulting from the delinquent act. If reimbursement to a	3310
third party is required, the reimbursement shall be made to any	3311
governmental agency to repay any amounts the agency paid to the	3312
victim or any survivor of the victim before any reimbursement is	3313
made to any other person.	3314
Restitution required under this division may be in the form	3315
of a cash reimbursement paid in a lump sum or in installments, the	3316

performance of repair work to restore any damaged property to its 3317  
original condition, the performance of a reasonable amount of 3318  
labor for the victim or survivor of the victim, the performance of 3319  
community service work, any other form of restitution devised by 3320  
the court, or any combination of the previously described forms of 3321  
restitution. 3322

The court may base the restitution order under this division 3323  
on an amount recommended by the victim or survivor of the victim, 3324  
the delinquent child, a presentence investigation report, 3325  
estimates or receipts indicating the cost of repairing or 3326  
replacing property, and any other information. If the amount of 3327  
the restitution is disputed by the victim or survivor or by the 3328  
delinquent child, the court shall hold a hearing on the 3329  
restitution. The court shall determine, or order the determination 3330  
of, the amount of restitution to be paid by the delinquent child. 3331  
All restitution payments shall be credited against any recovery of 3332  
economic loss in a civil action brought by or on behalf of the 3333  
victim against the delinquent child or the delinquent child's 3334  
parent, guardian, or other custodian. 3335

The court may order that the delinquent child pay a 3336  
surcharge, in an amount not exceeding five per cent of the amount 3337  
of restitution otherwise ordered under this division, to the 3338  
entity responsible for collecting and processing the restitution 3339  
payments. 3340

The victim or the survivor of the victim may request that the 3341  
prosecuting authority file a motion, or the delinquent child may 3342  
file a motion, for modification of the payment terms of any 3343  
restitution ordered under this division, based on a substantial 3344  
change in the delinquent child's ability to pay. 3345

(4) Require the child to reimburse any or all of the costs 3346  
incurred for services or sanctions provided or imposed, including, 3347  
but not limited to, the following: 3348

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

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

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

(2) Sections 2925.41 to 2925.45 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 that, if committed by an adult, would be a felony drug abuse offense. Subject to division (B) of section 2925.42 and division (E) of section 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 3381  
further described in section 2925.42 or 2925.43 of the Revised 3382  
Code. 3383

(3) Sections 2923.44 to 2923.47 of the Revised Code apply to 3384  
children who are adjudicated or could be adjudicated by a juvenile 3385  
court to be delinquent children for an act in violation of section 3386  
2923.42 of the Revised Code. Subject to division (B) of section 3387  
2923.44 and division (E) of section 2923.45 of the Revised Code, a 3388  
delinquent child of that nature loses any right to the possession 3389  
of, and forfeits to the state any right, title, and interest that 3390  
the delinquent child may have in, property as defined in section 3391  
2923.41 of the Revised Code and further described in section 3392  
2923.44 or 2923.45 of the Revised Code. 3393

(C) The court may hold a hearing if necessary to determine 3394  
whether a child is able to pay a sanction under this section. 3395

(D) If a child who is adjudicated a delinquent child is 3396  
indigent, the court shall consider imposing a term of community 3397  
service under division (A) of section 2152.19 of the Revised Code 3398  
in lieu of imposing a financial sanction under this section. If a 3399  
child who is adjudicated a delinquent child is not indigent, the 3400  
court may impose a term of community service under that division 3401  
in lieu of, or in addition to, imposing a financial sanction under 3402  
this section. The court may order community service for an act 3403  
that if committed by an adult would be a minor misdemeanor. 3404

If a child fails to pay a financial sanction imposed under 3405  
this section, the court may impose a term of community service in 3406  
lieu of the sanction. 3407

(E) The clerk of the court, or another person authorized by 3408  
law or by the court to collect a financial sanction imposed under 3409  
this section, may do any of the following: 3410

(1) Enter into contracts with one or more public agencies or 3411

private vendors for the collection of the amounts due under the 3412  
financial sanction, which amounts may include interest from the 3413  
date of imposition of the financial sanction; 3414

(2) Permit payment of all, or any portion of, the financial 3415  
sanction in installments, by credit or debit card, by another type 3416  
of electronic transfer, or by any other reasonable method, within 3417  
any period of time, and on any terms that the court considers 3418  
just, except that the maximum time permitted for payment shall not 3419  
exceed five years. The clerk may pay any fee associated with 3420  
processing an electronic transfer out of public money and may 3421  
charge the fee to the delinquent child. 3422

(3) To defray administrative costs, charge a reasonable fee 3423  
to a child who elects a payment plan rather than a lump sum 3424  
payment of a financial sanction. 3425

**Sec. 2301.03.** (A) In Franklin county, the judges of the court 3426  
of common pleas whose terms begin on January 1, 1953, January 2, 3427  
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 3428  
successors, shall have the same qualifications, exercise the same 3429  
powers and jurisdiction, and receive the same compensation as 3430  
other judges of the court of common pleas of Franklin county and 3431  
shall be elected and designated as judges of the court of common 3432  
pleas, division of domestic relations. They shall have all the 3433  
powers relating to juvenile courts, and all cases under Chapters 3434  
2151. and 2152. of the Revised Code, all parentage proceedings 3435  
under Chapter 3111. of the Revised Code over which the juvenile 3436  
court has jurisdiction, and all divorce, dissolution of marriage, 3437  
legal separation, and annulment cases shall be assigned to them. 3438  
In addition to the judge's regular duties, the judge who is senior 3439  
in point of service shall serve on the children services board and 3440  
the county advisory board and shall be the administrator of the 3441  
domestic relations division and its subdivisions and departments. 3442

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(B) In Hamilton county:

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

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(2) The judges of the court of common pleas whose terms begin on January 5, 1957, January 16, 1981, and July 1, 1991, and successors, shall be elected and designated as judges of the court of common pleas, division of domestic relations, and shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. On or after the first day of July and before the first day of August of 1991 and each year thereafter, a majority of the judges of the division of domestic relations shall elect one of the judges of the division as administrative judge of that division. If a majority of the judges of the division of domestic relations are unable for any reason to elect an administrative judge for the division before the first day of August, a majority of the judges of the Hamilton county court of common pleas, as soon as possible after that date, shall elect one of the judges of the division of domestic relations as administrative judge of that division. The term of the administrative judge shall begin on the earlier of the first day of August of the year in which the administrative judge is elected or the date on which the administrative judge is elected by a majority of the judges of the Hamilton county court of common pleas and shall terminate on the date on which the administrative judge's successor is elected in the following year.

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In addition to the judge's regular duties, the administrative

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judge of the division of domestic relations shall be the 3474  
administrator of the domestic relations division and its 3475  
subdivisions and departments and shall have charge of the 3476  
employment, assignment, and supervision of the personnel of the 3477  
division engaged in handling, servicing, or investigating divorce, 3478  
dissolution of marriage, legal separation, and annulment cases, 3479  
including any referees considered necessary by the judges in the 3480  
discharge of their various duties. 3481

The administrative judge of the division of domestic 3482  
relations also shall designate the title, compensation, expense 3483  
allowances, hours, leaves of absence, and vacations of the 3484  
personnel of the division, and shall fix the duties of its 3485  
personnel. The duties of the personnel, in addition to those 3486  
provided for in other sections of the Revised Code, shall include 3487  
the handling, servicing, and investigation of divorce, dissolution 3488  
of marriage, legal separation, and annulment cases and counseling 3489  
and conciliation services that may be made available to persons 3490  
requesting them, whether or not the persons are parties to an 3491  
action pending in the division. 3492

The board of county commissioners shall appropriate the sum 3493  
of money each year as will meet all the administrative expenses of 3494  
the division of domestic relations, including reasonable expenses 3495  
of the domestic relations judges and the division counselors and 3496  
other employees designated to conduct the handling, servicing, and 3497  
investigation of divorce, dissolution of marriage, legal 3498  
separation, and annulment cases, conciliation and counseling, and 3499  
all matters relating to those cases and counseling, and the 3500  
expenses involved in the attendance of division personnel at 3501  
domestic relations and welfare conferences designated by the 3502  
division, and the further sum each year as will provide for the 3503  
adequate operation of the division of domestic relations. 3504

The compensation and expenses of all employees and the salary 3505

and expenses of the judges shall be paid by the county treasurer 3506  
from the money appropriated for the operation of the division, 3507  
upon the warrant of the county auditor, certified to by the 3508  
administrative judge of the division of domestic relations. 3509

The summonses, warrants, citations, subpoenas, and other 3510  
writs of the division may issue to a bailiff, constable, or staff 3511  
investigator of the division or to the sheriff of any county or 3512  
any marshal, constable, or police officer, and the provisions of 3513  
law relating to the subpoenaing of witnesses in other cases shall 3514  
apply insofar as they are applicable. When a summons, warrant, 3515  
citation, subpoena, or other writ is issued to an officer, other 3516  
than a bailiff, constable, or staff investigator of the division, 3517  
the expense of serving it shall be assessed as a part of the costs 3518  
in the case involved. 3519

(3) The judge of the court of common pleas of Hamilton county 3520  
whose term begins on January 3, 1997, and the successor to that 3521  
judge whose term begins on January 3, 2003, shall each be elected 3522  
and designated for one term only as the drug court judge of the 3523  
court of common pleas of Hamilton county. The successors to the 3524  
judge whose term begins on January 3, 2003, shall be elected and 3525  
designated as judges of the general division of the court of 3526  
common pleas of Hamilton county and shall not have the authority 3527  
granted by division (B)(3) of this section. The drug court judge 3528  
may accept or reject any case referred to the drug court judge 3529  
under division (B)(3) of this section. After the drug court judge 3530  
accepts a referred case, the drug court judge has full authority 3531  
over the case, including the authority to conduct arraignment, 3532  
accept pleas, enter findings and dispositions, conduct trials, 3533  
order treatment, and if treatment is not successfully completed 3534  
pronounce and enter sentence. 3535

A judge of the general division of the court of common pleas 3536  
of Hamilton county and a judge of the Hamilton county municipal 3537

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 community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed.

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

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

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

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

(vi) The defendant has no acute health condition.

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

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

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

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

2, 1999, and successors, shall have the same qualifications, 3599  
exercise the same powers and jurisdiction, and receive the same 3600  
compensation as the other judges of the court of common pleas of 3601  
Lorain county and shall be elected and designated as the judges of 3602  
the court of common pleas, division of domestic relations. They 3603  
shall have all of the powers relating to juvenile courts, and all 3604  
cases under Chapters 2151. and 2152. of the Revised Code, all 3605  
parentage proceedings over which the juvenile court has 3606  
jurisdiction, and all divorce, dissolution of marriage, legal 3607  
separation, and annulment cases shall be assigned to them, except 3608  
cases that for some special reason are assigned to some other 3609  
judge of the court of common pleas. 3610

(D) In Lucas county: 3611

(1) The judges of the court of common pleas whose terms begin 3612  
on January 1, 1955, and January 3, 1965, and successors, shall 3613  
have the same qualifications, exercise the same powers and 3614  
jurisdiction, and receive the same compensation as other judges of 3615  
the court of common pleas of Lucas county and shall be elected and 3616  
designated as judges of the court of common pleas, division of 3617  
domestic relations. All divorce, dissolution of marriage, legal 3618  
separation, and annulment cases shall be assigned to them. 3619

The judge of the division of domestic relations, senior in 3620  
point of service, shall be considered as the presiding judge of 3621  
the court of common pleas, division of domestic relations, and 3622  
shall be charged exclusively with the assignment and division of 3623  
the work of the division and the employment and supervision of all 3624  
other personnel of the domestic relations division. 3625

(2) The judges of the court of common pleas whose terms begin 3626  
on January 5, 1977, and January 2, 1991, and successors shall have 3627  
the same qualifications, exercise the same powers and 3628  
jurisdiction, and receive the same compensation as other judges of 3629  
the court of common pleas of Lucas county, shall be elected and 3630

designated as judges of the court of common pleas, juvenile 3631  
division, and shall be the juvenile judges as provided in Chapters 3632  
2151. and 2152. of the Revised Code with the powers and 3633  
jurisdictions conferred by those chapters. In addition to the 3634  
judge's regular duties, the judge of the court of common pleas, 3635  
juvenile division, senior in point of service, shall be the 3636  
administrator of the juvenile division and its subdivisions and 3637  
departments and shall have charge of the employment, assignment, 3638  
and supervision of the personnel of the division engaged in 3639  
handling, servicing, or investigating juvenile cases, including 3640  
any referees considered necessary by the judges of the division in 3641  
the discharge of their various duties. 3642

The judge of the court of common pleas, juvenile division, 3643  
senior in point of service, also shall designate the title, 3644  
compensation, expense allowance, hours, leaves of absence, and 3645  
vacation of the personnel of the division and shall fix the duties 3646  
of the personnel of the division. The duties of the personnel, in 3647  
addition to other statutory duties include the handling, 3648  
servicing, and investigation of juvenile cases and counseling and 3649  
conciliation services that may be made available to persons 3650  
requesting them, whether or not the persons are parties to an 3651  
action pending in the division. 3652

(3) If one of the judges of the court of common pleas, 3653  
division of domestic relations, or one of the judges of the 3654  
juvenile division is sick, absent, or unable to perform that 3655  
judge's judicial duties or the volume of cases pending in that 3656  
judge's division necessitates it, the duties shall be performed by 3657  
the judges of the other of those divisions. 3658

(E) In Mahoning county: 3659

(1) The judge of the court of common pleas whose term began 3660  
on January 1, 1955, and successors, shall have the same 3661  
qualifications, exercise the same powers and jurisdiction, and 3662

receive the same compensation as other judges of the court of 3663  
common pleas of Mahoning county, shall be elected and designated 3664  
as judge of the court of common pleas, division of domestic 3665  
relations, and shall be assigned all the divorce, dissolution of 3666  
marriage, legal separation, and annulment cases coming before the 3667  
court. In addition to the judge's regular duties, the judge of the 3668  
court of common pleas, division of domestic relations, shall be 3669  
the administrator of the domestic relations division and its 3670  
subdivisions and departments and shall have charge of the 3671  
employment, assignment, and supervision of the personnel of the 3672  
division engaged in handling, servicing, or investigating divorce, 3673  
dissolution of marriage, legal separation, and annulment cases, 3674  
including any referees considered necessary in the discharge of 3675  
the various duties of the judge's office. 3676

The judge also shall designate the title, compensation, 3677  
expense allowances, hours, leaves of absence, and vacations of the 3678  
personnel of the division and shall fix the duties of the 3679  
personnel of the division. The duties of the personnel, in 3680  
addition to other statutory duties, include the handling, 3681  
servicing, and investigation of divorce, dissolution of marriage, 3682  
legal separation, and annulment cases and counseling and 3683  
conciliation services that may be made available to persons 3684  
requesting them, whether or not the persons are parties to an 3685  
action pending in the division. 3686

(2) The judge of the court of common pleas whose term began 3687  
on January 2, 1969, and successors, shall have the same 3688  
qualifications, exercise the same powers and jurisdiction, and 3689  
receive the same compensation as other judges of the court of 3690  
common pleas of Mahoning county, shall be elected and designated 3691  
as judge of the court of common pleas, juvenile division, and 3692  
shall be the juvenile judge as provided in Chapters 2151. and 3693  
2152. of the Revised Code, with the powers and jurisdictions 3694

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. 3727

The judge of the division of domestic relations, senior in 3728  
point of service, shall be charged exclusively with the assignment 3729  
and division of the work of the division and shall have charge of 3730  
the employment and supervision of the personnel of the division 3731  
engaged in handling, servicing, or investigating divorce, 3732  
dissolution of marriage, legal separation, and annulment cases, 3733  
including any necessary referees, except those employees who may 3734  
be appointed by the judge, junior in point of service, under this 3735  
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 3736  
Code. The judge of the division of domestic relations, senior in 3737  
point of service, also shall designate the title, compensation, 3738  
expense allowances, hours, leaves of absence, and vacation of the 3739  
personnel of the division and shall fix their duties. 3740

(2) The judges of the court of common pleas whose terms begin 3741  
on January 1, 1953, and January 1, 1993, and successors, shall 3742  
have the same qualifications, exercise the same powers and 3743  
jurisdiction, and receive the same compensation as other judges of 3744  
the court of common pleas of Montgomery county, shall be elected 3745  
and designated as judges of the court of common pleas, juvenile 3746  
division, and shall be, and have the powers and jurisdiction of, 3747  
the juvenile judge as provided in Chapters 2151. and 2152. of the 3748  
Revised Code. 3749

In addition to the judge's regular duties, the judge of the 3750  
court of common pleas, juvenile division, senior in point of 3751  
service, shall be the administrator of the juvenile division and 3752  
its subdivisions and departments and shall have charge of the 3753  
employment, assignment, and supervision of the personnel of the 3754  
juvenile division, including any necessary referees, who are 3755  
engaged in handling, servicing, or investigating juvenile cases. 3756  
The judge, senior in point of service, also shall designate the 3757  
title, compensation, expense allowances, hours, leaves of absence, 3758

and vacation of the personnel of the division and shall fix their 3759  
duties. The duties of the personnel, in addition to other 3760  
statutory duties, shall include the handling, servicing, and 3761  
investigation of juvenile cases and of any counseling and 3762  
conciliation services that are available upon request to persons, 3763  
whether or not they are parties to an action pending in the 3764  
division. 3765

If one of the judges of the court of common pleas, division 3766  
of domestic relations, or one of the judges of the court of common 3767  
pleas, juvenile division, is sick, absent, or unable to perform 3768  
that judge's duties or the volume of cases pending in that judge's 3769  
division necessitates it, the duties of that judge may be 3770  
performed by the judge or judges of the other of those divisions. 3771

(G) In Richland county, the judge of the court of common 3772  
pleas whose term begins on January 1, 1957, and successors, shall 3773  
have the same qualifications, exercise the same powers and 3774  
jurisdiction, and receive the same compensation as the other 3775  
judges of the court of common pleas of Richland county and shall 3776  
be elected and designated as judge of the court of common pleas, 3777  
division of domestic relations. That judge shall have all of the 3778  
powers relating to juvenile courts, and all cases under Chapters 3779  
2151. and 2152. of the Revised Code, all parentage proceedings 3780  
over which the juvenile court has jurisdiction, and all divorce, 3781  
dissolution of marriage, legal separation, and annulment cases 3782  
shall be assigned to that judge, except in cases that for some 3783  
special reason are assigned to some other judge of the court of 3784  
common pleas. 3785

(H) In Stark county, the judges of the court of common pleas 3786  
whose terms begin on January 1, 1953, January 2, 1959, and January 3787  
1, 1993, and successors, shall have the same qualifications, 3788  
exercise the same powers and jurisdiction, and receive the same 3789  
compensation as other judges of the court of common pleas of Stark 3790

county and shall be elected and designated as judges of the court 3791  
of common pleas, division of domestic relations. They shall have 3792  
all the powers relating to juvenile courts, and all cases under 3793  
Chapters 2151. and 2152. of the Revised Code, all parentage 3794  
proceedings over which the juvenile court has jurisdiction, and 3795  
all divorce, dissolution of marriage, legal separation, and 3796  
annulment cases, except cases that are assigned to some other 3797  
judge of the court of common pleas for some special reason, shall 3798  
be assigned to the judges. 3799

The judge of the division of domestic relations, second most 3800  
senior in point of service, shall have charge of the employment 3801  
and supervision of the personnel of the division engaged in 3802  
handling, servicing, or investigating divorce, dissolution of 3803  
marriage, legal separation, and annulment cases, and necessary 3804  
referees required for the judge's respective court. 3805

The judge of the division of domestic relations, senior in 3806  
point of service, shall be charged exclusively with the 3807  
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 3808  
of the Revised Code and with the assignment and division of the 3809  
work of the division and the employment and supervision of all 3810  
other personnel of the division, including, but not limited to, 3811  
that judge's necessary referees, but excepting those employees who 3812  
may be appointed by the judge second most senior in point of 3813  
service. The senior judge further shall serve in every other 3814  
position in which the statutes permit or require a juvenile judge 3815  
to serve. 3816

(I) In Summit county: 3817

(1) The judges of the court of common pleas whose terms begin 3818  
on January 4, 1967, and January 6, 1993, and successors, shall 3819  
have the same qualifications, exercise the same powers and 3820  
jurisdiction, and receive the same compensation as other judges of 3821  
the court of common pleas of Summit county and shall be elected 3822

and designated as judges of the court of common pleas, division of 3823  
domestic relations. The judges of the division of domestic 3824  
relations shall have assigned to them and hear all divorce, 3825  
dissolution of marriage, legal separation, and annulment cases 3826  
that come before the court. Except in cases that are subject to 3827  
the exclusive original jurisdiction of the juvenile court, the 3828  
judges of the division of domestic relations shall have assigned 3829  
to them and hear all cases pertaining to paternity, custody, 3830  
visitation, child support, or the allocation of parental rights 3831  
and responsibilities for the care of children and all post-decree 3832  
proceedings arising from any case pertaining to any of those 3833  
matters. The judges of the division of domestic relations shall 3834  
have assigned to them and hear all proceedings under the uniform 3835  
interstate family support act contained in Chapter 3115. of the 3836  
Revised Code. 3837

The judge of the division of domestic relations, senior in 3838  
point of service, shall be the administrator of the domestic 3839  
relations division and its subdivisions and departments and shall 3840  
have charge of the employment, assignment, and supervision of the 3841  
personnel of the division, including any necessary referees, who 3842  
are engaged in handling, servicing, or investigating divorce, 3843  
dissolution of marriage, legal separation, and annulment cases. 3844  
That judge also shall designate the title, compensation, expense 3845  
allowances, hours, leaves of absence, and vacations of the 3846  
personnel of the division and shall fix their duties. The duties 3847  
of the personnel, in addition to other statutory duties, shall 3848  
include the handling, servicing, and investigation of divorce, 3849  
dissolution of marriage, legal separation, and annulment cases and 3850  
of any counseling and conciliation services that are available 3851  
upon request to all persons, whether or not they are parties to an 3852  
action pending in the division. 3853

(2) The judge of the court of common pleas whose term begins 3854

on January 1, 1955, and successors, shall have the same 3855  
qualifications, exercise the same powers and jurisdiction, and 3856  
receive the same compensation as other judges of the court of 3857  
common pleas of Summit county, shall be elected and designated as 3858  
judge of the court of common pleas, juvenile division, and shall 3859  
be, and have the powers and jurisdiction of, the juvenile judge as 3860  
provided in Chapters 2151. and 2152. of the Revised Code. Except 3861  
in cases that are subject to the exclusive original jurisdiction 3862  
of the juvenile court, the judge of the juvenile division shall 3863  
not have jurisdiction or the power to hear, and shall not be 3864  
assigned, any case pertaining to paternity, custody, visitation, 3865  
child support, or the allocation of parental rights and 3866  
responsibilities for the care of children or any post-decree 3867  
proceeding arising from any case pertaining to any of those 3868  
matters. The judge of the juvenile division shall not have 3869  
jurisdiction or the power to hear, and shall not be assigned, any 3870  
proceeding under the uniform interstate family support act 3871  
contained in Chapter 3115. of the Revised Code. 3872

The juvenile judge shall be the administrator of the juvenile 3873  
division and its subdivisions and departments and shall have 3874  
charge of the employment, assignment, and supervision of the 3875  
personnel of the juvenile division, including any necessary 3876  
referees, who are engaged in handling, servicing, or investigating 3877  
juvenile cases. The judge also shall designate the title, 3878  
compensation, expense allowances, hours, leaves of absence, and 3879  
vacation of the personnel of the division and shall fix their 3880  
duties. The duties of the personnel, in addition to other 3881  
statutory duties, shall include the handling, servicing, and 3882  
investigation of juvenile cases and of any counseling and 3883  
conciliation services that are available upon request to persons, 3884  
whether or not they are parties to an action pending in the 3885  
division. 3886

(J) In Trumbull county, the judges of the court of common 3887  
pleas whose terms begin on January 1, 1953, and January 2, 1977, 3888  
and successors, shall have the same qualifications, exercise the 3889  
same powers and jurisdiction, and receive the same compensation as 3890  
other judges of the court of common pleas of Trumbull county and 3891  
shall be elected and designated as judges of the court of common 3892  
pleas, division of domestic relations. They shall have all the 3893  
powers relating to juvenile courts, and all cases under Chapters 3894  
2151. and 2152. of the Revised Code, all parentage proceedings 3895  
over which the juvenile court has jurisdiction, and all divorce, 3896  
dissolution of marriage, legal separation, and annulment cases 3897  
shall be assigned to them, except cases that for some special 3898  
reason are assigned to some other judge of the court of common 3899  
pleas. 3900

(K) In Butler county: 3901

(1) The judges of the court of common pleas whose terms begin 3902  
on January 1, 1957, and January 4, 1993, and successors, shall 3903  
have the same qualifications, exercise the same powers and 3904  
jurisdiction, and receive the same compensation as other judges of 3905  
the court of common pleas of Butler county and shall be elected 3906  
and designated as judges of the court of common pleas, division of 3907  
domestic relations. The judges of the division of domestic 3908  
relations shall have assigned to them all divorce, dissolution of 3909  
marriage, legal separation, and annulment cases coming before the 3910  
court, except in cases that for some special reason are assigned 3911  
to some other judge of the court of common pleas. The judge senior 3912  
in point of service shall be charged with the assignment and 3913  
division of the work of the division and with the employment and 3914  
supervision of all other personnel of the domestic relations 3915  
division. 3916

The judge senior in point of service also shall designate the 3917  
title, compensation, expense allowances, hours, leaves of absence, 3918

and vacations of the personnel of the division and shall fix their 3919  
duties. The duties of the personnel, in addition to other 3920  
statutory duties, shall include the handling, servicing, and 3921  
investigation of divorce, dissolution of marriage, legal 3922  
separation, and annulment cases and providing any counseling and 3923  
conciliation services that the division makes available to 3924  
persons, whether or not the persons are parties to an action 3925  
pending in the division, who request the services. 3926

(2) The judges of the court of common pleas whose terms begin 3927  
on January 3, 1987, and January 2, 2003, and successors, shall 3928  
have the same qualifications, exercise the same powers and 3929  
jurisdiction, and receive the same compensation as other judges of 3930  
the court of common pleas of Butler county, shall be elected and 3931  
designated as judges of the court of common pleas, juvenile 3932  
division, and shall be the juvenile judges as provided in Chapters 3933  
2151. and 2152. of the Revised Code, with the powers and 3934  
jurisdictions conferred by those chapters. The judge of the court 3935  
of common pleas, juvenile division, who is senior in point of 3936  
service, shall be the administrator of the juvenile division and 3937  
its subdivisions and departments. The judge, senior in point of 3938  
service, shall have charge of the employment, assignment, and 3939  
supervision of the personnel of the juvenile division who are 3940  
engaged in handling, servicing, or investigating juvenile cases, 3941  
including any referees whom the judge considers necessary for the 3942  
discharge of the judge's various duties. 3943

The judge, senior in point of service, also shall designate 3944  
the title, compensation, expense allowances, hours, leaves of 3945  
absence, and vacation of the personnel of the division and shall 3946  
fix their duties. The duties of the personnel, in addition to 3947  
other statutory duties, include the handling, servicing, and 3948  
investigation of juvenile cases and providing any counseling and 3949  
conciliation services that the division makes available to 3950

persons, whether or not the persons are parties to an action 3951  
pending in the division, who request the services. 3952

(3) If a judge of the court of common pleas, division of 3953  
domestic relations or juvenile division, is sick, absent, or 3954  
unable to perform that judge's judicial duties or the volume of 3955  
cases pending in the judge's division necessitates it, the duties 3956  
of that judge shall be performed by the other judges of the 3957  
domestic relations and juvenile divisions. 3958

(L)(1) In Cuyahoga county, the judges of the court of common 3959  
pleas whose terms begin on January 8, 1961, January 9, 1961, 3960  
January 18, 1975, January 19, 1975, and January 13, 1987, and 3961  
successors, shall have the same qualifications, exercise the same 3962  
powers and jurisdiction, and receive the same compensation as 3963  
other judges of the court of common pleas of Cuyahoga county and 3964  
shall be elected and designated as judges of the court of common 3965  
pleas, division of domestic relations. They shall have all the 3966  
powers relating to all divorce, dissolution of marriage, legal 3967  
separation, and annulment cases, except in cases that are assigned 3968  
to some other judge of the court of common pleas for some special 3969  
reason. 3970

(2) The administrative judge is administrator of the domestic 3971  
relations division and its subdivisions and departments and has 3972  
the following powers concerning division personnel: 3973

(a) Full charge of the employment, assignment, and 3974  
supervision; 3975

(b) Sole determination of compensation, duties, expenses, 3976  
allowances, hours, leaves, and vacations. 3977

(3) "Division personnel" include persons employed or referees 3978  
engaged in hearing, servicing, investigating, counseling, or 3979  
conciliating divorce, dissolution of marriage, legal separation 3980  
and annulment matters. 3981



(M) In Lake county: 3982

(1) The judge of the court of common pleas whose term begins 3983  
on January 2, 1961, and successors, shall have the same 3984  
qualifications, exercise the same powers and jurisdiction, and 3985  
receive the same compensation as the other judges of the court of 3986  
common pleas of Lake county and shall be elected and designated as 3987  
judge of the court of common pleas, division of domestic 3988  
relations. The judge shall be assigned all the divorce, 3989  
dissolution of marriage, legal separation, and annulment cases 3990  
coming before the court, except in cases that for some special 3991  
reason are assigned to some other judge of the court of common 3992  
pleas. The judge shall be charged with the assignment and division 3993  
of the work of the division and with the employment and 3994  
supervision of all other personnel of the domestic relations 3995  
division. 3996

The judge also shall designate the title, compensation, 3997  
expense allowances, hours, leaves of absence, and vacations of the 3998  
personnel of the division and shall fix their duties. The duties 3999  
of the personnel, in addition to other statutory duties, shall 4000  
include the handling, servicing, and investigation of divorce, 4001  
dissolution of marriage, legal separation, and annulment cases and 4002  
providing any counseling and conciliation services that the 4003  
division makes available to persons, whether or not the persons 4004  
are parties to an action pending in the division, who request the 4005  
services. 4006

(2) The judge of the court of common pleas whose term begins 4007  
on January 4, 1979, and successors, shall have the same 4008  
qualifications, exercise the same powers and jurisdiction, and 4009  
receive the same compensation as other judges of the court of 4010  
common pleas of Lake county, shall be elected and designated as 4011  
judge of the court of common pleas, juvenile division, and shall 4012  
be the juvenile judge as provided in Chapters 2151. and 2152. of 4013

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 4046  
which the juvenile court has jurisdiction, and divorce, 4047  
dissolution of marriage, legal separation, and annulment cases, 4048  
except cases that for some special reason are assigned to some 4049  
other judge. 4050

(O) In Greene county: 4051

(1) The judge of the court of common pleas whose term begins 4052  
on January 1, 1961, and successors, shall have the same 4053  
qualifications, exercise the same powers and jurisdiction, and 4054  
receive the same compensation as the other judges of the court of 4055  
common pleas of Greene county and shall be elected and designated 4056  
as the judge of the court of common pleas, division of domestic 4057  
relations. The judge shall be assigned all divorce, dissolution of 4058  
marriage, legal separation, annulment, uniform reciprocal support 4059  
enforcement, and domestic violence cases and all other cases 4060  
related to domestic relations, except cases that for some special 4061  
reason are assigned to some other judge of the court of common 4062  
pleas. 4063

The judge shall be charged with the assignment and division 4064  
of the work of the division and with the employment and 4065  
supervision of all other personnel of the division. The judge also 4066  
shall designate the title, compensation, hours, leaves of absence, 4067  
and vacations of the personnel of the division and shall fix their 4068  
duties. The duties of the personnel of the division, in addition 4069  
to other statutory duties, shall include the handling, servicing, 4070  
and investigation of divorce, dissolution of marriage, legal 4071  
separation, and annulment cases and the provision of counseling 4072  
and conciliation services that the division considers necessary 4073  
and makes available to persons who request the services, whether 4074  
or not the persons are parties in an action pending in the 4075  
division. The compensation for the personnel shall be paid from 4076  
the overall court budget and shall be included in the 4077

appropriations for the existing judges of the general division of  
the court of common pleas.

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(2) The judge of the court of common pleas whose term begins  
on January 1, 1995, 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 Greene county, shall be elected and designated as  
judge of the court of common pleas, juvenile division, and, on or  
after January 1, 1995, shall be the juvenile judge as provided in  
Chapters 2151. and 2152. of the Revised Code with the powers and  
jurisdiction 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.

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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 court  
makes available to persons, whether or not the persons are parties  
to an action pending in the court, who request the services.

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

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(P) In Portage county, the judge of the court of common 4110  
pleas, whose term begins January 2, 1987, and successors, shall 4111  
have the same qualifications, exercise the same powers and 4112  
jurisdiction, and receive the same compensation as the other 4113  
judges of the court of common pleas of Portage county and shall be 4114  
elected and designated as judge of the court of common pleas, 4115  
division of domestic relations. The judge shall be assigned all 4116  
divorce, dissolution of marriage, legal separation, and annulment 4117  
cases coming before the court, except in cases that for some 4118  
special reason are assigned to some other judge of the court of 4119  
common pleas. The judge shall be charged with the assignment and 4120  
division of the work of the division and with the employment and 4121  
supervision of all other personnel of the domestic relations 4122  
division. 4123

The judge also shall designate the title, compensation, 4124  
expense allowances, hours, leaves of absence, and vacations of the 4125  
personnel of the division and shall fix their duties. The duties 4126  
of the personnel, in addition to other statutory duties, shall 4127  
include the handling, servicing, and investigation of divorce, 4128  
dissolution of marriage, legal separation, and annulment cases and 4129  
providing any counseling and conciliation services that the 4130  
division makes available to persons, whether or not the persons 4131  
are parties to an action pending in the division, who request the 4132  
services. 4133

(Q) In Clermont county, the judge of the court of common 4134  
pleas, whose term begins January 2, 1987, and successors, shall 4135  
have the same qualifications, exercise the same powers and 4136  
jurisdiction, and receive the same compensation as the other 4137  
judges of the court of common pleas of Clermont county and shall 4138  
be elected and designated as judge of the court of common pleas, 4139  
division of domestic relations. The judge shall be assigned all 4140  
divorce, dissolution of marriage, legal separation, and annulment 4141

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 4174  
of the personnel, in addition to other statutory duties, shall 4175  
include the handling, servicing, and investigation of divorce, 4176  
dissolution of marriage, legal separation, and annulment cases and 4177  
providing any counseling and conciliation services that the 4178  
division makes available to persons, whether or not the persons 4179  
are parties to an action pending in the division, who request the 4180  
services. 4181

(S) In Licking county, the judge of the court of common 4182  
pleas, whose term begins January 1, 1991, and successors, shall 4183  
have the same qualifications, exercise the same powers and 4184  
jurisdiction, and receive the same compensation as the other 4185  
judges of the court of common pleas of Licking county and shall be 4186  
elected and designated as judge of the court of common pleas, 4187  
division of domestic relations. The judge shall be assigned all 4188  
divorce, dissolution of marriage, legal separation, and annulment 4189  
cases, all cases arising under Chapter 3111. of the Revised Code, 4190  
all proceedings involving child support, the allocation of 4191  
parental rights and responsibilities for the care of children and 4192  
the designation for the children of a place of residence and legal 4193  
custodian, parenting time, and visitation, and all post-decree 4194  
proceedings and matters arising from those cases and proceedings, 4195  
except in cases that for some special reason are assigned to 4196  
another judge of the court of common pleas. The judge shall be 4197  
charged with the assignment and division of the work of the 4198  
division and with the employment and supervision of the personnel 4199  
of the division. 4200

The judge shall designate the title, compensation, expense 4201  
allowances, hours, leaves of absence, and vacations of the 4202  
personnel of the division and shall fix the duties of the 4203  
personnel of the division. The duties of the personnel of the 4204  
division, in addition to other statutory duties, shall include the 4205

handling, servicing, and investigation of divorce, dissolution of 4206  
marriage, legal separation, and annulment cases, cases arising 4207  
under Chapter 3111. of the Revised Code, and proceedings involving 4208  
child support, the allocation of parental rights and 4209  
responsibilities for the care of children and the designation for 4210  
the children of a place of residence and legal custodian, 4211  
parenting time, and visitation and providing any counseling and 4212  
conciliation services that the division makes available to 4213  
persons, whether or not the persons are parties to an action 4214  
pending in the division, who request the services. 4215

(T) In Allen county, the judge of the court of common pleas, 4216  
whose term begins January 1, 1993, and successors, shall have the 4217  
same qualifications, exercise the same powers and jurisdiction, 4218  
and receive the same compensation as the other judges of the court 4219  
of common pleas of Allen county and shall be elected and 4220  
designated as judge of the court of common pleas, division of 4221  
domestic relations. The judge shall be assigned all divorce, 4222  
dissolution of marriage, legal separation, and annulment cases, 4223  
all cases arising under Chapter 3111. of the Revised Code, all 4224  
proceedings involving child support, the allocation of parental 4225  
rights and responsibilities for the care of children and the 4226  
designation for the children of a place of residence and legal 4227  
custodian, parenting time, and visitation, and all post-decree 4228  
proceedings and matters arising from those cases and proceedings, 4229  
except in cases that for some special reason are assigned to 4230  
another judge of the court of common pleas. The judge shall be 4231  
charged with the assignment and division of the work of the 4232  
division and with the employment and supervision of the personnel 4233  
of the division. 4234

The judge shall designate the title, compensation, expense 4235  
allowances, hours, leaves of absence, and vacations of the 4236  
personnel of the division and shall fix the duties of the 4237



personnel of the division. The duties of the personnel of the 4238  
division, in addition to other statutory duties, shall include the 4239  
handling, servicing, and investigation of divorce, dissolution of 4240  
marriage, legal separation, and annulment cases, cases arising 4241  
under Chapter 3111. of the Revised Code, and proceedings involving 4242  
child support, the allocation of parental rights and 4243  
responsibilities for the care of children and the designation for 4244  
the children of a place of residence and legal custodian, 4245  
parenting time, and visitation, and providing any counseling and 4246  
conciliation services that the division makes available to 4247  
persons, whether or not the persons are parties to an action 4248  
pending in the division, who request the services. 4249

(U) In Medina county, the judge of the court of common pleas 4250  
whose term begins January 1, 1995, and successors, shall have the 4251  
same qualifications, exercise the same powers and jurisdiction, 4252  
and receive the same compensation as other judges of the court of 4253  
common pleas of Medina county and shall be elected and designated 4254  
as judge of the court of common pleas, division of domestic 4255  
relations. The judge shall be assigned all divorce, dissolution of 4256  
marriage, legal separation, and annulment cases, all cases arising 4257  
under Chapter 3111. of the Revised Code, all proceedings involving 4258  
child support, the allocation of parental rights and 4259  
responsibilities for the care of children and the designation for 4260  
the children of a place of residence and legal custodian, 4261  
parenting time, and visitation, and all post-decree proceedings 4262  
and matters arising from those cases and proceedings, except in 4263  
cases that for some special reason are assigned to another judge 4264  
of the court of common pleas. The judge shall be charged with the 4265  
assignment and division of the work of the division and with the 4266  
employment and supervision of the personnel of the division. 4267

The judge shall designate the title, compensation, expense 4268  
allowances, hours, leaves of absence, and vacations of the 4269

personnel of the division and shall fix the duties of the 4270  
personnel of the division. The duties of the personnel, in 4271  
addition to other statutory duties, include the handling, 4272  
servicing, and investigation of divorce, dissolution of marriage, 4273  
legal separation, and annulment cases, cases arising under Chapter 4274  
3111. of the Revised Code, and proceedings involving child 4275  
support, the allocation of parental rights and responsibilities 4276  
for the care of children and the designation for the children of a 4277  
place of residence and legal custodian, parenting time, and 4278  
visitation, and providing counseling and conciliation services 4279  
that the division makes available to persons, whether or not the 4280  
persons are parties to an action pending in the division, who 4281  
request the services. 4282

(V) In Fairfield county, the judge of the court of common 4283  
pleas whose term begins January 2, 1995, and successors, shall 4284  
have the same qualifications, exercise the same powers and 4285  
jurisdiction, and receive the same compensation as the other 4286  
judges of the court of common pleas of Fairfield county and shall 4287  
be elected and designated as judge of the court of common pleas, 4288  
division of domestic relations. The judge shall be assigned all 4289  
divorce, dissolution of marriage, legal separation, and annulment 4290  
cases, all cases arising under Chapter 3111. of the Revised Code, 4291  
all proceedings involving child support, the allocation of 4292  
parental rights and responsibilities for the care of children and 4293  
the designation for the children of a place of residence and legal 4294  
custodian, parenting time, and visitation, and all post-decree 4295  
proceedings and matters arising from those cases and proceedings, 4296  
except in cases that for some special reason are assigned to 4297  
another judge of the court of common pleas. The judge also has 4298  
concurrent jurisdiction with the probate-juvenile division of the 4299  
court of common pleas of Fairfield county with respect to and may 4300  
hear cases to determine the custody of a child, as defined in 4301

section 2151.011 of the Revised Code, who is not the ward of 4302  
another court of this state, cases that are commenced by a parent, 4303  
guardian, or custodian of a child, as defined in section 2151.011 4304  
of the Revised Code, to obtain an order requiring a parent of the 4305  
child to pay child support for that child when the request for 4306  
that order is not ancillary to an action for divorce, dissolution 4307  
of marriage, annulment, or legal separation, a criminal or civil 4308  
action involving an allegation of domestic violence, an action for 4309  
support under Chapter 3115. of the Revised Code, or an action that 4310  
is within the exclusive original jurisdiction of the 4311  
probate-juvenile division of the court of common pleas of 4312  
Fairfield county and that involves an allegation that the child is 4313  
an abused, neglected, or dependent child, and post-decree 4314  
proceedings and matters arising from those types of cases. 4315

The judge of the domestic relations division shall be charged 4316  
with the assignment and division of the work of the division and 4317  
with the employment and supervision of the personnel of the 4318  
division. 4319

The judge shall designate the title, compensation, expense 4320  
allowances, hours, leaves of absence, and vacations of the 4321  
personnel of the division and shall fix the duties of the 4322  
personnel of the division. The duties of the personnel of the 4323  
division, in addition to other statutory duties, shall include the 4324  
handling, servicing, and investigation of divorce, dissolution of 4325  
marriage, legal separation, and annulment cases, cases arising 4326  
under Chapter 3111. of the Revised Code, and proceedings involving 4327  
child support, the allocation of parental rights and 4328  
responsibilities for the care of children and the designation for 4329  
the children of a place of residence and legal custodian, 4330  
parenting time, and visitation, and providing any counseling and 4331  
conciliation services that the division makes available to 4332  
persons, regardless of whether the persons are parties to an 4333

action pending in the division, who request the services. When the  
judge hears a case to determine the custody of a child, as defined  
in section 2151.011 of the Revised Code, who is not the ward of  
another court of this state or a case that is commenced by a  
parent, guardian, or custodian of a child, as defined in section  
2151.011 of the Revised Code, to obtain an order requiring a  
parent of the child to pay child support for that child when the  
request for that order is not ancillary to an action for divorce,  
dissolution of marriage, annulment, or legal separation, a  
criminal or civil action involving an allegation of domestic  
violence, an action for support under Chapter 3115. of the Revised  
Code, or an action that is within the exclusive original  
jurisdiction of the probate-juvenile division of the court of  
common pleas of Fairfield county and that involves an allegation  
that the child is an abused, neglected, or dependent child, the  
duties of the personnel of the domestic relations division also  
include the handling, servicing, and investigation of those types  
of cases.

(W)(1) In Clark county, the judge of the court of common  
pleas whose term begins on January 2, 1995, 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 Clark county and shall be elected and  
designated as judge of the court of common pleas, domestic  
relations division. The judge shall have all the powers relating  
to juvenile courts, and all cases under Chapters 2151. and 2152.  
of the Revised Code and all parentage proceedings under Chapter  
3111. of the Revised Code over which the juvenile court has  
jurisdiction shall be assigned to the judge of the division of  
domestic relations. All divorce, dissolution of marriage, legal  
separation, annulment, uniform reciprocal support enforcement, and  
other cases related to domestic relations shall be assigned to the

domestic relations division, and the presiding judge of the court 4366  
of common pleas shall assign the cases to the judge of the 4367  
domestic relations division and the judges of the general 4368  
division. 4369

(2) In addition to the judge's regular duties, the judge of 4370  
the division of domestic relations shall serve on the children 4371  
services board and the county advisory board. 4372

(3) If the judge of the court of common pleas of Clark 4373  
county, division of domestic relations, is sick, absent, or unable 4374  
to perform that judge's judicial duties or if the presiding judge 4375  
of the court of common pleas of Clark county determines that the 4376  
volume of cases pending in the division of domestic relations 4377  
necessitates it, the duties of the judge of the division of 4378  
domestic relations shall be performed by the judges of the general 4379  
division or probate division of the court of common pleas of Clark 4380  
county, as assigned for that purpose by the presiding judge of 4381  
that court, and the judges so assigned shall act in conjunction 4382  
with the judge of the division of domestic relations of that 4383  
court. 4384

(X) In Scioto county, the judge of the court of common pleas 4385  
whose term begins January 2, 1995, and successors, shall have the 4386  
same qualifications, exercise the same powers and jurisdiction, 4387  
and receive the same compensation as other judges of the court of 4388  
common pleas of Scioto county and shall be elected and designated 4389  
as judge of the court of common pleas, division of domestic 4390  
relations. The judge shall be assigned all divorce, dissolution of 4391  
marriage, legal separation, and annulment cases, all cases arising 4392  
under Chapter 3111. of the Revised Code, all proceedings involving 4393  
child support, the allocation of parental rights and 4394  
responsibilities for the care of children and the designation for 4395  
the children of a place of residence and legal custodian, 4396  
parenting time, visitation, and all post-decree proceedings and 4397

matters arising from those cases and proceedings, except in cases 4398  
that for some special reason are assigned to another judge of the 4399  
court of common pleas. The judge shall be charged with the 4400  
assignment and division of the work of the division and with the 4401  
employment and supervision of the personnel of the division. 4402

The judge shall designate the title, compensation, expense 4403  
allowances, hours, leaves of absence, and vacations of the 4404  
personnel of the division and shall fix the duties of the 4405  
personnel of the division. The duties of the personnel, in 4406  
addition to other statutory duties, include the handling, 4407  
servicing, and investigation of divorce, dissolution of marriage, 4408  
legal separation, and annulment cases, cases arising under Chapter 4409  
3111. of the Revised Code, and proceedings involving child 4410  
support, the allocation of parental rights and responsibilities 4411  
for the care of children and the designation for the children of a 4412  
place of residence and legal custodian, parenting time, and 4413  
visitation, and providing counseling and conciliation services 4414  
that the division makes available to persons, whether or not the 4415  
persons are parties to an action pending in the division, who 4416  
request the services. 4417

(Y) In Auglaize county, the judge of the probate and juvenile 4418  
divisions of the Auglaize county court of common pleas also shall 4419  
be the administrative judge of the domestic relations division of 4420  
the court and shall be assigned all divorce, dissolution of 4421  
marriage, legal separation, and annulment cases coming before the 4422  
court. The judge shall have all powers as administrator of the 4423  
domestic relations division and shall have charge of the personnel 4424  
engaged in handling, servicing, or investigating divorce, 4425  
dissolution of marriage, legal separation, and annulment cases, 4426  
including any referees considered necessary for the discharge of 4427  
the judge's various duties. 4428

(Z)(1) In Marion county, the judge of the court of common 4429

pleas whose term begins on February 9, 1999, and the successors to 4430  
that judge, shall have the same qualifications, exercise the same 4431  
powers and jurisdiction, and receive the same compensation as the 4432  
other judges of the court of common pleas of Marion county and 4433  
shall be elected and designated as judge of the court of common 4434  
pleas, domestic relations-juvenile-probate division. Except as 4435  
otherwise specified in this division, that judge, and the 4436  
successors to that judge, shall have all the powers relating to 4437  
juvenile courts, and all cases under Chapters 2151. and 2152. of 4438  
the Revised Code, all cases arising under Chapter 3111. of the 4439  
Revised Code, all divorce, dissolution of marriage, legal 4440  
separation, and annulment cases, all proceedings involving child 4441  
support, the allocation of parental rights and responsibilities 4442  
for the care of children and the designation for the children of a 4443  
place of residence and legal custodian, parenting time, and 4444  
visitation, and all post-decree proceedings and matters arising 4445  
from those cases and proceedings shall be assigned to that judge 4446  
and the successors to that judge. Except as provided in division 4447  
(Z)(2) of this section and notwithstanding any other provision of 4448  
any section of the Revised Code, on and after February 9, 2003, 4449  
the judge of the court of common pleas of Marion county whose term 4450  
begins on February 9, 1999, and the successors to that judge, 4451  
shall have all the powers relating to the probate division of the 4452  
court of common pleas of Marion county in addition to the powers 4453  
previously specified in this division, and shall exercise 4454  
concurrent jurisdiction with the judge of the probate division of 4455  
that court over all matters that are within the jurisdiction of 4456  
the probate division of that court under Chapter 2101., and other 4457  
provisions, of the Revised Code in addition to the jurisdiction of 4458  
the domestic relations-juvenile-probate division of that court 4459  
otherwise specified in division (Z)(1) of this section. 4460

(2) The judge of the domestic relations-juvenile-probate 4461

division of the court of common pleas of Marion county or the 4462  
judge of the probate division of the court of common pleas of 4463  
Marion county, whichever of those judges is senior in total length 4464  
of service on the court of common pleas of Marion county, 4465  
regardless of the division or divisions of service, shall serve as 4466  
the clerk of the probate division of the court of common pleas of 4467  
Marion county. 4468

(3) On and after February 9, 2003, all references in law to 4469  
"the probate court," "the probate judge," "the juvenile court," or 4470  
"the judge of the juvenile court" shall be construed, with respect 4471  
to Marion county, as being references to both "the probate 4472  
division" and "the domestic relations-juvenile-probate division" 4473  
and as being references to both "the judge of the probate 4474  
division" and "the judge of the domestic relations- 4475  
juvenile-probate division." On and after February 9, 2003, all 4476  
references in law to "the clerk of the probate court" shall be 4477  
construed, with respect to Marion county, as being references to 4478  
the judge who is serving pursuant to division (Z)(2) of this 4479  
section as the clerk of the probate division of the court of 4480  
common pleas of Marion county. 4481

(AA) In Muskingum county, the judge of the court of common 4482  
pleas whose term begins on January 2, 2003, and successors, shall 4483  
have the same qualifications, exercise the same powers and 4484  
jurisdiction, and receive the same compensation as the other 4485  
judges of the court of common pleas of Muskingum county and shall 4486  
be elected and designated as the judge of the court of common 4487  
pleas, division of domestic relations. The judge shall be assigned 4488  
and hear all divorce, dissolution of marriage, legal separation, 4489  
and annulment cases and all proceedings under the uniform 4490  
interstate family support act contained in Chapter 3115. of the 4491  
Revised Code. Except in cases that are subject to the exclusive 4492  
original jurisdiction of the juvenile court, the judge shall be 4493



assigned and hear all cases pertaining to paternity, visitation, 4494  
child support, the allocation of parental rights and 4495  
responsibilities for the care of children, and the designation for 4496  
the children of a place of residence and legal custodian, and all 4497  
post-decree proceedings arising from any case pertaining to any of 4498  
those matters. 4499

(BB) If a judge of the court of common pleas, division of 4500  
domestic relations, or juvenile judge, of any of the counties 4501  
mentioned in this section is sick, absent, or unable to perform 4502  
that judge's judicial duties or the volume of cases pending in the 4503  
judge's division necessitates it, the duties of that judge shall 4504  
be performed by another judge of the court of common pleas of that 4505  
county, assigned for that purpose by the presiding judge of the 4506  
court of common pleas of that county to act in place of or in 4507  
conjunction with that judge, as the case may require. 4508

**Sec. 2301.27.** (A)(1) The court of common pleas may establish 4509  
a county department of probation. The establishment of the 4510  
department shall be entered upon the journal of the court, and the 4511  
clerk of the court of common pleas shall certify a copy of the 4512  
journal entry establishing the department to each elective officer 4513  
and board of the county. The department shall consist of a chief 4514  
probation officer and the number of other probation officers and 4515  
employees, clerks, and stenographers that is fixed from time to 4516  
time by the court. The court shall appoint those individuals, fix 4517  
their salaries, and supervise their work. The court shall not 4518  
appoint as a probation officer any person who does not possess the 4519  
training, experience, and other qualifications prescribed by the 4520  
adult parole authority created by section 5149.02 of the Revised 4521  
Code. Probation officers have all the powers of regular police 4522  
officers and shall perform any duties that are designated by the 4523  
judge or judges of the court. All positions within the department 4524  
of probation shall be in the classified service of the civil 4525

service of the county. 4526

(2) If two or more counties desire to jointly establish a 4527  
probation department for those counties, the judges of the courts 4528  
of common pleas of those counties may establish a probation 4529  
department for those counties. If a probation department is 4530  
established pursuant to division (A)(2) of this section to serve 4531  
more than one county, the judges of the courts of common pleas 4532  
that established the department shall designate the county 4533  
treasurer of one of the counties served by the department as the 4534  
treasurer to whom probation fees paid under section 2951.021 of 4535  
the Revised Code are to be appropriated and transferred under 4536  
division (A)(2) of section 321.44 of the Revised Code for deposit 4537  
into the multicounty probation services fund established under 4538  
division (B) of section 321.44 of the Revised Code. 4539

The cost of the administration and operation of a probation 4540  
department established for two or more counties shall be prorated 4541  
to the respective counties on the basis of population. 4542

(3) Probation officers shall receive, in addition to their 4543  
respective salaries, their necessary and reasonable travel and 4544  
other expenses incurred in the performance of their duties. Their 4545  
salaries and expenses shall be paid monthly from the county 4546  
treasury in the manner provided for the payment of the 4547  
compensation of other appointees of the court. 4548

(B)(1) In lieu of establishing a county department of 4549  
probation under division (A) of this section and in lieu of 4550  
entering into an agreement with the adult parole authority as 4551  
described in division (B) of section 2301.32 of the Revised Code, 4552  
the court of common pleas may request the board of county 4553  
commissioners to contract with, and upon that request the board 4554  
may contract with, any nonprofit, public or private agency, 4555  
association, or organization for the provision of probation 4556

services and supervisory services for persons placed under 4557  
community control sanctions. The contract shall specify that each 4558  
individual providing the probation services and supervisory 4559  
services shall possess the training, experience, and other 4560  
qualifications prescribed by the adult parole authority. The 4561  
individuals who provide the probation services and supervisory 4562  
services shall not be included in the classified or unclassified 4563  
civil service of the county. 4564

(2) In lieu of establishing a county department of probation 4565  
under division (A) of this section and in lieu of entering into an 4566  
agreement with the adult parole authority as described in division 4567  
(B) of section 2301.32 of the Revised Code, the courts of common 4568  
pleas of two or more adjoining counties jointly may request the 4569  
boards of county commissioners of those counties to contract with, 4570  
and upon that request the boards of county commissioners of two or 4571  
more adjoining counties jointly may contract with, any nonprofit, 4572  
public or private agency, association, or organization for the 4573  
provision of probation services and supervisory services for 4574  
persons placed under community control sanctions for those 4575  
counties. The contract shall specify that each individual 4576  
providing the probation services and supervisory services shall 4577  
possess the training, experience, and other qualifications 4578  
prescribed by the adult parole authority. The individuals who 4579  
provide the probation services and supervisory services shall not 4580  
be included in the classified or unclassified civil service of any 4581  
of those counties. 4582

(C) The chief probation officer may grant permission to a 4583  
probation officer to carry firearms when required in the discharge 4584  
of official duties, provided that any probation officer who is 4585  
granted permission to carry firearms in the discharge of official 4586  
duties, within six months of receiving permission to carry a 4587  
firearm, shall successfully complete a basic firearm training 4588

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.

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(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.

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**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

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court of common pleas also shall receive into the legal custody or 4621  
supervision of the department any person who is paroled, released 4622  
under a post-release control sanction, or conditionally pardoned 4623  
from a state correctional institution and who resides or remains 4624  
in the county, if requested by the adult parole authority created 4625  
by section 5149.02 of the Revised Code or any other authority 4626  
having power to parole or release from any institution of that 4627  
nature. 4628

As used in this section and section 2301.30 of the Revised 4629  
Code, "post-release control sanction" has the same meaning as in 4630  
section 2967.01 of the Revised Code. 4631

**Sec. 2301.30.** The court of common pleas of a county in which 4632  
a county department of probation is established under division (A) 4633  
of section 2301.27 of the Revised Code shall require the 4634  
department, in the rules through which the supervision of the 4635  
department is exercised or otherwise, to do all of the following: 4636

(A) Furnish to each person under a community control sanction 4637  
or post-release control sanction or on ~~probation or~~ parole under 4638  
its supervision or in its custody, a written statement of the 4639  
conditions of ~~probation~~ the community control sanction, 4640  
post-release control sanction, or parole and instruct ~~him~~ the 4641  
person regarding the conditions; 4642

(B) Keep informed concerning the conduct and condition of 4643  
each person in its custody or under its supervision by visiting, 4644  
the requiring of reports, and otherwise; 4645

(C) Use all suitable methods, not inconsistent with the 4646  
conditions of ~~probation~~ the community control sanction, 4647  
post-release control sanction, or parole, to aid and encourage the 4648  
persons under its supervision or in its custody and to bring about 4649  
improvement in their conduct and condition; 4650

(D) Keep detailed records of the work of the department, keep 4651  
accurate and complete accounts of all moneys collected from 4652  
persons under its supervision or in its custody, and keep or give 4653  
receipts for those moneys; 4654

(E) Make reports to the adult parole authority created by 4655  
section 5149.02 of the Revised Code that it requires. 4656

**Sec. 2301.32.** (A) In any county in which a county department 4657  
of probation has been established under division (A) of section 4658  
2301.27 of the Revised Code and complies with standards and 4659  
conditions prescribed by the adult parole authority created by 4660  
section 5149.02 of the Revised Code, an agreement may be entered 4661  
into between the court of common pleas and the authority under 4662  
which the county department of probation ~~correctional~~ may receive 4663  
supplemental investigation or supervisory services from the 4664  
authority. 4665

(B) In any county in which a county department of probation 4666  
has not been established under division (A) of section 2301.27 of 4667  
the Revised Code, an agreement may be entered into between the 4668  
court of common pleas of that county and the adult parole 4669  
authority under which the court of common pleas may place 4670  
defendants ~~on probation~~ under a community control sanction in 4671  
charge of the authority, and, in consideration of those 4672  
placements, the county shall pay to the state from time to time 4673  
the amounts that are provided for in the agreement. 4674

**Sec. 2305.234.** (A) As used in this section: 4675

(1) "Chiropractic claim," "medical claim," and "optometric 4676  
claim" have the same meanings as in section 2305.11 of the Revised 4677  
Code. 4678

(2) "Dental claim" has the same meaning as in section 2305.11 4679  
of the Revised Code, except that it does not include any claim 4680

arising out of a dental operation or any derivative claim for relief that arises out of a dental operation. 4681  
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(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code. 4683  
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(4) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment: 4685  
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(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 4688  
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(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code; 4691  
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(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code; 4693  
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(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code; 4695  
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(e) Physical therapists licensed under Chapter 4755. of the Revised Code; 4697  
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(f) Chiropractors licensed under Chapter 4734. of the Revised Code; 4699  
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(g) Optometrists licensed under Chapter 4725. of the Revised Code; 4701  
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(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry; 4703  
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(i) Dietitians licensed under Chapter 4759. of the Revised Code; 4705  
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(j) Pharmacists licensed under Chapter 4729. of the Revised Code. 4707  
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(5) "Health care worker" means a person other than a health 4709

care professional who provides medical, dental, or other 4710  
health-related care or treatment under the direction of a health 4711  
care professional with the authority to direct that individual's 4712  
activities, including medical technicians, medical assistants, 4713  
dental assistants, orderlies, aides, and individuals acting in 4714  
similar capacities. 4715

(6) "Indigent and uninsured person" means a person who meets 4716  
all of the following requirements: 4717

(a) The person's income is not greater than one hundred fifty 4718  
per cent of the current poverty line as defined by the United 4719  
States office of management and budget and revised in accordance 4720  
with section 673(2) of the "Omnibus Budget Reconciliation Act of 4721  
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 4722

(b) The person is not eligible to receive medical assistance 4724  
under Chapter 5111., disability assistance medical assistance 4725  
under Chapter 5115. of the Revised Code, or assistance under any 4726  
other governmental health care program. 4727

(c) Either of the following applies: 4728

(i) The person is not a policyholder, certificate holder, 4729  
insured, contract holder, subscriber, enrollee, member, 4730  
beneficiary, or other covered individual under a health insurance 4731  
or health care policy, contract, or plan. 4732

(ii) The person is a policyholder, certificate holder, 4733  
insured, contract holder, subscriber, enrollee, member, 4734  
beneficiary, or other covered individual under a health insurance 4735  
or health care policy, contract, or plan, but the insurer, policy, 4736  
contract, or plan denies coverage or is the subject of insolvency 4737  
or bankruptcy proceedings in any jurisdiction. 4738

(7) "Operation" means any procedure that involves cutting or 4739  
otherwise infiltrating human tissue by mechanical means, including 4740



surgery, laser surgery, ionizing radiation, therapeutic 4741  
ultrasound, or the removal of intraocular foreign bodies. 4742  
"Operation" does not include the administration of medication by 4743  
injection, unless the injection is administered in conjunction 4744  
with a procedure infiltrating human tissue by mechanical means 4745  
other than the administration of medicine by injection. 4746

(8) "Nonprofit shelter or health care facility" means a 4747  
charitable nonprofit corporation organized and operated pursuant 4748  
to Chapter 1702. of the Revised Code, or any charitable 4749  
organization not organized and not operated for profit, that 4750  
provides shelter, health care services, or shelter and health care 4751  
services to indigent and uninsured persons, except that "shelter 4752  
or health care facility" does not include a hospital as defined in 4753  
section 3727.01 of the Revised Code, a facility licensed under 4754  
Chapter 3721. of the Revised Code, or a medical facility that is 4755  
operated for profit. 4756

(9) "Tort action" means a civil action for damages for 4757  
injury, death, or loss to person or property other than a civil 4758  
action for damages for a breach of contract or another agreement 4759  
between persons or government entities. 4760

(10) "Volunteer" means an individual who provides any 4761  
medical, dental, or other health-care related diagnosis, care, or 4762  
treatment without the expectation of receiving and without receipt 4763  
of any compensation or other form of remuneration from an indigent 4764  
and uninsured person, another person on behalf of an indigent and 4765  
uninsured person, any shelter or health care facility, or any 4766  
other person or government entity. 4767

(11) "Community control sanction" has the same meaning as in 4768  
section 2929.01 of the Revised Code. 4769

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 4770  
health care professional who is a volunteer and complies with 4771

division (B)(2) of this section is not liable in damages to any  
person or government entity in a tort or other civil action,  
including an action on a medical, dental, chiropractic,  
optometric, or other health-related claim, for injury, death, or  
loss to person or property that allegedly arises from an action or  
omission of the volunteer in the provision at a nonprofit shelter  
or health care facility to an indigent and uninsured person of  
medical, dental, or other health-related diagnosis, care, or  
treatment, including the provision of samples of medicine and  
other medical products, unless the action or omission constitutes  
willful or wanton misconduct.

(2) To qualify for the immunity described in division (B)(1)  
of this section, a health care professional shall do all of the  
following prior to providing diagnosis, care, or treatment:

(a) Determine, in good faith, that the indigent and uninsured  
person is mentally capable of giving informed consent to the  
provision of the diagnosis, care, or treatment and is not subject  
to duress or under undue influence;

(b) Inform the person of the provisions of this section;

(c) Obtain the informed consent of the person and a written  
waiver, signed by the person or by another individual on behalf of  
and in the presence of the person, that states that the person is  
mentally competent to give informed consent and, without being  
subject to duress or under undue influence, gives informed consent  
to the provision of the diagnosis, care, or treatment subject to  
the provisions of this section.

(3) A physician or podiatrist who is not covered by medical  
malpractice insurance, but complies with division (B)(2) of this  
section, is not required to comply with division (A) of section  
4731.143 of the Revised Code.

(C) Subject to divisions (E) and (F)(3) of this section,

health care workers who are volunteers are not liable in damages 4803  
to any person or government entity in a tort or other civil 4804  
action, including an action upon a medical, dental, chiropractic, 4805  
optometric, or other health-related claim, for injury, death, or 4806  
loss to person or property that allegedly arises from an action or 4807  
omission of the health care worker in the provision at a nonprofit 4808  
shelter or health care facility to an indigent and uninsured 4809  
person of medical, dental, or other health-related diagnosis, 4810  
care, or treatment, unless the action or omission constitutes 4811  
willful or wanton misconduct. 4812

(D) Subject to divisions (E) and (F)(3) of this section and 4813  
section 3701.071 of the Revised Code, a nonprofit shelter or 4814  
health care facility associated with a health care professional 4815  
described in division (B)(1) of this section or a health care 4816  
worker described in division (C) of this section is not liable in 4817  
damages to any person or government entity in a tort or other 4818  
civil action, including an action on a medical, dental, 4819  
chiropractic, optometric, or other health-related claim, for 4820  
injury, death, or loss to person or property that allegedly arises 4821  
from an action or omission of the health care professional or 4822  
worker in providing for the shelter or facility medical, dental, 4823  
or other health-related diagnosis, care, or treatment to an 4824  
indigent and uninsured person, unless the action or omission 4825  
constitutes willful or wanton misconduct. 4826

(E)(1) Except as provided in division (E)(2) of this section, 4827  
the immunities provided by divisions (B), (C), and (D) of this 4828  
section are not available to an individual or to a nonprofit 4829  
shelter or health care facility if, at the time of an alleged 4830  
injury, death, or loss to person or property, the individuals 4831  
involved are providing one of the following: 4832

(a) Any medical, dental, or other health-related diagnosis, 4833  
care, or treatment pursuant to a community service work order 4834

entered by a court under division ~~(F)~~(B) of section 2951.02 of the Revised Code ~~as a condition of probation or other suspension of a term of imprisonment~~ or imposed by a court as a community control sanction pursuant to ~~sections 2929.15 and 2929.17 of the Revised Code.~~; 4835  
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(b) Performance of an operation.; 4840

(c) Delivery of a baby. 4841

(2) Division (E)(1) of this section does not apply to an individual who provides, or a nonprofit shelter or health care facility at which the individual provides, diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency. 4842  
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(F)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, or nonprofit shelter or health care facility. 4847  
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(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which an individual or a nonprofit shelter or health care facility may be entitled in connection with the provision of emergency or other diagnosis, care, or treatment. 4850  
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(3) This section does not grant an immunity from tort or other civil liability to an individual or a nonprofit shelter or health care facility for actions that are outside the scope of authority of health care professionals or health care workers. 4856  
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(4) This section does not affect any legal responsibility of a health care professional or health care worker to comply with any applicable law of this state or rule of an agency of this state. 4860  
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(5) This section does not affect any legal responsibility of 4864

a nonprofit shelter or health care facility to comply with any 4865  
applicable law of this state, rule of an agency of this state, or 4866  
local code, ordinance, or regulation that pertains to or regulates 4867  
building, housing, air pollution, water pollution, sanitation, 4868  
health, fire, zoning, or safety. 4869

**Sec. 2313.29.** No person whose name is drawn and who is 4870  
notified to attend a term or part of a term of a court of record 4871  
as a juror shall fail to attend at the time specified in the 4872  
notice, or from day to day. 4873

A fine imposed for the violation of this section under 4874  
~~division (A) of section 2313.99~~ 2929.18 of the Revised Code may be 4875  
wholly or partly remitted by direction of the judge in open court, 4876  
before the end of the same term, and upon good cause shown; 4877  
otherwise it shall not be remitted. Each remission so made by the 4878  
judge, with the reason for the remission, shall be entered on the 4879  
journal of the court. This section applies to an additional grand 4880  
juror or a special juror, as well as to the regular petit juror. 4881

**Sec. 2903.13.** (A) No person shall knowingly cause or attempt 4882  
to cause physical harm to another or to another's unborn. 4883

(B) No person shall recklessly cause serious physical harm to 4884  
another or to another's unborn. 4885

(C) Whoever violates this section is guilty of assault. 4886  
Except as otherwise provided in division (C)(1), (2), (3), (4), or 4887  
(5) of this section, assault is a misdemeanor of the first degree. 4888

(1) Except as otherwise provided in this division, if the 4890  
offense is committed by a caretaker against a functionally 4891  
impaired person under the caretaker's care, assault is a felony of 4892  
the fourth degree. If the offense is committed by a caretaker 4893  
against a functionally impaired person under the caretaker's care, 4894

if the offender previously has been convicted of or pleaded guilty 4895  
to a violation of this section or section 2903.11 or 2903.16 of 4896  
the Revised Code, and if in relation to the previous conviction 4897  
the offender was a caretaker and the victim was a functionally 4898  
impaired person under the offender's care, assault is a felony of 4899  
the third degree. 4900

(2) If the offense is committed in any of the following 4901  
circumstances, assault is a felony of the fifth degree: 4902

(a) The offense occurs in or on the grounds of a state 4903  
correctional institution or an institution of the department of 4904  
youth services, the victim of the offense is an employee of the 4905  
department of rehabilitation and correction, the department of 4906  
youth services, or a probation department or is on the premises of 4907  
the particular institution for business purposes or as a visitor, 4908  
and the offense is committed by a person incarcerated in the state 4909  
correctional institution, by a person institutionalized in the 4910  
department of youth services institution pursuant to a commitment 4911  
to the department of youth services, by a ~~probationer~~ or parolee, 4912  
by an offender under transitional control, under a community 4913  
control sanction, or on an escorted visit, by a person under 4914  
post-release control, or by an offender under any other type of 4915  
supervision by a government agency. 4916

(b) The offense occurs in or on the grounds of a local 4917  
correctional facility, the victim of the offense is an employee of 4918  
the local correctional facility or a probation department or is on 4919  
the premises of the facility for business purposes or as a 4920  
visitor, and the offense is committed by a person who is under 4921  
custody in the facility subsequent to the person's arrest for any 4922  
crime or delinquent act, subsequent to the person's being charged 4923  
with or convicted of any crime, or subsequent to the person's 4924  
being alleged to be or adjudicated a delinquent child. 4925

(c) The offense occurs off the grounds of a state 4926

correctional institution and off the grounds of an institution of 4927  
the department of youth services, the victim of the offense is an 4928  
employee of the department of rehabilitation and correction, the 4929  
department of youth services, or a probation department, the 4930  
offense occurs during the employee's official work hours and while 4931  
the employee is engaged in official work responsibilities, and the 4932  
offense is committed by a person incarcerated in a state 4933  
correctional institution or institutionalized in the department of 4934  
youth services who temporarily is outside of the institution for 4935  
any purpose, by a ~~probationer~~ or parolee, by an offender under 4936  
transitional control, under a community control sanction, or on an 4937  
escorted visit, by a person under post-release control, or by an 4938  
offender under any other type of supervision by a government 4939  
agency. 4940

(d) The offense occurs off the grounds of a local 4941  
correctional facility, the victim of the offense is an employee of 4942  
the local correctional facility or a probation department, the 4943  
offense occurs during the employee's official work hours and while 4944  
the employee is engaged in official work responsibilities, and the 4945  
offense is committed by a person who is under custody in the 4946  
facility subsequent to the person's arrest for any crime or 4947  
delinquent act, subsequent to the person being charged with or 4948  
convicted of any crime, or subsequent to the person being alleged 4949  
to be or adjudicated a delinquent child and who temporarily is 4950  
outside of the facility for any purpose or by a ~~probationer~~ or 4951  
parolee, by an offender under transitional control, under a 4952  
community control sanction, or on an escorted visit, by a person 4953  
under post-release control, or by an offender under any other type 4954  
of supervision by a government agency. 4955

(e) The victim of the offense is a school teacher or 4956  
administrator or a school bus operator, and the offense occurs in 4957  
a school, on school premises, in a school building, on a school 4958

bus, or while the victim is outside of school premises or a school 4959  
bus and is engaged in duties or official responsibilities 4960  
associated with the victim's employment or position as a school 4961  
teacher or administrator or a school bus operator, including, but 4962  
not limited to, driving, accompanying, or chaperoning students at 4963  
or on class or field trips, athletic events, or other school 4964  
extracurricular activities or functions outside of school 4965  
premises. 4966

(3) If the victim of the offense is a peace officer, a 4967  
firefighter, or a person performing emergency medical service, 4968  
while in the performance of their official duties, assault is a 4969  
felony of the fourth degree. 4970

(4) If the victim of the offense is a peace officer and if 4971  
the victim suffered serious physical harm as a result of the 4972  
commission of the offense, assault is a felony of the fourth 4973  
degree, and the court, pursuant to division (F) of section 2929.13 4974  
of the Revised Code, shall impose as a mandatory prison term one 4975  
of the prison terms prescribed for a felony of the fourth degree 4976  
that is at least twelve months in duration. 4977

(5) If the victim of the offense is an officer or employee of 4978  
a public children services agency or a private child placing 4979  
agency and the offense relates to the officer's or employee's 4980  
performance or anticipated performance of official 4981  
responsibilities or duties, assault is either a felony of the 4982  
fifth degree or, if the offender previously has been convicted of 4983  
or pleaded guilty to an offense of violence, the victim of that 4984  
prior offense was an officer or employee of a public children 4985  
services agency or private child placing agency, and that prior 4986  
offense related to the officer's or employee's performance or 4987  
anticipated performance of official responsibilities or duties, a 4988  
felony of the fourth degree. 4989

(D) As used in this section: 4990



(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	4991 4992
(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.	4993 4994
(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.	4995 4996
(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.	4997 4998 4999 5000 5001 5002 5003 5004
(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.	5005 5006 5007 5008 5009
(6) "School teacher or administrator" means either of the following:	5010 5011
(a) A person who is employed in the public schools of the state under a contract described in section 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.	5012 5013 5014 5015 5016
(b) A person who is employed by a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.	5017 5018 5019 5020

(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 5021  
5022

(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code. 5023  
5024

(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code. 5025  
5026

**Sec. 2905.12.** (A) No person, with purpose to coerce another into taking or refraining from action concerning which ~~he~~ the other person has a legal freedom of choice, shall do any of the following: 5027  
5028  
5029  
5030

(1) Threaten to commit any offense; 5031

(2) Utter or threaten any calumny against any person; 5032

(3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt, or ridicule, ~~or~~ to damage his any person's personal or business repute, or to impair his any person's credit; 5033  
5034  
5035  
5036

(4) Institute or threaten criminal proceedings against any person; 5037  
5038

(5) Take ~~or~~ withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld. 5039  
5040  
5041

(B) Divisions (A)(4) and (5) of this section shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interests of justice: 5042  
5043  
5044

(1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to section 2945.44 of the Revised Code; 5045  
5046

(2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which ~~he~~ the accused 5047  
5048  
5049

is not a party, offering or agreeing to dismiss, or dismissing one 5050  
or more charges pending against an accused, or offering or 5051  
agreeing to impose, or imposing a certain sentence or modification 5052  
of sentence; 5053

(3) Imposing ~~probation~~ a community control sanction on 5054  
certain conditions, including without limitation requiring the 5055  
offender to make restitution or redress to the victim of ~~his~~ the 5056  
offense. 5057

(C) It is an affirmative defense to a charge under division 5058  
(A)(3), (4), or (5) of this section that the actor's conduct was a 5059  
reasonable response to the circumstances ~~which~~ that occasioned it, 5060  
and that ~~his~~ the actor's purpose was limited to any of the 5061  
following: 5062

(1) Compelling another to refrain from misconduct or to 5063  
desist from further misconduct; 5064

(2) Preventing or redressing a wrong or injustice; 5065

(3) Preventing another from taking action for which the actor 5066  
reasonably believed ~~such~~ the other person to be disqualified; 5067  
5068

(4) Compelling another to take action ~~which~~ that the actor 5069  
reasonably believed ~~such~~ the other person to be under a duty to 5070  
take. 5071

(D) Whoever violates this section is guilty of coercion, a 5072  
misdemeanor of the second degree. 5073

(E) As used in this section, ~~"threat~~: 5074

(1) "Threat" includes a direct threat and a threat by 5075  
innuendo. 5076

(2) "Community control sanction" has the same meaning as in 5077  
section 2929.01 of the Revised Code. 5078

Sec. 2907.15. (A) As used in this section: 5079

(1) "Public retirement system" means the public employees 5080  
retirement system, state teachers retirement system, school 5081  
employees retirement system, Ohio police and fire pension fund, 5082  
state highway patrol retirement system, or a municipal retirement 5083  
system of a municipal corporation of this state. 5084

(2) "Government deferred compensation program" means such a 5085  
program offered by the Ohio public employees deferred compensation 5086  
board; a municipal corporation; or a governmental unit, as defined 5087  
in section 148.06 of the Revised Code. 5088

(3) "Deferred compensation program participant" means a 5089  
"participating employee" or "continuing member," as defined in 5090  
section 148.01 of the Revised Code, or any other public employee 5091  
who has funds in a government deferred compensation program. 5092

(4) "Alternative retirement plan" means an ~~aternative~~ 5093  
alternative retirement plan provided pursuant to Chapter 3305. of 5094  
the Revised Code. 5095

(5) "Prosecutor" has the same meaning as in section 2935.01 5096  
of the Revised Code. 5097

In any case in which a sentencing court orders restitution to 5098  
the victim under section 2929.18 or 2929.28 of the Revised Code 5099  
for a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 5100  
of the Revised Code and in which the offender is a government 5101  
deferred compensation program participant, is an electing 5102  
employee, as defined in section 3305.01 of the Revised Code, or is 5103  
a member of, or receiving a pension, benefit, or allowance, other 5104  
than a survivorship benefit, from, a public retirement system and 5105  
committed the offense against a child, student, patient, or other 5106  
person with whom the offender had contact in the context of the 5107  
offender's public employment, at the request of the victim the 5108

prosecutor shall file a motion with the sentencing court 5109  
specifying the government deferred compensation program, 5110  
alternative retirement plan, or public retirement system and 5111  
requesting that the court issue an order requiring the government 5112  
deferred compensation program, alternative retirement plan, or 5113  
public retirement system to withhold the amount required as 5114  
restitution from one or more of the following: any payment to be 5115  
made from a government deferred compensation program, any payment 5116  
or benefit under an alternative retirement plan, or under a 5117  
pension, annuity, allowance, or any other benefit, other than a 5118  
survivorship benefit, that has been or is in the future granted to 5119  
the offender; from any payment of accumulated employee 5120  
contributions standing to the offender's credit with the 5121  
government deferred compensation program, alternative retirement 5122  
plan, or public retirement system; or from any payment of any 5123  
other amounts to be paid to the offender pursuant to Chapter 145., 5124  
148., 742., 3307., 3309., or 5505. of the Revised Code on 5125  
withdrawal of contributions. The motion may be filed at any time 5126  
subsequent to the conviction of the offender or entry of a guilty 5127  
plea. On the filing of the motion, the clerk of the court in which 5128  
the motion is filed shall notify the offender and the government 5129  
deferred compensation program, alternative retirement plan, or 5130  
public retirement system, in writing, of all of the following: 5131  
that the motion was filed; that the offender will be granted a 5132  
hearing on the issuance of the requested order if the offender 5133  
files a written request for a hearing with the clerk prior to the 5134  
expiration of thirty days after the offender receives the notice; 5135  
that, if a hearing is requested, the court will schedule a hearing 5136  
as soon as possible and notify the offender and the government 5137  
deferred compensation program, alternative retirement plan, or 5138  
public retirement system of the date, time, and place of the 5139  
hearing; that, if a hearing is conducted, it will be limited to a 5140  
consideration of whether the offender can show good cause why the 5141

order should not be issued; that, if a hearing is conducted, the 5142  
court will not issue the order if the court determines, based on 5143  
evidence presented at the hearing by the offender, that there is 5144  
good cause for the order not to be issued; that the court will 5145  
issue the order if a hearing is not requested or if a hearing is 5146  
conducted but the court does not determine, based on evidence 5147  
presented at the hearing by the offender, that there is good cause 5148  
for the order not to be issued; and that, if the order is issued, 5149  
the government deferred compensation program, alternative 5150  
retirement plan, or public retirement system specified in the 5151  
motion will be required to withhold the amount required as 5152  
restitution from payments to the offender. 5153

(B) In any case in which a motion requesting the issuance of 5154  
a withholding order as described in division (A) of this section 5155  
is filed, the offender may receive a hearing on the motion by 5156  
delivering a written request for a hearing to the court prior to 5157  
the expiration of thirty days after the offender's receipt of the 5158  
notice provided pursuant to division (A) of this section. If the 5159  
offender requests a hearing within the prescribed time, the court 5160  
shall schedule a hearing as soon as possible after the request is 5161  
made and notify the offender and the government deferred 5162  
compensation program, alternative retirement plan, or public 5163  
retirement system of the date, time, and place of the hearing. A 5164  
hearing scheduled under this division shall be limited to a 5165  
consideration of whether there is good cause, based on evidence 5166  
presented by the offender, for the requested order not to be 5167  
issued. If the court determines, based on evidence presented by 5168  
the offender, that there is good cause for the order not to be 5169  
issued, the court shall deny the motion and shall not issue the 5170  
order. Good cause for not issuing the order includes a 5171  
determination by the court that the order would severely impact 5172  
the offender's ability to support the offender's dependents. 5173

If the offender does not request a hearing within the 5174  
prescribed time or the court conducts a hearing but does not 5175  
determine, based on evidence presented by the offender, that there 5176  
is good cause for the order not to be issued, the court shall 5177  
order the government deferred compensation program, alternative 5178  
retirement plan, or public retirement system to withhold the 5179  
amount required as restitution from one or more of the following: 5180  
any payments to be made from a government deferred compensation 5181  
program, any payment or benefit under an alternative retirement 5182  
plan, or under a pension, annuity, allowance, or under any other 5183  
benefit, other than a survivorship benefit, that has been or is in 5184  
the future granted to the offender; from any payment of 5185  
accumulated employee contributions standing to the offender's 5186  
credit with the government deferred compensation program, 5187  
alternative retirement plan, or public retirement system; or from 5188  
any payment of any other amounts to be paid to the offender upon 5189  
withdrawal of contributions pursuant to Chapter 145., 148., 742., 5190  
3307., 3309., or 5505. of the Revised Code and to continue the 5191  
withholding for that purpose, in accordance with the order, out of 5192  
each payment to be made on or after the date of issuance of the 5193  
order, until further order of the court. On receipt of an order 5194  
issued under this division, the government deferred compensation 5195  
program, alternative retirement plan, or public retirement system 5196  
shall withhold the amount required as restitution, in accordance 5197  
with the order, from any such payments and immediately forward the 5198  
amount withheld to the clerk of the court in which the order was 5199  
issued for payment to the person to whom restitution is to be 5200  
made. The order shall not apply to any portion of payments made 5201  
from a government deferred compensation program, alternative 5202  
retirement plan, or public retirement system to a person other 5203  
than the offender pursuant to a previously issued domestic court 5204  
order. 5205

(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, 2907.03, 2907.04, or 2907.05 of the Revised Code against a person who is a deferred compensation program participant, an electing employee participating in an alternative retirement plan, or a member of, or receiving a pension benefit, or allowance, other than a survivorship benefit, from a public retirement system for an offense against a child, student, patient, or other person with whom the offender had contact in the context of the offender's public employment, the prosecutor shall send written notice that charges have been filed against that person to the appropriate government deferred compensation program, alternative retirement plan, or public retirement system. The notice shall specifically identify the person charged.

**Sec. 2907.27.** (A)(1) If a person is charged with a violation of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 2907.25 of the Revised Code or with a violation of a municipal ordinance that is substantially equivalent to any of those sections, the arresting authorities or a court, upon the request of the prosecutor in the case or upon the request of the victim, shall cause the accused to submit to one or more appropriate tests to determine if the accused is suffering from a venereal disease.

(2) If the accused is found to be suffering from a venereal disease in an infectious stage, the accused shall be required to submit to medical treatment for that disease. The cost of the medical treatment shall be charged to and paid by the accused who undergoes the treatment. If the accused is indigent, the court shall order the accused to report to a facility operated by a city health district or a general health district for treatment. If the



accused is convicted of or pleads guilty to the offense with which 5237  
the accused is charged and is placed ~~on probation under a~~ 5238  
community control sanction, a condition of ~~probation~~ community 5239  
control shall be that the offender submit to and faithfully follow 5240  
a course of medical treatment for the venereal disease. If the 5241  
offender does not seek the required medical treatment, the court 5242  
may revoke the offender's ~~probation~~ community control and order 5243  
the offender to undergo medical treatment during the period of the 5244  
offender's incarceration and to pay the cost of that treatment. 5245

(B)(1)(a) Notwithstanding the requirements for informed 5246  
consent in section 3701.242 of the Revised Code, if a person is 5247  
charged with a violation of division (B) of section 2903.11 or of 5248  
section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 5249  
2907.241, or 2907.25 of the Revised Code or with a violation of a 5250  
municipal ordinance that is substantially equivalent to that 5251  
division or any of those sections, the court, upon the request of 5252  
the prosecutor in the case, upon the request of the victim, or 5253  
upon the request of any other person whom the court reasonably 5254  
believes had contact with the accused in circumstances related to 5255  
the violation that could have resulted in the transmission to that 5256  
person of a virus that causes acquired immunodeficiency syndrome, 5257  
shall cause the accused to submit to one or more tests designated 5258  
by the director of health under section 3701.241 of the Revised 5259  
Code to determine if the accused is a carrier of a virus that 5260  
causes acquired immunodeficiency syndrome. The court, upon the 5261  
request of the prosecutor in the case, upon the request of the 5262  
victim with the agreement of the prosecutor, or upon the request 5263  
of any other person with the agreement of the prosecutor, may 5264  
cause an accused who is charged with a violation of any other 5265  
section of the Revised Code or with a violation of any other 5266  
municipal ordinance to submit to one or more tests so designated 5267  
by the director of health if the circumstances of the violation 5268

indicate probable cause to believe that the accused, if the  
accused is infected with the virus that causes acquired  
immunodeficiency syndrome, might have transmitted the virus to any  
of the following persons in committing the violation:

(i) In relation to a request made by the prosecuting  
attorney, to the victim or to any other person;

(ii) In relation to a request made by the victim, to the  
victim making the request;

(iii) In relation to a request made by any other person, to  
the person making the request.

(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 5301  
syndrome and the accused was charged with, and was convicted of or 5302  
pleaded guilty to, a violation of section 2907.24, 2907.241, or 5303  
2907.25 of the Revised Code or a violation of a municipal 5304  
ordinance that is substantially equivalent to any of those 5305  
sections, the test results also shall be reported to the law 5306  
enforcement agency that arrested the accused, and the law 5307  
enforcement agency may use the test results as the basis for any 5308  
future charge of a violation of division (B) of any of those 5309  
sections or a violation of a municipal ordinance that is 5310  
substantially equivalent to division (B) of any of those sections. 5311  
No other disclosure of the test results or the fact that a test 5312  
was performed shall be made, other than as evidence in a grand 5313  
jury proceeding or as evidence in a judicial proceeding in 5314  
accordance with the Rules of Evidence. If the test result is 5315  
negative, and the charge has not been dismissed or if the accused 5316  
has been convicted of the charge or a different offense arising 5317  
out of the same circumstances as the offense charged, the court 5318  
shall order that the test be repeated not earlier than three 5319  
months nor later than six months after the original test. 5320

(2) If an accused who is free on bond refuses to submit to a 5321  
test ordered by the court pursuant to division (B)(1) of this 5322  
section, the court may order that the accused's bond be revoked 5323  
and that the accused be incarcerated until the test is performed. 5324  
If an accused who is incarcerated refuses to submit to a test 5325  
ordered by the court pursuant to division (B)(1) of this section, 5326  
the court shall order the person in charge of the jail or prison 5327  
in which the accused is incarcerated to take any action necessary 5328  
to facilitate the performance of the test, including the forcible 5329  
restraint of the accused for the purpose of drawing blood to be 5330  
used in the test. 5331

(3) A state agency, a political subdivision of the state, or 5332

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 unless the acts or omissions are with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) As used in this section, "community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

**Sec. 2919.22.** (A) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support. It is not a violation of a duty of care, protection, or support under this division when the parent, guardian, custodian, or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(B) No person shall do any of the following to a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age:

(1) Abuse the child;

(2) Torture or cruelly abuse the child;

(3) Administer corporal punishment or other physical disciplinary measure, or physically restrain the child in a cruel manner or for a prolonged period, which punishment, discipline, or restraint is excessive under the circumstances and creates a

substantial risk of serious physical harm to the child; 5363

(4) Repeatedly administer unwarranted disciplinary measures 5364  
to the child, when there is a substantial risk that such conduct, 5365  
if continued, will seriously impair or retard the child's mental 5366  
health or development; 5367

(5) Entice, coerce, permit, encourage, compel, hire, employ, 5368  
use, or allow the child to act, model, or in any other way 5369  
participate in, or be photographed for, the production, 5370  
presentation, dissemination, or advertisement of any material or 5371  
performance that the offender knows or reasonably should know is 5372  
obscene, is sexually oriented matter, or is nudity-oriented 5373  
matter. 5374

(C)(1) No person shall operate a vehicle, streetcar, or 5375  
trackless trolley within this state in violation of division (A) 5376  
of section 4511.19 of the Revised Code when one or more children 5377  
under eighteen years of age are in the vehicle, streetcar, or 5378  
trackless trolley. Notwithstanding any other provision of law, a 5379  
person may be convicted at the same trial or proceeding of a 5380  
violation of this division and a violation of division (A) of 5381  
section 4511.19 of the Revised Code that constitutes the basis of 5382  
the charge of the violation of this division. For purposes of 5383  
section 4511.191 of the Revised Code and all related provisions of 5384  
law, a person arrested for a violation of this division shall be 5385  
considered to be under arrest for operating a vehicle while under 5386  
the influence of alcohol, a drug of abuse, or alcohol and a drug 5387  
of abuse or for operating a vehicle with a prohibited 5388  
concentration of alcohol in the blood, breath, or urine. 5389

(2) As used in division (C)(1) of this section, "vehicle," 5390  
"streetcar," and "trackless trolley" have the same meanings as in 5391  
section 4511.01 of the Revised Code. 5392

(D)(1) Division (B)(5) of this section does not apply to any 5393

material or performance that is produced, presented, or 5394  
disseminated for a bona fide medical, scientific, educational, 5395  
religious, governmental, judicial, or other proper purpose, by or 5396  
to a physician, psychologist, sociologist, scientist, teacher, 5397  
person pursuing bona fide studies or research, librarian, member 5398  
of the clergy, prosecutor, judge, or other person having a proper 5399  
interest in the material or performance. 5400

(2) Mistake of age is not a defense to a charge under 5401  
division (B)(5) of this section. 5402

(3) In a prosecution under division (B)(5) of this section, 5403  
the trier of fact may infer that an actor, model, or participant 5404  
in the material or performance involved is a juvenile if the 5405  
material or performance, through its title, text, visual 5406  
representation, or otherwise, represents or depicts the actor, 5407  
model, or participant as a juvenile. 5408

(4) As used in this division and division (B)(5) of this 5409  
section: 5410

(a) "Material," "performance," "obscene," and "sexual 5411  
activity" have the same meanings as in section 2907.01 of the 5412  
Revised Code. 5413

(b) "Nudity-oriented matter" means any material or 5414  
performance that shows a minor in a state of nudity and that, 5415  
taken as a whole by the average person applying contemporary 5416  
community standards, appeals to prurient interest. 5417

(c) "Sexually oriented matter" means any material or 5418  
performance that shows a minor participating or engaging in sexual 5419  
activity, masturbation, or bestiality. 5420

(E)(1) Whoever violates this section is guilty of endangering 5421  
children. 5422

(2) If the offender violates division (A) or (B)(1) of this 5423

section, endangering children is one of the following: 5424

(a) Except as otherwise provided in division (E)(2)(b), (c), 5425  
or (d) of this section, a misdemeanor of the first degree; 5426

(b) If the offender previously has been convicted of an 5427  
offense under this section or of any offense involving neglect, 5428  
abandonment, contributing to the delinquency of, or physical abuse 5429  
of a child, except as otherwise provided in division (E)(2)(c) or 5430  
(d) of this section, a felony of the fourth degree; 5431

(c) If the violation is a violation of division (A) of this 5432  
section and results in serious physical harm to the child 5433  
involved, a felony of the third degree; 5434

(d) If the violation is a violation of division (B)(1) of 5435  
this section and results in serious physical harm to the child 5436  
involved, a felony of the second degree. 5437

(3) If the offender violates division (B)(2), (3), or (4) of 5438  
this section, except as otherwise provided in this division, 5439  
endangering children is a felony of the third degree. If the 5440  
violation results in serious physical harm to the child involved, 5441  
or if the offender previously has been convicted of an offense 5442  
under this section or of any offense involving neglect, 5443  
abandonment, contributing to the delinquency of, or physical abuse 5444  
of a child, endangering children is a felony of the second degree. 5445

(4) If the offender violates division (B)(5) of this section, 5446  
endangering children is a felony of the second degree. 5447

(5) If the offender violates division (C) of this section, 5448  
the offender shall be punished as follows: 5449

(a) Except as otherwise provided in division (E)(5)(b) or (c) 5450  
of this section, endangering children in violation of division (C) 5451  
of this section is a misdemeanor of the first degree. 5452

(b) If the violation results in serious physical harm to the 5453

child involved or the offender previously has been convicted of an 5454  
offense under this section or any offense involving neglect, 5455  
abandonment, contributing to the delinquency of, or physical abuse 5456  
of a child, except as otherwise provided in division (E)(5)(c) of 5457  
this section, endangering children in violation of division (C) of 5458  
this section is a felony of the fifth degree. 5459

(c) If the violation results in serious physical harm to the 5460  
child involved and if the offender previously has been convicted 5461  
of a violation of division (C) of this section, section 2903.06 or 5462  
2903.08 of the Revised Code, section 2903.07 of the Revised Code 5463  
as it existed prior to March 23, 2000, or section 2903.04 of the 5464  
Revised Code in a case in which the offender was subject to the 5465  
sanctions described in division (D) of that section, endangering 5466  
children in violation of division (C) of this section is a felony 5467  
of the fourth degree. 5468

(d) In addition to any term of imprisonment, fine, or other 5469  
sentence, penalty, or sanction it imposes upon the offender 5470  
pursuant to division (E)(5)(a), (b), or (c) of this section or 5471  
pursuant to any other provision of law, the court also may impose 5472  
upon the offender one or both of the following sanctions: 5473

(i) It may require the offender, as part of the offender's 5474  
sentence and in the manner described in division (F) of this 5475  
section, to perform not more than two hundred hours of supervised 5476  
community service work under the authority of any agency, 5477  
political subdivision, or charitable organization of the type 5478  
described in division ~~(F)(1)(B)~~ of section 2951.02 of the Revised 5479  
Code, ~~provided that the court shall not require the offender to~~ 5480  
~~perform supervised community service work under this division~~ 5481  
~~unless the offender agrees to perform the supervised community~~ 5482  
~~service work.~~ 5483

(ii) It may suspend the driver's or commercial driver's 5484  
license or permit or nonresident operating privilege of the 5485



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  
sentence, penalty, or sanction imposed upon the offender pursuant  
to division (E)(5)(a), (b), (c), or (d) of this section or  
pursuant to any other provision of law for the violation of  
division (C) of this section, if as part of the same trial or  
proceeding the offender 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 offender also  
shall be sentenced, in accordance with section 4511.99 of the  
Revised Code, for that violation of division (A) of section  
4511.19 of the Revised Code and also shall be subject to all other  
sanctions that are required or authorized by any provision of law  
for that violation of division (A) of section 4511.19 of the  
Revised Code.

(F)(1)(a) If a court, pursuant to division (E)(5)(d)(i) of  
this section, requires an offender to perform supervised community  
service work under the authority of an agency, subdivision, or  
charitable organization, the requirement shall be part of the  
community control sanction or sentence of the offender, and the  
court shall impose the community service in accordance with and  
subject to divisions (F)(1)(a) and (b) of this section. The court  
may require an offender whom it requires to perform supervised  
community service work as part of the offender's community control  
sanction or sentence to pay the court 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 5518  
will perform the work. If the court requires the offender to 5519  
perform supervised community service work as part of the 5520  
offender's community control sanction or sentence, the court shall 5521  
do so in accordance with the following limitations and criteria: 5522

(i) The court shall require that the community service work 5523  
be performed after completion of the term of imprisonment imposed 5524  
upon the offender for the violation of division (C) of this 5525  
section, if applicable. 5526

(ii) The Subject to division (E)(5)(d)(i) of this section, 5527  
the supervised community service work shall be subject to the 5528  
limitations set forth in divisions ~~(F)(1)(a) to (c)~~(B)(1), (2), 5529  
and (3) of section 2951.02 of the Revised Code. 5530

(iii) The community service work shall be supervised in the 5531  
manner described in division ~~(F)(1)(d)~~(B)(4) of section 2951.02 of 5532  
the Revised Code by an official or person with the qualifications 5533  
described in that division. The official or person periodically 5534  
shall report in writing to the court concerning the conduct of the 5535  
offender in performing the work. 5536

(iv) The court shall inform the offender in writing that if 5537  
the offender does not adequately perform, as determined by the 5538  
court, all of the required community service work, the court may 5539  
order that the offender be committed to a jail or workhouse for a 5540  
period of time that does not exceed the term of imprisonment that 5541  
the court could have imposed upon the offender for the violation 5542  
of division (C) of this section, reduced by the total amount of 5543  
time that the offender actually was imprisoned under the sentence 5544  
or term that was imposed upon the offender for that violation and 5545  
by the total amount of time that the offender was confined for any 5546  
reason arising out of the offense for which the offender was 5547  
convicted and sentenced as described in sections 2949.08 and 5548  
2967.191 of the Revised Code, and that, if the court orders that 5549

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  
sanction or sentence and if the offender does not adequately  
perform all of the required community service work, as determined  
by the court, the court may order that the offender be committed  
to a jail or workhouse for a period of time that does not exceed  
the term of imprisonment that the court could have imposed upon  
the offender for the violation of division (C) of this section,  
reduced by the total amount of time that the offender actually was  
imprisoned under the sentence or term that was imposed upon the  
offender for that violation and by the total amount of time that  
the offender was confined for any reason arising out of the  
offense for which the offender was convicted and sentenced as  
described in sections 2949.08 and 2967.191 of the Revised Code.  
The court may order that a person committed pursuant to this  
division shall receive hour-for-hour credit upon the period of the  
commitment for the community service work that the offender  
adequately performed. No commitment pursuant to this division  
shall exceed the period of the term of imprisonment that the  
sentencing court could have imposed upon the offender for the  
violation of division (C) of this section, reduced by the total  
amount of time that the offender actually was imprisoned under  
that sentence or term and by the total amount of time that the  
offender was confined for any reason arising out of the offense  
for which the offender was convicted and sentenced as described in  
sections 2949.08 and 2967.191 of the Revised Code.

(2) Divisions (E)(5)(d)(i) and (F)(1) of this section do not

limit or affect the authority of the court to suspend the sentence 5582  
imposed upon a misdemeanor offender and place the offender on 5583  
~~probation or otherwise suspend the sentence~~ under a community 5584  
control sanction pursuant to ~~sections 2929.51 and 2951.02~~ section 5585  
2929.25 of the Revised Code, to require ~~the~~ a misdemeanor or 5586  
felony offender, ~~as a condition of the offender's probation or of~~ 5587  
~~otherwise suspending the offender's sentence,~~ to perform 5588  
supervised community service work in accordance with division 5589  
(~~F~~)(B) of section 2951.02 of the Revised Code, or to place a 5590  
felony offender under a community control sanction. 5591

(G)(1) If a court suspends an offender's driver's or 5592  
commercial driver's license or permit or nonresident operating 5593  
privilege under division (E)(5)(d)(ii) of this section, the period 5594  
of the suspension shall be consecutive to, and commence after, the 5595  
period of suspension or revocation of the offender's driver's or 5596  
commercial driver's license or permit or nonresident operating 5597  
privilege that is imposed under Chapter 4506., 4507., 4509., or 5598  
4511. of the Revised Code or under any other provision of law in 5599  
relation to the violation of division (C) of this section that is 5600  
the basis of the suspension under division (E)(5)(d)(ii) of this 5601  
section or in relation to the violation of division (A) of section 5602  
4511.19 of the Revised Code that is the basis for that violation 5603  
of division (C) of this section. 5604

(2) An offender is not entitled to request, and the court 5605  
shall not grant to the offender, occupational driving privileges 5606  
under division (G) of this section if the offender's license, 5607  
permit, or privilege has been suspended under division 5608  
(E)(5)(d)(ii) of this section and the offender, within the 5609  
preceding seven years, has been convicted of or pleaded guilty to 5610  
three or more violations of one or more of the following: 5611

(a) Division (C) of this section; 5612

(b) Division (A) or (B) of section 4511.19 of the Revised 5613

Code; 5614

(c) A municipal ordinance relating to operating a vehicle 5615  
while under the influence of alcohol, a drug of abuse, or alcohol 5616  
and a drug of abuse; 5617

(d) A municipal ordinance relating to operating a vehicle 5618  
with a prohibited concentration of alcohol in the blood, breath, 5619  
or urine; 5620

(e) Section 2903.04 of the Revised Code in a case in which 5621  
the offender was subject to the sanctions described in division 5622  
(D) of that section; 5623

(f) Division (A)(1) of section 2903.06 or division (A)(1) of 5624  
section 2903.08 of the Revised Code or a municipal ordinance that 5625  
is substantially similar to either of those divisions; 5626

(g) Division (A)(2), (3), or (4) of section 2903.06, division 5627  
(A)(2) of section 2903.08, or former section 2903.07 of the 5628  
Revised Code, or a municipal ordinance that is substantially 5629  
similar to any of those divisions or that former section, in a 5630  
case in which the jury or judge found that the offender was under 5631  
the influence of alcohol, a drug of abuse, or alcohol and a drug 5632  
of abuse; 5633

(h) A statute of the United States or of any other state or a 5634  
municipal ordinance of a municipal corporation located in any 5635  
other state that is substantially similar to division (A) or (B) 5636  
of section 4511.19 of the Revised Code. 5637

(3) Any other offender who is not described in division 5638  
(G)(2) of this section and whose license, permit, or nonresident 5639  
operating privilege has been suspended under division 5640  
(E)(5)(d)(ii) of this section may file with the sentencing court a 5641  
petition alleging that the suspension would seriously affect the 5642  
offender's ability to continue employment. Upon satisfactory proof 5643  
that there is reasonable cause to believe that the suspension 5644

would seriously affect the offender's ability to continue 5645  
employment, the court may grant the offender occupational driving 5646  
privileges during the period during which the suspension otherwise 5647  
would be imposed, except that the court shall not grant 5648  
occupational driving privileges for employment as a driver of 5649  
commercial motor vehicles to any person who is disqualified from 5650  
operating a commercial motor vehicle under section 3123.611 or 5651  
4506.16 of the Revised Code or whose commercial driver's license 5652  
or commercial driver's temporary instruction permit has been 5653  
suspended under section 3123.58 of the Revised Code. 5654

(H)(1) If a person violates division (C) of this section and 5655  
if, at the time of the violation, there were two or more children 5656  
under eighteen years of age in the motor vehicle involved in the 5657  
violation, the offender may be convicted of a violation of 5658  
division (C) of this section for each of the children, but the 5659  
court may sentence the offender for only one of the violations. 5660

(2)(a) If a person is convicted of or pleads guilty to a 5661  
violation of division (C) of this section but the person is not 5662  
also convicted of and does not also plead guilty to a separate 5663  
charge charging the violation of division (A) of section 4511.19 5664  
of the Revised Code that was the basis of the charge of the 5665  
violation of division (C) of this section, both of the following 5666  
apply: 5667

(i) For purposes of the provisions of section 4511.99 of the 5668  
Revised Code that set forth the penalties and sanctions for a 5669  
violation of division (A) of section 4511.19 of the Revised Code, 5670  
the conviction of or plea of guilty to the violation of division 5671  
(C) of this section shall not constitute a violation of division 5672  
(A) of section 4511.19 of the Revised Code; 5673

(ii) For purposes of any provision of law that refers to a 5674  
conviction of or plea of guilty to a violation of division (A) of 5675  
section 4511.19 of the Revised Code and that is not described in 5676

division (H)(2)(a)(i) of this section, the conviction of or plea  
of guilty to the violation of division (C) of this section shall  
constitute a conviction of or plea of guilty to a violation of  
division (A) of section 4511.19 of the Revised Code.

(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. 2923.14.** (A) Any person who, solely by reason of ~~his~~ the  
person's disability under division (A)(2) or (3) of section  
2923.13 of the Revised Code, is prohibited from acquiring, having,  
carrying, or using firearms, may apply to the court of common  
pleas in the county ~~where he~~ in which the person resides for  
relief from such prohibition.

(B) The application shall recite the following:

(1) All indictments, convictions, or adjudications upon which  
the applicant's disability is based, the sentence imposed and  
served, and ~~probation~~ any release granted under a community  
control sanction, post-release control sanction, or parole, or any  
partial or conditional pardon granted, or other disposition of  
each case;

(2) Facts showing the applicant to be a fit subject for relief under this section. 5708  
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(C) A copy of the application shall be served on the county prosecutor, ~~who~~. The county prosecutor shall cause the matter to be investigated, and shall raise before the court ~~such any~~ objections to granting relief ~~as~~ that the investigation reveals. 5710  
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(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply: 5714  
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(1) The applicant has been fully discharged from imprisonment, ~~probation~~ community control, post-release control, and parole, or, if ~~he~~ the applicant is under indictment, has been released on bail or recognizance. 5716  
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(2) The applicant has led a law-abiding life since ~~his~~ discharge or release, and appears likely to continue to do so. 5720  
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(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms. 5722  
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(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant. 5724  
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(F) Relief from disability granted pursuant to this section: 5726

(1) Applies only with respect to indictments, convictions, or adjudications recited in the application; 5727  
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(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant; 5729  
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(3) Does not apply with respect to dangerous ordnance; 5731

(4) May be revoked by the court at any time for good cause shown and upon notice to the applicant; 5732  
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(5) Is automatically void upon commission by the applicant of any offense ~~embraced by~~ set forth in division (A)(2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's 5734  
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becoming one of the class of persons named in division (A)(1), 5737  
(4), or (5) of ~~such~~ that section. 5738

(G) As used in this section: 5739

(1) "Community control sanction" has the same meaning as in 5740  
section 2929.01 of the Revised Code. 5741

(2) "Post-release control" and "post-release control 5742  
sanction" have the same meanings as in section 2967.01 of the 5743  
Revised Code. 5744

**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, 5745  
or use a controlled substance. 5746

(B) This section does not apply to any of the following: 5747

(1) Manufacturers, licensed health professionals authorized 5748  
to prescribe drugs, pharmacists, owners of pharmacies, and other 5749  
persons whose conduct was in accordance with Chapters 3719., 5750  
4715., 4723., 4729., 4731., and 4741. of the Revised Code; 5751

(2) If the offense involves an anabolic steroid, any person 5752  
who is conducting or participating in a research project involving 5753  
the use of an anabolic steroid if the project has been approved by 5754  
the United States food and drug administration; 5755

(3) Any person who sells, offers for sale, prescribes, 5756  
dispenses, or administers for livestock or other nonhuman species 5757  
an anabolic steroid that is expressly intended for administration 5758  
through implants to livestock or other nonhuman species and 5759  
approved for that purpose under the "Federal Food, Drug, and 5760  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 5761  
and is sold, offered for sale, prescribed, dispensed, or 5762  
administered for that purpose in accordance with that act; 5763

(4) Any person who obtained the controlled substance pursuant 5764  
to a prescription issued by a licensed health professional 5765  
authorized to prescribe drugs. 5766

(C) Whoever violates division (A) of this section is guilty 5767  
of one of the following: 5768

(1) If the drug involved in the violation is a compound, 5769  
mixture, preparation, or substance included in schedule I or II, 5770  
with the exception of marihuana, cocaine, L.S.D., heroin, and 5771  
hashish, whoever violates division (A) of this section is guilty 5772  
of aggravated possession of drugs. The penalty for the offense 5773  
shall be determined as follows: 5774

(a) Except as otherwise provided in division (C)(1)(b), (c), 5775  
(d), or (e) of this section, aggravated possession of drugs is a 5776  
felony of the fifth degree, and division (B) of section 2929.13 of 5777  
the Revised Code applies in determining whether to impose a prison 5778  
term on the offender. 5779

(b) If the amount of the drug involved equals or exceeds the 5780  
bulk amount but is less than five times the bulk amount, 5781  
aggravated possession of drugs is a felony of the third degree, 5782  
and there is a presumption for a prison term for the offense. 5783

(c) If the amount of the drug involved equals or exceeds five 5784  
times the bulk amount but is less than fifty times the bulk 5785  
amount, aggravated possession of drugs is a felony of the second 5786  
degree, and the court shall impose as a mandatory prison term one 5787  
of the prison terms prescribed for a felony of the second degree. 5788

(d) If the amount of the drug involved equals or exceeds 5789  
fifty times the bulk amount but is less than one hundred times the 5790  
bulk amount, aggravated possession of drugs is a felony of the 5791  
first degree, and the court shall impose as a mandatory prison 5792  
term one of the prison terms prescribed for a felony of the first 5793  
degree. 5794

(e) If the amount of the drug involved equals or exceeds one 5795  
hundred times the bulk amount, aggravated possession of drugs is a 5796  
felony of the first degree, the offender is a major drug offender, 5797

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.

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(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:

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(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.

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(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  
whether to impose a prison term on the offender.

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(c) If the amount of the drug involved equals or exceeds five  
times the bulk amount but is less than fifty times the bulk  
amount, possession of drugs is a felony of the third degree, and  
there is a presumption for a prison term for the offense.

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(d) If the amount of the drug involved equals or exceeds 5829  
fifty times the bulk amount, possession of drugs is a felony of 5830  
the second degree, and the court shall impose upon the offender as 5831  
a mandatory prison term one of the prison terms prescribed for a 5832  
felony of the second degree. 5833

(3) If the drug involved in the violation is marihuana or a 5834  
compound, mixture, preparation, or substance containing marihuana 5835  
other than hashish, whoever violates division (A) of this section 5836  
is guilty of possession of marihuana. The penalty for the offense 5837  
shall be determined as follows: 5838

(a) Except as otherwise provided in division (C)(3)(b), (c), 5839  
(d), (e), or (f) of this section, possession of marihuana is a 5840  
minor misdemeanor. 5841

(b) If the amount of the drug involved equals or exceeds one 5842  
hundred grams but is less than two hundred grams, possession of 5843  
marihuana is a misdemeanor of the fourth degree. 5844

(c) If the amount of the drug involved equals or exceeds two 5845  
hundred grams but is less than one thousand grams, possession of 5846  
marihuana is a felony of the fifth degree, and division (B) of 5847  
section 2929.13 of the Revised Code applies in determining whether 5848  
to impose a prison term on the offender. 5849

(d) If the amount of the drug involved equals or exceeds one 5850  
thousand grams but is less than five thousand grams, possession of 5851  
marihuana is a felony of the third degree, and division (C) of 5852  
section 2929.13 of the Revised Code applies in determining whether 5853  
to impose a prison term on the offender. 5854

(e) If the amount of the drug involved equals or exceeds five 5855  
thousand grams but is less than twenty thousand grams, possession 5856  
of marihuana is a felony of the third degree, and there is a 5857  
presumption that a prison term shall be imposed for the offense. 5858

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(f) If the amount of the drug involved equals or exceeds 5860  
twenty thousand grams, possession of marihuana is a felony of the 5861  
second degree, and the court shall impose as a mandatory prison 5862  
term the maximum prison term prescribed for a felony of the second 5863  
degree. 5864

(4) If the drug involved in the violation is cocaine or a 5865  
compound, mixture, preparation, or substance containing cocaine, 5866  
whoever violates division (A) of this section is guilty of 5867  
possession of cocaine. The penalty for the offense shall be 5868  
determined as follows: 5869

(a) Except as otherwise provided in division (C)(4)(b), (c), 5870  
(d), (e), or (f) of this section, possession of cocaine is a 5871  
felony of the fifth degree, and division (B) of section 2929.13 of 5872  
the Revised Code applies in determining whether to impose a prison 5873  
term on the offender. 5874

(b) If the amount of the drug involved equals or exceeds five 5875  
grams but is less than twenty-five grams of cocaine that is not 5876  
crack cocaine or equals or exceeds one gram but is less than five 5877  
grams of crack cocaine, possession of cocaine is a felony of the 5878  
fourth degree, and there is a presumption for a prison term for 5879  
the offense. 5880

(c) If the amount of the drug involved equals or exceeds 5881  
twenty-five grams but is less than one hundred grams of cocaine 5882  
that is not crack cocaine or equals or exceeds five grams but is 5883  
less than ten grams of crack cocaine, possession of cocaine is a 5884  
felony of the third degree, and the court shall impose as a 5885  
mandatory prison term one of the prison terms prescribed for a 5886  
felony of the third degree. 5887

(d) If the amount of the drug involved equals or exceeds one 5888  
hundred grams but is less than five hundred grams of cocaine that 5889  
is not crack cocaine or equals or exceeds ten grams but is less 5890

than twenty-five grams of crack cocaine, possession of cocaine is 5891  
a felony of the second degree, and the court shall impose as a 5892  
mandatory prison term one of the prison terms prescribed for a 5893  
felony of the second degree. 5894

(e) If the amount of the drug involved equals or exceeds five 5895  
hundred grams but is less than one thousand grams of cocaine that 5896  
is not crack cocaine or equals or exceeds twenty-five grams but is 5897  
less than one hundred grams of crack cocaine, possession of 5898  
cocaine is a felony of the first degree, and the court shall 5899  
impose as a mandatory prison term one of the prison terms 5900  
prescribed for a felony of the first degree. 5901

(f) If the amount of the drug involved equals or exceeds one 5902  
thousand grams of cocaine that is not crack cocaine or equals or 5903  
exceeds one hundred grams of crack cocaine, possession of cocaine 5904  
is a felony of the first degree, the offender is a major drug 5905  
offender, and the court shall impose as a mandatory prison term 5906  
the maximum prison term prescribed for a felony of the first 5907  
degree and may impose an additional mandatory prison term 5908  
prescribed for a major drug offender under division (D)(3)(b) of 5909  
section 2929.14 of the Revised Code. 5910

(5) If the drug involved in the violation is L.S.D., whoever 5911  
violates division (A) of this section is guilty of possession of 5912  
L.S.D. The penalty for the offense shall be determined as follows: 5913  
5914

(a) Except as otherwise provided in division (C)(5)(b), (c), 5915  
(d), (e), or (f) of this section, possession of L.S.D. is a felony 5916  
of the fifth degree, and division (B) of section 2929.13 of the 5917  
Revised Code applies in determining whether to impose a prison 5918  
term on the offender. 5919

(b) If the amount of L.S.D. involved equals or exceeds ten 5920  
unit doses but is less than fifty unit doses of L.S.D. in a solid 5921

form or equals or exceeds one gram but is less than five grams of 5922  
L.S.D. in a liquid concentrate, liquid extract, or liquid 5923  
distillate form, possession of L.S.D. is a felony of the fourth 5924  
degree, and division (C) of section 2929.13 of the Revised Code 5925  
applies in determining whether to impose a prison term on the 5926  
offender. 5927

(c) If the amount of L.S.D. involved equals or exceeds fifty 5928  
unit doses, but is less than two hundred fifty unit doses of 5929  
L.S.D. in a solid form or equals or exceeds five grams but is less 5930  
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 5931  
extract, or liquid distillate form, possession of L.S.D. is a 5932  
felony of the third degree, and there is a presumption for a 5933  
prison term for the offense. 5934

(d) If the amount of L.S.D. involved equals or exceeds two 5935  
hundred fifty unit doses but is less than one thousand unit doses 5936  
of L.S.D. in a solid form or equals or exceeds twenty-five grams 5937  
but is less than one hundred grams of L.S.D. in a liquid 5938  
concentrate, liquid extract, or liquid distillate form, possession 5939  
of L.S.D. is a felony of the second degree, and the court shall 5940  
impose as a mandatory prison term one of the prison terms 5941  
prescribed for a felony of the second degree. 5942

(e) If the amount of L.S.D. involved equals or exceeds one 5943  
thousand unit doses but is less than five thousand unit doses of 5944  
L.S.D. in a solid form or equals or exceeds one hundred grams but 5945  
is less than five hundred grams of L.S.D. in a liquid concentrate, 5946  
liquid extract, or liquid distillate form, possession of L.S.D. is 5947  
a felony of the first degree, and the court shall impose as a 5948  
mandatory prison term one of the prison terms prescribed for a 5949  
felony of the first degree. 5950

(f) If the amount of L.S.D. involved equals or exceeds five 5951  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 5952  
five hundred grams of L.S.D. in a liquid concentrate, liquid 5953

extract, or liquid distillate form, possession of L.S.D. is a 5954  
felony of the first degree, the offender is a major drug offender, 5955  
and the court shall impose as a mandatory prison term the maximum 5956  
prison term prescribed for a felony of the first degree and may 5957  
impose an additional mandatory prison term prescribed for a major 5958  
drug offender under division (D)(3)(b) of section 2929.14 of the 5959  
Revised Code. 5960

(6) If the drug involved in the violation is heroin or a 5961  
compound, mixture, preparation, or substance containing heroin, 5962  
whoever violates division (A) of this section is guilty of 5963  
possession of heroin. The penalty for the offense shall be 5964  
determined as follows: 5965

(a) Except as otherwise provided in division (C)(6)(b), (c), 5966  
(d), (e), or (f) of this section, possession of heroin is a felony 5967  
of the fifth degree, and division (B) of section 2929.13 of the 5968  
Revised Code applies in determining whether to impose a prison 5969  
term on the offender. 5970

(b) If the amount of the drug involved equals or exceeds ten 5971  
unit doses but is less than fifty unit doses or equals or exceeds 5972  
one gram but is less than five grams, possession of heroin is a 5973  
felony of the fourth degree, and division (C) of section 2929.13 5974  
of the Revised Code applies in determining whether to impose a 5975  
prison term on the offender. 5976

(c) If the amount of the drug involved equals or exceeds 5977  
fifty unit doses but is less than one hundred unit doses or equals 5978  
or exceeds five grams but is less than ten grams, possession of 5979  
heroin is a felony of the third degree, and there is a presumption 5980  
for a prison term for the offense. 5981

(d) If the amount of the drug involved equals or exceeds one 5982  
hundred unit doses but is less than five hundred unit doses or 5983  
equals or exceeds ten grams but is less than fifty grams, 5984



possession of heroin 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 unit doses but is less than two thousand five hundred unit  
doses or equals or exceeds fifty grams but is less than two  
hundred fifty grams, possession of heroin 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 two  
thousand five hundred unit doses or equals or exceeds two hundred  
fifty grams, possession of heroin 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.

(7) If the drug involved in the violation is hashish or a  
compound, mixture, preparation, or substance containing hashish,  
whoever violates division (A) of this section is guilty of  
possession of hashish. The penalty for the offense shall be  
determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c),  
(d), (e), or (f) of this section, possession of hashish is a minor  
misdemeanor.

(b) If the amount of the drug involved equals or exceeds five  
grams but is less than ten grams of hashish in a solid form or  
equals or exceeds one gram but is less than two grams of hashish  
in a liquid concentrate, liquid extract, or liquid distillate  
form, possession of hashish is a misdemeanor of the fourth degree.

6015

(c) If the amount of the drug involved equals or exceeds ten 6016  
grams but is less than fifty grams of hashish in a solid form or 6017  
equals or exceeds two grams but is less than ten grams of hashish 6018  
in a liquid concentrate, liquid extract, or liquid distillate 6019  
form, possession of hashish is a felony of the fifth degree, and 6020  
division (B) of section 2929.13 of the Revised Code applies in 6021  
determining whether to impose a prison term on the offender. 6022

(d) If the amount of the drug involved equals or exceeds 6023  
fifty grams but is less than two hundred fifty grams of hashish in 6024  
a solid form or equals or exceeds ten grams but is less than fifty 6025  
grams of hashish in a liquid concentrate, liquid extract, or 6026  
liquid distillate form, possession of hashish is a felony of the 6027  
third degree, and division (C) of section 2929.13 of the Revised 6028  
Code applies in determining whether to impose a prison term on the 6029  
offender. 6030

(e) If the amount of the drug involved equals or exceeds two 6031  
hundred fifty grams but is less than one thousand grams of hashish 6032  
in a solid form or equals or exceeds fifty grams but is less than 6033  
two hundred grams of hashish in a liquid concentrate, liquid 6034  
extract, or liquid distillate form, possession of hashish is a 6035  
felony of the third degree, and there is a presumption that a 6036  
prison term shall be imposed for the offense. 6037

(f) If the amount of the drug involved equals or exceeds one 6038  
thousand grams of hashish in a solid form or equals or exceeds two 6039  
hundred grams of hashish in a liquid concentrate, liquid extract, 6040  
or liquid distillate form, possession of hashish is a felony of 6041  
the second degree, and the court shall impose as a mandatory 6042  
prison term the maximum prison term prescribed for a felony of the 6043  
second degree. 6044

(D) Arrest or conviction for a minor misdemeanor violation of 6045  
this section does not constitute a criminal record and need not be 6046  
reported by the person so arrested or convicted in response to any 6047

inquiries about the person's criminal record, including any 6048  
inquiries contained in any application for employment, license, or 6049  
other right or privilege, or made in connection with the person's 6050  
appearance as a witness. 6051

(E) In addition to any prison term authorized or required by 6052  
division (C) of this section and sections 2929.13 and 2929.14 of 6053  
the Revised Code and in addition to any other sanction that is 6054  
imposed for the offense under this section or sections 2929.11 to 6055  
2929.18 of the Revised Code, the court that sentences an offender 6056  
who is convicted of or pleads guilty to a violation of division 6057  
(A) of this section shall do all of the following that are 6058  
applicable regarding the offender: 6059

(1)(a) If the violation is a felony of the first, second, or 6060  
third degree, the court shall impose upon the offender the 6061  
mandatory fine specified for the offense under division (B)(1) of 6062  
section 2929.18 of the Revised Code unless, as specified in that 6063  
division, the court determines that the offender is indigent. 6064

(b) Notwithstanding any contrary provision of section 3719.21 6065  
of the Revised Code, the clerk of the court shall pay a mandatory 6066  
fine or other fine imposed for a violation of this section 6067  
pursuant to division (A) of section 2929.18 of the Revised Code in 6068  
accordance with and subject to the requirements of division (F) of 6069  
section 2925.03 of the Revised Code. The agency that receives the 6070  
fine shall use the fine as specified in division (F) of section 6071  
2925.03 of the Revised Code. 6072

(c) If a person is charged with a violation of this section 6073  
that is a felony of the first, second, or third degree, posts 6074  
bail, and forfeits the bail, the clerk shall pay the forfeited 6075  
bail pursuant to division (E)(1)(b) of this section as if it were 6076  
a mandatory fine imposed under division (E)(1)(a) of this section. 6077

(2) The court shall suspend for not less than six months or 6078

more than five years the driver's or commercial driver's license 6079  
or permit of any person who is convicted of or has pleaded guilty 6080  
to a violation of this section. 6081

(3) If the offender is a professionally licensed person or a 6082  
person who has been admitted to the bar by order of the supreme 6083  
court in compliance with its prescribed and published rules, in 6084  
addition to any other sanction imposed for a violation of this 6085  
section, the court forthwith shall comply with section 2925.38 of 6086  
the Revised Code. 6087

(F) It is an affirmative defense, as provided in section 6088  
2901.05 of the Revised Code, to a charge of a fourth degree felony 6089  
violation under this section that the controlled substance that 6090  
gave rise to the charge is in an amount, is in a form, is 6091  
prepared, compounded, or mixed with substances that are not 6092  
controlled substances in a manner, or is possessed under any other 6093  
circumstances, that indicate that the substance was possessed 6094  
solely for personal use. Notwithstanding any contrary provision of 6095  
this section, if, in accordance with section 2901.05 of the 6096  
Revised Code, an accused who is charged with a fourth degree 6097  
felony violation of division (C)(2), (4), (5), or (6) of this 6098  
section sustains the burden of going forward with evidence of and 6099  
establishes by a preponderance of the evidence the affirmative 6100  
defense described in this division, the accused may be prosecuted 6101  
for and may plead guilty to or be convicted of a misdemeanor 6102  
violation of division (C)(2) of this section or a fifth degree 6103  
felony violation of division (C)(4), (5), or (6) of this section 6104  
respectively. 6105

(G) When a person is charged with possessing a bulk amount or 6106  
multiple of a bulk amount, division (E) of section 2925.03 of the 6107  
Revised Code applies regarding the determination of the amount of 6108  
the controlled substance involved at the time of the offense. 6109

Sec. 2929.01. As used in this chapter: 6110

(A)(1) "Alternative residential facility" means, subject to 6111  
division (A)(2) of this section, any facility other than an 6112  
offender's home or residence in which an offender is assigned to 6113  
live and that satisfies all of the following criteria: 6114

(a) It provides programs through which the offender may seek 6115  
or maintain employment or may receive education, training, 6116  
treatment, or habilitation. 6117

(b) It has received the appropriate license or certificate 6118  
for any specialized education, training, treatment, habilitation, 6119  
or other service that it provides from the government agency that 6120  
is responsible for licensing or certifying that type of education, 6121  
training, treatment, habilitation, or service. 6122

(2) "Alternative residential facility" does not include a 6123  
community-based correctional facility, jail, halfway house, or 6124  
prison. 6125

(B) "Bad time" means the time by which the parole board 6126  
administratively extends an offender's stated prison term or terms 6127  
pursuant to section 2967.11 of the Revised Code because the parole 6128  
board finds by clear and convincing evidence that the offender, 6129  
while serving the prison term or terms, committed an act that is a 6130  
criminal offense under the law of this state or the United States, 6131  
whether or not the offender is prosecuted for the commission of 6132  
that act. 6133

(C) "Basic probation supervision" means a requirement that 6134  
the offender maintain contact with a person appointed to supervise 6135  
the offender in accordance with sanctions imposed by the court or 6136  
imposed by the parole board pursuant to section 2967.28 of the 6137  
Revised Code. "Basic probation supervision" includes basic parole 6138  
supervision and basic post-release control supervision. 6139

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.

(E) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed pursuant to sections 2301.51 to 2301.56 of the Revised Code.

(F) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction that is not a jail term and that is described in section 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to July 1, 2003.

(G) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.

(H) "Curfew" means a requirement that an offender during a specified period of time be at a designated place.

(I) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.

(J) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(K) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the

offender has ingested any alcohol or other drugs. 6171

(L) "Drug treatment program" means any program under which a 6172  
person undergoes assessment and treatment designed to reduce or 6173  
completely eliminate the person's physical or emotional reliance 6174  
upon alcohol, another drug, or alcohol and another drug and under 6175  
which the person may be required to receive assessment and 6176  
treatment on an outpatient basis or may be required to reside at a 6177  
facility other than the person's home or residence while 6178  
undergoing assessment and treatment. 6179

(M) "Economic loss" means any economic detriment suffered by 6180  
a victim as a result of the commission of a felony and includes 6181  
any loss of income due to lost time at work because of any injury 6182  
caused to the victim, and any property loss, medical cost, or 6183  
funeral expense incurred as a result of the commission of the 6184  
felony. 6185

(N) "Education or training" includes study at, or in 6186  
conjunction with a program offered by, a university, college, or 6187  
technical college or vocational study and also includes the 6188  
completion of primary school, secondary school, and literacy 6189  
curricula or their equivalent. 6190

~~(O) "Electronically monitored house arrest" has the same 6191  
meaning as in section 2929.23 of the Revised Code. 6192~~

~~(P) "Eligible offender" has the same meaning as in section 6193  
2929.23 of the Revised Code except as otherwise specified in 6194  
section 2929.20 of the Revised Code. 6195~~

~~(Q) "Firearm" has the same meaning as in section 2923.11 of 6196  
the Revised Code. 6197~~

~~(R)~~(P) "Halfway house" means a facility licensed by the 6198  
division of parole and community services of the department of 6199  
rehabilitation and correction pursuant to section 2967.14 of the 6200  
Revised Code as a suitable facility for the care and treatment of 6201

adult offenders. 6202

~~(S)~~(Q) "House arrest" means a period of confinement of an 6203  
~~eligible~~ offender that is in the ~~eligible~~ offender's home or in 6204  
other premises specified by the sentencing court or by the parole 6205  
board pursuant to section 2967.28 of the Revised Code, ~~that may be~~ 6206  
~~electronically monitored house arrest~~, and during which all of the 6207  
following apply: 6208

(1) The ~~eligible~~ offender is required to remain in the 6209  
~~eligible~~ offender's home or other specified premises for the 6210  
specified period of confinement, except for periods of time during 6211  
which the ~~eligible~~ offender is at the ~~eligible~~ offender's place of 6212  
employment or at other premises as authorized by the sentencing 6213  
court or by the parole board. 6214

(2) The ~~eligible~~ offender is required to report periodically 6215  
to a person designated by the court or parole board. 6216

(3) The ~~eligible~~ offender is subject to any other 6217  
restrictions and requirements that may be imposed by the 6218  
sentencing court or by the parole board. 6219

~~(T)~~(R) "Intensive probation supervision" means a requirement 6220  
that an offender maintain frequent contact with a person appointed 6221  
by the court, or by the parole board pursuant to section 2967.28 6222  
of the Revised Code, to supervise the offender while the offender 6223  
is seeking or maintaining necessary employment and participating 6224  
in training, education, and treatment programs as required in the 6225  
court's or parole board's order. "Intensive probation supervision" 6226  
includes intensive parole supervision and intensive post-release 6227  
control supervision. 6228

~~(U)~~(S) "Jail" means a jail, workhouse, minimum security jail, 6229  
or other residential facility used for the confinement of alleged 6230  
or convicted offenders that is operated by a political subdivision 6231  
or a combination of political subdivisions of this state. 6232



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(T) "Jail term" means the term in a jail that a sentencing court is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code. 6234  
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(U) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (B) of section 4507.99 of the Revised Code, or division (A) of section 4511.99 of the Revised Code. 6237  
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(V) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 6242  
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(W) "License violation report" means a report that is made by a sentencing court, or by the parole board pursuant to section 2967.28 of the Revised Code, to the regulatory or licensing board or agency that issued an offender a professional license or a license or permit to do business in this state and that specifies that the offender has been convicted of or pleaded guilty to an offense that may violate the conditions under which the offender's professional license or license or permit to do business in this state was granted or an offense for which the offender's professional license or license or permit to do business in this state may be revoked or suspended. 6244  
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(X) "Major drug offender" means an offender who is convicted of or pleads guilty to the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that 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 6255  
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other schedule I or II controlled substance other than marihuana 6265  
that is necessary to commit a felony of the third degree pursuant 6266  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6267  
Code that is based on the possession of, sale of, or offer to sell 6268  
the controlled substance. 6269

(Y) "Mandatory prison term" means any of the following: 6270

(1) Subject to division (Y)(2) of this section, the term in 6271  
prison that must be imposed for the offenses or circumstances set 6272  
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 6273  
division (D) of section 2929.14 of the Revised Code. Except as 6274  
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 6275  
2925.11 of the Revised Code, unless the maximum or another 6276  
specific term is required under section 2929.14 of the Revised 6277  
Code, a mandatory prison term described in this division may be 6278  
any prison term authorized for the level of offense. 6279

(2) The term of sixty or one hundred twenty days in prison 6280  
that a sentencing court is required to impose for a third or 6281  
fourth degree felony OMVI offense pursuant to division (G)(2) of 6282  
section 2929.13 and division (A)(4) or (8) of section 4511.99 of 6283  
the Revised Code. 6284

(3) The term in prison imposed pursuant to section 2971.03 of 6285  
the Revised Code for the offenses and in the circumstances 6286  
described in division (F)(11) of section 2929.13 of the Revised 6287  
Code and that term as modified or terminated pursuant to section 6288  
2971.05 of the Revised Code. 6289

(Z) "Monitored time" means a period of time during which an 6290  
offender continues to be under the control of the sentencing court 6291  
or parole board, subject to no conditions other than leading a 6292  
law-abiding life. 6293

(AA) "Offender" means a person who, in this state, is 6294  
convicted of or pleads guilty to a felony or a misdemeanor. 6295

(BB) "Prison" means a residential facility used for the 6296  
confinement of convicted felony offenders that is under the 6297  
control of the department of rehabilitation and correction but 6298  
does not include a violation sanction center operated under 6299  
authority of section 2967.141 of the Revised Code. 6300

(CC) "Prison term" includes any of the following sanctions 6301  
for an offender: 6302

(1) A stated prison term; 6303

(2) A term in a prison shortened by, or with the approval of, 6304  
the sentencing court pursuant to section 2929.20, 2967.26, 6305  
5120.031, 5120.032, or 5120.073 of the Revised Code; 6306

(3) A term in prison extended by bad time imposed pursuant to 6307  
section 2967.11 of the Revised Code or imposed for a violation of 6308  
post-release control pursuant to section 2967.28 of the Revised 6309  
Code. 6310

(DD) "Repeat violent offender" means a person about whom both 6311  
of the following apply: 6312

(1) The person has been convicted of or has pleaded guilty 6313  
to, and is being sentenced for committing, for complicity in 6314  
committing, or for an attempt to commit, aggravated murder, 6315  
murder, involuntary manslaughter, a felony of the first degree 6316  
other than one set forth in Chapter 2925. of the Revised Code, a 6317  
felony of the first degree set forth in Chapter 2925. of the 6318  
Revised Code that involved an attempt to cause serious physical 6319  
harm to a person or that resulted in serious physical harm to a 6320  
person, or a felony of the second degree that involved an attempt 6321  
to cause serious physical harm to a person or that resulted in 6322  
serious physical harm to a person. 6323

(2) Either of the following applies: 6324

(a) The person previously was convicted of or pleaded guilty 6325

to, and previously served or, at the time of the offense was 6326  
serving, a prison term for, any of the following: 6327

(i) Aggravated murder, murder, involuntary manslaughter, 6328  
rape, felonious sexual penetration as it existed under section 6329  
2907.12 of the Revised Code prior to September 3, 1996, a felony 6330  
of the first or second degree that resulted in the death of a 6331  
person or in physical harm to a person, or complicity in or an 6332  
attempt to commit any of those offenses; 6333

(ii) An offense under an existing or former law of this 6334  
state, another state, or the United States that is or was 6335  
substantially equivalent to an offense listed under division 6336  
(DD)(2)(a)(i) of this section and that resulted in the death of a 6337  
person or in physical harm to a person. 6338

(b) The person previously was adjudicated a delinquent child 6339  
for committing an act that if committed by an adult would have 6340  
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 6341  
section, the person was committed to the department of youth 6342  
services for that delinquent act. 6343

(EE) "Sanction" means any penalty imposed upon an offender 6344  
who is convicted of or pleads guilty to an offense, as punishment 6345  
for the offense. "Sanction" includes any sanction imposed pursuant 6346  
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 6347  
2929.28 of the Revised Code. 6348

(FF) "Sentence" means the sanction or combination of 6349  
sanctions imposed by the sentencing court on an offender who is 6350  
convicted of or pleads guilty to ~~a felony~~ an offense. 6351

(GG) "Stated prison term" means the prison term, mandatory 6352  
prison term, or combination of all prison terms and mandatory 6353  
prison terms imposed by the sentencing court pursuant to section 6354  
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 6355  
includes any credit received by the offender for time spent in 6356

jail awaiting trial, sentencing, or transfer to prison for the 6357  
offense and any time spent under house arrest or electronically 6358  
monitored house arrest imposed after earning credits pursuant to 6359  
section 2967.193 of the Revised Code. 6360

(HH) "Victim-offender mediation" means a reconciliation or 6361  
mediation program that involves an offender and the victim of the 6362  
offense committed by the offender and that includes a meeting in 6363  
which the offender and the victim may discuss the offense, discuss 6364  
restitution, and consider other sanctions for the offense. 6365

(II) "Fourth degree felony OMVI offense" means a violation of 6366  
division (A) of section 4511.19 of the Revised Code that, under 6367  
section 4511.99 of the Revised Code, is a felony of the fourth 6368  
degree. 6369

(JJ) "Mandatory term of local incarceration" means the term 6370  
of sixty or one hundred twenty days in a jail, a community-based 6371  
correctional facility, a halfway house, or an alternative 6372  
residential facility that a sentencing court may impose upon a 6373  
person who is convicted of or pleads guilty to a fourth degree 6374  
felony OMVI offense pursuant to division (G)(1) of section 2929.13 6375  
of the Revised Code and division (A)(4) or (8) of section 4511.99 6376  
of the Revised Code. 6377

(KK) "Designated homicide, assault, or kidnapping offense," 6378  
"sexual motivation specification," "sexually violent offense," 6379  
"sexually violent predator," and "sexually violent predator 6380  
specification" have the same meanings as in section 2971.01 of the 6381  
Revised Code. 6382

(LL) "Habitual sex offender," "sexually oriented offense," 6383  
and "sexual predator" have the same meanings as in section 2950.01 6384  
of the Revised Code. 6385

(MM) An offense is "committed in the vicinity of a child" if 6386  
the offender commits the offense within thirty feet of or within 6387

the same residential unit as a child who is under eighteen years  
of age, regardless of whether the offender knows the age of the  
child or whether the offender knows the offense is being committed  
within thirty feet of or within the same residential unit as the  
child and regardless of whether the child actually views the  
commission of the offense.

(NN) "Family or household member" has the same meaning as in  
section 2919.25 of the Revised Code.

(OO) "Motor vehicle" and "manufactured home" have the same  
meanings as in section 4501.01 of the Revised Code.

(PP) "Detention" and "detention facility" have the same  
meanings as in section 2921.01 of the Revised Code.

(QQ) "Third 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 third  
degree.

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

(SS) "Felony sex offense" has the same meaning as in section  
~~2957.28~~ 2967.28 of the Revised Code.

(TT) "Body armor" has the same meaning as in section  
2941.1411 of the Revised Code.

(UU) "Electronic monitoring" means monitoring through the use  
of an electronic monitoring device.

(VV) "Electronic monitoring device" means any of the  
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 6417  
type described in division (VV)(1)(b) of this section if the 6418  
transmitter is removed from the person, turned off, or altered in 6419  
any manner without prior court approval in relation to electronic 6420  
monitoring or without prior approval of the department of 6421  
rehabilitation and correction in relation to the use of an 6422  
electronic monitoring device for an inmate on transitional control 6423  
or otherwise is tampered with, that can transmit continuously and 6424  
periodically a signal to that receiver when the person is within a 6425  
specified distance from the receiver, and that can transmit an 6426  
appropriate signal to that receiver if the person to whom it is 6427  
attached travels a specified distance from that receiver. 6428

(b) The device has a receiver that can receive continuously 6429  
the signals transmitted by a transmitter of the type described in 6430  
division (VV)(1)(a) of this section, can transmit continuously 6431  
those signals by telephone to a central monitoring computer of the 6432  
type described in division (VV)(1)(c) of this section, and can 6433  
transmit continuously an appropriate signal to that central 6434  
monitoring computer if the receiver is turned off or altered 6435  
without prior court approval or otherwise tampered with. 6436

(c) The device has a central monitoring computer that can 6437  
receive continuously the signals transmitted by telephone by a 6438  
receiver of the type described in division (VV)(1)(b) of this 6439  
section and can monitor continuously the person to whom an 6440  
electronic monitoring device of the type described in division 6441  
(VV)(1)(a) of this section is attached. 6442

(2) Any device that is not a device of the type described in 6443  
division (VV)(1) of this section and that conforms with all of the 6444  
following: 6445

(a) The device includes a transmitter and receiver that can 6446  
monitor and determine the location of a subject person at any 6447  
time, or at a designated point in time, through the use of a 6448

central monitoring computer or through other electronic means. 6449

(b) The device includes a transmitter and receiver that can 6450  
determine at any time, or at a designated point in time, through 6451  
the use of a central monitoring computer or other electronic means 6452  
the fact that the transmitter is turned off or altered in any 6453  
manner without prior approval of the court in relation to the 6454  
electronic monitoring or without prior approval of the department 6455  
of rehabilitation and correction in relation to the use of an 6456  
electronic monitoring device for an inmate on transitional control 6457  
or otherwise is tampered with. 6458

(3) Any type of technology that can adequately track or 6459  
determine the location of a subject person at any time and that is 6460  
approved by the director of rehabilitation and correction, 6461  
including, but not limited to, any satellite technology, voice 6462  
tracking system, or retinal scanning system that is so approved. 6463

**Sec. 2929.17.** The court imposing a sentence for a felony upon 6464  
an offender who is not required to serve a mandatory prison term 6465  
may impose any nonresidential sanction or combination of 6466  
nonresidential sanctions authorized under this section. If the 6467  
court imposes one or more nonresidential sanctions authorized 6468  
under this section, the court shall impose as a condition of the 6469  
sanction that, during the period of the nonresidential sanction, 6470  
the offender shall abide by the law and shall not leave the state 6471  
without the permission of the court or the offender's probation 6472  
officer. 6473

The court imposing a sentence for a fourth degree felony OMVI 6474  
offense under division (G)(1) of section 2929.13 of the Revised 6475  
Code may impose upon the offender, in addition to the mandatory 6476  
term of local incarceration imposed under that division, a 6477  
nonresidential sanction or combination of nonresidential sanctions 6478  
under this section, and the offender shall serve or satisfy the 6479



sanction or combination of sanctions after the offender has served 6480  
the mandatory term of local incarceration required for the 6481  
offense. Nonresidential sanctions include, but are not limited to, 6482  
the following: 6483

(A) A term of day reporting; 6484

(B) A term of ~~electronically monitored~~ house arrest with 6485  
electronic monitoring, a term of electronic monitoring without 6486  
house arrest, or a term of house arrest without electronic 6487  
monitoring; 6488

(C) A term of community service of up to five hundred hours 6489  
pursuant to division ~~(F)~~(B) of section 2951.02 of the Revised Code 6490  
or, if the court determines that the offender is financially 6491  
incapable of fulfilling a financial sanction described in section 6492  
2929.18 of the Revised Code, a term of community service as an 6493  
alternative to a financial sanction; 6494

(D) A term in a drug treatment program with a level of 6495  
security for the offender as determined necessary by the court; 6496

(E) A term of intensive probation supervision; 6497

(F) A term of basic probation supervision; 6498

(G) A term of monitored time; 6499

(H) A term of drug and alcohol use monitoring, including 6500  
random drug testing ~~pursuant to section 2951.05 of the Revised~~ 6501  
~~Code~~; 6502

(I) A curfew term; 6503

(J) A requirement that the offender obtain employment; 6504

(K) A requirement that the offender obtain education or 6505  
training; 6506

(L) Provided the court obtains the prior approval of the 6507  
victim, a requirement that the offender participate in 6508

victim-offender mediation; 6509

(M) A license violation report; 6510

(N) If the offense is a violation of section 2919.25 or a 6511  
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 6512  
Code involving a person who was a family or household member at 6513  
the time of the violation, if the offender committed the offense 6514  
in the vicinity of one or more children who are not victims of the 6515  
offense, and if the offender or the victim of the offense is a 6516  
parent, guardian, custodian, or person in loco parentis of one or 6517  
more of those children, a requirement that the offender obtain 6518  
counseling. This division does not limit the court in requiring 6519  
the offender to obtain counseling for any offense or in any 6520  
circumstance not specified in this division. 6521

**Sec. 2929.18.** (A) Except as otherwise provided in this 6522  
division and in addition to imposing court costs pursuant to 6523  
section 2947.23 of the Revised Code, the court imposing a sentence 6524  
upon an offender for a felony may sentence the offender to any 6525  
financial sanction or combination of financial sanctions 6526  
authorized under this section or, in the circumstances specified 6527  
in section ~~2929.25~~ 2929.32 of the Revised Code, may impose upon 6528  
the offender a fine in accordance with that section. ~~If the~~ 6529  
~~offender is sentenced to a sanction of confinement pursuant to~~ 6530  
~~section 2929.14 or 2929.16 of the Revised Code that is to be~~ 6531  
~~served in a facility operated by a board of county commissioners,~~ 6532  
~~a legislative authority of a municipal corporation, or another~~ 6533  
~~governmental entity, the court imposing sentence upon an offender~~ 6534  
~~for a felony shall comply with division (A)(4)(b) of this section~~ 6535  
~~in determining whether to sentence the offender to a financial~~ 6536  
~~sanction described in division (A)(4)(a) of this section.~~ 6537  
Financial sanctions that may be imposed pursuant to this section 6538  
include, but are not limited to, the following: 6539

(1) Restitution by the offender to the victim of the 6540  
offender's crime or any survivor of the victim, in an amount based 6541  
on the victim's economic loss. The court shall order that the 6542  
restitution be made to the victim in open court, to the adult 6543  
probation department that serves the county on behalf of the 6544  
victim, to the clerk of courts, or to another agency designated by 6545  
the court, ~~except that it~~. The order may include a requirement 6546  
that reimbursement be made to third parties for amounts paid to or 6547  
on behalf of the victim or any survivor of the victim for economic 6548  
loss resulting from the offense. If reimbursement to third parties 6549  
is required, the reimbursement shall be made to any governmental 6550  
agency to repay any amounts paid by the agency to or on behalf of 6551  
the victim or any survivor of the victim for economic loss 6552  
resulting from the offense before any reimbursement is made to any 6553  
person other than a governmental agency. If no governmental agency 6554  
incurred expenses for economic loss of the victim or any survivor 6555  
of the victim resulting from the offense, the reimbursement shall 6556  
be made to any person other than a governmental agency to repay 6557  
amounts paid by that person to or on behalf of the victim or any 6558  
survivor of the victim for economic loss of the victim resulting 6559  
from the offense. The court shall not require an offender to repay 6560  
an insurance company for any amounts the company paid on behalf of 6561  
the offender pursuant to a policy of insurance. At sentencing, the 6562  
court shall determine the amount of restitution to be made by the 6563  
offender. The court may base the amount of restitution it orders 6564  
on an amount recommended by the victim, the offender, a 6565  
presentence investigation report, estimates or receipts indicating 6566  
the cost of repairing or replacing property, and other 6567  
information. The court shall hold a hearing on restitution if the 6568  
offender, victim, or survivor disputes the amount. All restitution 6569  
payments shall be credited against any recovery of economic loss 6570  
in a civil action brought by the victim or any survivor of the 6571  
victim against the offender. 6572

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) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision, or as described in division (B)(2) of this section to one or more law enforcement agencies, with the amount of the fine 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 fine ordered under this division shall not exceed the ~~statutory~~ maximum conventional fine amount authorized for the level of the offense under division (A)(3) of this section.

(3) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five thousand dollars;

(e) For a felony of the fifth degree, not more than two 6604  
thousand five hundred dollars. 6605

(4) A state fine or cost as defined in section 2949.111 of 6606  
the Revised Code; 6607

~~(5)(a) Subject to division (A)(4)(b) of this section,~~ 6608  
~~reimbursement~~ Reimbursement by the offender of any or all of the 6609  
costs of sanctions incurred by the government, including the 6610  
following: 6611

(i) All or part of the costs of implementing any community 6612  
control sanction, including a supervision fee under section 6613  
2951.021 of the Revised Code; 6614

(ii) All or part of the costs of confinement under a sanction 6615  
imposed pursuant to section 2929.14 or 2929.16 of the Revised 6616  
Code, provided that the amount of reimbursement ordered under this 6617  
division shall not exceed the total amount of reimbursement the 6618  
offender is able to pay as determined at a hearing and shall not 6619  
exceed the actual cost of the confinement~~+~~. 6620

(b) If the offender is sentenced to a sanction of confinement 6621  
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 6622  
to be served in a facility operated by a board of county 6623  
commissioners, a legislative authority of a municipal corporation, 6624  
or another local governmental entity, ~~one of the following~~ 6625  
~~applies:~~ 6626

~~(i) If if, pursuant to section 307.93, 341.14, 341.19,~~ 6627  
~~341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised~~ 6628  
~~Code, the board, legislative authority, or other local~~ 6629  
~~governmental entity requires prisoners ~~convicted of an offense~~~~ 6630  
~~other than a minor misdemeanor to reimburse the county, municipal~~ 6631  
~~corporation, or other entity for its expenses incurred by reason~~ 6632  
~~of the prisoner's confinement, and if the court ~~shall~~ does not~~ 6633  
~~impose a financial sanction under division (A)(4)(5)(a)(ii) of~~ 6634

~~this section that requires the offender to reimburse the county, 6635  
municipal corporation, or other local governmental entity for the 6636  
cost of the, confinement costs may be assessed pursuant to any 6637  
other section of the Revised Code that authorizes an assessment 6638  
for confinement costs. In addition, the court may impose any other 6639  
financial sanction under this section. 6640~~

~~(ii) If, pursuant to any section identified in division 6641  
(A)(4)(b)(i) of this section, the board, legislative authority, or 6642  
other local governmental entity has adopted a resolution or 6643  
ordinance specifying that prisoners convicted of felonies are not 6644  
required to reimburse the county, municipal corporation, or other 6645  
local governmental entity for its expenses incurred by reason of 6646  
the prisoner's confinement, the court shall not impose a financial 6647  
sanction under division (A)(4)(a) of this section that requires 6648  
the offender to reimburse the county, municipal corporation, or 6649  
other local governmental entity for the cost of the confinement, 6650  
but the court may impose any other financial sanction under this 6651  
section. 6652~~

~~(iii) If neither division (A)(4)(b)(i) nor (A)(4)(b)(ii) of 6653  
this section applies, the court may impose, but is not required to 6654  
impose, any financial sanction under this section. 6655~~

~~(c) Reimbursement by the offender for costs pursuant to 6656  
section ~~2929.28~~ 2929.71 of the Revised Code. 6657~~

~~(B)(1) For a first, second, or third degree felony violation 6658  
of any provision of Chapter 2925., 3719., or 4729. of the Revised 6659  
Code, the sentencing court shall impose upon the offender a 6660  
mandatory fine of at least one-half of, but not more than, the 6661  
maximum statutory fine amount authorized for the level of the 6662  
offense pursuant to division (A)(3) of this section. If an 6663  
offender alleges in an affidavit filed with the court prior to 6664  
sentencing that the offender is indigent and unable to pay the 6665  
mandatory fine and if the court determines the offender is an 6666~~

indigent person and is unable to pay the mandatory fine described  
in this division, the court shall not impose the mandatory fine  
upon the offender.

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(2) Any mandatory fine imposed upon an offender under  
division (B)(1) of this section and any fine imposed upon an  
offender under division (A)(2) or (3) of this section for any  
fourth or fifth degree felony violation of any provision of  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid  
to law enforcement agencies pursuant to division (F) of section  
2925.03 of the Revised Code.

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(3) For a fourth degree felony OMVI offense and for a third  
degree felony OMVI offense, the sentencing court shall impose upon  
the offender a mandatory fine in the amount specified in division  
(A)(4) or (8) of section 4511.99 of the Revised Code. The  
mandatory fine so imposed shall be disbursed as provided in  
division (A)(4) or (8) of section 4511.99 of the Revised Code.

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(4) Notwithstanding any fine otherwise authorized or required  
to be imposed under division (A)(2) or (3) or (B)(1) of this  
section or section 2929.31 of the Revised Code for a violation of  
section 2925.03 of the Revised Code, in addition to any penalty or  
sanction imposed for that offense under section 2925.03 or  
sections 2929.11 to 2929.18 of the Revised Code and in addition to  
the forfeiture of property in connection with the offense as  
prescribed in sections 2925.42 to 2925.45 of the Revised Code, the  
court that sentences an offender for a violation of section  
2925.03 of the Revised Code may impose upon the offender a fine in  
addition to any fine imposed under division (A)(2) or (3) of this  
section and in addition to any mandatory fine imposed under  
division (B)(1) of this section. The fine imposed under division  
(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

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following is applicable:

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(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;

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(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.

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(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.

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(6) If the sum total of a mandatory fine amount imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code under division (B)(1) of this section plus the amount of any fine imposed under division (B)(4) of this section

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does not exceed the maximum statutory fine amount authorized for  
the level of the offense under division (A)(3) of this section or  
section 2929.31 of the Revised Code, the court may impose a fine  
for the offense in addition to the mandatory fine and the fine  
imposed under division (B)(4) of this section. The sum total of  
the amounts of the mandatory fine, the fine imposed under division  
(B)(4) of this section, and the additional fine imposed under  
division (B)(6) of this section shall not exceed the maximum  
statutory fine amount authorized for the level of the offense  
under division (A)(3) of this section or section 2929.31 of the  
Revised Code. The clerk of the court shall pay any fine that is  
imposed under division (B)(6) of this section to the county,  
township, municipal corporation, park district as created pursuant  
to section 511.18 or 1545.04 of the Revised Code, or state law  
enforcement agencies in this state that primarily were responsible  
for or involved in making the arrest of, and in prosecuting, the  
offender pursuant to division (F) of section 2925.03 of the  
Revised Code.

(7) If the sum total of the amount of a mandatory fine  
imposed for a first, second, or third degree felony violation of  
section 2925.03 of the Revised Code plus the amount of any fine  
imposed under division (B)(4) of this section exceeds the maximum  
statutory fine amount authorized for the level of the offense  
under division (A)(3) of this section or section 2929.31 of the  
Revised Code, the court shall not impose a fine under division  
(B)(6) of this section.

(C)(1) The offender shall pay reimbursements imposed upon the  
offender pursuant to division (A)~~(4)~~(5)(a) of this section to pay  
the costs incurred by the department of rehabilitation and  
correction in operating a prison or other facility used to confine  
offenders pursuant to sanctions imposed under section 2929.14 or  
2929.16 of the Revised Code to the treasurer of state. The

treasurer of state shall deposit the reimbursements in the 6763  
confinement cost reimbursement fund that is hereby created in the 6764  
state treasury. The department of rehabilitation and correction 6765  
shall use the amounts deposited in the fund to fund the operation 6766  
of facilities used to confine offenders pursuant to sections 6767  
2929.14 and 2929.16 of the Revised Code. 6768

(2) Except as provided in section 2951.021 of the Revised 6769  
Code, the offender shall pay reimbursements imposed upon the 6770  
offender pursuant to division (A)~~(4)~~(5)(a) of this section to pay 6771  
the costs incurred by a county pursuant to any sanction imposed 6772  
under this section or section 2929.16 or 2929.17 of the Revised 6773  
Code or in operating a facility used to confine offenders pursuant 6774  
to a sanction imposed under section 2929.16 of the Revised Code to 6775  
the county treasurer. The county treasurer shall deposit the 6776  
reimbursements in the sanction cost reimbursement fund that each 6777  
board of county commissioners shall create in its county treasury. 6778  
The county shall use the amounts deposited in the fund to pay the 6779  
costs incurred by the county pursuant to any sanction imposed 6780  
under this section or section 2929.16 or 2929.17 of the Revised 6781  
Code or in operating a facility used to confine offenders pursuant 6782  
to a sanction imposed under section 2929.16 of the Revised Code. 6783

(3) Except as provided in section 2951.021 of the Revised 6784  
Code, the offender shall pay reimbursements imposed upon the 6785  
offender pursuant to division (A)~~(4)~~(5)(a) of this section to pay 6786  
the costs incurred by a municipal corporation pursuant to any 6787  
sanction imposed under this section or section 2929.16 or 2929.17 6788  
of the Revised Code or in operating a facility used to confine 6789  
offenders pursuant to a sanction imposed under section 2929.16 of 6790  
the Revised Code to the treasurer of the municipal corporation. 6791  
The treasurer shall deposit the reimbursements in a special fund 6792  
that shall be established in the treasury of each municipal 6793  
corporation. The municipal corporation shall use the amounts 6794

deposited in the fund to pay the costs incurred by the municipal 6795  
corporation pursuant to any sanction imposed under this section or 6796  
section 2929.16 or 2929.17 of the Revised Code or in operating a 6797  
facility used to confine offenders pursuant to a sanction imposed 6798  
under section 2929.16 of the Revised Code. 6799

(4) Except as provided in section 2951.021 of the Revised 6800  
Code, the offender shall pay reimbursements imposed pursuant to 6801  
division (A)~~(4)~~(5)(a) of this section for the costs incurred by a 6802  
private provider pursuant to a sanction imposed under this section 6803  
or section 2929.16 or 2929.17 of the Revised Code to the provider. 6804

(D) ~~A~~ Except as otherwise provided in this division, a 6805  
financial sanction imposed pursuant to division (A) or (B) of this 6806  
section is a judgment in favor of the state or a political 6807  
subdivision in which the court that imposed the financial sanction 6808  
is located, ~~except that a~~ A financial sanction of reimbursement 6809  
imposed pursuant to division (A)~~(4)~~(5)(a)(ii) of this section upon 6810  
an offender who is incarcerated in a state facility or a municipal 6811  
jail is a judgment in favor of the state or the municipal 6812  
corporation, ~~a~~ A financial sanction of reimbursement imposed upon 6813  
an offender pursuant to this section for costs incurred by a 6814  
private provider of sanctions is a judgment in favor of the 6815  
private provider, ~~and a~~ A financial sanction of restitution 6816  
imposed pursuant to this section is a judgment in favor of the 6817  
victim of the offender's criminal act. The offender subject to the 6818  
sanction is the judgment debtor. Imposition of a financial 6819  
sanction and execution on the judgment does not preclude any other 6820  
power of the court to impose or enforce sanctions on the offender. 6821  
Once the financial sanction is imposed as a judgment, the victim, 6822  
private provider, state, or political subdivision may bring an 6823  
action to do any of the following: 6824

(1) Obtain execution of the judgment through any available 6825  
procedure, including: 6826

(a) An execution against the property of the judgment debtor under Chapter 2329. of the Revised Code;	6827 6828
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	6829 6830
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	6831 6832
(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;	6833 6834 6835
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	6836 6837
(iii) A creditor's suit under section 2333.01 of the Revised Code.	6838 6839
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	6840 6841
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	6842 6843
(2) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	6844 6845
(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.	6846 6847 6848 6849
(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 <u>a the clerk of the court employee or another person</u> to collect, <del>or</del> <u>the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction</u> may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the	6850 6851 6852 6853 6854 6855 6856

financial sanction imposed pursuant to this section or section 6857  
~~2929.25~~ 2929.32 of the Revised Code. Before entering into a 6858  
contract for the collection of amounts due from an offender 6859  
pursuant to any financial sanction imposed pursuant to this 6860  
section or section ~~2929.25~~ 2929.32 of the Revised Code, a court 6861  
shall comply with sections 307.86 to 307.92 of the Revised Code. 6862

(G) If a court that imposes a financial sanction under 6863  
division (A) or (B) of this section finds that an offender 6864  
satisfactorily has completed all other sanctions imposed upon the 6865  
offender and that all restitution that has been ordered has been 6866  
paid as ordered, the court may suspend any financial sanctions 6867  
imposed pursuant to this section or section ~~2929.25~~ 2929.32 of the 6868  
Revised Code that have not been paid. 6869

(H) No financial sanction imposed under this section or 6870  
section ~~2929.25~~ 2929.32 of the Revised Code shall preclude a 6871  
victim from bringing a civil action against the offender. 6872

**Sec. 2929.19.** (A)(1) The court shall hold a sentencing 6873  
hearing before imposing a sentence under this chapter upon an 6874  
offender who was convicted of or pleaded guilty to a felony and 6875  
before resentencing an offender who was convicted of or pleaded 6876  
guilty to a felony and whose case was remanded pursuant to section 6877  
2953.07 or 2953.08 of the Revised Code. At the hearing, the 6878  
offender, the prosecuting attorney, the victim or the victim's 6879  
representative in accordance with section 2930.14 of the Revised 6880  
Code, and, with the approval of the court, any other person may 6881  
present information relevant to the imposition of sentence in the 6882  
case. The court shall inform the offender of the verdict of the 6883  
jury or finding of the court and ask the offender whether the 6884  
offender has anything to say as to why sentence should not be 6885  
imposed upon the offender. 6886

(2) Except as otherwise provided in this division, before 6887

imposing sentence on an offender who is being sentenced for a 6888  
sexually oriented offense that was committed on or after January 6889  
1, 1997, and that is not a sexually violent offense, and before 6890  
imposing sentence on an offender who is being sentenced for a 6891  
sexually violent offense committed on or after January 1, 1997, 6892  
and who was not charged with a sexually violent predator 6893  
specification in the indictment, count in the indictment, or 6894  
information charging the sexually violent offense, the court shall 6895  
conduct a hearing in accordance with division (B) of section 6896  
2950.09 of the Revised Code to determine whether the offender is a 6897  
sexual predator. The court shall not conduct a hearing under that 6898  
division if the offender is being sentenced for a sexually violent 6899  
offense and a sexually violent predator specification was included 6900  
in the indictment, count in the indictment, or information 6901  
charging the sexually violent offense. Before imposing sentence on 6902  
an offender who is being sentenced for a sexually oriented 6903  
offense, the court also shall comply with division (E) of section 6904  
2950.09 of the Revised Code. 6905

(B)(1) At the sentencing hearing, the court, before imposing 6906  
sentence, shall consider the record, any information presented at 6907  
the hearing by any person pursuant to division (A) of this 6908  
section, and, if one was prepared, the presentence investigation 6909  
report made pursuant to section 2951.03 of the Revised Code or 6910  
Criminal Rule 32.2, and any victim impact statement made pursuant 6911  
to section 2947.051 of the Revised Code. 6912

(2) The court shall impose a sentence and shall make a 6913  
finding that gives its reasons for selecting the sentence imposed 6914  
in any of the following circumstances: 6915

(a) Unless the offense is a sexually violent offense for 6916  
which the court is required to impose sentence pursuant to 6917  
division (G) of section 2929.14 of the Revised Code, if it imposes 6918  
a prison term for a felony of the fourth or fifth degree or for a 6919

felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of the Revised Code for purposes of sentencing, its reasons for imposing the prison term, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and any factors listed in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code that it found to apply relative to the offender.

(b) If it does not impose a prison term for a felony of the first or second degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and for which a presumption in favor of a prison term is specified as being applicable, its reasons for not imposing the prison term and for overriding the presumption, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and the basis of the findings it made under divisions (D)(1) and (2) of section 2929.13 of the Revised Code.

(c) If it imposes consecutive sentences under section 2929.14 of the Revised Code, its reasons for imposing the consecutive sentences;

(d) If the sentence is for one offense and it imposes a prison term for the offense that is the maximum prison term allowed for that offense by division (A) of section 2929.14 of the Revised Code, its reasons for imposing the maximum prison term;

(e) If the sentence is for two or more offenses arising out of a single incident and it imposes a prison term for those offenses that is the maximum prison term allowed for the offense of the highest degree by division (A) of section 2929.14 of the Revised Code, its reasons for imposing the maximum prison term.

(3) Subject to division (B)(4) of this section, if the

sentencing court determines at the sentencing hearing that a 6951  
prison term is necessary or required, the court shall do all of 6952  
the following: 6953

(a) Impose a stated prison term; 6954

(b) Notify the offender that, as part of the sentence, the 6955  
parole board may extend the stated prison term for certain 6956  
violations of prison rules for up to one-half of the stated prison 6957  
term; 6958

(c) Notify the offender that the offender will be supervised 6959  
under section 2967.28 of the Revised Code after the offender 6960  
leaves prison if the offender is being sentenced for a felony of 6961  
the first degree or second degree, for a felony sex offense, or 6962  
for a felony of the third degree in the commission of which the 6963  
offender caused or threatened to cause physical harm to a person; 6964

(d) Notify the offender that the offender may be supervised 6965  
under section 2967.28 of the Revised Code after the offender 6966  
leaves prison if the offender is being sentenced for a felony of 6967  
the third, fourth, or fifth degree that is not subject to division 6968  
(B)(3)(c) of this section; 6969

(e) Notify the offender that, if a period of supervision is 6970  
imposed following the offender's release from prison, as described 6971  
in division (B)(3)(c) or (d) of this section, and if the offender 6972  
violates that supervision or a condition of post-release control 6973  
imposed under division (B) of section 2967.131 of the Revised 6974  
Code, the parole board may impose a prison term, as part of the 6975  
sentence, of up to one-half of the stated prison term originally 6976  
imposed upon the offender; 6977

(f) Require that the offender not ingest or be injected with 6978  
a drug of abuse and submit to random drug testing as provided in 6979  
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 6980  
is applicable to the offender who is serving a prison term, and 6981



require that the results of the drug test administered under any 6982  
of those sections indicate that the offender did not ingest or was 6983  
not injected with a drug of abuse. 6984

(4) If the offender is being sentenced for a sexually violent 6985  
offense that the offender committed on or after January 1, 1997, 6986  
and the offender also is convicted of or pleads guilty to a 6987  
sexually violent predator specification that was included in the 6988  
indictment, count in the indictment, or information charging the 6989  
sexually violent offense or if the offender is being sentenced for 6990  
a sexually oriented offense that the offender committed on or 6991  
after January 1, 1997, and the court imposing the sentence has 6992  
determined pursuant to division (B) of section 2950.09 of the 6993  
Revised Code that the offender is a sexual predator, the court 6994  
shall include in the offender's sentence a statement that the 6995  
offender has been adjudicated as being a sexual predator and shall 6996  
comply with the requirements of section 2950.03 of the Revised 6997  
Code. Additionally, in the circumstances described in division (G) 6998  
of section 2929.14 of the Revised Code, the court shall impose 6999  
sentence on the offender as described in that division. 7000

(5) If the sentencing court determines at the sentencing 7001  
hearing that a community control sanction should be imposed and 7002  
the court is not prohibited from imposing a community control 7003  
sanction, the court shall impose a community control sanction. The 7004  
court shall notify the offender that, if the conditions of the 7005  
sanction are violated, if the offender commits a violation of any 7006  
law, or if the offender leaves this state without the permission 7007  
of the court or the offender's probation officer, the court may 7008  
impose a longer time under the same sanction, may impose a more 7009  
restrictive sanction, or may impose a prison term on the offender 7010  
and shall indicate the specific prison term that may be imposed as 7011  
a sanction for the violation, as selected by the court from the 7012  
range of prison terms for the offense pursuant to section 2929.14 7013

of the Revised Code. 7014

(6) Before imposing a financial sanction under section 7015  
2929.18 of the Revised Code or a fine under section ~~2929.25~~ 7016  
2929.32 of the Revised Code, the court shall consider the 7017  
offender's present and future ability to pay the amount of the 7018  
sanction or fine. 7019

(C)(1) If the offender is being sentenced for a fourth degree 7020  
felony OMVI offense under division (G)(1) of section 2929.13 of 7021  
the Revised Code, the court shall impose the mandatory term of 7022  
local incarceration in accordance with that division, shall impose 7023  
a mandatory fine in accordance with division (B)(3) of section 7024  
2929.18 of the Revised Code, and, in addition, may impose 7025  
additional sanctions as specified in sections 2929.15, 2929.16, 7026  
2929.17, and 2929.18 of the Revised Code. The court shall not 7027  
impose a prison term on the offender. 7028

(2) If the offender is being sentenced for a third or fourth 7029  
degree felony OMVI offense under division (G)(2) of section 7030  
2929.13 of the Revised Code, the court shall impose the mandatory 7031  
prison term in accordance with that division, shall impose a 7032  
mandatory fine in accordance with division (B)(3) of section 7033  
2929.18 of the Revised Code, and, in addition, may impose an 7034  
additional prison term as specified in section 2929.14 of the 7035  
Revised Code. The court shall not impose any community control 7036  
sanction on the offender. 7037

(D) The sentencing court, pursuant to division (K) of section 7038  
2929.14 of the Revised Code, may recommend placement of the 7039  
offender in a program of shock incarceration under section 7040  
5120.031 of the Revised Code or an intensive program prison under 7041  
section 5120.032 of the Revised Code, disapprove placement of the 7042  
offender in a program or prison of that nature, or make no 7043  
recommendation. If the court recommends or disapproves placement, 7044  
it shall make a finding that gives its reasons for its 7045

recommendation or disapproval.

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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.

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(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.

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(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.

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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

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precluded from being imposed by the section setting forth an 7076  
offense or the penalty for an offense or by any provision of 7077  
sections 2929.23 to 2929.28 of the Revised Code, a court that 7078  
imposes a sentence upon an offender for a misdemeanor may impose 7079  
on the offender any sanction or combination of sanctions under 7080  
sections 2929.24 to 2929.28 of the Revised Code. The court shall 7081  
consider the burden imposed by the sentence on local government 7082  
resources. 7083

(B)(1) In determining the appropriate sentence for a 7084  
misdemeanor, the court shall consider all of the following 7085  
factors: 7086

(a) The nature and circumstances of the offense or offenses; 7087

(b) The criminal history and character of the offender; 7088

(c) Whether the offender is likely to commit future crimes. 7089

(2) In determining the appropriate sentence for a 7090  
misdemeanor, the court may consider any other factors that are 7091  
relevant to achieving the purposes and principles of sentencing 7092  
set forth in section 2929.21 of the Revised Code. 7093

(C) Before imposing a jail term as a sentence for a 7094  
misdemeanor, a court may impose a community control sanction or a 7095  
combination of community control sanctions under sections 2929.25, 7096  
2929.26, 2929.27, and 2929.28 of the Revised Code. A court shall 7097  
impose the longest jail term authorized under section 2929.24 of 7098  
the Revised Code only upon offenders who commit the worst forms of 7099  
the offense or upon offenders whose conduct and response to prior 7100  
sanctions for prior offenses demonstrate that the imposition of 7101  
the longest jail term is necessary to deter the offender from 7102  
committing a future crime. 7103

(D)(1) A sentencing court shall consider any relevant oral or 7104  
written statement made by the victim, the defendant, the defense 7105  
attorney, or the prosecuting authority regarding sentencing for a 7106

misdemeanor. This division does not create any rights to notice  
other than those rights authorized by Chapter 2930. of the Revised  
Code.

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(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.

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**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.

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(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.

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(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

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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.

**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:

(1) For a misdemeanor of the first degree, not more than one hundred eighty days;

(2) For a misdemeanor of the second degree, not more than ninety days;

(3) For a misdemeanor of the third degree, not more than sixty days;

(4) For a misdemeanor of the fourth degree, not more than thirty days.

(B) A court that sentences an offender to a jail term under 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.

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**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:

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(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 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.

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(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.

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(2) The duration of all community control sanctions imposed upon an offender and in effect for an offender at any time shall

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not exceed five years.

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(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:

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(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;

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(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;

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(c) Impose a definite jail term from the range of jail terms authorized for the offense under section 2929.24 of the Revised Code.

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(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 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

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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.

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(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

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specified in division (A)(2) of this section or may impose on the 7262  
violation a more restrictive community control sanction or 7263  
combination of community control sanctions, including a jail term. 7264  
If the court imposes a jail term upon a violator pursuant to this 7265  
division, the total time spent in jail for the misdemeanor offense 7266  
and the violation of a condition of the community control sanction 7267  
shall not exceed the maximum jail term available for the offense 7268  
for which the sanction that was violated was imposed. The court 7269  
may reduce the longer period of time that the violator is required 7270  
to spend under the longer sanction or the more restrictive 7271  
sanction by all or part of the time the violator successfully 7272  
spent under the sanction that was initially imposed. 7273

(D) Except as otherwise provided in this division, if an 7274  
offender, for a significant period of time, fulfills the 7275  
conditions of a community control sanction imposed pursuant to 7276  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 7277  
exemplary manner, the court may reduce the period of time under 7278  
the community control sanction or impose a less restrictive 7279  
community control sanction. Fulfilling the conditions of a 7280  
community control sanction does not relieve the offender of a duty 7281  
to make restitution under section 2929.28 of the Revised Code. 7282

**Sec. 2929.26.** (A) Except as otherwise provided in sections 7283  
2929.21 to 2929.28 of the Revised Code, the court imposing a 7284  
sentence for a misdemeanor, other than a minor misdemeanor, may 7285  
impose any community residential sanction or combination of 7286  
community residential sanctions under this section. Community 7287  
residential sanctions include, but are not limited to, the 7288  
following: 7289

(1) A term of up to one hundred eighty days in a halfway 7290  
house or a term in a halfway house not to exceed the longest jail 7291  
term available for the offense, whichever is shorter; 7292

(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. 7293  
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(B) The court that sentences an offender to a community residential sanction under this section may do either or both of the following: 7299  
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(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; 7302  
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(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. 7306  
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(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 under section 2929.28 of the Revised Code. 7314  
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(D) No court shall sentence any person to a prison term for a misdemeanor or minor misdemeanor. 7318  
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(E) If a court sentences a person who has been convicted of or pleaded guilty to a misdemeanor to a community residential sanction as described in division (A) of this section, at the time of reception and at other times the person in charge of the 7320  
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operation of the halfway house, alternative residential facility, 7324  
or other place at which the offender will serve the residential 7325  
sanction determines to be appropriate, the person in charge of the 7326  
operation of the halfway house, alternative residential facility, 7327  
or other place may cause the convicted offender to be examined and 7328  
tested for tuberculosis, HIV infection, hepatitis, including, but 7329  
not limited to, hepatitis A, B, and C, and other contagious 7330  
diseases. The person in charge of the operation of the halfway 7331  
house, alternative residential facility, or other place at which 7332  
the offender will serve the residential sanction may cause a 7333  
convicted offender in the halfway house, alternative residential 7334  
facility, or other place who refuses to be tested or treated for 7335  
tuberculosis, HIV infection, hepatitis, including, but not limited 7336  
to, hepatitis A, B, and C, or another contagious disease to be 7337  
tested and treated involuntarily. 7338

**Sec. 2929.27.** (A) Except when a mandatory jail term is 7339  
required by law, the court imposing a sentence for a misdemeanor, 7340  
other than a minor misdemeanor, may impose any nonresidential 7341  
sanction or combination of nonresidential sanctions authorized 7342  
under this division. Nonresidential sanctions include, but are not 7343  
limited to, the following: 7344

(1) A term of day reporting; 7345

(2) A term of house arrest with electronic monitoring, a term 7346  
of electronic monitoring without house arrest, or a term of house 7347  
arrest without electronic monitoring; 7348

(3) A term of community service of up to five hundred hours 7349  
for a misdemeanor of the first degree or two hundred hours for a 7350  
misdemeanor of the second, third, or fourth degree; 7351

(4) A term in a drug treatment program with a level of 7352  
security for the offender as determined necessary by the court; 7353

<u>(5) A term of intensive probation supervision;</u>	7354
<u>(6) A term of basic probation supervision;</u>	7355
<u>(7) A term of monitored time;</u>	7356
<u>(8) A term of drug and alcohol use monitoring, including random drug testing;</u>	7357 7358
<u>(9) A curfew term;</u>	7359
<u>(10) A requirement that the offender obtain employment;</u>	7360
<u>(11) A requirement that the offender obtain education or training;</u>	7361 7362
<u>(12) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;</u>	7363 7364 7365
<u>(13) If authorized by law, suspension of the offender's privilege to operate a motor vehicle, immobilization or forfeiture of the offender's motor vehicle, a requirement that the offender obtain a valid motor vehicle operator's license, or any other related sanction;</u>	7366 7367 7368 7369 7370
<u>(14) A requirement that the offender obtain counseling 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. 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.</u>	7371 7372 7373 7374 7375 7376 7377 7378 7379 7380 7381
<u>(B) In addition to the sanctions authorized under division (A) of this section, the court imposing a sentence for a</u>	7382 7383

misdemeanor, other than a minor misdemeanor, upon an offender who 7384  
is not required to serve a mandatory jail term may impose any 7385  
other sanction that is intended to discourage the offender or 7386  
other persons from committing a similar offense if the sanction is 7387  
reasonably related to the overriding purposes and principles of 7388  
misdemeanor sentencing. 7389

(C) The court imposing a sentence for a minor misdemeanor may 7390  
impose a term of community service in lieu of all or part of a 7391  
fine. The term of community service imposed for a minor 7392  
misdemeanor shall not exceed thirty hours. 7393

**Sec. 2929.28.** (A) The court imposing a sentence upon an 7394  
offender for a misdemeanor, including a minor misdemeanor, may 7395  
sentence the offender to any financial sanction or combination of 7396  
financial sanctions authorized under this section. Financial 7397  
sanctions that may be imposed pursuant to this section include, 7398  
but are not limited to, the following: 7399

(1) Restitution by the offender to the victim of the 7400  
offender's crime or any survivor of the victim, in an amount based 7401  
on the victim's economic loss. The court shall order that the 7402  
restitution be made to the victim in open court or to the adult 7403  
probation department that serves the jurisdiction or the clerk of 7404  
the court on behalf of the victim. The order may include a 7405  
requirement that reimbursement be made to third parties, other 7406  
than the offender's insurer, for amounts paid to the victim or any 7407  
survivor of the victim for economic loss resulting from the 7408  
offense. If reimbursement to third parties is required, the 7409  
offender shall make the reimbursement to any governmental agency 7410  
to repay any amounts paid by the agency to the victim or survivor 7411  
before the offender makes any reimbursement to any other person. 7412

The court shall determine, or order to be determined, the 7413  
amount of restitution to be paid by the offender. The court may 7414

base the amount of restitution it orders on an amount recommended 7415  
by the victim, the offender, a presentence investigation report, 7416  
estimates or receipts indicating the cost of repairing or 7417  
replacing property, and other information. The court shall hold a 7418  
hearing on restitution if the offender, victim, or survivor 7419  
disputes the amount of restitution. 7420

All restitution payments shall be credited against any 7421  
recovery of economic loss in a civil action brought by the victim 7422  
or any survivor of the victim against the offender. 7423

The court may order that the offender pay a surcharge, of not 7424  
more than five per cent of the amount of the restitution otherwise 7425  
ordered, to the entity responsible for collecting and processing 7426  
restitution payments. 7427

The victim or survivor may request that the prosecuting 7428  
attorney file a motion, or the offender may file a motion, for 7429  
modification of the payment terms of any restitution ordered based 7430  
on a substantial change in the offender's ability to pay. 7431

(2) A fine of the type described in divisions (A)(2)(a) and 7432  
(b) of this section payable to the appropriate entity as required 7433  
by law: 7434

(a) A conventional fine in the following amount: 7435

(i) For a misdemeanor of the first degree, not more than one 7436  
thousand dollars; 7437

(ii) For a misdemeanor of the second degree, not more than 7438  
seven hundred fifty dollars; 7439

(iii) For a misdemeanor of the third degree, not more than 7440  
five hundred dollars; 7441

(iv) For a misdemeanor of the fourth degree, not more than 7442  
two hundred fifty dollars; 7443

(v) For a minor misdemeanor, not more than one hundred fifty 7444

dollars. 7445

(b) A state fine or cost as defined in section 2949.111 of the Revised Code. 7446  
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(3)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following: 7448  
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(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code; 7451  
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(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined. 7454  
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(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 any section of the Revised Code that authorizes the adoption of a repayment policy. 7459  
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(4) Court costs. 7468

(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. 7469  
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If the court determines that the offender is indigent and unable to pay the sanction, the court shall consider imposing and 7473  
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may impose a term of community service under division (A) of 7475  
section 2929.27 of the Revised Code in lieu of imposing a 7476  
financial sanction. If the court does not determine that the 7477  
offender is indigent, the court may impose a term of community 7478  
service under division (A) of section 2929.27 of the Revised Code 7479  
in lieu of or in addition to imposing a financial sanction under 7480  
this section. The court may order community service for a minor 7481  
misdemeanor pursuant to division (C) of section 2929.27 of the 7482  
Revised Code in lieu of or in addition to imposing a financial 7483  
sanction under this section. If a person fails to pay a financial 7484  
sanction, the court may order community service in lieu of the 7485  
financial sanction. 7486

(C)(1) The offender shall pay reimbursements imposed upon the 7487  
offender pursuant to division (A)(3) of this section to pay the 7488  
costs incurred by a county pursuant to any sanction imposed under 7489  
this section or section 2929.26 or 2929.27 of the Revised Code or 7490  
in operating a facility used to confine offenders pursuant to a 7491  
sanction imposed under section 2929.26 of the Revised Code to the 7492  
county treasurer. The county treasurer shall deposit the 7493  
reimbursements in the sanction cost reimbursement fund that each 7494  
board of county commissioners shall create in its county treasury. 7495  
The county shall use the amounts deposited in the fund to pay the 7496  
costs incurred by the county pursuant to any sanction imposed 7497  
under this section or section 2929.26 or 2929.27 of the Revised 7498  
Code or in operating a facility used to confine offenders pursuant 7499  
to a sanction imposed under section 2929.26 of the Revised Code. 7500

(2) The offender shall pay reimbursements imposed upon the 7501  
offender pursuant to division (A)(3) of this section to pay the 7502  
costs incurred by a municipal corporation pursuant to any sanction 7503  
imposed under this section or section 2929.26 or 2929.27 of the 7504  
Revised Code or in operating a facility used to confine offenders 7505  
pursuant to a sanction imposed under section 2929.26 of the 7506

Revised Code to the treasurer of the municipal corporation. The 7507  
treasurer shall deposit the reimbursements in a special fund that 7508  
shall be established in the treasury of each municipal 7509  
corporation. The municipal corporation shall use the amounts 7510  
deposited in the fund to pay the costs incurred by the municipal 7511  
corporation pursuant to any sanction imposed under this section or 7512  
section 2929.26 or 2929.27 of the Revised Code or in operating a 7513  
facility used to confine offenders pursuant to a sanction imposed 7514  
under section 2929.26 of the Revised Code. 7515

(3) The offender shall pay reimbursements imposed pursuant to 7516  
division (A)(3) of this section for the costs incurred by a 7517  
private provider pursuant to a sanction imposed under this section 7518  
or section 2929.26 or 2929.27 of the Revised Code to the provider. 7519

(D) Except as otherwise provided in this division, a 7520  
financial sanction imposed under division (A) of this section is a 7521  
judgment in favor of the state or the political subdivision that 7522  
operates the court that imposed the financial sanction. A 7523  
financial sanction of reimbursement imposed pursuant to division 7524  
(A)(3)(a)(i) of this section upon an offender is a judgment in 7525  
favor of the entity administering the community control sanction. 7526  
A financial sanction of reimbursement imposed pursuant to division 7527  
(A)(3)(a)(ii) of this section upon an offender confined in a jail 7528  
or other residential facility is a judgment in favor of the entity 7529  
operating the jail or other residential facility. A financial 7530  
sanction of restitution imposed pursuant to division (A)(1) of 7531  
this section is a judgment in favor of the victim of the 7532  
offender's criminal act. The offender subject to the financial 7533  
sanction is the judgment debtor. 7534

Once the financial sanction is imposed as a judgment, the 7535  
victim, private provider, state, or political subdivision may 7536  
bring an action to do any of the following: 7537

(1) Obtain execution of the judgment through any available 7538

<u>procedure, including:</u>	7539
<u>(a) An execution against the property of the judgment debtor under Chapter 2329. of the Revised Code;</u>	7540 7541
<u>(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;</u>	7542 7543
<u>(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including any of the following:</u>	7544 7545
<u>(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;</u>	7546 7547 7548
<u>(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;</u>	7549 7550
<u>(iii) A creditor's suit under section 2333.01 of the Revised Code.</u>	7551 7552
<u>(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;</u>	7553 7554
<u>(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.</u>	7555 7556
<u>(2) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.</u>	7557 7558
<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>	7559 7560 7561
<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>	7562 7563 7564 7565 7566
<u>(1) Enter into contracts with one or more public agencies or</u>	7567

private vendors for the collection of amounts due under the 7568  
sanction. Before entering into a contract for the collection of 7569  
amounts due from an offender pursuant to any financial sanction 7570  
imposed pursuant to this section, a court shall comply with 7571  
sections 307.86 to 307.92 of the Revised Code. 7572

(2) Permit payment of all or any portion of the sanction in 7573  
installments, by credit or debit card, by another electronic 7574  
transfer, or by any other reasonable method, in any time, and on 7575  
any terms that court considers just, except that the maximum time 7576  
permitted for payment shall not exceed five years. The clerk may 7577  
pay any fee associated with processing an electronic transfer out 7578  
of public money or may charge the fee to the offender. 7579

(3) To defray administrative costs, charge a reasonable fee 7580  
to an offender who elects a payment plan rather than a lump sum 7581  
payment of any financial sanction. 7582

(G) No financial sanction imposed under this section shall 7583  
preclude a victim from bringing a civil action against the 7584  
offender. 7585

**Sec. 2929.31.** (A) Regardless of the penalties provided in 7586  
sections 2929.02, 2929.14 to 2929.18, and ~~2929.21~~ 2929.24 to 7587  
2929.28 of the Revised Code, an organization convicted of an 7588  
offense pursuant to section 2901.23 of the Revised Code shall be 7589  
fined in accordance with this section. The court shall fix the 7590  
fine as follows: 7591

(1) For aggravated murder, not more than one hundred thousand 7592  
dollars; 7593

(2) For murder, not more than fifty thousand dollars; 7594

(3) For a felony of the first degree, not more than 7595  
twenty-five thousand dollars; 7596

(4) For a felony of the second degree, not more than twenty 7597

thousand dollars;	7598
(5) For a felony of the third degree, not more than fifteen thousand dollars;	7599 7600
(6) For a felony of the fourth degree, not more than ten thousand dollars;	7601 7602
(7) For a felony of the fifth degree, not more than seventy-five hundred dollars;	7603 7604
(8) For a misdemeanor of the first degree, not more than five thousand dollars;	7605 7606
(9) For a misdemeanor of the second degree, not more than four thousand dollars;	7607 7608
(10) For a misdemeanor of the third degree, not more than three thousand dollars;	7609 7610
(11) For a misdemeanor of the fourth degree, not more than two thousand dollars;	7611 7612
(12) For a minor misdemeanor, not more than one thousand dollars;	7613 7614
(13) For a felony not specifically classified, not more than ten thousand dollars;	7615 7616
(14) For a misdemeanor not specifically classified, not more than two thousand dollars;	7617 7618
(15) For a minor misdemeanor not specifically classified, not more than one thousand dollars.	7619 7620
(B) When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this section.	7621 7622 7623 7624 7625 7626

(C) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this section, then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.

(D) This section does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to section 2901.23 of the Revised Code, either in addition to or in lieu of a fine imposed pursuant to this section.

**Sec. ~~2929.25~~ 2929.32.** (A)(1) Subject to division (A)(2) of this section, notwithstanding the fines prescribed in section 2929.02 of the Revised Code for a person who is convicted of or pleads guilty to aggravated murder or murder, the fines prescribed in section 2929.18 of the Revised Code for a person who is convicted of or pleads guilty to a felony, the fines prescribed in section ~~2929.21~~ 2929.28 of the Revised Code for a person who is convicted of or pleads guilty to a misdemeanor, the fines prescribed in section 2929.31 of the Revised Code for an organization that is convicted of or pleads guilty to an offense, and the fines prescribed in any other section of the Revised Code for a person who is convicted of or pleads guilty to an offense, a sentencing court may impose upon the offender a fine of not more than one million dollars if any of the following applies to the offense and the offender:

(a) There are three or more victims, as defined in section 2969.11 of the Revised Code, of the offense for which the offender 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. 7658

(c) The offense for which the offender is being sentenced is 7659  
aggravated murder, murder, or a felony of the first degree that, 7660  
if it had been committed prior to July 1, 1996, would have been an 7661  
aggravated felony of the first degree. 7662

(2) If the offense in question is a first, second, or third 7663  
degree felony violation of any provision of Chapter 2925., 3719., 7664  
or 4729. of the Revised Code, the court shall impose upon the 7665  
offender the mandatory fine described in division (B) of section 7666  
2929.18 of the Revised Code, and, in addition, may impose a fine 7667  
under division (A)(1) of this section, provided that the total of 7668  
the mandatory fine and the fine imposed under division (A)(1) of 7669  
this section shall not exceed one million dollars. The mandatory 7670  
fine shall be paid as described in division (D) of section 2929.18 7671  
of the Revised Code, and the fine imposed under division (A)(1) of 7672  
this section shall be deposited pursuant to division (B) of this 7673  
section. 7674

(B) If a sentencing court imposes a fine upon an offender 7675  
pursuant to division (A)(1) of this section, all moneys paid in 7676  
satisfaction of the fine or collected pursuant to division (C)(1) 7677  
of this section in satisfaction of the fine shall be deposited 7678  
into the crime victims recovery fund created by division (D) of 7679  
this section and shall be distributed as described in that 7680  
division. 7681

(C)(1) Subject to division (C)(2) of this section, 7682  
notwithstanding any contrary provision of any section of the 7683  
Revised Code, if a sentencing court imposes a fine upon an 7684  
offender pursuant to division (A)(1) of this section or pursuant 7685  
to another section of the Revised Code, the fine shall be a 7686  
judgment against the offender in favor of the state, and both of 7687  
the following apply to that judgment: 7688

(a) The state may collect the judgment by garnishing, 7689  
attaching, or otherwise executing against any income, profits, or 7690  
other real or personal property in which the offender has any 7691  
right, title, or interest, including property acquired after the 7692  
imposition of the fine, in the same manner as if the judgment had 7693  
been rendered against the offender and in favor of the state in a 7694  
civil action. If the fine is imposed pursuant to division (A)(1) 7695  
of this section, the moneys collected as a result of the 7696  
garnishment, attachment, or other execution shall be deposited and 7697  
distributed as described in divisions (B) and (D) of this section. 7698  
If the fine is not imposed pursuant to division (A)(1) of this 7699  
section, the moneys collected as a result of the garnishment, 7700  
attachment, or other execution shall be distributed as otherwise 7701  
provided by law for the distribution of money paid in satisfaction 7702  
of a fine. 7703

(b) The provisions of Chapter 2329. of the Revised Code 7704  
relative to the establishment of court judgments and decrees as 7705  
liens and to the enforcement of those liens apply to the judgment. 7706

(2) Division (C)(1) of this section does not apply to any 7707  
financial sanction imposed pursuant to section 2929.18 of the 7708  
Revised Code upon a person who is convicted of or pleads guilty to 7709  
a felony. 7710

(D) There is hereby created in the state treasury the crime 7711  
victims recovery fund. If a sentencing court imposes a fine upon 7712  
an offender pursuant to division (A)(1) of this section, all 7713  
moneys paid in satisfaction of the fine and all moneys collected 7714  
in satisfaction of the fine pursuant to division (C)(1) of this 7715  
section shall be deposited into the fund. The fund shall be 7716  
administered and the moneys in it shall be distributed in 7717  
accordance with sections 2969.11 to 2969.14 of the Revised Code. 7718

**Sec. ~~2929.221~~ 2929.36.** (A) A person who is convicted of or 7719



pleads guilty to aggravated murder, murder, or an offense 7720  
punishable by life imprisonment and who is sentenced to a term of 7721  
imprisonment pursuant to that conviction shall serve that term of 7722  
imprisonment in an institution under the control of the department 7723  
of rehabilitation and correction. 7724

(B)(1) A person who is convicted of or pleads guilty to a 7725  
felony other than aggravated murder, murder, or an offense 7726  
punishable by life imprisonment and who is sentenced to a term of 7727  
imprisonment pursuant to that conviction shall serve that term of 7728  
imprisonment as follows: 7729

(a) Subject to divisions (B)(1)(b) and (B)(2) of this 7730  
section, in an institution under the control of the department of 7731  
rehabilitation and correction if the term of imprisonment is a 7732  
prison term or shall serve it as otherwise determined by the 7733  
sentencing court pursuant to section 2929.16 of the Revised Code 7734  
if the term is not a prison term; 7735

(b) In a facility of a type described in division (G)(1) of 7736  
section 2929.13 of the Revised Code, if the offender is sentenced 7737  
pursuant to that division. 7738

(2) If the term of imprisonment is a prison term, the person 7739  
may be imprisoned in a jail that is not a minimum security 7740  
misdemeanant jail pursuant to agreement under section 5120.161 of 7741  
the Revised Code between the department of rehabilitation and 7742  
correction and the local authority that operates the jail. 7743

(C) A person who is convicted of or pleads guilty to one or 7744  
more misdemeanors and who is sentenced to a jail term of 7745  
~~imprisonment~~ pursuant to the conviction or convictions shall serve 7746  
that jail term of ~~imprisonment~~ in a county, multicounty, 7747  
municipal, municipal-county, or multicounty-municipal jail or 7748  
workhouse or, if the misdemeanor or misdemeanors are not offenses 7749  
of violence, in a minimum security misdemeanorant jail. 7750

(D) Nothing in this section prohibits the commitment, 7751  
referral, or sentencing of a person who is convicted of or pleads 7752  
guilty to a felony to a community-based correctional facility and 7753  
program or district community-based correctional facility and 7754  
program in accordance with sections 2301.51 to 2301.56 of the 7755  
Revised Code. 7756

**Sec. ~~2929.24~~ 2929.42.** (A) The prosecutor in any case against 7757  
any person licensed, certified, registered, or otherwise 7758  
authorized to practice under Chapter 3719., 4715., 4723., 4729., 7759  
4730., 4731., 4734., or 4741. of the Revised Code shall notify the 7760  
appropriate licensing board, on forms provided by the board, of 7761  
any of the following regarding the person: 7762

(1) A plea of guilty to, or a conviction of, a felony, or a 7763  
court order dismissing a felony charge on technical or procedural 7764  
grounds; 7765

(2) A plea of guilty to, or a conviction of, a misdemeanor 7766  
committed in the course of practice or in the course of business, 7767  
or a court order dismissing such a misdemeanor charge on technical 7768  
or procedural grounds; 7769

(3) A plea of guilty to, or a conviction of, a misdemeanor 7770  
involving moral turpitude, or a court order dismissing such a 7771  
charge on technical or procedural grounds. 7772

(B) The report required by division (A) of this section shall 7773  
include the name and address of the person, the nature of the 7774  
offense, and certified copies of court entries in the action. 7775

**Sec. ~~2929.29~~ 2929.43.** (A) As used in this section: 7776

(1) "Peace officer" has the same meaning as in section 109.71 7777  
of the Revised Code. 7778

(2) "Felony" has the same meaning as in section 109.511 of 7779

the Revised Code.

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(B)(1) Prior to accepting a plea of guilty to an indictment, information, or complaint charging a felony, the court shall determine whether the defendant is a peace officer. If the court determines that the defendant is a peace officer, it shall address the defendant personally and provide the following advisement to the defendant that shall be entered in the record of the court.

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"You are hereby advised that conviction of the felony offense to which you are pleading guilty will result in the termination of your employment as a peace officer and in your decertification as a peace officer pursuant to the laws of Ohio."

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Upon the request of the defendant, the court shall allow the defendant additional time to consider the appropriateness of the plea of guilty in light of the advisement described in division (B)(1) of this section.

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The court shall not accept a plea of guilty of a defendant who is a peace officer unless, in addition to any other procedures required under the Rules of Criminal Procedure, the court determines that the defendant voluntarily and intelligently enters that plea after being given the advisement described in division (B)(1) of this section.

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(2) After accepting under division (B)(1) of this section a plea of guilty to an indictment, information, or complaint charging a felony, the court shall provide to the clerk of the court of common pleas a written notice of the plea of guilty of the defendant peace officer, 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 felony offense, and certified copies of court entries in the action. Upon receiving the written notice required by division (B)(2) of this section, the clerk of the

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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. 7811  
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(C)(1) Upon the conviction of a defendant, after trial, of a felony, the trial judge shall determine whether the defendant is a peace officer. If the judge determines that the defendant is a peace officer or if the defendant states on the record that the defendant is a peace officer, the judge shall provide to the clerk of the court of common pleas a written notice of the conviction of the defendant peace officer, 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 conviction, the nature of the felony offense, and certified copies of court entries in the action. Upon receiving the written notice required by division (C)(1) 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. 7815  
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(2) Upon the conclusion of the final appeal of a defendant who is a peace officer and who has been convicted of a felony, upon expiration of the time period within which that peace officer may appeal the conviction if no appeal is taken, or otherwise upon the final disposition of the criminal action against that peace officer, the trial judge shall provide to the clerk of the court of common pleas a written notice of the final disposition of the 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 7831  
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clerk of the court of common pleas certified copies of the court 7843  
entries in the action. Upon receiving the written notice required 7844  
by division (C)(2) of this section, the clerk of the court of 7845  
common pleas shall transmit to the employer of the peace officer 7846  
and to the Ohio peace officer training council a report that 7847  
includes the information contained in the written notice and the 7848  
certified copies of the court entries in the action. 7849

(D) If pursuant to a negotiated plea agreement between a 7850  
prosecuting attorney and a defendant who is a peace officer and 7851  
who is charged with a felony, in which the defendant agrees to 7852  
enter a plea of guilty to a misdemeanor and to surrender the 7853  
certificate awarded to the defendant under section 109.77 of the 7854  
Revised Code, the trial judge issues an order to the defendant to 7855  
surrender that certificate, the trial judge shall provide to the 7856  
clerk of the court a written notice of the order, the name and 7857  
address of the peace officer, the law enforcement agency or other 7858  
governmental entity that employs the peace officer and its 7859  
address, the date of the plea, the nature of the misdemeanor to 7860  
which the peace officer pleaded guilty, and certified copies of 7861  
court entries in the action. Upon receiving the written notice 7862  
required by this division, the clerk of the court shall transmit 7863  
to the employer of the peace officer and to the executive director 7864  
of the Ohio peace officer training council a report that includes 7865  
the information contained in the written notice and the certified 7866  
copies of the court entries in the action. 7867

**Sec. ~~2929-28~~ 2929.71.** (A) As used in this section: 7868

(1) "Agency" means any law enforcement agency, other public 7869  
agency, or public official involved in the investigation or 7870  
prosecution of the offender or in the investigation of the fire or 7871  
explosion in an aggravated arson, arson, or criminal damaging or 7872  
endangering case. An "agency" includes, but is not limited to, a 7873

sheriff's office, a municipal corporation, township, or township 7874  
police district police department, the office of a prosecuting 7875  
attorney, city director of law, village solicitor, or similar 7876  
chief legal officer of a municipal corporation, the fire marshal's 7877  
office, a municipal corporation, township, or township fire 7878  
district fire department, the office of a fire prevention officer, 7879  
and any state, county, or municipal corporation crime laboratory. 7880

(2) "Assets" includes all forms of real or personal property. 7881

(3) "Itemized statement" means the statement of costs 7882  
described in division (B) of this section. 7883

(4) "Offender" means the person who has been convicted of or 7884  
pleaded guilty to committing, attempting to commit, or complicity 7885  
in committing a violation of section 2909.02 or 2909.03 of the 7886  
Revised Code, or, when the means used are fire or explosion, 7887  
division (A)(2) of section 2909.06 of the Revised Code. 7888

(5) "Costs" means the reasonable value of the time spent by 7889  
an officer or employee of an agency on the aggravated arson, 7890  
arson, or criminal damaging or endangering case, any moneys spent 7891  
by the agency on that case, and the reasonable fair market value 7892  
of resources used or expended by the agency on that case. 7893

(B) Prior to the sentencing of an offender, the court shall 7894  
enter an order that directs agencies that wish to be reimbursed by 7895  
the offender for the costs they incurred in the investigation or 7896  
prosecution of the offender or in the investigation of the fire or 7897  
explosion involved in the case, to file with the court within a 7898  
specified time an itemized statement of those costs. The order 7899  
also shall require that a copy of the itemized statement be given 7900  
to the offender or ~~his~~ offender's attorney within the specified 7901  
time. Only itemized statements so filed and given shall be 7902  
considered at the hearing described in division (C) of this 7903  
section. 7904

(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;

(2) If witnesses to be subpoenaed are personnel of an agency or documentation to be subpoenaed belongs to an agency, the personnel or documentation may be subpoenaed only if the agency involved has indicated, pursuant to this division, that it intends

to present the personnel as witnesses or use the documentation at 7937  
the hearing. The offender shall submit, in writing, a request to 7938  
an agency as described in this division to ascertain whether the 7939  
agency intends to present various personnel as witnesses or to use 7940  
particular documentation. The request shall indicate that the 7941  
offender is considering issuing subpoenas to personnel of the 7942  
agency who are specifically named or identified by title or 7943  
position, or for documentation of the agency that is specifically 7944  
described or generally identified, and shall request the agency to 7945  
indicate, in writing, whether it intends to present such personnel 7946  
as witnesses or to use such documentation at the hearing. The 7947  
agency shall promptly reply to the request of the offender. An 7948  
agency is prohibited from presenting personnel as witnesses or 7949  
from using documentation at the hearing if it indicates to the 7950  
offender it does not intend to do so in response to a request of 7951  
the offender under this division, or if it fails to reply or 7952  
promptly reply to such a request. 7953

(D) Following the hearing, the court shall determine which of 7954  
the agencies established by a preponderance of the evidence that 7955  
costs set forth in their itemized statements were incurred as 7956  
described in division (C) of this section and that the offender 7957  
has assets available for reimbursement purposes. The court also 7958  
shall determine whether the offender has assets available to 7959  
reimburse all such agencies, in whole or in part, for their 7960  
established costs, and if it determines that the assets are 7961  
available, it shall order the offender, as part of ~~his~~ the 7962  
offender's sentence, to reimburse the agencies from ~~his~~ the 7963  
offender's assets for all or a specified portion of their 7964  
established costs. 7965

**Sec. 2935.33.** (A) If a person charged with a misdemeanor is 7966  
taken before a judge of a court of record and if it appears to the 7967  
judge that the person is an alcoholic or is suffering from acute 7968



alcohol intoxication and that the person would benefit from 7969  
services provided by an alcohol and drug addiction program 7970  
certified under Chapter 3793. of the Revised Code, the judge may 7971  
place the person temporarily in a program certified under that 7972  
chapter in the area in which the court has jurisdiction for 7973  
inpatient care and treatment for an indefinite period not 7974  
exceeding five days. The commitment does not limit the right to 7975  
release on bail. The judge may dismiss a charge of a violation of 7976  
division (B) of section 2917.11 of the Revised Code or of a 7977  
municipal ordinance substantially equivalent to that division if 7978  
the defendant complies with all the conditions of treatment 7979  
ordered by the court. 7980

The court may order that any fines or court costs collected 7981  
by the court from defendants who have received inpatient care from 7982  
an alcohol and drug addiction program be paid, for the benefit of 7983  
the program, to the board of alcohol, drug addiction, and mental 7984  
health services of the alcohol, drug addiction, and mental health 7985  
service district in which the program is located or to the 7986  
director of alcohol and drug addiction services. 7987

(B) If a person is being sentenced for a violation of 7988  
division (B) of section 2917.11 or section 4511.19 of the Revised 7989  
Code, a misdemeanor violation of section 2919.25 of the Revised 7990  
Code, a misdemeanor violation of section 2919.27 of the Revised 7991  
Code involving a protection order issued or consent agreement 7992  
approved pursuant to section 2919.26 or 3113.31 of the Revised 7993  
Code, or a violation of a municipal ordinance substantially 7994  
equivalent to that division or any of those sections and if it 7995  
appears to the judge at the time of sentencing that the person is 7996  
an alcoholic or is suffering from acute alcohol intoxication and 7997  
that, in lieu of imprisonment, the person would benefit from 7998  
services provided by an alcohol and drug addiction program 7999  
certified under Chapter 3793. of the Revised Code, the court may 8000

commit the person to close supervision in any facility in the area 8001  
in which the court has jurisdiction that is, or is operated by, 8002  
such a program. ~~A commitment to close supervision for a~~ 8003  
~~misdemeanor violation of section 2919.25 of the Revised Code, a~~ 8004  
~~misdemeanor violation of section 2919.27 of the Revised Code~~ 8005  
~~involving a protection order issued or consent agreement approved~~ 8006  
~~pursuant to section 2919.26 or 3113.31 of the Revised Code, or a~~ 8007  
~~violation of any substantially equivalent municipal ordinance~~ 8008  
~~shall be in accordance with division (B) of section 2929.51 of the~~ 8009  
~~Revised Code.~~ Such close supervision may include outpatient 8010  
services and part-time release, except that a person convicted of 8011  
a violation of division (A) of section 4511.19 of the Revised Code 8012  
shall be confined to the facility for at least three days and 8013  
except that a person convicted of a misdemeanor violation of 8014  
section 2919.25 of the Revised Code, a misdemeanor violation of 8015  
section 2919.27 of the Revised Code involving a protection order 8016  
issued or consent agreement approved pursuant to section 2919.26 8017  
or 3113.31 of the Revised Code, or a violation of a substantially 8018  
equivalent municipal ordinance shall be confined to the facility 8019  
in accordance with the order of commitment. A commitment of a 8020  
person to a facility for purposes of close supervision shall not 8021  
exceed the maximum term for which the person could be imprisoned. 8022

(C) A law enforcement officer who finds a person subject to 8023  
prosecution for violation of division (B) of section 2917.11 of 8024  
the Revised Code or a municipal ordinance substantially equivalent 8025  
to that division and who has reasonable cause to believe that the 8026  
person is an alcoholic or is suffering from acute alcohol 8027  
intoxication and would benefit from immediate treatment 8028  
immediately may place the person in an alcohol and drug addiction 8029  
program certified under Chapter 3793. of the Revised Code in the 8030  
area in which the person is found, for emergency treatment, in 8031  
lieu of other arrest procedures, for a maximum period of 8032

forty-eight hours. During that time, if the person desires to 8033  
leave such custody, ~~he~~ the person shall be released forthwith. 8034

(D) As used in this section: 8035

(1) "Alcoholic" has the same meaning as in section 3793.01 of 8036  
the Revised Code; 8037

(2) "Acute alcohol intoxication" means a heavy consumption of 8038  
alcohol over a relatively short period of time, resulting in 8039  
dysfunction of the brain centers controlling behavior, speech, and 8040  
memory and causing characteristic withdrawal symptoms. 8041

**Sec. 2937.07.** If the offense ~~be~~ is a misdemeanor and the 8042  
accused pleads guilty ~~thereto~~ to the offense, the court or 8043  
magistrate shall receive and enter ~~such~~ the plea unless ~~he~~ the 8044  
court or magistrate believes that it was made through fraud, 8045  
collusion~~;~~, or mistake ~~in which case he~~. If the court or 8046  
magistrate so believes, the court or magistrate shall enter a plea 8047  
of not guilty and set the matter for trial pursuant to Chapter 8048  
2938. of the Revised Code. Upon receiving a plea of guilty ~~being~~ 8049  
~~received~~, the court or magistrate shall call for an explanation of 8050  
the circumstances of the offense from the affiant or complainant 8051  
or ~~his~~ the affiant's or complainant's representatives, ~~and after~~. 8052  
After hearing the ~~same~~ explanation of circumstances, together with 8053  
any statement of the accused, the court or magistrate shall 8054  
proceed to pronounce the sentence or shall continue the matter for 8055  
the purpose of imposing the sentence or ~~admitting the defendant to~~ 8056  
~~probation~~. 8057

~~If the~~ A plea be to a misdemeanor offense of "no contest" or 8058  
words of similar import ~~in pleading to a misdemeanor, it shall~~ 8059  
constitute a stipulation that the judge or magistrate may make a 8060  
finding of guilty or not guilty from the explanation of the 8061  
circumstances, ~~and if guilt be found,~~ of the offense. If a finding 8062  
of guilty is made, the judge or magistrate shall impose the 8063

~~sentence~~ or continue the case for ~~sentence~~ sentencing accordingly. 8064  
Such A plea of "no contest" or words of similar import shall not 8065  
be construed to ~~import~~ as an admission of any fact at issue in the 8066  
criminal charge in any subsequent civil or criminal action or 8067  
proceeding, ~~whether civil or criminal~~. 8068

**Sec. 2945.17.** At any trial, in any court, for the violation 8069  
of any statute of this state, or of any ordinance of any municipal 8070  
corporation, ~~except in cases in which if the offense carries a~~ 8071  
~~potential~~ penalty involved ~~does not exceed a fine of one hundred~~ 8072  
~~dollars incarceration~~, the accused has the right to be tried by a 8073  
jury. This section does not apply to, and there is no right to a 8074  
jury trial for, a person who is the subject of a complaint filed 8075  
under section 2151.27 of the Revised Code against both a child and 8076  
the parent, guardian, or other person having care of the child. 8077

**Sec. 2947.06.** (A)(1) The trial court may hear testimony in 8078  
mitigation of a sentence at the term of conviction or plea or at 8079  
the next term. The prosecuting attorney may offer testimony on 8080  
behalf of the state to give the court a true understanding of the 8081  
case. The court shall determine whether sentence ~~ought~~ should 8082  
immediately ~~to be imposed or whether, if the offense is a~~ 8083  
~~misdemeanor, to place the defendant on probation~~. The court on its 8084  
own motion may direct the department of probation of the county in 8085  
which the defendant resides, or its own regular probation officer, 8086  
to make any inquiries and presentence investigation reports that 8087  
the court requires concerning the defendant. 8088

(2) The provisions of section 2951.03 of the Revised Code 8089  
shall govern the preparation of, the provision, receipt, and 8091  
retention of copies of, the use of, and the confidentiality, 8092  
nonpublic record character, and sealing of a presentence 8093  
investigation report prepared pursuant to division (A)(1) of this 8094

section. 8095

(B) The court may appoint not more than two psychologists or 8096  
psychiatrists to make any reports concerning the defendant that 8097  
the court requires for the purpose of determining the disposition 8098  
of the case. Each psychologist or psychiatrist shall receive a fee 8099  
to be fixed by the court and taxed in the costs of the case. The 8100  
psychologist's or psychiatrist's reports shall be made in writing, 8101  
in open court, and in the presence of the defendant, except in 8102  
misdemeanor cases in which sentence may be pronounced in the 8103  
absence of the defendant. A copy of each report of a psychologist 8104  
or psychiatrist may be furnished to the defendant, if present, who 8105  
may examine the persons making the report, under oath, as to any 8106  
matter or thing contained in the report. 8107

**Sec. 2947.21.** When a person is sentenced to a workhouse by 8108  
the court of common pleas, the clerk of the court of common pleas 8109  
shall make and deliver to the sheriff a certified copy of the 8110  
judgment. The copy shall describe the crime charged and the 8111  
sentence of the court. The sheriff shall deliver the copy to the 8112  
officer in charge of the workhouse, and the copy shall be that 8113  
officer's warrant for detaining the person in custody. In case of 8114  
such a conviction by any other court or magistrate, the court or 8115  
magistrate shall make a certified transcript of the docket in the 8116  
case, which, in like manner, shall be delivered to the marshal, 8117  
constable, or sheriff to be delivered by the marshal, constable, 8118  
or sheriff to the proper officer in charge of the workhouse and be 8119  
that officer's warrant for detaining the person in custody. 8120

When a person is sentenced to a jail or workhouse under 8121  
~~division (A)(3) of section 2929.51~~ 2929.24 of the Revised Code, 8122  
the court shall certify a transcript of the docket in the case, 8123  
and the court shall deliver the certified transcript to the proper 8124  
officer in charge of the workhouse or jail, and the certified 8125

transcript is the officer's warrant for detaining the person in 8126  
custody during the prescribed period or periods. 8127

**Sec. 2949.111.** (A) As used in this section: 8128

(1) "~~Costs~~ Court costs" means any ~~court costs~~ assessment that 8129  
the court requires an offender to pay, to defray the costs of 8130  
operating the court. 8131

(2) "State fines or costs" means any costs imposed or 8132  
forfeited bail collected by the court under section 2743.70 of the 8133  
Revised Code for deposit into the reparations fund or under 8134  
section 2949.091 of the Revised Code for deposit into the 8135  
reparations fund and all fines, penalties, and forfeited bail 8136  
collected by the court and paid to a law library association under 8137  
section 3375.50 of the Revised Code. 8138

(3) "Reimbursement" means any reimbursement for the costs of 8139  
confinement that the court orders an offender to pay pursuant to 8140  
section 2929.223 or 2929.28 of the Revised Code, any supervision 8141  
fee, any fee for the costs of electronically monitored house 8142  
arrest that an offender agrees to pay ~~pursuant to section 2929.23~~ 8143  
~~of the Revised Code,~~ any reimbursement for the costs of an 8144  
investigation or prosecution that the court orders an offender to 8145  
pay pursuant to section ~~2929.28~~ 2929.71 of the Revised Code, or 8146  
any other costs that the court orders an offender to pay. 8147

~~(2)~~(4) "Supervision fees" means any fees that a court, 8148  
pursuant to ~~section~~ sections 2929.18, 2929.28, and 2951.021 of the 8149  
Revised Code ~~and as a condition of probation, requires an offender~~ 8150  
~~who is placed on probation to pay for probation services or that a~~ 8151  
~~court, pursuant to section 2929.18 of the Revised Code, requires~~ 8152  
an offender who is under a community control sanction to pay for 8153  
supervision services. 8154

~~(3)~~(5) "Community control sanction" has the same meaning as 8155  
in section 2929.01 of the Revised Code. 8156

(B) Unless the court, in accordance with division (C) of this section, enters in the record of the case a different method of assigning ~~a payment toward the satisfaction of costs, restitution, a fine, or supervision fees~~ payments, if a person who is charged with a misdemeanor is convicted of or pleads guilty to the offense, if the court orders the offender to pay any combination of court costs, state fines or costs, restitution, a conventional fine, or ~~supervision fees~~ any reimbursement, and if the offender makes any payment of any of them to a clerk of court ~~toward the satisfaction of the costs, restitution, fine, or supervision fees~~, the clerk ~~of the court~~ shall assign the offender's payment ~~so made toward the satisfaction of the costs, restitution, fine, or supervision fees~~ in the following manner:

(1) If the court ordered the offender to pay any court costs, the offender's payment shall be assigned toward the satisfaction of ~~the those court costs~~ until ~~the court costs~~ they have been entirely paid.

(2) If the court ordered the offender to pay any state fines or costs and if all of the court costs that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned on a pro rata basis toward the satisfaction of the state fines or costs until they have been entirely paid.

(3) If the court ordered the offender to pay any restitution and if all of the court costs and state fines or costs that the court ordered the offender to pay, ~~if any~~, have been paid, the remainder of the offender's payment ~~after any assignment required under division (B)(1) of this section~~ shall be assigned toward the satisfaction of the restitution until ~~the restitution~~ it has been entirely paid.

~~(3)(4)~~ (4) If the court ordered the offender to pay any conventional fine and if all of the court costs, state fines or

~~costs,~~ and restitution that the court ordered the offender to pay, 8189  
~~if any,~~ have been paid, the remainder of the offender's payment 8190  
~~after any assignments required under divisions (B)(1) and (2) of~~ 8191  
~~this section~~ shall be assigned toward the satisfaction of the fine 8192  
until ~~the fine~~ it has been entirely paid. 8193

~~(4)(5)~~ If the court ordered the offender to pay any 8194  
~~supervision fees reimbursement~~ and if all of the court costs, 8195  
state fines or costs, restitution, ~~and fine~~ conventional fines 8196  
that the court ordered the offender to pay, ~~if any,~~ have been 8197  
paid, the remainder of the offender's payment ~~after any~~ 8198  
~~assignments required under divisions (B)(1), (2), and (3) of this~~ 8199  
~~section~~ shall be assigned toward the satisfaction of the 8200  
~~supervision fees reimbursements~~ until ~~the supervision fees~~ they 8201  
have been entirely paid. 8202

(C) If a person who is charged with a misdemeanor is 8203  
convicted of or pleads guilty to the offense and if the court 8204  
orders the offender to pay any combination of court costs, state 8205  
fines or costs, restitution, ~~a fine~~ conventional fines, or 8206  
~~supervision fees reimbursements,~~ the court, at the time it orders 8207  
the offender to ~~pay the combination of costs, restitution, a fine,~~ 8208  
~~or supervision fees~~ make those payments, may prescribe ~~a method~~ an 8209  
order of assigning payments that ~~the person makes toward the~~ 8210  
~~satisfaction of the costs, restitution, fine, or supervision fees~~ 8211  
that differs from the ~~method~~ order set forth in division (B) of 8212  
this section. ~~If the court prescribes a method of assigning~~ 8213  
~~payments under this division, the court shall enter~~ by entering in 8214  
the record of the case the ~~method~~ order so prescribed. ~~Upon the~~ 8215  
entry ~~If a different order is entered~~ in the record of the case ~~of~~ 8216  
~~the method of assigning payments prescribed pursuant to this~~ 8217  
~~division, if the offender makes any payment to a clerk of court~~ 8218  
~~for the costs, restitution, fine, or supervision fees,~~ on receipt 8219  
of any payment, the clerk of the court shall assign the payment ~~so~~ 8220



~~made toward the satisfaction of the costs, restitution, fine, or 8221  
supervision fees in the manner prescribed by the court and entered 8222  
in the record of the case instead of in the manner set forth in 8223  
division (B) of this section. 8224~~

**Sec. 2950.01.** As used in this chapter, unless the context 8225  
clearly requires otherwise: 8226

(A) "Confinement" includes, but is not limited to, a 8227  
community residential sanction imposed pursuant to section 2929.16 8228  
of the Revised Code. 8229

(B) "Habitual sex offender" means, except when a juvenile 8230  
judge removes this classification pursuant to division (A)(2) of 8231  
section 2152.84 or division (C)(2) of section 2152.85 of the 8232  
Revised Code, a person to whom both of the following apply: 8233

(1) The person is convicted of or pleads guilty to a sexually 8234  
oriented offense, or the person is adjudicated a delinquent child 8235  
for committing on or after January 1, 2002, a sexually oriented 8236  
offense, was fourteen years of age or older at the time of 8237  
committing the offense, and is classified a juvenile sex offender 8238  
registrant based on that adjudication. 8239

(2) One of the following applies to the person: 8240

(a) Regarding a person who is an offender, the person 8241  
previously was convicted of or pleaded guilty to one or more 8242  
sexually oriented offenses or previously was adjudicated a 8243  
delinquent child for committing one or more sexually oriented 8244  
offenses and was classified a juvenile sex offender registrant or 8245  
out-of-state juvenile sex offender registrant based on one or more 8246  
of those adjudications, regardless of when the offense was 8247  
committed and regardless of the person's age at the time of 8248  
committing the offense. 8249

(b) Regarding a delinquent child, the person previously was 8250

convicted of, pleaded guilty to, or was adjudicated a delinquent 8251  
child for committing one or more sexually oriented offenses, 8252  
regardless of when the offense was committed and regardless of the 8253  
person's age at the time of committing the offense. 8254

(C) "Prosecutor" has the same meaning as in section 2935.01 8255  
of the Revised Code. 8256

(D) "Sexually oriented offense" means any of the following: 8257

(1) Any of the following violations or offenses committed by 8258  
a person eighteen years of age or older: 8259

(a) Regardless of the age of the victim of the offense, a 8260  
violation of section 2907.02, 2907.03, or 2907.05 of the Revised 8261  
Code; 8262

(b) Any of the following offenses involving a minor, in the 8263  
circumstances specified: 8264

(i) A violation of section 2905.01, 2905.02, 2905.03, 8265  
2905.05, or 2907.04 or former section 2905.04 of the Revised Code 8266  
when the victim of the offense is under eighteen years of age; 8267

(ii) A violation of section 2907.21 of the Revised Code when 8268  
the person who is compelled, induced, procured, encouraged, 8269  
solicited, requested, or facilitated to engage in, paid or agreed 8270  
to be paid for, or allowed to engage in the sexual activity in 8271  
question is under eighteen years of age; 8272

(iii) A violation of division (A)(1) or (3) of section 8273  
2907.321 or 2907.322 of the Revised Code; 8274

(iv) A violation of division (A)(1) or (2) of section 8275  
2907.323 of the Revised Code; 8276

(v) A violation of division (B)(5) of section 2919.22 of the 8277  
Revised Code when the child who is involved in the offense is 8278  
under eighteen years of age; 8279

- (vi) A violation of division (D) or (E) of section 2907.07 of the Revised Code. 8280  
8281
- (c) Regardless of the age of the victim of the offense, a violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code, or of division (A) of section 2903.04 of the Revised Code, that is committed with a purpose to gratify the sexual needs or desires of the offender; 8282  
8283  
8284  
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8286
- (d) A sexually violent offense; 8287
- (e) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, or any existing or former law applicable in a military court or in an Indian tribal court that is or was substantially equivalent to any offense listed in division (D)(1)(a), (b), (c), or (d) of this section; 8288  
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- (f) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (D)(1)(a), (b), (c), (d), or (e) of this section. 8294  
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- (2) An act committed by a person under eighteen years of age that is any of the following: 8297  
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- (a) Subject to division (D)(2)(h) of this section, regardless of the age of the victim of the violation, a violation of section 2907.02, 2907.03, or 2907.05 of the Revised Code; 8299  
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- (b) Subject to division (D)(2)(h) of this section, any of the following acts involving a minor in the circumstances specified: 8302  
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- (i) A violation of section 2905.01 or 2905.02 of the Revised Code, or of former section 2905.04 of the Revised Code, when the victim of the violation is under eighteen years of age; 8305  
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- (ii) A violation of section 2907.21 of the Revised Code when the person who is compelled, induced, procured, encouraged, 8308  
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solicited, requested, or facilitated to engage in, paid or agreed  
to be paid for, or allowed to engage in the sexual activity in  
question is under eighteen years of age;

(iii) A violation of division (B)(5) of section 2919.22 of  
the Revised Code when the child who is involved in the violation  
is under eighteen years of age.

(c) Subject to division (D)(2)(h) of this section, any  
sexually violent offense that, if committed by an adult, would be  
a felony of the first, second, third, or fourth degree;

(d) Subject to division (D)(2)(h) of this section, a  
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or  
2905.02 of the Revised Code, a violation of division (A) of  
section 2903.04 of the Revised Code, or an attempt to violate any  
of those sections or that division that is committed with a  
purpose to gratify the sexual needs or desires of the child  
committing the violation;

(e) Subject to division (D)(2)(h) of this section, a  
violation of division (A)(1) or (3) of section 2907.321, division  
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of  
section 2907.323 of the Revised Code, or an attempt to violate any  
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 violation;

(f) Subject to division (D)(2)(h) of this section, any  
violation of any former law of this state, any existing or former  
municipal ordinance or law of another state or the United States,  
or any existing or former law applicable in a military court or in  
an Indian tribal court that is or was substantially equivalent to  
any offense listed in division (D)(2)(a), (b), (c), (d), or (e) of  
this section and that, if committed by an adult, would be a felony  
of the first, second, third, or fourth degree;

(g) Subject to division (D)(2)(h) of this section, any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (D)(2)(a), (b), (c), (d), (e), or (f) of this section;

(h) 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), or (f) 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. 8372  
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(G) An offender or delinquent child is "adjudicated as being a sexual predator" or "adjudicated a sexual predator" if any of the following applies and if that status has not been removed pursuant to section 2152.84, 2152.85, or 2950.09 of the Revised Code: 8374  
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(1) The offender is convicted of or pleads guilty to committing, on or after January 1, 1997, a sexually oriented offense that is a sexually violent offense and 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 that charged the sexually violent offense. 8379  
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(2) Regardless of when the sexually oriented offense was committed, on or after January 1, 1997, the offender is sentenced for a sexually oriented offense, and the sentencing judge determines pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator. 8385  
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(3) The delinquent child is adjudicated a delinquent child for committing a sexually oriented offense, was fourteen years of age or older at the time of committing the offense, and has been classified a juvenile sex offender registrant based on that adjudication, and the adjudicating judge or that judge's successor in office determines pursuant to division (B) of section 2950.09 or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the delinquent child is a sexual predator. 8390  
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(4) Prior to January 1, 1997, the offender was convicted of or pleaded guilty to, and was sentenced for, a sexually oriented offense, the offender is imprisoned in a state correctional institution on or after January 1, 1997, and the court determines pursuant to division (C) of section 2950.09 of the Revised Code 8398  
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that the offender is a sexual predator. 8403

(5) Regardless of when the sexually oriented offense was 8404  
committed, the offender or delinquent child is convicted of or 8405  
pleads guilty to, has been convicted of or pleaded guilty to, or 8406  
is adjudicated a delinquent child for committing a sexually 8407  
oriented offense in another state or in a federal court, military 8408  
court, or an Indian tribal court, as a result of that conviction, 8409  
plea of guilty, or adjudication, the offender or delinquent child 8410  
is required, under the law of the jurisdiction in which the 8411  
offender was convicted or pleaded guilty or the delinquent child 8412  
was adjudicated, to register as a sex offender until the 8413  
offender's or delinquent child's death and to verify the 8414  
offender's or delinquent child's address on at least a quarterly 8415  
basis each year, and, on or after July 1, 1997, for offenders or 8416  
January 1, 2002, for delinquent children the offender or 8417  
delinquent child moves to and resides in this state or temporarily 8418  
is domiciled in this state for more than seven days, unless a 8419  
court of common pleas or juvenile court determines that the 8420  
offender or delinquent child is not a sexual predator pursuant to 8421  
division (F) of section 2950.09 of the Revised Code. 8422

(H) "Sexually violent predator specification" and "sexually 8423  
violent offense" have the same meanings as in section 2971.01 of 8424  
the Revised Code. 8425

(I) "Post-release control sanction" and "transitional 8426  
control" have the same meanings as in section 2967.01 of the 8427  
Revised Code. 8428

(J) "Juvenile sex offender registrant" means a person who is 8429  
adjudicated a delinquent child for committing on or after January 8430  
1, 2002, a sexually oriented offense, who is fourteen years of age 8431  
or older at the time of committing the offense, and who a juvenile 8432  
court judge, pursuant to an order issued under section 2152.82, 8433  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 8434

juvenile sex offender registrant and specifies has a duty to 8435  
register under section 2950.04 of the Revised Code. 8436

(K) "Secure facility" means any facility that is designed and 8437  
operated to ensure that all of its entrances and exits are locked 8438  
and under the exclusive control of its staff and to ensure that, 8439  
because of that exclusive control, no person who is 8440  
institutionalized or confined in the facility may leave the 8441  
facility without permission or supervision. 8442

(L) "Out-of-state juvenile sex offender registrant" means a 8443  
person who is adjudicated a delinquent child for committing a 8444  
sexually oriented offense in another state or in a federal court, 8445  
military court, or Indian tribal court, who on or after January 1, 8446  
2002, moves to and resides in this state or temporarily is 8447  
domiciled in this state for more than seven days, and who under 8448  
section 2950.04 of the Revised Code has a duty to register in this 8449  
state as described in that section. 8450

(M) "Juvenile court judge" includes a magistrate to whom the 8451  
juvenile court judge confers duties pursuant to division (A)(15) 8452  
of section 2151.23 of the Revised Code. 8453

(N) "Adjudicated a delinquent child for committing a sexually 8454  
oriented offense" includes a child who receives a serious youthful 8455  
offender dispositional sentence under section 2152.13 of the 8456  
Revised Code for committing a sexually oriented offense. 8457

(O) "Community control sanction" has the same meaning as in 8458  
section 2929.01 of the Revised Code. 8459

**Sec. 2950.99.** (A) Whoever violates a prohibition in section 8460  
2950.04, 2950.05, or 2950.06 of the Revised Code is guilty of a 8461  
felony of the fifth degree if the most serious sexually oriented 8462  
offense that was the basis of the registration, change of address 8463  
notification, or address verification requirement that was 8464



violated under the prohibition is a felony if committed by an 8465  
adult, and a misdemeanor of the first degree if the most serious 8466  
sexually oriented offense that was the basis of the registration, 8467  
change of address notification, or address verification 8468  
requirement that was violated under the prohibition is a 8469  
misdemeanor if committed by an adult. In addition to any penalty 8470  
or sanction imposed for the violation, if the offender or 8471  
delinquent child is subject to a community control sanction, is on 8472  
probation or parole, is subject to one or more post-release 8473  
control sanctions, or is subject to any other type of supervised 8474  
release at the time of the violation, the violation shall 8475  
constitute a violation of the terms and conditions of the 8476  
probation community control sanction, parole, post-release control 8477  
sanction, or other type of supervised release. 8478

(B) If a person violates a prohibition in section 2950.04, 8479  
2950.05, or 2950.06 of the Revised Code that applies to the person 8480  
as a result of the person being adjudicated a delinquent child and 8481  
being classified a juvenile sex offender registrant or is an 8482  
out-of-state juvenile sex offender registrant, both of the 8483  
following apply: 8484

(1) If the violation occurs while the person is under 8485  
eighteen years of age, the person is subject to proceedings under 8486  
Chapter 2152. of the Revised Code based on the violation. 8487

(2) If the violation occurs while the person is eighteen 8488  
years of age or older, the person is subject to criminal 8489  
prosecution based on the violation. 8490

**Sec. 2951.01.** ~~The definition of "magistrate" set forth~~ As 8491  
used in this chapter: 8492

(A) "Magistrate" has the same meaning as in section 2931.01 8493  
of the Revised Code ~~applies to Chapter 2951. of the Revised Code.~~ 8494

<u>(B) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.</u>	8495 8496
<u>(C) "Ignition interlock device" has the same meaning as in section 4511.83 of the Revised Code.</u>	8497 8498
<u>(D) "Multicounty department of probation" means a probation department established under section 2301.27 of the Revised Code to serve more than one county.</u>	8499 8500 8501
<u>(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.</u>	8502 8503 8504 8505
<u>(F) "County-operated municipal court" and "legislative authority" have the same meanings as in section 1901.03 of the Revised Code.</u>	8506 8507 8508
<u>(G) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.</u>	8509 8510
<u>(H) "Repeat offender" and "dangerous offender" have the same meanings as in section 2935.36 of the Revised Code.</u>	8511 8512
<u>(I) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.</u>	8513 8514
<u>(J) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.</u>	8515 8516
<u>(K) "Firearm," "deadly weapon," and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.</u>	8517 8518
<b>Sec. 2951.011.</b> (A) <u>(1)</u> 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	8519 8520 8521 8522 8523

of imprisonment for an offense that was committed prior to July 1, 1996.

~~(B)(2)~~ Chapter 2951. of the Revised Code as it exists on and after July 1, 1996, applies to a person upon whom a court imposed a stated prison term for an offense committed on or after July 1, 1996.

(B)(1) Except as provided in division (A)(1) of this section, Chapter 2951. of the Revised Code, as it existed prior to July 1, 2003, applies to a person upon whom a court imposed a sentence for a misdemeanor offense prior to July 1, 2003, and a person upon whom a court, on or after July 1, 2003, and in accordance with law existing prior to July 1, 2003, imposed a sentence for a misdemeanor offense that was committed prior to July 1, 2003.

(2) Except as provided in division (A)(2) of this section, Chapter 2951. of the Revised Code as it exists on and after July 1, 2003, applies to a person upon whom a court imposes a sentence for a misdemeanor offense committed on or after July 1, 2003.

~~Sec. 2951.02. (A)(1) In determining whether to suspend a sentence of imprisonment imposed upon an offender for a misdemeanor and place the offender on probation or whether to otherwise suspend a sentence of imprisonment imposed upon an offender for a misdemeanor pursuant to division (A) of section 2929.51 of the Revised Code, the court shall consider the risk that the offender will commit another offense and the need for protecting the public from the risk, the nature and circumstances of the offense, and the history, character, and condition of the offender.~~

~~(2) An offender who has been convicted of or pleaded guilty to a misdemeanor shall not be placed on probation and shall not otherwise have the sentence of imprisonment imposed upon the~~

~~offender suspended pursuant to division (A) of section 2929.51 of  
the Revised Code if either of the following applies:~~ 8554  
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~~(a) The offender is a repeat or dangerous offender.~~ 8556

~~(b) The misdemeanor offense involved was not a violation of  
section 2923.12 of the Revised Code and was committed while the  
offender was armed with a firearm or dangerous ordnance.~~ 8557  
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~~(B) The following do not control the court's discretion but  
the court shall consider them in favor of placing an offender who  
has been convicted of or pleaded guilty to a misdemeanor on  
probation or in favor of otherwise suspending the offender's  
sentence of imprisonment pursuant to division (A) of section  
2929.51 of the Revised Code:~~ 8560  
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~~(1) The offense neither caused nor threatened serious harm to  
persons or property, or the offender did not contemplate that it  
would do so.~~ 8566  
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~~(2) The offense was the result of circumstances unlikely to  
recur.~~ 8569  
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~~(3) The victim of the offense induced or facilitated it.~~ 8571

~~(4) There are substantial grounds tending to excuse or  
justify the offense, though failing to establish a defense.~~ 8572  
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~~(5) The offender acted under strong provocation.~~ 8574

~~(6) The offender has no history of prior delinquency or  
criminal activity, or has led a law-abiding life for a substantial  
period before commission of the present offense.~~ 8575  
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~~(7) The offender is likely to respond affirmatively to  
probationary or other court-imposed treatment.~~ 8578  
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~~(8) The character and attitudes of the offender indicate that  
the offender is unlikely to commit another offense.~~ 8580  
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~~(9) The offender has made or will make restitution or~~ 8582

~~reparation to the victim of the offender's offense for the injury,  
damage, or loss sustained.~~ 8583  
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~~(10) Imprisonment of the offender will entail undue hardship  
to the offender or the offender's dependents.~~ 8585  
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~~(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:~~ 8587  
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~~(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;~~ 8602  
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~~(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~~ 8607  
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~~division does not limit the court in imposing a requirement that 8615  
the offender obtain counseling for any offense or in any 8616  
circumstance not specified in this division. 8617~~

~~(c) A requirement that the offender not ingest or be injected 8618  
with a drug of abuse and submit to random drug testing and 8619  
requiring that the results of the drug test indicate that the 8620  
offender did not ingest or was not injected with a drug of abuse. 8621  
If the court requires the offender to submit to random drug 8622  
testing under division (C)(1)(c) of this section, the county 8623  
department of probation, the multicounty department of probation, 8624  
or the adult parole authority, as appropriate, that has general 8625  
control and supervision of offenders who are on probation or other 8626  
suspension or are under a nonresidential sanction, shall cause the 8627  
offender to submit to random drug testing pursuant to section 8628  
2951.05 of the Revised Code. 8629~~

~~(2) During the period of a misdemeanor offender's probation 8630  
community control sanction or other suspension or during the 8631  
period of a ~~felon's~~ felony offender's nonresidential sanction, 8632  
authorized probation officers who are engaged within the scope of 8633  
their supervisory duties or responsibilities may search, with or 8634  
without a warrant, the person of the offender, the place of 8635  
residence of the offender, and a motor vehicle, another item of 8636  
tangible or intangible personal property, or other real property 8637  
in which the offender has a right, title, or interest or for which 8638  
the offender has the express or implied permission of a person 8639  
with a right, title, or interest to use, occupy, or possess if the 8640  
probation officers have reasonable grounds to believe that the 8641  
offender is not abiding by the law or otherwise is not complying 8642  
with the conditions of the misdemeanor offender's ~~probation or~~ 8643  
~~other suspension~~ community control sanction or the conditions of 8644  
the felony offender's nonresidential sanction. If a ~~felon~~ felony 8645  
offender who is sentenced to a nonresidential sanction is under 8646~~

the general control and supervision of the adult parole authority, 8647  
as described in division (A)(2)(a) of section 2929.15 of the 8648  
Revised Code, adult parole authority field officers with 8649  
supervisory responsibilities over the ~~felon~~ felony offender shall 8650  
have the same search authority relative to the ~~felon~~ felony 8651  
offender during the period of the sanction ~~as~~ that is described 8652  
under this division for probation officers. The court that places 8653  
the misdemeanor offender ~~on probation or suspends the misdemeanor~~  
~~offender's sentence of imprisonment~~ under a community control 8654  
sanction pursuant to ~~division (D)(2) or (4) of section 2929.51~~  
2929.25 of the Revised Code or that sentences the ~~felon~~ felony 8655  
offender to a nonresidential sanction pursuant to section 2929.17 8656  
of the Revised Code shall provide the offender with a written 8657  
notice that informs the offender that authorized probation 8658  
officers or adult parole authority field officers with supervisory 8659  
responsibilities over the offender who are engaged within the 8660  
scope of their supervisory duties or responsibilities may conduct 8661  
those types of searches during the period of ~~probation or other~~  
~~suspension or during the period of the~~ community control sanction 8662  
or nonresidential sanction if they have reasonable grounds to 8663  
believe that the offender is not abiding by the law or otherwise 8664  
is not complying with the conditions of the offender's ~~probation~~  
~~or other suspension or the conditions of the offender's~~ community  
control sanction or nonresidential sanction. 8665  
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~~(D) The following do not control the court's discretion but~~ 8671  
~~the court shall consider them against placing an offender who has~~ 8672  
~~been convicted of or pleaded guilty to a misdemeanor on probation~~ 8673  
~~and against otherwise suspending the offender's sentence of~~ 8674  
~~imprisonment pursuant to division (A) of section 2929.51 of the~~ 8675  
~~Revised Code:~~ 8676

~~(1) The offender recently violated the conditions of pardon,~~ 8677  
~~post-release control pursuant to section 2967.28 of the Revised~~ 8678

~~Code, or a probation or suspension pursuant to division (A) of  
section 2929.51 of the Revised Code, previously granted the  
offender.~~

~~(2) There is a substantial risk that, while at liberty during  
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 8710  
perform supervised community service work in accordance with this 8711  
division. The supervised community service work shall be under the 8712  
authority of health districts, park districts, counties, municipal 8713  
corporations, townships, other political subdivisions of the 8714  
state, or agencies of the state or any of its political 8715  
subdivisions, or under the authority of charitable organizations 8716  
that render services to the community or its citizens, in 8717  
accordance with this division. ~~Supervised community service work~~ 8718  
~~shall not be required as a condition of probation or other~~ 8719  
~~suspension under this division unless the offender agrees to~~ 8720  
~~perform the work offered as a condition of probation or other~~ 8721  
~~suspension by the court.~~ The court may require an offender who 8722  
~~agrees~~ is ordered to perform the work to pay to it a reasonable 8723  
fee to cover the costs of the offender's participation in the 8724  
work, including, but not limited to, the costs of procuring a 8725  
policy or policies of liability insurance to cover the period 8726  
during which the offender will perform the work. 8727

A court may permit any offender convicted of a felony or a 8728  
misdemeanor to satisfy the payment of a fine imposed for the 8729  
offense pursuant to section 2929.18 or 2929.28 of the Revised Code 8730  
by performing supervised community service work as described in 8731  
this division if the offender requests an opportunity to satisfy 8732  
the payment by this means and if the court determines that the 8733  
offender is financially unable to pay the fine. 8734

The supervised community service work that may be imposed 8735  
under this division shall be subject to the following limitations: 8736

~~(a)~~(1) The court shall fix the period of the work and, if 8737  
necessary, shall distribute it over weekends or over other 8738  
appropriate times that will allow the offender to continue at the 8739  
offender's occupation or to care for the offender's family. The 8740  
period of the work as fixed by the court shall not exceed ~~an~~ in 8741

the aggregate of two hundred the number of hours of community 8742  
service imposed by the court pursuant to section 2929.17 or 8743  
2929.27 of the Revised Code. 8744

~~(b)~~(2) An agency, political subdivision, or charitable 8745  
organization must agree to accept the offender for the work before 8746  
the court requires the offender to perform the work for the 8747  
entity. A court shall not require an offender to perform 8748  
supervised community service work for an agency, political 8749  
subdivision, or charitable organization at a location that is an 8750  
unreasonable distance from the offender's residence or domicile, 8751  
unless the offender is provided with transportation to the 8752  
location where the work is to be performed. 8753

~~(c)~~(3) A court may enter into an agreement with a county 8754  
department of job and family services for the management, 8755  
placement, and supervision of offenders eligible for community 8756  
service work in work activities, developmental activities, and 8757  
alternative work activities under sections 5107.40 to 5107.69 of 8758  
the Revised Code. If a court and a county department of job and 8759  
family services have entered into an agreement of that nature, the 8760  
clerk of that court is authorized to pay directly to the county 8761  
department all or a portion of the fees collected by the court 8762  
pursuant to this division in accordance with the terms of its 8763  
agreement. 8764

~~(d)~~(4) Community service work that a court requires under 8765  
this division shall be supervised by an official of the agency, 8766  
political subdivision, or charitable organization for which the 8767  
work is performed or by a person designated by the agency, 8768  
political subdivision, or charitable organization. The official or 8769  
designated person shall be qualified for the supervision by 8770  
education, training, or experience, and periodically shall report, 8771  
in writing, to the court and to the offender's probation officer 8772  
concerning the conduct of the offender in performing the work. 8773

~~(2) When an offender is convicted of a felony, the court may impose pursuant to sections 2929.15 and 2929.17 of the Revised Code a sanction that requires the offender to perform supervised community service work in accordance with this division and under the authority of any agency, political subdivision, or charitable 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 8806  
municipal ordinance relating to operating a vehicle with a 8807  
prohibited concentration of alcohol in the blood, breath, or 8808  
urine, the court may require, as a condition of ~~probation in~~ 8809  
~~addition to the required conditions of probation and the~~ 8810  
~~discretionary conditions of probation that may be imposed pursuant~~ 8811  
~~to division (C) of this section~~ a community control sanction, any 8812  
suspension or revocation of a driver's or commercial driver's 8813  
license or permit or nonresident operating privilege, and all 8814  
other penalties provided by law or by ordinance, that the offender 8815  
operate only a motor vehicle equipped with an ignition interlock 8816  
device that is certified pursuant to section 4511.83 of the 8817  
Revised Code. 8818

(2) ~~When~~ If a court requires an offender, as a condition of 8819  
~~probation~~ a community control sanction pursuant to division 8820  
~~(G)(C)~~(1) of this section, to operate only a motor vehicle 8821  
equipped with an ignition interlock device that is certified 8822  
pursuant to section 4511.83 of the Revised Code, the offender 8823  
immediately shall surrender the offender's driver's or commercial 8824  
driver's license or permit to the court. Upon the receipt of the 8825  
offender's license or permit, the court shall issue an order 8826  
authorizing the offender to operate a motor vehicle equipped with 8827  
a certified ignition interlock device, deliver the offender's 8828  
license or permit to the bureau of motor vehicles, and include in 8829  
the abstract of the case forwarded to the bureau pursuant to 8830  
section 4507.021 of the Revised Code the conditions of ~~probation~~ 8831  
the community control sanction imposed pursuant to division 8832  
~~(G)(C)~~(1) of this section. The court shall give the offender a 8833  
copy of its order, and that copy shall be used by the offender in 8834  
lieu of a driver's or commercial driver's license or permit until 8835  
the bureau issues a restricted license to the offender. 8836

(3) Upon receipt of an offender's driver's or commercial 8837

driver's license or permit pursuant to division ~~(G)~~(C)(2) of this 8838  
section, the bureau of motor vehicles shall issue a restricted 8839  
license to the offender. The restricted license shall be identical 8840  
to the surrendered license, except that it shall have printed on 8841  
its face a statement that the offender is prohibited from 8842  
operating a motor vehicle that is not equipped with an ignition 8843  
interlock device that is certified pursuant to section 4511.83 of 8844  
the Revised Code. The bureau shall deliver the offender's 8845  
surrendered license or permit to the court upon receipt of a court 8846  
order requiring it to do so, or reissue the offender's license or 8847  
permit under section 4507.54 of the Revised Code if the registrar 8848  
destroyed the offender's license or permit under that section. The 8849  
offender shall surrender the restricted license to the court upon 8850  
receipt of the offender's surrendered license or permit. 8851

(4) If an offender violates a requirement of the court 8852  
imposed under division ~~(G)~~(C)(1) of this section, the offender's 8853  
driver's or commercial driver's license or permit or nonresident 8854  
operating privilege may be suspended as provided in section 8855  
4507.16 of the Revised Code. 8856  
8857

~~(H) As used in this section:~~ 8858

~~(1) "Repeat offender" and "dangerous offender" have the same 8859  
meanings as in section 2935.36 of the Revised Code.~~ 8860

~~(2) "Firearm" and "dangerous ordnance" have the same meanings 8861  
as in section 2923.11 of the Revised Code.~~ 8862

~~(3) "Theft offense" has the same meaning as in section 8863  
2913.01 of the Revised Code.~~ 8864

~~(4) "Random drug testing" has the same meaning as in section 8865  
5120.63 of the Revised Code.~~ 8866

~~(5) "Ignition interlock device" has the same meaning as in 8867  
section 4511.83 of the Revised Code.~~ 8868

Sec. 2951.021. (A) ~~As used in this section:~~ 8869

~~(1) "Multicounty department of probation" means a probation department established under section 2301.27 of the Revised Code to serve more than one county.~~ 8870  
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~~(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.~~ 8873  
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~~(3) "County-operated municipal court" and "legislative authority" have the same meanings as in section 1901.03 of the Revised Code.~~ 8877  
8878  
8879

~~(4) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.~~ 8880  
8881

~~(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~~ 8882  
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under the control of the adult parole authority, the court shall 8900  
specify that the offender is to pay the fee to the clerk of the 8901  
court of common pleas. 8902

(2) No person shall be assessed, in any month, more than 8903  
fifty dollars in supervision fees. 8904

(3) The prosecuting attorney of the county or the chief legal 8905  
officer of a municipal corporation in which is located the court 8906  
that imposed sentence upon an offender may bring a civil action to 8907  
recover unpaid monthly supervision fees that the offender was 8908  
required to pay. Any amount recovered in the civil action shall be 8909  
paid into the appropriate county or municipal probation services 8910  
fund in accordance with division ~~(C)~~(B) of this section. 8911  
8912

(4) The failure of an offender to comply with a condition of 8913  
~~probation or of~~ community control that requires the offender to 8914  
pay a monthly supervision fee and that is imposed under division 8915  
~~(B)~~(A)(1) of this section shall not constitute the basis for a 8916  
~~revocation of the offender's probation and the imposition of the~~ 8917  
~~offender's sentence under section 2951.09 of the Revised Code or~~ 8918  
the modification of the offender's community control sanctions 8919  
pursuant to section 2929.15 or 2929.25 of the Revised Code but may 8920  
be considered with any other factors that form the basis of a 8921  
~~revocation of probation or~~ modification of a sanction for 8922  
violating a community control sanction under those sections. If 8923  
the court determines ~~at a hearing held pursuant to section 2951.09~~ 8924  
~~of the Revised Code~~ that a misdemeanor offender on probation 8925  
community control failed to pay a monthly supervision fee imposed 8926  
under division ~~(B)~~(A)(1) of this section and that no other factors 8927  
warranting ~~revocation of probation~~ the modification of the 8928  
offender's community control sanction are present, the court shall 8929  
~~not revoke the offender's probation, shall~~ remand the offender to 8930  
the custody of the probation agency, and may impose any additional 8931

conditions of ~~probation~~ community control upon the offender, 8932  
including a requirement that the offender perform community 8933  
service, as the ends of justice require. Any requirement imposed 8934  
pursuant to division ~~(B)~~(A)(4) of this section that the offender 8935  
perform community service shall be in addition to and shall not 8936  
limit or otherwise affect any order that the offender perform 8937  
community service pursuant to division ~~(F)~~~~(1)~~~~(a)~~(B) of section 8938  
2951.02 of the Revised Code. 8939

~~(C)~~(B) Prior to the last day of the month in each month 8940  
during the period of ~~probation or~~ of community control, an 8941  
offender who is ordered to pay a monthly supervision fee under 8942  
this section shall pay the fee to the probation agency that has 8943  
control and supervision over the offender or to the clerk of the 8944  
court for which the probation agency is established, as specified 8945  
by the court, except that, if the probation agency is the adult 8946  
parole authority, the offender shall pay the fee to the clerk of 8947  
the court of common pleas. Each probation agency or clerk of a 8948  
court that receives any monthly supervision fees shall keep a 8949  
record of the monthly supervision fees that are paid to the agency 8950  
or the clerk and shall give a written receipt to each person who 8951  
pays a supervision fee to the agency or clerk. 8952

~~(D)~~(C) Subject to division ~~(F)~~(E) of this section, all 8953  
monthly supervision fees collected under this section by a 8954  
probation agency or the clerk of a court shall be disposed of in 8955  
the following manner: 8956

(1) For offenders who are under the control and supervision 8957  
of a county department of probation or a municipal court 8958  
department of probation in a county-operated municipal court, on 8959  
or before the fifth business day of each month, the chief 8960  
probation officer, the chief probation officer's designee, or the 8961  
clerk of the court shall pay all monthly supervision fees 8962  
collected in the previous month to the county treasurer of the 8963



county in which the county department of probation or municipal  
court department of probation is established for deposit into the  
county probation services fund established in the county treasury  
of that county pursuant to division (A)(1) section 321.44 of the  
Revised Code.

(2) For offenders who are under the control and supervision  
of a multicounty department of probation, on or before the fifth  
business day of each month, the chief probation officer, the chief  
probation officer's designee, or the clerk of the court shall pay  
all monthly supervision fees collected in the previous month to  
the county treasurer of the county in which is located the court  
of common pleas that placed the offender ~~on probation~~ or under a  
community control sanction under the control of the department for  
deposit into the county probation services fund established in the  
county treasury of that county pursuant to division (A)(1) of  
section 321.44 of the Revised Code and for subsequent  
appropriation and transfer in accordance with division (A)(2) of  
that section to the appropriate multicounty probation services  
fund established pursuant to division (B) of that section.

(3) For offenders who are under the control and supervision  
of a municipal court department of probation in a municipal court  
that is not a county-operated municipal court, on or before the  
fifth business day of each month, the chief probation officer, the  
chief probation officer's designee, or the clerk of the court  
shall pay all monthly supervision fees collected in the previous  
month to the treasurer of the municipal corporation for deposit  
into the municipal probation services fund established pursuant to  
section 737.41 of the Revised Code.

(4) For offenders who are under the control and supervision  
of the adult parole authority, the clerk of the court of common  
pleas, on or before the fifth business day of January, April,  
July, and October, shall pay all monthly supervision fees

collected by the clerk in the previous three months to the 8996  
treasurer of the county in which is located the court of common 8997  
pleas that placed the offender ~~on probation or~~ under a community 8998  
control sanction under the control of the authority for deposit 8999  
into the county probation services fund established in the county 9000  
treasury of that county pursuant to division (A)(1) of section 9001  
321.44 of the Revised Code and for subsequent appropriation and 9002  
transfer in accordance with division (A)(2) of that section to the 9003  
adult parole authority probation services fund established 9004  
pursuant to section 5149.06 of the Revised Code. 9005

~~(E)~~(D) Not later than the first day of December of each year, 9006  
each probation agency shall prepare a report regarding its use of 9007  
money from a county probation services fund, a multicounty 9008  
probation services fund, a municipal probation services fund, or 9009  
the adult parole authority probation services fund, whichever is 9010  
applicable. The report shall specify the amount appropriated from 9011  
the fund to the probation agency during the current calendar year, 9012  
an estimate of the amount that the probation agency will expend by 9013  
the end of the year, a summary of how the amount appropriated has 9014  
been expended for probation services, and an estimate of the 9015  
amount of supervision fees that the probation agency will collect 9016  
and pay to the appropriate treasurer for deposit in the 9017  
appropriate fund in the next calendar year. The report shall be 9018  
filed with one of the following: 9019

(1) If the probation agency is a county department of 9020  
probation or a municipal court department of probation in a 9021  
county-operated municipal court, with the board of county 9022  
commissioners of that county; 9023

(2) If the probation agency is a multicounty department of 9024  
probation, with the board of county commissioners of the county 9025  
whose treasurer, in accordance with section 2301.27 of the Revised 9026  
Code, is designated as the treasurer to whom supervision fees 9027

collected under this section are to be appropriated and 9028  
transferred under division (A)(2) of section 321.44 of the Revised 9029  
Code; 9030

(3) If the probation agency is a department of probation of a 9031  
municipal court that is not a county-operated municipal court, 9032  
with the legislative authority of the municipal corporation that 9033  
operates the court; 9034

(4) If the probation agency is the adult parole authority, 9035  
with the ~~chairmen~~ chairpersons of the finance committees of the 9036  
senate and the house of representatives, the directors of the 9037  
office of budget and management and the legislative ~~budget office~~ 9038  
service commission, and the board of county commissioners in each 9039  
county for which the adult parole authority provides probation 9040  
services. 9041

~~(F)~~(E) If the clerk of a court of common pleas or the clerk 9042  
of a municipal court collects any monthly supervision fees under 9043  
this section, the clerk may retain up to two per cent of the fees 9044  
so collected to cover any administrative costs experienced in 9045  
complying with the clerk's duties under this section. 9046

**Sec. 2951.041.** (A)(1) If an offender is charged with a 9047  
criminal offense and the court has reason to believe that drug or 9048  
alcohol usage by the offender was a factor leading to the 9049  
offender's criminal behavior, the court may accept, prior to the 9050  
entry of a guilty plea, the offender's request for intervention in 9051  
lieu of conviction. The request shall include a waiver of the 9052  
defendant's right to a speedy trial, the preliminary hearing, the 9053  
time period within which the grand jury may consider an indictment 9054  
against the offender, and arraignment, unless the hearing, 9055  
indictment, or arraignment has already occurred. The court may 9056  
reject an offender's request without a hearing. If the court 9057  
elects to consider an offender's request, the court shall conduct 9058

a hearing to determine whether the offender is eligible under this 9059  
section for intervention in lieu of conviction and shall stay all 9060  
criminal proceedings pending the outcome of the hearing. If the 9061  
court schedules a hearing, the court shall order an assessment of 9062  
the offender for the purpose of determining the offender's 9063  
eligibility for intervention in lieu of conviction and 9064  
recommending an appropriate intervention plan. 9065

(2) The victim notification provisions of division (C) of 9066  
section 2930.08 of the Revised Code apply in relation to any 9067  
hearing held under division (A)(1) of this section. 9068

(B) An offender is eligible for intervention in lieu of 9069  
conviction if the court finds all of the following: 9070

(1) The offender previously has not been convicted of or 9071  
pleaded guilty to a felony, previously has not been through 9072  
intervention in lieu of conviction under this section or any 9073  
similar regimen, and is charged with a felony for which the court, 9074  
upon conviction, would impose sentence under division (B)(2)(b) of 9075  
section 2929.13 of the Revised Code or with a misdemeanor. 9076

(2) The offense is not a felony of the first, second, or 9077  
third degree, is not an offense of violence, is not a violation of 9078  
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 9079  
not a violation of division (A)(1) of section 2903.08 of the 9080  
Revised Code, is not a violation of division (A) of section 9081  
4511.19 of the Revised Code or a municipal ordinance that is 9082  
substantially similar to that division, and is not an offense for 9083  
which a sentencing court is required to impose a mandatory prison 9084  
term, a mandatory term of local incarceration, or a mandatory term 9085  
of imprisonment in a jail. 9086

(3) The offender is not charged with a violation of section 9087  
2925.02, 2925.03, 2925.04, or 2925.06 of the Revised Code and is 9088  
not charged with a violation of section 2925.11 of the Revised 9089  
Code that is a felony of the first, second, or third degree. 9090

(4) The offender is not charged with a violation of section 2925.11 of the Revised Code that is a felony of the fourth degree, or the offender is charged with a violation of that section that is a felony of the fourth degree and the prosecutor in the case has recommended that the offender be classified as being eligible for intervention in lieu of conviction under this section.

(5) The offender has been assessed by an appropriately licensed provider, certified facility, or licensed and credentialed professional, including, but not limited to, a program licensed by the department of alcohol and drug addiction services pursuant to section 3793.11 of the Revised Code, a program certified by that department pursuant to section 3793.06 of the Revised Code, a public or private hospital, the United States department of veterans affairs, another appropriate agency of the government of the United States, or a licensed physician, psychiatrist, psychologist, independent social worker, professional counselor, or chemical dependency counselor for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan.

(6) The offender's drug or alcohol usage was a factor leading to the criminal offense with which the offender is charged, intervention in lieu of conviction would not demean the seriousness of the offense, and intervention would substantially reduce the likelihood of any future criminal activity.

(7) The alleged victim of the offense was not sixty-five years of age or older, permanently and totally disabled, under thirteen years of age, or a peace officer engaged in the officer's official duties at the time of the alleged offense.

(8) If the offender is charged with a violation of section 2925.24 of the Revised Code, the alleged violation did not result in physical harm to any person, and the offender previously has

not been treated for drug abuse.

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(9) The offender is willing to comply with all terms and conditions imposed by the court pursuant to division (D) of this section.

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(C) At the conclusion of a hearing held pursuant to division (A) of this section, the court shall enter its determination as to whether the offender is eligible for intervention in lieu of conviction and as to whether to grant the offender's request. If the court finds under division (B) of this section that the offender is eligible for intervention in lieu of conviction and grants the offender's request, the court shall accept the offender's plea of guilty and waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. In addition, the court then may stay all criminal proceedings and order the offender to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. If the court finds that the offender is not eligible or does not grant the offender's request, the criminal proceedings against the offender shall proceed as if the offender's request for intervention in lieu of conviction had not been made.

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(D) If the court grants an offender's request for intervention in lieu of conviction, the court shall place the offender under the general control and supervision of the county probation department, the adult parole authority, or another appropriate local probation or court services agency, if one exists, as if the offender was subject to a community control sanction imposed under section 2929.15 ~~or~~, 2929.18, or 2929.25 of the Revised Code ~~or was on probation under sections 2929.51 and 2951.02 of the Revised Code and other provisions of the~~

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~~misdemeanor sentencing law.~~ The court shall establish an 9155  
intervention plan for the offender. The terms and conditions of 9156  
the intervention plan shall require the offender, for at least one 9157  
year from the date on which the court grants the order of 9158  
intervention in lieu of conviction, to abstain from the use of 9159  
illegal drugs and alcohol and to submit to regular random testing 9160  
for drug and alcohol use and may include any other treatment terms 9161  
and conditions, or terms and conditions similar to community 9162  
control sanctions, that are ordered by the court. 9163

(E) If the court grants an offender's request for 9164  
intervention in lieu of conviction and the court finds that the 9165  
offender has successfully completed the intervention plan for the 9166  
offender, including the requirement that the offender abstain from 9167  
using drugs and alcohol for a period of at least one year from the 9168  
date on which the court granted the order of intervention in lieu 9169  
of conviction and all other terms and conditions ordered by the 9170  
court, the court shall dismiss the proceedings against the 9171  
offender. Successful completion of the intervention plan and 9172  
period of abstinence under this section shall be without 9173  
adjudication of guilt and is not a criminal conviction for 9174  
purposes of any disqualification or disability imposed by law and 9175  
upon conviction of a crime, and the court may order the sealing of 9176  
records related to the offense in question in the manner provided 9177  
in sections 2953.31 to 2953.36 of the Revised Code. 9178

(F) If the court grants an offender's request for 9179  
intervention in lieu of conviction and the offender fails to 9180  
comply with any term or condition imposed as part of the 9181  
intervention plan for the offender, the supervising authority for 9182  
the offender promptly shall advise the court of this failure, and 9183  
the court shall hold a hearing to determine whether the offender 9184  
failed to comply with any term or condition imposed as part of the 9185  
plan. If the court determines that the offender has failed to 9186

comply with any of those terms and conditions, it shall enter a finding of guilty and shall impose an appropriate sanction under Chapter 2929. of the Revised Code.

(G) As used in this section:

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

(2) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.

(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

**Sec. 2951.05.** ~~(A) If an offender mentioned in section 2951.02 of the Revised Code resides in the county in which the trial was conducted, the court that issues an order of probation shall place the offender under the control and supervision of a department of probation in the county that serves the court. If there is no department of probation in the county that serves the court, the probation order, under section 2301.32 of the Revised Code, may place the offender on probation in charge of the adult parole authority created by section 5149.02 of the Revised Code that then shall have the powers and duties of a county department of probation. If the offender resides in a county other than the county in which the court granting probation is located and a county department of probation has been established in the county of residence or the county of residence is served by a multicounty probation department, the order of probation may request the court of common pleas of the county in which the offender resides to receive the offender into the control and supervision of that county or multicounty department of probation, subject to the jurisdiction of the trial judge over and with respect to the person of the offender, and to the rules governing that department of probation. If the offender's county of residence has no county~~



~~or multicounty department of probation, the judge may place the~~ 9218  
~~offender on probation in charge of the adult parole authority~~ 9219  
~~created by section 5149.02 of the Revised Code.~~ 9220

~~(B)(1)~~ A county department of probation, a multicounty 9221  
department of probation, or the adult parole authority, ~~as~~ 9222  
~~appropriate under division (A) of this section,~~ that has general 9223  
control and supervision of offenders who are required to submit to 9224  
random drug testing under division ~~(C)(1)(c)~~ (A)(1)(a) of section 9225  
~~2951.02~~ 2929.25 of the Revised Code or who are subject to a 9226  
nonresidential sanction that includes random drug testing under 9227  
section 2929.17 or 2929.27 of the Revised Code, may cause each 9228  
offender to submit to random drug testing performed by a 9229  
laboratory or entity that has entered into a contract with any of 9230  
the governmental entities or officers authorized to enter into a 9231  
contract with that laboratory or entity under section 341.26, 9232  
753.33, or 5120.63 of the Revised Code. 9233

(2) If no laboratory or entity described in division 9234  
~~(B)(A)~~(1) of this section has entered into a contract as specified 9235  
in ~~those divisions~~ that division, the county department of 9236  
probation, the multicounty department of probation, or the adult 9237  
parole authority, as appropriate, that has general control and 9238  
supervision of offenders ~~described in division (B)(1) of this~~ 9239  
~~section~~ shall cause the offender to submit to random drug testing 9240  
performed by a reputable public laboratory to determine whether 9241  
the individual who is the subject of the drug test ingested or was 9242  
injected with a drug of abuse. 9243

(3) A laboratory or entity that has entered into a contract 9244  
~~pursuant to as specified in division (A)(1) of this section~~ 9245  
~~341.26, 753.33, or 5120.63 of the Revised Code~~ shall perform the 9246  
random drug testing ~~under division (B)(1) of this section~~ in 9247  
accordance with the applicable standards that are included in the 9248  
terms of that contract. A public laboratory shall perform the 9249

random drug tests ~~under division (B)(3) of this section~~ in 9250  
accordance with the standards set forth in the policies and 9251  
procedures established by the department of rehabilitation and 9252  
correction pursuant to section 5120.63 of the Revised Code. An 9253  
offender ~~who is required to submit to random drug testing under~~ 9254  
~~division (C)(1)(c) of section 2951.02 of the Revised Code~~ or who 9255  
is subject to a nonresidential sanction that includes random drug 9256  
testing under section 2929.17 or 2929.27 of the Revised Code shall 9257  
pay the fee for the drug test if the test results indicate that 9258  
the offender ingested or was injected with a drug of abuse and if 9259  
the county department of probation, the multicounty department of 9260  
probation, or the adult parole authority that has general control 9261  
and supervision of the offender requires payment of a fee. A 9262  
laboratory or entity that performs the random drug testing on an 9263  
offender ~~under division (B)(1) or (2) of this section~~ shall 9264  
transmit the results of the drug test to the appropriate county 9265  
probation department, multicounty probation department, or adult 9266  
parole authority that has general control and supervision of the 9267  
offender. 9268

~~(C)(B)~~ As used in this section: 9269

(1) "Multicounty department of probation" means a probation 9270  
department established under section 2301.27 of the Revised Code 9271  
to serve more than one county. 9272

(2) "Random drug testing" has the same meaning as in section 9273  
5120.63 of the Revised Code. 9274

**Sec. 2951.06.** Upon entry in the records of the judge or 9275  
magistrate, ~~of the order for probation~~ sentence of a community 9276  
control sanction provided for in section ~~2951.02~~ 2929.15 or 9277  
2929.25 of the Revised Code, the defendant shall be released from 9278  
custody as soon as the requirements and conditions required by the 9279  
judge supervising the ~~probation,~~ community control sanction have 9280

been met. The defendant shall continue under the control and 9281  
supervision of the ~~adult parole authority created by section~~ 9282  
~~5149.02 of the Revised Code or the county department of~~ 9283  
appropriate probation agency, to the extent required by law, the 9284  
conditions of the ~~order of probation community control sanction~~, 9285  
and the rules and regulations governing ~~said agency of the~~ 9286  
probation agency. 9287

**Sec. 2951.07.** ~~Probation under section 2951.02 of the Revised~~ 9288  
~~Code~~ A community control sanction continues for the period that 9289  
the judge or magistrate determines and, subject to ~~division~~ 9290  
~~(F)(1)(a) of that~~ the five-year limit specified in section 2929.15 9291  
or 2929.25 of the Revised Code, may be extended. ~~Except as~~ 9292  
~~provided in division (F)(1)(a) of that section, the total period~~ 9293  
~~of an offender's probation shall not exceed five years.~~ If the 9294  
~~probationer~~ offender under community control absconds or otherwise 9295  
~~absents himself or herself from~~ leaves the jurisdiction of the 9296  
court without permission from the ~~county department of probation~~ 9297  
officer, the probation agency, or the court to do so, or if the 9298  
~~probationer~~ offender is confined in any institution for the 9299  
commission of any offense ~~whatever~~, the probation period of 9300  
community control ceases to run until ~~such the time as that~~ 9301  
~~probationer~~ offender is brought before the court for its further 9302  
action. 9303

**Sec. 2951.08.** (A) During a period of ~~probation or~~ community 9304  
control, any field officer or probation officer may arrest the 9305  
person ~~on probation or~~ under a community control sanction without 9306  
a warrant and bring the person before the judge or magistrate 9307  
before whom the cause was pending. During a period of ~~probation or~~ 9308  
community control, any peace officer may arrest the person ~~on~~ 9309  
~~probation or~~ under a community control sanction without a warrant 9310  
upon the written order of the chief ~~county~~ probation officer of 9311

~~the probation agency~~ if the person ~~on probation or~~ under a 9312  
community control sanction is under the supervision of that ~~county~~ 9313  
~~department of~~ probation agency or on the order of an officer of 9314  
the adult parole authority created pursuant to section 5149.02 of 9315  
the Revised Code if the person ~~on probation or~~ under a community 9316  
control sanction is under the supervision of the authority. During 9317  
a period of ~~probation or~~ community control, any peace officer may 9318  
arrest the person ~~on probation or~~ under a community control 9319  
sanction on the warrant of the judge or magistrate before whom the 9320  
cause was pending. 9321

During a period of ~~probation or~~ community control, any peace 9322  
officer may arrest the person ~~on probation or~~ under a community 9323  
control sanction without a warrant if the peace officer has 9324  
reasonable ground to believe that the person has violated or is 9325  
violating any of the following that is a condition of the person's 9326  
~~probation or of the person's~~ community control sanction: 9327

(1) A condition that prohibits ownership, possession, or use 9328  
of a firearm, deadly weapon, ammunition, or dangerous ordnance; 9329

(2) A condition that prohibits the person from being within a 9330  
specified structure or geographic area; 9331

(3) A condition that confines the person to a residence, 9332  
facility, or other structure; 9333

(4) A condition that prohibits the person from contacting or 9334  
communicating with any specified individual; 9335

(5) A condition that prohibits the person from associating 9336  
with a specified individual; 9337

(6) A condition as provided in division ~~(C)(1)(e)~~ (A)(1)(a) of 9338  
section ~~2951.02~~ 2929.25 of the Revised Code or in division (A)(1) 9339  
of section 2929.15 or (A)(8) of section 2929.27 of the Revised 9340  
Code that requires that the person not ingest or be injected with 9341  
a drug of abuse and submit to random drug testing and requires 9342

that the results of the drug test indicate that the person did not 9343  
ingest or was not injected with a drug of abuse. 9344

(B) Upon making an arrest under this section, the arresting 9345  
field officer, probation officer, or peace officer or the 9346  
department or agency of the arresting officer promptly shall 9347  
notify the chief probation officer or the chief probation 9348  
officer's designee that the person has been arrested. Upon being 9349  
notified that a peace officer has made an arrest under this 9350  
section, the chief probation officer or designee, or another 9351  
probation officer designated by the chief probation officer, 9352  
promptly shall bring the person who was arrested before the judge 9353  
or magistrate before whom the cause was pending. 9354

(C) Nothing in this section limits the powers of arrest 9355  
granted to certain law enforcement officers and citizens under 9356  
sections 2935.03 and 2935.04 of the Revised Code. 9357

(D) A probation officer shall receive the actual and 9358  
necessary expenses incurred in the performance of the officer's 9359  
duties. 9360

(E) As used in this section: 9361

~~(1) "Peace officer" has the same meaning as in section 9362  
2935.01 of the Revised Code.~~ 9363

~~(2) "Firearm," "deadly weapon," and "dangerous ordnance" have 9364  
the same meanings as in section 2923.11 of the Revised Code.~~ 9365

~~(3) "Community control sanction" has the same meaning as in 9366  
section 2929.01 of the Revised Code.~~ 9367

~~(4) "Random, "random drug testing" has the same meaning as in 9368  
section 5120.63 of the Revised Code.~~ 9369

**Sec. 2951.10.** An order suspending the imposition of a 9370  
sentence for a misdemeanor under section 2929.25 of the Revised 9371  
Code and placing the defendant on probation under a community 9372

control sanction is a final order from which appeal may be 9373  
prosecuted. 9374

**Sec. 2953.31.** As used in sections 2953.31 to 2953.36 of the 9375  
Revised Code: 9376

(A) "First offender" means anyone who has been convicted of 9377  
an offense in this state or any other jurisdiction and who 9378  
previously or subsequently has not been convicted of the same or a 9379  
different offense in this state or any other jurisdiction. When 9380  
two or more convictions result from or are connected with the same 9381  
act or result from offenses committed at the same time, they shall 9382  
be counted as one conviction. When two or three convictions result 9383  
from the same indictment, information, or complaint, from the same 9384  
plea of guilty, or from the same official proceeding, and result 9385  
from related criminal acts that were committed within a 9386  
three-month period but do not result from the same act or from 9387  
offenses committed at the same time, they shall be counted as one 9388  
conviction, provided that a court may decide as provided in 9389  
division (C)(1)(a) of section 2953.32 of the Revised Code that it 9390  
is not in the public interest for the two or three convictions to 9391  
be counted as one conviction. 9392

For purposes of, and except as otherwise provided in, this 9393  
division, a conviction for a minor misdemeanor, a conviction for a 9394  
violation of any section in Chapter 4511., 4513., or 4549. of the 9395  
Revised Code, or a conviction for a violation of a municipal 9396  
ordinance that is substantially similar to any section in those 9397  
chapters is not a previous or subsequent conviction. A conviction 9398  
for a violation of section 4511.19, 4511.192, 4511.251, 4549.02, 9399  
4549.021, 4549.03, 4549.042, or 4549.07 or sections 4549.41 to 9400  
4549.46 of the Revised Code, or a conviction for a violation of a 9401  
municipal ordinance that is substantially similar to any of those 9402  
sections, shall be considered a previous or subsequent conviction. 9403

(B) "Prosecutor" means the county prosecuting attorney, city director of law, village solicitor, or similar chief legal officer, who has the authority to prosecute a criminal case in the court in which the case is filed.

(C) "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 9466  
determine that the offender is a first offender. 9467

(b) Determine whether criminal proceedings are pending 9468  
against the applicant; 9469

(c) If the applicant is a first offender who applies pursuant 9470  
to division (A)(1) of this section, determine whether the 9471  
applicant has been rehabilitated to the satisfaction of the court; 9472

(d) If the prosecutor has filed an objection in accordance 9473  
with division (B) of this section, consider the reasons against 9474  
granting the application specified by the prosecutor in the 9475  
objection; 9476

(e) Weigh the interests of the applicant in having the 9477  
records pertaining to the applicant's conviction sealed against 9478  
the legitimate needs, if any, of the government to maintain those 9479  
records. 9480

(2) If the court determines, after complying with division 9481  
(C)(1) of this section, that the applicant is a first offender or 9482  
the subject of a bail forfeiture, that no criminal proceeding is 9483  
pending against the applicant, and that the interests of the 9484  
applicant in having the records pertaining to the applicant's 9485  
conviction or bail forfeiture sealed are not outweighed by any 9486  
legitimate governmental needs to maintain those records, and that 9487  
the rehabilitation of an applicant who is a first offender 9488  
applying pursuant to division (A)(1) of this section has been 9489  
attained to the satisfaction of the court, the court, except as 9490  
provided in division (G) of this section, shall order all official 9491  
records pertaining to the case sealed and, except as provided in 9492  
division (F) of this section, all index references to the case 9493  
deleted and, in the case of bail forfeitures, shall dismiss the 9494  
charges in the case. The proceedings in the case shall be 9495  
considered not to have occurred and the conviction or bail 9496

forfeiture of the person who is the subject of the proceedings 9497  
shall be sealed, except that upon conviction of a subsequent 9498  
offense, the sealed record of prior conviction or bail forfeiture 9499  
may be considered by the court in determining the sentence or 9500  
other appropriate disposition, including the relief provided for 9501  
in sections 2953.31 to 2953.33 of the Revised Code. 9502

(3) Upon the filing of an application under this section, the 9503  
applicant, unless indigent, shall pay a fee of fifty dollars. The 9504  
court shall pay thirty dollars of the fee into the state treasury. 9505  
It shall pay twenty dollars of the fee into the county general 9506  
revenue fund if the sealed conviction or bail forfeiture was 9507  
pursuant to a state statute, or into the general revenue fund of 9508  
the municipal corporation involved if the sealed conviction or 9509  
bail forfeiture was pursuant to a municipal ordinance. 9510

(D) Inspection of the sealed records included in the order 9511  
may be made only by the following persons or for the following 9512  
purposes: 9513

(1) By a law enforcement officer or prosecutor, or the 9514  
assistants of either, to determine whether the nature and 9515  
character of the offense with which a person is to be charged 9516  
would be affected by virtue of the person's previously having been 9517  
convicted of a crime; 9518

(2) By the parole or probation officer of the person who is 9519  
the subject of the records, for the exclusive use of the officer 9520  
in supervising the person while on parole or ~~probation~~ under a 9521  
community control sanction or a post-release control sanction, and 9522  
in making inquiries and written reports as requested by the court 9523  
or adult parole authority; 9524

(3) Upon application by the person who is the subject of the 9525  
records, by the persons named in the application; 9526

(4) By a law enforcement officer who was involved in the 9527

case, for use in the officer's defense of a civil action arising 9528  
out of the officer's involvement in that case; 9529

(5) By a prosecuting attorney or the prosecuting attorney's 9530  
assistants, to determine a defendant's eligibility to enter a 9531  
pre-trial diversion program established pursuant to section 9532  
2935.36 of the Revised Code; 9533

(6) By any law enforcement agency or any authorized employee 9534  
of a law enforcement agency or by the department of rehabilitation 9535  
and correction as part of a background investigation of a person 9536  
who applies for employment with the agency as a law enforcement 9537  
officer or with the department as a corrections officer; 9538

(7) By any law enforcement agency or any authorized employee 9539  
of a law enforcement agency, for the purposes set forth in, and in 9540  
the manner provided in, section 2953.321 of the Revised Code; 9541

(8) By the bureau of criminal identification and 9542  
investigation or any authorized employee of the bureau for the 9543  
purpose of providing information to a board or person pursuant to 9544  
division (F) or (G) of section 109.57 of the Revised Code; 9545

(9) By the bureau of criminal identification and 9546  
investigation or any authorized employee of the bureau for the 9547  
purpose of performing a criminal history records check on a person 9548  
to whom a certificate as prescribed in section 109.77 of the 9549  
Revised Code is to be awarded. 9550

When the nature and character of the offense with which a 9551  
person is to be charged would be affected by the information, it 9552  
may be used for the purpose of charging the person with an 9553  
offense. 9554

(E) In any criminal proceeding, proof of any otherwise 9555  
admissible prior conviction may be introduced and proved, 9556  
notwithstanding the fact that for any such prior conviction an 9557  
order of sealing previously was issued pursuant to sections 9558

2953.31 to 2953.36 of the Revised Code. 9559

(F) The person or governmental agency, office, or department 9560  
that maintains sealed records pertaining to convictions or bail 9561  
forfeitures that have been sealed pursuant to this section may 9562  
maintain a manual or computerized index to the sealed records. The 9563  
index shall contain only the name of, and alphanumeric identifiers 9564  
that relate to, the persons who are the subject of the sealed 9565  
records, the word "sealed," and the name of the person, agency, 9566  
office, or department that has custody of the sealed records, and 9567  
shall not contain the name of the crime committed. The index shall 9568  
be made available by the person who has custody of the sealed 9569  
records only for the purposes set forth in divisions (C), (D), and 9570  
(E) of this section. 9571

(G) Notwithstanding any provision of this section or section 9572  
2953.33 of the Revised Code that requires otherwise, a board of 9573  
education of a city, local, exempted village, or joint vocational 9574  
school district that maintains records of an individual who has 9575  
been permanently excluded under sections 3301.121 and 3313.662 of 9576  
the Revised Code is permitted to maintain records regarding a 9577  
conviction that was used as the basis for the individual's 9578  
permanent exclusion, regardless of a court order to seal the 9579  
record. An order issued under this section to seal the record of a 9580  
conviction does not revoke the adjudication order of the 9581  
superintendent of public instruction to permanently exclude the 9582  
individual who is the subject of the sealing order. An order 9583  
issued under this section to seal the record of a conviction of an 9584  
individual may be presented to a district superintendent as 9585  
evidence to support the contention that the superintendent should 9586  
recommend that the permanent exclusion of the individual who is 9587  
the subject of the sealing order be revoked. Except as otherwise 9588  
authorized by this division and sections 3301.121 and 3313.662 of 9589  
the Revised Code, any school employee in possession of or having 9590

access to the sealed conviction records of an individual that were 9591  
the basis of a permanent exclusion of the individual is subject to 9592  
section 2953.35 of the Revised Code. 9593

**Sec. 2953.33.** (A) Except as provided in division (G) of 9594  
section 2953.32 of the Revised Code, an order to seal the record 9595  
of a person's conviction restores the person who is the subject of 9596  
the order to all rights and privileges not otherwise restored by 9597  
termination of the sentence or probation community control 9598  
sanction or by final release on parole or post-release control. 9599

(B) In any application for employment, license, or other 9600  
right or privilege, any appearance as a witness, or any other 9601  
inquiry, except as provided in division (E) of section 2953.32 of 9602  
the Revised Code, a person may be questioned only with respect to 9603  
convictions not sealed, bail forfeitures not expunged under 9604  
section 2953.42 of the Revised Code as it existed prior to June 9605  
29, 1988, and bail forfeitures not sealed, unless the question 9606  
bears a direct and substantial relationship to the position for 9607  
which the person is being considered. 9608

**Sec. 2961.01.** (A) A person convicted of a felony under the 9609  
laws of this or any other state or the United States, unless the 9610  
conviction is reversed or annulled, is incompetent to be an 9611  
elector or juror or to hold an office of honor, trust, or profit. 9612  
When any person convicted of a felony under any law of that type 9613  
is granted ~~probation~~, parole, judicial release, or a conditional 9614  
pardon or is released under a community control sanction or a 9615  
post-release control sanction, the person is competent to be an 9616  
elector during the period of ~~probation community control~~, parole, 9617  
post-release control, or release or until the conditions of the 9618  
pardon have been performed or have transpired and is competent to 9619  
be an elector thereafter following final discharge. The full 9620  
pardon of a convict restores the rights and privileges so 9621

forfeited under this section, but a pardon shall not release a 9622  
convict from the costs of the convict's conviction in this state, 9623  
unless so specified. 9624

(B) As used in this section: 9625

(1) "Community control sanction" has the same meaning as in 9626  
section 2929.01 of the Revised Code. 9627

(2) "Post-release control" and "post-release control 9628  
sanction" have the same meanings as in section 2967.01 of the 9629  
Revised Code. 9630

**Sec. 2963.01.** As used in sections 2963.01 to 2963.27~~7~~ 9631  
~~inclusive~~ of the Revised Code: 9632

(A) "Governor" includes any person performing the functions 9633  
of governor by authority of the law of this state. 9634

(B) "Executive authority" includes the governor, and any 9635  
person performing the functions of governor in a state other than 9636  
this state. 9637

(C) "State," referring to a state other than this state, 9638  
includes any state or territory, organized or unorganized, of the 9639  
United States. 9640

(D) "Community control sanction" has the same meaning as in 9641  
section 2929.01 of the Revised Code. 9642

(E) "Post-release control" and "post-release control 9643  
sanction" have the same meanings as in section 2967.01 of the 9644  
Revised Code. 9645

**Sec. 2963.11.** When, on the oath of a credible person before 9646  
any judge or magistrate of this state, any person within this 9647  
state is charged with the commission of any crime in any other 9648  
state and with having fled from justice, or with having been 9649

convicted of a crime in that state and having escaped from 9650  
confinement, or having broken the terms of the person's bail, 9651  
~~probation~~, or parole or violated the conditions of a community 9652  
control sanction ~~imposed under section 2929.16, 2929.17, or~~ 9653  
~~2929.18 of the Revised Code~~ or of post-release control under 9654  
~~section 2967.28 of the Revised Code~~ sanction, or whenever 9655  
complaint has been made before any judge or magistrate in this 9656  
state setting forth on the affidavit of any credible person in 9657  
another state that a crime has been committed in the other state 9658  
and that the accused has been charged in that state with the 9659  
commission of the crime, and, has fled from justice, or with 9660  
having been convicted of a crime in that state and having escaped 9661  
from confinement, or having broken the terms of bail, probation, 9662  
or parole, and is believed to be in this state, the judge or 9663  
magistrate shall issue a warrant directed to any peace officer, 9664  
commanding the peace officer to apprehend the person named in the 9665  
warrant, wherever the person may be found in this state, and to 9666  
bring the person before the same or any other judge, magistrate, 9667  
or court ~~which~~ that may be available in or convenient of access to 9668  
the place where the arrest may be made, to answer the charge or 9669  
complaint and affidavit, and a certified copy of the sworn charge 9670  
or complaint and upon which the warrant is issued shall be 9671  
attached to the warrant. 9672

This section does not apply to cases arising under section 9673  
2963.06 of the Revised Code. 9674

**Sec. 2963.20.** Whenever the governor demands a person charged 9675  
with crime, ~~or~~ with escaping from confinement, or with breaking 9676  
the terms of ~~his~~ the person's bail, ~~probation~~, or parole in this 9677  
state or violating the conditions of a community control sanction 9678  
or post-release control sanction imposed in this state, from the 9679  
executive authority of any other state, or from the chief justice 9680

or an associate justice of the supreme court of the District of 9681  
Columbia authorized to receive ~~such~~ that demand under the laws of 9682  
the United States, ~~he~~ the governor shall issue a warrant under the 9683  
seal of this state, to ~~some~~ an agent, commanding ~~him~~ the agent to 9684  
receive the person so charged and convey ~~such~~ that person to the 9685  
proper officer of the county in which the offense was committed. 9686

**Sec. 2963.21.** When the return to this state of a person 9687  
charged with crime in this state is required, the prosecuting 9688  
attorney shall present to the governor a written application for a 9689  
requisition for the return of the person charged. The application 9690  
shall state the name of the person charged, the crime charged 9691  
against the person, the approximate time, place, and circumstances 9692  
of its commission, the state in which the person charged is 9693  
believed to be located, and the location of the person in that 9694  
state at the time the application is made. The prosecuting 9695  
attorney shall certify that in the prosecuting attorney's opinion 9696  
the ends of justice require the arrest and return of the person 9697  
charged to this state for trial and that the proceeding is not 9698  
instituted to enforce a private claim. 9699

When the return to this state is required of a person who has 9700  
been convicted of a crime in this state and has escaped from 9701  
confinement or broken the terms of the person's bail, ~~probation,~~ 9702  
parole, community control sanction, or post-release control 9703  
sanction, the prosecuting attorney of the county in which the 9704  
offense was committed, the adult parole authority, or the warden 9705  
of the institution or sheriff of the county from which escape was 9706  
made shall present to the governor a written application for a 9707  
requisition for the return of the person. The application shall 9708  
state the person's name, the crime of which the person was 9709  
convicted, the circumstances of the person's escape from 9710  
confinement or of the breach of the terms of the person's bail, 9711



~~probation~~, parole, community control sanction, or post-release 9712  
control sanction, the state in which the person is believed to be 9713  
located, and the location of the person in that state at the time 9714  
the application is made. 9715

An application presented under this section shall be verified 9716  
by affidavit, executed in duplicate, and accompanied by two 9717  
certified copies of the indictment returned, of the information 9718  
and affidavit filed, of the complaint made to the judge or 9719  
magistrate, stating the offense with which the accused is charged, 9720  
of the judgment of conviction, or of the sentence. The prosecuting 9721  
attorney, adult parole authority, warden, or sheriff also may 9722  
attach any other affidavits or documents in duplicate that the 9723  
prosecuting attorney, adult parole authority, warden, or sheriff 9724  
finds proper to be submitted with the application. One copy of the 9725  
application, with the action of the governor indicated by 9726  
indorsement on the application, and one of the certified copies of 9727  
the indictment, complaint, information, and affidavits, of the 9728  
judgment of conviction, or of the sentence shall be filed in the 9729  
office of the secretary of state to remain of record in that 9730  
office. The other copies of all papers shall be forwarded with the 9731  
governor's requisition. 9732

**Sec. 2967.02.** (A) ~~Sections~~ The adult parole authority created 9733  
by section 5149.02 of the Revised Code shall administer sections 9734  
2967.01 to 2967.28 of the Revised Code, and other sections of the 9735  
Revised Code governing pardon, ~~probation~~ community control 9736  
sanctions, post-release control, and parole, ~~shall be administered~~ 9737  
~~by the adult parole authority created by section 5149.02 of the~~ 9738  
~~Revised Code.~~ 9739

(B) The governor may grant a pardon after conviction, may 9740  
grant an absolute and entire pardon or a partial pardon, and may 9741  
grant a pardon upon conditions precedent or subsequent. 9742

(C) The adult parole authority shall supervise all parolees. 9743  
The department of rehabilitation and correction has legal custody 9744  
of a parolee until the authority grants the parolee a final 9745  
release pursuant to section 2967.16 of the Revised Code. 9746

(D) The department of rehabilitation and correction has legal 9747  
custody of a releasee until the adult parole authority grants the 9748  
releasee a final release pursuant to section 2967.16 of the 9749  
Revised Code. 9750

**Sec. 2967.22.** Whenever it is brought to the attention of the 9751  
adult parole authority or a ~~county~~ department of probation that a 9752  
parolee, ~~probationer~~ person under a community control sanction, 9753  
person under transitional control, or releasee appears to be a 9754  
mentally ill person subject to hospitalization by court order, as 9755  
defined in section 5122.01 of the Revised Code, or a mentally 9756  
retarded person subject to institutionalization by court order, as 9757  
defined in section 5123.01 of the Revised Code, the parole or 9758  
probation officer, subject to the approval of the chief of the 9759  
adult parole authority, the designee of the chief of the adult 9760  
parole authority, or the chief probation officer, may file an 9761  
affidavit under section 5122.11 or 5123.71 of the Revised Code. A 9762  
parolee, ~~probationer~~ person under a community control sanction, or 9763  
releasee who is involuntarily detained under Chapter 5122. or 9764  
5123. of the Revised Code shall receive credit against the period 9765  
of parole or ~~probation~~ community control or the term of 9766  
post-release control for the period of involuntary detention. 9767

If a parolee, ~~probationer~~ person under a community control 9768  
sanction, person under transitional control, or releasee escapes 9769  
from an institution or facility within the department of mental 9770  
health or the department of mental retardation and developmental 9771  
disabilities, the superintendent of the institution immediately 9772  
shall notify the chief of the adult parole authority or the chief 9773

probation officer. Notwithstanding the provisions of section 9774  
5122.26 of the Revised Code, the procedure for the apprehension, 9775  
detention, and return of the parolee, ~~probationer~~ person under a 9776  
community control sanction, person under transitional control, or 9777  
releasee is the same as that provided for the apprehension, 9778  
detention, and return of persons who escape from institutions 9779  
operated by the department of rehabilitation and correction. If 9780  
the escaped parolee, person under transitional control, or 9781  
releasee is not apprehended and returned to the custody of the 9782  
department of mental health or the department of mental 9783  
retardation and developmental disabilities within ninety days 9784  
after the escape, the parolee, person under transitional control, 9785  
or releasee shall be discharged from the custody of the department 9786  
of mental health or the department of mental retardation and 9787  
developmental disabilities and returned to the custody of the 9788  
department of rehabilitation and correction. If the escaped 9789  
~~probationer~~ person under a community control sanction is not 9790  
apprehended and returned to the custody of the department of 9791  
mental health or the department of mental retardation and 9792  
developmental disabilities within ninety days after the escape, 9793  
the ~~probationer~~ person under a community control sanction shall be 9794  
discharged from the custody of the department of mental health or 9795  
the department of mental retardation and developmental 9796  
disabilities and returned to the custody of the court that 9797  
sentenced the ~~probationer~~ that person. 9798

**Sec. 2967.26.** (A)(1) The department of rehabilitation and 9799  
correction, by rule, may establish a transitional control program 9800  
for the purpose of closely monitoring a prisoner's adjustment to 9801  
community supervision during the final one hundred eighty days of 9802  
the prisoner's confinement. If the department establishes a 9803  
transitional control program under this division, the adult parole 9804  
authority may transfer eligible prisoners to transitional control 9805

status under the program during the final one hundred eighty days 9806  
of their confinement and under the terms and conditions 9807  
established by the department, shall provide for the confinement 9808  
as provided in this division of each eligible prisoner so 9809  
transferred, and shall supervise each eligible prisoner so 9810  
transferred in one or more community control sanctions. Each 9811  
eligible prisoner who is transferred to transitional control 9812  
status under the program shall be confined in a suitable facility 9813  
that is licensed pursuant to division (C) of section 2967.14 of 9814  
the Revised Code, or shall be confined in a residence the 9815  
department has approved for this purpose and be monitored pursuant 9816  
to an electronic monitoring device, ~~as defined in section 2929.23~~ 9817  
~~of the Revised Code~~. If the department establishes a transitional 9818  
control program under this division, the rules establishing the 9819  
program shall include criteria that define which prisoners are 9820  
eligible for the program, criteria that must be satisfied to be 9821  
approved as a residence that may be used for confinement under the 9822  
program of a prisoner that is transferred to it and procedures for 9823  
the department to approve residences that satisfy those criteria, 9824  
and provisions of the type described in division (C) of this 9825  
section. At a minimum, the criteria that define which prisoners 9826  
are eligible for the program shall provide all of the following: 9827

(a) That a prisoner is eligible for the program if the 9828  
prisoner is serving a prison term or term of imprisonment for an 9829  
offense committed prior to ~~the effective date of this amendment~~ 9830  
March 17, 1998, and if, at the time at which eligibility is being 9831  
determined, the prisoner would have been eligible for a furlough 9832  
under this section as it existed immediately prior to ~~the~~ 9833  
~~effective date of this amendment~~ March 17, 1998, or would have 9834  
been eligible for conditional release under former section 2967.23 9835  
of the Revised Code as that section existed immediately prior to 9836  
~~the effective date of this amendment~~ March 17, 1998; 9837

(b) That no prisoner who is serving a mandatory prison term 9838  
is eligible for the program until after expiration of the 9839  
mandatory term; 9840

(c) That no prisoner who is serving a prison term or term of 9841  
life imprisonment without parole imposed pursuant to section 9842  
2971.03 of the Revised Code is eligible for the program. 9843

(2) At least three weeks prior to transferring to 9844  
transitional control under this section a prisoner who is serving 9845  
a term of imprisonment or prison term for an offense committed on 9846  
or after July 1, 1996, the adult parole authority shall give 9847  
notice of the pendency of the transfer to transitional control to 9848  
the court of common pleas of the county in which the indictment 9849  
against the prisoner was found and of the fact that the court may 9850  
disapprove the transfer of the prisoner to transitional control 9851  
and shall include a report prepared by the head of the state 9852  
correctional institution in which the prisoner is confined. The 9853  
head of the state correctional institution in which the prisoner 9854  
is confined, upon the request of the adult parole authority, shall 9855  
provide to the authority for inclusion in the notice sent to the 9856  
court under this division a report on the prisoner's conduct in 9857  
the institution and in any institution from which the prisoner may 9858  
have been transferred. The report shall cover the prisoner's 9859  
participation in school, vocational training, work, treatment, and 9860  
other rehabilitative activities and any disciplinary action taken 9861  
against the prisoner. If the court disapproves of the transfer of 9862  
the prisoner to transitional control, the court shall notify the 9863  
authority of the disapproval within thirty days after receipt of 9864  
the notice. If the court timely disapproves the transfer of the 9865  
prisoner to transitional control, the authority shall not proceed 9866  
with the transfer. If the court does not timely disapprove the 9867  
transfer of the prisoner to transitional control, the authority 9868  
may transfer the prisoner to transitional control. 9869

(3) If the victim of an offense for which a prisoner was 9870  
sentenced to a prison term or term of imprisonment has requested 9871  
notification under section 2930.16 of the Revised Code and has 9872  
provided the department of rehabilitation and correction with the 9873  
victim's name and address, the adult parole authority, at least 9874  
three weeks prior to transferring the prisoner to transitional 9875  
control pursuant to this section, shall notify the victim of the 9876  
pendency of the transfer and of the victim's right to submit a 9877  
statement to the authority regarding the impact of the transfer of 9878  
the prisoner to transitional control. If the victim subsequently 9879  
submits a statement of that nature to the authority, the authority 9880  
shall consider the statement in deciding whether to transfer the 9881  
prisoner to transitional control. 9882

(B) Each prisoner transferred to transitional control under 9883  
this section shall be confined in the manner described in division 9884  
(A) of this section during any period of time that the prisoner is 9885  
not actually working at the prisoner's approved employment, 9886  
engaged in a vocational training or another educational program, 9887  
engaged in another program designated by the director, or engaged 9888  
in other activities approved by the department. 9889

(C) The department of rehabilitation and correction shall 9890  
adopt rules for transferring eligible prisoners to transitional 9891  
control, supervising and confining prisoners so transferred, 9892  
administering the transitional control program in accordance with 9893  
this section, and using the moneys deposited into the transitional 9894  
control fund established under division (E) of this section. 9895

(D) The department of rehabilitation and correction may adopt 9896  
rules for the issuance of passes for the limited purposes 9897  
described in this division to prisoners who are transferred to 9898  
transitional control under this section. If the department adopts 9899  
rules of that nature, the rules shall govern the granting of the 9900  
passes and shall provide for the supervision of prisoners who are 9901

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  
for the following purposes:

- (1) To visit a dying relative;
- (2) To attend the funeral of a relative;
- (3) To visit with family;
- (4) To otherwise aid in the rehabilitation of the prisoner.

(E) The adult parole authority may require a prisoner who is  
transferred to transitional control to pay to the division of  
parole and community services the reasonable expenses incurred by  
the division in supervising or confining the prisoner while under  
transitional control. Inability to pay those reasonable expenses  
shall not be grounds for refusing to transfer an otherwise  
eligible prisoner to transitional control. Amounts received by the  
division of parole and community services under this division  
shall be deposited into the transitional control fund, which is  
hereby created in the state treasury and which hereby replaces and  
succeeds the furlough services fund that formerly existed in the  
state treasury. All moneys that remain in the furlough services  
fund on ~~the effective date of this amendment~~ March 17, 1998, shall  
be transferred on that date to the transitional control fund. The  
transitional control fund shall be used solely to pay costs  
related to the operation of the transitional control program  
established under this section. The director of rehabilitation and  
correction shall adopt rules in accordance with section 111.15 of  
the Revised Code for the use of the fund.

(F) A prisoner who violates any rule established by the

department of rehabilitation and correction under division (A), 9933  
(C), or (D) of this section may be transferred to a state 9934  
correctional institution pursuant to rules adopted under division 9935  
(A), (C), or (D) of this section, but the prisoner shall receive 9936  
credit towards completing the prisoner's sentence for the time 9937  
spent under transitional control. 9938

If a prisoner is transferred to transitional control under 9939  
this section, upon successful completion of the period of 9940  
transitional control, the prisoner may be released on parole or 9941  
under post-release control pursuant to section 2967.13 or 2967.28 9942  
of the Revised Code and rules adopted by the department of 9943  
rehabilitation and correction. If the prisoner is released under 9944  
post-release control, the duration of the post-release control, 9945  
the type of post-release control sanctions that may be imposed, 9946  
the enforcement of the sanctions, and the treatment of prisoners 9947  
who violate any sanction applicable to the prisoner are governed 9948  
by section 2967.28 of the Revised Code. 9949

**Sec. 2969.11.** As used in sections 2969.11 to 2969.14 of the 9950  
Revised Code: 9951

(A) "Crime victims recovery fund" means the fund created by 9952  
division (D) of section ~~2929.25~~ 2929.32 of the Revised Code. 9953

(B) "Victim" means a person who suffers personal injury, 9954  
death, or property loss as a result of any of the following, or 9955  
the beneficiaries of an action for the wrongful death of any 9956  
person killed as a result of any of the following: 9957

(1) An offense committed by an offender in whose name a 9958  
separate account is maintained in the crime victims recovery fund 9959  
pursuant to section 2969.12 of the Revised Code; 9960

(2) The good faith effort of a person to prevent an offense 9961  
committed by an offender in whose name a separate account is 9962



maintained in the crime victims recovery fund pursuant to section 9963  
2969.12 of the Revised Code; 9964

(3) The good faith effort of a person to apprehend a person 9965  
suspected of engaging in an offense committed by an offender in 9966  
whose name a separate account is maintained in the crime victims 9967  
recovery fund pursuant to section 2969.12 of the Revised Code. 9968

**Sec. 2969.12.** (A) The clerk of the court of claims shall 9969  
administer the crime victims recovery fund and shall maintain in 9970  
the fund in the name of each offender a separate account for money 9971  
received, or money received from the sale or other disposition of 9972  
property, pursuant to section ~~2929.25~~ 2929.32 of the Revised Code 9973  
in connection with that offender. The clerk shall distribute the 9974  
money in that separate account in accordance with division (C) of 9975  
this section. 9976

(B) Notwithstanding a contrary provision of any section of 9977  
the Revised Code that deals with the limitation of actions, a 9978  
victim of an offense committed by an offender in whose name a 9979  
separate account is maintained in the crime victims recovery fund 9980  
may bring a civil action against the offender or the 9981  
representatives of the offender at any time within three years 9982  
after the establishment of the separate account. 9983

In order to recover from a separate account maintained in the 9984  
fund in the name of an offender, a victim of that offender shall 9985  
do all of the following: 9986

(1) Within the three-year period or, if the action was 9987  
initiated before the separate account was established, within 9988  
ninety days after the separate account is established, notify the 9989  
clerk of the court of claims that a civil action has been brought 9990  
against the offender or the representatives of the offender; 9991

(2) Notify the clerk of the court of claims of the entry of 9992

any judgment in the civil action; 9993

(3) Within ninety days after the judgment in the civil action 9994  
is final or, if the judgment was obtained before the separate 9995  
account was established, within ninety days after the separate 9996  
account is established, request the clerk of the court of claims 9997  
to pay from the separate account the judgment that the victim is 9998  
awarded in the civil action. 9999

If a civil action is brought against an offender or the 10000  
representatives of the offender after the expiration of the 10001  
statute of limitations that would apply to the civil action but 10002  
for this division, the court shall state in a judgment in favor of 10003  
the victim that the judgment may be enforced only against the 10004  
separate account maintained in the name of that offender in the 10005  
crime victims recovery fund. 10006

(C)(1) The clerk of the court of claims shall not make a 10007  
payment from the separate account maintained in the name of an 10008  
offender in the crime victims recovery fund to a victim of the 10009  
offender until the expiration of the later of the following 10010  
periods: 10011

(a) The expiration of three years after the establishment of 10012  
the separate account, provided that no action of which the clerk 10013  
was notified under division (B)(1) of this section is pending; 10014

(b) If three years has elapsed since the establishment of the 10015  
separate account and if one or more actions of which the clerk was 10016  
notified under division (B)(1) of this section is pending at the 10017  
expiration of that three-year period, the date of the final 10018  
disposition of the last of those pending actions. 10019

(2) Upon the expiration of the applicable period of time set 10020  
forth in division (C)(1) of this section, the clerk of the court 10021  
of claims shall make payments from the separate account maintained 10022  
in the name of the offender in the crime victims recovery fund to 10023

the victims of the offender who obtained a judgment against the 10024  
offender or the representatives of the offender for damages 10025  
resulting from the offense committed by the offender. The payments 10026  
shall be made as provided in this division. 10027

When a separate account is maintained in the name of an 10028  
offender in the crime victims recovery fund, the clerk of the 10029  
court of claims shall determine on the second day of January and 10030  
the first day of April, July, and October of each year the amount 10031  
of money in that separate account. After the expiration of the 10032  
applicable period of time set forth in division (C)(1) of this 10033  
section, the clerk shall pay from that separate account any 10034  
judgment for which a victim of that offender has requested payment 10035  
pursuant to division (B)(3) of this section and has requested 10036  
payment prior to the date of the most recent quarterly 10037  
determination described in this division. If at a time that 10038  
payments would be made from that separate account there are 10039  
insufficient funds in that separate account to pay all of the 10040  
applicable judgments against the offender or the representatives 10041  
of the offender, the clerk of the court of claims shall pay the 10042  
judgments on a pro rata basis. 10043

**Sec. 2969.13.** All moneys that are collected pursuant to 10044  
section ~~2929.25~~ 2929.32 of the Revised Code and required to be 10045  
deposited in the crime victims recovery fund shall be credited by 10046  
the treasurer of state to the fund. Any interest earned on the 10047  
money in the fund shall be credited to the fund. 10048

**Sec. 2969.14.** (A) If a separate account has been maintained 10049  
in the name of an offender in the crime victims recovery fund and 10050  
if there is no further requirement to pay into the fund money, or 10051  
the monetary value of property, pursuant to section ~~2929.25~~ 10052  
2929.32 of the Revised Code, unless otherwise ordered by a court 10053  
of record in which a judgment has been rendered against the 10054

offender or the representatives of the offender, the clerk of the 10055  
court of claims shall pay the money remaining in the separate 10056  
account in accordance with division (B) of this section, if all of 10057  
the following apply: 10058

(1) The applicable period of time that governs the making of 10059  
payments from the separate account, as set forth in division 10060  
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 10061

(2) None of the civil actions against the offender or the 10062  
representatives of the offender of which the clerk of the court of 10063  
claims has been notified pursuant to division (B)(1) of section 10064  
2969.12 of the Revised Code is pending. 10065

(3) All judgments for which payment was requested pursuant to 10066  
division (B)(3) of section 2969.12 of the Revised Code have been 10067  
paid. 10068

(B) If the clerk of the court of claims is required by 10069  
division (A) of this section to pay the money remaining in the 10070  
separate account established in the name of an offender in 10071  
accordance with this division, the clerk shall pay the money as 10072  
follows: 10073

(1) If the offender was confined for a felony in a prison or 10074  
other facility operated by the department of rehabilitation and 10075  
correction under a sanction imposed pursuant to section 2929.14 or 10076  
2929.16 of the Revised Code, the clerk shall pay the money to the 10077  
treasurer of state, in accordance with division (C)(1) of section 10078  
2929.18 of the Revised Code, to cover the costs of the 10079  
confinement. If any money remains in the separate account after 10080  
the payment of the costs of the confinement pursuant to this 10081  
division, the clerk shall pay the remaining money in accordance 10082  
with divisions (B)(2), (3), and (5) of this section. 10083

(2) If the offender was confined for a felony in a facility 10084  
operated by a county or a municipal corporation, after payment of 10085

any costs required to be paid under division (B)(1) of this 10086  
section, the clerk shall pay the money to the treasurer of the 10087  
county or of the municipal corporation that operated the facility, 10088  
in accordance with division (C)(2) or (3) of section 2929.18 of 10089  
the Revised Code, to cover the costs of the confinement. If more 10090  
than one county or municipal corporation operated a facility in 10091  
which the offender was confined, the clerk shall equitably 10092  
apportion the money among each of those counties and municipal 10093  
corporations. If any money remains in the separate account after 10094  
the payment of the costs of the confinement pursuant to this 10095  
division, the clerk shall pay the remaining money in accordance 10096  
with divisions (B)(3) and (5) of this section. 10097

(3) If the offender was sentenced for a felony to any 10098  
community control sanction other than a sanction described in 10099  
division (B)(2) of this section, after payment of any costs 10100  
required to be paid under division (B)(1) or (2) of this section, 10101  
the clerk shall pay the money to the treasurer of the county or of 10102  
the municipal corporation that incurred costs pursuant to the 10103  
sanction, in accordance with division (C)(2) or (3) of section 10104  
2929.18 of the Revised Code, to cover the costs so incurred. If 10105  
more than one county or municipal corporation incurred costs 10106  
pursuant to the sanction, the clerk shall equitably apportion the 10107  
money among each of those counties and municipal corporations. If 10108  
any money remains in the separate account after the payment of the 10109  
costs of the sanction pursuant to this division, the clerk shall 10110  
pay the remaining money in accordance with division (B)(5) of this 10111  
section. 10112

(4) If the offender was imprisoned or incarcerated for a 10113  
misdemeanor, to the treasurer of the political subdivision that 10114  
operates the facility in which the offender was imprisoned or 10115  
incarcerated, to cover the costs of the imprisonment or 10116  
incarceration. If more than one political subdivision operated a 10117

facility in which the offender was confined, the clerk shall 10118  
equitably apportion the money among each of those political 10119  
subdivisions. If any money remains in the separate account after 10120  
the payment of the costs of the imprisonment or incarceration 10121  
under this division, the clerk shall pay the remaining money in 10122  
accordance with division (B)(5) of this section. 10123

(5) If any money remains in the separate account after 10124  
payment of any costs required to be paid under division (B)(1), 10125  
(2), (3), or (4) of this section, or if no provision of division 10126  
(B)(1), (2), (3), or (4) of this section applies, the clerk shall 10127  
distribute the amount of the money remaining in the separate 10128  
account as otherwise provided by law for the distribution of money 10129  
paid in satisfaction of a fine, as if that amount was a fine paid 10130  
by the offender. 10131

**Sec. 3313.65.** (A) As used in this section and section 3313.64 10132  
of the Revised Code: 10133

(1) A person is "in a residential facility" if the person is 10134  
a resident or a resident patient of an institution, home, or other 10135  
residential facility that is: 10136

(a) Licensed as a nursing home, residential care facility, or 10137  
home for the aging by the director of health under section 3721.02 10138  
of the Revised Code or licensed as a community alternative home by 10139  
the director of health under section 3724.03 of the Revised Code; 10140  
10141

(b) Licensed as an adult care facility by the director of 10142  
health under Chapter 3722. of the Revised Code; 10143

(c) Maintained as a county home or district home by the board 10144  
of county commissioners or a joint board of county commissioners 10145  
under Chapter 5155. of the Revised Code; 10146

(d) Operated or administered by a board of alcohol, drug 10147

addiction, and mental health services under section 340.03 or 10148  
340.06 of the Revised Code, or provides residential care pursuant 10149  
to contracts made under section 340.03 or 340.033 of the Revised 10150  
Code; 10151

(e) Maintained as a state institution for the mentally ill 10152  
under Chapter 5119. of the Revised Code; 10153

(f) Licensed by the department of mental health under section 10154  
5119.20 or 5119.22 of the Revised Code; 10155

(g) Licensed as a residential facility by the department of 10156  
mental retardation and developmental disabilities under section 10157  
5123.19 of the Revised Code; 10158

(h) Operated by the veteran's administration or another 10159  
agency of the United States government; 10160

(i) The Ohio soldiers' and sailors' home. 10161

(2) A person is "in a correctional facility" if any of the 10162  
following apply: 10163

(a) The person is an Ohio resident and is: 10164

(i) Imprisoned, as defined in section 1.05 of the Revised 10165  
Code; 10166

(ii) Serving a term in a community-based correctional 10167  
facility or a district community-based correctional facility; 10168

(iii) Required, as a condition of parole, ~~probation a~~ 10169  
~~post-release control sanction, a community control sanction,~~ 10170  
transitional control, or early release from imprisonment, as a 10171  
condition of shock parole or shock probation granted under the law 10172  
in effect prior to July 1, 1996, or as a condition of a furlough 10173  
granted under the version of section 2967.26 of the Revised Code 10174  
in effect prior to ~~the effective date of this amendment~~ March 17, 10175  
1998, to reside in a halfway house or other community residential 10176  
center licensed under section 2967.14 of the Revised Code or a 10177

similar facility designated by the ~~common pleas~~ court of common 10178  
pleas that established the condition or by the adult parole 10179  
authority. 10180

(b) The person is imprisoned in a state correctional 10181  
institution of another state or a federal correctional institution 10182  
but was an Ohio resident at the time the sentence was imposed for 10183  
the crime for which the person is imprisoned. 10184

(3) A person is "in a juvenile residential placement" if the 10185  
person is an Ohio resident who is under twenty-one years of age 10186  
and has been removed, by the order of a juvenile court, from the 10187  
place the person resided at the time the person became subject to 10188  
the court's jurisdiction in the matter that resulted in the 10189  
person's removal. 10190

(4) "Community control sanction" has the same meaning as in 10191  
section 2929.01 of the Revised Code. 10192

(5) "Post-release control sanction" has the same meaning as 10193  
in section 2967.01 of the Revised Code. 10194

(B) If the circumstances described in division (C) of this 10195  
section apply, the determination of what school district must 10196  
admit a child to its schools and what district, if any, is liable 10197  
for tuition shall be made in accordance with this section, rather 10198  
than section 3313.64 of the Revised Code. 10199

(C) A child who does not reside in the school district in 10200  
which the child's parent resides and for whom a tuition obligation 10201  
previously has not been established under division (C)(2) of 10202  
section 3313.64 of the Revised Code shall be admitted to the 10203  
schools of the district in which the child resides if at least one 10204  
of the child's parents is in a residential or correctional 10205  
facility or a juvenile residential placement and the other parent, 10206  
if living and not in such a facility or placement, is not known to 10207  
reside in this state. 10208



(D) Regardless of who has custody or care of the child, 10209  
whether the child resides in a home, or whether the child receives 10210  
special education, if a district admits a child under division (C) 10211  
of this section, tuition shall be paid to that district as 10212  
follows: 10213

(1) If the child's parent is in a juvenile residential 10214  
placement, by the district in which the child's parent resided at 10215  
the time the parent became subject to the jurisdiction of the 10216  
juvenile court; 10217

(2) If the child's parent is in a correctional facility, by 10218  
the district in which the child's parent resided at the time the 10219  
sentence was imposed; 10220

(3) If the child's parent is in a residential facility, by 10221  
the district in which the parent resided at the time the parent 10222  
was admitted to the residential facility, except that if the 10223  
parent was transferred from another residential facility, tuition 10224  
shall be paid by the district in which the parent resided at the 10225  
time the parent was admitted to the facility from which the parent 10226  
first was transferred; 10227

(4) In the event of a disagreement as to which school 10228  
district is liable for tuition under division (C)(1), (2), or (3) 10229  
of this section, the superintendent of public instruction shall 10230  
determine which district shall pay tuition. 10231

(E) If a child covered by division (D) of this section 10232  
receives special education in accordance with Chapter 3323. of the 10233  
Revised Code, the tuition shall be paid in accordance with section 10234  
3323.13 or 3323.14 of the Revised Code. Tuition for children who 10235  
do not receive special education shall be paid in accordance with 10236  
division (I) of section 3313.64 of the Revised Code. 10237

**Sec. 3321.38.** (A) No parent, guardian, or other person having 10238

care of a child of compulsory school age shall violate any 10239  
provision of section 3321.01, 3321.03, 3321.04, 3321.07, 3321.10, 10240  
3321.19, 3321.20, or 3331.14 of the Revised Code. The juvenile 10241  
court, which has exclusive original jurisdiction over any 10242  
violation of this section pursuant to section 2151.23 of the 10243  
Revised Code, may require a person convicted of violating this 10244  
division to give bond in a sum of not more than five hundred 10245  
dollars with sureties to the approval of the court, conditioned 10246  
that the person will cause the child under the person's charge to 10247  
attend upon instruction as provided by law, and remain as a pupil 10248  
in the school or class during the term prescribed by law. If the 10249  
juvenile court adjudicates the child as an unruly or delinquent 10250  
child for being an habitual or chronic truant pursuant to section 10251  
2151.35 of the Revised Code, the court shall warn the parent, 10252  
guardian, or other person having care of the child that any 10253  
subsequent adjudication of that nature involving the child may 10254  
result in a criminal charge against the parent, guardian, or other 10255  
person having care of the child for a violation of division (C) of 10256  
section 2919.21 or section 2919.24 of the Revised Code. 10257

(B) This section does not relieve from prosecution and 10258  
conviction any parent, guardian, or other person upon further 10259  
violation of any provision in any of the sections specified in 10260  
division (A) of this section, any provision of section 2919.222 or 10261  
2919.24 of the Revised Code, or division (C) of section 2919.21 of 10262  
the Revised Code. A forfeiture of the bond shall not relieve that 10263  
parent, guardian, or other person from prosecution and conviction 10264  
upon further violation of any provision in any of those sections 10265  
or that division. 10266

(C) Section 4109.13 of the Revised Code applies to this 10267  
section. 10268

(D) No parent, guardian, or other person having care of a 10269  
child of compulsory school age shall fail to give bond as required 10270

by division (A) of this section in the sum of one hundred dollars 10271  
with sureties as required by the court. 10272

**Sec. 3345.04.** (A) As used in this section, "felony" has the 10273  
same meaning as in section 109.511 of the Revised Code. 10274

(B) Subject to division (C) of this section, the board of 10275  
trustees of a state university, the board of trustees of the 10276  
medical college of Ohio at Toledo, the board of trustees of the 10277  
northeastern Ohio universities college of medicine, the board of 10278  
trustees of a state community college, and the board of trustees 10279  
of a technical college or community college district operating a 10280  
technical or a community college may designate one or more 10281  
employees of the institution, as a state university law 10282  
enforcement officer, in accordance with section 109.77 of the 10283  
Revised Code, and, as state university law enforcement officers, 10284  
those employees shall take an oath of office, wear the badge of 10285  
office, serve as peace officers for the college or university, and 10286  
give bond to the state for the proper and faithful discharge of 10287  
their duties in the amount that the board of trustees requires. 10288

(C)(1) The board of trustees of an institution listed in 10289  
division (B) of this section shall not designate an employee of 10290  
the institution as a state university law enforcement officer 10291  
pursuant to that division on a permanent basis, on a temporary 10292  
basis, for a probationary term, or on other than a permanent basis 10293  
if the employee previously has been convicted of or has pleaded 10294  
guilty to a felony. 10295

(2)(a) The board of trustees shall terminate the employment 10296  
as a state university law enforcement officer of an employee 10297  
designated as a state university law enforcement officer under 10298  
division (B) of this section if that employee does either of the 10299  
following: 10300

(i) Pleads guilty to a felony; 10301

(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 10333  
section ~~2929.24~~ 2929.42 of the Revised Code, on the conviction of 10334  
a manufacturer, wholesaler, terminal distributor of dangerous 10335  
drugs, pharmacist, pharmacy intern, dentist, chiropractor, 10336  
physician, podiatrist, registered nurse, licensed practical nurse, 10337  
physician assistant, optometrist, or veterinarian of the violation 10338  
of this chapter or Chapter 2925. of the Revised Code, the 10339  
prosecutor in the case promptly shall report the conviction to the 10340  
board that licensed, certified, or registered the person to 10341  
practice or to carry on business. The responsible board shall 10342  
provide forms to the prosecutor. Within thirty days of the receipt 10343  
of this information, the board shall initiate action in accordance 10344  
with Chapter 119. of the Revised Code to determine whether to 10345  
suspend or revoke the person's license, certificate, or 10346  
registration. 10347

**Sec. 3719.121.** (A) Except as otherwise provided in section 10348  
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, or 4734.41 of the 10349  
Revised Code, the license, certificate, or registration of any 10350  
dentist, chiropractor, physician, podiatrist, registered nurse, 10351  
licensed practical nurse, physician assistant, pharmacist, 10352  
pharmacy intern, optometrist, or veterinarian who is or becomes 10353  
addicted to the use of controlled substances shall be suspended by 10354  
the board that authorized the person's license, certificate, or 10355  
registration until the person offers satisfactory proof to the 10356  
board that the person no longer is addicted to the use of 10357  
controlled substances. 10358

(B) If the board under which a person has been issued a 10359  
license, certificate, or evidence of registration determines that 10360  
there is clear and convincing evidence that continuation of the 10361  
person's professional practice or method of prescribing or 10362  
personally furnishing controlled substances presents a danger of 10363

immediate and serious harm to others, the board may suspend the  
person's license, certificate, or registration without a hearing.  
Except as otherwise provided in sections 4715.30, 4723.281,  
4729.16, 4730.25, 4731.22, and 4734.36 of the Revised Code, the  
board shall follow the procedure for suspension without a prior  
hearing in section 119.07 of the Revised Code. The suspension  
shall remain in effect, unless removed by the board, until the  
board's final adjudication order becomes effective, except that if  
the board does not issue its final adjudication order within  
ninety days after the hearing, the suspension shall be void on the  
ninety-first day after the hearing.

(C) On receiving notification pursuant to section ~~2929.24~~  
2929.42 or 3719.12 of the Revised Code, the board under which a  
person has been issued a license, certificate, or evidence of  
registration immediately shall suspend the license, certificate,  
or registration of that person on a plea of guilty to, a finding  
by a jury or court of the person's guilt of, or conviction of a  
felony drug abuse offense; a finding by a court of the person's  
eligibility for intervention in lieu of conviction; a plea of  
guilty to, or a finding by a jury or court of the person's guilt  
of, or the person's conviction of an offense in another  
jurisdiction that is essentially the same as a felony drug abuse  
offense; or a finding by a court of the person's eligibility for  
treatment or intervention in lieu of conviction in another  
jurisdiction. The board shall notify the holder of the license,  
certificate, or registration of the suspension, which shall remain  
in effect until the board holds an adjudicatory hearing under  
Chapter 119. of the Revised Code.

**Sec. 3719.70.** (A) When testimony, information, or other  
evidence in the possession of a person who uses, possesses, or  
trafficks in any drug of abuse appears necessary to an  
investigation by law enforcement authorities into illicit sources

of any drug of abuse, or appears necessary to successfully 10396  
institute, maintain, or conclude a prosecution for any drug abuse 10397  
offense, as defined in section 2925.01 of the Revised Code, a 10398  
judge of the court of common pleas may grant to that person 10399  
immunity from prosecution for any offense based upon the 10400  
testimony, information, or other evidence furnished by that 10401  
person, other than a prosecution of that person for giving false 10402  
testimony, information, or other evidence. 10403

(B)(1) When a person is convicted of any misdemeanor drug 10404  
abuse offense, the court, in determining whether to ~~suspend~~ 10405  
~~sentence or place the person on probation~~ under a community 10406  
control sanction pursuant to section 2929.25 of the Revised Code, 10407  
shall take into consideration whether the person truthfully has 10408  
revealed all information within the person's knowledge concerning 10409  
illicit traffic in or use of drugs of abuse and, when required, 10410  
has testified as to that information in any proceeding to obtain a 10411  
search or arrest warrant against another or to prosecute another 10412  
for any offense involving a drug of abuse. The information shall 10413  
include, but is not limited to, the identity and whereabouts of 10414  
accomplices, accessories, aiders, and abettors, if any, of the 10415  
person or persons from whom any drug of abuse was obtained or to 10416  
whom any drug of abuse was distributed, and of persons known or 10417  
believed to be drug dependent persons, together with the location 10418  
of any place or places where and the manner in which any drug of 10419  
abuse is illegally cultivated, manufactured, sold, possessed, or 10420  
used. The information also shall include all facts and 10421  
circumstances surrounding any illicit traffic in or use of drugs 10422  
of abuse of that nature. 10423

(2) If a person otherwise is eligible for intervention in 10424  
lieu of conviction and being ordered to a period of rehabilitation 10425  
under section 2951.041 of the Revised Code but the person has 10426  
failed to cooperate with law enforcement authorities by providing 10427

them with the types of information described in division (B)(1) of 10428  
this section, the person's lack of cooperation may be considered 10429  
by the court under section 2951.041 of the Revised Code in 10430  
determining whether to stay all criminal proceedings and order the 10431  
person to a requested period of intervention. 10432

(C) In the absence of a competent and voluntary waiver of the 10433  
right against self-incrimination, no information or testimony 10434  
furnished pursuant to division (B) of this section shall be used 10435  
in a prosecution of the person furnishing it for any offense other 10436  
than a prosecution of that person for giving false testimony, 10437  
information, or other evidence. 10438

**Sec. 3734.44.** Notwithstanding the provisions of any law to 10439  
the contrary, no permit or license shall be issued or renewed by 10440  
the director of environmental protection, the hazardous waste 10441  
facility board, or a board of health: 10442

(A) Unless the director, the hazardous waste facility board, 10443  
or the board of health finds that the applicant, in any prior 10444  
performance record in the transportation, transfer, treatment, 10445  
storage, or disposal of solid wastes, infectious wastes, or 10446  
hazardous waste, has exhibited sufficient reliability, expertise, 10447  
and competency to operate the solid waste, infectious waste, or 10448  
hazardous waste facility, given the potential for harm to human 10449  
health and the environment that could result from the 10450  
irresponsible operation of the facility, or, if no prior record 10451  
exists, that the applicant is likely to exhibit that reliability, 10452  
expertise, and competence; 10453

(B) If any individual or business concern required to be 10454  
listed in the disclosure statement or shown to have a beneficial 10455  
interest in the business of the applicant or the permittee, other 10456  
than an equity interest or debt liability, by the investigation 10457  
thereof, has been convicted of any of the following crimes under 10458



the laws of this state or equivalent laws of any other	10459
jurisdiction:	10460
(1) Murder;	10461
(2) Kidnapping;	10462
(3) Gambling;	10463
(4) Robbery;	10464
(5) Bribery;	10465
(6) Extortion;	10466
(7) Criminal usury;	10467
(8) Arson;	10468
(9) Burglary;	10469
(10) Theft and related crimes;	10470
(11) Forgery and fraudulent practices;	10471
(12) Fraud in the offering, sale, or purchase of securities;	10472
(13) Alteration of motor vehicle identification numbers;	10473
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	10474 10475
(15) Unlawful possession or use of destructive devices or explosives;	10476 10477
(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;	10478 10479 10480 10481 10482 10483 10484
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	10485 10486

(18) <del>Violation</del> <u>A violation of the</u> criminal provisions of	10487
Chapter 1331. of the Revised Code;	10488
(19) Any violation of the criminal provisions of any federal	10489
or state environmental protection laws, rules, or regulations that	10490
is committed knowingly or recklessly, as defined in section	10491
2901.22 of the Revised Code;	10492
(20) <del>Violation</del> <u>A violation of any provision of</u> Chapter 2909.	10493
of the Revised Code;	10494
(21) Any offense specified in Chapter 2921. of the Revised	10495
Code.	10496
(C) Notwithstanding division (B) of this section, no	10497
applicant shall be denied the issuance or renewal of a permit or	10498
license on the basis of a conviction of any individual or business	10499
concern required to be listed in the disclosure statement or shown	10500
to have a beneficial interest in the business of the applicant or	10501
the permittee, other than an equity interest or debt liability, by	10502
the investigation thereof for any of the offenses enumerated in	10503
that division as disqualification criteria if that applicant has	10504
affirmatively demonstrated rehabilitation of the individual or	10505
business concern by a preponderance of the evidence. If any such	10506
individual was convicted of any of the offenses so enumerated that	10507
are felonies, a permit shall be denied unless five years have	10508
elapsed since the individual was fully discharged from	10509
imprisonment and parole for the offense, <u>from a community control</u>	10510
<u>sanction imposed under section 2929.15 of the Revised Code,</u> from a	10511
post-release control sanction imposed under section 2967.28 of the	10512
Revised Code for the offense, or imprisonment, probation, and	10513
parole for an offense that was committed prior to <del>the effective</del>	10514
<del>date of this amendment</del> <u>July 1, 1996</u> . In determining whether an	10515
applicant has affirmatively demonstrated rehabilitation, the	10516
director, the hazardous waste facility board, or the board of	10517
health shall request a recommendation on the matter from the	10518

attorney general and shall consider and base the determination on 10519  
the following factors: 10520

(1) The nature and responsibilities of the position a 10521  
convicted individual would hold; 10522

(2) The nature and seriousness of the offense; 10523

(3) The circumstances under which the offense occurred; 10524

(4) The date of the offense; 10525

(5) The age of the individual when the offense was committed; 10526  
10527

(6) Whether the offense was an isolated or repeated incident; 10528  
10529

(7) Any social conditions that may have contributed to the 10530  
offense; 10531

(8) Any evidence of rehabilitation, including good conduct in 10532  
prison or in the community, counseling or psychiatric treatment 10533  
received, acquisition of additional academic or vocational 10534  
schooling, successful participation in correctional work release 10535  
programs, or the recommendation of persons who have or have had 10536  
the applicant under their supervision; 10537

(9) In the instance of an applicant that is a business 10538  
concern, rehabilitation shall be established if the applicant has 10539  
implemented formal management controls to minimize and prevent the 10540  
occurrence of violations and activities that will or may result in 10541  
permit or license denial or revocation or if the applicant has 10542  
formalized those controls as a result of a revocation or denial of 10543  
a permit or license. Those controls may include, but are not 10544  
limited to, instituting environmental auditing programs to help 10545  
ensure the adequacy of internal systems to achieve, maintain, and 10546  
monitor compliance with applicable environmental laws and 10547  
standards or instituting an antitrust compliance auditing program 10548

to help ensure full compliance with applicable antitrust laws. The 10549  
business concern shall prove by a preponderance of the evidence 10550  
that the management controls are effective in preventing the 10551  
violations that are the subject of concern. 10552

(D) Unless the director, the hazardous waste facility board, 10553  
or the board of health finds that the applicant has a history of 10554  
compliance with environmental laws in this state and other 10555  
jurisdictions and is presently in substantial compliance with, or 10556  
on a legally enforceable schedule that will result in compliance 10557  
with, environmental laws in this state and other jurisdictions, 10558

(E) With respect to the approval of a permit, if the director 10559  
or the hazardous waste facility board determines that current 10560  
prosecutions or pending charges in any jurisdiction for any of the 10561  
offenses enumerated in division (B) of this section against any 10562  
individual or business concern required to be listed in the 10563  
disclosure statement or shown by the investigation to have a 10564  
beneficial interest in the business of the applicant other than an 10565  
equity interest or debt liability are of such magnitude that they 10566  
prevent making the finding required under division (A) of this 10567  
section, provided that at the request of the applicant or the 10568  
individual or business concern charged, the director or the 10569  
hazardous waste facility board shall defer decision upon the 10570  
application during the pendency of the charge. 10571

**Sec. 3735.311.** (A) As used in this section, "felony" has the 10572  
same meaning as in section 109.511 of the Revised Code. 10573

(B)(1) A metropolitan housing authority shall not employ a 10574  
person as a member of the police force of the metropolitan housing 10575  
authority on a permanent basis, on a temporary basis, for a 10576  
probationary term, or on other than a permanent basis if the 10577  
person previously has been convicted of or has pleaded guilty to a 10578  
felony. 10579

(2)(a) A metropolitan housing authority shall terminate the employment of a member of the police force of the metropolitan housing authority 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 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 10611  
in accordance with Chapter 119. of the Revised Code. 10612

**Sec. 3748.99.** (A) Except as otherwise provided in division 10613  
(B) of this section, whoever violates section 3748.15 of the 10614  
Revised Code is guilty of a misdemeanor and shall be fined not 10615  
more than one thousand dollars. 10616

(B)(1) Except as otherwise provided in division (B)(2) of 10617  
this section, whoever recklessly violates section 3748.10 of the 10618  
Revised Code or an order issued under division (B) of section 10619  
3748.17 of the Revised Code to enforce that section is guilty of a 10620  
felony of the fourth degree. Notwithstanding the ~~statutory~~ 10621  
conventional fines specified for felonies in section 2929.18 of 10622  
the Revised Code, if the court imposes a fine as a sanction, the 10623  
fine shall be not less than ten thousand nor more than twenty-five 10624  
thousand dollars. Each day of violation is a separate offense. 10625

(2) Upon a second or subsequent conviction of a violation of 10626  
section 3748.10 of the Revised Code or an order issued under 10627  
division (B) of section 3748.17 of the Revised Code to enforce 10628  
that section that was committed recklessly, the offender is guilty 10629  
of a felony of the fourth degree. Notwithstanding the ~~statutory~~ 10630  
conventional fines specified for felonies in section 2929.18 of 10631  
the Revised Code, if the court imposes a fine as a sanction, the 10632  
fine shall be not less than twenty thousand nor more than fifty 10633  
thousand dollars per day of violation. Each day of violation is a 10634  
separate offense. 10635

**Sec. 3793.13.** (A) Records or information, other than court 10636  
journal entries or court docket entries, pertaining to the 10637  
identity, diagnosis, or treatment of any patient ~~which~~ that are 10638  
maintained in connection with the performance of any drug 10639  
treatment program licensed by, or certified by, the director of 10640

alcohol and drug addiction services, under section 3793.11 of the Revised Code, shall be kept confidential, may be disclosed only for the purposes and under the circumstances expressly authorized under this section, and may not otherwise be divulged in any civil, criminal, administrative, or legislative proceeding.

(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, or order to rehabilitation. A patient, described in this division, who refuses

to allow disclosure may be considered in violation of the 10672  
conditions of ~~his~~ the patient's community control sanction, 10673  
post-release control sanction, parole, ~~probation,~~ or order to 10674  
rehabilitation. 10675

(D) Disclosure of a patient's record may be made without ~~his~~ 10676  
the patient's consent to qualified personnel for the purpose of 10677  
conducting scientific research, management, financial audits, or 10678  
program evaluation, but these personnel may not identify, directly 10679  
or indirectly, any individual patient in any report of the 10680  
research, audit, or evaluation, or otherwise disclose a patient's 10681  
identity in any manner. 10682

(E) Upon the request of a prosecuting attorney or the 10683  
director of alcohol and drug addiction services, a court of 10684  
competent jurisdiction may order the disclosure of records or 10685  
information referred to in division (A) of this section if the 10686  
court has reason to believe that a treatment program or facility 10687  
is being operated or used in a manner contrary to law. The use of 10688  
any information or record so disclosed shall be limited to the 10689  
prosecution of persons who are or may be charged with any offense 10690  
related to the illegal operation or use of the drug treatment 10691  
program or facility, or to the decision to withdraw the authority 10692  
of a drug treatment program or facility to continue operation. For 10693  
purposes of this division the court shall: 10694

(1) Limit disclosure to those parts of the patient's record 10695  
considered essential to fulfill the objective for which the order 10696  
was granted; 10697

(2) Require, where appropriate, that all information be 10698  
disclosed in chambers; 10699

(3) Include any other appropriate measures to keep disclosure 10700  
to a minimum, consistent with the protection of the patients, the 10701  
physician-patient relationship, and the administration of the drug 10702  
treatment and rehabilitation program. 10703



<u>(F) As used in this section:</u>	10704
<u>(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.</u>	10705 10706
<u>(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.</u>	10707 10708
<b>Sec. 3937.43.</b> (A) As used in this section:	10709
(1) "Automobile insurance policies" has the same meaning as in section 3937.30 of the Revised Code.	10710 10711
(2) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on highways or streets or that regulates size or load limitations or fitness requirements of vehicles. "Moving violation" does not include the violation of any statute or ordinance that regulates pedestrians or the parking of vehicles.	10712 10713 10714 10715 10716 10717
<u>(3) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.</u>	10718 10719
(B) Every rating plan or schedule of rates for automobile insurance policies that is filed with the superintendent of insurance shall provide for an appropriate reduction in premium charges for any insured or applicant for insurance under the following conditions:	10720 10721 10722 10723 10724
(1) The applicant or insured is sixty years of age or older;	10725
(2) The applicant or insured successfully completes a motor vehicle accident prevention course, which includes classroom instruction and the passing of an examination in accordance with both of the following:	10726 10727 10728 10729
(a) The state highway patrol shall approve the course and the examination. However, the state highway patrol shall not approve any correspondence course or any other course that does not	10730 10731 10732

provide classroom instruction. 10733

(b) The examination shall include an actual demonstration of 10734  
the applicant's or insured's ability to exercise ordinary and 10735  
reasonable control in the operation of a motor vehicle. 10736

(3) The applicant or insured submits to the insurer a 10737  
certificate that is issued by the sponsor of the motor vehicle 10738  
accident prevention course and attests to the successful 10739  
completion of the course by the applicant or insured; 10740

(4) The insurer may consider the driving record of the 10741  
applicant or insured in accordance with divisions (C) and (D) of 10742  
this section. 10743

(C) In determining whether to grant a reduction in premium 10744  
charges in accordance with this section, the insurer may consider 10745  
the driving record of the insured or applicant for a three-year 10746  
period prior to the successful completion of a motor vehicle 10747  
accident prevention course. 10748

(D)(1) Subject to division (D)(2) of this section, every 10749  
reduction in premium charges granted in accordance with this 10750  
section shall be effective for an insured for a three-year period 10751  
after each successful completion of a motor vehicle accident 10752  
prevention course. 10753

(2) As a condition of maintaining a reduction in premium 10754  
charges granted in accordance with this section, an insurer may 10755  
require that the insured, during the three-year period for which 10756  
the reduction has been granted, neither be involved in an accident 10757  
for which the insured is primarily at fault, nor be convicted of 10758  
more than one moving violation. 10759

(E) A reduction in premium charges granted in accordance with 10760  
this section shall not become effective until the first full term 10761  
of coverage following the successful completion of a motor vehicle 10762  
accident prevention course in accordance with division (B) of this 10763

section. 10764

(F) The superintendent of the state highway patrol shall 10765  
adopt rules in accordance with Chapter 119. of the Revised Code 10766  
that are necessary to carry out the duties of the state highway 10767  
patrol under this section. 10768

(G) This section does not apply to any automobile insurance 10769  
policy issued under an assigned risk plan pursuant to section 10770  
4509.70 of the Revised Code. 10771

(H) This section does not apply to circumstances in which the 10772  
motor vehicle accident prevention course is required by a court as 10773  
a condition of ~~probation or suspension of sentence~~ a community 10774  
control sanction imposed for a moving violation. 10775

**Sec. 3959.13.** Any person who, while licensed as an 10776  
administrator, is convicted of a felony, shall report the 10777  
conviction to the superintendent of insurance within thirty days 10778  
of the entry date of the judgment of conviction. Within that 10779  
thirty-day period, the person shall also provide the 10780  
superintendent with a copy of the judgment, the ~~probation or~~ 10781  
commitment order or the order imposing a community control 10782  
sanction, and any other relevant documents. 10783

As used in this section, "community control sanction" has the 10784  
same meaning as in section 2929.01 of the Revised Code. 10785

**Sec. 4507.021.** (A) Every county court judge, mayor of a 10786  
mayor's court, and clerk of a court of record shall keep a full 10787  
record of every case in which a person is charged with any 10788  
violation of sections 4511.01 to 4511.771, 4511.99, and 4513.01 to 10789  
4513.36 of the Revised Code, or of any other law or ordinance 10790  
regulating the operation of vehicles, streetcars, and trackless 10791  
trolleys on highways or streets. 10792

A United States district court whose jurisdiction lies within 10793  
this state may keep a full record of every case in which a person 10794  
is charged with any violation of sections 4511.01 to 4511.771, 10795  
4511.99, and 4513.01 to 4513.36 of the Revised Code, or of any 10796  
other law or ordinance regulating the operation of vehicles, 10797  
streetcars, and trackless trolleys on highways or streets located 10798  
on federal property within this state. 10799

(B) If a person is convicted of or forfeits bail in relation 10800  
to a violation of any section listed in division (A) of this 10801  
section or a violation of any other law or ordinance regulating 10802  
the operation of vehicles, streetcars, and trackless trolleys on 10803  
highways or streets, the county court judge, mayor of a mayor's 10804  
court, or clerk, within ten days after the conviction or bail 10805  
forfeiture, shall prepare and immediately forward to the bureau of 10806  
motor vehicles an abstract, certified by the preparer to be true 10807  
and correct, of the court record covering the case in which the 10808  
person was convicted or forfeited bail. 10809

If a person is convicted of or forfeits bail in relation to a 10810  
violation of any section listed in division (A) of this section or 10811  
a violation of any other law or ordinance regulating the operation 10812  
of vehicles, streetcars, and trackless trolleys on highways or 10813  
streets, a United States district court whose jurisdiction lies 10814  
within this state, within ten days after the conviction or bail 10815  
forfeiture, may prepare and immediately forward to the bureau an 10816  
abstract, certified by the preparer to be true and correct, of the 10817  
court record covering the case in which the person was convicted 10818  
or forfeited bail. 10819

(C)(1) Each abstract required by division (B) of this section 10820  
shall be made upon a form approved and furnished by the bureau and 10821  
shall include the name and address of the person charged, the 10822  
number of the person's driver's or commercial driver's license, 10823  
the registration number of the vehicle involved, the nature of the 10824

offense, the date of the offense, the date of hearing, the plea, 10825  
the judgment, or whether bail was forfeited, and the amount of the 10826  
fine or forfeiture. 10827

If a United States district court whose jurisdiction lies 10828  
within this state utilizes the provision contained in division (B) 10829  
of this section and forwards an abstract to the bureau, on a form 10830  
approved and furnished by the bureau, containing all the 10831  
information prescribed in division (C)(1) of this section, the 10832  
bureau shall accept and process the abstract in the same manner as 10833  
it accepts and processes an abstract received from a county judge, 10834  
mayor of a mayor's court, or clerk of a court of record. 10835

(2)(a) If a person is charged with a violation of section 10836  
4511.19 of the Revised Code or a violation of any ordinance 10837  
relating to operating a vehicle while under the influence of 10838  
alcohol, a drug of abuse, or alcohol and a drug of abuse or 10839  
relating to operating a vehicle with a prohibited concentration of 10840  
alcohol in the blood, breath, or urine; if that charge is 10841  
dismissed or reduced; if the person is convicted of or forfeits 10842  
bail in relation to a violation of any other section of the 10843  
Revised Code or of any ordinance that regulates the operation of 10844  
vehicles, streetcars, and trackless trolleys on highways and 10845  
streets but that does not relate to operating a vehicle while 10846  
under the influence of alcohol, a drug of abuse, or alcohol and a 10847  
drug of abuse or to operating a vehicle with a prohibited 10848  
concentration of alcohol in the blood, breath, or urine; and if 10849  
the violation of which the person was convicted or in relation to 10850  
which the person forfeited bail arose out of the same facts and 10851  
circumstances and the same act as did the charge that was 10852  
dismissed or reduced, the abstract also shall set forth the charge 10853  
that was dismissed or reduced, indicate that it was dismissed or 10854  
reduced, and indicate that the violation resulting in the 10855  
conviction or bail forfeiture arose out of the same facts and 10856

circumstances and the same act as did the charge that was 10857  
dismissed or reduced. 10858

(b) If a charge against a person of a violation of division 10859  
(B)(1) or (D)(2) of section 4507.02 of the Revised Code or any 10860  
municipal ordinance that is substantially equivalent to that 10861  
division is dismissed or reduced and if the person is convicted of 10862  
or forfeits bail in relation to a violation of any other section 10863  
of the Revised Code or any other ordinance that regulates the 10864  
operation of vehicles, streetcars, and trackless trolleys on 10865  
highways and streets that arose out of the same facts and 10866  
circumstances as did the charge that was dismissed or reduced, the 10867  
abstract also shall set forth the charge that was dismissed or 10868  
reduced, indicate that it was dismissed or reduced, and indicate 10869  
that the violation resulting in the conviction or bail forfeiture 10870  
arose out of the same facts and circumstances and the same act as 10871  
did the charge that was dismissed or reduced. 10872

(3) If a person was convicted of or pleaded guilty to a 10873  
violation of division (B)(1) or (D)(2) of section 4507.02 of the 10874  
Revised Code, a substantially equivalent municipal ordinance, 10875  
section 4507.33 or division (A) of section 4511.19 of the Revised 10876  
Code, or a municipal ordinance relating to operating a vehicle 10877  
while under the influence of alcohol, a drug of abuse, or alcohol 10878  
and a drug of abuse or with a prohibited concentration of alcohol 10879  
in the blood, breath, or urine, and division (E) of section 10880  
4503.234 of the Revised Code prohibits the registrar of motor 10881  
vehicles and all deputy registrars from accepting an application 10882  
for the registration of, or registering, any motor vehicle in the 10883  
name of that person, the abstract shall specifically set forth 10884  
these facts and clearly indicate the date on which the order of 10885  
criminal forfeiture was issued or would have been issued but for 10886  
the operation of division (C) of section 4503.234 or section 10887  
4503.235 of the Revised Code. If the registrar receives an 10888

abstract containing this information relating to a person, the 10889  
registrar, in accordance with sections 4503.12 and 4503.234 of the 10890  
Revised Code, shall take all necessary measures to prevent the 10891  
registrar's office or any deputy registrar from accepting from the 10892  
person, for the period of time ending five years after the date on 10893  
which the order was issued or would have been issued and as 10894  
described in division (E) of section 4503.234 of the Revised Code, 10895  
any new application for the registration of any motor vehicle in 10896  
the name of the person. 10897

(D)(1) Every court of record also shall forward to the bureau 10898  
an abstract of the court record as described in division (C) of 10899  
this section upon the conviction of any person of aggravated 10900  
vehicular homicide or vehicular homicide or of a felony in the 10901  
commission of which a vehicle was used. 10902

A United States district court whose jurisdiction lies within 10903  
this state also may forward to the bureau an abstract as described 10904  
in division (C) of this section upon the conviction of any person 10905  
of aggravated vehicular homicide or vehicular homicide or of a 10906  
felony in the commission of which a vehicle was used. 10907

(2)(a) If a child has been adjudicated an unruly or 10908  
delinquent child or a juvenile traffic offender for having 10909  
committed any act that if committed by an adult would be a drug 10910  
abuse offense, as defined in section 2925.01 of the Revised Code, 10911  
or any violation of division (B) of section 2917.11 or of section 10912  
4511.19 of the Revised Code, the court shall notify the bureau, by 10913  
means of an abstract of the court record as described in divisions 10914  
(B) and (C) of this section, within ten days after the 10915  
adjudication. 10916

(b) If a court requires a child as provided in division 10917  
(D)(2)(a) of this section to attend a drug abuse or alcohol abuse 10918  
education, intervention, or treatment program, the abstract 10919  
required by that division and forwarded to the bureau also shall 10920

include the name and address of the operator of the program and 10921  
the date that the child entered the program. If the child 10922  
satisfactorily completes the program, the court, immediately upon 10923  
receipt of such information, shall send to the bureau an updated 10924  
abstract that also shall contain the date on which the child 10925  
satisfactorily completed the program. 10926

(E) The purposeful failure or refusal of the officer to 10927  
comply with this section constitutes misconduct in office and is a 10928  
ground for removal from the office. 10929

(F) The bureau shall record within ten days and keep all 10930  
abstracts received under this section at its main office and shall 10931  
maintain records of convictions and bond forfeitures for any 10932  
violation of law or ordinance regulating the operation of 10933  
vehicles, streetcars, and trackless trolleys on highways and 10934  
streets, except as to parking a motor vehicle. The bureau also 10935  
shall record any abstract of a case involving a first violation of 10936  
division (D) of section 4511.21 of the Revised Code, whether or 10937  
not points are to be assessed therefor, in such a manner that it 10938  
becomes a part of the person's permanent record and assists a 10939  
court in monitoring the assessment of points under division (G) of 10940  
this section. 10941

(G) Every court of record or mayor's court before which a 10942  
person is charged with a violation for which points are chargeable 10943  
by this section shall assess and transcribe to the abstract of 10944  
conviction report, furnished by the bureau, the number of points 10945  
chargeable by this section in the correct space assigned on the 10946  
reporting form. A United States district court whose jurisdiction 10947  
lies within this state and before whom a person is charged with a 10948  
violation for which points are chargeable by this section may 10949  
assess and transcribe to the abstract of conviction report, 10950  
furnished by the bureau, the number of points chargeable by this 10951  
section in the correct space assigned on the reporting form. If 10952



the court so assesses and transcribes to the abstract of	10953
conviction report the number of points chargeable, the bureau	10954
shall record the points in the same manner as those assessed and	10955
transcribed by every court of record or mayor's court of this	10956
state. The points shall be assessed based on the following	10957
formula:	10958
(1) Violation of division (B), (C), or (D) of section	10959
4507.02 of the Revised Code or any ordinance	10960
prohibiting the operation of a motor vehicle while	10961
the driver's or commercial driver's license is under	10962
suspension or revocation ..... 6 points	10963
(2) Violation of section 2913.03 of the Revised Code,	10964
except the provisions relating to use or operation	10965
of an aircraft or motorboat, or any ordinance	10966
prohibiting the operation of a vehicle without the	10967
consent of the owner ..... 6 points	10968
(3) Aggravated vehicular homicide, vehicular homicide,	10969
vehicular manslaughter, aggravated vehicular assault,	10970
or vehicular assault, when the offense involves the	10971
operation of a vehicle, streetcar, or trackless	10972
trolley on a highway or street ..... 6 points	10973
(4) Violation of division (A) of section 4511.19 of the	10974
Revised Code, any ordinance prohibiting the operation	10975
of a vehicle while under the influence of alcohol, a	10976
drug of abuse, or alcohol and a drug of abuse, or any	10977
ordinance substantially equivalent to division (A) of	10978
section 4511.19 of the Revised Code prohibiting the	10979
operation of a vehicle with a prohibited	10980
concentration of alcohol in the blood, breath, or	10981
urine ..... 6 points	10982
(5) Violation of section 4549.02 or 4549.021 of the	10983
Revised Code or any ordinance requiring the driver	10984
of a vehicle to stop and disclose identity at the	10985

As Reported by the House Criminal Justice Committee

	scene of an accident . . . . .	6 points	10986
(6)	Violation of section 2921.331 of the Revised Code		10987
	or any ordinance prohibiting the willful fleeing		10988
	or eluding of a police officer . . . . .	6 points	10989
(7)	Any crime punishable as a felony under the motor		10990
	vehicle laws of this state, or any other felony in		10991
	the commission of which a motor vehicle was used . . . .	6 points	10992
(8)	Operating a motor vehicle in violation of a		10993
	restriction imposed by a registrar . . . . .	2 points	10994
(9)	Violation of section 4511.251 of the Revised Code or		10995
	any ordinance prohibiting street racing . . . . .	6 points	10996
(10)	Violation of section 4511.20 of the Revised Code or		10997
	any ordinance prohibiting the operation of a motor		10998
	vehicle in willful or wanton disregard of the safety		10999
	of persons or property . . . . .	4 points	11000
(11)	Violation of division (B) of section 4511.19 of the		11001
	Revised Code or any ordinance substantially		11002
	equivalent to that division prohibiting the		11003
	operation of a vehicle with a prohibited		11004
	concentration of alcohol in the blood, breath,		11005
	or urine . . . . .	4 points	11006
(12)	Violation of any law or ordinance pertaining to		11007
	speed, except as otherwise provided in this section		11008
	and in division (G) of section 4511.21 of the		11009
	Revised Code . . . . .	2 points	11010
(13)	Upon a first violation of a limitation under division		11011
	(D) of section 4511.21 of the Revised Code at a speed		11012
	in excess of seventy-five miles per hour . . . . .	2 points	11013
(14)	Upon a second violation within one year of the first		11014
	violation of a limitation under division (D) of		11015
	section 4511.21 of the Revised Code, for each		11016
	increment of five miles per hour in excess of the		11017
	posted speed limit, exclusive of the first five		11018

miles per hour over the limitation .....	1 point	11019
(15) Upon a third or subsequent violation within one year		11020
of the first violation of a limitation under division		11021
(D) of section 4511.21 of the Revised Code, for each		11022
increment of five miles per hour in excess of the		11023
posted speed limit, exclusive of the first five miles		11024
per hour over the limitation .....	2 points	11025
(16) All other moving violations pertaining to the		11026
operation of motor vehicles reported under this		11027
section, except any violations of section 4513.263		11028
of the Revised Code or any substantively comparable		11029
ordinance, or violations under Chapter 5577. of the		11030
Revised Code .....	2 points	11031
(H) Upon receiving notification from the proper court,		11032
including a United States district court whose jurisdiction lies		11033
within this state, the bureau shall delete any points entered for		11034
bond forfeiture in the event the driver is acquitted of the		11035
offense for which bond was posted.		11036
(I) In the event a person is convicted of, or forfeits bail		11037
for two or more offenses, arising out of the same facts, and		11038
points are chargeable for each of the offenses, points shall be		11039
charged for only the conviction or bond forfeiture for which the		11040
greater number of points is chargeable, and if the number of		11041
points chargeable for each offense is equal, only one offense		11042
shall be recorded and points charged therefor.		11043
(J) Whenever the points charged against any person exceed		11044
five, the registrar shall forward to the person at the person's		11045
last known address, via regular mail, a warning letter listing the		11046
reported violations, along with the number of points charged for		11047
each, and outlining the suspension provision of this section.		11048
(K) When, upon determination of the registrar, any person has		11049
charged against the person a total of not less than twelve points		11050

within a period of two years from the date of the first conviction 11051  
within the two-year period, the registrar shall send written 11052  
notification to the person at the person's last known address, 11053  
that the person's driver's or commercial driver's license shall be 11054  
suspended for six months, effective on the twentieth day after 11055  
mailing the notice, unless the person files a petition in the 11056  
municipal court or the county court, or in case such person is 11057  
under the age of eighteen years, in the juvenile court, in whose 11058  
jurisdiction such person resides, or in the case of a nonresident, 11059  
in the Franklin county municipal court. By filing an appeal the 11060  
person is agreeing to pay the cost of the proceedings and is 11061  
alleging that the person can show cause why the person's driving 11062  
privileges should not be suspended for a period of six months. 11063

(L) Any person who has charged against the person more than 11064  
five but not more than eleven points, for the purpose of obtaining 11065  
a credit of two points against the total amount of points on the 11066  
person's driving record, may enroll for one time only in a course 11067  
of remedial driving instruction, as approved by the director of 11068  
public safety. Such a credit, subject to successful completion of 11069  
an approved remedial driving course taken at a time when more than 11070  
five but not more than eleven points are charged against the 11071  
person, shall be approved by the registrar. 11072

(M) When the driving privileges of any person are suspended 11073  
by any trial judge of any court of record pursuant to section 11074  
4507.16 of the Revised Code, and points are charged against the 11075  
person under this section for the offense which resulted in the 11076  
suspension, that period of suspension shall be credited against 11077  
the time of any subsequent suspension under this section for which 11078  
the points were considered in making the subsequent suspension. 11079

When the driving privileges of a person are suspended 11080  
pursuant to the "Assimilative Crimes Act," 102 Stat. 4381 (1988), 11081  
18 U.S.C.A. 13, as amended, by a United States district court 11082

whose jurisdiction lies within this state and the court utilizes 11083  
the provision contained in division (B) of this section, and 11084  
points are charged against the person under this section for the 11085  
offense that resulted in the suspension, the period of suspension 11086  
imposed by the district court shall be credited against the time 11087  
of any subsequent suspension imposed under this section for which 11088  
the points were considered in making the subsequent suspension. 11089

(N) The registrar, upon written request of a licensee 11090  
petitioning under division (K) of this section, shall furnish the 11091  
licensee a copy of the registrar's record of the convictions and 11092  
bond forfeitures of the person certified by the registrar. This 11093  
record shall include the name, address, and birthdate of the 11094  
person so charged; the number of the person's driver's or 11095  
commercial driver's license; the name of the court in which each 11096  
conviction or bail forfeiture took place; the nature of the 11097  
offense; the date of hearing; the number of points charged against 11098  
each conviction or bail forfeiture; and such other information as 11099  
the registrar considers necessary. When the record includes not 11100  
less than twelve points charged against the person within a 11101  
two-year period, it is prima-facie evidence that the person is a 11102  
repeat traffic offender and the person's driving privilege shall 11103  
be suspended as provided in this section. 11104

In hearing the matter and determining whether the person has 11105  
shown cause why the person's driving privileges should not be 11106  
suspended, the court shall decide the issue upon the record 11107  
certified by the registrar and such additional relevant, 11108  
competent, and material evidence as either the registrar or the 11109  
person whose license is sought to be suspended submits. 11110

In such proceedings, the registrar shall be represented by 11111  
the prosecuting attorney of the county in which the person resides 11112  
if the petition is filed in the county court, except where the 11113  
petitioner is a resident of a city or village within the 11114

jurisdiction of a county court in which case the city director of 11115  
law or village solicitor shall represent the registrar. If the 11116  
petition is filed in the municipal court, the registrar shall be 11117  
represented as provided in section 1901.34 of the Revised Code. 11118

If the court finds from the evidence submitted that the 11119  
person has failed to show cause why the person's driving 11120  
privileges should not be suspended, then the court shall assess 11121  
the cost of the ~~proceeding~~ proceedings against the person and 11122  
shall impose the suspension provided in division (K) of this 11123  
section or withhold the suspension, or part ~~thereof~~ of the 11124  
suspension, and provide ~~such any~~ conditions or probation as that 11125  
the court deems proper or impose a community control sanction 11126  
pursuant to section 2929.15 or 2929.25 of the Revised Code. If the 11127  
court finds that the person has shown cause why the person's 11128  
driving privileges should not be suspended, the cost of the 11129  
proceedings shall be paid out of the county treasury of the county 11130  
in which the proceedings were held. 11131

Any person whose license is suspended under this section is 11132  
not entitled to apply for or receive a new license during the 11133  
effective period of the suspension. 11134

Upon termination of any suspension or other penalty imposed 11135  
under this section involving surrender of a license or permit and 11136  
upon request of the person whose license or permit was so 11137  
suspended or surrendered, the registrar shall return the license 11138  
or permit to the person upon determining that all provisions of 11139  
section 4507.022 of the Revised Code have been met or shall 11140  
reissue the person's license or permit under section 4507.54 of 11141  
the Revised Code, if the registrar destroyed the license or permit 11142  
under that section. 11143

Any person whose license, permit, or privilege to operate a 11144  
motor vehicle has been suspended as a repeat traffic offender 11145  
under this section and who, during such suspension, drives any 11146

motor vehicle upon any highway is guilty of a misdemeanor of the 11147  
first degree, and no court shall suspend the first three days of 11148  
any such sentence. 11149

(O) The privilege of driving a motor vehicle on the highways 11150  
or streets of this state, given to nonresidents under section 11151  
4507.04 of the Revised Code, is subject to suspension by the 11152  
registrar. 11153

**Sec. 4507.022.** Any person whose driver's or commercial 11154  
driver's license or permit is suspended, or who is ~~put on~~ 11155  
~~probation~~ placed under a community control sanction or granted 11156  
limited or occupational driving privileges, under section 4507.021 11157  
or division (E) of section 4507.16 of the Revised Code, is not 11158  
eligible to retain the person's license, or to have the person's 11159  
driving privileges reinstated, until each of the following has 11160  
occurred: 11161

(A) The person successfully completes a course of remedial 11162  
driving instruction approved by the director of public safety, 11163  
provided the person commences taking the course after the person's 11164  
driver's or commercial driver's license or permit is suspended 11165  
under section 4507.021 or division (E) of section 4507.16 of the 11166  
Revised Code. A minimum of twenty-five per cent of the number of 11167  
hours of instruction included in the course shall be devoted to 11168  
instruction on driver attitude. 11169

The course also shall devote a number of hours to instruction 11170  
in the area of alcohol and drugs and the operation of motor 11171  
vehicles. The instruction shall include, but not be limited to, a 11172  
review of the laws governing the operation of a motor vehicle 11173  
while under the influence of alcohol, drugs, or both, the dangers 11174  
of operating a motor vehicle while under the influence of alcohol, 11175  
drugs, or both, and other information relating to the operation of 11176  
motor vehicles and the consumption of alcoholic beverages and use 11177

of drugs. The director, in consultation with the director of 11178  
alcohol and drug addiction services, shall prescribe the content 11179  
of the instruction. The number of hours devoted to the area of 11180  
alcohol and drugs and the operation of motor vehicles shall 11181  
comprise a minimum of twenty-five per cent of the number of hours 11182  
of instruction included in the course. 11183

(B) The person is examined in the manner provided for in 11184  
section 4507.20 of the Revised Code, and found by the registrar of 11185  
motor vehicles to be qualified to operate a motor vehicle; 11186

(C) The person gives and maintains proof of financial 11187  
responsibility, in accordance with section 4509.45 of the Revised 11188  
Code. 11189

As used in this section, "community control sanction" has the 11190  
same meaning as in section 2929.01 of the Revised Code. 11191

**Sec. 4507.16.** (A)(1) The trial judge of any court of record, 11192  
in addition to or independent of all other penalties provided by 11193  
law or by ordinance, shall suspend for not less than thirty days 11194  
or more than three years or shall revoke the driver's or 11195  
commercial driver's license or permit or nonresident operating 11196  
privilege of any person who is convicted of or pleads guilty to 11197  
any of the following: 11198

(a) Perjury or the making of a false affidavit under this 11199  
chapter, or any other law of this state requiring the registration 11200  
of motor vehicles or regulating their operation on the highway; 11201

(b) Any crime punishable as a felony under the motor vehicle 11202  
laws of this state or any other felony in the commission of which 11203  
a motor vehicle is used; 11204

(c) Failing to stop and disclose identity at the scene of the 11205  
accident when required by law or ordinance to do so; 11206

(d) Street racing as defined in section 4511.251 of the 11207



Revised Code or any substantially similar municipal ordinance; 11208

(e) Willfully eluding or fleeing a police officer; 11209

(f) Trafficking in cigarettes with the intent to avoid 11210  
payment of the cigarette tax under division (A) of section 11211  
5743.112 of the Revised Code. 11212

(2) Subject to division (D)(1) of this section, the trial 11213  
judge of any court of record, in addition to or independent of all 11214  
other penalties provided by law or by ordinance, shall suspend the 11215  
driver's or commercial driver's license or permit or nonresident 11216  
operating privilege of any person who is convicted of or pleads 11217  
guilty to a violation of section 2903.06 or 2903.08 of the Revised 11218  
Code. The suspension shall be for the period of time specified in 11219  
section 2903.06 or 2903.08 of the Revised Code, whichever is 11220  
applicable. 11221

(3) If a person is convicted of or pleads guilty to a 11222  
violation of section 2907.24 of the Revised Code, an attempt to 11223  
commit a violation of that section, or a violation of or an 11224  
attempt to commit a violation of a municipal ordinance that is 11225  
substantially equivalent to that section and if the person, in 11226  
committing or attempting to commit the violation, was in, was on, 11227  
or used a motor vehicle, the trial judge of a court of record, in 11228  
addition to or independent of all other penalties provided by law 11229  
or ordinance, shall suspend for thirty days the person's driver's 11230  
or commercial driver's license or permit. 11231

The trial judge of any court of record, in addition to 11232  
suspensions or revocations of licenses, permits, or privileges 11233  
pursuant to this division and in addition to or independent of all 11234  
other penalties provided by law or by ordinance, shall impose a 11235  
suspended jail sentence not to exceed six months, if imprisonment 11236  
was not imposed for the offense for which the person was 11237  
convicted. 11238

(4) If the trial judge of any court of record suspends or 11239  
revokes the driver's or commercial driver's license or permit or 11240  
nonresident operating privilege of a person who is convicted of or 11241  
pleads guilty to any offense for which such suspension or 11242  
revocation is provided by law or ordinance, in addition to all 11243  
other penalties provided by law or ordinance, the judge may issue 11244  
an order prohibiting the offender from registering, renewing, or 11245  
transferring the registration of any vehicle during the period 11246  
that the offender's license, permit, or privilege is suspended or 11247  
revoked. The court promptly shall send a copy of the order to the 11248  
registrar of motor vehicles. 11249

Upon receipt of such an order, neither the registrar nor any 11250  
deputy registrar shall accept any application for the 11251  
registration, registration renewal, or transfer of registration of 11252  
any motor vehicle owned or leased by the person named in the order 11253  
during the period that the person's license, permit, or privilege 11254  
is suspended or revoked, unless the registrar is properly notified 11255  
by the court that the order of suspension or revocation has been 11256  
canceled. When the period of suspension or revocation expires or 11257  
the order is canceled, the registrar or deputy registrar shall 11258  
accept the application for registration, registration renewal, or 11259  
transfer of registration of the person named in the order. 11260

(B) Except as otherwise provided in this section, the trial 11261  
judge of any court of record and the mayor of a mayor's court, in 11262  
addition to or independent of all other penalties provided by law 11263  
or by ordinance, shall revoke the driver's or commercial driver's 11264  
license or permit or nonresident operating privilege of any person 11265  
who is convicted of or pleads guilty to a violation of division 11266  
(A) of section 4511.19 of the Revised Code, of a municipal 11267  
ordinance relating to operating a vehicle while under the 11268  
influence of alcohol, a drug of abuse, or alcohol and a drug of 11269  
abuse, or of a municipal ordinance that is substantially 11270

equivalent to division (A) of section 4511.19 of the Revised Code 11271  
relating to operating a vehicle with a prohibited concentration of 11272  
alcohol in the blood, breath, or urine or suspend the license, 11273  
permit, or privilege as follows: 11274

(1) Except when division (B)(2), (3), or (4) of this section 11275  
applies and the judge or mayor is required to suspend or revoke 11276  
the offender's license or permit pursuant to that division, the 11277  
judge or mayor shall suspend the offender's driver's or commercial 11278  
driver's license or permit or nonresident operating privilege for 11279  
not less than six months nor more than three years. 11280

(2) Subject to division (B)(4) of this section, if, within 11281  
six years of the offense, the offender has been convicted of or 11282  
pleaded guilty to one violation of division (A) or (B) of section 11283  
4511.19 of the Revised Code, a municipal ordinance relating to 11284  
operating a vehicle while under the influence of alcohol, a drug 11285  
of abuse, or alcohol and a drug of abuse, a municipal ordinance 11286  
relating to operating a motor vehicle with a prohibited 11287  
concentration of alcohol in the blood, breath, or urine, section 11288  
2903.04 of the Revised Code in a case in which the offender was 11289  
subject to the sanctions described in division (D) of that 11290  
section, section 2903.06 or 2903.08 of the Revised Code, former 11291  
section 2903.07 of the Revised Code, or a municipal ordinance that 11292  
is substantially similar to former section 2903.07 of the Revised 11293  
Code in a case in which the jury or judge found that the offender 11294  
was under the influence of alcohol, a drug of abuse, or alcohol 11295  
and a drug of abuse, or a statute of the United States or of any 11296  
other state or a municipal ordinance of a municipal corporation 11297  
located in any other state that is substantially similar to 11298  
division (A) or (B) of section 4511.19 of the Revised Code, the 11299  
judge shall suspend the offender's driver's or commercial driver's 11300  
license or permit or nonresident operating privilege for not less 11301  
than one year nor more than five years. 11302

(3) Subject to division (B)(4) of this section, if, within  
six years of the offense, the offender has been convicted of or  
pleaded guilty to two violations described in division (B)(2) of  
this section, 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, the judge shall  
suspend the offender's driver's or commercial driver's license or  
permit or nonresident operating privilege for not less than one  
year nor more than ten years.

(4) If, within six years of the offense, the offender has  
been convicted of or pleaded guilty to three or more violations  
described in division (B)(2) of this section, 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, or 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 and regardless of when the violation and  
the conviction or guilty plea occurred, the judge shall suspend  
the offender's driver's or commercial driver's license or permit  
or nonresident operating privilege for a period of time set by the  
court but not less than three years, and the judge may permanently  
revoke the offender's driver's or commercial driver's license or  
permit or nonresident operating privilege.

(5) The filing of an appeal by a person whose driver's or  
commercial driver's license is suspended or revoked under division  
(B)(1), (2), (3), or (4) of this section regarding any aspect of  
the person's trial or sentence does not stay the operation of the  
suspension or revocation.

(C) The trial judge of any court of record or the mayor of a

mayor's court, in addition to or independent of all other 11335  
penalties provided by law or by ordinance, may suspend the 11336  
driver's or commercial driver's license or permit or nonresident 11337  
operating privilege of any person who violates a requirement or 11338  
prohibition of the court imposed under division (F) of this 11339  
section or division ~~(G)~~(C)(1) of section 2951.02 of the Revised 11340  
Code as follows: 11341

(1) For not more than one year, upon conviction for a first 11342  
violation of the requirement or prohibition; 11343

(2) For not more than five years, upon conviction for a 11344  
second or subsequent violation of the requirement or prohibition 11345  
during the same period of required use of an ignition interlock 11346  
device that is certified pursuant to section 4511.83 of the 11347  
Revised Code. 11348

(D)(1) The trial judge of any court of record, in addition to 11349  
or independent of all other penalties provided by law or by 11350  
ordinance, shall permanently revoke the driver's or commercial 11351  
driver's license or permit or nonresident operating privilege of 11352  
any person who is convicted of or pleads guilty to a violation of 11353  
section 2903.04 or 2903.06 of the Revised Code in a case in which 11354  
division (D) of section 2903.04 or division (B) of section 2903.06 11355  
of the Revised Code requires the judge to permanently revoke the 11356  
license, permit, or privilege. 11357

(2) In addition to any prison term authorized or required by 11358  
the section that establishes the offense and sections 2929.13 and 11359  
2929.14 of the Revised Code, and in addition to any other sanction 11360  
imposed for the offense under the section that establishes the 11361  
offense or sections 2929.11 to 2929.182 of the Revised Code, the 11362  
court that sentences an offender who is convicted of or pleads 11363  
guilty to a violation of section 2925.02, 2925.03, 2925.04, 11364  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 11365  
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 11366

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  
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, 11399  
breath, or urine. 11400

(F)(1) A person is not entitled to request, and a judge or 11401  
mayor shall not grant to the person, occupational driving 11402  
privileges under division (F) of this section if a person's 11403  
driver's or commercial driver's license or permit or nonresident 11404  
operating privilege has been suspended pursuant to division (B) or 11405  
(C) of this section or pursuant to division (F) of section 11406  
4511.191 of the Revised Code, and the person, within the preceding 11407  
seven years, has been convicted of or pleaded guilty to three or 11408  
more violations of one or more of the following: 11409

(a) Division (A) or (B) of section 4511.19 of the Revised 11410  
Code; 11411

(b) A municipal ordinance relating to operating a vehicle 11412  
while under the influence of alcohol, a drug of abuse, or alcohol 11413  
and a drug of abuse; 11414

(c) A municipal ordinance relating to operating a vehicle 11415  
with a prohibited concentration of alcohol in the blood, breath, 11416  
or urine; 11417

(d) Section 2903.04 of the Revised Code in a case in which 11418  
the person was subject to the sanctions described in division (D) 11419  
of that section; 11420

(e) Division (A)(1) of section 2903.06 or division (A)(1) of 11421  
section 2903.08 of the Revised Code or a municipal ordinance that 11422  
is substantially similar to either of those divisions; 11423

(f) Division (A)(2), (3), or (4) of section 2903.06, division 11424  
(A)(2) of section 2903.08, or former section 2903.07 of the 11425  
Revised Code, or a municipal ordinance that is substantially 11426  
similar to any of those divisions or that former section, in a 11427  
case in which the jury or judge found that the person was under 11428  
the influence of alcohol, a drug of abuse, or alcohol and a drug 11429

of abuse; 11430

(g) A statute of the United States or of any other state or a 11431  
municipal ordinance of a municipal corporation located in any 11432  
other state that is substantially similar to division (A) or (B) 11433  
of section 4511.19 of the Revised Code. 11434

(2) Any other person who is not described in division (F)(1) 11435  
of this section and whose driver's or commercial driver's license 11436  
or nonresident operating privilege has been suspended under any of 11437  
those divisions may file a petition that alleges that the 11438  
suspension would seriously affect the person's ability to continue 11439  
the person's employment. The petition of a person whose license, 11440  
permit, or privilege was suspended pursuant to division (F) of 11441  
section 4511.191 of the Revised Code shall be filed in the court 11442  
specified in division (I)(4) of that section, and the petition of 11443  
a person whose license, permit, or privilege was suspended under 11444  
division (B) or (C) of this section shall be filed in the 11445  
municipal, county, mayor's, or in the case of a minor, juvenile 11446  
court that has jurisdiction over the place of arrest. Upon 11447  
satisfactory proof that there is reasonable cause to believe that 11448  
the suspension would seriously affect the person's ability to 11449  
continue the person's employment, the judge of the court or mayor 11450  
of the mayor's court may grant the person occupational driving 11451  
privileges during the period during which the suspension otherwise 11452  
would be imposed, except that the judge or mayor shall not grant 11453  
occupational driving privileges for employment as a driver of 11454  
commercial motor vehicles to any person who is disqualified from 11455  
operating a commercial motor vehicle under section 3123.611 or 11456  
4506.16 of the Revised Code or whose commercial driver's license 11457  
or commercial driver's temporary instruction permit has been 11458  
suspended under section 3123.58 of the Revised Code, and shall not 11459  
grant occupational driving privileges during any of the following 11460  
periods of time: 11461



(a) The first fifteen days of suspension imposed upon an 11462  
offender whose license, permit, or privilege is suspended pursuant 11463  
to division (B)(1) of this section or division (F)(1) of section 11464  
4511.191 of the Revised Code. On or after the sixteenth day of 11465  
suspension, the court may grant the offender occupational driving 11466  
privileges, but the court may provide that the offender shall not 11467  
exercise the occupational driving privileges unless the vehicles 11468  
the offender operates are equipped with ignition interlock 11469  
devices. 11470

(b) The first thirty days of suspension imposed upon an 11471  
offender whose license, permit, or privilege is suspended pursuant 11472  
to division (B)(2) of this section or division (F)(2) of section 11473  
4511.191 of the Revised Code. On or after the thirty-first day of 11474  
suspension, the court may grant the offender occupational driving 11475  
privileges, but the court may provide that the offender shall not 11476  
exercise the occupational driving privileges unless the vehicles 11477  
the offender operates are equipped with ignition interlock 11478  
devices. 11479

(c) The first one hundred eighty days of suspension imposed 11480  
upon an offender whose license, permit, or privilege is suspended 11481  
pursuant to division (B)(3) of this section or division (F)(3) of 11482  
section 4511.191 of the Revised Code. The judge may grant 11483  
occupational driving privileges to an offender who receives a 11484  
suspension under either of those divisions on or after the one 11485  
hundred eighty-first day of the suspension only if division (F) of 11486  
this section does not prohibit the judge from granting the 11487  
privileges and only if the judge, at the time of granting the 11488  
privileges, also issues an order prohibiting the offender, while 11489  
exercising the occupational driving privileges during the period 11490  
commencing with the one hundred eighty-first day of suspension and 11491  
ending with the first year of suspension, from operating any motor 11492  
vehicle unless it is equipped with a certified ignition interlock 11493

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  
the judge from granting the privileges, the judge may grant the  
offender occupational driving privileges without requiring the use  
of a certified ignition interlock device.

(d) The first three years of suspension imposed upon an  
offender whose license, permit, or privilege is suspended pursuant  
to division (B)(4) of this section or division (F)(4) 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 after the first three years of  
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 from operating any motor vehicle, for the  
period of suspension following the first three years of  
suspension, unless the motor vehicle is equipped with a certified  
ignition interlock device.

(G) If a person's driver's or commercial driver's license or  
permit or nonresident operating privilege has been suspended under  
division (E) of this section, and the person, within the preceding  
seven years, has been convicted of or pleaded guilty to three or  
more violations identified in division (F)(1) of this section, the  
person is not entitled to request, and the judge or mayor shall  
not grant to the person, occupational driving privileges under  
this division. Any other person whose driver's or commercial  
driver's license or nonresident operating privilege has been  
suspended under division (E) of this section may file a petition

that alleges that the suspension would seriously affect the 11526  
person's ability to continue the person's employment. The petition 11527  
shall be filed in the municipal, county, or mayor's court that has 11528  
jurisdiction over the place of arrest. Upon satisfactory proof 11529  
that there is reasonable cause to believe that the suspension 11530  
would seriously affect the person's ability to continue the 11531  
person's employment, the judge of the court or mayor of the 11532  
mayor's court may grant the person occupational driving privileges 11533  
during the period during which the suspension otherwise would be 11534  
imposed, except that the judge or mayor shall not grant 11535  
occupational driving privileges for employment as a driver of 11536  
commercial motor vehicles to any person who is disqualified from 11537  
operating a commercial motor vehicle under section 4506.16 of the 11538  
Revised Code, and shall not grant occupational driving privileges 11539  
during the first sixty days of suspension imposed upon an offender 11540  
whose driver's or commercial driver's license or permit or 11541  
nonresident operating privilege is suspended pursuant to division 11542  
(E) of this section. 11543

(H)(1) After a driver's or commercial driver's license or 11544  
permit has been suspended or revoked pursuant to this section, the 11545  
judge of the court or mayor of the mayor's court that suspended or 11546  
revoked the license or permit shall cause the offender to deliver 11547  
the license or permit to the court. The judge, mayor, or clerk of 11548  
the court or mayor's court, if the license or permit has been 11549  
suspended or revoked in connection with any of the offenses listed 11550  
in this section, forthwith shall forward it to the registrar with 11551  
notice of the action of the court. 11552

(2) Suspension of a commercial driver's license under this 11553  
section shall be concurrent with any period of disqualification 11554  
under section 3123.611 or 4506.16 of the Revised Code or any 11555  
period of suspension under section 3123.58 of the Revised Code. No 11556  
person who is disqualified for life from holding a commercial 11557

driver's license under section 4506.16 of the Revised Code shall 11558  
be issued a driver's license under this chapter during the period 11559  
for which the commercial driver's license was suspended under this 11560  
section, and no person whose commercial driver's license is 11561  
suspended under this section shall be issued a driver's license 11562  
under this chapter during the period of the suspension. 11563

(I) No judge shall suspend the first thirty days of 11564  
suspension of a driver's or commercial driver's license or permit 11565  
or a nonresident operating privilege required under division (A) 11566  
of this section, no judge or mayor shall suspend the first six 11567  
months of suspension required under division (B)(1) of this 11568  
section, no judge shall suspend the first year of suspension 11569  
required under division (B)(2) of this section, no judge shall 11570  
suspend the first year of suspension required under division 11571  
(B)(3) of this section, no judge shall suspend the first three 11572  
years of suspension required under division (B)(4) of this 11573  
section, no judge or mayor shall suspend the revocation required 11574  
by division (D) of this section, and no judge or mayor shall 11575  
suspend the first sixty days of suspension required under division 11576  
(E) of this section, except that the court shall credit any period 11577  
of suspension imposed pursuant to section 4511.191 or 4511.196 of 11578  
the Revised Code against any time of suspension imposed pursuant 11579  
to division (B) or (E) of this section as described in division 11580  
(J) of this section. 11581

(J) The judge of the court or mayor of the mayor's court 11582  
shall credit any time during which an offender was subject to an 11583  
administrative suspension of the offender's driver's or commercial 11584  
driver's license or permit or nonresident operating privilege 11585  
imposed pursuant to division (E) or (F) of section 4511.191 or a 11586  
suspension imposed by a judge, referee, or mayor pursuant to 11587  
division (B)(1) or (2) of section 4511.196 of the Revised Code 11588  
against the time to be served under a related suspension imposed 11589

pursuant to this section. 11590

(K) The judge or mayor shall notify the bureau of any 11591  
determinations made, and of any suspensions or revocations 11592  
imposed, pursuant to division (B) of this section. 11593

(L)(1) If a court issues an ignition interlock order under 11594  
division (F) of this section, the order shall authorize the 11595  
offender during the specified period to operate a motor vehicle 11596  
only if it is equipped with a certified ignition interlock device. 11597  
The court shall provide the offender with a copy of an ignition 11598  
interlock order issued under division (F) of this section, and the 11599  
copy of the order shall be used by the offender in lieu of an Ohio 11600  
driver's or commercial driver's license or permit until the 11601  
registrar or a deputy registrar issues the offender a restricted 11602  
license. 11603

An order issued under division (F) of this section does not 11604  
authorize or permit the offender to whom it has been issued to 11605  
operate a vehicle during any time that the offender's driver's or 11606  
commercial driver's license or permit is suspended or revoked 11607  
under any other provision of law. 11608

(2) The offender may present the ignition interlock order to 11609  
the registrar or to a deputy registrar. Upon presentation of the 11610  
order to the registrar or a deputy registrar, the registrar or 11611  
deputy registrar shall issue the offender a restricted license. A 11612  
restricted license issued under this division shall be identical 11613  
to an Ohio driver's license, except that it shall have printed on 11614  
its face a statement that the offender is prohibited during the 11615  
period specified in the court order from operating any motor 11616  
vehicle that is not equipped with a certified ignition interlock 11617  
device, and except that the date of commencement and the date of 11618  
termination of the period shall be indicated conspicuously upon 11619  
the face of the license. 11620

(3) As used in this section: 11621

(a) "Ignition interlock device" has the same meaning as in 11622  
section 4511.83 of the Revised Code. 11623

(b) "Certified ignition interlock device" means an ignition 11624  
interlock device that is certified pursuant to section 4511.83 of 11625  
the Revised Code. 11626

**Sec. 4507.99.** (A) Whoever violates division (B)(2) or (D)(1) 11627  
of section 4507.02 of the Revised Code is guilty of driving under 11628  
suspension or revocation or in violation of license restrictions, 11629  
a misdemeanor of the first degree. Whoever violates division (C) 11630  
of section 4507.02 of the Revised Code is guilty of driving 11631  
without paying a license reinstatement fee, a misdemeanor of the 11632  
first degree. Except as otherwise provided in division (D) of 11633  
section 4507.162 of the Revised Code, the court, in addition to or 11634  
independent of all other penalties provided by law, may suspend 11635  
for a period not to exceed one year the driver's or commercial 11636  
driver's license or permit or nonresident operating privilege of 11637  
any person who pleads guilty to or is convicted of a violation of 11638  
division (B)(2), (C), or (D)(1) of section 4507.02 of the Revised 11639  
Code. 11640

(B) Whoever violates division (D)(2) of section 4507.02 of 11641  
the Revised Code is guilty of driving under OMVI suspension or 11642  
revocation and shall be punished as provided in division (B)(1), 11643  
(2), or (3) and divisions (B)(4) to (8) of this section. 11644

(1) Except as otherwise provided in division (B)(2) or (3) of 11645  
this section, driving under OMVI suspension or revocation is a 11646  
misdemeanor of the first degree, and the court shall sentence the 11647  
offender to a jail term ~~of imprisonment~~ of not less than three 11648  
consecutive days and may sentence the offender pursuant to section 11649  
~~2929.21~~ 2929.24 of the Revised Code to a longer jail term ~~of~~ 11650  
~~imprisonment~~. As an alternative to the jail term ~~of imprisonment~~ 11651

required to be imposed by this division, but subject to division 11652  
(B)(6) of this section, the court may sentence the offender to a 11653  
term of not less than thirty consecutive days of ~~electronically~~ 11654  
~~monitored~~ house arrest ~~as defined in division (A)(4) of section~~ 11655  
~~2929.23 of the Revised Code~~ with electronic monitoring. The period 11656  
of ~~electronically monitored~~ house arrest with electronic 11657  
monitoring shall not exceed six months. In addition, the court 11658  
shall impose upon the offender a fine of not less than two hundred 11659  
fifty and not more than one thousand dollars. 11660

Regardless of whether the vehicle the offender was operating 11661  
at the time of the offense is registered in the offender's name or 11662  
in the name of another person, the court, in addition to or 11663  
independent of any other sentence that it imposes upon the 11664  
offender and subject to section 4503.235 of the Revised Code, 11665  
shall order the immobilization for thirty days of the vehicle the 11666  
offender was operating at the time of the offense and the 11667  
impoundment for thirty days of the identification license plates 11668  
of that vehicle. The order for immobilization and impoundment 11669  
shall be issued and enforced in accordance with section 4503.233 11670  
of the Revised Code. 11671

(2) If, within five years of the offense, the offender has 11672  
been convicted of or pleaded guilty to one violation of division 11673  
(D)(2) of section 4507.02 of the Revised Code or a municipal 11674  
ordinance that is substantially equivalent to that division, 11675  
driving under OMVI suspension or revocation is a misdemeanor, and 11676  
the court shall sentence the offender to a jail term ~~of~~ 11677  
~~imprisonment~~ of not less than ten consecutive days and may 11678  
sentence the offender to a longer definite jail term ~~of~~ 11679  
~~imprisonment~~ of not more than one year. As an alternative to the 11680  
jail term ~~of imprisonment~~ required to be imposed by this division, 11681  
but subject to division (B)(6) of this section, the court may 11682  
sentence the offender to a term of not less than ninety 11683

consecutive days of ~~electronically monitored~~ house arrest as 11684  
defined in division (A)(4) of section 2929.23 of the Revised Code 11685  
with electronic monitoring. The period of ~~electronically monitored~~ 11686  
house arrest with electronic monitoring shall not exceed one year. 11687  
In addition, the court shall impose upon the offender a fine of 11688  
not less than five hundred and not more than two thousand five 11689  
hundred dollars. 11690

Regardless of whether the vehicle the offender was operating 11691  
at the time of the offense is registered in the offender's name or 11692  
in the name of another person, the court, in addition to or 11693  
independent of any other sentence that it imposes upon the 11694  
offender and subject to section 4503.235 of the Revised Code, 11695  
shall order the immobilization for sixty days of the vehicle the 11696  
offender was operating at the time of the offense and the 11697  
impoundment for sixty days of the identification license plates of 11698  
that vehicle. The order for immobilization and impoundment shall 11699  
be issued and enforced in accordance with section 4503.233 of the 11700  
Revised Code. 11701

(3) If, within five years of the offense, the offender has 11702  
been convicted of or pleaded guilty to two or more violations of 11703  
division (D)(2) of section 4507.02 of the Revised Code or a 11704  
municipal ordinance that is substantially equivalent to that 11705  
division, driving under OMVI suspension or revocation is guilty of 11706  
a misdemeanor. The court shall sentence the offender to a jail 11707  
term of ~~imprisonment~~ of not less than thirty consecutive days and 11708  
may sentence the offender to a longer definite jail term of 11709  
~~imprisonment~~ of not more than one year. The court shall not 11710  
sentence the offender to a term of ~~electronically monitored~~ house 11711  
arrest as defined in division (A)(4) of section 2929.23 of the 11712  
Revised Code with electronic monitoring. In addition, the court 11713  
shall impose upon the offender a fine of not less than five 11714  
hundred and not more than two thousand five hundred dollars. 11715



Regardless of whether the vehicle the offender was operating 11716  
at the time of the offense is registered in the offender's name or 11717  
in the name of another person, the court, in addition to or 11718  
independent of any other sentence that it imposes upon the 11719  
offender and subject to section 4503.235 of the Revised Code, 11720  
shall order the criminal forfeiture to the state of the vehicle 11721  
the offender was operating at the time of the offense. The order 11722  
of criminal forfeiture shall be issued and enforced in accordance 11723  
with section 4503.234 of the Revised Code. 11724

If title to a motor vehicle that is subject to an order for 11725  
criminal forfeiture under this section is assigned or transferred 11726  
and division (C)(2) or (3) of section 4503.234 of the Revised Code 11727  
applies, in addition to or independent of any other penalty 11728  
established by law, the court may fine the offender the value of 11729  
the vehicle as determined by publications of the national auto 11730  
dealer's association. The proceeds from any fine imposed under 11731  
this division shall be distributed in accordance with division 11732  
(D)(4) of section 4503.234 of the Revised Code. 11733

(4) In addition to or independent of all other penalties 11734  
provided by law or ordinance, the trial judge of any court of 11735  
record or the mayor of a mayor's court shall suspend for a period 11736  
not to exceed one year the driver's or commercial driver's license 11737  
or permit or nonresident operating privilege of an offender who is 11738  
sentenced under division (B)(1), (2), or (3) of this section. 11739

(5) Fifty per cent of any fine imposed by a court under 11740  
division (B)(1), (2), or (3) of this section shall be deposited 11741  
into the county indigent drivers alcohol treatment fund or 11742  
municipal indigent drivers alcohol treatment fund under the 11743  
control of that court, as created by the county or municipal 11744  
corporation pursuant to division (N) of section 4511.191 of the 11745  
Revised Code. 11746

(6) No court shall impose the alternative sentence of not 11747

less than thirty consecutive days of ~~electronically monitored~~ 11748  
house arrest with electronic monitoring permitted to be imposed by 11749  
division (B)(1) of this section or the alternative sentence of a 11750  
term of not less than ninety consecutive days of ~~electronically~~ 11751  
~~monitored~~ house arrest with electronic monitoring permitted to be 11752  
imposed by division (B)(2) of this section, unless within sixty 11753  
days of the date of sentencing, the court issues a written 11754  
finding, entered into the record, that, due to the unavailability 11755  
of space at the incarceration facility where the offender is 11756  
required to serve the jail term of ~~imprisonment~~ imposed upon the 11757  
offender, the offender will not be able to begin serving that jail 11758  
term of ~~imprisonment~~ within the sixty-day period following the 11759  
date of sentencing. If the court issues such a finding, the court 11760  
may impose the alternative sentence comprised of or including 11761  
~~electronically monitored~~ house arrest with electronic monitoring 11762  
permitted to be imposed by division (B)(1) or (2) of this section. 11763

(7) An offender sentenced under this section to a period of 11764  
~~electronically monitored~~ house arrest with electronic monitoring 11765  
shall be permitted work release during such period. The duration 11766  
of the work release shall not exceed the time necessary each day 11767  
for the offender to commute to and from the place of employment 11768  
and the offender's home or other place specified by the sentencing 11769  
court and the time actually spent under employment. 11770

(8) Suspension of a commercial driver's license under this 11771  
section shall be concurrent with any period of disqualification 11772  
under section 3123.611 or 4506.16 of the Revised Code or any 11773  
period of suspension under section 3123.58 of the Revised Code. No 11774  
person who is disqualified for life from holding a commercial 11775  
driver's license under section 4506.16 of the Revised Code shall 11776  
be issued a driver's license under this chapter during the period 11777  
for which the commercial driver's license was suspended under this 11778  
section, and no person whose commercial driver's license is 11779

suspended under this section shall be issued a driver's license 11780  
under this chapter during the period of the suspension. 11781

(9) As used in division (B) of this section "electronic 11782  
monitoring" has the same meaning as in section 2929.01 of the 11783  
Revised Code. 11784

(C) Whoever violates division (B)(1) of section 4507.02 of 11785  
the Revised Code is guilty of driving under financial 11786  
responsibility law suspension or revocation and shall be punished 11787  
as provided in division (C)(1), (2), or (3) and division (C)(4) of 11788  
this section. 11789

(1) Except as otherwise provided in division (C)(2) or (3) of 11790  
this section, driving under financial responsibility law 11791  
suspension or revocation is a misdemeanor of the first degree. 11792

Regardless of whether the vehicle the offender was operating 11793  
at the time of the offense is registered in the offender's name or 11794  
in the name of another person, the court, in addition to or 11795  
independent of any other sentence that it imposes upon the 11796  
offender and subject to section 4503.235 of the Revised Code, 11797  
shall order the immobilization for thirty days of the vehicle the 11798  
offender was operating at the time of the offense and the 11799  
impoundment for thirty days of the identification license plates 11800  
of that vehicle. The order for immobilization and impoundment 11801  
shall be issued and enforced in accordance with section 4503.233 11802  
of the Revised Code. 11803

(2) If, within five years of the offense, the offender has 11804  
been convicted of or pleaded guilty to one violation of division 11805  
(B)(1) of section 4507.02 of the Revised Code or a municipal 11806  
ordinance that is substantially equivalent to that division, 11807  
driving under financial responsibility law suspension or 11808  
revocation is a misdemeanor of the first degree. 11809

Regardless of whether the vehicle the offender was operating 11810

at the time of the offense is registered in the offender's name or 11811  
in the name of another person, the court, in addition to or 11812  
independent of any other sentence that it imposes upon the 11813  
offender and subject to section 4503.235 of the Revised Code, 11814  
shall order the immobilization for sixty days of the vehicle the 11815  
offender was operating at the time of the offense and the 11816  
impoundment for sixty days of the identification license plates of 11817  
that vehicle. The order for immobilization and impoundment shall 11818  
be issued and enforced in accordance with section 4503.233 of the 11819  
Revised Code. 11820

(3) If, within five years of the offense, the offender has 11821  
been convicted of or pleaded guilty to two or more violations of 11822  
division (B)(1) of section 4507.02 of the Revised Code or a 11823  
municipal ordinance that is substantially equivalent to that 11824  
division, driving under financial responsibility law suspension or 11825  
revocation is a misdemeanor of the first degree. 11826

Regardless of whether the vehicle the offender was operating 11827  
at the time of the offense is registered in the offender's name or 11828  
in the name of another person, the court, in addition to or 11829  
independent of any other sentence that it imposes upon the 11830  
offender and subject to section 4503.235 of the Revised Code, 11831  
shall order the criminal forfeiture to the state of the vehicle 11832  
the offender was operating at the time of the offense. The order 11833  
of criminal forfeiture shall be issued and enforced in accordance 11834  
with section 4503.234 of the Revised Code. 11835

If title to a motor vehicle that is subject to an order for 11836  
criminal forfeiture under this section is assigned or transferred 11837  
and division (C)(2) or (3) of section 4503.234 of the Revised Code 11838  
applies, in addition to or independent of any other penalty 11839  
established by law, the court may fine the offender the value of 11840  
the vehicle as determined by publications of the national auto 11841  
dealer's association. The proceeds from any fine imposed under 11842

this division shall be distributed in accordance with division 11843  
(D)(4) of section 4503.234 of the Revised Code. 11844

(4) Except as otherwise provided in division (D) of section 11845  
4507.162 of the Revised Code, the court, in addition to or 11846  
independent of all other penalties provided by law, may suspend 11847  
for a period not to exceed one year the driver's or commercial 11848  
driver's license or permit or nonresident operating privilege of 11849  
an offender who is sentenced under division (C)(1), (2), or (3) of 11850  
this section. 11851

(5) The court shall not release a vehicle from the 11852  
immobilization ordered under division (C)(1) or (2) of this 11853  
section unless the court is presented with current proof of 11854  
financial responsibility with respect to that vehicle. 11855

(D) Whoever violates division (A)(1) or (3) of section 11856  
4507.02 of the Revised Code by operating a motor vehicle when the 11857  
offender's driver's or commercial driver's license has been 11858  
expired for no more than six months is guilty of a minor 11859  
misdemeanor. Whoever violates division (B) of section 4507.13 or 11860  
division (C) of section 4507.52 of the Revised Code is guilty of a 11861  
minor misdemeanor. 11862

(E) Whoever violates section 4507.33 of the Revised Code is 11863  
guilty of permitting the operation of a vehicle by a person with 11864  
no legal right to operate a vehicle and shall be punished as 11865  
provided in division (E)(1) or (2) of this section. 11866

(1) Except as otherwise provided in division (E)(2) of this 11867  
section, permitting the operation of a vehicle by a person with no 11868  
legal right to operate a vehicle is a misdemeanor of the first 11869  
degree. In addition to or independent of any other sentence that 11870  
it imposes upon the offender and subject to section 4503.235 of 11871  
the Revised Code, the court shall order the immobilization for 11872  
thirty days of the vehicle involved in the offense and the 11873

impoundment for thirty days of the identification license plates 11874  
of that vehicle. The order for immobilization and impoundment 11875  
shall be issued and enforced in accordance with section 4503.233 11876  
of the Revised Code. 11877

(2) If the offender previously has been convicted of or 11878  
pleaded guilty to one or more violations of section 4507.33 of the 11879  
Revised Code, permitting the operation of a vehicle by a person 11880  
with no legal right to operate a vehicle is a misdemeanor of the 11881  
first degree. In addition to or independent of any other sentence 11882  
that it imposes upon the offender and subject to section 4503.235 11883  
of the Revised Code, the court shall order the criminal forfeiture 11884  
to the state of the vehicle involved in the offense. The order of 11885  
criminal forfeiture shall be issued and enforced in accordance 11886  
with section 4503.234 of the Revised Code. 11887

If title to a motor vehicle that is subject to an order for 11888  
criminal forfeiture under this section is assigned or transferred 11889  
and division (C)(2) or (3) of section 4503.234 of the Revised Code 11890  
applies, in addition to or independent of any other penalty 11891  
established by law, the court may fine the offender the value of 11892  
the vehicle as determined by publications of the national auto 11893  
dealer's association. The proceeds from any fine imposed under 11894  
this division shall be distributed in accordance with division 11895  
(D)(4) of section 4503.234 of the Revised Code. 11896

(F) Whoever violates division (F)(1) or (2) of section 11897  
4507.05, or division (B) or (D) of section 4507.071 of the Revised 11898  
Code is guilty of a minor misdemeanor. 11899

(G) Whoever violates division (G) of section 4507.21 of the 11900  
Revised Code shall be fined one hundred dollars. 11901

(H) Except as provided in divisions (A) to (E) of this 11902  
section and unless another penalty is provided by the laws of this 11903  
state, whoever violates any provision of sections 4507.01 to 11904

4507.081 or 4507.10 to 4507.37 of the Revised Code is guilty of a 11905  
misdemeanor of the first degree. 11906

(I) Whenever a person is found guilty of a violation of 11907  
section 4507.32 of the Revised Code, the trial judge of any court 11908  
of record, in addition to or independent of all other penalties 11909  
provided by law or ordinance, may suspend for any period of time 11910  
not exceeding three years or revoke the license of any person, 11911  
partnership, association, or corporation, issued under section 11912  
4511.763 of the Revised Code. 11913

(J) Whenever a person is found guilty of a violation of 11914  
traffic offense specified in Traffic Rule 13(B) that requires the 11915  
person's appearance in court, the court shall require the person 11916  
to verify the existence at the time of the offense of proof of 11917  
financial responsibility covering the person's operation of the 11918  
motor vehicle, or the motor vehicle if registered in the person's 11919  
name, and notify the registrar pursuant to division (D) of section 11920  
4509.101 of the Revised Code if the person fails to verify the 11921  
existence of such proof of financial responsibility. 11922

**Sec. 4511.83.** (A) As used in this section: 11923

(1) "Ignition interlock device" means a device that connects 11924  
a breath analyzer to a motor vehicle's ignition system, that is 11925  
constantly available to monitor the concentration by weight of 11926  
alcohol in the breath of any person attempting to start that motor 11927  
vehicle by using its ignition system, and that deters starting the 11928  
motor vehicle by use of its ignition system unless the person 11929  
attempting to so start the vehicle provides an appropriate breath 11930  
sample for the device and the device determines that the 11931  
concentration by weight of alcohol in the person's breath is below 11932  
a preset level. 11933

(2) "Offender with restricted driving privileges" means an 11934  
offender who is subject to an order that was issued under division 11935

(F) of section 4507.16 of the Revised Code as a condition of the granting of occupational driving privileges or an offender whose driving privilege is restricted as a condition of ~~probation~~ a community control sanction pursuant to division ~~(G)~~(C) of section 2951.02 of the Revised Code. 11936  
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(3) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 11941  
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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. 11943  
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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. 11949  
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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. 11954  
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(C) If a court, pursuant to division (F) of section 4507.16 11967  
of the Revised Code, imposes the use of an ignition interlock 11968  
device as a condition of the granting of occupational driving 11969  
privileges, the court shall require the offender to provide proof 11970  
of compliance to the court at least once quarterly or more 11971  
frequently as ordered by the court in its discretion. If a court 11972  
imposes the use of an ignition interlock device as a condition of 11973  
~~probation~~ a community control sanction under division ~~(G)~~(C) of 11974  
section 2951.02 of the Revised Code, the court shall require the 11975  
offender to provide proof of compliance to the court or probation 11976  
officer prior to issuing any driving privilege or continuing the 11977  
~~probation~~ community control status. In either case in which a 11978  
court imposes the use of such a device, the offender, at least 11979  
once quarterly or more frequently as ordered by the court in its 11980  
discretion, shall have the device inspected as ordered by the 11981  
court for accurate operation and shall provide the results of the 11982  
inspection to the court or, if applicable, to the offender's 11983  
probation officer. 11984

(D)(1) The director of public safety, upon consultation with 11985  
the director of health and in accordance with Chapter 119. of the 11986  
Revised Code, shall certify ignition interlock devices and shall 11987  
publish and make available to the courts, without charge, a list 11988  
of approved devices together with information about the 11989  
manufacturers of the devices and where they may be obtained. The 11990  
cost of obtaining the certification of an ignition interlock 11991  
device shall be paid by the manufacturer of the device to the 11992  
director of public safety and shall be deposited in the statewide 11993  
treatment and prevention fund established by section 4301.30 of 11994  
the Revised Code. 11995

(2) The director of public safety, in accordance with Chapter 11996  
119. of the Revised Code, shall adopt and publish rules setting 11997  
forth the requirements for obtaining the certification of an 11998

ignition interlock device. No ignition interlock device shall be certified by the director of public safety pursuant to division (D)(1) of this section unless it meets the requirements specified and published by the director in the rules adopted pursuant to this division. The requirements shall include provisions for setting a minimum and maximum calibration range and shall include, but shall not be limited to, specifications that the device complies with all of the following:

- (a) It does not impede the safe operation of the vehicle.
- (b) It has features that make circumvention difficult and that do not interfere with the normal use of the vehicle.
- (c) It correlates well with established measures of alcohol impairment.
- (d) It works accurately and reliably in an unsupervised environment.
- (e) It is resistant to tampering and shows evidence of tampering if tampering is attempted.
- (f) It is difficult to circumvent and requires premeditation to do so.
- (g) It minimizes inconvenience to a sober user.
- (h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath.
- (i) It operates reliably over the range of automobile environments.
- (j) It is made by a manufacturer who is covered by product liability insurance.

(3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent

laboratory tests performed and relied upon by other states, or 12028  
their agencies or commissions, in the certification or approval of 12029  
ignition interlock devices. 12030

(4) The director of public safety shall adopt rules in 12031  
accordance with Chapter 119. of the Revised Code for the design of 12032  
a warning label that shall be affixed to each ignition interlock 12033  
device upon installation. The label shall contain a warning that 12034  
any person tampering, circumventing, or otherwise misusing the 12035  
device is subject to a fine, imprisonment, or both and may be 12036  
subject to civil liability. 12037

(E)(1) No offender with restricted driving privileges, during 12038  
any period that the offender is required to operate only a motor 12039  
vehicle equipped with an ignition interlock device, shall request 12040  
or permit any other person to breathe into the device or start a 12041  
motor vehicle equipped with the device, for the purpose of 12042  
providing the offender with an operable motor vehicle. 12043

(2)(a) Except as provided in division (E)(2)(b) of this 12044  
section, no person shall breathe into an ignition interlock device 12045  
or start a motor vehicle equipped with an ignition interlock 12046  
device for the purpose of providing an operable motor vehicle to 12047  
an offender with restricted driving privileges. 12048

(b) Division (E)(2)(a) of this section does not apply to an 12049  
offender with restricted driving privileges who breathes into an 12050  
ignition interlock device or starts a motor vehicle equipped with 12051  
an ignition interlock device for the purpose of providing the 12052  
offender with an operable motor vehicle. 12053

(3) No unauthorized person shall tamper with or circumvent 12054  
the operation of an ignition interlock device. 12055

**Sec. 4511.99.** (A) Whoever violates division (A)(1), (2), (3), 12056  
or (4) of section 4511.19 of the Revised Code, in addition to the 12057

license suspension or revocation provided in section 4507.16 of 12058  
the Revised Code and any disqualification imposed under section 12059  
4506.16 of the Revised Code, shall be punished as provided in 12060  
division (A)(1), (2), (3), or (4) of this section. Whoever 12061  
violates division (A)(5), (6), or (7) of section 4511.19 of the 12062  
Revised Code, in addition to the license suspension or revocation 12063  
provided in section 4507.16 of the Revised Code and any 12064  
disqualification imposed under section 4506.16 of the Revised 12065  
Code, shall be punished as provided in division (A)(5), (6), (7), 12066  
or (8) of this section. 12067

(1) Except as otherwise provided in division (A)(2), (3), or 12068  
(4) of this section, the offender is guilty of a misdemeanor of 12069  
the first degree and the court shall sentence the offender to a 12070  
jail term of ~~imprisonment~~ of three consecutive days and may 12071  
sentence the offender pursuant to section ~~2929.21~~ 2929.24 of the 12072  
Revised Code to a longer jail term of ~~imprisonment~~. In addition, 12073  
the court shall impose upon the offender a fine of not less than 12074  
two hundred fifty and not more than one thousand dollars. 12075

The court may suspend the execution of the mandatory jail 12076  
term of three consecutive days of ~~imprisonment~~ that it is required 12077  
to impose by this division, if the court, in lieu of the suspended 12078  
jail term of ~~imprisonment~~, places the offender on probation under 12079  
a community control sanction pursuant to section 2929.25 of the 12080  
Revised Code and requires the offender to attend, for three 12081  
consecutive days, a drivers' intervention program that is 12082  
certified pursuant to section 3793.10 of the Revised Code. The 12083  
court also may suspend the execution of any part of the mandatory 12084  
jail term of three consecutive days of ~~imprisonment~~ that it is 12085  
required to impose by this division, if the court places the 12086  
offender on probation under a community control sanction pursuant 12087  
to section 2929.25 of the Revised Code for part of the three 12088  
consecutive days; requires the offender to attend, for that part 12089

of the three consecutive days, a drivers' intervention program 12090  
that is certified pursuant to section 3793.10 of the Revised Code; 12091  
and sentences the offender to a jail term of ~~imprisonment~~ equal to 12092  
the remainder of the three consecutive days that the offender does 12093  
not spend attending the drivers' intervention program. The court 12094  
may require the offender, as a condition of ~~probation~~ community 12095  
control, to attend and satisfactorily complete any treatment or 12096  
education programs that comply with the minimum standards adopted 12097  
pursuant to Chapter 3793. of the Revised Code by the director of 12098  
alcohol and drug addiction services, in addition to the required 12099  
attendance at a drivers' intervention program, that the operators 12100  
of the drivers' intervention program determine that the offender 12101  
should attend and to report periodically to the court on the 12102  
offender's progress in the programs. The court also may impose any 12103  
other conditions of ~~probation~~ community control on the offender 12104  
that it considers necessary. 12105

Of the fine imposed pursuant to this division, twenty-five 12106  
dollars shall be paid to an enforcement and education fund 12107  
established by the legislative authority of the law enforcement 12108  
agency in this state that primarily was responsible for the arrest 12109  
of the offender, as determined by the court that imposes the fine. 12110  
This share shall be used by the agency to pay only those costs it 12111  
incurs in enforcing section 4511.19 of the Revised Code or a 12112  
substantially similar municipal ordinance and in informing the 12113  
public of the laws governing the operation of a motor vehicle 12114  
while under the influence of alcohol, the dangers of operating a 12115  
motor vehicle while under the influence of alcohol, and other 12116  
information relating to the operation of a motor vehicle and the 12117  
consumption of alcoholic beverages. Fifty dollars of the fine 12118  
imposed pursuant to this division shall be paid to the political 12119  
subdivision that pays the cost of housing the offender during the 12120  
offender's term of incarceration to the credit of the fund that 12121  
pays the cost of the incarceration. If the offender was confined 12122

as a result of the offense prior to being sentenced for the 12123  
offense but is not sentenced to a term of incarceration, the fifty 12124  
dollars shall be paid to the political subdivision that paid the 12125  
cost of housing the offender during that period of confinement. 12126  
The political subdivision shall use this share to pay or reimburse 12127  
incarceration or treatment costs it incurs in housing or providing 12128  
drug and alcohol treatment to persons who violate section 4511.19 12129  
of the Revised Code or a substantially similar municipal ordinance 12130  
and to pay for ignition interlock devices and electronic house 12131  
arrest equipment for persons who violate that section. Twenty-five 12132  
dollars of the fine imposed pursuant to this division shall be 12133  
deposited into the county indigent drivers alcohol treatment fund 12134  
or municipal indigent drivers alcohol treatment fund under the 12135  
control of that court, as created by the county or municipal 12136  
corporation pursuant to division (N) of section 4511.191 of the 12137  
Revised Code. The balance of the fine shall be disbursed as 12138  
otherwise provided by law. 12139

(2)(a) Except as otherwise provided in division (A)(4) of 12140  
this section, the offender is guilty of a misdemeanor of the first 12141  
degree, and, except as provided in this division, the court shall 12142  
sentence the offender to a jail term of ~~imprisonment~~ of ten 12143  
consecutive days and may sentence the offender pursuant to section 12144  
~~2929.21~~ 2929.24 of the Revised Code to a longer jail term of 12145  
~~imprisonment~~ if, within six years of the offense, the offender has 12146  
been convicted of or pleaded guilty to one violation of the 12147  
following: 12148

(i) Division (A) or (B) of section 4511.19 of the Revised 12149  
Code; 12150

(ii) A municipal ordinance relating to operating a vehicle 12151  
while under the influence of alcohol, a drug of abuse, or alcohol 12152  
and a drug of abuse; 12153

(iii) A municipal ordinance relating to operating a vehicle 12154

with a prohibited concentration of alcohol in the blood, breath,  
or urine; 12155  
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(iv) Section 2903.04 of the Revised Code in a case in which 12157  
the offender was subject to the sanctions described in division 12158  
(D) of that section; 12159

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 12160  
section 2903.08 of the Revised Code or a municipal ordinance that 12161  
is substantially similar to either of those divisions; 12162

(vi) Division (A)(2), (3), or (4) of section 2903.06, 12163  
division (A)(2) of section 2903.08, or former section 2903.07 of 12164  
the Revised Code, or a municipal ordinance that is substantially 12165  
similar to any of those divisions or that former section, in a 12166  
case in which the jury or judge found that the offender was under 12167  
the influence of alcohol, a drug of abuse, or alcohol and a drug 12168  
of abuse; 12169

(vii) A statute of the United States or of any other state or 12170  
a municipal ordinance of a municipal corporation located in any 12171  
other state that is substantially similar to division (A) or (B) 12172  
of section 4511.19 of the Revised Code. 12173

As an alternative to the jail term ~~of imprisonment~~ required 12174  
to be imposed by this division, but subject to division (A)(12) of 12175  
this section, the court may impose upon the offender a sentence 12176  
consisting of both a jail term ~~of imprisonment~~ of five consecutive 12177  
days and not less than eighteen consecutive days of ~~electronically~~ 12178  
~~monitored~~ house arrest ~~as defined in division (A) of section~~ 12179  
~~2929.23 of the Revised Code~~ with electronic monitoring. The jail 12180  
term of five consecutive days ~~of imprisonment~~ and the period of 12181  
~~electronically monitored~~ house arrest with electronic monitoring 12182  
shall not exceed six months. The jail term of five consecutive 12183  
days ~~of imprisonment~~ ~~do~~ does not have to be served prior to or 12184  
consecutively with the period of ~~electronically monitored~~ house 12185

arrest with electronic monitoring. 12186

In addition, the court shall impose upon the offender a fine 12187  
of not less than three hundred fifty and not more than one 12188  
thousand five hundred dollars. 12189

In addition to any other sentence that it imposes upon the 12190  
offender, the court may require the offender to attend a drivers' 12191  
intervention program that is certified pursuant to section 3793.10 12192  
of the Revised Code. If the officials of the drivers' intervention 12193  
program determine that the offender is alcohol dependent, they 12194  
shall notify the court, and the court shall order the offender to 12195  
obtain treatment through an alcohol and drug addiction program 12196  
authorized by section 3793.02 of the Revised Code. The cost of the 12197  
treatment shall be paid by the offender. 12198

Of the fine imposed pursuant to this division, thirty-five 12199  
dollars shall be paid to an enforcement and education fund 12200  
established by the legislative authority of the law enforcement 12201  
agency in this state that primarily was responsible for the arrest 12202  
of the offender, as determined by the court that imposes the fine. 12203  
This share shall be used by the agency to pay only those costs it 12204  
incurs in enforcing section 4511.19 of the Revised Code or a 12205  
substantially similar municipal ordinance and in informing the 12206  
public of the laws governing the operation of a motor vehicle 12207  
while under the influence of alcohol, the dangers of operating a 12208  
motor vehicle while under the influence of alcohol, and other 12209  
information relating to the operation of a motor vehicle and the 12210  
consumption of alcoholic beverages. One hundred fifteen dollars of 12211  
the fine imposed pursuant to this division shall be paid to the 12212  
political subdivision that pays the cost of housing the offender 12213  
during the offender's term of incarceration. This share shall be 12214  
used by the political subdivision to pay or reimburse 12215  
incarceration or treatment costs it incurs in housing or providing 12216  
drug and alcohol treatment to persons who violate section 4511.19 12217



of the Revised Code or a substantially similar municipal ordinance 12218  
and to pay for ignition interlock devices and electronic house 12219  
arrest equipment for persons who violate that section, and shall 12220  
be paid to the credit of the fund that pays the cost of the 12221  
incarceration. Fifty dollars of the fine imposed pursuant to this 12222  
division shall be deposited into the county indigent drivers 12223  
alcohol treatment fund or municipal indigent drivers alcohol 12224  
treatment fund under the control of that court, as created by the 12225  
county or municipal corporation pursuant to division (N) of 12226  
section 4511.191 of the Revised Code. The balance of the fine 12227  
shall be disbursed as otherwise provided by law. 12228

(b) Regardless of whether the vehicle the offender was 12229  
operating at the time of the offense is registered in the 12230  
offender's name or in the name of another person, the court, in 12231  
addition to the penalties imposed under division (A)(2)(a) of this 12232  
section and all other penalties provided by law and subject to 12233  
section 4503.235 of the Revised Code, shall order the 12234  
immobilization for ninety days of the vehicle the offender was 12235  
operating at the time of the offense and the impoundment for 12236  
ninety days of the identification license plates of that vehicle. 12237  
The order for the immobilization and impoundment shall be issued 12238  
and enforced in accordance with section 4503.233 of the Revised 12239  
Code. 12240

(3)(a) Except as otherwise provided in division (A)(4) of 12241  
this section and except as provided in this division, if, within 12242  
six years of the offense, the offender has been convicted of or 12243  
pleaded guilty to two violations identified in division (A)(2) of 12244  
this section, the court shall sentence the offender to a jail term 12245  
~~of imprisonment~~ of thirty consecutive days and may sentence the 12246  
offender to a longer definite jail term ~~of imprisonment~~ of not 12247  
more than one year. As an alternative to the jail term ~~of~~ 12248  
~~imprisonment~~ required to be imposed by this division, but subject 12249

to division (A)(12) of this section, the court may impose upon the 12250  
offender a sentence consisting of both a jail term ~~of imprisonment~~ 12251  
of fifteen consecutive days and not less than fifty-five 12252  
consecutive days of ~~electronically monitored~~ house arrest as 12253  
~~defined in division (A) of section 2929.23 of the Revised Code~~ 12254  
with electronic monitoring. The jail term of fifteen consecutive 12255  
days ~~of imprisonment~~ and the period of ~~electronically monitored~~ 12256  
house arrest with electronic monitoring shall not exceed one year. 12257  
The jail term of fifteen consecutive days ~~of imprisonment~~ do does 12258  
not have to be served prior to or consecutively with the period of 12259  
~~electronically monitored~~ house arrest with electronic monitoring. 12260

In addition, the court shall impose upon the offender a fine 12261  
of not less than five hundred fifty and not more than two thousand 12262  
five hundred dollars. 12263

In addition to any other sentence that it imposes upon the 12264  
offender, the court shall require the offender to attend an 12265  
alcohol and drug addiction program authorized by section 3793.02 12266  
of the Revised Code. The cost of the treatment shall be paid by 12267  
the offender. If the court determines that the offender is unable 12268  
to pay the cost of attendance at the treatment program, the court 12269  
may order that payment of the cost of the offender's attendance at 12270  
the treatment program be made from that court's indigent drivers 12271  
alcohol treatment fund. 12272

Of the fine imposed pursuant to this division, one hundred 12273  
twenty-three dollars shall be paid to an enforcement and education 12274  
fund established by the legislative authority of the law 12275  
enforcement agency in this state that primarily was responsible 12276  
for the arrest of the offender, as determined by the court that 12277  
imposes the fine. This share shall be used by the agency to pay 12278  
only those costs it incurs in enforcing section 4511.19 of the 12279  
Revised Code or a substantially similar municipal ordinance and in 12280  
informing the public of the laws governing the operation of a 12281

motor vehicle while under the influence of alcohol, the dangers of 12282  
operating a motor vehicle while under the influence of alcohol, 12283  
and other information relating to the operation of a motor vehicle 12284  
and the consumption of alcoholic beverages. Two hundred 12285  
seventy-seven dollars of the fine imposed pursuant to this 12286  
division shall be paid to the political subdivision that pays the 12287  
cost of housing the offender during the offender's term of 12288  
incarceration. This share shall be used by the political 12289  
subdivision to pay or reimburse incarceration or treatment costs 12290  
it incurs in housing or providing drug and alcohol treatment to 12291  
persons who violate section 4511.19 of the Revised Code or a 12292  
substantially similar municipal ordinance and to pay for ignition 12293  
interlock devices and electronic house arrest equipment for 12294  
persons who violate that section and shall be paid to the credit 12295  
of the fund that pays the cost of incarceration. The balance of 12296  
the fine shall be disbursed as otherwise provided by law. 12297

(b) Regardless of whether the vehicle the offender was 12298  
operating at the time of the offense is registered in the 12299  
offender's name or in the name of another person, the court, in 12300  
addition to the penalties imposed under division (A)(3)(a) of this 12301  
section and all other penalties provided by law and subject to 12302  
section 4503.235 of the Revised Code, shall order the criminal 12303  
forfeiture to the state of the vehicle the offender was operating 12304  
at the time of the offense. The order of criminal forfeiture shall 12305  
be issued and enforced in accordance with section 4503.234 of the 12306  
Revised Code. 12307

(4)(a)(i) If, within six years of the offense, the offender 12308  
has been convicted of or pleaded guilty to three or more 12309  
violations identified in division (A)(2) of this section, and if 12310  
sentence is not required to be imposed under division 12311  
(A)(4)(a)(ii) of this section, the offender is guilty of a felony 12312  
of the fourth degree and, notwithstanding division (A)(4) of 12313

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  
~~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 sixty 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.

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(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 sixty consecutive days ~~of imprisonment~~ in accordance with  
division (G)(2) of section 2929.13 of the Revised Code.

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(iii) In addition to all other sanctions imposed on an  
offender under division (A)(4)(a)(i) or (ii) of this section, the  
court shall impose upon the offender, pursuant to section 2929.18

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of the Revised Code, a fine of not less than eight hundred nor  
more than ten thousand dollars.

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In addition to any other sanction that it imposes upon the  
offender under division (A)(4)(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.

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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.  
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 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. 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

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and to pay for ignition interlock devices and electronic house 12378  
arrest equipment for persons who violate that section, and shall 12379  
be paid to the credit of the fund that pays the cost of 12380  
incarceration. The balance of the fine shall be disbursed as 12381  
otherwise provided by law. 12382

(b) Regardless of whether the vehicle the offender was 12383  
operating at the time of the offense is registered in the 12384  
offender's name or in the name of another person, the court, in 12385  
addition to the sanctions imposed under division (A)(4)(a) of this 12386  
section and all other sanctions provided by law and subject to 12387  
section 4503.235 of the Revised Code, shall order the criminal 12388  
forfeiture to the state of the vehicle the offender was operating 12389  
at the time of the offense. The order of criminal forfeiture shall 12390  
be issued and enforced in accordance with section 4503.234 of the 12391  
Revised Code. 12392

(c) As used in division (A)(4)(a) of this section, "mandatory 12393  
prison term" and "mandatory term of local incarceration" have the 12394  
same meanings as in section 2929.01 of the Revised Code. 12395  
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(d) If title to a motor vehicle that is subject to an order 12397  
for criminal forfeiture under this section is assigned or 12398  
transferred and division (C)(2) or (3) of section 4503.234 of the 12399  
Revised Code applies, in addition to or independent of any other 12400  
penalty established by law, the court may fine the offender the 12401  
value of the vehicle as determined by publications of the national 12402  
auto dealer's association. The proceeds from any fine imposed 12403  
under this division shall be distributed in accordance with 12404  
division (D)(4) of section 4503.234 of the Revised Code. 12405

(5)(a) Except as otherwise provided in division (A)(6), (7), 12406  
or (8) of this section, the offender is guilty of a misdemeanor of 12407  
the first degree, and the court shall sentence the offender to one 12408  
of the following: 12409

(i) A jail term of ~~imprisonment~~ of at least three consecutive 12410  
days and a requirement that the offender attend, for three 12411  
consecutive days, a drivers' intervention program that is 12412  
certified pursuant to section 3793.10 of the Revised Code; 12413

(ii) If the court determines that the offender is not 12414  
conducive to treatment in the program, if the offender refuses to 12415  
attend the program, or if the place of imprisonment can provide a 12416  
drivers' intervention program, a jail term of ~~imprisonment~~ of at 12417  
least six consecutive days. 12418

(b) In addition, the court shall impose upon the offender a 12419  
fine of not less than two hundred fifty and not more than one 12420  
thousand dollars. 12421

The court may require the offender, ~~as a condition of~~ 12422  
probation under a community control sanction imposed pursuant to 12423  
section 2929.25 of the Revised Code, to attend and satisfactorily 12424  
complete any treatment or education programs that comply with the 12425  
minimum standards adopted pursuant to Chapter 3793. of the Revised 12426  
Code by the director of alcohol and drug addiction services, in 12427  
addition to the required attendance at a drivers' intervention 12428  
program, that the operators of the drivers' intervention program 12429  
determine that the offender should attend and to report 12430  
periodically to the court on the offender's progress in the 12431  
programs. The court also may impose any other conditions of 12432  
~~probation~~ community control on the offender that it considers 12433  
necessary. 12434

Of the fine imposed pursuant to this division, twenty-five 12435  
dollars shall be paid to an enforcement and education fund 12436  
established by the legislative authority of the law enforcement 12437  
agency in this state that primarily was responsible for the arrest 12438  
of the offender, as determined by the court that imposes the fine. 12439  
The agency shall use this share to pay only those costs it incurs 12440  
in enforcing section 4511.19 of the Revised Code or a 12441

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~~ 12474  
~~sanctions described in division (D) of that section, section~~ 12475  
~~2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal~~ 12476  
~~ordinance that is substantially similar to section 2903.07 of the~~ 12477  
~~Revised Code in a case in which the jury or judge found that the~~ 12478  
~~offender was under the influence of alcohol, a drug of abuse, or~~ 12479  
~~alcohol and a drug of abuse, or a statute of the United States or~~ 12480  
~~of any other state or a municipal ordinance of a municipal~~ 12481  
~~corporation located in any other state that is substantially~~ 12482  
~~similar to division (A) or (B) of section 4511.19 of the Revised~~ 12483  
~~Code identified in division (A)(2) of this section, the offender~~ 12484  
~~is guilty of a misdemeanor of the first degree, and the court~~ 12485  
~~shall sentence the offender to a jail term ~~of imprisonment~~ of~~ 12486  
~~twenty consecutive days and may sentence the offender pursuant to~~ 12487  
~~section ~~2929.21~~ 2929.24 of the Revised Code to a longer term of~~ 12488  
~~imprisonment. As an alternative to the jail term ~~of imprisonment~~~~ 12489  
~~required to be imposed by this division, but subject to division~~ 12490  
~~(A)(12) of this section, the court may impose upon the offender a~~ 12491  
~~sentence consisting of both a jail term ~~of imprisonment~~ of ten~~ 12492  
~~consecutive days and not less than thirty-six consecutive days of~~ 12493  
~~electronically monitored house arrest as defined in division (A)~~ 12494  
~~of section 2929.23 of the Revised Code with electronic monitoring.~~ 12495  
~~The jail term of ten consecutive days ~~of imprisonment~~ and the~~ 12496  
~~period of electronically monitored house arrest with electronic~~ 12497  
~~monitoring shall not exceed six months. The jail term of ten~~ 12498  
~~consecutive days ~~of imprisonment~~ do does not have to be served~~ 12499  
~~prior to or consecutively ~~with~~ to the period of electronically~~ 12500  
~~monitored house arrest with electronic monitoring.~~ 12501

In addition, the court shall impose upon the offender a fine 12502  
of not less than three hundred fifty and not more than one 12503  
thousand five hundred dollars. 12504

In addition to any other sentence that it imposes upon the 12505

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. 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 offender shall pay the cost of the treatment.

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. 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. 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. 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 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.

(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)(6)(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.

(7)(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 two 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~~ 12570  
~~alcohol and a drug of abuse, or a statute of the United States or~~ 12571  
~~of any other state or a municipal ordinance of a municipal~~ 12572  
~~corporation located in any other state that is substantially~~ 12573  
~~similar to division (A) or (B) of section 4511.19 of the Revised~~ 12574  
~~Code identified in division (A)(2) of this section, the court~~ 12575  
shall sentence the offender to a jail term ~~of imprisonment~~ of 12576  
sixty consecutive days and may sentence the offender to a longer 12577  
definite jail term ~~of imprisonment~~ of not more than one year. As 12578  
an alternative to the jail term ~~of imprisonment~~ required to be 12579  
imposed by this division, but subject to division (A)(12) of this 12580  
section, the court may impose upon the offender a sentence 12581  
consisting of both a jail term ~~of imprisonment~~ of thirty 12582  
consecutive days and not less than one hundred ten consecutive 12583  
days of ~~electronically monitored house arrest as defined in~~ 12584  
~~division (A) of section 2929.23 of the Revised Code with~~ 12585  
electronic monitoring. The jail term of thirty consecutive days ~~of~~ 12586  
~~imprisonment~~ and the period of ~~electronically monitored house~~ 12587  
arrest with electronic monitoring shall not exceed one year. The 12588  
jail term of thirty consecutive days ~~of imprisonment do~~ does not 12589  
have to be served prior to or consecutively with the period of 12590  
~~electronically monitored house arrest with electronic monitoring~~. 12591

In addition, the court shall impose upon the offender a fine 12592  
of not less than five hundred fifty and not more than two thousand 12593  
five hundred dollars. 12594

In addition to any other sentence that it imposes upon the 12595  
offender, the court shall require the offender to attend an 12596  
alcohol and drug addiction program authorized by section 3793.02 12597  
of the Revised Code. The offender shall pay the cost of the 12598  
treatment. If the court determines that the offender is unable to 12599  
pay the cost of attendance at the treatment program, the court may 12600  
order that payment of the cost of the offender's attendance at the 12601

treatment program be made from that court's indigent drivers 12602  
alcohol treatment fund. 12603

Of the fine imposed pursuant to this division, one hundred 12604  
twenty-three dollars shall be paid to an enforcement and education 12605  
fund established by the legislative authority of the law 12606  
enforcement agency in this state that primarily was responsible 12607  
for the arrest of the offender, as determined by the court that 12608  
imposes the fine. The agency shall use this share to pay only 12609  
those costs it incurs in enforcing section 4511.19 of the Revised 12610  
Code or a substantially similar municipal ordinance and in 12611  
informing the public of the laws governing the operation of a 12612  
motor vehicle while under the influence of alcohol, the dangers of 12613  
operating a motor vehicle while under the influence of alcohol, 12614  
and other information relating to the operation of a motor vehicle 12615  
and the consumption of alcoholic beverages. Two hundred 12616  
seventy-seven dollars of the fine imposed pursuant to this 12617  
division shall be paid to the political subdivision that pays the 12618  
cost of housing the offender during the offender's term of 12619  
incarceration. The political subdivision shall use this share to 12620  
pay or reimburse incarceration or treatment costs it incurs in 12621  
housing or providing drug and alcohol treatment to persons who 12622  
violate section 4511.19 of the Revised Code or a substantially 12623  
similar municipal ordinance and to pay for ignition interlock 12624  
devices and electronic house arrest equipment for persons who 12625  
violate that section, and this share shall be paid to the credit 12626  
of the fund that pays the cost of incarceration. The balance of 12627  
the fine shall be disbursed as otherwise provided by law. 12628

(b) Regardless of whether the vehicle the offender was 12629  
operating at the time of the offense is registered in the 12630  
offender's name or in the name of another person, the court, in 12631  
addition to the penalties imposed under division (A)(7)(a) of this 12632  
section and all other penalties provided by law and subject to 12633

section 4503.235 of the Revised Code, shall order the 12634  
immobilization for one hundred eighty days of the vehicle the 12635  
offender was operating at the time of the offense and the 12636  
impoundment for one hundred eighty days of the identification 12637  
license plates of that vehicle. The order for the immobilization 12638  
and impoundment shall be issued and enforced in accordance with 12639  
section 4503.233 of the Revised Code. 12640

(8)(a)(i) If, within six years of the offense, the offender 12641  
has been convicted of or pleaded guilty to three or more 12642  
~~violations of division (A) or (B) of section 4511.19 of the~~ 12643  
~~Revised Code, a municipal ordinance relating to operating a~~ 12644  
~~vehicle while under the influence of alcohol, a drug of abuse, or~~ 12645  
~~alcohol and a drug of abuse, a municipal ordinance relating to~~ 12646  
~~operating a vehicle with a prohibited concentration of alcohol in~~ 12647  
~~the blood, breath, or urine, section 2903.04 of the Revised Code~~ 12648  
~~in a case in which the offender was subject to the sanctions~~ 12649  
~~described in division (D) of that section, section 2903.06,~~ 12650  
~~2903.07, or 2903.08 of the Revised Code or a municipal ordinance~~ 12651  
~~that is substantially similar to section 2903.07 of the Revised~~ 12652  
~~Code in a case in which the jury or judge found that the offender~~ 12653  
~~was under the influence of alcohol, a drug of abuse, or alcohol~~ 12654  
~~and a drug of abuse, or a statute of the United States or of any~~ 12655  
~~other state or a municipal ordinance of a municipal corporation~~ 12656  
~~located in any other state that is substantially similar to~~ 12657  
~~division (A) or (B) of section 4511.19 of the Revised Code~~ 12658  
identified in division (A)(2) of this section, and if sentence is 12659  
not required to be imposed under division (A)(8)(a)(ii) of this 12660  
section, the offender is guilty of a felony of the fourth degree 12661  
and, notwithstanding division (A)(4) of section 2929.14 of the 12662  
Revised Code, may be sentenced to a definite prison term that 12663  
shall be not less than six months and not more than thirty months. 12664  
The court shall sentence the offender in accordance with sections 12665

2929.11 to 2929.19 of the Revised Code and shall impose as part of 12666  
the sentence either a mandatory term of local incarceration of one 12667  
hundred twenty consecutive days ~~of imprisonment~~ in accordance with 12668  
division (G)(1) of section 2929.13 of the Revised Code or a 12669  
mandatory prison term of one hundred twenty consecutive days ~~of~~ 12670  
~~imprisonment~~ in accordance with division (G)(2) of that section. 12671  
If the court requires the offender to serve a mandatory term of 12672  
local incarceration of one hundred twenty consecutive days ~~of~~ 12673  
~~imprisonment~~ in accordance with division (G)(1) of section 2929.13 12674  
of the Revised Code, the court, pursuant to section 2929.17 of the 12675  
Revised Code, may impose upon the offender a sentence that 12676  
includes a term of ~~electronically monitored~~ house arrest with 12677  
electronic monitoring, provided that the term of ~~electronically~~ 12678  
~~monitored~~ house arrest with electronic monitoring shall not 12679  
commence until after the offender has served the mandatory term of 12680  
local incarceration. 12681

(ii) If the offender previously has been convicted of or 12682  
pleaded guilty to a violation of division (A) of section 4511.19 12683  
of the Revised Code under circumstances in which the violation was 12684  
a felony, regardless of when the prior violation and the prior 12685  
conviction or guilty plea occurred, the offender is guilty of a 12686  
felony of the third degree. The court shall sentence the offender 12687  
in accordance with sections 2929.11 to 2929.19 of the Revised Code 12688  
and shall impose as part of the sentence a mandatory prison term 12689  
of one hundred twenty consecutive days ~~of imprisonment~~ in 12690  
accordance with division (G)(2) of section 2929.13 of the Revised 12691  
Code. 12692

(iii) In addition to all other sanctions imposed on an 12693  
offender under division (A)(8)(a)(i) or (ii) of this section, the 12694  
court shall impose upon the offender, pursuant to section 2929.18 12695  
of the Revised Code, a fine of not less than eight hundred nor 12696  
more than ten thousand dollars. 12697

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 12730  
incarceration. The balance of the fine shall be disbursed as 12731  
otherwise provided by law. 12732

(b) Regardless of whether the vehicle the offender was 12733  
operating at the time of the offense is registered in the 12734  
offender's name or in the name of another person, the court, in 12735  
addition to the sanctions imposed under division (A)(8)(a) of this 12736  
section and all other sanctions provided by law and subject to 12737  
section 4503.235 of the Revised Code, shall order the criminal 12738  
forfeiture to the state of the vehicle the offender was operating 12739  
at the time of the offense. The order of criminal forfeiture shall 12740  
be issued and enforced in accordance with section 4503.234 of the 12741  
Revised Code. 12742

(c) As used in division (A)(8)(a) of this section, "mandatory 12743  
prison term" and "mandatory term of local incarceration" have the 12744  
same meanings as in section 2929.01 of the Revised Code. 12745  
12746

(d) If title to a motor vehicle that is subject to an order 12747  
for criminal forfeiture under this section is assigned or 12748  
transferred and division (C)(2) or (3) of section 4503.234 of the 12749  
Revised Code applies, in addition to or independent of any other 12750  
penalty established by law, the court may fine the offender the 12751  
value of the vehicle as determined by publications of the national 12752  
auto dealer's association. The proceeds from any fine imposed 12753  
under this division shall be distributed in accordance with 12754  
division (D)(4) of section 4503.234 of the Revised Code. 12755

(9)(a) Except as provided in division (A)(9)(b) of this 12756  
section, upon a showing that imprisonment or serving a jail term 12757  
would seriously affect the ability of an offender sentenced 12758  
pursuant to division (A)(1), (2), (3), (4), (5), (6), (7), or (8) 12759  
of this section to continue the offender's employment, the court 12760  
may authorize that the offender be granted work release ~~from~~ 12761

~~imprisonment~~ after the offender has served the mandatory jail term 12762  
of three, six, ten, twenty, thirty, or sixty consecutive days ~~of~~ 12763  
~~imprisonment~~ or the mandatory term of local incarceration of sixty 12764  
or one hundred twenty consecutive days that the court is required 12765  
by division (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this 12766  
section to impose. No court shall authorize work release ~~from~~ 12767  
~~imprisonment~~ during the mandatory jail term of three, six, ten, 12768  
twenty, thirty, or sixty consecutive days ~~of imprisonment~~ or the 12769  
mandatory term of local incarceration or mandatory prison term of 12770  
sixty or one hundred twenty consecutive days that the court is 12771  
required by division (A)(1), (2), (3), (4), (5), (6), (7), or (8) 12772  
of this section to impose. The duration of the work release shall 12773  
not exceed the time necessary each day for the offender to commute 12774  
to and from the place of employment and the place of ~~imprisonment~~ 12775  
incarceration and the time actually spent under employment. 12776

(b) An offender who is sentenced pursuant to division (A)(2), 12777  
(3), (6), or (7) of this section to a jail term of imprisonment 12778  
followed by a period of ~~electronically monitored~~ house arrest with 12779  
electronic monitoring is not eligible for work release ~~from~~ 12780  
~~imprisonment~~ while serving the jail term, but that person shall be 12781  
permitted work release during the period of ~~electronically~~ 12782  
~~monitored~~ house arrest with electronic monitoring. The duration of 12783  
the work release shall not exceed the time necessary each day for 12784  
the offender to commute to and from the place of employment and 12785  
the offender's home or other place specified by the sentencing 12786  
court and the time actually spent under employment. 12787

12788  
(10) Notwithstanding any section of the Revised Code that 12789  
authorizes the suspension of the imposition or execution of a 12790  
sentence, the placement of an offender in any treatment program in 12791  
lieu of imprisonment, or the use of a community control sanction 12792  
for an offender convicted of a felony or a misdemeanor, no court 12793

shall suspend the mandatory jail term of ten, twenty, thirty, or 12794  
sixty consecutive days ~~of imprisonment~~ required to be imposed on 12795  
an offender by division (A)(2), (3), (6), or (7) of this section, 12796  
no court shall place an offender who is sentenced pursuant to 12797  
division (A)(2), (3), (4), (6), (7), or (8) of this section in any 12798  
treatment program in lieu of imprisonment until after the offender 12799  
has served the mandatory jail term of ten, twenty, thirty, or 12800  
sixty consecutive days ~~of imprisonment~~ or the mandatory term of 12801  
local incarceration or mandatory prison term of sixty or one 12802  
hundred twenty consecutive days required to be imposed pursuant to 12803  
division (A)(2), (3), (4), (6), (7), or (8) of this section, no 12804  
court that sentences an offender under division (A)(4) or (8) of 12805  
this section shall impose any sanction other than a mandatory term 12806  
of local incarceration or mandatory prison term to apply to the 12807  
offender until after the offender has served the mandatory term of 12808  
local incarceration or mandatory prison term of sixty or one 12809  
hundred twenty consecutive days required to be imposed pursuant to 12810  
division (A)(4) or (8) of this section, and no court that imposes 12811  
a sentence of ~~imprisonment~~ a jail term and a period of 12812  
~~electronically monitored~~ house arrest with electronic monitoring 12813  
upon an offender under division (A)(2), (3), (6), or (7) of this 12814  
section shall suspend any portion of the sentence or place the 12815  
offender in any treatment program in lieu of imprisonment or 12816  
~~electronically monitored~~ house arrest with electronic monitoring. 12817  
Notwithstanding any section of the Revised Code that authorizes 12818  
the suspension of the imposition or execution of a sentence or the 12819  
placement of an offender in any treatment program in lieu of 12820  
imprisonment, no court, except as specifically authorized by 12821  
division (A)(1) or (5) of this section, shall suspend the 12822  
mandatory jail term of three or more consecutive days ~~of~~ 12823  
~~imprisonment~~ required to be imposed by division (A)(1) or (5) of 12824  
this section or place an offender who is sentenced pursuant to 12825  
division (A)(1) or (5) of this section in any treatment program in 12826

lieu of imprisonment until after the offender has served the 12827  
~~mandatory jail term of~~ three or more consecutive days of 12828  
~~imprisonment~~ required to be imposed pursuant to division (A)(1) or 12829  
(5) of this section. 12830

(11) No court shall sentence an offender to an alcohol 12831  
treatment program pursuant to division (A)(1), (2), (3), (4), (5), 12832  
(6), (7), or (8) of this section unless the treatment program 12833  
complies with the minimum standards adopted pursuant to Chapter 12834  
3793. of the Revised Code by the director of alcohol and drug 12835  
addiction services. 12836

(12) No court shall impose the alternative sentence of a jail 12837  
~~term of imprisonment~~ plus a term of ~~electronically monitored~~ house 12838  
arrest with electronic monitoring permitted to be imposed by 12839  
division (A)(2), (3), (6), or (7) of this section, unless within 12840  
sixty days of the date of sentencing, the court issues a written 12841  
finding, entered into the record, that due to the unavailability 12842  
of space at the incarceration facility where the offender is 12843  
required to serve the jail ~~term of imprisonment~~ imposed upon the 12844  
offender, the offender will not be able to commence serving the 12845  
jail ~~term of imprisonment~~ within the sixty-day period following 12846  
the date of sentencing. If the court issues such a written 12847  
finding, the court may impose the alternative sentence comprised 12848  
of a jail ~~term of imprisonment~~ and a term of ~~electronically~~ 12849  
~~monitored~~ house arrest with electronic monitoring permitted to be 12850  
imposed by division (A)(2), (3), (6), or (7) of this section. 12851

(13) As used in division (A) of this section "electronic 12852  
monitoring" has the same meaning as in section 2929.01 of the 12853  
Revised Code. 12854

(B) Whoever violates section 4511.192, 4511.251, or 4511.85 12855  
of the Revised Code is guilty of a misdemeanor of the first 12856  
degree. The court, in addition to or independent of all other 12857  
penalties provided by law, may suspend for a period not to exceed 12858

one year the driver's or commercial driver's license or permit or 12859  
nonresident operating privilege of any person who pleads guilty to 12860  
or is convicted of a violation of section 4511.192 of the Revised 12861  
Code. 12862

(C) Whoever violates section 4511.63, 4511.76, 4511.761, 12863  
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code is 12864  
guilty of one of the following: 12865

(1) Except as otherwise provided in division (C)(2) of this 12866  
section, a minor misdemeanor. 12867

(2) If the offender previously has been convicted of or 12868  
pleaded guilty to one or more violations of section 4511.63, 12869  
4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the 12870  
Revised Code or a municipal ordinance that is substantially 12871  
similar to any of those sections, a misdemeanor of the fourth 12872  
degree. 12873

(D)(1) Whoever violates any provision of sections 4511.01 to 12874  
4511.76 or section 4511.84 of the Revised Code, for which no 12875  
penalty otherwise is provided in this section is guilty of one of 12876  
the following: 12877

(a) Except as otherwise provided in division (D)(1)(b), 12878  
(1)(c), (2), (3), or (4) of this section, a minor misdemeanor; 12879

(b) If, within one year of the offense, the offender 12880  
previously has been convicted of or pleaded guilty to one 12881  
violation of any provision of sections 4511.01 to 4511.76 or 12882  
section 4511.84 of the Revised Code for which no penalty otherwise 12883  
is provided in this section or a municipal ordinance that is 12884  
substantially similar to any provision of sections 4511.01 to 12885  
4511.76 or section 4511.84 of the Revised Code for which no 12886  
penalty otherwise is provided in this section, a misdemeanor of 12887  
the fourth degree; 12888

(c) If, within one year of the offense, the offender 12889

previously has been convicted of or pleaded guilty to two or more  
violations of any provision described in division (D)(1)(b) of  
this section or any municipal ordinance that is substantially  
similar to any of those provisions, a misdemeanor of the third  
degree.

(2) When any person is found guilty of a first offense for a  
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.

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(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.

(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.

(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.

(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:

(a) Except as otherwise provided in division (H)(1)(b) of this section, the offender is guilty of a minor misdemeanor.

(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.

(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.

(3) All fines imposed pursuant to division (H)(1) or (2) of  
this section shall be forwarded to the treasurer of state for  
deposit in the "child highway safety fund" created by division (G)  
of section 4511.81 of the Revised Code.

(I) Whoever violates section 4511.202 of the Revised Code is  
guilty of operating a motor vehicle without being in control of  
it, a minor misdemeanor.

(J) Whoever violates division (B) of section 4511.74,  
division (B)(1), (2), or (3), (C), or (E)(1), (2), or (3) of  
section 4511.83 of the Revised Code is guilty of a misdemeanor of  
the first degree.

(K) Except as otherwise provided in this division, whoever  
violates division (E) of section 4511.11, division (A) or (C) of  
section 4511.17, or section 4511.18 of the Revised Code is guilty  
of a misdemeanor of the third degree. If a violation of division  
(A) or (C) of section 4511.17 of the Revised Code creates a risk  
of physical harm to any person, the offender is guilty of a  
misdemeanor of the first degree. A violation of division (A) or  
(C) of section 4511.17 of the Revised Code that causes serious  
physical harm to property that is owned, leased, or controlled by  
a state or local authority is a felony of the fifth degree.

(L) Whoever violates division (H) of section 4511.69 of the  
Revised Code shall be punished as follows:

(1) Except as otherwise provided in division (L)(2) of this  
section, the offender shall be issued a warning.



(2) If the offender previously has been convicted of or 12984  
pleaded guilty to a violation of division (H) of section 4511.69 12985  
of the Revised Code or of a municipal ordinance that is 12986  
substantially similar to that division, the offender shall not be 12987  
issued a warning but shall be fined not more than twenty-five 12988  
dollars for each parking location that is not properly marked or 12989  
whose markings are not properly maintained. 12990

(M) Whoever violates division (A)(1) or (2) of section 12991  
4511.45 of the Revised Code is guilty of a misdemeanor of the 12992  
fourth degree on a first offense; on a second offense within one 12993  
year after the first offense, the person is guilty of a 12994  
misdemeanor of the third degree; and on each subsequent offense 12995  
within one year after the first offense, the person is guilty of a 12996  
misdemeanor of the second degree. 12997

(N)(1) Whoever violates division (B) of section 4511.19 of 12998  
the Revised Code is guilty of operating a motor vehicle after 12999  
under-age alcohol consumption and shall be punished as follows: 13000

(a) Except as otherwise provided in division (N)(1)(b) of 13001  
this section, the offender is guilty of a misdemeanor of the 13002  
fourth degree. 13003

(b) The offender is guilty of a misdemeanor of the third 13004  
degree if, within one year of the offense, the offender has been 13005  
convicted of or pleaded guilty to any violation of the following: 13006

(i) Division (A) or (B) of section 4511.19 of the Revised 13007  
Code; 13008

(ii) A municipal ordinance relating to operating a vehicle 13009  
while under the influence of alcohol, a drug of abuse, or alcohol 13010  
and a drug of abuse; 13011

(iii) A municipal ordinance relating to operating a vehicle 13012  
with a prohibited concentration of alcohol in the blood, breath, 13013  
or urine; 13014

(iv) Section 2903.04 of the Revised Code in a case in which 13015  
the offender was subject to the sanctions described in division 13016  
(D) of that section; 13017

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 13018  
section 2903.08 of the Revised Code or a municipal ordinance that 13019  
is substantially similar to either of those divisions; 13020

(vi) Division (A)(2), (3), or (4) of section 2903.06 or 13021  
division (A)(2) of section 2903.08 of the Revised Code or a 13022  
municipal ordinance that is substantially similar to any of those 13023  
divisions, or former section 2903.07 of the Revised Code or a 13024  
substantially similar municipal ordinance, in a case in which the 13025  
jury or judge found that the offender was under the influence of 13026  
alcohol, a drug of abuse, or alcohol and a drug of abuse; 13027

(vii) A statute of the United States or of any other state or 13028  
a municipal ordinance of a municipal corporation located in any 13029  
other state that is substantially similar to division (A) or (B) 13030  
of section 4511.19 of the Revised Code. 13031

(2) In addition to or independent of all other penalties 13032  
provided by law, the offender's driver's or commercial driver's 13033  
license or permit or nonresident operating privilege shall be 13034  
suspended in accordance with, and for the period of time specified 13035  
in, division (E) of section 4507.16 of the Revised Code. 13036

(O) Whoever violates section 4511.62 of the Revised Code is 13037  
guilty of a misdemeanor of the fourth degree. 13038

(P) Whoever violates division (F)(1)(a) or (b) of section 13039  
4511.69 of the Revised Code is guilty of a misdemeanor and shall 13040  
be fined not less than two hundred fifty nor more than five 13041  
hundred dollars, but in no case shall an offender be sentenced to 13042  
any term of imprisonment. 13043

Arrest or conviction for a violation of division (F)(1)(a) or 13044  
(b) of section 4511.69 of the Revised Code does not constitute a 13045

criminal record and need not be reported by the person so arrested 13046  
or convicted in response to any inquiries contained in any 13047  
application for employment, license, or other right or privilege, 13048  
or made in connection with the person's appearance as a witness. 13049

Every fine collected under this division shall be paid by the 13050  
clerk of the court to the political subdivision in which the 13051  
violation occurred. Except as provided in this division, the 13052  
political subdivision shall use the fine moneys it receives under 13053  
this division to pay the expenses it incurs in complying with the 13054  
signage and notice requirements contained in division (E) of 13055  
section 4511.69 of the Revised Code. The political subdivision may 13056  
use up to fifty per cent of each fine it receives under this 13057  
division to pay the costs of educational, advocacy, support, and 13058  
assistive technology programs for persons with disabilities, and 13059  
for public improvements within the political subdivision that 13060  
benefit or assist persons with disabilities, if governmental 13061  
agencies or nonprofit organizations offer the programs. 13062

**Sec. 4717.05.** (A) Any person who desires to be licensed as an 13063  
embalmer shall apply to the board of embalmers and funeral 13064  
directors on a form provided by the board. The applicant shall 13065  
include with the application an initial license fee as set forth 13066  
in section 4717.07 of the Revised Code and evidence, verified by 13067  
oath and satisfactory to the board, that the applicant meets all 13068  
of the following requirements: 13069

(1) The applicant is at least eighteen years of age and of 13070  
good moral character. 13071

(2) If the applicant has pleaded guilty to, has been found by 13072  
a judge or jury to be guilty of, or has had a judicial finding of 13073  
eligibility for treatment in lieu of conviction entered against 13074  
the applicant in this state for aggravated murder, murder, 13075  
voluntary manslaughter, felonious assault, kidnapping, rape, 13076

sexual battery, gross sexual imposition, aggravated arson, 13077  
aggravated robbery, or aggravated burglary, or has pleaded guilty 13078  
to, has been found by a judge or jury to be guilty of, or has had 13079  
a judicial finding of eligibility for treatment in lieu of 13080  
conviction entered against the applicant in another jurisdiction 13081  
for a substantially equivalent offense, at least five years has 13082  
elapsed since the applicant was released from incarceration, 13083  
probation a community control sanction, a post-release control 13084  
sanction, parole, or treatment in connection with the offense. 13085

(3) The applicant holds at least a bachelor's degree from a 13086  
college or university authorized to confer degrees by the Ohio 13087  
board of regents or the comparable legal agency of another state 13088  
in which the college or university is located and submits an 13089  
official transcript from that college or university with the 13090  
application. 13091

(4) The applicant has satisfactorily completed at least 13092  
twelve months of instruction in a prescribed course in mortuary 13093  
science as approved by the board and has presented to the board a 13094  
certificate showing successful completion of the course. The 13095  
course of mortuary science college training may be completed 13096  
either before or after the completion of the educational standard 13097  
set forth in division (A)(3) of this section. 13098

(5) The applicant has registered with the board prior to 13099  
beginning an embalmer apprenticeship. 13100

(6) The applicant has satisfactorily completed at least one 13101  
year of apprenticeship under an embalmer licensed in this state 13102  
and has assisted that person in embalming at least twenty-five 13103  
dead human bodies. 13104

(7) The applicant, upon meeting the educational standards 13105  
provided for in divisions (A)(3) and (4) of this section and 13106  
completing the apprenticeship required in division (A)(6) of this 13107

section, has completed the examination for an embalmer's license 13108  
required by the board. 13109

(B) Upon receiving satisfactory evidence verified by oath 13110  
that the applicant meets all the requirements of division (A) of 13111  
this section, the board shall issue the applicant an embalmer's 13112  
license. 13113

(C) Any person who desires to be licensed as a funeral 13114  
director shall apply to the board on a form provided by the board. 13115  
The application shall include an initial license fee as set forth 13116  
in section 4717.07 of the Revised Code and evidence, verified by 13117  
oath and satisfactory to the board, that the applicant meets all 13118  
of the following requirements: 13119

(1) Except as otherwise provided in division (D) of this 13120  
section, the applicant has satisfactorily met all the requirements 13121  
for an embalmer's license as described in divisions (A)(1) to (4) 13122  
of this section. 13123

(2) The applicant has registered with the board prior to 13124  
beginning a funeral director apprenticeship. 13125

(3) The applicant, following mortuary science college 13126  
training described in division (A)(4) of this section, has served 13127  
a one-year apprenticeship under a licensed funeral director in 13128  
this state and has assisted that person in directing at least 13129  
twenty-five funerals. 13130

(4) The applicant has satisfactorily completed the 13131  
examination for a funeral director's license as required by the 13132  
board. 13133

(D) In lieu of mortuary science college training required for 13134  
a funeral director's license under division (C)(1) of this 13135  
section, the applicant may substitute a two-year apprenticeship 13136  
under a licensed funeral director in this state assisting that 13137  
person in directing at least fifty funerals. 13138

(E) Upon receiving satisfactory evidence that the applicant 13139  
meets all the requirements of division (C) of this section, the 13140  
board shall issue to the applicant a funeral director's license. 13141

(F) As used in this section: 13142

(1) "Community control sanction" has the same meaning as in 13143  
section 2929.01 of the Revised Code. 13144

(2) "Post-release control sanction" has the same meaning as 13145  
in section 2967.01 of the Revised Code. 13146

**Sec. 4734.35.** (A) As used in this section, "prosecutor" has 13147  
the same meaning as in section 2935.01 of the Revised Code. 13148

(B) The prosecutor in any case against any chiropractor 13149  
holding a valid license issued under this chapter shall promptly 13150  
notify the state chiropractic board of any of the following: 13151

(1) A plea of guilty to, or a finding of guilt by a jury or 13152  
court of, a felony, or a case in which the trial court issues an 13153  
order of dismissal upon technical or procedural grounds of a 13154  
felony charge; 13155

(2) A plea of guilty to, or a finding of guilt by a jury or 13156  
court of, a misdemeanor committed in the course of practice, or a 13157  
case in which the trial court issues an order of dismissal upon 13158  
technical or procedural grounds of a charge of a misdemeanor, if 13159  
the alleged act was committed in the course of practice; 13160

(3) A plea of guilty to, or a finding of guilt by a jury or 13161  
court of, a misdemeanor involving moral turpitude, or a case in 13162  
which the trial court issues an order of dismissal upon technical 13163  
or procedural grounds of a charge of a misdemeanor involving moral 13164  
turpitude. 13165

(C) The report shall include the name and address of the 13166  
chiropractor, the nature of the offense for which the action was 13167

taken, and the certified court documents recording the action. The 13168  
board may prescribe and provide forms for prosecutors to make 13169  
reports under this section. The form may be the same as the form 13170  
required to be provided under section ~~2929.24~~ 2929.42 of the 13171  
Revised Code. 13172

**Sec. 4761.13.** (A) As used in this section, "prosecutor" has 13173  
the same meaning as in section 2935.01 of the Revised Code. 13174

(B) The prosecutor in any case against any respiratory care 13175  
professional or an individual holding a limited permit issued 13176  
under this chapter shall promptly notify the Ohio respiratory care 13177  
board of any of the following: 13178

(1) A plea of guilty to, or a finding of guilt by a jury or 13179  
court of, a felony, or a case in which the trial court issues an 13180  
order of dismissal upon technical or procedural grounds of a 13181  
felony charge; 13182

(2) A plea of guilty to, or a finding of guilt by a jury or 13183  
court of, a misdemeanor committed in the course of practice, or a 13184  
case in which the trial court issues an order of dismissal upon 13185  
technical or procedural grounds of a charge of a misdemeanor, if 13186  
the alleged act was committed in the course of practice; 13187

(3) A plea of guilty to, or a finding of guilt by a jury or 13188  
court of, a misdemeanor involving moral turpitude, or a case in 13189  
which the trial court issues an order of dismissal upon technical 13190  
or procedural grounds of a charge of a misdemeanor involving moral 13191  
turpitude. 13192

(C) The report shall include the name and address of the 13193  
respiratory care professional or person holding a limited permit, 13194  
the nature of the offense for which the action was taken, and the 13195  
certified court documents recording the action. The board may 13196  
prescribe and provide forms for prosecutors to make reports under 13197

this section. The form may be the same as the form required to be 13198  
provided under section ~~2929.24~~ 2929.42 of the Revised Code. 13199

**Sec. 4973.171.** (A) As used in this section, "felony" has the 13200  
same meaning as in section 109.511 of the Revised Code. 13201

(B)(1) The governor shall not appoint or commission a person 13202  
as a police officer for a railroad company under division (B) of 13203  
section 4973.17 of the Revised Code and shall not appoint or 13204  
commission a person as a police officer for a hospital under 13205  
division (D) of section 4973.17 of the Revised Code on a permanent 13206  
basis, on a temporary basis, for a probationary term, or on other 13207  
than a permanent basis if the person previously has been convicted 13208  
of or has pleaded guilty to a felony. 13209

(2)(a) The governor shall revoke the appointment or 13210  
commission of a person appointed or commissioned as a police 13211  
officer for a railroad company or as a police officer for a 13212  
hospital under division (B) or (D) of section 4973.17 of the 13213  
Revised Code if that person does either of the following: 13214

(i) Pleads guilty to a felony; 13215

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 13216  
plea agreement as provided in division (D) of section ~~2929.29~~ 13217  
2929.43 of the Revised Code in which the person agrees to 13218  
surrender the certificate awarded to that person under section 13219  
109.77 of the Revised Code. 13220

(b) The governor shall suspend the appointment or commission 13221  
of a person appointed or commissioned as a police officer for a 13222  
railroad company or as a police officer for a hospital under 13223  
division (B) or (D) of section 4973.17 of the Revised Code if that 13224  
person is convicted, after trial, of a felony. If the person files 13225  
an appeal from that conviction and the conviction is upheld by the 13226  
highest court to which the appeal is taken or if the person does 13227



not file a timely appeal, the governor shall revoke the 13228  
appointment or commission of that person as a police officer for a 13229  
railroad company or as a police officer for a hospital. If the 13230  
person files an appeal that results in that person's acquittal of 13231  
the felony or conviction of a misdemeanor, or in the dismissal of 13232  
the felony charge against that person, the governor shall 13233  
reinstate the appointment or commission of that person as a police 13234  
officer for a railroad company or as a police officer for a 13235  
hospital. A person whose appointment or commission is reinstated 13236  
under division (B)(2)(b) of this section shall not receive any 13237  
back pay unless that person's conviction of the felony was 13238  
reversed on appeal, or the felony charge was dismissed, because 13239  
the court found insufficient evidence to convict the person of the 13240  
felony. 13241

(3) Division (B) of this section does not apply regarding an 13242  
offense that was committed prior to January 1, 1997. 13243

(4) The suspension or revocation of the appointment or 13244  
commission of a person as a police officer for a railroad company 13245  
or as a police officer for a hospital under division (B)(2) of 13246  
this section shall be in accordance with Chapter 119. of the 13247  
Revised Code. 13248

**Sec. 5101.28.** (A) The department of job and family services 13249  
shall enter into written agreements with law enforcement agencies 13250  
to exchange, obtain, or share information regarding public 13251  
assistance recipients to enable the department, county agencies, 13252  
and law enforcement agencies to determine whether a recipient or a 13253  
member of a recipient's assistance group is either of the 13254  
following: 13255

(1) A fugitive felon; 13256

(2) Violating a condition of probation, a community control 13257  
sanction, parole, or a post-release control sanction imposed under 13258

state or federal law. 13259

(B) The department and county agencies shall provide 13260  
information regarding recipients of public assistance under a 13261  
program administered by the state department or a county agency 13262  
pursuant to Chapter 5107., 5108., or 5115. of the Revised Code to 13263  
law enforcement agencies on request for the purposes of 13264  
investigations, prosecutions, and criminal and civil proceedings 13265  
that are within the scope of the law enforcement agencies' 13266  
official duties. 13267

(C) Information about a recipient shall be exchanged, 13268  
obtained, or shared only if the department, county agency, or law 13269  
enforcement agency requesting the information gives sufficient 13270  
information to specifically identify the recipient. In addition to 13271  
the recipient's name, identifying information may include the 13272  
recipient's current or last known address, social security number, 13273  
other identifying number, age, gender, physical characteristics, 13274  
any information specified in an agreement entered into under 13275  
division (A) of this section, or any information considered 13276  
appropriate by the department or agency. 13277

(D)(1) The department and its officers and employees are not 13278  
liable in damages in a civil action for any injury, death, or loss 13279  
to person or property that allegedly arises from the release of 13280  
information in accordance with divisions (A), (B), and (C) of this 13281  
section. This section does not affect any immunity or defense that 13282  
the department and its officers and employees may be entitled to 13283  
under another section of the Revised Code or the common law of 13284  
this state, including section 9.86 of the Revised Code. 13285

(2) The county agencies and their employees are not liable in 13286  
damages in a civil action for any injury, death, or loss to person 13287  
or property that allegedly arises from the release of information 13288  
in accordance with divisions (A), (B), and (C) of this section. 13289  
"Employee" has the same meaning as in division (B) of section 13290

2744.01 of the Revised Code. This section does not affect any 13291  
immunity or defense that the county agencies and their employees 13292  
may be entitled to under another section of the Revised Code or 13293  
the common law of this state, including section 2744.02 and 13294  
division (A)(6) of section 2744.03 of the Revised Code. 13295

(E) To the extent permitted by federal law, the department 13296  
and county agencies shall provide access to information to the 13297  
auditor of state acting pursuant to Chapter 117. or sections 13298  
5101.181 and 5101.182 of the Revised Code and to any other 13299  
government entity authorized by or federal law to conduct an audit 13300  
of or similar activity involving a public assistance program. 13301

(F) The auditor of state shall prepare an annual report on 13302  
the outcome of the agreements required under division (A) of this 13303  
section. The report shall include the number of fugitive felons 13304  
and, probation and parole violators, and violators of community 13305  
control sanctions and post-release control sanctions apprehended 13306  
during the immediately preceding year as a result of the exchange 13307  
of information pursuant to that division. The auditor of state 13308  
shall file the report with the governor, the president and 13309  
minority leader of the senate, and the speaker and minority leader 13310  
of the house of representatives. The state department, county 13311  
agencies, and law enforcement agencies shall cooperate with the 13312  
auditor of state's office in gathering the information required 13313  
under this division. 13314

(G) To the extent permitted by federal law, the department of 13315  
job and family services, county departments of job and family 13316  
services, and employees of the departments may report to a public 13317  
children services agency or other appropriate agency information 13318  
on known or suspected physical or mental injury, sexual abuse or 13319  
exploitation, or negligent treatment or maltreatment, of a child 13320  
receiving public assistance, if circumstances indicate that the 13321  
child's health or welfare is threatened. 13322

<u>(H) As used in this section:</u>	13323
<u>(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.</u>	13324 13325
<u>(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.</u>	13326 13327
<b>Sec. 5101.45.</b> 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 <del>probation</del> laws <u>on community control sanctions</u> , 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.	13328 13329 13330 13331 13332 13333 13334 13335 13336 13337 13338 13339 13340
<u>As used in this section, "community control sanction" has the same meaning as in section 2929.01 of the Revised Code.</u>	13341 13342
<b>Sec. 5119.14.</b> (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.	13343 13344
(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.	13345 13346 13347 13348 13349 13350 13351 13352

(2) In accordance with section 109.77 of the Revised Code, 13353  
the special police officers shall be required to complete 13354  
successfully a peace officer basic training program approved by 13355  
the Ohio peace officer training commission and to be certified by 13356  
the commission. The cost of the training shall be paid by the 13357  
department of mental health. 13358

(3) Special ~~police officers~~ police officers, on the premises 13359  
of institutions under the jurisdiction of the department of mental 13360  
health and subject to the rules of the department, shall protect 13361  
the property of the institutions and the persons and property of 13362  
patients in the institutions, suppress riots, disturbances, and 13363  
breaches of the peace, and enforce the laws of the state and the 13364  
rules of the department for the preservation of good order. They 13365  
may arrest any person without a warrant and detain the person 13366  
until a warrant can be obtained under the circumstances described 13367  
in division (F) of section 2935.03 of the Revised Code. 13368

(C)(1) The managing officer of an institution under the 13369  
jurisdiction of the department of mental health shall not 13370  
designate an employee as a special police officer of the 13371  
department pursuant to division (B)(1) of this section on a 13372  
permanent basis, on a temporary basis, for a probationary term, or 13373  
on other than a permanent basis if the employee previously has 13374  
been convicted of or has pleaded guilty to a felony. 13375

(2)(a) The managing officer of an institution under the 13376  
jurisdiction of the department of mental health shall terminate 13377  
the employment as a special police officer of the department of an 13378  
employee designated as a special police officer under division 13379  
(B)(1) of this section if that employee does either of the 13380  
following: 13381

(i) Pleads guilty to a felony; 13382

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 13383

plea agreement as provided in division (D) of section ~~2929.29~~ 13384  
2929.43 of the Revised Code in which the employee agrees to 13385  
surrender the certificate awarded to that employee under section 13386  
109.77 of the Revised Code. 13387

(b) The managing officer shall suspend from employment as a 13388  
special police officer of the department an employee designated as 13389  
a special police officer under division (B)(1) of this section if 13390  
that employee is convicted, after trial, of a felony. If the 13391  
special police officer files an appeal from that conviction and 13392  
the conviction is upheld by the highest court to which the appeal 13393  
is taken or if the special police officer does not file a timely 13394  
appeal, the managing officer shall terminate the employment of 13395  
that special police officer. If the special police officer files 13396  
an appeal that results in that special police officer's acquittal 13397  
of the felony or conviction of a misdemeanor, or in the dismissal 13398  
of the felony charge against that special police officer, the 13399  
managing officer shall reinstate that special police officer. A 13400  
special police officer of the department who is reinstated under 13401  
division (C)(2)(b) of this section shall not receive any back pay 13402  
unless that special police officer's conviction of the felony was 13403  
reversed on appeal, or the felony charge was dismissed, because 13404  
the court found insufficient evidence to convict the special 13405  
police officer of the felony. 13406

(3) Division (C) of this section does not apply regarding an 13407  
offense that was committed prior to January 1, 1997. 13408

(4) The suspension from employment, or the termination of the 13409  
employment, of a special police officer under division (C)(2) of 13410  
this section shall be in accordance with Chapter 119. of the 13411  
Revised Code. 13412

**Sec. 5120.10.** (A)(1) The director of rehabilitation and 13413  
correction, by rule, shall promulgate minimum standards for jails 13414

in Ohio, including minimum security jails dedicated under section 13415  
341.34 or 753.21 of the Revised Code. Whenever the director files 13416  
a rule or an amendment to a rule in final form with both the 13417  
secretary of state and the director of the legislative service 13418  
commission pursuant to section 111.15 of the Revised Code, the 13419  
director of rehabilitation and correction promptly shall send a 13420  
copy of the rule or amendment, if the rule or amendment pertains 13421  
to minimum jail standards, by ordinary mail to the political 13422  
subdivisions or affiliations of political subdivisions that 13423  
operate jails to which the standards apply. 13424

(2) The rules promulgated in accordance with division (A)(1) 13425  
of this section shall serve as criteria for the investigative and 13426  
supervisory powers and duties vested by division (D) of this 13427  
section in the division of parole and community services of the 13428  
department of rehabilitation and correction or in another division 13429  
of the department to which those powers and duties are assigned. 13430

(B) The director may initiate an action in the court of 13431  
common pleas of the county in which a facility that is subject to 13432  
the rules promulgated under division (A)(1) of this section is 13433  
situated to enjoin compliance with the minimum standards for jails 13434  
or with the minimum standards and minimum renovation, 13435  
modification, and construction criteria for minimum security 13436  
jails. 13437

(C) Upon the request of an administrator of a jail facility, 13438  
the chief executive of a municipal corporation, or a board of 13439  
county commissioners, the director of rehabilitation and 13440  
correction or the director's designee shall grant a variance from 13441  
the minimum standards for jails in Ohio for a facility that is 13442  
subject to one of those minimum standards when the director 13443  
determines that strict compliance with the minimum standards would 13444  
cause unusual, practical difficulties or financial hardship, that 13445  
existing or alternative practices meet the intent of the minimum 13446

standards, and that granting a variance would not seriously affect 13447  
the security of the facility, the supervision of the inmates, or 13448  
the safe, healthful operation of the facility. If the director or 13449  
the director's designee denies a variance, the applicant may 13450  
appeal the denial pursuant to section 119.12 of the Revised Code. 13451

(D) The following powers and duties shall be exercised by the 13452  
division of parole and community services unless assigned to 13453  
another division by the director: 13454

(1) The investigation and supervision of county and municipal 13455  
jails, workhouses, minimum security jails, and other correctional 13456  
institutions and agencies; 13457

(2) The management and supervision of the adult parole 13458  
authority created by section 5149.02 of the Revised Code; 13459

(3) The review and approval of proposals for community-based 13460  
correctional facilities and programs and district community-based 13461  
correctional facilities and programs that are submitted pursuant 13462  
to division (B) of section 2301.51 of the Revised Code; 13463

(4) The distribution of funds made available to the division 13464  
for purposes of assisting in the renovation, maintenance, and 13465  
operation of community-based correctional facilities and programs 13466  
and district community-based correctional facilities and programs 13467  
in accordance with section 5120.112 of the Revised Code; 13468

(5) The performance of the duty imposed upon the department 13469  
of rehabilitation and correction in section 5149.31 of the Revised 13470  
Code to establish and administer a program of subsidies to 13471  
eligible municipal corporations, counties, and groups of 13472  
contiguous counties for the development, implementation, and 13473  
operation of community-based corrections programs; 13474

(6) Licensing halfway houses and community residential 13475  
centers for the care and treatment of adult offenders in 13476  
accordance with section 2967.14 of the Revised Code; 13477



(7) Contracting with a public or private agency or a department or political subdivision of the state that operates a licensed halfway house or community residential center for the provision of housing, supervision, and other services to parolees, releasees, persons placed under a residential sanction, persons under transitional control, and ~~probationers~~ other eligible offenders in accordance with section 2967.14 of the Revised Code.

Other powers and duties may be assigned by the director of rehabilitation and correction to the division of parole and community services. This section does not apply to the department of youth services or its institutions or employees.

**Sec. 5120.102.** As used in sections 5120.102 to 5120.105 of the Revised Code:

(A) "Private, nonprofit organization" means a private association, organization, corporation, or other entity that is exempt from federal income taxation under section 501(a) and is described in section 501(c) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended.

(B) "Governmental agency" means a state agency; a municipal corporation, county, township, other political subdivision or special district in this state established by or pursuant to law, or a combination of those political subdivisions or special districts; the United States or a department, division, or agency of the United States; or an agency, commission, or authority established pursuant to an interstate compact or agreement.

(C) "State agency" means the state or one of its branches, offices, boards, commissions, authorities, departments, divisions, or other units or agencies of the state.

(D) "Halfway house organization" means a private, nonprofit organization or a governmental agency that provides programs or

activities in areas directly concerned with housing and monitoring 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. 13508  
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(E) "Halfway house facility" means a capital facility in this state to which all of the following apply: 13513  
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(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. 13515  
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(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. 13518  
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(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. 13528  
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(F) "Construction" includes acquisition, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing. 13534  
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(G) "General building services" means general building 13538

services for a halfway house facility that include, but are not 13539  
limited to, general custodial care, security, maintenance, repair, 13540  
painting, decoration, cleaning, utilities, fire safety, grounds 13541  
and site maintenance and upkeep, and plumbing. 13542

(H) "Manage," "operate," or "management" means the provision 13543  
of, or the exercise of control over the provision of, activities 13544  
that relate to the housing of offenders in correctional 13545  
facilities, including, but not limited to, providing for release 13546  
services for offenders who are under the community supervision of 13547  
the department of rehabilitation and correction or are placed by a 13548  
court in a halfway house pursuant to section 2929.16 or 2929.26 of 13549  
the Revised Code, and who reside in halfway house facilities. 13550

**Sec. 5120.103.** (A) To the extent that funds are available, 13551  
the department of rehabilitation and correction, in accordance 13552  
with this section and sections 5120.104 and 5120.105 of the 13553  
Revised Code, may construct or provide for the construction of 13554  
halfway house facilities for offenders whom a court places in a 13555  
halfway house pursuant to section 2929.16 or 2929.26 of the 13556  
Revised Code or who are eligible for community supervision by the 13557  
department of rehabilitation and correction. 13558

(B) A halfway house organization that seeks to assist in the 13559  
program planning of a halfway house facility described in division 13560  
(A) of this section shall file an application with the director of 13561  
rehabilitation and correction as set forth in a request for 13562  
proposal. Upon the submission of an application, the division of 13563  
parole and community services shall review it and, if the division 13564  
believes it is appropriate, shall submit a recommendation for its 13565  
approval to the director. When the division submits a 13566  
recommendation for approval of an application, the director may 13567  
approve the application. The director shall not take action or 13568  
fail to take action, or permit the taking of action or the failure 13569

to take action, with respect to halfway house facilities that 13570  
would adversely affect the exclusion of interest on public 13571  
obligations or on fractionalized interests in public obligations 13572  
from gross income for federal income tax purposes, or the 13573  
classification or qualification of the public obligations or the 13574  
interest on or fractionalized interests in public obligations for, 13575  
or their exemption from, other treatment under the Internal 13576  
Revenue Code. 13577

(C) The director of rehabilitation and correction and the 13578  
halfway house organization may enter into an agreement 13579  
establishing terms for the program planning of the halfway house 13580  
facility. Any terms so established shall conform to the terms of 13581  
any covenant or agreement pertaining to an obligation from which 13582  
the funds used for the construction of the halfway house facility 13583  
are derived. 13584

(D) The director of rehabilitation and correction, in 13585  
accordance with Chapter 119. of the Revised Code, shall adopt 13586  
rules that specify procedures by which a halfway house 13587  
organization may apply for a contract for program planning of a 13588  
halfway house facility constructed under this section, procedures 13589  
for the department to follow in considering an application, 13590  
criteria for granting approval of an application, and any other 13591  
rules that are necessary for the selection of program planners of 13592  
a halfway house facility. 13593

**Sec. 5120.56.** (A) As used in this section: 13594

(1) "Ancillary services" means services provided to an 13595  
offender as necessary for the particular circumstances of the 13596  
offender's personal supervision, including, but not limited to, 13597  
specialized counseling, testing, or other services not included in 13598  
the calculation of residential or supervision costs. 13599

(2) "Cost debt" means a cost of incarceration or supervision 13600

that may be assessed against and collected from an offender as a  
debt to the state as described in division (D) of this section. 13601  
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(3) "Detention facility" means any place used for the  
confinement of a person charged with or convicted of any crime. 13603  
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(4) "Offender" means any inmate, parolee, ~~probationer~~ person  
placed under a community control sanction, releasee, or other  
person who has been convicted of or pleaded guilty to any felony  
or misdemeanor and is sentenced to any of the following: 13605  
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(a) A term of imprisonment, a prison term, a jail term, or  
another type of confinement in a detention facility; 13609  
13610

(b) Participation in another correctional program in lieu of  
incarceration. 13611  
13612

(5) "Community control sanction," "prison term," and "jail  
term" have the same meanings as in section 2929.01 of the Revised  
Code. 13613  
13614  
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(6) "Parolee" and "releasee" have the same meanings as in  
section 2967.01 of the Revised Code. 13616  
13617

(B) The department of rehabilitation and correction may  
recover from an offender who is in its custody or under its  
supervision any cost debt described in division (D) of this  
section. To satisfy a cost debt described in that division that  
relates to an offender, the department may apply directly assets  
that are in the department's possession and that are being held  
for that offender without further proceedings in aid of execution,  
and, if assets belonging to or subject to the direction of that  
offender are in the possession of a third party, the department  
may request the attorney general to initiate proceedings to  
collect the assets from the third party to satisfy the cost debt. 13618  
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(C) Except as otherwise provided in division (E) or (G) of  
this section, all of the following assets of an offender shall be 13629  
13630

subject to attachment, collection, or application toward the cost	13631
debts described in division (D) of this section that are to be	13632
recovered under division (B) of this section:	13633
(1) Subject to division (E) of this section, any pay the	13634
offender receives from the state;	13635
(2) Subject to division (E) of this section, any funds the	13636
offender receives from persons on an approved visitor list;	13637
(3) Any liquid assets belonging to the offender and in the	13638
custody of the department of rehabilitation and correction;	13639
(4) Any assets the offender acquires or any other income the	13640
offender earns subsequent to the offender's commitment.	13641
(D) Costs of incarceration or supervision that may be	13642
assessed against and collected from an offender under division (B)	13643
of this section as a debt to the state shall include, but are not	13644
limited to, all of the following costs that accrue while the	13645
offender is in the custody or under the supervision of the	13646
department of rehabilitation and correction:	13647
(1) Any user fee or copayment for services at a detention	13648
facility or housing facility, including, but not limited to, a fee	13649
or copayment for sick call visits;	13650
(2) Assessment for damage to or destruction of property in a	13651
detention facility subsequent to commitment;	13652
(3) Restitution to an offender or to a staff member of a	13653
state correctional institution for theft, loss, or damage to the	13654
personal property of the offender or staff member;	13655
(4) The cost of housing and feeding the offender in a	13656
detention facility;	13657
(5) The cost of supervision of the offender;	13658
(6) The cost of any ancillary services provided to the	13659

offender. 13660

(E) The cost of housing and feeding an offender in a state 13661  
correctional institution shall not be collected from a payment 13662  
made to the offender for performing an activity at a state job or 13663  
assignment that pays less than the minimum wage or from money the 13664  
offender receives from visitors, unless the combined assets in the 13665  
offender's institution personal account exceed, at any time, one 13666  
hundred dollars. If the combined assets in that account exceed one 13667  
hundred dollars, the cost of housing and feeding the offender may 13668  
be collected from the amount in excess of one hundred dollars. 13669

(F)(1) The department of rehabilitation and correction shall 13670  
adopt rules pursuant to section 111.15 of the Revised Code to 13671  
implement the requirements of this section. 13672

(2) The rules adopted under division (F)(1) of this section 13673  
shall include, but are not limited to, rules that establish or 13674  
contain all of the following: 13675

(a) A process for ascertaining the items of cost to be 13676  
assessed against an offender; 13677

(b) Subject to division (F)(3) of this section, a process by 13678  
which the offender shall have the opportunity to respond to the 13679  
assessment of costs under division (B) of this section and to 13680  
contest any item of cost in the department's calculation or as it 13681  
applies to the offender; 13682

(c) A requirement that the offender be notified, in writing, 13683  
of a final decision to collect or apply the offender's assets 13684  
under division (B) of this section and that the notification be 13685  
provided after the offender has had an opportunity to contest the 13686  
application or collection; 13687

(d) Criteria for evaluating an offender's ongoing, permanent 13688  
injury and evaluating the ability of that type of offender to 13689  
provide for the offender after incarceration. 13690

(3) The rules adopted under division (F)(1) of this section 13691  
may allow the collection of a cost debt as a flat fee or over time 13692  
in installments. If the cost debt is to be collected over time in 13693  
installments, the rules are not required to permit the offender an 13694  
opportunity to contest the assessment of each installment. The 13695  
rules may establish a standard fee to apply to all offenders who 13696  
receive a particular service. 13697

(G) The department of rehabilitation and correction shall not 13698  
collect cost debts or apply offender assets toward a cost debt 13699  
under division (B) of this section if, due to an ongoing, 13700  
permanent injury, the collection or application would unjustly 13701  
limit the offender's ability to provide for the offender after 13702  
incarceration. 13703

(H) If an offender acquires assets after the offender is 13704  
convicted of or pleads guilty to an offense and if the transferor 13705  
knows of the offender's status as an offender, the transferor 13706  
shall notify the department of rehabilitation and correction in 13707  
advance of the transfer. 13708

(I) There is hereby created in the state treasury the 13709  
offender financial responsibility fund. All moneys collected by or 13710  
on behalf of the department under this section, and all moneys 13711  
currently in the department's custody that are applied to satisfy 13712  
an allowable cost debt under this section, shall be deposited into 13713  
the fund. The department of rehabilitation and correction may 13714  
expend moneys in the fund for goods and services of the same type 13715  
as those for which offenders are assessed pursuant to this 13716  
section. 13717

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 13718  
the Revised Code: 13719

(A) "Mental illness" means a substantial disorder of thought, 13720  
mood, perception, orientation, or memory that grossly impairs 13721



judgment, behavior, capacity to recognize reality, or ability to  
meet the ordinary demands of life. 13722  
13723

(B) "Mentally ill person subject to hospitalization by court  
order" means a mentally ill person who, because of the person's  
illness: 13724  
13725  
13726

(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; 13727  
13728  
13729

(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; 13730  
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(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 13735  
13736  
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13740

(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. 13741  
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(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. 13746  
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(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 in this chapter to patient, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(D) "Licensed physician" means a person licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of the person's official duties.

(E) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American medical association, the committee on post-graduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio state medical association or the Ohio osteopathic association on the basis of formal training and five or more years of medical practice limited to psychiatry.

(F) "Hospital" means a hospital or inpatient unit licensed by the department of mental health under section 5119.20 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(G) "Public hospital" means a facility that is tax-supported and under the jurisdiction of the department of mental health.

(H) "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug addiction, and mental health services contracts to provide the mental health services listed in section 340.09 of the Revised

Code. 13784

(I) "Licensed clinical psychologist" means a person who holds 13785  
a current valid psychologist license issued under section 4732.12 13786  
or 4732.15 of the Revised Code, and in addition, meets either of 13787  
the following criteria: 13788

(1) Meets the educational requirements set forth in division 13789  
(B) of section 4732.10 of the Revised Code and has a minimum of 13790  
two years' full-time professional experience, or the equivalent as 13791  
determined by rule of the state board of psychology, at least one 13792  
year of which shall be post-doctoral, in clinical psychological 13793  
work in a public or private hospital or clinic or in private 13794  
practice, diagnosing and treating problems of mental illness or 13795  
mental retardation under the supervision of a psychologist who is 13796  
licensed or who holds a diploma issued by the American board of 13797  
professional psychology, or whose qualifications are substantially 13798  
similar to those required for licensure by the state board of 13799  
psychology when the supervision has occurred prior to enactment of 13800  
laws governing the practice of psychology; 13801

(2) Meets the educational requirements set forth in division 13802  
(B) of section 4732.15 of the Revised Code and has a minimum of 13803  
four years' full-time professional experience, or the equivalent 13804  
as determined by rule of the state board of psychology, in 13805  
clinical psychological work in a public or private hospital or 13806  
clinic or in private practice, diagnosing and treating problems of 13807  
mental illness or mental retardation under supervision, as set 13808  
forth in division (I)(1) of this section. 13809

(J) "Health officer" means any public health physician; 13810  
public health nurse; or other person authorized by or designated 13811  
by a city health district; a general health district; or a board 13812  
of alcohol, drug addiction, and mental health services to perform 13813  
the duties of a health officer under this chapter. 13814

(K) "Chief clinical officer" means the medical director of a hospital, or a community mental health agency, or a board of alcohol, drug addiction, and mental health services, or, if there 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 13846  
evaluation. 13847

(Q) "Court" means the probate division of the court of common 13848  
pleas. 13849

(R) "Expunge" means: 13850

(1) The removal and destruction of court files and records, 13851  
originals and copies, and the deletion of all index references; 13852

(2) The reporting to the person of the nature and extent of 13853  
any information about ~~him~~ the person transmitted to any other 13854  
person by the court; 13855

(3) Otherwise insuring that any examination of court files 13856  
and records in question shall show no record whatever with respect 13857  
to the person; 13858

(4) That all rights and privileges are restored, and that the 13859  
person, the court, and any other person may properly reply that no 13860  
such record exists, as to any matter expunged. 13861

(S) "Residence" means a person's physical presence in a 13862  
county with intent to remain there, except that: 13863

(1) If a person is receiving a mental health service at a 13864  
facility that includes nighttime sleeping accommodations, 13865  
residence means that county in which the person maintained ~~his~~ the 13866  
person's primary place of residence at the time ~~he~~ the person 13867  
entered the facility; 13868

(2) If a person is committed pursuant to section 2945.38, 13869  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 13870  
residence means the county where the criminal charges were filed. 13871

When the residence of a person is disputed, the matter of 13872  
residence shall be referred to the department of mental health for 13873  
investigation and determination. Residence shall not be a basis 13874  
for a board's denying services to any person present in the 13875

board's service district, and the board shall provide services for 13876  
a person whose residence is in dispute while residence is being 13877  
determined and for a person in an emergency situation. 13878

(T) "Admission" to a hospital or other place means that a 13879  
patient is accepted for and stays at least one night at the 13880  
hospital or other place. 13881

(U) "Prosecutor" means the prosecuting attorney, village 13882  
solicitor, city director of law, or similar chief legal officer 13883  
who prosecuted a criminal case in which a person was found not 13884  
guilty by reason of insanity, who would have had the authority to 13885  
prosecute a criminal case against a person if the person had not 13886  
been found incompetent to stand trial, or who prosecuted a case in 13887  
which a person was found guilty. 13888

(V) "Treatment plan" means a written statement of reasonable 13889  
objectives and goals for an individual established by the 13890  
treatment team, with specific criteria to evaluate progress 13891  
towards achieving those objectives. The active participation of 13892  
the patient in establishing the objectives and goals shall be 13893  
documented. The treatment plan shall be based on patient needs and 13894  
include services to be provided to the patient while ~~he~~ the 13895  
patient is hospitalized and after ~~he~~ the patient is discharged. 13896  
The treatment plan shall address services to be provided upon 13897  
discharge, including but not limited to housing, financial, and 13898  
vocational services. 13899

(W) "Community control sanction" has the same meaning as in 13900  
section 2929.01 of the Revised Code. 13901

(X) "Post-release control sanction" has the same meaning as 13902  
in section 2967.01 of the Revised Code. 13903

**Sec. 5122.10.** Any psychiatrist, licensed clinical 13904  
psychologist, licensed physician, health officer, parole officer, 13905

police officer, or sheriff may take a person into custody, or the 13906  
chief of the adult parole authority or a parole or probation 13907  
officer with the approval of the chief of the authority may take a 13908  
parolee, ~~probationer~~, an offender on under a community control 13909  
sanction or a post-release control sanction, or an offender under 13910  
transitional control into custody and may immediately transport 13911  
the parolee, ~~probationer~~, offender on community control or 13912  
post-release control, or offender under transitional control to a 13913  
hospital or, notwithstanding section 5119.20 of the Revised Code, 13914  
to a general hospital not licensed by the department of mental 13915  
health where the parolee, ~~probationer~~, offender on community 13916  
control or post-release control, or offender under transitional 13917  
control may be held for the period prescribed in this section, if 13918  
the psychiatrist, licensed clinical psychologist, licensed 13919  
physician, health officer, parole officer, police officer, or 13920  
sheriff has reason to believe that the person is a mentally ill 13921  
person subject to hospitalization by court order under division 13922  
(B) of section 5122.01 of the Revised Code, and represents a 13923  
substantial risk of physical harm to self or others if allowed to 13924  
remain at liberty pending examination. 13925

A written statement shall be given to such hospital by the 13926  
transporting psychiatrist, licensed clinical psychologist, 13927  
licensed physician, health officer, parole officer, police 13928  
officer, chief of the adult parole authority, parole or probation 13929  
officer, or sheriff stating the circumstances under which such 13930  
person was taken into custody and the reasons for the 13931  
psychiatrist's, licensed clinical psychologist's, licensed 13932  
physician's, health officer's, parole officer's, police officer's, 13933  
chief of the adult parole authority's, parole or probation 13934  
officer's, or sheriff's belief. This statement shall be made 13935  
available to the respondent or the respondent's attorney upon 13936  
request of either. 13937

Every reasonable and appropriate effort shall be made to take 13938  
persons into custody in the least conspicuous manner possible. A 13939  
person taking the respondent into custody pursuant to this section 13940  
shall explain to the respondent: the name, professional 13941  
designation, and agency affiliation of the person taking the 13942  
respondent into custody; that the custody-taking is not a criminal 13943  
arrest; and that the person is being taken for examination by 13944  
mental health professionals at a specified mental health facility 13945  
identified by name. 13946

If a person taken into custody under this section is 13947  
transported to a general hospital, the general hospital may admit 13948  
the person, or provide care and treatment for the person, or both, 13949  
notwithstanding section 5119.20 of the Revised Code, but by the 13950  
end of twenty-four hours after arrival at the general hospital, 13951  
the person shall be transferred to a hospital as defined in 13952  
section 5122.01 of the Revised Code. 13953

A person transported or transferred to a hospital or 13954  
community mental health agency under this section shall be 13955  
examined by the staff of the hospital or agency within twenty-four 13956  
hours after arrival at the hospital or agency. If to conduct the 13957  
examination requires that the person remain overnight, the 13958  
hospital or agency shall admit the person in an unclassified 13959  
status until making a disposition under this section. After the 13960  
examination, if the chief clinical officer of the hospital or 13961  
agency believes that the person is not a mentally ill person 13962  
subject to hospitalization by court order, the chief clinical 13963  
officer shall release or discharge the person immediately unless a 13964  
court has issued a temporary order of detention applicable to the 13965  
person under section 5122.11 of the Revised Code. After the 13966  
examination, if the chief clinical officer believes that the 13967  
person is a mentally ill person subject to hospitalization by 13968  
court order, the chief clinical officer may detain the person for 13969



not more than three court days following the day of the 13970  
examination and during such period admit the person as a voluntary 13971  
patient under section 5122.02 of the Revised Code or file an 13972  
affidavit under section 5122.11 of the Revised Code. If neither 13973  
action is taken and a court has not otherwise issued a temporary 13974  
order of detention applicable to the person under section 5122.11 13975  
of the Revised Code, the chief clinical officer shall discharge 13976  
the person at the end of the three-day period unless the person 13977  
has been sentenced to the department of rehabilitation and 13978  
correction and has not been released from the person's sentence, 13979  
in which case the person shall be returned to that department. 13980

**Sec. 5122.21.** (A) The chief clinical officer shall as 13981  
frequently as practicable, and at least once every thirty days, 13982  
examine or cause to be examined every patient, and, whenever the 13983  
chief clinical officer determines that the conditions justifying 13984  
involuntary hospitalization or commitment no longer obtain, shall, 13985  
except as provided in division (C) of this section, discharge the 13986  
patient not under indictment or conviction for crime and 13987  
immediately make a report of the discharge to the department of 13988  
mental health. The chief clinical officer may discharge a patient 13989  
who is under an indictment, a sentence of imprisonment, a 13990  
community control sanction, or a post-release control sanction or 13991  
on ~~probation or~~ parole ten days after written notice of intent to 13992  
discharge the patient has been given by personal service or 13993  
certified mail, return receipt requested, to the court having 13994  
criminal jurisdiction over the patient. Except when the patient 13995  
was found not guilty by reason of insanity and ~~his~~ the defendant's 13996  
commitment is pursuant to section 2945.40 of the Revised Code, the 13997  
chief clinical officer has final authority to discharge a patient 13998  
who is under an indictment, a sentence of imprisonment, a 13999  
community control sanction, or a post-release control sanction or 14000  
on ~~probation or~~ parole. 14001

(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, may, except as provided in division (C) of this section, grant a discharge without the consent or authorization of any court.

Upon discharge, the chief clinical officer shall notify the court that caused the judicial hospitalization of the discharge from the hospital.

**Sec. 5122.26.** (A) If a patient is absent without leave, on a verbal or written order issued within five days of the time of the unauthorized absence by the department of mental health, the chief clinical officer of the hospital from which the patient is absent without leave, or the court of either the county from which the patient was committed or in which the patient is found, any health or police officer or sheriff may take the patient into custody and transport the patient to the hospital in which the patient was hospitalized or to a place that is designated in the order. The officer immediately shall report such fact to the agency that issued the order.

The chief clinical officer of a hospital 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 and who has been absent without leave for more than thirty days, but shall give written notice of the discharge to the court with criminal jurisdiction over the patient. The chief clinical officer of a hospital may discharge any other patient who has been absent without leave for more than fourteen days.

The chief clinical officer shall take all proper measures for

the apprehension of an escaped patient. The expense of the return 14033  
of an escaped patient shall be borne by the hospital where the 14034  
patient is hospitalized. 14035

(B)(1) Subject to division (B)(2) of this section, no patient 14036  
hospitalized under Chapter 5122. of the Revised Code whose absence 14037  
without leave was caused or contributed to by ~~his~~ the patient's 14038  
mental illness shall be subject to a charge of escape. 14039

(2) Division (B)(1) of this section does not apply to any 14040  
person who was hospitalized, institutionalized, or confined in a 14041  
facility under an order made pursuant to or under authority of 14042  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 14043  
2945.402 of the Revised Code and who escapes from the facility, 14044  
from confinement in a vehicle for transportation to or from the 14045  
facility, or from supervision by an employee of the facility that 14046  
is incidental to hospitalization, institutionalization, or 14047  
confinement in the facility and that occurs outside the facility, 14048  
in violation of section 2921.34 of the Revised Code. 14049

**Sec. 5123.13.** (A) As used in this section, "felony" has the 14050  
same meaning as in section 109.511 of the Revised Code. 14051

(B)(1) Subject to division (C) of this section, upon the 14052  
recommendation of the director of mental retardation and 14053  
developmental disabilities, the managing officer of an institution 14054  
under the jurisdiction of the department of mental retardation and 14055  
developmental disabilities may designate one or more employees to 14056  
be special police officers of the department. The special police 14057  
officers shall take an oath of office, wear the badge of office, 14058  
and give bond for the proper and faithful discharge of their 14059  
duties in an amount that the director requires. 14060

(2) In accordance with section 109.77 of the Revised Code, 14061  
the special police officers shall be required to complete 14062  
successfully a peace officer basic training program approved by 14063

the Ohio peace officer training commission and to be certified by 14064  
the commission. The cost of the training shall be paid by the 14065  
department of mental retardation and developmental disabilities. 14066

(3) Special police officers, on the premises of institutions 14067  
under the jurisdiction of the department of mental retardation and 14068  
developmental disabilities and subject to the rules of the 14069  
department, shall protect the property of the institutions and the 14070  
persons and property of patients in the institutions, suppress 14071  
riots, disturbances, and breaches of the peace, and enforce the 14072  
laws of the state and the rules of the department for the 14073  
preservation of good order. They may arrest any person without a 14074  
warrant and detain the person until a warrant can be obtained 14075  
under the circumstances described in division (F) of section 14076  
2935.03 of the Revised Code. 14077

(C)(1) The managing officer of an institution under the 14078  
jurisdiction of the department of mental retardation and 14079  
developmental disabilities shall not designate an employee as a 14080  
special police officer of the department pursuant to division 14081  
(B)(1) of this section on a permanent basis, on a temporary basis, 14082  
for a probationary term, or on other than a permanent basis if the 14083  
employee previously has been convicted of or has pleaded guilty to 14084  
a felony. 14085

(2)(a) The managing officer of an institution under the 14086  
jurisdiction of the department of mental retardation and 14087  
developmental disabilities shall terminate the employment as a 14088  
special police officer of the department of an employee designated 14089  
as a special police officer under division (B)(1) of this section 14090  
if that employee does either of the following: 14091

(i) Pleads guilty to a felony; 14092

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 14093  
plea agreement as provided in division (D) of section ~~2929.29~~ 14094

2929.43 of the Revised Code in which the employee agrees to 14095  
surrender the certificate awarded to that employee under section 14096  
109.77 of the Revised Code. 14097

(b) The managing officer shall suspend from employment as a 14098  
special police officer of the department an employee designated as 14099  
a special police officer under division (B)(1) of this section if 14100  
that employee is convicted, after trial, of a felony. If the 14101  
special police officer files an appeal from that conviction and 14102  
the conviction is upheld by the highest court to which the appeal 14103  
is taken or if the special police officer does not file a timely 14104  
appeal, the managing officer shall terminate the employment of 14105  
that special police officer. If the special police officer files 14106  
an appeal that results in that special police officer's acquittal 14107  
of the felony or conviction of a misdemeanor, or in the dismissal 14108  
of the felony charge against that special police officer, the 14109  
managing officer shall reinstate that special police officer. A 14110  
special police officer of the department who is reinstated under 14111  
division (C)(2)(b) of this section shall not receive any back pay 14112  
unless that special police officer's conviction of the felony was 14113  
reversed on appeal, or the felony charge was dismissed, because 14114  
the court found insufficient evidence to convict the special 14115  
police officer of the felony. 14116

(3) Division (C) of this section does not apply regarding an 14117  
offense that was committed prior to January 1, 1997. 14118

(4) The suspension from employment, or the termination of the 14119  
employment, of a special police officer under division (C)(2) of 14120  
this section shall be in accordance with Chapter 119. of the 14121  
Revised Code. 14122

**Sec. 5147.12.** The labor or time of any person confined in any 14123  
workhouse or jail shall not be let, farmed out, given, sold, or 14124  
contracted to any person. Work performed under a work-release 14125

program authorized under section 5147.28 of the Revised Code is 14126  
not in violation of this section. 14127

This section does not apply to any person serving a periodic 14128  
sentence under division ~~(A)(3)(B)~~ of section ~~2929.51~~ 2929.26 of 14129  
the Revised Code, insofar as that person is engaged between 14130  
periods of confinement in the person's regular trade or occupation 14131  
for the support of the person or the person's family. This section 14132  
does not apply to prisoners participating in a county jail 14133  
industry program established under section 5147.30 of the Revised 14134  
Code. 14135

**Sec. 5147.30.** (A) As used in this section, "prisoner" means 14136  
any person confined in the county jail in lieu of bail while 14137  
awaiting trial, any person committed to jail for nonpayment of a 14138  
fine, or any person sentenced by a court to the jail. 14139

(B) A board of county commissioners, by resolution adopted by 14140  
a majority vote of its members, may approve the establishment of a 14141  
county jail industry program for its county in accordance with 14142  
this section. 14143

(C) Upon the adoption by the board of the resolution 14144  
described in division (B) of this section, a jail industry board 14145  
shall be established, consisting of three voting members appointed 14146  
by the board of county commissioners, three voting members 14147  
appointed by the county sheriff, and one voting member appointed 14148  
jointly by the board of county commissioners and the county 14149  
sheriff. One of these voting members shall have knowledge of and 14150  
experience in the social services, one in the field of labor, one 14151  
in law enforcement, and one in business. The initial appointments 14152  
to the jail industry board shall be made on the same date. Of the 14153  
initial appointments, one by the board of county commissioners and 14154  
one by the county sheriff shall be for terms ending one year after 14155  
the date of appointment, two by the board of county commissioners 14156

and two by the county sheriff shall be for terms ending two years 14157  
after that date, and the joint appointment shall be for a term 14158  
ending three years after that date. Thereafter, terms of office 14159  
for all appointed members shall be for three years, with each term 14160  
ending on the same day of the same month as did the term that it 14161  
succeeds. Any vacancy on the board shall be filled in the same 14162  
manner as the original appointment. Any member appointed to fill a 14163  
vacancy occurring prior to the expiration date of the term for 14164  
which the member's predecessor was appointed shall hold office as 14165  
a member for the remainder of that term. Any member shall continue 14166  
in office subsequent to the expiration date of the member's term 14167  
until the member's successor takes office, or until a period of 14168  
sixty days has elapsed, whichever occurs first. 14169

The jail industry board, by majority vote, may appoint 14170  
additional persons to serve as nonvoting members of the board. 14171

Each member of the jail industry board shall be reimbursed 14172  
for expenses actually and necessarily incurred in the performance 14173  
of the member's duties as a board member. The board of county 14174  
commissioners, by resolution, shall approve the expenses to be 14175  
reimbursed. 14176

(D) A jail industry board established under division (C) of 14177  
this section shall establish a program for the employment of as 14178  
many prisoners as possible, except those unable to perform labor 14179  
because of illness or other health problems, security 14180  
requirements, routine processing, disciplinary action, or other 14181  
reasonable circumstances or because they are engaged in education 14182  
or vocational or other training. The employment may be in jail 14183  
manufacturing and service industries and agriculture, in private 14184  
industry or agriculture that is located within or outside the 14185  
jail, in public works, in institutional jobs necessary for the 14186  
proper maintenance and operation of the jail, or in any other 14187  
appropriate form of labor. The county shall attempt to employ, 14188

provide employment for, and seek employment for as many prisoners 14189  
as possible through the program. The county is not required to 14190  
provide employment for every employable prisoner when the 14191  
available funds, facilities, or jobs are insufficient to provide 14192  
the employment; however, a county that has a county jail industry 14193  
program shall continuously seek sources of employment for as many 14194  
employable prisoners as possible. 14195

(E) The jail industry program established under division (D) 14196  
of this section shall do all of the following: 14197

(1) Establish a system for assigning prisoners to perform 14198  
jobs, for periodically evaluating the job performance of each 14199  
prisoner, and for periodically evaluating the qualifications of 14200  
each prisoner for other jobs; 14201

(2) Attempt to provide jobs and job training for prisoners 14202  
that will be useful to them in obtaining employment when released, 14203  
except that institutional jobs at the jail need not be related to 14204  
any previous employment of the prisoner or relevant to any job the 14205  
prisoner intends to pursue after release from jail; 14206

(3) Establish an accounting system to administer and allocate 14207  
the earnings of each prisoner. The accounting system may permit 14208  
earnings to be used for payment of the employee taxes and workers' 14209  
compensation of the prisoner, for reimbursing the county for room 14210  
and board and for the expense of providing employment to the 14211  
prisoner, for restitution to the victims of the prisoner's 14212  
offenses if the prisoner voluntarily requests or is under court 14213  
order to make restitution payments, for fines and court costs, for 14214  
support of the dependents of the prisoner, and for an account for 14215  
the prisoner. 14216

(4) Require all persons who employ prisoners to meet all 14217  
applicable work safety standards. 14218

(F) The jail industry board, with the approval of the county 14219



sheriff, shall adopt rules for the establishment and 14220  
administration of the jail industry program. The rules shall 14221  
provide for all of the following: 14222

(1) A procedure for seeking the employment of prisoners in 14223  
penal industries and agriculture, in private industry and 14224  
agriculture located within or outside the county jail, in public 14225  
works, in institutional jobs necessary for the proper maintenance 14226  
or operation of the county's institutions, and in other 14227  
appropriate forms of labor; 14228

(2) A system of compensation, allowances, hours, conditions 14229  
of employment, and advancement for prisoners employed in any form 14230  
of labor; 14231

(3) The regulation of the working conditions of prisoners 14232  
employed in any form of labor; 14233

(4) An accounting system for the allocation of the earnings 14234  
of each prisoner; 14235

(5) Any other rules on any subject that are necessary to 14236  
administer the program or to provide employment for as many 14237  
prisoners as possible. 14238

(G) In establishing and administering a county jail industry 14239  
program, the board of county commissioners, upon the 14240  
recommendation of the jail industry board and the county sheriff 14241  
may do any of the following: 14242

(1) Enter into contracts with private industry, agriculture, 14243  
and other organizations or persons, and receive grants to 14244  
establish test work programs within or outside institutions under 14245  
the control of the county; 14246

(2) Enter into contracts with private industry for the 14247  
establishment of manufacturing and service industries within or 14248  
near institutions under the control of the county for the 14249

employment of prisoners; 14250

(3) Enter into contracts with private industry, agriculture, 14251  
and other organizations or persons to provide employment for 14252  
prisoners; 14253

(4) Enter into any other contracts or perform any other 14254  
functions that are necessary for the county jail industry program. 14255

(H) The jail industry program established under division (D) 14256  
of this section shall be administered in accordance with any rules 14257  
adopted by the jail industry board pursuant to division (F) of 14258  
this section and with the following requirements: 14259

(1) The county sheriff at all times shall be responsible for 14260  
the security and discipline of the prisoners in the program. the 14261  
sheriff shall adopt a procedure for the discipline of a prisoner 14262  
who violates the requirements of a job in the program, and the 14263  
sheriff may remove a prisoner from the program if the sheriff 14264  
determines that considerations of security or discipline require 14265  
it. 14266

(2) When the sentence imposed on a prisoner includes a 14267  
specification pursuant to division ~~(F)~~(E) of section ~~2929.21~~ 14268  
2929.24 of the Revised Code, authorizing the county sheriff to 14269  
consider the prisoner for participation in the county jail 14270  
industry program, the sheriff shall review the qualifications of 14271  
the prisoner and determine whether the prisoner's participation in 14272  
the program is appropriate. 14273

(3) When making the initial job assignment for a prisoner 14274  
whom the county sheriff has approved for participation in the 14275  
program, the board shall consider the nature of the offense 14276  
committed by the prisoner, the availability of employment, the 14277  
security requirements of the prisoner, the prisoner's present 14278  
state of mind, the prisoner's jail record, and all other relevant 14279  
factors. When making the initial job assignment of a prisoner, the 14280

board shall attempt to develop the work skills of the prisoner, 14281  
provide the prisoner rehabilitation, consider the proximity of the 14282  
job to the prisoner's family, and permit the prisoner to provide 14283  
support for the prisoner's dependents if the prisoner's earnings 14284  
are sufficient to make that feasible. 14285

(4) Each prisoner shall be required to perform satisfactorily 14286  
the job to which the prisoner is assigned, be permitted to be 14287  
absent from that job only for legitimate reasons, be required to 14288  
comply with all security requirements, and be required to comply 14289  
with any other reasonable job performance standards. 14290

(5) A prisoner who violates the work requirements of any job 14292  
shall be disciplined pursuant to the disciplinary procedure 14293  
adopted by the county sheriff pursuant to division (H)(1) of this 14294  
section. 14295

**Sec. 5149.03.** (A) The adult parole authority shall administer 14296  
Chapter 5149. and the provisions of Chapter 2967., Chapter 2971., 14297  
and sections 2301.27 to 2301.32, 2941.46, ~~2951.05~~, 2951.06, and 14298  
2951.08 of the Revised Code that impose duties upon the authority. 14299

The authority may enter into a written agreement with a 14301  
person or government entity to share information, personnel, and 14302  
services for one or more of the following purposes: training, 14303  
crime interdiction, fugitive apprehension, and community 14304  
supervision. The agreement may permit the authority to act in 14305  
concert with and provide assistance to a law enforcement agency, 14306  
as defined in section 5101.26 of the Revised Code, in detecting, 14307  
tracking, apprehending, or detaining an individual subject to 14308  
arrest. 14309

(B)(1) As used in division (B) of this section: 14310

- (a) "Ohio prisoner" has the same meaning as in section 14311  
5120.64 of the Revised Code. 14312
- (b) "Out-of-state prisoner" and "private contractor" have the 14313  
same meanings as in section 9.07 of the Revised Code. 14314
- (2) The adult parole authority, in order to discharge its 14315  
duties under Chapters 2967. and 5149. of the Revised Code, may 14316  
enter into a contract with a private person or entity for the 14317  
return of Ohio prisoners who are the responsibility of the 14318  
department of rehabilitation and correction from outside of this 14319  
state to a location in this state specified by the adult parole 14320  
authority. If the adult parole authority enters into a contract as 14321  
described in this division, subject to division (B)(3) of this 14322  
section, the private person or entity in accordance with the 14323  
contract may return Ohio prisoners from outside of this state to 14324  
locations in this state specified by the adult parole authority. A 14325  
contract entered into under this division shall include all of the 14326  
following: 14327
- (a) Specific provisions that assign the responsibility for 14328  
costs related to medical care of prisoners while they are being 14329  
returned that is not covered by insurance of the private person or 14330  
entity; 14331
- (b) Specific provisions that set forth the number of days, 14332  
not exceeding ten, within which the private person or entity, 14333  
after it receives the prisoner in the other state, must deliver 14334  
the prisoner to the location in this state specified by the adult 14335  
parole authority, subject to the exceptions adopted as described 14336  
in division (B)(2)(c) of this section; 14337
- (c) Any exceptions to the specified number of days for 14338  
delivery specified as described in division (B)(2)(b) of this 14339  
section; 14340
- (d) A requirement that the private person or entity 14341

immediately report all escapes of prisoners who are being returned 14342  
to this state, and the apprehension of all prisoners who are being 14343  
returned and who have escaped, to the adult parole authority and 14344  
to the local law enforcement agency of this state or another state 14345  
that has jurisdiction over the place at which the escape occurs; 14346

(e) A schedule of fines that the adult parole authority shall 14347  
impose upon the private person or entity if the private person or 14348  
entity fails to perform its contractual duties, and a requirement 14349  
that, if the private person or entity fails to perform its 14350  
contractual duties, the adult parole authority shall impose a fine 14351  
on the private person or entity from the schedule of fines and, in 14352  
addition, may exercise any other rights it has under the contract. 14353  
14354

(f) If the contract is entered into on or after the effective 14355  
date of the rules adopted by the department of rehabilitation and 14356  
correction under section 5120.64 of the Revised Code, specific 14357  
provisions that comport with all applicable standards that are 14358  
contained in those rules. 14359

(3) If the private person or entity that enters into the 14360  
contract fails to perform its contractual duties, the adult parole 14361  
authority shall impose upon the private person or entity a fine 14362  
from the schedule, the money paid in satisfaction of the fine 14363  
shall be paid into the state treasury, and the adult parole 14364  
authority may exercise any other rights it has under the contract. 14365  
If a fine is imposed under this division, the adult parole 14366  
authority may reduce the payment owed to the private person or 14367  
entity pursuant to any invoice in the amount of the fine. 14368

(4) Upon the effective date of the rules adopted by the 14369  
department of rehabilitation and correction under section 5120.64 14370  
of the Revised Code, notwithstanding the existence of a contract 14371  
entered into under division (B)(2) of this section, in no case 14372  
shall the private person or entity that is a party to the contract 14373

return Ohio prisoners from outside of this state into this state 14374  
for the adult parole authority unless the private person or entity 14375  
complies with all applicable standards that are contained in the 14376  
rules. 14377

(5) Divisions (B)(1) to (4) of this section do not apply 14378  
regarding any out-of-state prisoner who is brought into this state 14379  
to be housed pursuant to section 9.07 of the Revised Code in a 14380  
correctional facility in this state that is managed and operated 14381  
by a private contractor. 14382

**Sec. 5149.18.** For the purposes of Chapter 5149. of the 14383  
Revised Code, all of the following apply: 14384

(A) "State, states, or States" means one or several of the 14385  
fifty states of the United States, Puerto Rico, the Virgin 14386  
Islands, and the District of Columbia. 14387

(B) The term "parole" includes post-release control under 14388  
section 2967.28 of the Revised Code. 14389

(C) The term "probation" includes non-prison sanctions 14390  
imposed under sections 2929.16, 2929.17, and 2929.18 of the 14391  
Revised Code and community control sanctions imposed under 14392  
sections 2929.26, 2929.27, and 2929.28 of the Revised Code. 14393

Pursuant to the consent and authorization contained in 14394  
Section 111 (b) of title 4 of the United States Code as cited in 14395  
section 5149.17 of the Revised Code, this state shall be a party 14396  
to "Interstate Compact for the Supervision of Parolees and 14397  
Probationers" with any additional jurisdiction legally joining 14398  
therein when such jurisdiction has entered in said compact in 14399  
accordance with its terms. 14400

**Sec. 5149.31.** The department of rehabilitation and correction 14401  
shall do all of the following: 14402

(A) Establish and administer a program of subsidies for 14403  
eligible counties and groups of counties for felony offenders and 14404  
a program of subsidies for eligible municipal corporations, 14405  
counties, and groups of counties for misdemeanor offenders for the 14406  
development, implementation, and operation of community 14407  
corrections programs. Department expenditures for administration 14408  
of both programs of subsidies shall not exceed ten per cent of the 14409  
moneys appropriated for each of the purposes of this division. 14410

(B) Adopt and promulgate rules, under Chapter 119. of the 14411  
Revised Code, providing standards for community corrections 14412  
programs. The standards shall be designed to improve the quality 14413  
and efficiency of the programs and to reduce the number of persons 14414  
committed to state correctional institutions and to county, 14415  
multicounty, municipal, municipal-county, or multicounty-municipal 14416  
jails or workhouses for offenses for which community control 14417  
sanctions are authorized under section 2929.13 ~~or~~, 2929.15, or 14418  
2929.25 of the Revised Code. In developing the standards, the 14419  
department shall consult with, and seek the advice of, local 14420  
corrections agencies, law enforcement agencies, and other public 14421  
and private agencies concerned with corrections. The department 14422  
shall conduct, and permit participation by local corrections 14423  
planning boards established under section 5149.34 of the Revised 14424  
Code and joint county corrections planning boards established 14425  
under section 5149.35 of the Revised Code in, an annual review of 14426  
the standards to measure their effectiveness in promoting the 14427  
purposes specified in this division and shall amend or rescind any 14428  
existing rule providing a standard or adopt and promulgate 14429  
additional rules providing standards, under Chapter 119. of the 14430  
Revised Code, if the review indicates that the standards fail to 14431  
promote the purposes. 14432

(C) Accept and use any funds, goods, or services from the 14433  
federal government or any other public or private source for the 14434

support of the subsidy programs established under division (A) of 14435  
this section. The department may comply with any conditions and 14436  
enter into any agreements that it considers necessary to obtain 14437  
these funds, goods, or services. 14438

(D) Adopt rules, in accordance with Chapter 119. of the 14439  
Revised Code, and do all other things necessary to implement 14440  
sections 5149.30 to 5149.37 of the Revised Code; 14441

(E) Evaluate or provide for the evaluation of community 14442  
corrections programs funded by the subsidy programs established 14443  
under division (A) of this section and establish means of 14444  
measuring their effectiveness; 14445

(F) Prepare an annual report evaluating the subsidy programs 14446  
established under division (A) of this section. The report shall 14447  
include, but need not be limited to, analyses of the structure of 14448  
the programs and their administration by the department, the 14449  
effectiveness of the programs in the development and 14450  
implementation of community corrections programs, the specific 14451  
standards adopted and promulgated under division (B) of this 14452  
section and their effectiveness in promoting the purposes of the 14453  
programs, and the findings of the evaluations conducted under 14454  
division (E) of this section. The director of rehabilitation and 14455  
correction shall review and certify the accuracy of the report and 14456  
provide copies of it, upon request, to members of the general 14457  
assembly. 14458

(G) Provide training or assistance, upon the request of a 14459  
local corrections planning board or a joint county corrections 14460  
planning board, to any local unit of government, subject to 14461  
available resources of the department. 14462

**Sec. 5321.01.** As used in this chapter: 14463

(A) "Tenant" means a person entitled under a rental agreement 14464



to the use and occupancy of residential premises to the exclusion 14465  
of others. 14466

(B) "Landlord" means the owner, lessor, or sublessor of 14467  
residential premises, the agent of the owner, lessor, or 14468  
sublessor, or any person authorized by the owner, lessor, or 14469  
sublessor to manage the premises or to receive rent from a tenant 14470  
under a rental agreement. 14471

(C) "Residential premises" means a dwelling unit for 14472  
residential use and occupancy and the structure of which it is a 14473  
part, the facilities and appurtenances in it, and the grounds, 14474  
areas, and facilities for the use of tenants generally or the use 14475  
of which is promised the tenant. "Residential premises" includes a 14476  
dwelling unit that is owned or operated by a college or 14477  
university. "Residential premises" does not include any of the 14478  
following: 14479

(1) Prisons, jails, workhouses, and other places of 14480  
incarceration or correction, including, but not limited to, 14481  
halfway houses or residential arrangements ~~which~~ that are used or 14482  
occupied as a requirement of ~~probation~~ a community control 14483  
sanction, a post-release control sanction, or parole; 14484

(2) Hospitals and similar institutions with the primary 14485  
purpose of providing medical services, and homes licensed pursuant 14486  
to Chapter 3721. of the Revised Code; 14487

(3) Tourist homes, hotels, motels, and other similar 14488  
facilities where circumstances indicate a transient occupancy; 14489

(4) Elementary and secondary boarding schools, where the cost 14490  
of room and board is included as part of the cost of tuition; 14491

(5) Orphanages and similar institutions; 14492

(6) Farm residences furnished in connection with the rental 14493  
of land of a minimum of two acres for production of agricultural 14494

products by one or more of the occupants;	14495
(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	14496
(8) Occupancy by an owner of a condominium unit;	14498
(9) Occupancy in a facility licensed as an SRO facility 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:	14499
(a) The occupancy is for a period of less than sixty days;	14500
(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:	14501
(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;	14502
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	14503
(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.	14504
(D) "Rental agreement" means any agreement or lease, written	14505

or oral, which establishes or modifies the terms, conditions, 14525  
rules, or any other provisions concerning the use and occupancy of 14526  
residential premises by one of the parties. 14527

(E) "Security deposit" means any deposit of money or property 14528  
to secure performance by the tenant under a rental agreement. 14529

(F) "Dwelling unit" means a structure or the part of a 14530  
structure that is used as a home, residence, or sleeping place by 14531  
one person who maintains a household or by two or more persons who 14532  
maintain a common household. 14533

(G) "Controlled substance" has the same meaning as in section 14534  
3719.01 of the Revised Code. 14535

(H) "Student tenant" means a person who occupies a dwelling 14536  
unit owned or operated by the college or university at which the 14537  
person is a student, and who has a rental agreement that is 14538  
contingent upon the person's status as a student. 14539

(I) "Community control sanction" has the same meaning as in 14540  
section 2929.01 of the Revised Code. 14541

(J) "Post-release control sanction" has the same meaning as 14542  
in section 2967.01 of the Revised Code. 14543

**Sec. 5502.14.** (A) As used in this section, "felony" has the 14544  
same meaning as in section 109.511 of the Revised Code. 14545

(B)(1) Any person who is employed by the department of public 14546  
safety and designated by the director of public safety to enforce 14547  
Title XLIII of the Revised Code, the rules adopted under it, and 14548  
the laws and rules regulating the use of food stamps shall be 14549  
known as an enforcement agent. The employment by the department of 14550  
public safety and the designation by the director of public safety 14551  
of a person as an enforcement agent shall be subject to division 14552  
(D) of this section. An enforcement agent has the authority vested 14553  
in peace officers pursuant to section 2935.03 of the Revised Code 14554

to keep the peace, to enforce all applicable laws and rules on any retail liquor permit premises, or on any other premises of public or private property, where a violation of Title XLIII of the Revised Code or any rule adopted under it is occurring, and to enforce all laws and rules governing the use of food stamp 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 14587  
enforcement agents who view a suspected violation of Title XLIII 14588  
of the Revised Code, of a rule adopted under it, or of another law 14589  
or rule described in division (B)(1) of this section have the 14590  
authority to enforce the laws and rules described in division 14591  
(B)(1) of this section, authority to enforce any section in Title 14592  
XXIX of the Revised Code or any other section of the Revised Code 14593  
listed in section 5502.13 of the Revised Code if they witness a 14594  
violation of the section under any of the circumstances described 14595  
in this division, and authority to make arrests for violations of 14596  
the laws and rules described in division (B)(1) of this section 14597  
and violations of any of those sections. 14598

(4) The jurisdiction of an enforcement agent under division 14599  
(B) of this section shall be concurrent with that of the peace 14600  
officers of the county, township, or municipal corporation in 14601  
which the violation occurs. 14602

(C) Enforcement agents of the department of public safety who 14603  
are engaged in the enforcement of the laws and rules described in 14604  
division (B)(1) of this section may carry concealed weapons when 14605  
conducting undercover investigations pursuant to their authority 14606  
as law enforcement officers and while acting within the scope of 14607  
their authority pursuant to this chapter. 14608

(D)(1) The department of public safety shall not employ, and 14609  
the director of public safety shall not designate, a person as an 14610  
enforcement agent on a permanent basis, on a temporary basis, for 14611  
a probationary term, or on other than a permanent basis if the 14612  
person previously has been convicted of or has pleaded guilty to a 14613  
felony. 14614

(2)(a) The department of public safety shall terminate the 14615  
employment of a person who is designated as an enforcement agent 14616  
and who does either of the following: 14617

(i) Pleads guilty to a felony;	14618
(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section <del>2929.29</del> <u>2929.43</u> of the Revised Code in which the enforcement agent agrees to surrender the certificate awarded to that agent under section 109.77 of the Revised Code.	14619 14620 14621 14622 14623
(b) The department shall suspend the employment of a person who is designated as an enforcement agent if the person is convicted, after trial, of a felony. If the enforcement agent 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 department shall terminate the employment of that agent. If the enforcement agent files an appeal that results in that agent's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the agent, the department shall reinstate the agent. An enforcement agent who is reinstated under division (D)(2)(b) of this section shall not receive any back pay unless the conviction of that agent of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the agent of the felony.	14624 14625 14626 14627 14628 14629 14630 14631 14632 14633 14634 14635 14636 14637 14638
(3) Division (D) of this section does not apply regarding an offense that was committed prior to January 1, 1997.	14639 14640
(4) The suspension or termination of the employment of a person designated as an enforcement agent under division (D)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.	14641 14642 14643 14644
<b>Sec. 5743.45.</b> (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.	14645 14646
(B) For purposes of enforcing this chapter and Chapters	14647

5735., 5739., 5741., and 5747. of the Revised Code and subject to 14648  
division (C) of this section, the tax commissioner, by journal 14649  
entry, may delegate any investigation powers of the commissioner 14650  
to an employee of the department of taxation who has been 14651  
certified by the Ohio peace officer training commission and who is 14652  
engaged in the enforcement of those chapters. A separate journal 14653  
entry shall be entered for each employee to whom that power is 14654  
delegated. Each journal entry shall be a matter of public record 14655  
and shall be maintained in an administrative portion of the 14656  
journal as provided for in division (L) of section 5703.05 of the 14657  
Revised Code. When that journal entry is completed, the employee 14658  
to whom it pertains, while engaged within the scope of the 14659  
employee's duties in enforcing the provisions of this chapter or 14660  
Chapter 5735., 5739., 5741., or 5747. of the Revised Code, has the 14661  
power of a police officer to carry concealed weapons, make 14662  
arrests, and obtain warrants for violations of any provision in 14663  
those chapters. The commissioner, at any time, may suspend or 14664  
revoke ~~that~~ the commissioner's delegation by journal entry. No 14665  
employee of the department shall divulge any information acquired 14666  
as a result of an investigation pursuant to this chapter or 14667  
Chapter 5735., 5739., 5741., or 5747. of the Revised Code, except 14668  
as may be required by the commissioner or a court. 14669

(C)(1) The tax commissioner shall not delegate any 14670  
investigation powers to an employee of the department of taxation 14671  
pursuant to division (B) of this section on a permanent basis, on 14672  
a temporary basis, for a probationary term, or on other than a 14673  
permanent basis if the employee previously has been convicted of 14674  
or has pleaded guilty to a felony. 14675

(2)(a) The tax commissioner shall revoke the delegation of 14676  
investigation powers to an employee to whom the delegation was 14677  
made pursuant to division (B) of this section if that employee 14678  
does either of the following: 14679

(i) Pleads guilty to a felony;	14680
(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section <del>2929.29</del> <u>2929.43</u> 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.	14681 14682 14683 14684 14685
(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.	14686 14687 14688 14689 14690 14691 14692 14693 14694 14695 14696 14697 14698 14699 14700 14701 14702 14703 14704 14705 14706 14707
(3) Division (C) of this section does not apply regarding an offense that was committed prior to January 1, 1997.	14708 14709
(4) The suspension or revocation of the delegation of investigation powers to an employee under division (C)(2) of this	14710 14711



section shall be in accordance with Chapter 119. of the Revised Code. 14712  
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**Sec. 5907.021.** (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code. 14714  
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(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. 14716  
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(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: 14722  
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(i) Pleads guilty to a felony; 14727

(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. 14728  
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(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 14733  
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police or that employee as an Ohio veterans' home police officer. 14742  
If the chief of police or the employee files an appeal that 14743  
results in that chief of police's or that employee's acquittal of 14744  
the felony or conviction of a misdemeanor, or in the dismissal of 14745  
the felony charge against that chief of police or that employee, 14746  
the superintendent shall reinstate that chief of police or that 14747  
employee as an Ohio veterans' home police officer. A chief of 14748  
police or an employee who is reinstated as an Ohio veterans' home 14749  
police officer under division (B)(2)(b) of this section shall not 14750  
receive any back pay unless the conviction of that chief of police 14751  
or that employee of the felony was reversed on appeal, or the 14752  
felony charge was dismissed, because the court found insufficient 14753  
evidence to convict the chief of police or the employee of the 14754  
felony. 14755

(3) Division (B) of this section does not apply regarding an 14756  
offense that was committed prior to January 1, 1997. 14757

(4) The suspension from employment, or the termination of the 14758  
employment, of a chief of police or an Ohio veterans' home police 14759  
officer under division (B)(2) of this section shall be in 14760  
accordance with Chapter 119. of the Revised Code. 14761

**Sec. 6101.75.** (A) As used in this section, "felony" has the 14762  
same meaning as in section 109.511 of the Revised Code. 14763

(B) The board of directors of a conservancy district may 14764  
police the works of the district and, in times of great emergency, 14765  
may compel assistance in the protection of those works. The board 14766  
may prevent persons, vehicles, or livestock from passing over the 14767  
property or works of the district at any places or in any manner 14768  
that would result in damage to the property or works or in the 14769  
opinion of the board would endanger the property or works or the 14770  
safety of persons lawfully on the property or works. 14771

The employees that the board designates for that purpose have 14772

all the powers of police officers within and adjacent to the  
properties owned or controlled by the district. Before entering  
upon the exercise of those powers, each employee shall take an  
oath and give a bond to the state, in the amount that the board  
prescribes, for the proper exercise of those powers. The cost of  
the bond shall be borne by the district. This division is subject  
to division (C) of this section.

(C)(1) The board of directors 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 directors shall terminate the employment  
of an employee designated as provided in 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 board of directors shall suspend from employment an  
employee designated as provided in 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 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 that employee, the board shall reinstate that

employee. An employee who is reinstated under division (C)(2)(b) 14804  
of this section shall not receive any back pay unless that 14805  
employee's conviction of the felony was reversed on appeal, or the 14806  
felony charge was dismissed, because the court found insufficient 14807  
evidence to convict the employee of the felony. 14808

(3) Division (C) of this section does not apply regarding an 14809  
offense that was committed prior to January 1, 1997. 14810

(4) The suspension from employment, or the termination of the 14811  
employment, of an employee under division (C)(2) of this section 14812  
shall be in accordance with Chapter 119. of the Revised Code. 14813  
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**Section 2.** That existing sections 1.05, 109.42, 109.511, 14815  
109.77, 120.06, 120.16, 120.26, 149.43, 306.352, 311.04, 321.44, 14816  
505.49, 509.01, 511.232, 737.052, 737.162, 737.41, 1501.013, 14817  
1503.29, 1517.10, 1531.132, 1541.11, 1545.13, 1547.523, 1547.99, 14818  
1702.80, 1713.50, 2101.09, 2152.02, 2152.19, 2152.20, 2301.03, 14819  
2301.27, 2301.28, 2301.30, 2301.32, 2305.234, 2313.29, 2903.13, 14820  
2905.12, 2907.15, 2907.27, 2919.22, 2923.14, 2925.11, 2929.01, 14821  
2929.17, 2929.18, 2929.19, 2929.221, 2929.24, 2929.25, 2929.28, 14822  
2929.29, 2929.31, 2935.33, 2937.07, 2945.17, 2947.06, 2947.21, 14823  
2949.111, 2950.01, 2950.99, 2951.01, 2951.011, 2951.02, 2951.021, 14824  
2951.041, 2951.05, 2951.06, 2951.07, 2951.08, 2951.10, 2953.31, 14825  
2953.32, 2953.33, 2961.01, 2963.01, 2963.11, 2963.20, 2963.21, 14826  
2967.02, 2967.22, 2967.26, 2969.11, 2969.12, 2969.13, 2969.14, 14827  
3313.65, 3321.38, 3345.04, 3719.12, 3719.121, 3719.70, 3734.44, 14828  
3735.311, 3748.99, 3793.13, 3937.43, 3959.13, 4507.021, 4507.022, 14829  
4507.16, 4507.99, 4511.83, 4511.99, 4717.05, 4734.35, 4761.13, 14830  
4973.171, 5101.28, 5101.45, 5119.14, 5120.10, 5120.102, 5120.103, 14831  
5120.56, 5122.01, 5122.10, 5122.21, 5122.26, 5123.13, 5147.12, 14832  
5147.30, 5149.03, 5149.18, 5149.31, 5321.01, 5502.14, 5743.45, 14833  
5907.021, and 6101.75 and sections 737.30, 737.99, 2929.21, 14834

2929.22, 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, 2003, 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 that date and in accordance with the law in existence prior to that date, imposed a term of imprisonment for a misdemeanor offense that was committed prior to that date.

The provisions of the Revised Code in existence on and after July 1, 2003, apply to a person who commits a misdemeanor offense on or after that date.

**Section 4.** Sections 1 and 2 of this act shall take effect July 1, 2003.

**Section 5.** Section 1.05 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 166 and Am. Sub. S.B. 269 of the 121st General Assembly. Section 109.77 of the Revised Code is presented in this act as a composite of the section as amended by Sub. H.B. 148, Am. Sub. H.B. 163, and Am. S.B. 137 of the 123rd General Assembly. Section 1702.80 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 566 and Sub. H.B. 670 of the 121st General Assembly. Section 1713.50 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 566 and Sub. H.B. 670 of the 121st General Assembly. Section 2152.19 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 247 and Sub. H.B. 393 of the 124th General Assembly. Section 2301.03 of the Revised Code is presented in this

act as a composite of the section as amended by both Sub. H.B. 8 14864  
and Sub. H.B. 393 of the 124th General Assembly. Section 2301.32 14865  
of the Revised Code is presented in this act as a composite of the 14866  
section as amended by both Am. Sub. H.B. 571 and Am. Sub. H.B. 406 14867  
of the 120th General Assembly. Section 2929.17 of the Revised Code 14868  
is presented in this act as a composite of the section as amended 14869  
by Am. Sub. H.B. 349, Am. S.B. 9, Am. Sub. S.B. 22, and Am. Sub. 14870  
S.B. 107 of the 123rd General Assembly. Section 2929.18 of the 14871  
Revised Code is presented in this act as a composite of the 14872  
section as amended by Am. H.B. 528, Am. Sub. S.B. 22, and Am. Sub. 14873  
S.B. 107 of the 123rd General Assembly. Section 2929.221 of the 14874  
Revised Code is presented in this act as a composite of the 14875  
section as amended by both Am. Sub. S.B. 269 and Am. Sub. S.B. 166 14876  
of the 121st General Assembly. Section 2950.01 of the Revised Code 14877  
is presented in this act as a composite of the section as amended 14878  
by both Sub. H.B. 393 and Am. Sub. S.B. 175 of the 124th General 14879  
Assembly. Section 3345.04 of the Revised Code is presented in this 14880  
act as a composite of the section as amended by both Am. Sub. H.B. 14881  
566 and Am. Sub. H.B. 568 of the 121st General Assembly. Section 14882  
5119.14 of the Revised Code is presented in this act as a 14883  
composite of the section as amended by both Am. Sub. H.B. 566 and 14884  
Sub. H.B. 670 of the 121st General Assembly. Section 5123.13 of 14885  
the Revised Code is presented in this act as a composite of the 14886  
section as amended by both Am. Sub. H.B. 566 and Sub. H.B. 670 of 14887  
the 121st General Assembly. Section 5743.45 of the Revised Code is 14888  
presented in this act as a composite of the section as amended by 14889  
both Am. Sub. H.B. 566 and Sub. H.B. 670 of the 121st General 14890  
Assembly. The General Assembly, applying the principle stated in 14891  
division (B) of section 1.52 of the Revised Code that amendments 14892  
are to be harmonized if reasonably capable of simultaneous 14893  
operation, finds that the composite is the resulting version of 14894  
the section in effect prior to the effective date of the section 14895

as presented in this act.

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