

As Reported by the Senate Judiciary--Criminal Justice Committee

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 490

REPRESENTATIVES Latta, McGregor, Seitz, Fessler, Womer Benjamin,
Willamowski, Gilb, Schmidt, Cirelli, Perry, Salerno, D. Miller

A BILL

To amend sections 1.05, 109.42, 109.511, 109.77, 1
120.06, 120.16, 120.26, 149.43, 306.352, 307.93, 2
311.04, 321.44, 341.14, 341.19, 341.21, 341.23, 3
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4511.69, 4511.99, 4717.05, 4734.35, 4761.13, 25
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 5149.03, 5149.18, 5149.31, 5321.01, 5502.14, 29
 5743.45, 5907.021, and 6101.75; to amend, for the 30
 purpose of adopting new section numbers as 31
 indicated in parentheses, sections 2929.221 32
 (2929.34), 2929.24 (2929.42), 2929.25 (2929.32), 33
 2929.28 (2929.71), 2929.29 (2929.43), and 2929.35 34
 (2929.36); to enact new sections 2929.21, 2929.22, 35
 2929.23, 2929.24, 2929.25, and 2929.28 and sections 36
 1905.033, 2929.26, and 2929.27; and to repeal 37
 sections 737.30, 737.99, 2929.21, 2929.22, 2929.23, 38
 2929.36, 2929.51, 2933.16, and 2951.09 of the 39
 Revised Code to implement the recommendations of 40
 the Criminal Sentencing Commission pertaining to 41
 misdemeanor sentencing generally; to make other 42
 changes in the criminal law, including changes in 43
 the law regarding matter harmful to juveniles, and 44
 in certain provisions regarding the issuance of 45
 motor vehicle registrations or driver's licenses; 46
 and to amend section 4507.162 of the Revised Code 47
 for the period of time that that section is in 48
 existence under that number until, on January 1, 49
 2004, that section is renumbered by Am. Sub. S.B. 50
 123 of the 124th General Assembly as section 51
 4510.31 of the Revised Code. 52

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

Section 1. That sections 1.05, 109.42, 109.511, 109.77, 53
 120.06, 120.16, 120.26, 149.43, 306.352, 307.93, 311.04, 321.44, 54

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2951.05, 2951.06, 2951.07, 2951.08, 2951.10, 2953.31, 2953.32, 65
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4717.05, 4734.35, 4761.13, 4973.171, 5101.28, 5101.45, 5119.14, 71
5120.10, 5120.102, 5120.103, 5120.56, 5122.01, 5122.10, 5122.21, 72
5122.26, 5123.13, 5147.12, 5147.30, 5149.03, 5149.18, 5149.31, 73
5321.01, 5502.14, 5743.45, 5907.021, and 6101.75 be amended; 74
sections 2929.221 (2929.34), 2929.24 (2929.42), 2929.25 (2929.32), 75
2929.28 (2929.71), 2929.29 (2929.43), and 2929.35 (2929.36) be 76
amended for the purpose of adopting new section numbers as 77
indicated in parentheses; and new sections 2929.21, 2929.22, 78
2929.23, 2929.24, 2929.25, and 2929.28 and sections 1905.033, 79
2929.26, and 2929.27 of the Revised Code be enacted to read as 80
follows: 81

Sec. 1.05. (A) As used in the Revised Code, unless the 82
context otherwise requires, "imprisoned" or "imprisonment" means+ 83

~~(A) Imprisoned in a county, multicounty, municipal,~~ 84
~~municipal-county, or multicounty-municipal jail or workhouse, if~~ 85

~~the offense is a misdemeanor;~~ 86

~~(B) Imprisoned in a state correctional institution, if the 87
offense is aggravated murder, murder, or an offense punishable by 88
life imprisonment or if the offense is another felony for which 89
the offender is sentenced to prison pursuant to section 2929.14 or 90
division (G)(2) of section 2929.13 of the Revised Code;~~ 91

~~(C) Imprisoned in a county, multicounty, municipal, 92
municipal-county, or multicounty-municipal jail or workhouse 93
pursuant to section 2929.16 of the Revised Code if the offense is 94
a felony or imprisoned in a county, multicounty, municipal, 95
municipal-county, or multicounty-municipal jail or workhouse 96
pursuant to section 5120.161 of the Revised Code if the offense is 97
a felony of the fourth or fifth degree and is committed by a 98
person who previously has not been convicted of or pleaded guilty 99
to a felony, if the offense is not an offense of violence, and if 100
the department of rehabilitation and correction designates, 101
pursuant to that section, that the person is to be imprisoned in 102
the jail or workhouse;~~ 103

~~(D)(1) Serving a term in a community-based correctional 104
facility pursuant to section 2929.16 of the Revised Code and 105
consistent with sections 2301.51 to 2301.56 of the Revised Code 106
and the rules of the division of parole and community services, 107
the department of rehabilitation and correction, and the 108
facility's judicial corrections board adopted pursuant to section 109
2301.52 of the Revised Code;~~ 110

~~(2) Serving a term in a halfway house or an alternative a 111
facility pursuant to of a type described in section 2929.16 or 112
division (G)(1) of section 2929.13 of the Revised Code and 113
consistent with section 2967.14 of the Revised Code and the rules 114
of the division of parole and community services and of the 115
director of rehabilitation and correction adopted pursuant to that 116
section., if the offense is a felony and the offender is sentenced 117~~

~~pursuant to that section or division.~~

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~~(3) The inclusion of a community-based correctional facility,
a halfway house, and an alternative residential facility in
division (D) of this section does not cause the facility or house
to be financially responsible for the payment of any medical or
other health care expenses incurred in connection with an offender
who is serving a term in the facility or house pursuant to section
2929.16 of the Revised Code. Unless another section of the Revised
Code requires or authorizes a community-based correctional
facility, halfway house, or alternative residential facility to
pay for those types of expenses, an offender who is serving a term
in the facility or house pursuant to section 2929.16 of the
Revised Code shall be financially responsible for the payment of
those types of expenses being imprisoned under a sentence imposed
for an offense or serving a term of imprisonment, prison term,
jail term, term of local incarceration, or other term under a
sentence imposed for an offense in an institution under the
control of the department of rehabilitation and correction, a
county, multicounty, municipal, municipal-county, or
multicounty-municipal jail or workhouse, a minimum security jail,
a community-based correctional facility, a halfway house, an
alternative residential facility, or another facility described or
referred to in section 2929.34 of the Revised Code for the type of
criminal offense and under the circumstances specified or referred
to in that section.~~

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~~(4)(B) As used in division (D)(A) of this section,
"community-based correctional facility," "halfway house," and
"alternative residential facility" have the same meanings as in
section 2929.01 of the Revised Code.~~

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Sec. 109.42. (A) The attorney general shall prepare and have
printed a pamphlet that contains a compilation of all statutes

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relative to victim's rights in which the attorney general lists 149
and explains the statutes in the form of a victim's bill of 150
rights. The attorney general shall distribute the pamphlet to all 151
sheriffs, marshals, municipal corporation and township police 152
departments, constables, and other law enforcement agencies, to 153
all prosecuting attorneys, city directors of law, village 154
solicitors, and other similar chief legal officers of municipal 155
corporations, and to organizations that represent or provide 156
services for victims of crime. The victim's bill of rights set 157
forth in the pamphlet shall contain a description of all of the 158
rights of victims that are provided for in Chapter 2930. or in any 159
other section of the Revised Code and shall include, but not be 160
limited to, all of the following: 161

(1) The right of a victim or a victim's representative to 162
attend a proceeding before a grand jury, in a juvenile case, or in 163
a criminal case pursuant to a subpoena without being discharged 164
from the victim's or representative's employment, having the 165
victim's or representative's employment terminated, having the 166
victim's or representative's pay decreased or withheld, or 167
otherwise being punished, penalized, or threatened as a result of 168
time lost from regular employment because of the victim's or 169
representative's attendance at the proceeding pursuant to the 170
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 171
2945.451 of the Revised Code; 172

(2) The potential availability pursuant to section 2151.359 173
or 2152.61 of the Revised Code of a forfeited recognizance to pay 174
damages caused by a child when the delinquency of the child or 175
child's violation of probation or community control is found to be 176
proximately caused by the failure of the child's parent or 177
guardian to subject the child to reasonable parental authority or 178
to faithfully discharge the conditions of probation or community 179
control; 180

(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;	181 182 183
(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;	184 185 186 187 188 189 190
(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;	191 192 193 194 195 196 197
(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised Code, to make a statement about the victimization and, if applicable, a statement relative to the sentencing or disposition of the offender;	198 199 200 201 202 203 204
(7) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the complainant, or of the complainant's ward or child;	205 206 207 208 209
(8) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to sections 2151.38,	210 211

2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to
receive notice of a pending motion for judicial release or early
release of the person who committed the offense against the
victim, to make an oral or written statement at the court hearing
on the motion, and to be notified of the court's decision on the
motion;

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

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

(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;

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(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;

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(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;

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(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

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the Revised Code to receive, pursuant to section 2930.16 of the
Revised Code, notice of a hearing to determine whether to modify
the requirement that the offender serve the entire prison term in
a state correctional facility, whether to continue, revise, or
revoke any existing modification of that requirement, or whether
to terminate the prison term. As used in this division, "sexually
violent offense" and "sexually violent predator" have the same
meanings as in section 2971.01 of the Revised Code.

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

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

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

(ii) If the offense or delinquent act is an offense of
violence, if the circumstances of the offense or delinquent act
and the condition of the victim, the victim's family, or the
victim's dependents indicate that the victim, the victim's family,

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or the victim's dependents will not be able to understand the
significance of the pamphlet upon first contact with the agency,
and if the agency anticipates that it will have an additional
contact with the victim, the victim's family, or the victim's
dependents, upon the agency's second contact with the victim, the
victim's family, or the victim's dependents.

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

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

(2) The failure of a law enforcement agency or of a
prosecuting attorney, assistant prosecuting attorney, city
director of law, assistant city director of law, village
solicitor, assistant village solicitor, or similar chief legal
officer of a municipal corporation or an assistant to any of those
officers to give, as required by division (B)(1) of this section,
the victim of an offense or delinquent act, the victim's family,
or the victim's dependents a copy of the pamphlet prepared
pursuant to division (A) of this section does not give the victim,
the victim's family, the victim's dependents, or a victim's

representative any rights under section 122.95, 2743.51 to 339
2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 340
of the Revised Code or under any other provision of the Revised 341
Code and does not affect any right under those sections. 342

(3) A law enforcement agency, a prosecuting attorney or 343
assistant prosecuting attorney, or a city director of law, 344
assistant city director of law, village solicitor, assistant 345
village solicitor, or similar chief legal officer of a municipal 346
corporation that distributes a copy of the pamphlet prepared 347
pursuant to division (A) of this section shall not be required to 348
distribute a copy of an information card or other printed material 349
provided by the clerk of the court of claims pursuant to section 350
2743.71 of the Revised Code. 351

(C) The cost of printing and distributing the pamphlet 352
prepared pursuant to division (A) of this section shall be paid 353
out of the reparations fund, created pursuant to section 2743.191 354
of the Revised Code, in accordance with division (D) of that 355
section. 356

(D) As used in this section: 357

(1) "Victim's representative" has the same meaning as in 358
section 2930.01 of the Revised Code; 359

(2) "Victim advocate" has the same meaning as in section 360
2919.26 of the Revised Code. 361

Sec. 109.511. (A) As used in this section, "felony" means any 362
of the following: 363

(1) An offense committed in this state that is a felony under 364
the law of this state; 365

(2) An offense committed in a state other than this state, or 366
under the law of the United States, that, if committed in this 367
state, would be a felony under the law of this state. 368

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

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

(a) Pleads guilty to a felony;

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

(2) The superintendent shall suspend from employment an investigator or a special agent who is convicted, after trial, of a felony. If the investigator or special agent files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the investigator or special agent does not file a timely appeal, the superintendent shall terminate the employment of that investigator or special agent. If the investigator or special agent files an appeal that results in that investigator's or special agent's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the investigator or special agent, the superintendent shall reinstate that investigator or special agent. An investigator or a special agent who is reinstated under this division shall not receive any back pay unless that investigator's or special agent's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court

found insufficient evidence to convict the investigator or special agent of the felony.

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

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

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

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(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:

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

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(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;

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

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

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(e) A state university law enforcement officer;	430
(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;	431 432 433 434
(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;	435 436 437
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code.	438 439
(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 officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:	440 441 442 443 444 445 446 447 448 449
(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	450 451 452
(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;	453 454 455
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	456 457
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	458 459

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(e) 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;

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

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

(3) For purposes of division (B) of this section, a state,
county, municipal, or department of natural resources peace
officer basic training program, regardless of whether the program
is to be completed by peace officers appointed on a permanent or
temporary, probationary, or other nonpermanent basis, shall
include at least fifteen hours of training in the handling of the
offense of domestic violence, other types of domestic
violence-related offenses and incidents, and protection orders and
consent agreements issued or approved under section 2919.26 or
3113.31 of the Revised Code and at least six hours of crisis
intervention training. The requirement to complete fifteen hours
of training in the handling of the offense of domestic violence,
other types of domestic violence-related offenses and incidents,
and protection orders and consent agreements issued or approved
under section 2919.26 or 3113.31 of the Revised Code does not
apply to any person serving as a peace officer on March 27, 1979,
and the requirement to complete six hours of training in crisis
intervention does not apply to any person serving as a peace
officer on April 4, 1985. Any person who is serving as a peace
officer on April 4, 1985, who terminates that employment after
that date, and who subsequently is hired as a peace officer by the
same or another law enforcement agency shall complete the six
hours of training in crisis intervention within the time

prescribed by rules adopted by the attorney general pursuant to 492
section 109.742 of the Revised Code. No peace officer shall have 493
employment as a peace officer terminated and then be reinstated 494
with intent to circumvent this section. 495

(4) Division (B) of this section does not apply to any person 496
serving on a permanent basis on March 28, 1985, as a park officer, 497
forest officer, preserve officer, wildlife officer, or state 498
watercraft officer of the department of natural resources or as an 499
employee of a park district under section 511.232 or 1545.13 of 500
the Revised Code, to any person serving on a permanent basis on 501
March 6, 1986, as an employee of a conservancy district designated 502
pursuant to section 6101.75 of the Revised Code, to any person 503
serving on a permanent basis on January 10, 1991, as a preserve 504
officer of the department of natural resources, to any person 505
employed on a permanent basis on July 2, 1992, as a special police 506
officer by the department of mental health pursuant to section 507
5119.14 of the Revised Code or by the department of mental 508
retardation and developmental disabilities pursuant to section 509
5123.13 of the Revised Code, to any person serving on a permanent 510
basis on ~~the effective date of this amendment~~ May 17, 2000, as a 511
special police officer employed by a port authority under section 512
4582.04 or 4582.28 of the Revised Code, to any person serving on a 513
permanent basis on June 19, 1978, as a state university law 514
enforcement officer pursuant to section 3345.04 of the Revised 515
Code and who, immediately prior to June 19, 1978, was serving as a 516
special police officer designated under authority of that section, 517
or to any person serving on a permanent basis on September 20, 518
1984, as a liquor control investigator, known after June 30, 1999, 519
as an enforcement agent of the department of public safety, 520
engaged in the enforcement of Chapters 4301. and 4303. of the 521
Revised Code. 522

(5) Division (B) of this section does not apply to any person 523

who is appointed as a regional transit authority police officer 524
pursuant to division (Y) of section 306.35 of the Revised Code if, 525
on or before July 1, 1996, the person has completed satisfactorily 526
an approved state, county, municipal, or department of natural 527
resources peace officer basic training program and has been 528
awarded a certificate by the executive director of the Ohio peace 529
officer training commission attesting to the person's satisfactory 530
completion of such an approved program and if, on July 1, 1996, 531
the person is performing peace officer functions for a regional 532
transit authority. 533

(C) No person, after September 20, 1984, shall receive an 534
original appointment on a permanent basis as an Ohio veterans' 535
home police officer designated under section 5907.02 of the 536
Revised Code unless the person previously has been awarded a 537
certificate by the executive director of the Ohio peace officer 538
training commission attesting to the person's satisfactory 539
completion of an approved police officer basic training program. 540
Every person who is appointed on a temporary basis or for a 541
probationary term or on other than a permanent basis as an Ohio 542
veterans' home police officer designated under section 5907.02 of 543
the Revised Code shall forfeit that position unless the person 544
previously has completed satisfactorily or, within one year from 545
the time of appointment, satisfactorily completes an approved 546
police officer basic training program. 547

(D) No bailiff or deputy bailiff of a court of record of this 548
state and no criminal investigator who is employed by the state 549
public defender shall carry a firearm, as defined in section 550
2923.11 of the Revised Code, while on duty unless the bailiff, 551
deputy bailiff, or criminal investigator has done or received one 552
of the following: 553

(1) Has been awarded a certificate by the executive director 554
of the Ohio peace officer training commission, which certificate 555

attests to satisfactory completion of an approved state, county,
or municipal basic training program for bailiffs and deputy
bailiffs of courts of record and for criminal investigators
employed by the state public defender that has been recommended by
the Ohio peace officer training commission;

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

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

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

(2) Prior to the award by the executive director of the
commission of any certificate prescribed in this section, the
prospective employer of the person to whom the certificate is to
be awarded or the commander of the peace officer training school
attended by that person shall request the bureau of criminal
identification and investigation to conduct a criminal history
records check on the person. Upon receipt of the request, the
bureau promptly shall conduct a criminal history records check on
the person and, upon completion of the check, promptly shall
provide a copy of the criminal history records check to the
prospective employer or peace officer training school commander

that made the request. Upon receipt of the copy of the criminal
history records check from the bureau, the prospective employer or
peace officer training school commander that made the request
shall submit the copy to the executive director of the Ohio peace
officer training commission. The executive director shall not
award any certificate prescribed in this section unless the
executive director has received a copy of the criminal history
records check on the person to whom the certificate is to be
awarded.

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

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

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

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

(b) Pleads guilty to a misdemeanor committed on or after
January 1, 1997, pursuant to a negotiated plea agreement as

provided in division (D) of section ~~2929.29~~ 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section.

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the executive director shall reinstate the certificate awarded to the person under this section. If the person files an appeal from that person's conviction of the felony and the conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the executive director shall revoke the certificate awarded to the person under this section.

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

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

(H)(1) A person who was employed as a peace officer of a county, township, or municipal corporation of the state on January 1, 1966, and who has completed at least sixteen years of full-time active service as such a peace officer may receive an original

appointment on a permanent basis and serve as a peace officer of a
county, township, or municipal corporation, or as a state
university law enforcement officer, without complying with the
requirements of division (B) of this section.

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

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

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

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Sec. 120.06. (A)(1) The state public defender, when 683
designated by the court or requested by a county public defender 684
or joint county public defender, may provide legal representation 685
in all courts throughout the state to indigent adults and 686
juveniles who are charged with the commission of an offense or act 687
for which the penalty or any possible adjudication includes the 688
potential loss of liberty. 689

(2) The state public defender may provide legal 690
representation to any indigent person who, while incarcerated in 691
any state correctional institution, is charged with a felony 692
offense, for which the penalty or any possible adjudication that 693
may be imposed by a court upon conviction includes the potential 694
loss of liberty. 695

(3) The state public defender may provide legal 696
representation to any person incarcerated in any correctional 697
institution of the state, in any matter in which the person 698
asserts the person is unlawfully imprisoned or detained. 699

(4) The state public defender, in any case in which the state 700
public defender has provided legal representation or is requested 701
to do so by a county public defender or joint county public 702
defender, may provide legal representation on appeal. 703

(5) The state public defender, when designated by the court 704
or requested by a county public defender, joint county public 705
defender, or the director of rehabilitation and correction, shall 706
provide legal representation in parole and probation revocation 707
matters or matters relating to the revocation of community control 708
or post-release control under a community control sanction or 709
post-release control sanction, unless the state public defender 710
finds that the alleged parole or probation violator or alleged 711
violator of a community control sanction or post-release control 712
sanction has the financial capacity to retain the alleged 713

violator's own counsel. 714

(6) If the state public defender contracts with a county 715
public defender commission, a joint county public defender 716
commission, or a board of county commissioners for the provision 717
of services, under authority of division (C)(7) of section 120.04 718
of the Revised Code, the state public defender shall provide legal 719
representation in accordance with the contract. 720

(B) The state public defender shall not be required to 721
prosecute any appeal, postconviction remedy, or other proceeding 722
pursuant to division (A)(3), (4), or (5) of this section, unless 723
the state public defender first is satisfied that there is 724
arguable merit to the proceeding. 725

(C) A court may appoint counsel or allow an indigent person 726
to select the indigent's own personal counsel to assist the state 727
public defender as co-counsel when the interests of justice so 728
require. When co-counsel is appointed to assist the state public 729
defender, the co-counsel shall receive any compensation that the 730
court may approve, not to exceed the amounts provided for in 731
section 2941.51 of the Revised Code. 732

(D) When the state public defender is designated by the court 733
or requested by a county public defender or joint county public 734
defender to provide legal representation for an indigent person in 735
any case, other than pursuant to a contract entered into under 736
authority of division (C)(7) of section 120.04 of the Revised 737
Code, the state public defender shall send to the county in which 738
the case is filed an itemized bill for fifty per cent of the 739
actual cost of the representation. The county, upon receipt of an 740
itemized bill from the state public defender pursuant to this 741
division, shall pay fifty per cent of the actual cost of the legal 742
representation as set forth in the itemized bill. There is hereby 743
created in the state treasury the county representation fund for 744
the deposit of moneys received from counties under this division. 745

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All moneys credited to the fund shall be used by the state public defender to provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender. 746
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(E)(1) Notwithstanding any contrary provision of sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code that pertains to representation by the attorney general, an assistant attorney general, or special counsel of an officer or employee, as defined in section 109.36 of the Revised Code, or of an entity of state government, the state public defender may elect to contract with, and to have the state pay pursuant to division (E)(2) of this section for the services of, private legal counsel to represent the Ohio public defender commission, the state public defender, assistant state public defenders, other employees of the commission or the state public defender, and attorneys described in division (C) of section 120.41 of the Revised Code in a malpractice or other civil action or proceeding that arises from alleged actions or omissions related to responsibilities derived pursuant to this chapter, or in a civil action that is based upon alleged violations of the constitution or statutes of the United States, including section 1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that arises from alleged actions or omissions related to responsibilities derived pursuant to this chapter, if the state public defender determines, in good faith, that the defendant in the civil action or proceeding did not act manifestly outside the scope of the defendant's employment or official responsibilities, with malicious purpose, in bad faith, or in a wanton or reckless manner. If the state public defender elects not to contract pursuant to this division for private legal counsel in a civil action or proceeding, then, in accordance with sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 750
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attorney general shall represent or provide for the representation 778
of the Ohio public defender commission, the state public defender, 779
assistant state public defenders, other employees of the 780
commission or the state public defender, or attorneys described in 781
division (C) of section 120.41 of the Revised Code in the civil 782
action or proceeding. 783

(2)(a) Subject to division (E)(2)(b) of this section, payment 784
from the state treasury for the services of private legal counsel 785
with whom the state public defender has contracted pursuant to 786
division (E)(1) of this section shall be accomplished only through 787
the following procedure: 788

(i) The private legal counsel shall file with the attorney 789
general a copy of the contract; a request for an award of legal 790
fees, court costs, and expenses earned or incurred in connection 791
with the defense of the Ohio public defender commission, the state 792
public defender, an assistant state public defender, an employee, 793
or an attorney in a specified civil action or proceeding; a 794
written itemization of those fees, costs, and expenses, including 795
the signature of the state public defender and the state public 796
defender's attestation that the fees, costs, and expenses were 797
earned or incurred pursuant to division (E)(1) of this section to 798
the best of the state public defender's knowledge and information; 799
a written statement whether the fees, costs, and expenses are for 800
all legal services to be rendered in connection with that defense, 801
are only for legal services rendered to the date of the request 802
and additional legal services likely will have to be provided in 803
connection with that defense, or are for the final legal services 804
rendered in connection with that defense; a written statement 805
indicating whether the private legal counsel previously submitted 806
a request for an award under division (E)(2) of this section in 807
connection with that defense and, if so, the date and the amount 808
of each award granted; and, if the fees, costs, and expenses are 809

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for all legal services to be rendered in connection with that 810
defense or are for the final legal services rendered in connection 811
with that defense, a certified copy of any judgment entry in the 812
civil action or proceeding or a signed copy of any settlement 813
agreement entered into between the parties to the civil action or 814
proceeding. 815

(ii) Upon receipt of a request for an award of legal fees, 816
court costs, and expenses and the requisite supportive 817
documentation described in division (E)(2)(a)(i) of this section, 818
the attorney general shall review the request and documentation; 819
determine whether any of the limitations specified in division 820
(E)(2)(b) of this section apply to the request; and, if an award 821
of legal fees, court costs, or expenses is permissible after 822
applying the limitations, prepare a document awarding legal fees, 823
court costs, or expenses to the private legal counsel. The 824
document shall name the private legal counsel as the recipient of 825
the award; specify the total amount of the award as determined by 826
the attorney general; itemize the portions of the award that 827
represent legal fees, court costs, and expenses; specify any 828
limitation applied pursuant to division (E)(2)(b) of this section 829
to reduce the amount of the award sought by the private legal 830
counsel; state that the award is payable from the state treasury 831
pursuant to division (E)(2)(a)(iii) of this section; and be 832
approved by the inclusion of the signatures of the attorney 833
general, the state public defender, and the private legal counsel. 834

(iii) The attorney general shall forward a copy of the 835
document prepared pursuant to division (E)(2)(a)(ii) of this 836
section to the director of budget and management. The award of 837
legal fees, court costs, or expenses shall be paid out of the 838
state public defender's appropriations, to the extent there is a 839
sufficient available balance in those appropriations. If the state 840
public defender does not have a sufficient available balance in 841

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the state public defender's appropriations to pay the entire award
of legal fees, court costs, or expenses, the director shall make
application for a transfer of appropriations out of the emergency
purposes account or any other appropriation for emergencies or
contingencies in an amount equal to the portion of the award that
exceeds the sufficient available balance in the state public
defender's appropriations. A transfer of appropriations out of the
emergency purposes account or any other appropriation for
emergencies or contingencies shall be authorized if there are
sufficient moneys greater than the sum total of then pending
emergency purposes account requests, or requests for releases from
the other appropriation. If a transfer of appropriations out of
the emergency purposes account or other appropriation for
emergencies or contingencies is made to pay an amount equal to the
portion of the award that exceeds the sufficient available balance
in the state public defender's appropriations, the director shall
cause the payment to be made to the private legal counsel. If
sufficient moneys do not exist in the emergency purposes account
or other appropriation for emergencies or contingencies to pay an
amount equal to the portion of the award that exceeds the
sufficient available balance in the state public defender's
appropriations, the private legal counsel shall request the
general assembly to make an appropriation sufficient to pay an
amount equal to the portion of the award that exceeds the
sufficient available balance in the state public defender's
appropriations, and no payment in that amount shall be made until
the appropriation has been made. The private legal counsel shall
make the request during the current biennium and during each
succeeding biennium until a sufficient appropriation is made.

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

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

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

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

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

(d) If, pursuant to division (E)(2)(c) of this section, a private legal counsel receives a denial of an award notification or if a private legal counsel refuses to approve a document under division (E)(2)(a)(ii) of this section because of the proposed application of a limitation specified in division (E)(2)(b) of this section, the private legal counsel may commence a civil action against the attorney general in the court of claims to prove the private legal counsel's entitlement to the award sought, to prove that division (E)(2)(b) of this section does not prohibit

or otherwise limit the award sought, and to recover a judgment for
the amount of the award sought. A civil action under division
(E)(2)(d) of this section shall be commenced no later than two
years after receipt of a denial of award notification or, if the
private legal counsel refused to approve a document under division
(E)(2)(a)(ii) of this section because of the proposed application
of a limitation specified in division (E)(2)(b) of this section,
no later than two years after the refusal. Any judgment of the
court of claims in favor of the private legal counsel shall be
paid from the state treasury in accordance with division (E)(2)(a)
of this section.

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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
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

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possible adjudication includes the potential loss of liberty and 938
in postconviction proceedings as defined in this section. 939

(2) The county public defender may provide legal 940
representation to indigent adults and juveniles charged with the 941
violation of an ordinance of a municipal corporation for which the 942
penalty or any possible adjudication includes the potential loss 943
of liberty, if the county public defender commission has 944
contracted with the municipal corporation to provide legal 945
representation for indigent persons charged with a violation of an 946
ordinance of the municipal corporation. 947

(B) The county public defender shall provide the legal 948
representation authorized by division (A) of this section at every 949
stage of the proceedings following arrest, detention, service of 950
summons, or indictment. 951

(C) The county public defender may request the state public 952
defender to prosecute any appeal or other remedy before or after 953
conviction that the county public defender decides is in the 954
interests of justice, and may provide legal representation in 955
parole and probation revocation matters and matters relating to 956
the revocation of community control or post-release control under 957
a community control sanction or post-release control sanction. 958

(D) The county public defender shall not be required to 959
prosecute any appeal, postconviction remedy, or other proceeding, 960
unless the county public defender is first satisfied there is 961
arguable merit to the proceeding. 962

(E) Nothing in this section shall prevent a court from 963
appointing counsel other than the county public defender or from 964
allowing an indigent person to select the indigent person's own 965
personal counsel to represent the indigent person. A court may 966
also appoint counsel or allow an indigent person to select the 967
indigent person's own personal counsel to assist the county public 968
defender as co-counsel when the interests of justice so require. 969

(F) Information as to the right to legal representation by 970
the county public defender or assigned counsel shall be afforded 971
to an accused person immediately upon arrest, when brought before 972
a magistrate, or when formally charged, whichever occurs first. 973

(G) If a court appoints the office of the county public 974
defender to represent a petitioner in a postconviction relief 975
proceeding under section 2953.21 of the Revised Code, the 976
petitioner has received a sentence of death, and the proceeding 977
relates to that sentence, all of the attorneys who represent the 978
petitioner in the proceeding pursuant to the appointment, whether 979
an assistant county public defender or the county public defender, 980
shall be certified under Rule 20 of the Rules of Superintendence 981
for the Courts of Ohio to represent indigent defendants charged 982
with or convicted of an offense for which the death penalty can be 983
or has been imposed. 984

(H) As used in this section: 985

(1) "Community control sanction" has the same meaning as in 986
section 2929.01 of the Revised Code. 987

(2) "Post-release control sanction" has the same meaning as 988
in section 2967.01 of the Revised Code. 989

Sec. 120.26. (A)(1) The joint county public defender shall 990
provide legal representation to indigent adults and juveniles who 991
are charged with the commission of an offense or act that is a 992
violation of a state statute and for which the penalty or any 993
possible adjudication includes the potential loss of liberty and 994
in postconviction proceedings as defined in this section. 995

(2) The joint county public defender may provide legal 996
representation to indigent adults and juveniles charged with the 997
violation of an ordinance of a municipal corporation for which the 998
penalty or any possible adjudication includes the potential loss 999

of liberty, if the joint county public defender commission has 1000
contracted with the municipal corporation to provide legal 1001
representation for indigent persons charged with a violation of an 1002
ordinance of the municipal corporation. 1003

(B) The joint county public defender shall provide the legal 1004
representation authorized by division (A) of this section at every 1005
stage of the proceedings following arrest, detention, service of 1006
summons, or indictment. 1007

(C) The joint county public defender may request the Ohio 1008
public defender to prosecute any appeal or other remedy before or 1009
after conviction that the joint county public defender decides is 1010
in the interests of justice and may provide legal representation 1011
in parole and probation revocation matters and matters relating to 1012
the revocation of community control or post-release control under 1013
a community control sanction or post-release control sanction. 1014

(D) The joint county public defender shall not be required to 1015
prosecute any appeal, postconviction remedy, or other proceeding, 1016
unless the joint county public defender is first satisfied that 1017
there is arguable merit to the proceeding. 1018

(E) Nothing in this section shall prevent a court from 1019
appointing counsel other than the joint county public defender or 1020
from allowing an indigent person to select the indigent person's 1021
own personal counsel to represent the indigent person. A court may 1022
also appoint counsel or allow an indigent person to select the 1023
indigent person's own personal counsel to assist the joint county 1024
public defender as co-counsel when the interests of justice so 1025
require. 1026

(F) Information as to the right to legal representation by 1027
the joint county public defender or assigned counsel shall be 1028
afforded to an accused person immediately upon arrest, when 1029
brought before a magistrate, or when formally charged, whichever 1030

occurs first. 1031

(G) If a court appoints the office of the joint county public 1032
defender to represent a petitioner in a postconviction relief 1033
proceeding under section 2953.21 of the Revised Code, the 1034
petitioner has received a sentence of death, and the proceeding 1035
relates to that sentence, all of the attorneys who represent the 1036
petitioner in the proceeding pursuant to the appointment, whether 1037
an assistant joint county defender or the joint county public 1038
defender, shall be certified under Rule 20 of the Rules of 1039
Superintendence for the Courts of Ohio to represent indigent 1040
defendants charged with or convicted of an offense for which the 1041
death penalty can be or has been imposed. 1042

(H) As used in this section: 1043

(1) "Community control sanction" has the same meaning as in 1044
section 2929.01 of the Revised Code. 1045

(2) "Post-release control sanction" has the same meaning as 1046
in section 2967.01 of the Revised Code. 1047

Sec. 149.43. (A) As used in this section: 1048

(1) "Public record" means records kept by any public office, 1049
including, but not limited to, state, county, city, village, 1050
township, and school district units, and records pertaining to the 1051
delivery of educational services by an alternative school in Ohio 1052
kept by a nonprofit or for profit entity operating such 1053
alternative school pursuant to section 3313.533 of the Revised 1054
Code. "Public record" does not mean any of the following: 1055

(a) Medical records; 1057

(b) Records pertaining to probation and parole proceedings or 1058
to proceedings related to the imposition of community control 1059
sanctions and post-release control sanctions; 1060

(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;	1061 1062 1063
(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;	1064 1065 1066
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	1067 1068 1069 1070 1071 1072
(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;	1073 1074 1075
(g) Trial preparation records;	1076
(h) Confidential law enforcement investigatory records;	1077
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	1078 1079
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	1080 1081
(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;	1082 1083 1084 1085
(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;	1086 1087 1088 1089
(m) Intellectual property records;	1090

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(n) Donor profile records;	1091
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	1092 1093
(p) Peace officer residential and familial information;	1094
(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;	1095 1096 1097
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	1098 1099
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	1100 1101 1102 1103 1104
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	1105 1106 1107 1108
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	1109 1110 1111 1112 1113 1114
(v) Records the release of which is prohibited by state or federal law.	1115 1116
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a	1117 1118 1119 1120

high probability of disclosure of any of the following: 1121

(a) The identity of a suspect who has not been charged with 1122
the offense to which the record pertains, or of an information 1123
source or witness to whom confidentiality has been reasonably 1124
promised; 1125

(b) Information provided by an information source or witness 1126
to whom confidentiality has been reasonably promised, which 1127
information would reasonably tend to disclose the source's or 1128
witness's identity; 1129

(c) Specific confidential investigatory techniques or 1130
procedures or specific investigatory work product; 1131

(d) Information that would endanger the life or physical 1132
safety of law enforcement personnel, a crime victim, a witness, or 1133
a confidential information source. 1134

(3) "Medical record" means any document or combination of 1135
documents, except births, deaths, and the fact of admission to or 1136
discharge from a hospital, that pertains to the medical history, 1137
diagnosis, prognosis, or medical condition of a patient and that 1138
is generated and maintained in the process of medical treatment. 1139

(4) "Trial preparation record" means any record that contains 1140
information that is specifically compiled in reasonable 1141
anticipation of, or in defense of, a civil or criminal action or 1142
proceeding, including the independent thought processes and 1143
personal trial preparation of an attorney. 1144

(5) "Intellectual property record" means a record, other than 1145
a financial or administrative record, that is produced or 1146
collected by or for faculty or staff of a state institution of 1147
higher learning in the conduct of or as a result of study or 1148
research on an educational, commercial, scientific, artistic, 1149
technical, or scholarly issue, regardless of whether the study or 1150
research was sponsored by the institution alone or in conjunction 1151

with a governmental body or private concern, and that has not been 1152
publicly released, published, or patented. 1153

(6) "Donor profile record" means all records about donors or 1154
potential donors to a public institution of higher education 1155
except the names and reported addresses of the actual donors and 1156
the date, amount, and conditions of the actual donation. 1157

(7) "Peace officer residential and familial information" 1158
means either of the following: 1159

(a) Any information maintained in a personnel record of a 1160
peace officer that discloses any of the following: 1161

(i) The address of the actual personal residence of a peace 1162
officer, except for the state or political subdivision in which 1163
the peace officer resides; 1164

(ii) Information compiled from referral to or participation 1165
in an employee assistance program; 1166

(iii) The social security number, the residential telephone 1167
number, any bank account, debit card, charge card, or credit card 1168
number, or the emergency telephone number of, or any medical 1169
information pertaining to, a peace officer; 1170

(iv) The name of any beneficiary of employment benefits, 1171
including, but not limited to, life insurance benefits, provided 1172
to a peace officer by the peace officer's employer; 1173

(v) The identity and amount of any charitable or employment 1174
benefit deduction made by the peace officer's employer from the 1175
peace officer's compensation unless the amount of the deduction is 1176
required by state or federal law; 1177

(vi) The name, the residential address, the name of the 1178
employer, the address of the employer, the social security number, 1179
the residential telephone number, any bank account, debit card, 1180
charge card, or credit card number, or the emergency telephone 1181

number of the spouse, a former spouse, or any child of a peace officer. 1182
1183

(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. 1184
1185
1186

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. 1187
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(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following: 1194
1195
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1198

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person; 1199
1200
1201

(b) The social security number, birth date, or photographic image of a person under the age of eighteen; 1202
1203

(c) Any medical record, history, or information pertaining to a person under the age of eighteen; 1204
1205

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office. 1206
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(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 1212
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(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 1214
1215

(B)(1) Subject to division (B)(4) of this section, all public 1216
records shall be promptly prepared and made available for 1217
inspection to any person at all reasonable times during regular 1218
business hours. Subject to division (B)(4) of this section, upon 1219
request, a public office or person responsible for public records 1220
shall make copies available at cost, within a reasonable period of 1221
time. In order to facilitate broader access to public records, 1222
public offices shall maintain public records in a manner that they 1223
can be made available for inspection in accordance with this 1224
division. 1225

(2) If any person chooses to obtain a copy of a public record 1226
in accordance with division (B)(1) of this section, the public 1227
office or person responsible for the public record shall permit 1228
that person to choose to have the public record duplicated upon 1229
paper, upon the same medium upon which the public office or person 1230
responsible for the public record keeps it, or upon any other 1231
medium upon which the public office or person responsible for the 1232
public record determines that it reasonably can be duplicated as 1233
an integral part of the normal operations of the public office or 1234
person responsible for the public record. When the person seeking 1235
the copy makes a choice under this division, the public office or 1236
person responsible for the public record shall provide a copy of 1237
it in accordance with the choice made by the person seeking the 1238
copy. 1239

(3) Upon a request made in accordance with division (B)(1) of 1240
this section, a public office or person responsible for public 1241
records shall transmit a copy of a public record to any person by 1242
United States mail within a reasonable period of time after 1243

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receiving the request for the copy. The public office or person 1244
responsible for the public record may require the person making 1245
the request to pay in advance the cost of postage and other 1246
supplies used in the mailing. 1247

Any public office may adopt a policy and procedures that it 1248
will follow in transmitting, within a reasonable period of time 1249
after receiving a request, copies of public records by United 1250
States mail pursuant to this division. A public office that adopts 1251
a policy and procedures under this division shall comply with them 1252
in performing its duties under this division. 1253

In any policy and procedures adopted under this division, a 1254
public office may limit the number of records requested by a 1255
person that the office will transmit by United States mail to ten 1256
per month, unless the person certifies to the office in writing 1257
that the person does not intend to use or forward the requested 1258
records, or the information contained in them, for commercial 1259
purposes. For purposes of this division, "commercial" shall be 1260
narrowly construed and does not include reporting or gathering 1261
news, reporting or gathering information to assist citizen 1262
oversight or understanding of the operation or activities of 1263
government, or nonprofit educational research. 1264

(4) A public office or person responsible for public records 1265
is not required to permit a person who is incarcerated pursuant to 1266
a criminal conviction or a juvenile adjudication to inspect or to 1267
obtain a copy of any public record concerning a criminal 1268
investigation or prosecution or concerning what would be a 1269
criminal investigation or prosecution if the subject of the 1270
investigation or prosecution were an adult, unless the request to 1271
inspect or to obtain a copy of the record is for the purpose of 1272
acquiring information that is subject to release as a public 1273
record under this section and the judge who imposed the sentence 1274
or made the adjudication with respect to the person, or the 1275

judge's successor in office, finds that the information sought in 1276
the public record is necessary to support what appears to be a 1277
justiciable claim of the person. 1278

(5) Upon written request made and signed by a journalist on 1279
or after December 16, 1999, a public office, or person responsible 1280
for public records, having custody of the records of the agency 1281
employing a specified peace officer shall disclose to the 1282
journalist the address of the actual personal residence of the 1283
peace officer and, if the peace officer's spouse, former spouse, 1284
or child is employed by a public office, the name and address of 1285
the employer of the peace officer's spouse, former spouse, or 1286
child. The request shall include the journalist's name and title 1287
and the name and address of the journalist's employer and shall 1288
state that disclosure of the information sought would be in the 1289
public interest. 1290

As used in division (B)(5) of this section, "journalist" 1291
means a person engaged in, connected with, or employed by any news 1292
medium, including a newspaper, magazine, press association, news 1293
agency, or wire service, a radio or television station, or a 1294
similar medium, for the purpose of gathering, processing, 1295
transmitting, compiling, editing, or disseminating information for 1296
the general public. 1297

(C) If a person allegedly is aggrieved by the failure of a 1298
public office to promptly prepare a public record and to make it 1299
available to the person for inspection in accordance with division 1300
(B) of this section, or if a person who has requested a copy of a 1301
public record allegedly is aggrieved by the failure of a public 1302
office or the person responsible for the public record to make a 1303
copy available to the person allegedly aggrieved in accordance 1304
with division (B) of this section, the person allegedly aggrieved 1305
may commence a mandamus action to obtain a judgment that orders 1306
the public office or the person responsible for the public record 1307

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to comply with division (B) of this section and that awards 1308
reasonable attorney's fees to the person that instituted the 1309
mandamus action. The mandamus action may be commenced in the court 1310
of common pleas of the county in which division (B) of this 1311
section allegedly was not complied with, in the supreme court 1312
pursuant to its original jurisdiction under Section 2 of Article 1313
IV, Ohio Constitution, or in the court of appeals for the 1314
appellate district in which division (B) of this section allegedly 1315
was not complied with pursuant to its original jurisdiction under 1316
Section 3 of Article IV, Ohio Constitution. 1317

(D) Chapter 1347. of the Revised Code does not limit the 1318
provisions of this section. 1319

(E)(1) The bureau of motor vehicles may adopt rules pursuant 1320
to Chapter 119. of the Revised Code to reasonably limit the number 1321
of bulk commercial special extraction requests made by a person 1322
for the same records or for updated records during a calendar 1323
year. The rules may include provisions for charges to be made for 1324
bulk commercial special extraction requests for the actual cost of 1325
the bureau, plus special extraction costs, plus ten per cent. The 1326
bureau may charge for expenses for redacting information, the 1327
release of which is prohibited by law. 1328

(2) As used in divisions (B)(3) and (E)(1) of this section: 1329

(a) "Actual cost" means the cost of depleted supplies, 1330
records storage media costs, actual mailing and alternative 1331
delivery costs, or other transmitting costs, and any direct 1332
equipment operating and maintenance costs, including actual costs 1333
paid to private contractors for copying services. 1334

(b) "Bulk commercial special extraction request" means a 1335
request for copies of a record for information in a format other 1336
than the format already available, or information that cannot be 1337
extracted without examination of all items in a records series, 1338

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class of records, or data base by a person who intends to use or
forward the copies for surveys, marketing, solicitation, or resale
for commercial purposes. "Bulk commercial special extraction
request" does not include a request by a person who gives
assurance to the bureau that the person making the request does
not intend to use or forward the requested copies for surveys,
marketing, solicitation, or resale for commercial purposes.

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

(d) "Special extraction costs" means the cost of the time
spent by the lowest paid employee competent to perform the task,
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 1370
of a person as a regional transit authority police officer if the 1371
person does either of the following: 1372

(i) Pleads guilty to a felony; 1373

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 1374
plea agreement as provided in division (D) of section ~~2929.29~~ 1375
2929.43 of the Revised Code in which the police officer agrees to 1376
surrender the certificate awarded to that police officer under 1377
section 109.77 of the Revised Code. 1378

(b) The transit authority shall suspend from employment a 1379
person designated as a regional transit authority police officer 1380
if that person is convicted, after trial, of a felony. If the 1381
police officer files an appeal from that conviction and the 1382
conviction is upheld by the highest court to which the appeal is 1383
taken or if the police officer does not file a timely appeal, the 1384
transit authority shall terminate the employment of that police 1385
officer. If the police officer files an appeal that results in the 1386
police officer's acquittal of the felony or conviction of a 1387
misdemeanor, or in the dismissal of the felony charge against the 1388
police officer, the transit authority shall reinstate that police 1389
officer. A police officer who is reinstated under division 1390
(B)(2)(b) of this section shall not receive any back pay unless 1391
that officer's conviction of the felony was reversed on appeal, or 1392
the felony charge was dismissed, because the court found 1393
insufficient evidence to convict the police officer of the felony. 1394

(3) Division (B) of this section does not apply regarding an 1395
offense that was committed prior to January 1, 1997. 1396

(4) The suspension from employment, or the termination of the 1397
employment, of a regional transit authority police officer under 1398
division (B)(2) of this section shall be in accordance with 1399
Chapter 119. of the Revised Code. 1400

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Sec. 307.93. (A) The boards of county commissioners of two or more adjacent counties may contract for the joint establishment of a multicounty correctional center, and the board of county commissioners of a county or the boards of two or more counties may contract with any municipal corporation or municipal corporations located in that county or those counties for the joint establishment of a municipal-county or multicounty-municipal correctional center. The center shall augment county and, where applicable, municipal jail programs and facilities by providing custody and rehabilitative programs for those persons under the charge of the sheriff of any of the contracting counties or of the officer or officers of the contracting municipal corporation or municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other correctional facility who, in the opinion of the sentencing court, need programs of custody and rehabilitation not available at the county or municipal jail and by providing custody and rehabilitative programs in accordance with division (C) of this section, if applicable. The contract may include, but need not be limited to, provisions regarding the acquisition, construction, maintenance, repair, termination of operations, and administration of the center. The contract shall prescribe the manner of funding of, and debt assumption for, the center and the standards and procedures to be followed in the operation of the center. Except as provided in division (H) of this section, the contracting counties and municipal corporations shall form a corrections commission to oversee the administration of the center. Members of the commission shall consist of the sheriff of each participating county, the president of the board of county commissioners of each participating county, the presiding judge of the court of common pleas of each participating county, or, if the court of common pleas of a participating county has only one judge, then that judge, the chief of police of each

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participating municipal corporation, the mayor or city manager of 1433
each participating municipal corporation, and the presiding judge 1434
or the sole judge of the municipal court of each participating 1435
municipal corporation. Any of the foregoing officers may appoint a 1436
designee to serve in the officer's place on the corrections 1437
commission. The standards and procedures shall be formulated and 1438
agreed to by the commission and may be amended at any time during 1439
the life of the contract by agreement of the parties to the 1440
contract upon the advice of the commission. The standards and 1441
procedures formulated by the commission shall include, but need 1442
not be limited to, designation of the person in charge of the 1443
center, the categories of employees to be employed at the center, 1444
the appointing authority of the center, and the standards of 1445
treatment and security to be maintained at the center. The person 1446
in charge of, and all persons employed to work at, the center 1447
shall have all the powers of police officers that are necessary 1448
for the proper performance of the duties relating to their 1449
positions at the center. 1450

(B) Each board of county commissioners that enters a contract 1451
under division (A) of this section may appoint a building 1452
commission pursuant to section 153.21 of the Revised Code. If any 1453
commissions are appointed, they shall function jointly in the 1454
construction of a multicounty or multicounty-municipal 1455
correctional center with all the powers and duties authorized by 1456
law. 1457

(C) Prior to the acceptance for custody and rehabilitation 1458
into a center established under this section of any persons who 1459
are designated by the department of rehabilitation and correction, 1460
who plead guilty to or are convicted of a felony of the fourth or 1461
fifth degree, and who satisfy the other requirements listed in 1462
section 5120.161 of the Revised Code, the corrections commission 1463
of a center established under this section shall enter into an 1464

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agreement with the department of rehabilitation and correction 1465
under section 5120.161 of the Revised Code for the custody and 1466
rehabilitation in the center of persons who are designated by the 1467
department, who plead guilty to or are convicted of a felony of 1468
the fourth or fifth degree, and who satisfy the other requirements 1469
listed in that section, in exchange for a per diem fee per person. 1470
Persons incarcerated in the center pursuant to an agreement 1471
entered into under this division shall be subject to supervision 1472
and control in the manner described in section 5120.161 of the 1473
Revised Code. This division does not affect the authority of a 1474
court to directly sentence a person who is convicted of or pleads 1475
guilty to a felony to the center in accordance with section 1476
2929.16 of the Revised Code. 1477

(D) Pursuant to section 2929.37 of the Revised Code, each 1478
board of county commissioners and the legislative authority of 1479
each municipal corporation that enters into a contract under 1480
division (A) of this section may require a person who was 1481
convicted of an offense, who is under the charge of the sheriff of 1482
their county or of the officer or officers of the contracting 1483
municipal corporation or municipal corporations having charge of 1484
persons incarcerated in the municipal jail, workhouse, or other 1485
correctional facility, and who is confined in the multicounty, 1486
municipal-county, or multicounty-municipal correctional center as 1487
provided in that division, to reimburse the applicable county or 1488
municipal corporation for its expenses incurred by reason of the 1489
person's confinement in the center. 1490

(E) Notwithstanding any contrary provision in this section or 1491
section 2929.18, ~~2929.21~~, ~~2929.36~~ 2929.28, or 2929.37 of the 1492
Revised Code, the corrections commission of a center may establish 1493
a policy that complies with section 2929.38 of the Revised Code 1494
and that requires any person who is not indigent and who is 1495
confined in the multicounty, municipal-county, or 1496

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multicounty-municipal correctional center to pay a reception fee, 1497
a fee for medical treatment or service requested by and provided 1498
to that person, or the fee for a random drug test assessed under 1499
division (E) of section 341.26 of the Revised Code. 1500

(F)(1) The corrections commission of a center established 1501
under this section may establish a commissary for the center. The 1502
commissary may be established either in-house or by another 1503
arrangement. If a commissary is established, all persons 1504
incarcerated in the center shall receive commissary privileges. A 1505
person's purchases from the commissary shall be deducted from the 1506
person's account record in the center's business office. The 1507
commissary shall provide for the distribution to indigent persons 1508
incarcerated in the center of necessary hygiene articles and 1509
writing materials. 1510

(2) If a commissary is established, the corrections 1511
commission of a center established under this section shall 1512
establish a commissary fund for the center. The management of 1513
funds in the commissary fund shall be strictly controlled in 1514
accordance with procedures adopted by the auditor of state. 1515
Commissary fund revenue over and above operating costs and reserve 1516
shall be considered profits. All profits from the commissary fund 1517
shall be used to purchase supplies and equipment for the benefit 1518
of persons incarcerated in the center. The corrections commission 1519
shall adopt rules and regulations for the operation of any 1520
commissary fund it establishes. 1521

(G) In lieu of forming a corrections commission to administer 1522
a multicounty correctional center or a municipal-county or 1523
multicounty-municipal correctional center, the boards of county 1524
commissioners and the legislative authorities of the municipal 1525
corporations contracting to establish the center may also agree to 1526
contract for the private operation and management of the center as 1527
provided in section 9.06 of the Revised Code, but only if the 1528

center houses only misdemeanor inmates. In order to enter into a contract under section 9.06 of the Revised Code, all the boards and legislative authorities establishing the center shall approve and be parties to the contract.

(H) If a person who is convicted of or pleads guilty to an offense is sentenced to a term in a multicounty correctional center or a municipal-county or multicounty-municipal correctional center or is incarcerated in the center in the manner described in division (C) of this section, or if a person who is arrested for an offense, and who has been denied bail or has had bail set and has not been released on bail is confined in a multicounty correctional center or a municipal-county or multicounty-municipal correctional center pending trial, at the time of reception and at other times the officer, officers, or other person in charge of the operation of the center determines to be appropriate, the officer, officers, or other person in charge of the operation of the center may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The officer, officers, or other person in charge of the operation of the center may cause a convicted or accused offender in the center who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

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

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

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(B)(1) Subject to division (C) of this section, the sheriff may appoint, in writing, one or more deputies. At the time of the appointment, the sheriff shall file the writing upon which the appointment is made with the clerk of the court of common pleas, and the clerk of the court shall enter it upon the journal of the court. The sheriff shall pay the clerk's fees for the filing and journal entry of the writing. In cases of emergency, the sheriff may request of the sheriff of another county the aid of qualified deputies serving in those other counties of the state, and, if the consent of the sheriff of that other county is received, the deputies while so assigned shall be considered to be the deputies of the sheriff of the county requesting aid. No judge of a county court or mayor shall be appointed a deputy.

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

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

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

(i) Pleads guilty to a felony;

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

(b) The sheriff shall suspend from employment any deputy sheriff appointed under division (B)(1) of this section if the deputy sheriff is convicted, after trial, of a felony. If the deputy sheriff files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the deputy sheriff does not file a timely appeal, the sheriff shall terminate the employment of that deputy sheriff. If the deputy sheriff files an appeal that results in that deputy sheriff's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the deputy sheriff, the sheriff shall reinstate that deputy sheriff. A deputy sheriff who is reinstated under division (C)(2)(b) of this section shall not receive any back pay unless that deputy sheriff's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the deputy sheriff 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 deputy sheriff under division (C)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

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

establishes under this division: 1622

(a) If a county department of probation is established in the 1623
county, a separate account shall be maintained in the fund for the 1624
county department of probation. 1625

(b) If the judges of the court of common pleas of the county 1626
have affiliated with the judges of the court of common pleas of 1627
one or more other counties and have established a multicounty 1628
department of probation, a separate account shall be maintained in 1629
the fund for the multicounty department of probation. 1630

(c) If a department of probation is established in a 1631
county-operated municipal court that has jurisdiction within the 1632
county, a separate account shall be maintained in the fund for the 1633
municipal court department of probation. 1634

(d) If a county department of probation has not been 1635
established in the county and if the court of common pleas of the 1636
county, pursuant to section 2301.32 of the Revised Code, has 1637
entered into an agreement with the adult parole authority under 1638
which the court may place defendants ~~on probation~~ under a 1639
community control sanction in charge of the authority, a separate 1640
account shall be maintained in the fund for the adult parole 1641
authority. 1642

(2) For any county, if a county department of probation is 1643
established in the county or if a department of probation is 1644
established in a county-operated municipal court that has 1645
jurisdiction within the county, the board of county commissioners 1646
of the county shall appropriate to the county department of 1647
probation or municipal court department of probation all money 1648
that is contained in the department's account in the county 1649
probation services fund established in the county for use only for 1650
specialized staff, purchase of equipment, purchase of services, 1651
reconciliation programs for offenders and victims, other treatment 1652

programs, including alcohol and drug addiction programs certified 1653
under section 3793.06 of the Revised Code, determined to be 1654
appropriate by the chief probation officer of the department of 1655
probation, and other similar ~~probation-related~~ expenses related to 1656
placing offenders under a community control sanction. 1657

For any county, if the judges of the court of common pleas of 1658
the county have affiliated with the judges of the court of common 1659
pleas of one or more other counties and have established a 1660
multicounty department of probation to serve the counties, the 1661
board of county commissioners of the county shall appropriate and 1662
the county treasurer shall transfer to the multicounty probation 1663
services fund established for the multicounty department of 1664
probation under division (B) of this section all money that is 1665
contained in the multicounty department of probation account in 1666
the county probation services fund established in the county for 1667
use in accordance with that division. 1668

For any county, if a county department of probation has not 1669
been established in the county and if the court of common pleas of 1670
the county, pursuant to section 2301.32 of the Revised Code, has 1671
entered into an agreement with the adult parole authority under 1672
which the court may place defendants ~~on probation~~ under a 1673
community control sanction in charge of the authority, the board 1674
of county commissioners of the county shall appropriate and the 1675
county treasurer shall transfer to the adult parole authority 1676
probation services fund established under section 5149.06 of the 1677
Revised Code all money that is contained in the adult parole 1678
authority account in the county probation services fund 1679
established in the county for use in accordance with section 1680
5149.06 of the Revised Code. 1681

(B) If the judges of the courts of common pleas of two or 1682
more counties have established a multicounty department of 1683
probation, a multicounty probation services fund shall be 1684

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established in the county treasury of the county whose treasurer, 1685
in accordance with section 2301.27 of the Revised Code, is 1686
designated by the judges of the courts of common pleas as the 1687
treasurer to whom monthly supervision fees are to be appropriated 1688
and transferred under division (A)(2) of this section for deposit 1689
into the fund. The fund shall contain all moneys that are paid to 1690
the treasurer of any member county under section 2951.021 of the 1691
Revised Code for deposit into the county's probation services fund 1692
and that subsequently are appropriated and transferred to the 1693
multicounty probation services fund under division (A)(2) of this 1694
section. The board of county commissioners of the county in which 1695
the multicounty probation services fund is established shall 1696
appropriate the money contained in that fund to the multicounty 1697
department of probation, for use only for specialized staff, 1698
purchase of equipment, purchase of services, reconciliation 1699
programs for offenders and victims, other treatment programs, 1700
including alcohol and drug addiction programs certified under 1701
section 3793.06 of the Revised Code, determined to be appropriate 1702
by the chief probation officer, and for other similar 1703
~~probation-related~~ expenses related to placing offenders under a 1704
community control sanction. 1705

(C) Any money in a county or multicounty probation services 1706
fund at the end of a fiscal year shall not revert to the general 1707
fund of the county but shall be retained in the fund. 1708

(D) As used in this section: 1709

(1) "County-operated municipal court" has the same meaning as 1710
in section 1901.03 of the Revised Code. 1711

(2) "Multicounty department of probation" means a probation 1712
department established under section 2301.27 of the Revised Code 1713
to serve more than one county. 1714

(3) "Community control sanction" has the same meaning as in 1715

section 2929.01 of the Revised Code. 1716

Sec. 341.14. (A) The sheriff of an adjoining county shall not 1717
receive prisoners as provided by section 341.12 of the Revised 1718
Code unless there is deposited weekly with the sheriff an amount 1719
equal to the actual cost of keeping and feeding each prisoner so 1720
committed for the use of the jail of that county, and the same 1721
amount for a period of time less than one week. If a prisoner is 1722
discharged before the expiration of the term for which the 1723
prisoner was committed, the excess of the amount advanced shall be 1724
refunded. 1725

(B) Pursuant to section 2929.37 of the Revised Code, the 1726
board of county commissioners of the county that receives pursuant 1727
to section 341.12 of the Revised Code for confinement in its jail, 1728
a prisoner who was convicted of an offense, may require the 1729
prisoner to reimburse the county for its expenses incurred by 1730
reason of the prisoner's confinement. 1731

(C) Notwithstanding any contrary provision in this section or 1732
section 2929.18, ~~2929.21, 2929.36~~ 2929.28, or 2929.37 of the 1733
Revised Code, the board of county commissioners may establish a 1734
policy that complies with section 2929.38 of the Revised Code and 1735
that requires any prisoner who is not indigent and who is confined 1736
in the county's jail under this section to pay a reception fee, a 1737
fee for medical treatment or service requested by and provided to 1738
that prisoner, or the fee for a random drug test assessed under 1739
division (E) of section 341.26 of the Revised Code. 1740

(D) If a county receives pursuant to section 341.12 of the 1741
Revised Code for confinement in its jail a person who has been 1742
convicted of or pleaded guilty to an offense and has been 1743
sentenced to a term in a jail or a person who has been arrested 1744
for an offense, who has been denied bail or has had bail set and 1745
has not been released on bail, and who is confined in jail pending 1746

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trial, at the time of reception and at other times the sheriff or
other person in charge of the operation of the jail determines to
be appropriate, the sheriff or other person in charge of the
operation of the jail may cause the convicted or accused offender
to be examined and tested for tuberculosis, HIV infection,
hepatitis, including but not limited to hepatitis A, B, and C, and
other contagious diseases. The sheriff or other person in charge
of the operation of the jail may cause a convicted or accused
offender in the jail who refuses to be tested or treated for
tuberculosis, HIV infection, hepatitis, including but not limited
to hepatitis A, B, and C, or another contagious disease to be
tested and treated involuntarily.

Sec. 341.19. (A) Pursuant to section 2929.37 of the Revised
Code, the board of county commissioners may require a person who
was convicted of an offense and who is confined in the county jail
to reimburse the county for its expenses incurred by reason of the
person's confinement.

(B) Notwithstanding any contrary provision in this section or
section 2929.18, ~~2929.21, 2929.36~~ 2929.28, or 2929.37 of the
Revised Code, the board of county commissioners may establish a
policy that complies with section 2929.38 of the Revised Code and
that requires any prisoner who is not indigent and who is confined
in the county's jail under this section to pay a reception fee, a
fee for any medical treatment or service requested by and provided
to that prisoner, or the fee for a random drug test assessed under
division (E) of section 341.26 of the Revised Code.

(C) If a person who is convicted of or pleads guilty to an
offense is sentenced to a term in a jail, or if a person who has
been arrested for an offense, and who has been denied bail or has
had bail set and has not been released on bail is confined in jail
pending trial, at the time of reception and at other times the

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sheriff or other person in charge of the operation of the jail 1778
determines to be appropriate, the sheriff or other person in 1779
charge of the operation of the jail may cause the convicted or 1780
accused offender to be examined and tested for tuberculosis, HIV 1781
infection, hepatitis, including but not limited to hepatitis A, B, 1782
and C, and other contagious diseases. The sheriff or other person 1783
in charge of the operation of the jail may cause a convicted or 1784
accused offender in the jail who refuses to be tested or treated 1785
for tuberculosis, HIV infection, hepatitis, including but not 1786
limited to hepatitis A, B, and C, or another contagious disease to 1787
be tested and treated involuntarily. 1788

Sec. 341.21. (A) The board of county commissioners may direct 1789
the sheriff to receive into custody prisoners charged with or 1790
convicted of crime by the United States, and to keep those 1791
prisoners until discharged. 1792

The board of the county in which prisoners charged with or 1793
convicted of crime by the United States may be so committed may 1794
negotiate and conclude any contracts with the United States for 1795
the use of the jail as provided by this section and as the board 1796
sees fit. 1797

A prisoner so committed shall be supported at the expense of 1798
the United States during the prisoner's confinement in the county 1799
jail. No greater compensation shall be charged by a sheriff for 1800
the subsistence of that type of prisoner than is provided by 1801
section 311.20 of the Revised Code to be charged for the 1802
subsistence of state prisoners. 1803

A sheriff or jailer who neglects or refuses to perform the 1804
services and duties directed by the board by reason of this 1805
division, shall be liable to the same penalties, forfeitures, and 1806
actions as if the prisoner had been committed under the authority 1807
of this state. 1808

(B) Prior to the acceptance for housing into the county jail 1809
of persons who are designated by the department of rehabilitation 1810
and correction, who plead guilty to or are convicted of a felony 1811
of the fourth or fifth degree, and who satisfy the other 1812
requirements listed in section 5120.161 of the Revised Code, the 1813
board of county commissioners shall enter into an agreement with 1814
the department of rehabilitation and correction under section 1815
5120.161 of the Revised Code for the housing in the county jail of 1816
persons designated by the department who plead guilty to or are 1817
convicted of a felony of the fourth or fifth degree and who 1818
satisfy the other requirements listed in that section in exchange 1819
for a per diem fee per person. Persons incarcerated in the county 1820
jail pursuant to an agreement entered into under this division 1821
shall be subject to supervision and control in the manner 1822
described in section 5120.161 of the Revised Code. This division 1823
does not affect the authority of a court to directly sentence a 1824
person who is convicted of or pleads guilty to a felony to the 1825
county jail in accordance with section 2929.16 of the Revised 1826
Code. 1827

(C) Notwithstanding any contrary provision in section 1828
2929.18, ~~2929.21~~, ~~2929.36~~ 2929.28, or 2929.37 or in any other 1829
section of the Revised Code, the board of county commissioners may 1830
establish a policy that complies with section 2929.38 of the 1831
Revised Code and that requires any person who is not indigent and 1832
who is confined in the jail under division (B) of this section to 1833
pay a reception fee, a fee for any medical treatment or service 1834
requested by and provided to that person, or the fee for a random 1835
drug test assessed under division (E) of section 341.26 of the 1836
Revised Code. 1837

(D) If a sheriff receives into custody a prisoner convicted 1838
of crime by the United States as described in division (A) of this 1839
section, if a person who has been convicted of or pleaded guilty 1840

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to an offense is incarcerated in the jail in the manner described 1841
in division (B) of this section, if a sheriff receives into 1842
custody a prisoner charged with a crime by the United States and 1843
the prisoner has had bail denied or has had bail set, has not been 1844
released on bail, and is confined in jail pending trial, or if a 1845
person who has been arrested for an offense, and who has been 1846
denied bail or has had bail set and has not been released on bail 1847
is confined in jail pending trial, at the time of reception and at 1848
other times the sheriff or other person in charge of the operation 1849
of the jail determines to be appropriate, the sheriff or other 1850
person in charge of the operation of the jail may cause the 1851
convicted or accused offender to be examined and tested for 1852
tuberculosis, HIV infection, hepatitis, including, but not limited 1853
to, hepatitis A, B, and C, and other contagious diseases. The 1854
sheriff or other person in charge of the operation of the jail may 1855
cause a convicted or accused offender in the jail who refuses to 1856
be tested or treated for tuberculosis, HIV infection, hepatitis, 1857
including, but not limited to, hepatitis A, B, and C, or another 1858
contagious disease to be tested and treated involuntarily. 1859

Sec. 341.23. (A) The board of county commissioners of any 1860
county or the legislative authority of any municipal corporation 1861
in which there is no workhouse may agree with the legislative 1862
authority of any municipal corporation or other authority having 1863
control of the workhouse of any other city, or with the directors 1864
of any district of a joint city and county workhouse or county 1865
workhouse, upon terms on which persons convicted of a misdemeanor 1866
by any court or magistrate of a county or municipal corporation 1867
having no workhouse, may be received into that workhouse, under 1868
sentence of the court or magistrate. The board or legislative 1869
authority may pay the expenses incurred under the agreement out of 1870
the general fund of that county or municipal corporation, upon the 1871
certificate of the proper officer of the workhouse. 1872

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

(C) Pursuant to section 2929.37 of the Revised Code, the board of county commissioners, the directors of the district of a joint city and county workhouse or county workhouse, or the legislative authority of the municipal corporation may require a person who was convicted of an offense and who is confined in a workhouse as provided in division (A) of this section, to reimburse the county, district, or municipal corporation, as the case may be, for its expenses incurred by reason of the person's confinement.

(D) Notwithstanding any contrary provision in this section or section 2929.18, ~~2929.21, 2929.36~~ 2929.28, or 2929.37 of the Revised Code, the appropriate board of county commissioners and legislative authorities may include in their agreement entered into under division (A) of this section a policy that complies with section 2929.38 of the Revised Code and that requires any person who is not indigent and who is confined in the county, city, district, or joint city and county workhouse under this section to pay a reception fee, a fee for any medical treatment or service requested by and provided to that person, or the fee for a random drug test assessed under division (E) of section 341.26 of

the Revised Code. 1905

(E) If a person who has been convicted of or pleaded guilty 1906
to an offense is incarcerated in the workhouse as provided in 1907
division (A) of this section, at the time of reception and at 1908
other times the person in charge of the operation of the workhouse 1909
determines to be appropriate, the person in charge of the 1910
operation of the workhouse may cause the convicted offender to be 1911
examined and tested for tuberculosis, HIV infection, hepatitis, 1912
including but not limited to hepatitis A, B, and C, and other 1913
contagious diseases. The person in charge of the operation of the 1914
workhouse may cause a convicted offender in the workhouse who 1915
refuses to be tested or treated for tuberculosis, HIV infection, 1916
hepatitis, including but not limited to hepatitis A, B, and C, or 1917
another contagious disease to be tested and treated involuntarily. 1918

Sec. 505.49. (A) As used in this section, "felony" has the 1919
same meaning as in section 109.511 of the Revised Code. 1920

(B)(1) The township trustees by a two-thirds vote of the 1921
board may adopt rules necessary for the operation of the township 1922
police district, including a determination of the qualifications 1923
of the chief of police, patrol officers, and others to serve as 1924
members of the district police force. 1925

(2) Except as otherwise provided in division (E) of this 1926
section and subject to division (D) of this section, the township 1927
trustees by a two-thirds vote of the board shall appoint a chief 1928
of police for the district, determine the number of patrol 1929
officers and other personnel required by the district, and 1930
establish salary schedules and other conditions of employment for 1931
the employees of the township police district. The chief of police 1932
of the district shall serve at the pleasure of the township 1933
trustees and shall appoint patrol officers and other personnel 1934
that the district may require, subject to division (D) of this 1935

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section and to the rules and limits as to qualifications, salary 1936
 ranges, and numbers of personnel established by the township board 1937
 of trustees. The township trustees may include in the township 1938
 police district and under the direction and control of the chief 1939
 of police, any constable appointed pursuant to section 509.01 of 1940
 the Revised Code, or may designate the chief of police or any 1941
 patrol officer appointed by the chief of police as a constable, as 1942
 provided for in section 509.01 of the Revised Code, for the 1943
 township police district. 1944

(3) Except as provided in division (D) of this section, a 1945
 patrol officer, other police district employee, or police 1946
 constable, who has been awarded a certificate attesting to the 1947
 satisfactory completion of an approved state, county, or municipal 1948
 police basic training program, as required by section 109.77 of 1949
 the Revised Code, may be removed or suspended only under the 1950
 conditions and by the procedures in sections 505.491 to 505.495 of 1951
 the Revised Code. Any other patrol officer, police district 1952
 employee, or police constable shall serve at the pleasure of the 1953
 township trustees. In case of removal or suspension of an 1954
 appointee by the board of township trustees, that appointee may 1955
 appeal the decision of the board to the court of common pleas of 1956
 the county in which the district is situated to determine the 1957
 sufficiency of the cause of removal or suspension. The appointee 1958
 shall take the appeal within ten days of written notice to the 1959
 appointee of the decision of the board. 1960

(C) Division (B) of this section does not apply to a township 1961
 that has a population of ten thousand or more persons residing 1962
 within the township and outside of any municipal corporation, that 1963
 has its own police department employing ten or more full-time paid 1964
 employees, and that has a civil service commission established 1965
 under division (B) of section 124.40 of the Revised Code. That 1966
 type of township shall comply with the procedures for the 1967

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employment, promotion, and discharge of police personnel provided 1968
by Chapter 124. of the Revised Code, except that the board of 1969
township trustees of the township may appoint the chief of police, 1970
and a person so appointed shall be in the unclassified service 1971
under section 124.11 of the Revised Code and shall serve at the 1972
pleasure of the board. A person appointed chief of police under 1973
these conditions who is removed by the board or who resigns from 1974
the position shall be entitled to return to the classified service 1975
in the township police department, in the position that person 1976
held previous to the person's appointment as chief of police. The 1977
board of township trustees shall determine the number of personnel 1978
required and establish salary schedules and conditions of 1979
employment not in conflict with Chapter 124. of the Revised Code. 1980
Persons employed as police personnel in that type of township on 1981
the date a civil service commission is appointed pursuant to 1982
division (B) of section 124.40 of the Revised Code, without being 1983
required to pass a competitive examination or a police training 1984
program, shall retain their employment and any rank previously 1985
granted them by action of the township trustees or otherwise, but 1986
those persons are eligible for promotion only by compliance with 1987
Chapter 124. of the Revised Code. This division does not apply to 1988
constables appointed pursuant to section 509.01 of the Revised 1989
Code. This division is subject to division (D) of this section. 1990
1991

(D)(1) The board of township trustees shall not appoint or 1992
employ a person as a chief of police, and the chief of police 1993
shall not appoint or employ a person as a patrol officer or other 1994
peace officer of a township police district or a township police 1995
department, on a permanent basis, on a temporary basis, for a 1996
probationary term, or on other than a permanent basis if the 1997
person previously has been convicted of or has pleaded guilty to a 1998
felony. 1999

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(2)(a) The board of township trustees shall terminate the	2000
appointment or employment of a chief of police, patrol officer, or	2001
other peace officer of a township police district or township	2002
police department who does either of the following:	2003
(i) Pleads guilty to a felony;	2004
(ii) Pleads guilty to a misdemeanor pursuant to a negotiated	2005
plea agreement as provided in division (D) of section 2929.29	2006
<u>2929.43</u> of the Revised Code in which the chief of police, patrol	2007
officer, or other peace officer of a township police district or	2008
township police department agrees to surrender the certificate	2009
awarded to that chief of police, patrol officer, or other peace	2010
officer under section 109.77 of the Revised Code.	2011
(b) The board shall suspend the appointment or employment of	2012
a chief of police, patrol officer, or other peace officer of a	2013
township police district or township police department who is	2014
convicted, after trial, of a felony. If the chief of police,	2015
patrol officer, or other peace officer of a township police	2016
district or township police department files an appeal from that	2017
conviction and the conviction is upheld by the highest court to	2018
which the appeal is taken or if no timely appeal is filed, the	2019
board shall terminate the appointment or employment of that chief	2020
of police, patrol officer, or other peace officer. If the chief of	2021
police, patrol officer, or other peace officer of a township	2022
police district or township police department files an appeal that	2023
results in that chief of police's, patrol officer's, or other	2024
peace officer's acquittal of the felony or conviction of a	2025
misdemeanor, or in the dismissal of the felony charge against the	2026
chief of police, patrol officer, or other peace officer, the board	2027
shall reinstate that chief of police, patrol officer, or other	2028
peace officer. A chief of police, patrol officer, or other peace	2029
officer of a township police district or township police	2030
department who is reinstated under division (D)(2)(b) of this	2031

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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.

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

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Sec. 509.01. (A) As used in this section, "felony" has the 2062
same meaning as in section 109.511 of the Revised Code. 2063

(B) Subject to division (C) of this section, the board of 2064
township trustees may designate any qualified persons as police 2065
constables and may provide them with the automobiles, 2066
communication systems, uniforms, and police equipment that the 2067
board considers necessary. Except as provided in division (C) of 2068
this section, police constables designated under this division, 2069
who have been awarded a certificate attesting to the satisfactory 2070
completion of an approved state, county, or municipal police basic 2071
training program, as required by section 109.77 of the Revised 2072
Code, may be removed or suspended only under the conditions and by 2073
the procedures in sections 505.491 to 505.495 of the Revised Code. 2074
Any other police constable shall serve at the pleasure of the 2075
township trustees. In case of removal or suspension of a police 2076
constable by the board of township trustees, that police constable 2077
may appeal the decision of the board to the court of common pleas 2078
of the county to determine the sufficiency of the cause of removal 2079
or suspension. The police constable shall take the appeal within 2080
ten days of written notice to the police constable of the decision 2081
of the board. The board may pay each police constable, from the 2082
general funds of the township, the compensation that the board by 2083
resolution prescribes for the time actually spent in keeping the 2084
peace, protecting property, and performing duties as a police 2085
constable, including duties as an ex officio deputy bailiff of a 2086
municipal court pursuant to section 1901.32 of the Revised Code 2087
and duties as a ministerial officer of a county court. The police 2088
constable shall not be paid fees in addition to the compensation 2089
allowed by the board for services rendered as a police constable, 2090
including services as an ex officio deputy bailiff of a municipal 2091
court pursuant to section 1901.32 of the Revised Code and as a 2092
ministerial officer of a county court. All constable fees provided 2093

for by section 509.15 of the Revised Code, if due for services 2094
rendered while the police constable performing those services is 2095
being compensated as a police constable for that performance, 2096
shall be paid into the general fund of the township. 2097

(C)(1) The board of township trustees shall not designate a 2098
person as a police constable pursuant to division (B) of this 2099
section on a permanent basis, on a temporary basis, for a 2100
probationary term, or on other than a permanent basis if the 2101
person previously has been convicted of or has pleaded guilty to a 2102
felony. 2103

(2)(a) The board of township trustees shall terminate the 2104
employment of a police constable designated under division (B) of 2105
this section if the police constable does either of the following: 2106

(i) Pleads guilty to a felony; 2107

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2108
plea agreement as provided in division (D) of section ~~2929.29~~ 2109
2929.43 of the Revised Code in which the police constable agrees 2110
to surrender the certificate awarded to the police constable under 2111
section 109.77 of the Revised Code. 2112

(b) The board shall suspend from employment a police 2113
constable designated under division (B) of this section if the 2114
police constable is convicted, after trial, of a felony. If the 2115
police constable files an appeal from that conviction and the 2116
conviction is upheld by the highest court to which the appeal is 2117
taken or if the police constable does not file a timely appeal, 2118
the board shall terminate the employment of that police constable. 2119
If the police constable files an appeal that results in that 2120
police constable's acquittal of the felony or conviction of a 2121
misdemeanor, or in the dismissal of the felony charge against the 2122
police constable, the board shall reinstate that police constable. 2123
A police constable who is reinstated under division (C)(2)(b) of 2124

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this section shall not receive any back pay unless that police constable's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the police constable of the felony.

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

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

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

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

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

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

(i) Pleads guilty to a felony;

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

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

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

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

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Sec. 737.052. (A) As used in this section, "felony" has the 2186
same meaning as in section 109.511 of the Revised Code. 2187

(B)(1) The director of public safety shall not appoint a 2188
person as a chief of police, a member of the police department of 2189
the municipal corporation, or an auxiliary police officer on a 2190
permanent basis, on a temporary basis, for a probationary term, or 2191
on other than a permanent basis if the person previously has been 2192
convicted of or has pleaded guilty to a felony. 2193

(2)(a) The director of public safety shall terminate the 2194
employment of a chief of police, member of the police department, 2195
or auxiliary police officer who does either of the following: 2196

(i) Pleads guilty to a felony; 2197

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2198
plea agreement as provided in division (D) of section ~~2929.29~~ 2199
2929.43 of the Revised Code in which the chief of police, member 2200
of the police department, or auxiliary police officer agrees to 2201
surrender the certificate awarded to the chief of police, member 2202
of the police department, or auxiliary police officer under 2203
section 109.77 of the Revised Code. 2204

(b) The director shall suspend from employment a chief of 2205
police, member of the police department, or auxiliary police 2206
officer who is convicted, after trial, of a felony. If the chief 2207
of police, member of the police department, or auxiliary police 2208
officer files an appeal from that conviction and the conviction is 2209
upheld by the highest court to which the appeal is taken or if the 2210
chief of police, member of the police department, or auxiliary 2211
police officer does not file a timely appeal, the director shall 2212
terminate that person's employment. If the chief of police, member 2213
of the police department, or auxiliary police officer files an 2214
appeal that results in that person's acquittal of the felony or 2215
conviction of a misdemeanor, or in the dismissal of the felony 2216

charge against that person, the director shall reinstate that 2217
person. A chief of police, member of the police department, or 2218
auxiliary police officer who is reinstated under division 2219
(B)(2)(b) of this section shall not receive any back pay unless 2220
that person's conviction of the felony was reversed on appeal, or 2221
the felony charge was dismissed, because the court found 2222
insufficient evidence to convict that person of the felony. 2223

(3) Division (B) of this section does not apply regarding an 2224
offense that was committed prior to January 1, 1997. 2225

(4) The suspension from employment, or the termination of the 2226
employment, of the chief of police, member of the police 2227
department, or auxiliary police officer under division (B)(2) of 2228
this section shall be in accordance with Chapter 119. of the 2229
Revised Code. 2230

Sec. 737.162. (A) As used in this section, "felony" has the 2231
same meaning as in section 109.511 of the Revised Code. 2232

(B)(1) The mayor shall not appoint a person as a marshal, a 2233
deputy marshal, a police officer, a night watchperson, a special 2234
police officer, or an auxiliary police officer on a permanent 2235
basis, on a temporary basis, for a probationary term, or on other 2236
than a permanent basis if the person previously has been convicted 2237
of or has pleaded guilty to a felony. 2238

(2)(a) The mayor shall terminate the employment of a marshal, 2239
deputy marshal, police officer, night watchperson, special police 2240
officer, or auxiliary police officer who does either of the 2241
following: 2242

(i) Pleads guilty to a felony; 2243

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2244
plea agreement as provided in division (D) of section ~~2929-29~~ 2245
2929.43 of the Revised Code in which the marshal, deputy marshal, 2246

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police officer, night watchperson, special police officer, or 2247
 auxiliary police officer agrees to surrender the certificate 2248
 awarded to that person under section 109.77 of the Revised Code. 2249

(b) The mayor shall suspend from employment a marshal, deputy 2250
 marshal, police officer, night watchperson, special police 2251
 officer, or auxiliary police officer who is convicted, after 2252
 trial, of a felony. If the marshal, deputy marshal, police 2253
 officer, night watchperson, special police officer, or auxiliary 2254
 police officer files an appeal from that conviction and the 2255
 conviction is upheld by the highest court to which the appeal is 2256
 taken or if that person does not file a timely appeal, the mayor 2257
 shall terminate that person's employment. If the marshal, deputy 2258
 marshal, police officer, night watchperson, special police 2259
 officer, or auxiliary police officer files an appeal that results 2260
 in that person's acquittal of the felony or conviction of a 2261
 misdemeanor, or in the dismissal of the felony charge against that 2262
 person, the mayor shall reinstate that person. A marshal, deputy 2263
 marshal, police officer, night watchperson, special police 2264
 officer, or auxiliary police officer who is reinstated under 2265
 division (B)(2)(b) of this section shall not receive any back pay 2266
 unless that person's conviction of the felony was reversed on 2267
 appeal, or the felony charge was dismissed, because the court 2268
 found insufficient evidence to convict that person of the felony. 2269

(3) Division (B) of this section does not apply regarding an 2270
 offense that was committed prior to January 1, 1997. 2271

(4) The suspension from employment, or the termination of the 2272
 employment, of a marshal, deputy marshal, police officer, night 2273
 watchperson, special police officer, or auxiliary police officer 2274
 under division (B)(2) of this section shall be in accordance with 2275
 Chapter 119. of the Revised Code. 2276

Sec. 737.41. (A) The legislative authority of a municipal 2277

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corporation in which is established a municipal court, other than 2278
a county-operated municipal court, that has a department of 2279
probation shall establish in the municipal treasury a municipal 2280
probation services fund. The fund shall contain all moneys paid to 2281
the treasurer of the municipal corporation under section 2951.021 2282
of the Revised Code for deposit into the fund. The treasurer of 2283
the municipal corporation shall disburse the money contained in 2284
the fund at the request of the municipal court department of 2285
probation, for use only by that department for specialized staff, 2286
purchase of equipment, purchase of services, reconciliation 2287
programs for offenders and victims, other treatment programs, 2288
including alcohol and drug addiction programs certified under 2289
section 3793.06 of the Revised Code, determined to be appropriate 2290
by the chief probation officer, and other similar 2291
~~probation-related~~ expenses related to placing offenders under a 2292
community control sanction. 2293

(B) Any money in a municipal probation services fund at the 2294
end of a fiscal year shall not revert to the treasury of the 2295
municipal corporation but shall be retained in the fund. 2296

(C) As used in this section, ~~"county-operated:~~ 2297

(1) "County-operated municipal court" has the same meaning as 2298
in section 1901.03 of the Revised Code. 2299

(2) "Community control sanction" has the same meaning as in 2300
section 2929.01 of the Revised Code. 2301

Sec. 753.02. (A) The legislative authority of a municipal 2302
corporation shall provide by ordinance for sustaining all persons 2303
sentenced to or confined in a prison or station house at the 2304
expense of the municipal corporation, and in counties where 2305
prisons or station houses are in quarters leased from the board of 2306
county commissioners, may contract with the board for the care and 2307
maintenance of those persons by the sheriff or other person 2308

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charged with the care and maintenance of county prisoners. On the 2309
presentation of bills for food, sustenance, and necessary 2310
supplies, to the proper officer, certified by the person whom the 2311
legislative authority designates, the officer shall audit the 2312
bills under the rules prescribed by the legislative authority, and 2313
draw the officer's order on the treasurer of the municipal 2314
corporation in favor of the person presenting the bill. 2315

(B) Pursuant to section 2929.37 of the Revised Code, the 2316
legislative authority of the municipal corporation may require a 2317
person who was convicted of an offense and who is confined in a 2318
prison or station house as provided in division (A) of this 2319
section, or a person who was convicted of an offense and who is 2320
confined in the county jail as provided in section 1905.35 of the 2321
Revised Code, to reimburse the municipal corporation for its 2322
expenses incurred by reason of the person's confinement. 2323

(C) Notwithstanding any contrary provision in this section or 2324
section 2929.18, ~~2929.21~~, ~~2929.36~~ 2929.28, or 2929.37 of the 2325
Revised Code, the legislative authority of the municipal 2326
corporation may establish a policy that complies with section 2327
2929.38 of the Revised Code and that requires any person who is 2328
not indigent and who is confined in a prison or station house to 2329
pay a reception fee, a fee for any medical treatment or service 2330
requested by and provided to that person, or the fee for a random 2331
drug test assessed under division (E) of section 753.33 of the 2332
Revised Code. 2333

(D) If a person who has been convicted of or pleaded guilty 2334
to an offense is sentenced to a term of imprisonment in a prison 2335
or station house as described in division (A) of this section, or 2336
if a person who has been arrested for an offense, and who has been 2337
denied bail or has had bail set and has not been released on bail 2338
is confined in a prison or station house as described in division 2339
(A) of this section pending trial, at the time of reception and at 2340

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other times the person in charge of the operation of the prison or station house determines to be appropriate, the person in charge of the operation of the prison or station house may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the prison or station house may cause a convicted or accused offender in the prison or station house who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

Sec. 753.04. (A) When a person over sixteen years of age is convicted of an offense under the law of this state or an ordinance of a municipal corporation, and the tribunal before which the conviction is had is authorized by law to commit the offender to the county jail or municipal corporation prison, the court, mayor, or judge of the county court, as the case may be, may sentence the offender to a workhouse.

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

(B) Pursuant to section 2929.37 of the Revised Code, the legislative authority of the municipal corporation or the board of township trustees may require a person who is convicted of an offense and who is confined in a workhouse as provided in division

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(A) of this section, to reimburse the municipal corporation or the township, as the case may be, for its expenses incurred by reason of the person's confinement. 2372
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(C) Notwithstanding any contrary provision in this section or section 2929.18, ~~2929.21~~, ~~2929.36~~ 2929.28, or 2929.37 of the Revised Code, the legislative authority of the municipal corporation or board of township trustees may establish a policy that complies with section 2929.38 of the Revised Code and that requires any person who is not indigent and who is confined in the workhouse under division (A) of this section to pay a reception fee, a fee for any medical treatment or service requested by and provided to that person, or the fee for a random drug test assessed under division (E) of section 753.33 of the Revised Code. 2375
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(D) If a person who has been convicted of or pleaded guilty to an offense is incarcerated in a workhouse or if a person who has been arrested for an offense, and who has not been denied bail or has had bail set and has not been released on bail is confined in a workhouse pending trial, at the time of reception and at other times the person in charge of the operation of the workhouse determines to be appropriate, the person in charge of the operation of the workhouse may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the workhouse may cause a convicted or accused offender in the workhouse who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily. 2385
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Sec. 753.16. (A) Any city or district having a workhouse may receive as inmates of the workhouse persons sentenced or committed 2401
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to it from counties other than the one in which the workhouse is 2403
situated, upon the terms and during the length of time agreed upon 2404
by the boards of county commissioners of those counties, or by the 2405
legislative authority of a municipal corporation in those counties 2406
and the legislative authority of the city, or the board of the 2407
district workhouse, or other authority having the management and 2408
control of the workhouse. Prisoners so received shall in all 2409
respects be and remain under the control of that authority, and 2410
shall be subject to the rules and discipline of the workhouse to 2411
which the other prisoners detained in the workhouse are subject. 2412

(B) Prior to the acceptance for housing into a jail or 2414
workhouse of persons who are designated by the department of 2415
rehabilitation and correction, who plead guilty to or are 2416
convicted of a felony of the fourth or fifth degree, and who 2417
satisfy the other requirements listed in section 5120.161 of the 2418
Revised Code, the legislative authority of a municipal corporation 2419
having a jail or workhouse, or the joint board managing and 2420
controlling a workhouse for the joint use of a municipal 2421
corporation and a county shall enter into an agreement with the 2422
department of rehabilitation and correction under section 5120.161 2423
of the Revised Code for the housing in the jail or workhouse of 2424
persons who are designated by the department, who plead guilty to 2425
or are convicted of a felony of the fourth or fifth degree, and 2426
who satisfy the other requirements listed in that section, in 2427
exchange for a per diem fee per person. Persons incarcerated in 2428
the jail or workhouse pursuant to an agreement of that nature 2429
shall be subject to supervision and control in the manner 2430
described in section 5120.161 of the Revised Code. This division 2431
does not affect the authority of a court to directly sentence a 2432
person who is convicted of or pleads guilty to a felony to the 2433
jail or workhouse in accordance with section 2929.16 of the 2434
Revised Code. 2435

(C) Pursuant to section 2929.37 of the Revised Code, the board of county commissioners, the legislative authority of the municipal corporation, or the board or other managing authority of the district workhouse may require a person who was convicted of an offense and who is confined in the workhouse as provided in division (A) of this section, to reimburse the county, municipal corporation, or district, as the case may be, for its expenses incurred by reason of the person's confinement.

(D) Notwithstanding any contrary provision in this section or section, ~~2929.21, 2929.36~~ 2929.18, 2929.28, or 2929.37 of the Revised Code, the board of county commissioners, the legislative authority of a municipal corporation, or the board or other managing authority of the district workhouse may establish a policy that complies with section 2929.38 of the Revised Code and that requires any person who is not indigent and who is confined in the jail or workhouse under division (A) or (B) of this section to pay a reception fee, a fee for any medical treatment or service requested by and provided to that person, or the fee for a random drug test assessed under division (E) of section 753.33 of the Revised Code.

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

and C, and other contagious diseases. The person in charge of the
operation of the workhouse may cause a convicted or accused
offender in the workhouse who refuses to be tested or treated for
tuberculosis, HIV infection, hepatitis, including but not limited
to hepatitis A, B, and C, or another contagious disease to be
tested and treated involuntarily.

Sec. 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:

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

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

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

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

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.

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 2498
division (A) of this section. 2499

The director shall furnish a suitable badge to a commissioned 2500
natural resources law enforcement staff officer as evidence of 2501
that officer's authority. 2502

(B)(1) As used in division (B) of this section, "felony" has 2503
the same meaning as in section 109.511 of the Revised Code. 2504

(2) The director shall not designate a person as a natural 2505
resources law enforcement staff officer under division (A) of this 2506
section on a permanent basis, on a temporary basis, for a 2507
probationary term, or on other than a permanent basis if the 2508
person previously has been convicted of or has pleaded guilty to a 2509
felony. 2510

(3) The director shall terminate the employment as a natural 2511
resources law enforcement staff officer of a person designated as 2512
such an officer if that person does either of the following: 2513

(a) Pleads guilty to a felony; 2514

(b) Pleads guilty to a misdemeanor pursuant to a negotiated 2515
plea agreement as provided in division (D) of section ~~2929.29~~ 2516
2929.43 of the Revised Code in which the natural resources law 2517
enforcement staff officer agrees to surrender the certificate 2518
awarded to that officer under section 109.77 of the Revised Code. 2519

(4) The director shall suspend from employment as a natural 2520
resources law enforcement staff officer a person designated as 2521
such an officer if that person is convicted, after trial, of a 2522
felony. If the natural resources law enforcement staff officer 2523
files an appeal from that conviction and the conviction is upheld 2524
by the highest court to which the appeal is taken, or if the 2525
officer does not file a timely appeal, the director shall 2526
terminate the employment of the natural resources law enforcement 2527
staff officer. If the natural resources law enforcement staff 2528

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officer files an appeal that results in the officer's acquittal of 2529
the felony or conviction of a misdemeanor, or in the dismissal of 2530
the felony charge against the officer, the director shall 2531
reinstate the natural resources law enforcement staff officer. A 2532
natural resources law enforcement staff officer who is reinstated 2533
under division (B)(4) of this section shall not receive any back 2534
pay unless the officer's conviction of the felony was reversed on 2535
appeal, or the felony charge was dismissed, because the court 2536
found insufficient evidence to convict the officer of the felony. 2537

(5) Division (B) of this section does not apply regarding an 2538
offense that was committed prior to January 1, 1999. 2539

(6) The suspension from employment, or the termination of the 2540
employment, of a natural resources law enforcement staff officer 2541
under division (B)(3) or (4) of this section shall be in 2542
accordance with Chapter 119. of the Revised Code. 2543

Sec. 1503.29. (A) As used in this section, "felony" has the 2544
same meaning as in section 109.511 of the Revised Code. 2545

(B)(1) Subject to division (D) of this section, any person 2546
employed by the chief of the division of forestry for 2547
administrative service in a state forest may be designated by the 2548
chief and known as a forest officer. A forest officer, on any 2549
lands or waters owned, controlled, maintained, or administered by 2550
the department of natural resources and on highways, as defined in 2551
section 4511.01 of the Revised Code, adjacent to lands and waters 2552
owned, controlled, maintained, or administered by the division of 2553
forestry, has the authority specified under section 2935.03 of the 2554
Revised Code for peace officers of the department of natural 2555
resources to keep the peace, to enforce all laws and rules 2556
governing those lands and waters, and to make arrests for 2557
violation of those laws and rules, provided that the authority 2558
shall be exercised on lands or waters administered by another 2559

division of the department only pursuant to an agreement with the 2560
chief of that division or to a request for assistance by an 2561
enforcement officer of that division in an emergency. 2562

(2) A forest officer, in or along any watercourse within, 2563
abutting, or upstream from the boundary of any area administered 2564
by the department, has the authority to enforce section 3767.32 of 2565
the Revised Code and other laws prohibiting the dumping of refuse 2566
into or along waters and to make arrests for violation of those 2567
laws. The jurisdiction of forest officers shall be concurrent with 2568
that of the peace officers of the county, township, or municipal 2569
corporation in which the violation occurs. 2570

(3) A forest officer may enter upon private and public lands 2571
to investigate an alleged violation of, and may enforce, this 2572
chapter and sections 2909.02, 2909.03, and 2909.06 of the Revised 2573
Code when the alleged violation or other act pertains to forest 2574
fires. 2575

(C)(1) A forest officer may render assistance to a state or 2576
local law enforcement officer at the request of that officer or 2577
may render assistance to a state or local law enforcement officer 2578
in the event of an emergency. Forest officers serving outside the 2579
division of forestry under this section or serving under the terms 2580
of a mutual aid compact authorized under section 1501.02 of the 2581
Revised Code shall be considered as performing services within 2582
their regular employment for the purposes of compensation, pension 2583
or indemnity fund rights, workers' compensation, and other rights 2584
or benefits to which they may be entitled as incidents of their 2585
regular employment. 2586

(2) Forest officers serving outside the division of forestry 2587
under this section or under a mutual aid compact retain personal 2588
immunity from civil liability as specified in section 9.86 of the 2589
Revised Code and shall not be considered an employee of a 2590
political subdivision for purposes of Chapter 2744. of the Revised 2591

Code. A political subdivision that uses forest officers under this 2592
section or under the terms of a mutual aid compact authorized 2593
under section 1501.02 of the Revised Code is not subject to civil 2594
liability under Chapter 2744. of the Revised Code as the result of 2595
any action or omission of any forest officer acting under this 2596
section or under a mutual aid compact. 2597

(D)(1) The chief of the division of forestry shall not 2598
designate a person as a forest officer pursuant to division (B)(1) 2599
of this section on a permanent basis, on a temporary basis, for a 2600
probationary term, or on other than a permanent basis if the 2601
person previously has been convicted of or has pleaded guilty to a 2602
felony. 2603

(2)(a) The chief of the division of forestry shall terminate 2604
the employment as a forest officer of a person designated as a 2605
forest officer under division (B)(1) of this section if that 2606
person does either of the following: 2607

(i) Pleads guilty to a felony; 2608

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2609
plea agreement as provided in division (D) of section ~~2929.29~~ 2610
2929.43 of the Revised Code in which the forest officer agrees to 2611
surrender the certificate awarded to the forest officer under 2612
section 109.77 of the Revised Code. 2613

(b) The chief shall suspend from employment as a forest 2614
officer a person designated as a forest officer under division 2615
(B)(1) of this section if that person is convicted, after trial, 2616
of a felony. If the forest officer files an appeal from that 2617
conviction and the conviction is upheld by the highest court to 2618
which the appeal is taken or if the forest officer does not file a 2619
timely appeal, the chief shall terminate the employment of that 2620
forest officer. If the forest officer files an appeal that results 2621
in that forest officer's acquittal of the felony or conviction of 2622

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

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

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

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

(B)(1) Any person selected by the chief of the division of
natural areas and preserves for custodial or patrol service on the
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

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

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

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

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

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

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

(i) Pleads guilty to a felony;

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

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

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

(4) The suspension from employment, or the termination of the employment, of a preserve officer under division (C)(2) of this

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

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

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

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

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

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(b) The chief shall suspend from employment as a game
protector a person designated as a game protector if that person
is convicted, after trial, of a felony. If the game protector
files an appeal from that conviction and the conviction is upheld
by the highest court to which the appeal is taken or if the game
protector does not file a timely appeal, the chief shall terminate
the employment of that game protector. If the game protector files
an appeal that results in the game protector's acquittal of the
felony or conviction of a misdemeanor, or in the dismissal of the
felony charge against the game protector, the chief shall
reinstate that game protector. A game protector who is reinstated
under division (B)(2)(b) of this section shall not receive any

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back pay unless that game protector's conviction of the felony was
reversed on appeal, or the felony charge was dismissed, because
the court found insufficient evidence to convict the game
protector 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 game protector under division (B)(2) of this
section shall be in accordance with Chapter 119. of the Revised
Code.

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

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

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

(i) Pleads guilty to a felony;

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

(b) The chief shall suspend from employment as a park officer
a person designated as a park officer if that person is convicted,

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after trial, of a felony. If the park 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 park officer does not file
a timely appeal, the chief shall terminate the employment of that
park officer. If the park officer files an appeal that results in
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.

(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 park officer under division (B)(2) of this
section shall be in accordance with Chapter 119. of the Revised
Code.

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

(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 2808
(C) of this section. 2809

(C)(1) The board of park commissioners shall not designate an 2810
employee as provided in division (B) of this section on a 2811
permanent basis, on a temporary basis, for a probationary term, or 2812
on other than a permanent basis if the employee previously has 2813
been convicted of or has pleaded guilty to a felony. 2814

(2)(a) The board of park commissioners shall terminate the 2815
employment of an employee designated as provided in division (B) 2816
of this section if the employee does either of the following: 2817

(i) Pleads guilty to a felony; 2818

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2819
plea agreement as provided in division (D) of section ~~2929.29~~ 2820
2929.43 of the Revised Code in which the employee agrees to 2821
surrender the certificate awarded to the employee under section 2822
109.77 of the Revised Code. 2823

(b) The board shall suspend from employment an employee 2824
designated as provided in division (B) of this section if the 2825
employee is convicted, after trial, of a felony. If the employee 2826
files an appeal from that conviction and the conviction is upheld 2827
by the highest court to which the appeal is taken or if the 2828
employee does not file a timely appeal, the board shall terminate 2829
the employment of that employee. If the employee files an appeal 2830
that results in the employee's acquittal of the felony or 2831
conviction of a misdemeanor, or in the dismissal of the felony 2832
charge against the employee, the board shall reinstate that 2833
employee. An employee who is reinstated under division (C)(2)(b) 2834
of this section shall not receive any back pay unless that 2835
employee's conviction of the felony was reversed on appeal, or the 2836
felony charge was dismissed, because the court found insufficient 2837
evidence to convict the employee of the felony. 2838

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

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

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

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

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

(i) Pleads guilty to a felony;

(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 state watercraft officer agrees to surrender the certificate awarded to that officer under section 109.77 of the Revised Code.

(b) The chief shall suspend from employment a state watercraft officer who is convicted, after trial, of a felony. If the state watercraft 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 watercraft officer does not file a timely appeal, the chief shall terminate the employment of that state watercraft officer. If the state watercraft officer files an appeal that results in the state watercraft officer's acquittal of

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the felony or conviction of a misdemeanor, or in the dismissal of
the felony charge against the state watercraft officer, the chief
shall reinstate that state watercraft officer. A state watercraft
officer who is reinstated under division (B)(2)(b) of this section
shall not receive any back pay unless that state watercraft
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 state watercraft officer 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 state watercraft officer under division (B)(2) of
this section shall be in accordance with Chapter 119. of the
Revised Code.

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

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

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

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

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

(F) Whoever violates division (M) of section 1547.54,

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division (G) of section 1547.30, or section 1547.131, 1547.25, 2899
 1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 2900
 of the Revised Code or a rule adopted under division (A)(2) of 2901
 section 1547.52 of the Revised Code is guilty of a misdemeanor of 2902
 the fourth degree. 2903

(G) Whoever violates section 1547.11 of the Revised Code is 2904
 guilty of a misdemeanor of the first degree and shall be punished 2905
 as provided in division (G)(1), (2), or (3) of this section. 2906

(1) Except as otherwise provided in division (G)(2) or (3) of 2907
 this section, the court shall sentence the offender to a jail term 2908
~~of imprisonment~~ of three consecutive days and may sentence the 2909
 offender pursuant to section ~~2929.21~~ 2929.24 of the Revised Code 2910
 to a longer jail term ~~of imprisonment~~. In addition, the court 2911
 shall impose upon the offender a fine of not less than one hundred 2912
 fifty nor more than one thousand dollars. 2913

The court may suspend the execution of the mandatory jail 2914
term of three consecutive days ~~of imprisonment~~ that it is required 2915
 to impose by division (G)(1) of this section if the court, in lieu 2916
 of the suspended jail term ~~of imprisonment~~, places the offender ~~on~~ 2917
probation under a community control sanction pursuant to section 2918
2929.25 of the Revised Code and requires the offender to attend, 2919
 for three consecutive days, a drivers' intervention program that 2920
 is certified pursuant to section 3793.10 of the Revised Code. The 2921
 court also may suspend the execution of any part of the mandatory 2922
jail term of three consecutive days ~~of imprisonment~~ that it is 2923
 required to impose by division (G)(1) of this section if the court 2924
 places the offender ~~on probation~~ under a community control 2925
sanction pursuant to section 2929.25 of the Revised Code for part 2926
 of the three consecutive days; requires the offender to attend, 2927
 for that part of the three consecutive days, a drivers' 2928
 intervention program that is certified pursuant to section 3793.10 2929
 of the Revised Code; and sentences the offender to a jail term ~~of~~ 2930

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~~imprisonment~~ equal to the remainder of the three consecutive days 2931
 that the offender does not spend attending the drivers' 2932
 intervention program. The court may require the offender, as a 2933
 condition of ~~probation~~ community control, to attend and 2934
 satisfactorily complete any treatment or education programs, in 2935
 addition to the required attendance at a drivers' intervention 2936
 program, that the operators of the drivers' intervention program 2937
 determine that the offender should attend and to report 2938
 periodically to the court on the offender's progress in the 2939
 programs. The court also may impose any other conditions of 2940
~~probation~~ community control on the offender that it considers 2941
 necessary. 2942

(2) If, within six years of the offense, the offender has 2943
 been convicted of or pleaded guilty to one violation of section 2944
 1547.11 of the Revised Code, of a municipal ordinance relating to 2945
 operating a watercraft or manipulating any water skis, aquaplane, 2946
 or similar device while under the influence of alcohol, a drug of 2947
 abuse, or a combination of them, of a municipal ordinance relating 2948
 to operating a watercraft or manipulating any water skis, 2949
 aquaplane, or similar device with a prohibited concentration of 2950
 alcohol in the whole blood, blood serum or plasma, breath, or 2951
 urine, of division (A)(1) of section 2903.06 of the Revised Code, 2952
 or of division (A)(2), (3), or (4) of section 2903.06 of the 2953
 Revised Code or section 2903.06 or 2903.07 of the Revised Code as 2954
 they existed prior to March 23, 2000, in a case in which the jury 2955
 or judge found that the offender was under the influence of 2956
 alcohol, a drug of abuse, or a combination of them, the court 2957
 shall sentence the offender to a jail term ~~of imprisonment~~ of ten 2958
 consecutive days and may sentence the offender pursuant to section 2959
~~2929.21~~ 2929.24 of the Revised Code to a longer jail term ~~of~~ 2960
~~imprisonment~~. In addition, the court shall impose upon the 2961
 offender a fine of not less than one hundred fifty nor more than 2962
 one thousand dollars. 2963

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

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

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

(4) Upon a showing that ~~imprisonment~~ servng 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.

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(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~~ being imprisoned or serving a jail term,
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 this section in
any treatment program in lieu of ~~imprisonment~~ being imprisoned or
serving a jail term until after the offender has served the
mandatory jail term of ten or thirty consecutive days of
~~imprisonment~~ required to be imposed pursuant to division (G)(2) or
(3) of this section. 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~~ being imprisoned or serving a jail
term, no court, except as specifically authorized by division
(G)(1) of this section, shall suspend the mandatory jail term of
three consecutive days of ~~imprisonment~~ required to be imposed by
division (G)(1) of this section or place an offender who is
sentenced pursuant to division (G)(1) of this section in any
treatment program in lieu of imprisonment until after the offender
has served the mandatory jail term of three consecutive days of
~~imprisonment~~ required to be imposed pursuant to division (G)(1) of
this section.

(6) As used in division (G) of this section, "jail term" and
"mandatory jail term" have the same meanings as in section 2929.01
of the Revised Code.

(H) Whoever violates section 1547.304 of the Revised Code is
guilty of a misdemeanor of the fourth degree and also shall be
assessed any costs incurred by the state or a county, township,
municipal corporation, or other political subdivision in disposing

of an abandoned junk vessel or outboard motor, less any money 3028
accruing to the state, county, township, municipal corporation, or 3029
other political subdivision from that disposal. 3030

(I) Whoever violates division (B) or (C) of section 1547.49 3031
of the Revised Code is guilty of a minor misdemeanor. 3032

(J) Whoever violates section 1547.31 of the Revised Code is 3033
guilty of a misdemeanor of the fourth degree on a first offense. 3034
On each subsequent offense, the person is guilty of a misdemeanor 3035
of the third degree. 3036

(K) Whoever violates section 1547.05 or 1547.051 of the 3037
Revised Code is guilty of a misdemeanor of the fourth degree if 3038
the violation is not related to a collision, injury to a person, 3039
or damage to property and a misdemeanor of the third degree if the 3040
violation is related to a collision, injury to a person, or damage 3041
to property. 3042

(L) The sentencing court, in addition to the penalty provided 3043
under this section for a violation of this chapter or a rule 3044
adopted under it that involves a powercraft powered by more than 3045
ten horsepower and that, in the opinion of the court, involves a 3046
threat to the safety of persons or property, shall order the 3047
offender to complete successfully a boating course approved by the 3048
national association of state boating law administrators before 3049
the offender is allowed to operate a powercraft powered by more 3050
than ten horsepower on the waters in this state. Violation of a 3051
court order entered under this division is punishable as contempt 3052
under Chapter 2705. of the Revised Code. 3053

Sec. 1702.80. (A) As used in this section: 3054
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(1) "Qualified nonprofit corporation" means a nonprofit 3056
corporation that is established under this chapter and to which 3057

all of the following apply: 3058

(a) The nonprofit corporation is a tax-exempt charitable organization; 3059
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(b) The nonprofit corporation has other organizations as members, and at least twenty of its members are tax-exempt charitable organizations; 3061
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(c) The nonprofit corporation, together with its members that are organizations, owns, leases, occupies, or uses an area of not less than three hundred acres within which its police department established under division (B) of this section will provide police services; 3064
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(d) The chief of police of each municipal corporation within which the police department of the nonprofit corporation will be eligible to provide police services has given approval for persons who are appointed as police officers of that department to carry out their powers and duties as police officers. 3069
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(2) "Authorizing agreement" means the written agreement entered into between a qualified nonprofit corporation and a municipal corporation pursuant to division (B) of this section for the provision of police services within the municipal corporation by the police department of the nonprofit corporation established under division (B) of this section. 3074
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(3) "Tax exempt" means that a corporation or organization is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3) of the Internal Revenue Code, and that the corporation or organization has received from the internal revenue service a determination letter that currently is in effect stating that the corporation or organization is exempt from federal income taxation under that subsection and is described in that subsection. 3080
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(4) "Internal Revenue Code" means the "Internal Revenue Code 3088

of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 3089

(5) "Felony" has the same meaning as in section 109.511 of 3090
the Revised Code. 3091

(B) A qualified nonprofit corporation may establish a police 3092
department to provide police services, subject to the requirements 3093
and limitations set forth in this division and divisions (C) and 3094
(D) of this section, within one or more municipal corporations. 3095
Subject to division (E) of this section, the board of trustees of 3096
a qualified nonprofit corporation that establishes a police 3097
department may appoint persons as police officers of the 3098
department, and the corporation may employ the persons so 3099
appointed as police officers. 3100

A person so appointed and employed as a police officer is 3101
authorized to act as a police officer only to the extent and in 3102
the manner described in this section and only when directly 3103
engaged in the discharge of that person's duties as a police 3104
officer for the qualified nonprofit corporation. No person so 3105
appointed and employed as a police officer shall engage in any 3106
duties or activities as a police officer for a police department 3107
established by a qualified nonprofit corporation unless both of 3108
the following apply: 3109

(1) The person successfully has completed a training program 3110
approved by the Ohio peace officer training commission and has 3111
been certified by the commission as having successfully completed 3112
the training program, or the person previously has successfully 3113
completed a police officer basic training program certified by the 3114
commission and has been awarded a certificate to that effect by 3115
the commission. 3116

(2) The qualified nonprofit corporation has entered into a 3117
written authorizing agreement, as described in division (C) of 3118
this section, with the chief of police of each municipal 3119

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corporation within which the police department of the qualified 3120
nonprofit corporation will provide police services. 3121

(C) An authorizing agreement entered into between a qualified 3122
nonprofit corporation and a chief of police of a municipal 3123
corporation shall apply only to the agreeing municipal 3124
corporation, and a separate authorizing agreement shall be entered 3125
into for each municipal corporation within which the police 3126
department of the qualified nonprofit corporation will provide 3127
police services. An authorizing agreement shall not require, or 3128
contain any provision granting authority to, the chief of police 3129
or any other officer, official, or employee of the municipal 3130
corporation that enters into the agreement, to appoint or to 3131
approve or disapprove the appointment of any police officer 3132
appointed and employed by the qualified nonprofit corporation 3133
police department under division (B) of this section. An 3134
authorizing agreement shall comply with any statutes and with any 3135
municipal charter provisions, ordinances, or resolutions that may 3136
apply to it. An authorizing agreement may prescribe, but is not 3137
limited to, any of the following: 3138

(1) The geographical territory within the municipal 3139
corporation in which the police department established by the 3140
qualified nonprofit corporation under division (B) of this section 3141
may provide police services; 3142

(2) The standards and criteria to govern the interaction 3143
between the police officers employed by the police department 3144
established by the qualified nonprofit corporation under division 3145
(B) of this section and the law enforcement officers employed by 3146
the municipal corporation, which standards and criteria may 3147
include, but are not limited to, either of the following: 3148

(a) Provisions governing the reporting of offenses discovered 3149
by the police officers employed by the qualified nonprofit 3150
corporation police department to the police department of the 3151

municipal corporation; 3152

(b) Provisions governing the processing and confinement of 3153
persons arrested by police officers of the qualified nonprofit 3154
corporation police department. 3155

(3) Any limitation on the qualified nonprofit corporation 3156
police department's enforcement of municipal traffic ordinances 3157
and regulations; 3158

(4) The duration, if any, of the agreement. 3159

(D) If a qualified nonprofit corporation establishes a police 3160
department under this section, the qualified nonprofit 3161
corporation, within the geographical territory specified for each 3162
municipal corporation that has entered into an authorizing 3163
agreement with it, concurrently with the municipal corporation, 3164
shall preserve the peace, protect persons and property, enforce 3165
the laws of the state, and enforce the charter provisions, 3166
ordinances, and regulations of the political subdivisions of the 3167
state that apply within that territory. Except as limited by the 3168
terms of any applicable authorizing agreement, each police officer 3169
who is employed by a police department established by a qualified 3170
nonprofit corporation and who satisfies the requirement set forth 3171
in division (B)(1) of this section is vested, while directly in 3172
the discharge of that police officer's duties as a police officer, 3173
with the same powers and authority as are vested in a police 3174
officer of a municipal corporation under Title XXIX of the Revised 3175
Code and the Rules of Criminal Procedure, and with the same powers 3176
and authority, including the operation of a public safety vehicle, 3177
as are vested in a police officer of a municipal corporation under 3178
Chapter 4511. of the Revised Code. 3179

(E)(1) The board of trustees of a qualified nonprofit 3180
corporation that establishes a police department shall not appoint 3181
a person as a police officer of the department pursuant to 3182

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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
section 109.77 of the Revised Code.

(b) The board of trustees of a qualified nonprofit
corporation shall suspend from employment a police officer of its
police department appointed under division (B) of this section if
the police officer is convicted, after trial, of a felony. If the
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 police officer does not file a timely appeal, the
board shall terminate the employment of that police officer. If
the police officer files an appeal that results in the police
officer's acquittal of the felony or conviction of a misdemeanor,
or in the dismissal of the felony charge against the police
officer, the board shall reinstate that police officer. A police
officer who is reinstated under division (E)(2)(b) of this section
shall not receive any back pay unless that police officer's
conviction of the felony was reversed on appeal, or the felony
charge was dismissed, because the court found insufficient
evidence to convict the police officer of the felony.

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

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

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

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

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

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

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

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

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

(B) The board of trustees of a private college or university may establish a campus police department and appoint members of the campus police department to act as police officers. The board shall assign duties to the members of a campus police department that shall include the enforcement of the regulations of the college or university. Subject to division (E) of this section, the board shall appoint as members of a campus police department

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only those persons who have successfully completed a training 3243
program approved by the Ohio peace officer training commission and 3244
have been certified as having done so or who have previously 3245
successfully completed a police officer basic training program 3246
certified by the commission and have been awarded a certificate to 3247
that effect by the commission. 3248

Members of a campus police department shall not be reimbursed 3249
with state funds for any training they receive or be eligible to 3250
participate in any state or municipal retirement system. The 3251
uniforms, vehicles, and badges of members of a campus police 3252
department shall be distinct from those of the law enforcement 3253
agencies of the political subdivisions in which the private 3254
college or university that established the campus police 3255
department is located. 3256

(C) Each member of a campus police department appointed under 3257
division (B) of this section is vested, while directly in the 3258
discharge of that member's duties as a police officer, with the 3259
same powers and authority that are vested in a police officer of a 3260
municipal corporation or a county sheriff under Title XXIX of the 3261
Revised Code and the Rules of Criminal Procedure, including the 3262
same powers and authority relating to the operation of a public 3263
safety vehicle that are vested in a police officer of a municipal 3264
corporation or a county sheriff under Chapter 4511. of the Revised 3265
Code. Except as otherwise provided in this division, members of a 3266
campus police department may exercise, concurrently with the law 3267
enforcement officers of the political subdivisions in which the 3268
private college or university is located, the powers and authority 3269
granted to them under this division in order to preserve the 3270
peace, protect persons and property, enforce the laws of this 3271
state, and enforce the ordinances and regulations of the political 3272
subdivisions in which the private college or university is 3273
located, but only on the property of the private college or 3274

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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.

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

(E)(1) The board of trustees of a private college or
university that establishes a campus police department shall not
appoint a person as a member of the campus police 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 private college or
university shall terminate the employment of a member of its
campus police department appointed under division (B) of this
section if the member 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~~

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2929.43 of the Revised Code in which the member agrees to 3306
surrender the certificate awarded to that member under section 3307
109.77 of the Revised Code. 3308

(b) The board of trustees of a private college or university 3309
shall suspend from employment a member of its campus police 3310
department appointed under division (B) of this section if the 3311
member is convicted, after trial, of a felony. If the member of 3312
the campus police department files an appeal from that conviction 3313
and the conviction is upheld by the highest court to which the 3314
appeal is taken or if the member does not file a timely appeal, 3315
the board shall terminate the employment of that member. If the 3316
member of the campus police department files an appeal that 3317
results in that member's acquittal of the felony or conviction of 3318
a misdemeanor, or in the dismissal of the felony charge against 3319
that member, the board shall reinstate that member. A member of a 3320
campus police department who is reinstated under division 3321
(E)(2)(b) of this section shall not receive any back pay unless 3322
that member's conviction of the felony was reversed on appeal, or 3323
the felony charge was dismissed, because the court found 3324
insufficient evidence to convict the member of the felony. 3325

(3) Division (E) of this section does not apply regarding an 3326
offense that was committed prior to January 1, 1997. 3327

(4) The suspension from employment, or the termination of the 3328
employment, of a member of a campus police department under 3329
division (E)(2) of this section shall be in accordance with 3330
Chapter 119. of the Revised Code. 3331

Sec. 1905.033. (A) The mayor of a municipal corporation who 3332
conducts a mayor's court shall register annually with the supreme 3333
court as provided in this division. The mayor shall file the 3334
registration on a form prescribed by the supreme court and not 3335
later than the fifteenth day of January in any year in which the 3336

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mayor conducts a mayor's court or at least fifteen days before the 3337
mayor first conducts a mayor's court in a particular year, 3338
whichever is later. The registration shall include the name of the 3339
mayor, the name of any magistrate appointed by the mayor pursuant 3340
to section 1905.05 of the Revised Code, and the dates on which the 3341
mayor and magistrate last received the training required by 3342
section 1901.031 of the Revised Code. 3343

(B) The mayor of any municipal corporation who conducts a 3344
mayor's court shall make the following reports: 3345

(1) A report to the supreme court of all cases filed, 3346
pending, or terminated in the mayor's court in the reporting 3347
period covered by the report, and any financial, dispositional, 3348
and other information that the supreme court prescribes by rule. 3349
The mayor shall make the report under division (B)(1) of this 3350
section on a form prescribed by the supreme court and not later 3351
than the fifteenth day of January, April, July, and October of 3352
each year. The report shall cover all cases filed, pending, or 3353
terminated in the mayor's court for the calendar quarter preceding 3354
the appropriate filing date. 3355

(2) A report to the bureau of criminal identification and 3356
investigation of every conviction in the mayor's court for an 3357
offense that is a misdemeanor on a first offense and a felony on 3358
any subsequent offense. The mayor shall make the report under 3359
division (B)(2) of this section upon entry of the judgment of 3360
conviction for the offense. 3361

(C) A mayor of a municipal corporation who fails to comply 3362
with the general law on registering and reporting under this 3363
section shall not conduct a mayor's court. 3364

Sec. 2152.02. As used in this chapter: 3365

(A) "Act charged" means the act that is identified in a 3366

complaint, indictment, or information alleging that a child is a delinquent child. 3367
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(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. 3369
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(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. 3373
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(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. 3376
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(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. 3382
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(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. 3387
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(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 for the commission of an act, who has a serious youthful offender dispositional sentence imposed for the act pursuant to section 2152.13 of the Revised Code, and whose adult portion of the 3391
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dispositional sentence is invoked pursuant to section 2152.14 of 3398
the Revised Code, shall be deemed after the transfer or invocation 3399
not to be a child in any case in which a complaint is filed 3400
against the person. 3401

(6) The juvenile court has jurisdiction over a person who is 3402
adjudicated a delinquent child or juvenile traffic offender prior 3403
to attaining eighteen years of age until the person attains 3404
twenty-one years of age, and, for purposes of that jurisdiction 3405
related to that adjudication, a person who is so adjudicated a 3406
delinquent child or juvenile traffic offender shall be deemed a 3407
"child" until the person attains twenty-one years of age. 3408

(D) "Chronic truant" means any child of compulsory school age 3409
who is absent without legitimate excuse for absence from the 3410
public school the child is supposed to attend for seven or more 3411
consecutive school days, ten or more school days in one school 3412
month, or fifteen or more school days in a school year. 3413

(E) "Community corrections facility," "public safety beds," 3414
"release authority," and "supervised release" have the same 3415
meanings as in section 5139.01 of the Revised Code. 3416

(F) "Delinquent child" includes any of the following: 3417

(1) Any child, except a juvenile traffic offender, who 3418
violates any law of this state or the United States, or any 3419
ordinance of a political subdivision of the state, that would be 3420
an offense if committed by an adult; 3421

(2) Any child who violates any lawful order of the court made 3422
under this chapter or under Chapter 2151. of the Revised Code 3423
other than an order issued under section 2151.87 of the Revised 3424
Code; 3425

(3) Any child who violates division (A) of section 2923.211 3426
of the Revised Code; 3427

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- (4) Any child who is a habitual truant and who previously has been adjudicated an unruly child for being a habitual truant; 3428
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- (5) Any child who is a chronic truant. 3430
- (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. 3431
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- (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. 3434
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- (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. 3438
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- (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. 3441
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- (K) "Electronic monitoring" and "electronic monitoring device," "~~certified electronic monitoring device~~," "~~electronically monitored house arrest~~," "~~electronic monitoring system~~," and "~~certified electronic monitoring system~~" have the same meanings as in section ~~2929.23~~ 2929.01 of the Revised Code. 3444
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- (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. 3449
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- (M) "Firearm" has the same meaning as in section 2923.11 of the Revised Code. 3455
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- (N) "Juvenile traffic offender" means any child who violates 3457

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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.

(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.

(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.

(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.

(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.

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

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

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

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

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

(X) "Serious youthful offender" means a person who is

eligible for a mandatory SYO or discretionary SYO but who is not	3488
transferred to adult court under a mandatory or discretionary	3489
transfer.	3490
(Y) "Sexually oriented offense," "habitual sex offender,"	3491
"juvenile sex offender registrant," and "sexual predator" have the	3492
same meanings as in section 2950.01 of the Revised Code.	3493
(Z) "Traditional juvenile" means a case that is not	3494
transferred to adult court under a mandatory or discretionary	3495
transfer, that is eligible for a disposition under sections	3496
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and	3497
that is not eligible for a disposition under section 2152.13 of	3498
the Revised Code.	3499
(AA) "Transfer" means the transfer for criminal prosecution	3500
of a case involving the alleged commission by a child of an act	3501
that would be an offense if committed by an adult from the	3502
juvenile court to the appropriate court that has jurisdiction of	3503
the offense.	3504
(BB) "Category one offense" means any of the following:	3505
(1) A violation of section 2903.01 or 2903.02 of the Revised	3506
Code;	3507
(2) A violation of section 2923.02 of the Revised Code	3508
involving an attempt to commit aggravated murder or murder.	3509
(CC) "Category two offense" means any of the following:	3510
(1) A violation of section 2903.03, 2905.01, 2907.02,	3511
2909.02, 2911.01, or 2911.11 of the Revised Code;	3512
(2) A violation of section 2903.04 of the Revised Code that	3513
is a felony of the first degree;	3514
(3) A violation of section 2907.12 of the Revised Code as it	3515
existed prior to September 3, 1996.	3516

Sec. 2152.19. (A) If a child is adjudicated a delinquent 3517
child, the court may make any of the following orders of 3518
disposition, in addition to any other disposition authorized or 3519
required by this chapter: 3520

(1) Any order that is authorized by section 2151.353 of the 3521
Revised Code for the care and protection of an abused, neglected, 3522
or dependent child; 3523

(2) Commit the child to the temporary custody of any school, 3524
camp, institution, or other facility operated for the care of 3525
delinquent children by the county, by a district organized under 3526
section 2152.41 or 2151.65 of the Revised Code, or by a private 3527
agency or organization, within or without the state, that is 3528
authorized and qualified to provide the care, treatment, or 3529
placement required; 3530

(3) Place the child on community control under any sanctions, 3531
services, and conditions that the court prescribes. As a condition 3532
of community control in every case and in addition to any other 3533
condition that it imposes upon the child, the court shall require 3534
the child to abide by the law during the period of community 3535
control. As referred to in this division, community control 3536
includes, but is not limited to, the following sanctions and 3537
conditions: 3538

(a) A period of basic probation supervision in which the 3539
child is required to maintain contact with a person appointed to 3540
supervise the child in accordance with sanctions imposed by the 3541
court; 3542

(b) A period of intensive probation supervision in which the 3543
child is required to maintain frequent contact with a person 3544
appointed by the court to supervise the child while the child is 3545
seeking or maintaining employment and participating in training, 3546
education, and treatment programs as the order of disposition; 3547

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- (c) A period of day reporting in which the child is required 3548
each day to report to and leave a center or another approved 3549
reporting location at specified times in order to participate in 3550
work, education or training, treatment, and other approved 3551
programs at the center or outside the center; 3552
- (d) A period of community service of up to five hundred hours 3553
for an act that would be a felony or a misdemeanor of the first 3554
degree if committed by an adult, up to two hundred hours for an 3555
act that would be a misdemeanor of the second, third, or fourth 3556
degree if committed by an adult, or up to thirty hours for an act 3557
that would be a minor misdemeanor if committed by an adult; 3558
- (e) A requirement that the child obtain a high school 3559
diploma, a certificate of high school equivalence, vocational 3560
training, or employment; 3561
- (f) A period of drug and alcohol use monitoring; 3562
- (g) A requirement of alcohol or drug assessment or 3563
counseling, or a period in an alcohol or drug treatment program 3564
with a level of security for the child as determined necessary by 3565
the court; 3566
- (h) A period in which the court orders the child to observe a 3567
curfew that may involve daytime or evening hours; 3568
- (i) A requirement that the child serve monitored time; 3569
- (j) A period of house arrest ~~with or~~ without electronic 3570
monitoring; 3571
- (k) A period of electronic monitoring without house arrest or 3572
~~electronically monitored~~ house arrest with electronic monitoring 3573
that does not exceed the maximum sentence of imprisonment that 3574
could be imposed upon an adult who commits the same act. 3575
- A period of ~~electronically monitored~~ house arrest with 3576
electronic monitoring imposed under this division shall not extend 3577

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beyond the child's twenty-first birthday. If a court imposes a 3578
 period of ~~electronically monitored~~ house arrest with electronic 3579
monitoring upon a child under this division, it shall require the 3580
 child: ~~to wear, otherwise have attached to the child's person, or~~ 3581
~~otherwise be subject to monitoring by a certified electronic~~ 3582
~~monitoring device or to participate in the operation of and~~ 3583
~~monitoring by a certified electronic monitoring system;~~ to remain 3584
 in the child's home or other specified premises for the entire 3585
 period of ~~electronically monitored~~ house arrest with electronic 3586
monitoring except when the court permits the child to leave those 3587
 premises to go to school or to other specified premises; to be 3588
 monitored by a central system that can determine the child's 3589
 location at designated times; to report periodically to a person 3590
 designated by the court; and to enter into a written contract with 3591
 the court agreeing to comply with all requirements imposed by the 3592
 court, agreeing to pay any fee imposed by the court for the costs 3593
 of the ~~electronically monitored~~ house arrest with electronic 3594
monitoring, and agreeing to waive the right to receive credit for 3595
 any time served on ~~electronically monitored~~ house arrest with 3596
electronic monitoring toward the period of any other dispositional 3597
 order imposed upon the child if the child violates any of the 3598
 requirements of the dispositional order of ~~electronically~~ 3599
~~monitored~~ house arrest with electronic monitoring. The court also 3600
 may impose other reasonable requirements upon the child. 3601

Unless ordered by the court, a child shall not receive credit 3602
 for any time served on ~~electronically monitored~~ house arrest with 3603
electronic monitoring toward any other dispositional order imposed 3604
 upon the child for the act for which was imposed the dispositional 3605
 order of ~~electronically monitored~~ house arrest with electronic 3606
monitoring. 3607

(1) A suspension of the driver's license, probationary 3608
 driver's license, or temporary instruction permit issued to the 3609

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child for a period of time prescribed by the court, or a
suspension of the registration of all motor vehicles registered in
the name of the child for a period of time prescribed by the
court. A child whose license or permit is so suspended is
ineligible for issuance of a license or permit during the period
of suspension. At the end of the period of suspension, the child
shall not be reissued a license or permit until the child has paid
any applicable reinstatement fee and complied with all
requirements governing license reinstatement.

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

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

(6)(a) If a child is adjudicated a delinquent child for being
a chronic truant or an habitual truant who previously has been
adjudicated an unruly child for being a habitual truant, do either
or both of the following:

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

(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.

(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
care of the child has failed to cause the child's attendance at

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school in violation of section 3321.38 of the Revised Code, do 3641
either or both of the following: 3642

(i) Require the parent, guardian, or other person having care 3643
of the child to participate in a truancy prevention mediation 3644
program; 3645

(ii) Require the parent, guardian, or other person having 3646
care of the child to participate in any community service program, 3647
preferably a community service program that requires the 3648
involvement of the parent, guardian, or other person having care 3649
of the child in the school attended by the child. 3650

(7) Make any further disposition that the court finds proper, 3651
except that the child shall not be placed in any of the following: 3652
3653

(a) A state correctional institution, a county, multicounty, 3654
or municipal jail or workhouse, or another place in which an adult 3655
convicted of a crime, under arrest, or charged with a crime is 3656
held; 3657

(b) A community corrections facility, if the child would be 3658
covered by the definition of public safety beds for purposes of 3659
sections 5139.41 to 5139.45 of the Revised Code if the court 3660
exercised its authority to commit the child to the legal custody 3661
of the department of youth services for institutionalization or 3662
institutionalization in a secure facility pursuant to this 3663
chapter. 3664

(B) If a child is adjudicated a delinquent child, in addition 3665
to any order of disposition made under division (A) of this 3666
section, the court, in the following situations and for the 3667
specified periods of time, shall suspend the child's temporary 3668
instruction permit, restricted license, probationary driver's 3669
license, or nonresident operating privilege, or suspend the 3670
child's ability to obtain such a permit: 3671

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(1) If the child is adjudicated a delinquent child for 3672
violating section 2923.122 of the Revised Code, impose a class 3673
four suspension of the child's license, permit, or privilege from 3674
the range specified in division (A)(4) of section 4510.02 of the 3675
Revised Code or deny the child the issuance of a license or permit 3676
in accordance with division (F)(1) of section 2923.122 of the 3677
Revised Code. 3678

(2) If the child is adjudicated a delinquent child for 3679
committing an act that if committed by an adult would be a drug 3680
abuse offense or for violating division (B) of section 2917.11 of 3681
the Revised Code, suspend the child's license, permit, or 3682
privilege for a period of time prescribed by the court. The court, 3683
in its discretion, may terminate the suspension if the child 3684
attends and satisfactorily completes a drug abuse or alcohol abuse 3685
education, intervention, or treatment program specified by the 3686
court. During the time the child is attending a program described 3687
in this division, the court shall retain the child's temporary 3688
instruction permit, probationary driver's license, or driver's 3689
license, and the court shall return the permit or license if it 3690
terminates the suspension as described in this division. 3691

(C) The court may establish a victim-offender mediation 3692
program in which victims and their offenders meet to discuss the 3693
offense and suggest possible restitution. If the court obtains the 3694
assent of the victim of the delinquent act committed by the child, 3695
the court may require the child to participate in the program. 3696

3697

(D)(1) If a child is adjudicated a delinquent child for 3698
committing an act that would be a felony if committed by an adult 3699
and if the child caused, attempted to cause, threatened to cause, 3700
or created a risk of physical harm to the victim of the act, the 3701
court, prior to issuing an order of disposition under this 3702
section, shall order the preparation of a victim impact statement 3703

by the probation department of the county in which the victim of 3704
the act resides, by the court's own probation department, or by a 3705
victim assistance program that is operated by the state, a county, 3706
a municipal corporation, or another governmental entity. The court 3707
shall consider the victim impact statement in determining the 3708
order of disposition to issue for the child. 3709

(2) Each victim impact statement shall identify the victim of 3710
the act for which the child was adjudicated a delinquent child, 3711
itemize any economic loss suffered by the victim as a result of 3712
the act, identify any physical injury suffered by the victim as a 3713
result of the act and the seriousness and permanence of the 3714
injury, identify any change in the victim's personal welfare or 3715
familial relationships as a result of the act and any 3716
psychological impact experienced by the victim or the victim's 3717
family as a result of the act, and contain any other information 3718
related to the impact of the act upon the victim that the court 3719
requires. 3720

(3) A victim impact statement shall be kept confidential and 3721
is not a public record. However, the court may furnish copies of 3722
the statement to the department of youth services if the 3723
delinquent child is committed to the department or to both the 3724
adjudicated delinquent child or the adjudicated delinquent child's 3725
counsel and the prosecuting attorney. The copy of a victim impact 3726
statement furnished by the court to the department pursuant to 3727
this section shall be kept confidential and is not a public 3728
record. If an officer is preparing pursuant to section 2947.06 or 3729
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 3730
investigation report pertaining to a person, the court shall make 3731
available to the officer, for use in preparing the report, a copy 3732
of any victim impact statement regarding that person. The copies 3733
of a victim impact statement that are made available to the 3734
adjudicated delinquent child or the adjudicated delinquent child's 3735

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counsel and the prosecuting attorney pursuant to this division 3736
shall be returned to the court by the person to whom they were 3737
made available immediately following the imposition of an order of 3738
disposition for the child under this chapter. 3739

The copy of a victim impact statement that is made available 3740
pursuant to this division to an officer preparing a criminal 3741
presentence investigation report shall be returned to the court by 3742
the officer immediately following its use in preparing the report. 3743

(4) The department of youth services shall work with local 3744
probation departments and victim assistance programs to develop a 3745
standard victim impact statement. 3746

(E) If a child is adjudicated a delinquent child for being a 3747
chronic truant or an habitual truant who previously has been 3748
adjudicated an unruly child for being an habitual truant and the 3749
court determines that the parent, guardian, or other person having 3750
care of the child has failed to cause the child's attendance at 3751
school in violation of section 3321.38 of the Revised Code, in 3752
addition to any order of disposition it makes under this section, 3753
the court shall warn the parent, guardian, or other person having 3754
care of the child that any subsequent adjudication of the child as 3755
an unruly or delinquent child for being an habitual or chronic 3756
truant may result in a criminal charge against the parent, 3757
guardian, or other person having care of the child for a violation 3758
of division (C) of section 2919.21 or section 2919.24 of the 3759
Revised Code. 3760

(F)(1) During the period of a delinquent child's community 3761
control granted under this section, authorized probation officers 3762
who are engaged within the scope of their supervisory duties or 3763
responsibilities may search, with or without a warrant, the person 3764
of the delinquent child, the place of residence of the delinquent 3765
child, and a motor vehicle, another item of tangible or intangible 3766
personal property, or other real property in which the delinquent 3767

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child has a right, title, or interest or for which the delinquent 3768
child has the express or implied permission of a person with a 3769
right, title, or interest to use, occupy, or possess if the 3770
probation officers have reasonable grounds to believe that the 3771
delinquent child is not abiding by the law or otherwise is not 3772
complying with the conditions of the delinquent child's community 3773
control. The court that places a delinquent child on community 3774
control under this section shall provide the delinquent child with 3775
a written notice that informs the delinquent child that authorized 3776
probation officers who are engaged within the scope of their 3777
supervisory duties or responsibilities may conduct those types of 3778
searches during the period of community control if they have 3779
reasonable grounds to believe that the delinquent child is not 3780
abiding by the law or otherwise is not complying with the 3781
conditions of the delinquent child's community control. The court 3782
also shall provide the written notice described in division (E)(2) 3783
of this section to each parent, guardian, or custodian of the 3784
delinquent child who is described in that division. 3785

(2) The court that places a child on community control under 3786
this section shall provide the child's parent, guardian, or other 3787
custodian with a written notice that informs them that authorized 3788
probation officers may conduct searches pursuant to division 3789
(E)(1) of this section. The notice shall specifically state that a 3790
permissible search might extend to a motor vehicle, another item 3791
of tangible or intangible personal property, or a place of 3792
residence or other real property in which a notified parent, 3793
guardian, or custodian has a right, title, or interest and that 3794
the parent, guardian, or custodian expressly or impliedly permits 3795
the child to use, occupy, or possess. 3796

(G) If a juvenile court commits a delinquent child to the 3797
custody of any person, organization, or entity pursuant to this 3798
section and if the delinquent act for which the child is so 3799

committed is a sexually oriented offense, the court in the order 3800
of disposition shall do one of the following: 3801

(1) Require that the child be provided treatment as described 3802
in division (A)(2) of section 5139.13 of the Revised Code; 3803
3804

(2) Inform the person, organization, or entity that it is the 3805
preferred course of action in this state that the child be 3806
provided treatment as described in division (A)(2) of section 3807
5139.13 of the Revised Code and encourage the person, 3808
organization, or entity to provide that treatment. 3809

Sec. 2152.20. (A) If a child is adjudicated a delinquent 3810
child or a juvenile traffic offender, the court may order any of 3811
the following dispositions, in addition to any other disposition 3812
authorized or required by this chapter: 3813

(1) Impose a fine in accordance with the following schedule: 3814

(a) For an act that would be a minor misdemeanor or an 3815
unclassified misdemeanor if committed by an adult, a fine not to 3816
exceed fifty dollars; 3817

(b) For an act that would be a misdemeanor of the fourth 3818
degree if committed by an adult, a fine not to exceed one hundred 3819
dollars; 3820

(c) For an act that would be a misdemeanor of the third 3821
degree if committed by an adult, a fine not to exceed one hundred 3822
fifty dollars; 3823

(d) For an act that would be a misdemeanor of the second 3824
degree if committed by an adult, a fine not to exceed two hundred 3825
dollars; 3826

(e) For an act that would be a misdemeanor of the first 3827
degree if committed by an adult, a fine not to exceed two hundred 3828

fifty dollars;	3829
(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;	3830 3831 3832
(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;	3833 3834 3835
(h) For an act that would be a felony of the third degree if committed by an adult, a fine not to exceed seven hundred fifty dollars;	3836 3837 3838
(i) For an act that would be a felony of the second degree if committed by an adult, a fine not to exceed one thousand dollars;	3839 3840 3841
(j) For an act that would be a felony of the first degree if committed by an adult, a fine not to exceed one thousand five hundred dollars;	3842 3843 3844
(k) For an act that would be aggravated murder or murder if committed by an adult, a fine not to exceed two thousand dollars.	3845 3846
(2) Require the child to pay costs;	3847
(3) Require the child to make restitution to the victim of the child's delinquent act or, if the victim is deceased, to a survivor of the victim in an amount based upon the victim's economic loss caused by or related to the delinquent act. Restitution required under this division shall be made directly to the victim in open court or to the probation department that serves the jurisdiction or the clerk of courts on behalf of the victim. The restitution may include reimbursement to third parties, other than the delinquent child's insurer, for amounts paid to the victim or to any survivor of the victim for economic loss resulting from the delinquent act. If reimbursement to a	3848 3849 3850 3851 3852 3853 3854 3855 3856 3857 3858

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third party is required, the reimbursement shall be made to any
governmental agency to repay any amounts the agency paid to the
victim or any survivor of the victim before any reimbursement is
made to any other person.

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

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

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

The victim or the survivor of the victim may request that the
prosecuting authority file a motion, or the delinquent child may

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file a motion, for modification of the payment terms of any
restitution ordered under this division, ~~based on a substantial
change in the delinquent child's ability to pay. If the court
grants the motion, it may modify the payment terms as it
determines appropriate.~~

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

(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 section
2929.37 of the Revised Code and division (D) of section 307.93,
division (A) of section 341.19, division (C) of section 341.23 or
753.16, or division (B) of section 341.14, 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. 3923

(2) Sections 2925.41 to 2925.45 of the Revised Code apply to 3924
children who are adjudicated or could be adjudicated by a juvenile 3925
court to be delinquent children for an act that, if committed by 3926
an adult, would be a felony drug abuse offense. Subject to 3927
division (B) of section 2925.42 and division (E) of section 3928
2925.43 of the Revised Code, a delinquent child of that nature 3929
loses any right to the possession of, and forfeits to the state 3930
any right, title, and interest that the delinquent child may have 3931
in, property as defined in section 2925.41 of the Revised Code and 3932
further described in section 2925.42 or 2925.43 of the Revised 3933
Code. 3934

(3) Sections 2923.44 to 2923.47 of the Revised Code apply to 3935
children who are adjudicated or could be adjudicated by a juvenile 3936
court to be delinquent children for an act in violation of section 3937
2923.42 of the Revised Code. Subject to division (B) of section 3938
2923.44 and division (E) of section 2923.45 of the Revised Code, a 3939
delinquent child of that nature loses any right to the possession 3940
of, and forfeits to the state any right, title, and interest that 3941
the delinquent child may have in, property as defined in section 3942
2923.41 of the Revised Code and further described in section 3943
2923.44 or 2923.45 of the Revised Code. 3944

(C) The court may hold a hearing if necessary to determine 3945
whether a child is able to pay a sanction under this section. 3946

(D) If a child who is adjudicated a delinquent child is 3947
indigent, the court shall consider imposing a term of community 3948
service under division (A) of section 2152.19 of the Revised Code 3949
in lieu of imposing a financial sanction under this section. If a 3950
child who is adjudicated a delinquent child is not indigent, the 3951
court may impose a term of community service under that division 3952
in lieu of, or in addition to, imposing a financial sanction under 3953
this section. The court may order community service for an act 3954

that if committed by an adult would be a minor misdemeanor. 3955

If a child fails to pay a financial sanction imposed under 3956
this section, the court may impose a term of community service in 3957
lieu of the sanction. 3958

(E) The clerk of the court, or another person authorized by 3959
law or by the court to collect a financial sanction imposed under 3960
this section, may do any of the following: 3961

(1) Enter into contracts with one or more public agencies or 3962
private vendors for the collection of the amounts due under the 3963
financial sanction, which amounts may include interest from the 3964
date of imposition of the financial sanction; 3965

(2) Permit payment of all, or any portion of, the financial 3966
sanction in installments, by credit or debit card, by another type 3967
of electronic transfer, or by any other reasonable method, within 3968
any period of time, and on any terms that the court considers 3969
just, except that the maximum time permitted for payment shall not 3970
exceed five years. The clerk may pay any fee associated with 3971
processing an electronic transfer out of public money and may 3972
charge the fee to the delinquent child. 3973

(3) To defray administrative costs, charge a reasonable fee 3974
to a child who elects a payment plan rather than a lump sum 3975
payment of a financial sanction. 3976

Sec. 2301.03. (A) In Franklin county, the judges of the court 3977
of common pleas whose terms begin on January 1, 1953, January 2, 3978
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 3979
successors, shall have the same qualifications, exercise the same 3980
powers and jurisdiction, and receive the same compensation as 3981
other judges of the court of common pleas of Franklin county and 3982
shall be elected and designated as judges of the court of common 3983
pleas, division of domestic relations. They shall have all the 3984

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powers relating to juvenile courts, and all cases under Chapters 3985
2151. and 2152. of the Revised Code, all parentage proceedings 3986
under Chapter 3111. of the Revised Code over which the juvenile 3987
court has jurisdiction, and all divorce, dissolution of marriage, 3988
legal separation, and annulment cases shall be assigned to them. 3989
In addition to the judge's regular duties, the judge who is senior 3990
in point of service shall serve on the children services board and 3991
the county advisory board and shall be the administrator of the 3992
domestic relations division and its subdivisions and departments. 3993

(B) In Hamilton county: 3994

(1) The judge of the court of common pleas, whose term begins 3995
on January 1, 1957, and successors, and the judge of the court of 3996
common pleas, whose term begins on February 14, 1967, and 3997
successors, shall be the juvenile judges as provided in Chapters 3998
2151. and 2152. of the Revised Code, with the powers and 3999
jurisdiction conferred by those chapters. 4000
4001

(2) The judges of the court of common pleas whose terms begin 4002
on January 5, 1957, January 16, 1981, and July 1, 1991, and 4003
successors, shall be elected and designated as judges of the court 4004
of common pleas, division of domestic relations, and shall have 4005
assigned to them all divorce, dissolution of marriage, legal 4006
separation, and annulment cases coming before the court. On or 4007
after the first day of July and before the first day of August of 4008
1991 and each year thereafter, a majority of the judges of the 4009
division of domestic relations shall elect one of the judges of 4010
the division as administrative judge of that division. If a 4011
majority of the judges of the division of domestic relations are 4012
unable for any reason to elect an administrative judge for the 4013
division before the first day of August, a majority of the judges 4014
of the Hamilton county court of common pleas, as soon as possible 4015
after that date, shall elect one of the judges of the division of 4016

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domestic relations as administrative judge of that division. The 4017
term of the administrative judge shall begin on the earlier of the 4018
first day of August of the year in which the administrative judge 4019
is elected or the date on which the administrative judge is 4020
elected by a majority of the judges of the Hamilton county court 4021
of common pleas and shall terminate on the date on which the 4022
administrative judge's successor is elected in the following year. 4023

In addition to the judge's regular duties, the administrative 4024
judge of the division of domestic relations shall be the 4025
administrator of the domestic relations division and its 4026
subdivisions and departments and shall have charge of the 4027
employment, assignment, and supervision of the personnel of the 4028
division engaged in handling, servicing, or investigating divorce, 4029
dissolution of marriage, legal separation, and annulment cases, 4030
including any referees considered necessary by the judges in the 4031
discharge of their various duties. 4032

The administrative judge of the division of domestic 4033
relations also shall designate the title, compensation, expense 4034
allowances, hours, leaves of absence, and vacations of the 4035
personnel of the division, and shall fix the duties of its 4036
personnel. The duties of the personnel, in addition to those 4037
provided for in other sections of the Revised Code, shall include 4038
the handling, servicing, and investigation of divorce, dissolution 4039
of marriage, legal separation, and annulment cases and counseling 4040
and conciliation services that may be made available to persons 4041
requesting them, whether or not the persons are parties to an 4042
action pending in the division. 4043

The board of county commissioners shall appropriate the sum 4044
of money each year as will meet all the administrative expenses of 4045
the division of domestic relations, including reasonable expenses 4046
of the domestic relations judges and the division counselors and 4047
other employees designated to conduct the handling, servicing, and 4048

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investigation of divorce, dissolution of marriage, legal 4049
separation, and annulment cases, conciliation and counseling, and 4050
all matters relating to those cases and counseling, and the 4051
expenses involved in the attendance of division personnel at 4052
domestic relations and welfare conferences designated by the 4053
division, and the further sum each year as will provide for the 4054
adequate operation of the division of domestic relations. 4055

The compensation and expenses of all employees and the salary 4056
and expenses of the judges shall be paid by the county treasurer 4057
from the money appropriated for the operation of the division, 4058
upon the warrant of the county auditor, certified to by the 4059
administrative judge of the division of domestic relations. 4060

The summonses, warrants, citations, subpoenas, and other 4061
writs of the division may issue to a bailiff, constable, or staff 4062
investigator of the division or to the sheriff of any county or 4063
any marshal, constable, or police officer, and the provisions of 4064
law relating to the subpoenaing of witnesses in other cases shall 4065
apply insofar as they are applicable. When a summons, warrant, 4066
citation, subpoena, or other writ is issued to an officer, other 4067
than a bailiff, constable, or staff investigator of the division, 4068
the expense of serving it shall be assessed as a part of the costs 4069
in the case involved. 4070

(3) The judge of the court of common pleas of Hamilton county 4071
whose term begins on January 3, 1997, and the successor to that 4072
judge whose term begins on January 3, 2003, shall each be elected 4073
and designated for one term only as the drug court judge of the 4074
court of common pleas of Hamilton county. The successors to the 4075
judge whose term begins on January 3, 2003, shall be elected and 4076
designated as judges of the general division of the court of 4077
common pleas of Hamilton county and shall not have the authority 4078
granted by division (B)(3) of this section. The drug court judge 4079
may accept or reject any case referred to the drug court judge 4080

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under division (B)(3) of this section. After the drug court judge
accepts a referred case, the drug court judge has full authority
over the case, including the authority to conduct arraignment,
accept pleas, enter findings and dispositions, conduct trials,
order treatment, and if treatment is not successfully completed
pronounce and enter sentence.

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 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

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2913.01 of the Revised Code, that is a felony of the third or 4112
fourth degree if the offense is committed prior to July 1, 1996, a 4113
felony of the third, fourth, or fifth degree if the offense is 4114
committed on or after July 1, 1996, or a misdemeanor, and the 4115
defendant is drug or alcohol dependent or in danger of becoming 4116
drug or alcohol dependent and would benefit from treatment. 4117
4118

(b) All of the following apply: 4119

(i) The case involves ~~a probationable~~ an offense for which a 4120
community control sanction may be imposed or is a case in which a 4121
mandatory prison term or a mandatory jail term is not required to 4122
be imposed. 4123

(ii) The defendant has no history of violent behavior. 4124

(iii) The defendant has no history of mental illness. 4125

(iv) The defendant's current or past behavior, or both, is 4126
drug or alcohol driven. 4127

(v) The defendant demonstrates a sincere willingness to 4128
participate in a fifteen-month treatment process. 4129

(vi) The defendant has no acute health condition. 4130

(vii) If the defendant is incarcerated, the county prosecutor 4131
approves of the referral. 4132

(4) If the administrative judge of the court of common pleas 4133
of Hamilton county determines that the volume of cases pending 4134
before the drug court judge does not constitute a sufficient 4135
caseload for the drug court judge, the administrative judge, in 4136
accordance with the Rules of Superintendence for Courts of Common 4137
Pleas, shall assign individual cases to the drug court judge from 4138
the general docket of the court. If the assignments so occur, the 4139
administrative judge shall cease the assignments when the 4140
administrative judge determines that the volume of cases pending 4141

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before the drug court judge constitutes a sufficient caseload for 4142
the drug court judge. 4143

(5) As used in division (B) of this section, "community 4144
control sanction," "mandatory prison term," and "mandatory jail 4145
term" have the same meanings as in section 2929.01 of the Revised 4146
Code. 4147

(C) In Lorain county, the judges of the court of common pleas 4148
whose terms begin on January 3, 1959, January 4, 1989, and January 4149
2, 1999, and successors, shall have the same qualifications, 4150
exercise the same powers and jurisdiction, and receive the same 4151
compensation as the other judges of the court of common pleas of 4152
Lorain county and shall be elected and designated as the judges of 4153
the court of common pleas, division of domestic relations. They 4154
shall have all of the powers relating to juvenile courts, and all 4155
cases under Chapters 2151. and 2152. of the Revised Code, all 4156
parentage proceedings over which the juvenile court has 4157
jurisdiction, and all divorce, dissolution of marriage, legal 4158
separation, and annulment cases shall be assigned to them, except 4159
cases that for some special reason are assigned to some other 4160
judge of the court of common pleas. 4161

(D) In Lucas county: 4162

(1) The judges of the court of common pleas whose terms begin 4163
on January 1, 1955, and January 3, 1965, and successors, shall 4164
have the same qualifications, exercise the same powers and 4165
jurisdiction, and receive the same compensation as other judges of 4166
the court of common pleas of Lucas county and shall be elected and 4167
designated as judges of the court of common pleas, division of 4168
domestic relations. All divorce, dissolution of marriage, legal 4169
separation, and annulment cases shall be assigned to them. 4170

The judge of the division of domestic relations, senior in 4171
point of service, shall be considered as the presiding judge of 4172

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the court of common pleas, division of domestic relations, and 4173
shall be charged exclusively with the assignment and division of 4174
the work of the division and the employment and supervision of all 4175
other personnel of the domestic relations division. 4176

(2) The judges of the court of common pleas whose terms begin 4177
on January 5, 1977, and January 2, 1991, and successors shall have 4178
the same qualifications, exercise the same powers and 4179
jurisdiction, and receive the same compensation as other judges of 4180
the court of common pleas of Lucas county, shall be elected and 4181
designated as judges of the court of common pleas, juvenile 4182
division, and shall be the juvenile judges as provided in Chapters 4183
2151. and 2152. of the Revised Code with the powers and 4184
jurisdictions conferred by those chapters. In addition to the 4185
judge's regular duties, the judge of the court of common pleas, 4186
juvenile division, senior in point of service, shall be the 4187
administrator of the juvenile division and its subdivisions and 4188
departments and shall have charge of the employment, assignment, 4189
and supervision of the personnel of the division engaged in 4190
handling, servicing, or investigating juvenile cases, including 4191
any referees considered necessary by the judges of the division in 4192
the discharge of their various duties. 4193

The judge of the court of common pleas, juvenile division, 4194
senior in point of service, also shall designate the title, 4195
compensation, expense allowance, hours, leaves of absence, and 4196
vacation of the personnel of the division and shall fix the duties 4197
of the personnel of the division. The duties of the personnel, in 4198
addition to other statutory duties include the handling, 4199
servicing, and investigation of juvenile cases and counseling and 4200
conciliation services that may be made available to persons 4201
requesting them, whether or not the persons are parties to an 4202
action pending in the division. 4203

(3) If one of the judges of the court of common pleas, 4204

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division of domestic relations, or one of the judges of the 4205
juvenile division is sick, absent, or unable to perform that 4206
judge's judicial duties or the volume of cases pending in that 4207
judge's division necessitates it, the duties shall be performed by 4208
the judges of the other of those divisions. 4209

(E) In Mahoning county: 4210

(1) The judge of the court of common pleas whose term began 4211
on January 1, 1955, and successors, shall have the same 4212
qualifications, exercise the same powers and jurisdiction, and 4213
receive the same compensation as other judges of the court of 4214
common pleas of Mahoning county, shall be elected and designated 4215
as judge of the court of common pleas, division of domestic 4216
relations, and shall be assigned all the divorce, dissolution of 4217
marriage, legal separation, and annulment cases coming before the 4218
court. In addition to the judge's regular duties, the judge of the 4219
court of common pleas, division of domestic relations, shall be 4220
the administrator of the domestic relations division and its 4221
subdivisions and departments and shall have charge of the 4222
employment, assignment, and supervision of the personnel of the 4223
division engaged in handling, servicing, or investigating divorce, 4224
dissolution of marriage, legal separation, and annulment cases, 4225
including any referees considered necessary in the discharge of 4226
the various duties of the judge's office. 4227

The judge also shall designate the title, compensation, 4228
expense allowances, hours, leaves of absence, and vacations of the 4229
personnel of the division and shall fix the duties of the 4230
personnel of the division. The duties of the personnel, in 4231
addition to other statutory duties, include the handling, 4232
servicing, and investigation of divorce, dissolution of marriage, 4233
legal separation, and annulment cases and counseling and 4234
conciliation services that may be made available to persons 4235
requesting them, whether or not the persons are parties to an 4236

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action pending in the division. 4237

(2) The judge of the court of common pleas whose term began 4238
on January 2, 1969, and successors, shall have the same 4239
qualifications, exercise the same powers and jurisdiction, and 4240
receive the same compensation as other judges of the court of 4241
common pleas of Mahoning county, shall be elected and designated 4242
as judge of the court of common pleas, juvenile division, and 4243
shall be the juvenile judge as provided in Chapters 2151. and 4244
2152. of the Revised Code, with the powers and jurisdictions 4245
conferred by those chapters. In addition to the judge's regular 4246
duties, the judge of the court of common pleas, juvenile division, 4247
shall be the administrator of the juvenile division and its 4248
subdivisions and departments and shall have charge of the 4249
employment, assignment, and supervision of the personnel of the 4250
division engaged in handling, servicing, or investigating juvenile 4251
cases, including any referees considered necessary by the judge in 4252
the discharge of the judge's various duties. 4253

The judge also shall designate the title, compensation, 4254
expense allowances, hours, leaves of absence, and vacation of the 4255
personnel of the division and shall fix the duties of the 4256
personnel of the division. The duties of the personnel, in 4257
addition to other statutory duties, include the handling, 4258
servicing, and investigation of juvenile cases and counseling and 4259
conciliation services that may be made available to persons 4260
requesting them, whether or not the persons are parties to an 4261
action pending in the division. 4262

(3) If a judge of the court of common pleas, division of 4263
domestic relations or juvenile division, is sick, absent, or 4264
unable to perform that judge's judicial duties, or the volume of 4265
cases pending in that judge's division necessitates it, that 4266
judge's duties shall be performed by another judge of the court of 4267
common pleas. 4268

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(F) In Montgomery county: 4269

(1) The judges of the court of common pleas whose terms begin 4270
on January 2, 1953, and January 4, 1977, and successors, shall 4271
have the same qualifications, exercise the same powers and 4272
jurisdiction, and receive the same compensation as other judges of 4273
the court of common pleas of Montgomery county and shall be 4274
elected and designated as judges of the court of common pleas, 4275
division of domestic relations. These judges shall have assigned 4276
to them all divorce, dissolution of marriage, legal separation, 4277
and annulment cases. 4278

The judge of the division of domestic relations, senior in 4279
point of service, shall be charged exclusively with the assignment 4280
and division of the work of the division and shall have charge of 4281
the employment and supervision of the personnel of the division 4282
engaged in handling, servicing, or investigating divorce, 4283
dissolution of marriage, legal separation, and annulment cases, 4284
including any necessary referees, except those employees who may 4285
be appointed by the judge, junior in point of service, under this 4286
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 4287
Code. The judge of the division of domestic relations, senior in 4288
point of service, also shall designate the title, compensation, 4289
expense allowances, hours, leaves of absence, and vacation of the 4290
personnel of the division and shall fix their duties. 4291

(2) The judges of the court of common pleas whose terms begin 4292
on January 1, 1953, and January 1, 1993, and successors, shall 4293
have the same qualifications, exercise the same powers and 4294
jurisdiction, and receive the same compensation as other judges of 4295
the court of common pleas of Montgomery county, shall be elected 4296
and designated as judges of the court of common pleas, juvenile 4297
division, and shall be, and have the powers and jurisdiction of, 4298
the juvenile judge as provided in Chapters 2151. and 2152. of the 4299
Revised Code. 4300

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In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of juvenile cases and of any counseling and conciliation services that are available upon request to persons, whether or not they are parties to an action pending in the division.

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

(G) In Richland county, the judge of the court of common pleas whose term begins on January 1, 1957, 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 Richland county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. That judge shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce,

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dissolution of marriage, legal separation, and annulment cases 4333
shall be assigned to that judge, except in cases that for some 4334
special reason are assigned to some other judge of the court of 4335
common pleas. 4336

(H) In Stark county, the judges of the court of common pleas 4337
whose terms begin on January 1, 1953, January 2, 1959, and January 4338
1, 1993, and successors, shall have the same qualifications, 4339
exercise the same powers and jurisdiction, and receive the same 4340
compensation as other judges of the court of common pleas of Stark 4341
county and shall be elected and designated as judges of the court 4342
of common pleas, division of domestic relations. They shall have 4343
all the powers relating to juvenile courts, and all cases under 4344
Chapters 2151. and 2152. of the Revised Code, all parentage 4345
proceedings over which the juvenile court has jurisdiction, and 4346
all divorce, dissolution of marriage, legal separation, and 4347
annulment cases, except cases that are assigned to some other 4348
judge of the court of common pleas for some special reason, shall 4349
be assigned to the judges. 4350

The judge of the division of domestic relations, second most 4351
senior in point of service, shall have charge of the employment 4352
and supervision of the personnel of the division engaged in 4353
handling, servicing, or investigating divorce, dissolution of 4354
marriage, legal separation, and annulment cases, and necessary 4355
referees required for the judge's respective court. 4356

The judge of the division of domestic relations, senior in 4357
point of service, shall be charged exclusively with the 4358
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 4359
of the Revised Code and with the assignment and division of the 4360
work of the division and the employment and supervision of all 4361
other personnel of the division, including, but not limited to, 4362
that judge's necessary referees, but excepting those employees who 4363
may be appointed by the judge second most senior in point of 4364

service. The senior judge further shall serve in every other 4365
position in which the statutes permit or require a juvenile judge 4366
to serve. 4367

(I) In Summit county: 4368

(1) The judges of the court of common pleas whose terms begin 4369
on January 4, 1967, and January 6, 1993, and successors, shall 4370
have the same qualifications, exercise the same powers and 4371
jurisdiction, and receive the same compensation as other judges of 4372
the court of common pleas of Summit county and shall be elected 4373
and designated as judges of the court of common pleas, division of 4374
domestic relations. The judges of the division of domestic 4375
relations shall have assigned to them and hear all divorce, 4376
dissolution of marriage, legal separation, and annulment cases 4377
that come before the court. Except in cases that are subject to 4378
the exclusive original jurisdiction of the juvenile court, the 4379
judges of the division of domestic relations shall have assigned 4380
to them and hear all cases pertaining to paternity, custody, 4381
visitation, child support, or the allocation of parental rights 4382
and responsibilities for the care of children and all post-decree 4383
proceedings arising from any case pertaining to any of those 4384
matters. The judges of the division of domestic relations shall 4385
have assigned to them and hear all proceedings under the uniform 4386
interstate family support act contained in Chapter 3115. of the 4387
Revised Code. 4388

The judge of the division of domestic relations, senior in 4389
point of service, shall be the administrator of the domestic 4390
relations division and its subdivisions and departments and shall 4391
have charge of the employment, assignment, and supervision of the 4392
personnel of the division, including any necessary referees, who 4393
are engaged in handling, servicing, or investigating divorce, 4394
dissolution of marriage, legal separation, and annulment cases. 4395
That judge also shall designate the title, compensation, expense 4396

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allowances, hours, leaves of absence, and vacations of the 4397
personnel of the division and shall fix their duties. The duties 4398
of the personnel, in addition to other statutory duties, shall 4399
include the handling, servicing, and investigation of divorce, 4400
dissolution of marriage, legal separation, and annulment cases and 4401
of any counseling and conciliation services that are available 4402
upon request to all persons, whether or not they are parties to an 4403
action pending in the division. 4404

(2) The judge of the court of common pleas whose term begins 4405
on January 1, 1955, and successors, shall have the same 4406
qualifications, exercise the same powers and jurisdiction, and 4407
receive the same compensation as other judges of the court of 4408
common pleas of Summit county, shall be elected and designated as 4409
judge of the court of common pleas, juvenile division, and shall 4410
be, and have the powers and jurisdiction of, the juvenile judge as 4411
provided in Chapters 2151. and 2152. of the Revised Code. Except 4412
in cases that are subject to the exclusive original jurisdiction 4413
of the juvenile court, the judge of the juvenile division shall 4414
not have jurisdiction or the power to hear, and shall not be 4415
assigned, any case pertaining to paternity, custody, visitation, 4416
child support, or the allocation of parental rights and 4417
responsibilities for the care of children or any post-decree 4418
proceeding arising from any case pertaining to any of those 4419
matters. The judge of the juvenile division shall not have 4420
jurisdiction or the power to hear, and shall not be assigned, any 4421
proceeding under the uniform interstate family support act 4422
contained in Chapter 3115. of the Revised Code. 4423

The juvenile judge shall be the administrator of the juvenile 4424
division and its subdivisions and departments and shall have 4425
charge of the employment, assignment, and supervision of the 4426
personnel of the juvenile division, including any necessary 4427
referees, who are engaged in handling, servicing, or investigating 4428

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juvenile cases. The judge also shall designate the title, 4429
compensation, expense allowances, hours, leaves of absence, and 4430
vacation of the personnel of the division and shall fix their 4431
duties. The duties of the personnel, in addition to other 4432
statutory duties, shall include the handling, servicing, and 4433
investigation of juvenile cases and of any counseling and 4434
conciliation services that are available upon request to persons, 4435
whether or not they are parties to an action pending in the 4436
division. 4437

(J) In Trumbull county, the judges of the court of common 4438
pleas whose terms begin on January 1, 1953, and January 2, 1977, 4439
and successors, shall have the same qualifications, exercise the 4440
same powers and jurisdiction, and receive the same compensation as 4441
other judges of the court of common pleas of Trumbull county and 4442
shall be elected and designated as judges of the court of common 4443
pleas, division of domestic relations. They shall have all the 4444
powers relating to juvenile courts, and all cases under Chapters 4445
2151. and 2152. of the Revised Code, all parentage proceedings 4446
over which the juvenile court has jurisdiction, and all divorce, 4447
dissolution of marriage, legal separation, and annulment cases 4448
shall be assigned to them, except cases that for some special 4449
reason are assigned to some other judge of the court of common 4450
pleas. 4451

(K) In Butler county: 4452

(1) The judges of the court of common pleas whose terms begin 4453
on January 1, 1957, and January 4, 1993, and successors, shall 4454
have the same qualifications, exercise the same powers and 4455
jurisdiction, and receive the same compensation as other judges of 4456
the court of common pleas of Butler county and shall be elected 4457
and designated as judges of the court of common pleas, division of 4458
domestic relations. The judges of the division of domestic 4459
relations shall have assigned to them all divorce, dissolution of 4460

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marriage, legal separation, and annulment cases coming before the 4461
court, except in cases that for some special reason are assigned 4462
to some other judge of the court of common pleas. The judge senior 4463
in point of service shall be charged with the assignment and 4464
division of the work of the division and with the employment and 4465
supervision of all other personnel of the domestic relations 4466
division. 4467

The judge senior in point of service also shall designate the 4468
title, compensation, expense allowances, hours, leaves of absence, 4469
and vacations of the personnel of the division and shall fix their 4470
duties. The duties of the personnel, in addition to other 4471
statutory duties, shall include the handling, servicing, and 4472
investigation of divorce, dissolution of marriage, legal 4473
separation, and annulment cases and providing any counseling and 4474
conciliation services that the division makes available to 4475
persons, whether or not the persons are parties to an action 4476
pending in the division, who request the services. 4477

(2) The judges of the court of common pleas whose terms begin 4478
on January 3, 1987, and January 2, 2003, and successors, shall 4479
have the same qualifications, exercise the same powers and 4480
jurisdiction, and receive the same compensation as other judges of 4481
the court of common pleas of Butler county, shall be elected and 4482
designated as judges of the court of common pleas, juvenile 4483
division, and shall be the juvenile judges as provided in Chapters 4484
2151. and 2152. of the Revised Code, with the powers and 4485
jurisdictions conferred by those chapters. The judge of the court 4486
of common pleas, juvenile division, who is senior in point of 4487
service, shall be the administrator of the juvenile division and 4488
its subdivisions and departments. The judge, senior in point of 4489
service, shall have charge of the employment, assignment, and 4490
supervision of the personnel of the juvenile division who are 4491
engaged in handling, servicing, or investigating juvenile cases, 4492

including any referees whom the judge considers necessary for the 4493
discharge of the judge's various duties. 4494

The judge, senior in point of service, also shall designate 4495
the title, compensation, expense allowances, hours, leaves of 4496
absence, and vacation of the personnel of the division and shall 4497
fix their duties. The duties of the personnel, in addition to 4498
other statutory duties, include the handling, servicing, and 4499
investigation of juvenile cases and providing any counseling and 4500
conciliation services that the division makes available to 4501
persons, whether or not the persons are parties to an action 4502
pending in the division, who request the services. 4503

(3) If a judge of the court of common pleas, division of 4504
domestic relations or juvenile division, is sick, absent, or 4505
unable to perform that judge's judicial duties or the volume of 4506
cases pending in the judge's division necessitates it, the duties 4507
of that judge shall be performed by the other judges of the 4508
domestic relations and juvenile divisions. 4509

(L)(1) In Cuyahoga county, the judges of the court of common 4510
pleas whose terms begin on January 8, 1961, January 9, 1961, 4511
January 18, 1975, January 19, 1975, and January 13, 1987, and 4512
successors, shall have the same qualifications, exercise the same 4513
powers and jurisdiction, and receive the same compensation as 4514
other judges of the court of common pleas of Cuyahoga county and 4515
shall be elected and designated as judges of the court of common 4516
pleas, division of domestic relations. They shall have all the 4517
powers relating to all divorce, dissolution of marriage, legal 4518
separation, and annulment cases, except in cases that are assigned 4519
to some other judge of the court of common pleas for some special 4520
reason. 4521

(2) The administrative judge is administrator of the domestic 4522
relations division and its subdivisions and departments and has 4523
the following powers concerning division personnel: 4524

(a) Full charge of the employment, assignment, and supervision;	4525 4526
(b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations.	4527 4528
(3) "Division personnel" include persons employed or referees engaged in hearing, servicing, investigating, counseling, or conciliating divorce, dissolution of marriage, legal separation and annulment matters.	4529 4530 4531 4532
(M) In Lake county:	4533
(1) The judge of the court of common pleas whose term begins on January 2, 1961, 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 Lake 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 the 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.	4534 4535 4536 4537 4538 4539 4540 4541 4542 4543 4544 4545 4546 4547
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	4548 4549 4550 4551 4552 4553 4554 4555

are parties to an action pending in the division, who request the
services.

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(2) The judge of the court of common pleas whose term begins
on January 4, 1979, 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 Lake county, shall be elected and designated as
judge of the court of common pleas, juvenile division, and shall
be the juvenile judge as provided in Chapters 2151. and 2152. of
the Revised Code, with the powers and jurisdictions conferred by
those chapters. 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
division makes available to persons, whether or not the persons
are parties to an action pending in the division, who request the
services.

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(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

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domestic relations and juvenile divisions. 4588

(N) In Erie county, the judge of the court of common pleas 4589
whose term begins on January 2, 1971, and successors, shall have 4590
the same qualifications, exercise the same powers and 4591
jurisdiction, and receive the same compensation as the other judge 4592
of the court of common pleas of Erie county and shall be elected 4593
and designated as judge of the court of common pleas, division of 4594
domestic relations. The judge shall have all the powers relating 4595
to juvenile courts, and shall be assigned all cases under Chapters 4596
2151. and 2152. of the Revised Code, parentage proceedings over 4597
which the juvenile court has jurisdiction, and divorce, 4598
dissolution of marriage, legal separation, and annulment cases, 4599
except cases that for some special reason are assigned to some 4600
other judge. 4601

(O) In Greene county: 4602

(1) The judge of the court of common pleas whose term begins 4603
on January 1, 1961, and successors, shall have the same 4604
qualifications, exercise the same powers and jurisdiction, and 4605
receive the same compensation as the other judges of the court of 4606
common pleas of Greene county and shall be elected and designated 4607
as the judge of the court of common pleas, division of domestic 4608
relations. The judge shall be assigned all divorce, dissolution of 4609
marriage, legal separation, annulment, uniform reciprocal support 4610
enforcement, and domestic violence cases and all other cases 4611
related to domestic relations, except cases that for some special 4612
reason are assigned to some other judge of the court of common 4613
pleas. 4614

The judge shall be charged with the assignment and division 4615
of the work of the division and with the employment and 4616
supervision of all other personnel of the division. The judge also 4617
shall designate the title, compensation, hours, leaves of absence, 4618
and vacations of the personnel of the division and shall fix their 4619

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duties. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and the provision of counseling and conciliation services that the division considers necessary and makes available to persons who request the services, whether or not the persons are parties in an action pending in the division. The compensation for the personnel shall be paid from the overall court budget and shall be included in the appropriations for the existing judges of the general division of the court of common pleas.

(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.

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

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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.

(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.

(P) In Portage county, the judge of the court of common
pleas, whose term begins January 2, 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 Portage 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
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. 4684

(Q) In Clermont county, the judge of the court of common 4685
pleas, whose term begins January 2, 1987, and successors, shall 4686
have the same qualifications, exercise the same powers and 4687
jurisdiction, and receive the same compensation as the other 4688
judges of the court of common pleas of Clermont county and shall 4689
be elected and designated as judge of the court of common pleas, 4690
division of domestic relations. The judge shall be assigned all 4691
divorce, dissolution of marriage, legal separation, and annulment 4692
cases coming before the court, except in cases that for some 4693
special reason are assigned to some other judge of the court of 4694
common pleas. The judge shall be charged with the assignment and 4695
division of the work of the division and with the employment and 4696
supervision of all other personnel of the domestic relations 4697
division. 4698

The judge also shall designate the title, compensation, 4699
expense allowances, hours, leaves of absence, and vacations of the 4700
personnel of the division and shall fix their duties. The duties 4701
of the personnel, in addition to other statutory duties, shall 4702
include the handling, servicing, and investigation of divorce, 4703
dissolution of marriage, legal separation, and annulment cases and 4704
providing any counseling and conciliation services that the 4705
division makes available to persons, whether or not the persons 4706
are parties to an action pending in the division, who request the 4707
services. 4708

(R) In Warren county, the judge of the court of common pleas, 4709
whose term begins January 1, 1987, and successors, shall have the 4710
same qualifications, exercise the same powers and jurisdiction, 4711
and receive the same compensation as the other judges of the court 4712
of common pleas of Warren county and shall be elected and 4713
designated as judge of the court of common pleas, division of 4714
domestic relations. The judge shall be assigned all divorce, 4715

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dissolution of marriage, legal separation, and annulment cases 4716
coming before the court, except in cases that for some special 4717
reason are assigned to some other judge of the court of common 4718
pleas. The judge shall be charged with the assignment and division 4719
of the work of the division and with the employment and 4720
supervision of all other personnel of the domestic relations 4721
division. 4722

The judge also shall designate the title, compensation, 4723
expense allowances, hours, leaves of absence, and vacations of the 4724
personnel of the division and shall fix their duties. The duties 4725
of the personnel, in addition to other statutory duties, shall 4726
include the handling, servicing, and investigation of divorce, 4727
dissolution of marriage, legal separation, and annulment cases and 4728
providing any counseling and conciliation services that the 4729
division makes available to persons, whether or not the persons 4730
are parties to an action pending in the division, who request the 4731
services. 4732

(S) In Licking county, the judge of the court of common 4733
pleas, whose term begins January 1, 1991, and successors, shall 4734
have the same qualifications, exercise the same powers and 4735
jurisdiction, and receive the same compensation as the other 4736
judges of the court of common pleas of Licking county and shall be 4737
elected and designated as judge of the court of common pleas, 4738
division of domestic relations. The judge shall be assigned all 4739
divorce, dissolution of marriage, legal separation, and annulment 4740
cases, all cases arising under Chapter 3111. of the Revised Code, 4741
all proceedings involving child support, the allocation of 4742
parental rights and responsibilities for the care of children and 4743
the designation for the children of a place of residence and legal 4744
custodian, parenting time, and visitation, and all post-decree 4745
proceedings and matters arising from those cases and proceedings, 4746
except in cases that for some special reason are assigned to 4747

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another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation and providing 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.

(T) In Allen county, the judge of the court of common pleas, whose term begins January 1, 1993, 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 Allen 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, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree

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proceedings and matters arising from those cases and proceedings, 4780
except in cases that for some special reason are assigned to 4781
another judge of the court of common pleas. The judge shall be 4782
charged with the assignment and division of the work of the 4783
division and with the employment and supervision of the personnel 4784
of the division. 4785

The judge shall designate the title, compensation, expense 4786
allowances, hours, leaves of absence, and vacations of the 4787
personnel of the division and shall fix the duties of the 4788
personnel of the division. The duties of the personnel of the 4789
division, in addition to other statutory duties, shall include the 4790
handling, servicing, and investigation of divorce, dissolution of 4791
marriage, legal separation, and annulment cases, cases arising 4792
under Chapter 3111. of the Revised Code, and proceedings involving 4793
child support, the allocation of parental rights and 4794
responsibilities for the care of children and the designation for 4795
the children of a place of residence and legal custodian, 4796
parenting time, and visitation, and providing any counseling and 4797
conciliation services that the division makes available to 4798
persons, whether or not the persons are parties to an action 4799
pending in the division, who request the services. 4800

(U) In Medina county, the judge of the court of common pleas 4801
whose term begins January 1, 1995, and successors, shall have the 4802
same qualifications, exercise the same powers and jurisdiction, 4803
and receive the same compensation as other judges of the court of 4804
common pleas of Medina county and shall be elected and designated 4805
as judge of the court of common pleas, division of domestic 4806
relations. The judge shall be assigned all divorce, dissolution of 4807
marriage, legal separation, and annulment cases, all cases arising 4808
under Chapter 3111. of the Revised Code, all proceedings involving 4809
child support, the allocation of parental rights and 4810
responsibilities for the care of children and the designation for 4811

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the children of a place of residence and legal custodian, 4812
parenting time, and visitation, and all post-decree proceedings 4813
and matters arising from those cases and proceedings, except in 4814
cases that for some special reason are assigned to another judge 4815
of the court of common pleas. The judge shall be charged with the 4816
assignment and division of the work of the division and with the 4817
employment and supervision of the personnel of the division. 4818

The judge shall designate the title, compensation, expense 4819
allowances, hours, leaves of absence, and vacations of the 4820
personnel of the division and shall fix the duties of the 4821
personnel of the division. The duties of the personnel, in 4822
addition to other statutory duties, include the handling, 4823
servicing, and investigation of divorce, dissolution of marriage, 4824
legal separation, and annulment cases, cases arising under Chapter 4825
3111. of the Revised Code, and proceedings involving child 4826
support, the allocation of parental rights and responsibilities 4827
for the care of children and the designation for the children of a 4828
place of residence and legal custodian, parenting time, and 4829
visitation, and providing counseling and conciliation services 4830
that the division makes available to persons, whether or not the 4831
persons are parties to an action pending in the division, who 4832
request the services. 4833

(V) In Fairfield county, the judge of the court of common 4834
pleas whose term begins January 2, 1995, and successors, shall 4835
have the same qualifications, exercise the same powers and 4836
jurisdiction, and receive the same compensation as the other 4837
judges of the court of common pleas of Fairfield county and shall 4838
be elected and designated as judge of the court of common pleas, 4839
division of domestic relations. The judge shall be assigned all 4840
divorce, dissolution of marriage, legal separation, and annulment 4841
cases, all cases arising under Chapter 3111. of the Revised Code, 4842
all proceedings involving child support, the allocation of 4843

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parental rights and responsibilities for the care of children and 4844
the designation for the children of a place of residence and legal 4845
custodian, parenting time, and visitation, and all post-decree 4846
proceedings and matters arising from those cases and proceedings, 4847
except in cases that for some special reason are assigned to 4848
another judge of the court of common pleas. The judge also has 4849
concurrent jurisdiction with the probate-juvenile division of the 4850
court of common pleas of Fairfield county with respect to and may 4851
hear cases to determine the custody of a child, as defined in 4852
section 2151.011 of the Revised Code, who is not the ward of 4853
another court of this state, cases that are commenced by a parent, 4854
guardian, or custodian of a child, as defined in section 2151.011 4855
of the Revised Code, to obtain an order requiring a parent of the 4856
child to pay child support for that child when the request for 4857
that order is not ancillary to an action for divorce, dissolution 4858
of marriage, annulment, or legal separation, a criminal or civil 4859
action involving an allegation of domestic violence, an action for 4860
support under Chapter 3115. of the Revised Code, or an action that 4861
is within the exclusive original jurisdiction of the 4862
probate-juvenile division of the court of common pleas of 4863
Fairfield county and that involves an allegation that the child is 4864
an abused, neglected, or dependent child, and post-decree 4865
proceedings and matters arising from those types of cases. 4866

The judge of the domestic relations division shall be charged 4867
with the assignment and division of the work of the division and 4868
with the employment and supervision of the personnel of the 4869
division. 4870

The judge shall designate the title, compensation, expense 4871
allowances, hours, leaves of absence, and vacations of the 4872
personnel of the division and shall fix the duties of the 4873
personnel of the division. The duties of the personnel of the 4874
division, in addition to other statutory duties, shall include the 4875

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handling, servicing, and investigation of divorce, dissolution of 4876
marriage, legal separation, and annulment cases, cases arising 4877
under Chapter 3111. of the Revised Code, and proceedings involving 4878
child support, the allocation of parental rights and 4879
responsibilities for the care of children and the designation for 4880
the children of a place of residence and legal custodian, 4881
parenting time, and visitation, and providing any counseling and 4882
conciliation services that the division makes available to 4883
persons, regardless of whether the persons are parties to an 4884
action pending in the division, who request the services. When the 4885
judge hears a case to determine the custody of a child, as defined 4886
in section 2151.011 of the Revised Code, who is not the ward of 4887
another court of this state or a case that is commenced by a 4888
parent, guardian, or custodian of a child, as defined in section 4889
2151.011 of the Revised Code, to obtain an order requiring a 4890
parent of the child to pay child support for that child when the 4891
request for that order is not ancillary to an action for divorce, 4892
dissolution of marriage, annulment, or legal separation, a 4893
criminal or civil action involving an allegation of domestic 4894
violence, an action for support under Chapter 3115. of the Revised 4895
Code, or an action that is within the exclusive original 4896
jurisdiction of the probate-juvenile division of the court of 4897
common pleas of Fairfield county and that involves an allegation 4898
that the child is an abused, neglected, or dependent child, the 4899
duties of the personnel of the domestic relations division also 4900
include the handling, servicing, and investigation of those types 4901
of cases. 4902

(W)(1) In Clark county, the judge of the court of common 4903
pleas whose term begins on January 2, 1995, and successors, shall 4904
have the same qualifications, exercise the same powers and 4905
jurisdiction, and receive the same compensation as other judges of 4906
the court of common pleas of Clark county and shall be elected and 4907

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designated as judge of the court of common pleas, domestic 4908
relations division. The judge shall have all the powers relating 4909
to juvenile courts, and all cases under Chapters 2151. and 2152. 4910
of the Revised Code and all parentage proceedings under Chapter 4911
3111. of the Revised Code over which the juvenile court has 4912
jurisdiction shall be assigned to the judge of the division of 4913
domestic relations. All divorce, dissolution of marriage, legal 4914
separation, annulment, uniform reciprocal support enforcement, and 4915
other cases related to domestic relations shall be assigned to the 4916
domestic relations division, and the presiding judge of the court 4917
of common pleas shall assign the cases to the judge of the 4918
domestic relations division and the judges of the general 4919
division. 4920

(2) In addition to the judge's regular duties, the judge of 4921
the division of domestic relations shall serve on the children 4922
services board and the county advisory board. 4923

(3) If the judge of the court of common pleas of Clark 4924
county, division of domestic relations, is sick, absent, or unable 4925
to perform that judge's judicial duties or if the presiding judge 4926
of the court of common pleas of Clark county determines that the 4927
volume of cases pending in the division of domestic relations 4928
necessitates it, the duties of the judge of the division of 4929
domestic relations shall be performed by the judges of the general 4930
division or probate division of the court of common pleas of Clark 4931
county, as assigned for that purpose by the presiding judge of 4932
that court, and the judges so assigned shall act in conjunction 4933
with the judge of the division of domestic relations of that 4934
court. 4935

(X) In Scioto county, the judge of the court of common pleas 4936
whose term begins January 2, 1995, and successors, shall have the 4937
same qualifications, exercise the same powers and jurisdiction, 4938
and receive the same compensation as other judges of the court of 4939

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common pleas of Scioto county and shall be elected and designated 4940
as judge of the court of common pleas, division of domestic 4941
relations. The judge shall be assigned all divorce, dissolution of 4942
marriage, legal separation, and annulment cases, all cases arising 4943
under Chapter 3111. of the Revised Code, all proceedings involving 4944
child support, the allocation of parental rights and 4945
responsibilities for the care of children and the designation for 4946
the children of a place of residence and legal custodian, 4947
parenting time, visitation, and all post-decree proceedings and 4948
matters arising from those cases and proceedings, except in cases 4949
that for some special reason are assigned to another judge of the 4950
court of common pleas. The judge shall be charged with the 4951
assignment and division of the work of the division and with the 4952
employment and supervision of the personnel of the division. 4953

The judge shall designate the title, compensation, expense 4954
allowances, hours, leaves of absence, and vacations of the 4955
personnel of the division and shall fix the duties of the 4956
personnel of the division. The duties of the personnel, in 4957
addition to other statutory duties, include the handling, 4958
servicing, and investigation of divorce, dissolution of marriage, 4959
legal separation, and annulment cases, cases arising under Chapter 4960
3111. of the Revised Code, and proceedings involving child 4961
support, the allocation of parental rights and responsibilities 4962
for the care of children and the designation for the children of a 4963
place of residence and legal custodian, parenting time, and 4964
visitation, and providing counseling and conciliation services 4965
that the division makes available to persons, whether or not the 4966
persons are parties to an action pending in the division, who 4967
request the services. 4968

(Y) In Auglaize county, the judge of the probate and juvenile 4969
divisions of the Auglaize county court of common pleas also shall 4970
be the administrative judge of the domestic relations division of 4971

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the court and shall be assigned all divorce, dissolution of 4972
marriage, legal separation, and annulment cases coming before the 4973
court. The judge shall have all powers as administrator of the 4974
domestic relations division and shall have charge of the personnel 4975
engaged in handling, servicing, or investigating divorce, 4976
dissolution of marriage, legal separation, and annulment cases, 4977
including any referees considered necessary for the discharge of 4978
the judge's various duties. 4979

(Z)(1) In Marion county, the judge of the court of common 4980
pleas whose term begins on February 9, 1999, and the successors to 4981
that judge, shall have the same qualifications, exercise the same 4982
powers and jurisdiction, and receive the same compensation as the 4983
other judges of the court of common pleas of Marion county and 4984
shall be elected and designated as judge of the court of common 4985
pleas, domestic relations-juvenile-probate division. Except as 4986
otherwise specified in this division, that judge, and the 4987
successors to that judge, shall have all the powers relating to 4988
juvenile courts, and all cases under Chapters 2151. and 2152. of 4989
the Revised Code, all cases arising under Chapter 3111. of the 4990
Revised Code, all divorce, dissolution of marriage, legal 4991
separation, and annulment cases, all proceedings involving child 4992
support, the allocation of parental rights and responsibilities 4993
for the care of children and the designation for the children of a 4994
place of residence and legal custodian, parenting time, and 4995
visitation, and all post-decree proceedings and matters arising 4996
from those cases and proceedings shall be assigned to that judge 4997
and the successors to that judge. Except as provided in division 4998
(Z)(2) of this section and notwithstanding any other provision of 4999
any section of the Revised Code, on and after February 9, 2003, 5000
the judge of the court of common pleas of Marion county whose term 5001
begins on February 9, 1999, and the successors to that judge, 5002
shall have all the powers relating to the probate division of the 5003

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court of common pleas of Marion county in addition to the powers 5004
previously specified in this division, and shall exercise 5005
concurrent jurisdiction with the judge of the probate division of 5006
that court over all matters that are within the jurisdiction of 5007
the probate division of that court under Chapter 2101., and other 5008
provisions, of the Revised Code in addition to the jurisdiction of 5009
the domestic relations-juvenile-probate division of that court 5010
otherwise specified in division (Z)(1) of this section. 5011

(2) The judge of the domestic relations-juvenile-probate 5012
division of the court of common pleas of Marion county or the 5013
judge of the probate division of the court of common pleas of 5014
Marion county, whichever of those judges is senior in total length 5015
of service on the court of common pleas of Marion county, 5016
regardless of the division or divisions of service, shall serve as 5017
the clerk of the probate division of the court of common pleas of 5018
Marion county. 5019

(3) On and after February 9, 2003, all references in law to 5020
"the probate court," "the probate judge," "the juvenile court," or 5021
"the judge of the juvenile court" shall be construed, with respect 5022
to Marion county, as being references to both "the probate 5023
division" and "the domestic relations-juvenile-probate division" 5024
and as being references to both "the judge of the probate 5025
division" and "the judge of the domestic relations- 5026
juvenile-probate division." On and after February 9, 2003, all 5027
references in law to "the clerk of the probate court" shall be 5028
construed, with respect to Marion county, as being references to 5029
the judge who is serving pursuant to division (Z)(2) of this 5030
section as the clerk of the probate division of the court of 5031
common pleas of Marion county. 5032

(AA) In Muskingum county, the judge of the court of common 5033
pleas whose term begins on January 2, 2003, and successors, shall 5034
have the same qualifications, exercise the same powers and 5035

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jurisdiction, and receive the same compensation as the other 5036
judges of the court of common pleas of Muskingum county and shall 5037
be elected and designated as the judge of the court of common 5038
pleas, division of domestic relations. The judge shall be assigned 5039
and hear all divorce, dissolution of marriage, legal separation, 5040
and annulment cases and all proceedings under the uniform 5041
interstate family support act contained in Chapter 3115. of the 5042
Revised Code. Except in cases that are subject to the exclusive 5043
original jurisdiction of the juvenile court, the judge shall be 5044
assigned and hear all cases pertaining to paternity, visitation, 5045
child support, the allocation of parental rights and 5046
responsibilities for the care of children, and the designation for 5047
the children of a place of residence and legal custodian, and all 5048
post-decree proceedings arising from any case pertaining to any of 5049
those matters. 5050

(BB) If a judge of the court of common pleas, division of 5051
domestic relations, or juvenile judge, of any of the counties 5052
mentioned in this section is sick, absent, or unable to perform 5053
that judge's judicial duties or the volume of cases pending in the 5054
judge's division necessitates it, the duties of that judge shall 5055
be performed by another judge of the court of common pleas of that 5056
county, assigned for that purpose by the presiding judge of the 5057
court of common pleas of that county to act in place of or in 5058
conjunction with that judge, as the case may require. 5059

Sec. 2301.27. (A)(1) The court of common pleas may establish 5060
a county department of probation. The establishment of the 5061
department shall be entered upon the journal of the court, and the 5062
clerk of the court of common pleas shall certify a copy of the 5063
journal entry establishing the department to each elective officer 5064
and board of the county. The department shall consist of a chief 5065
probation officer and the number of other probation officers and 5066
employees, clerks, and stenographers that is fixed from time to 5067

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time by the court. The court shall appoint those individuals, fix 5068
their salaries, and supervise their work. The court shall not 5069
appoint as a probation officer any person who does not possess the 5070
training, experience, and other qualifications prescribed by the 5071
adult parole authority created by section 5149.02 of the Revised 5072
Code. Probation officers have all the powers of regular police 5073
officers and shall perform any duties that are designated by the 5074
judge or judges of the court. All positions within the department 5075
of probation shall be in the classified service of the civil 5076
service of the county. 5077

(2) If two or more counties desire to jointly establish a 5078
probation department for those counties, the judges of the courts 5079
of common pleas of those counties may establish a probation 5080
department for those counties. If a probation department is 5081
established pursuant to division (A)(2) of this section to serve 5082
more than one county, the judges of the courts of common pleas 5083
that established the department shall designate the county 5084
treasurer of one of the counties served by the department as the 5085
treasurer to whom probation fees paid under section 2951.021 of 5086
the Revised Code are to be appropriated and transferred under 5087
division (A)(2) of section 321.44 of the Revised Code for deposit 5088
into the multicounty probation services fund established under 5089
division (B) of section 321.44 of the Revised Code. 5090

The cost of the administration and operation of a probation 5091
department established for two or more counties shall be prorated 5092
to the respective counties on the basis of population. 5093

(3) Probation officers shall receive, in addition to their 5094
respective salaries, their necessary and reasonable travel and 5095
other expenses incurred in the performance of their duties. Their 5096
salaries and expenses shall be paid monthly from the county 5097
treasury in the manner provided for the payment of the 5098
compensation of other appointees of the court. 5099

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(B)(1) In lieu of establishing a county department of probation under division (A) of this section and in lieu of entering into an agreement with the adult parole authority as described in division (B) of section 2301.32 of the Revised Code, the court of common pleas may request the board of county commissioners to contract with, and upon that request the board may contract with, any nonprofit, public or private agency, association, or organization for the provision of probation services and supervisory services for persons placed under community control sanctions. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority. The individuals who provide the probation services and supervisory services shall not be included in the classified or unclassified civil service of the county.

(2) In lieu of establishing a county department of probation under division (A) of this section and in lieu of entering into an agreement with the adult parole authority as described in division (B) of section 2301.32 of the Revised Code, the courts of common pleas of two or more adjoining counties jointly may request the boards of county commissioners of those counties to contract with, and upon that request the boards of county commissioners of two or more adjoining counties jointly may contract with, any nonprofit, public or private agency, association, or organization for the provision of probation services and supervisory services for persons placed under community control sanctions for those counties. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority. The individuals who provide the probation services and supervisory services shall not

be included in the classified or unclassified civil service of any 5132
of those counties. 5133

(C) The chief probation officer may grant permission to a 5134
probation officer to carry firearms when required in the discharge 5135
of official duties, provided that any probation officer who is 5136
granted permission to carry firearms in the discharge of official 5137
duties, within six months of receiving permission to carry a 5138
firearm, shall successfully complete a basic firearm training 5139
program that is conducted at a training school approved by the 5140
Ohio peace officer training commission and that is substantially 5141
similar to the basic firearm training program for peace officers 5142
conducted at the Ohio peace officer training academy and receive a 5143
certificate of satisfactory completion of that program from the 5144
executive director of the Ohio peace officer training commission. 5145
Any probation officer who does not successfully complete a basic 5146
firearm training program within the six-month period after 5147
receiving permission to carry a firearm shall not carry, after the 5148
expiration of that six-month period, a firearm in the discharge of 5149
official duties until the probation officer has successfully 5150
completed a basic firearm training program. A probation officer 5151
who has received a certificate of satisfactory completion of a 5152
basic firearm training program, to maintain the right to carry a 5153
firearm in the discharge of official duties, annually shall 5154
successfully complete a firearms requalification program in 5155
accordance with section 109.801 of the Revised Code. 5156

(D) As used in this section and sections 2301.28 to 2301.32 5157
of the Revised Code, "community control sanction" has the same 5158
meaning as in section 2929.01 of the Revised Code. 5159

Sec. 2301.28. The court of common pleas of a county in which 5160
a county department of probation has been established under 5161
division (A) of section 2301.27 of the Revised Code, in addition 5162

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to employing the department in investigation and in the 5163
administration of its own orders ~~of probation~~ imposing community 5164
control sanctions, shall receive into the legal control or 5165
supervision of the department any person who is a resident of the 5166
county and who has been placed ~~on probation~~ under a community 5167
control sanction by order of any other court exercising criminal 5168
jurisdiction in this state, whether within or without the county 5169
in which the department of probation is located, upon the request 5170
of the other court and subject to its continuing jurisdiction. The 5171
court of common pleas also shall receive into the legal custody or 5172
supervision of the department any person who is paroled, released 5173
under a post-release control sanction, or conditionally pardoned 5174
from a state correctional institution and who resides or remains 5175
in the county, if requested by the adult parole authority created 5176
by section 5149.02 of the Revised Code or any other authority 5177
having power to parole or release from any institution of that 5178
nature. 5179

As used in this section and section 2301.30 of the Revised 5180
Code, "post-release control sanction" has the same meaning as in 5181
section 2967.01 of the Revised Code. 5182

Sec. 2301.30. The court of common pleas of a county in which 5183
a county department of probation is established under division (A) 5184
of section 2301.27 of the Revised Code shall require the 5185
department, in the rules through which the supervision of the 5186
department is exercised or otherwise, to do all of the following: 5187

(A) Furnish to each person under a community control sanction 5188
or post-release control sanction or on probation or parole under 5189
its supervision or in its custody, a written statement of the 5190
conditions of ~~probation~~ the community control sanction, 5191
post-release control sanction, or parole and instruct him the 5192
person regarding the conditions; 5193

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(B) Keep informed concerning the conduct and condition of 5194
each person in its custody or under its supervision by visiting, 5195
the requiring of reports, and otherwise; 5196

(C) Use all suitable methods, not inconsistent with the 5197
conditions of ~~probation~~ the community control sanction, 5198
post-release control sanction, or parole, to aid and encourage the 5199
persons under its supervision or in its custody and to bring about 5200
improvement in their conduct and condition; 5201

(D) Keep detailed records of the work of the department, keep 5202
accurate and complete accounts of all moneys collected from 5203
persons under its supervision or in its custody, and keep or give 5204
receipts for those moneys; 5205

(E) Make reports to the adult parole authority created by 5206
section 5149.02 of the Revised Code that it requires. 5207

Sec. 2301.32. (A) In any county in which a county department 5208
of probation has been established under division (A) of section 5209
2301.27 of the Revised Code and complies with standards and 5210
conditions prescribed by the adult parole authority created by 5211
section 5149.02 of the Revised Code, an agreement may be entered 5212
into between the court of common pleas and the authority under 5213
which the county department of probation ~~correctional~~ may receive 5214
supplemental investigation or supervisory services from the 5215
authority. 5216

(B) In any county in which a county department of probation 5217
has not been established under division (A) of section 2301.27 of 5218
the Revised Code, an agreement may be entered into between the 5219
court of common pleas of that county and the adult parole 5220
authority under which the court of common pleas may place 5221
defendants ~~on probation~~ under a community control sanction in 5222
charge of the authority, and, in consideration of those 5223
placements, the county shall pay to the state from time to time 5224

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the amounts that are provided for in the agreement. 5225

Sec. 2301.56. (A) A judicial corrections board that proposes 5226
or establishes one or more community-based correctional facilities 5227
and programs or district community-based correctional facilities 5228
and programs may apply to the division of parole and community 5229
services for state financial assistance for the cost of 5230
renovation, maintenance, and operation of any of the facilities 5231
and programs. If the judicial corrections board has proposed or 5232
established more than one facility and program and if it desires 5233
state financial assistance for more than one of the facilities and 5234
programs, the board shall submit a separate application for each 5235
facility and program for which it desires the financial 5236
assistance. 5237

An application for state financial assistance under this 5238
section may be made when the judicial corrections board submits 5239
for the approval of the section its proposal for the establishment 5240
of the facility and program in question to the division of parole 5241
and community services under division (B) of section 2301.51 of 5242
the Revised Code, or at any time after the section has approved 5243
the proposal. All applications for state financial assistance for 5244
proposed or approved facilities and programs shall be made on 5245
forms that are prescribed and furnished by the department of 5246
rehabilitation and correction, and in accordance with section 5247
5120.112 of the Revised Code. 5248

The judicial corrections board may submit a request for 5249
funding of some or all of its community-based correctional 5250
facilities and programs or district community-based correctional 5251
facilities and programs to the board of county commissioners of 5252
the county, if the judicial corrections board serves a 5253
community-based correctional facility and program, or to the 5254
boards of county commissioners of all of the member counties, if 5255
the judicial corrections board serves a district community-based 5256

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correctional facility and program. The board or boards may 5257
 appropriate, but are not required to appropriate, a sum of money 5258
 for funding all aspects of each facility and program as outlined 5259
 in sections 2301.51 to 2301.56 of the Revised Code. The judicial 5260
 corrections board has no recourse against a board or boards of 5261
 county commissioners, either under Chapter 2731. of the Revised 5262
 Code, under its contempt power, or under any other authority, if 5263
 the board or boards of county commissioners do not appropriate 5264
 money for funding any facility or program or if they appropriate 5265
 money for funding a facility and program in an amount less than 5266
 the total amount of the submitted request for funding. 5267

(B) Pursuant to section 2929.37 of the Revised Code, a board 5268
 of county commissioners may require a person who was convicted of 5269
 an offense and who is confined in a community-based correctional 5270
 facility or district community-based correctional facility as 5271
 provided in sections 2301.51 to 2301.56 of the Revised Code, to 5272
 reimburse the county for its expenses incurred by reason of the 5273
 person's confinement. 5274

(C) Notwithstanding any contrary provision in this section or 5275
 section 2929.18, ~~2929.21~~, ~~2929.36~~ 2929.28, or 2929.37 of the 5276
 Revised Code, the judicial corrections board may establish a 5277
 policy that complies with section 2929.38 of the Revised Code and 5278
 that requires any person who is not indigent and who is confined 5279
 in the community-based correctional facility or district 5280
 community-based correctional facility to pay a reception fee or a 5281
 fee for any medical treatment or service requested by and provided 5282
 to that person. 5283

(D) If a person who has been convicted of or pleaded guilty 5284
 to an offense is confined in a community-based correctional 5285
 facility or district community-based correctional facility, at the 5286
 time of reception and at other times the person in charge of the 5287
 operation of the facility determines to be appropriate, the person 5288

in charge of the operation of the facility may cause the convicted
offender to be examined and tested for tuberculosis, HIV
infection, hepatitis, including but not limited to hepatitis A, B,
and C, and other contagious diseases. The person in charge of the
operation of the facility may cause a convicted offender in the
facility who refuses to be tested or treated for tuberculosis, HIV
infection, hepatitis, including but not limited to hepatitis A, B,
and C, or another contagious disease to be tested and treated
involuntarily.

Sec. 2305.234. (A) As used in this section: 5298

(1) "Chiropractic claim," "medical claim," and "optometric
claim" have the same meanings as in section 2305.11 of the Revised
Code. 5299
5300
5301

(2) "Dental claim" has the same meaning as in section 2305.11
of the Revised Code, except that it does not include any claim
arising out of a dental operation or any derivative claim for
relief that arises out of a dental operation. 5302
5303
5304
5305

(3) "Governmental health care program" has the same meaning
as in section 4731.65 of the Revised Code. 5306
5307

(4) "Health care professional" means any of the following who
provide medical, dental, or other health-related diagnosis, care,
or treatment: 5308
5309
5310

(a) Physicians authorized under Chapter 4731. of the Revised
Code to practice medicine and surgery or osteopathic medicine and
surgery; 5311
5312
5313

(b) Registered nurses and licensed practical nurses licensed
under Chapter 4723. of the Revised Code; 5314
5315

(c) Physician assistants authorized to practice under Chapter
4730. of the Revised Code; 5316
5317

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(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	5318 5319
(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	5320 5321
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	5322 5323
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	5324 5325
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	5326 5327
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	5328 5329
(j) Pharmacists licensed under Chapter 4729. of the Revised Code.	5330 5331
(5) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	5332 5333 5334 5335 5336 5337 5338
(6) "Indigent and uninsured person" means a person who meets all of the following requirements:	5339 5340
(a) The person's income is not greater than one hundred fifty per cent of the current poverty line as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended.	5341 5342 5343 5344 5345 5346
(b) The person is not eligible to receive medical assistance	5347

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under Chapter 5111., disability assistance medical assistance 5348
under Chapter 5115. of the Revised Code, or assistance under any 5349
other governmental health care program. 5350

(c) Either of the following applies: 5351

(i) The person is not a policyholder, certificate holder, 5352
insured, contract holder, subscriber, enrollee, member, 5353
beneficiary, or other covered individual under a health insurance 5354
or health care policy, contract, or plan. 5355

(ii) The person is a policyholder, certificate holder, 5356
insured, contract holder, subscriber, enrollee, member, 5357
beneficiary, or other covered individual under a health insurance 5358
or health care policy, contract, or plan, but the insurer, policy, 5359
contract, or plan denies coverage or is the subject of insolvency 5360
or bankruptcy proceedings in any jurisdiction. 5361

(7) "Operation" means any procedure that involves cutting or 5362
otherwise infiltrating human tissue by mechanical means, including 5363
surgery, laser surgery, ionizing radiation, therapeutic 5364
ultrasound, or the removal of intraocular foreign bodies. 5365
"Operation" does not include the administration of medication by 5366
injection, unless the injection is administered in conjunction 5367
with a procedure infiltrating human tissue by mechanical means 5368
other than the administration of medicine by injection. 5369

(8) "Nonprofit shelter or health care facility" means a 5370
charitable nonprofit corporation organized and operated pursuant 5371
to Chapter 1702. of the Revised Code, or any charitable 5372
organization not organized and not operated for profit, that 5373
provides shelter, health care services, or shelter and health care 5374
services to indigent and uninsured persons, except that "shelter 5375
or health care facility" does not include a hospital as defined in 5376
section 3727.01 of the Revised Code, a facility licensed under 5377
Chapter 3721. of the Revised Code, or a medical facility that is 5378

operated for profit.	5379
(9) "Tort action" means a civil action for damages for	5380
injury, death, or loss to person or property other than a civil	5381
action for damages for a breach of contract or another agreement	5382
between persons or government entities.	5383
(10) "Volunteer" means an individual who provides any	5384
medical, dental, or other health-care related diagnosis, care, or	5385
treatment without the expectation of receiving and without receipt	5386
of any compensation or other form of remuneration from an indigent	5387
and uninsured person, another person on behalf of an indigent and	5388
uninsured person, any shelter or health care facility, or any	5389
other person or government entity.	5390
<u>(11) "Community control sanction" has the same meaning as in</u>	5391
<u>section 2929.01 of the Revised Code.</u>	5392
(B)(1) Subject to divisions (E) and (F)(3) of this section, a	5393
health care professional who is a volunteer and complies with	5394
division (B)(2) of this section is not liable in damages to any	5395
person or government entity in a tort or other civil action,	5396
including an action on a medical, dental, chiropractic,	5397
optometric, or other health-related claim, for injury, death, or	5398
loss to person or property that allegedly arises from an action or	5399
omission of the volunteer in the provision at a nonprofit shelter	5400
or health care facility to an indigent and uninsured person of	5401
medical, dental, or other health-related diagnosis, care, or	5402
treatment, including the provision of samples of medicine and	5403
other medical products, unless the action or omission constitutes	5404
willful or wanton misconduct.	5405
(2) To qualify for the immunity described in division (B)(1)	5406
of this section, a health care professional shall do all of the	5407
following prior to providing diagnosis, care, or treatment:	5408
(a) Determine, in good faith, that the indigent and uninsured	5409

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person is mentally capable of giving informed consent to the 5410
provision of the diagnosis, care, or treatment and is not subject 5411
to duress or under undue influence; 5412

(b) Inform the person of the provisions of this section; 5413

(c) Obtain the informed consent of the person and a written 5414
waiver, signed by the person or by another individual on behalf of 5415
and in the presence of the person, that states that the person is 5416
mentally competent to give informed consent and, without being 5417
subject to duress or under undue influence, gives informed consent 5418
to the provision of the diagnosis, care, or treatment subject to 5419
the provisions of this section. 5420

(3) A physician or podiatrist who is not covered by medical 5421
malpractice insurance, but complies with division (B)(2) of this 5422
section, is not required to comply with division (A) of section 5423
4731.143 of the Revised Code. 5424

(C) Subject to divisions (E) and (F)(3) of this section, 5425
health care workers who are volunteers are not liable in damages 5426
to any person or government entity in a tort or other civil 5427
action, including an action upon a medical, dental, chiropractic, 5428
optometric, or other health-related claim, for injury, death, or 5429
loss to person or property that allegedly arises from an action or 5430
omission of the health care worker in the provision at a nonprofit 5431
shelter or health care facility to an indigent and uninsured 5432
person of medical, dental, or other health-related diagnosis, 5433
care, or treatment, unless the action or omission constitutes 5434
willful or wanton misconduct. 5435

(D) Subject to divisions (E) and (F)(3) of this section and 5436
section 3701.071 of the Revised Code, a nonprofit shelter or 5437
health care facility associated with a health care professional 5438
described in division (B)(1) of this section or a health care 5439
worker described in division (C) of this section is not liable in 5440

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damages to any person or government entity in a tort or other 5441
civil action, including an action on a medical, dental, 5442
chiropractic, optometric, or other health-related claim, for 5443
injury, death, or loss to person or property that allegedly arises 5444
from an action or omission of the health care professional or 5445
worker in providing for the shelter or facility medical, dental, 5446
or other health-related diagnosis, care, or treatment to an 5447
indigent and uninsured person, unless the action or omission 5448
constitutes willful or wanton misconduct. 5449

(E)(1) Except as provided in division (E)(2) of this section, 5450
the immunities provided by divisions (B), (C), and (D) of this 5451
section are not available to an individual or to a nonprofit 5452
shelter or health care facility if, at the time of an alleged 5453
injury, death, or loss to person or property, the individuals 5454
involved are providing one of the following: 5455

(a) Any medical, dental, or other health-related diagnosis, 5456
care, or treatment pursuant to a community service work order 5457
entered by a court under division ~~(F)~~(B) of section 2951.02 of the 5458
Revised Code ~~as a condition of probation or other suspension of a~~ 5459
~~term of imprisonment~~ or imposed by a court as a community control 5460
sanction ~~pursuant to sections 2929.15 and 2929.17 of the Revised~~ 5461
~~Code.~~*i* 5462

(b) Performance of an operation.*i* 5463

(c) Delivery of a baby. 5464

(2) Division (E)(1) of this section does not apply to an 5465
individual who provides, or a nonprofit shelter or health care 5466
facility at which the individual provides, diagnosis, care, or 5467
treatment that is necessary to preserve the life of a person in a 5468
medical emergency. 5469

(F)(1) This section does not create a new cause of action or 5470
substantive legal right against a health care professional, health 5471

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care worker, or nonprofit shelter or health care facility.	5472
(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.	5473 5474 5475 5476 5477 5478
(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.	5479 5480 5481 5482
(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.	5483 5484 5485 5486
(5) This section does not affect any legal responsibility of a nonprofit shelter or health care facility to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.	5487 5488 5489 5490 5491 5492
Sec. 2901.02. As used in the Revised Code:	5493
(A) Offenses include aggravated murder, murder, felonies of the first, second, third, fourth, and fifth degree, misdemeanors of the first, second, third, and fourth degree, minor misdemeanors, and offenses not specifically classified.	5494 5495 5496 5497
(B) Aggravated murder when the indictment or the count in the indictment charging aggravated murder contains one or more specifications of aggravating circumstances listed in division (A) of section 2929.04 of Revised Code, and any other offense for	5498 5499 5500 5501

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- which death may be imposed as a penalty, is a capital offense. 5502
- (C) Aggravated murder and murder are felonies. 5503
- (D) Regardless of the penalty that may be imposed, any 5504
offense specifically classified as a felony is a felony, and any 5505
offense specifically classified as a misdemeanor is a misdemeanor. 5506
- (E) Any offense not specifically classified is a felony if 5507
imprisonment for more than one year may be imposed as a penalty. 5508
- (F) Any offense not specifically classified is a misdemeanor 5509
if imprisonment for not more than one year may be imposed as a 5510
penalty. 5511
- (G) Any offense not specifically classified is a minor 5512
misdemeanor if the only penalty that may be imposed is one of the 5513
following: 5514
- (1) For an offense committed prior to the effective date of 5515
this amendment, a fine not exceeding one hundred dollars; 5516
- (2) For an offense committed on or after the effective date 5517
of this amendment, a fine not exceeding one hundred fifty dollars, 5518
community service under division (C) of section 2929.27 of the 5519
Revised Code, or a financial sanction other than a fine under 5520
section 2929.28 of the Revised Code. 5521
- Sec. 2903.13.** (A) No person shall knowingly cause or attempt 5522
to cause physical harm to another or to another's unborn. 5523
- (B) No person shall recklessly cause serious physical harm to 5524
another or to another's unborn. 5525
- (C) Whoever violates this section is guilty of assault. 5526
Except as otherwise provided in division (C)(1), (2), (3), (4), or 5527
(5) of this section, assault is a misdemeanor of the first degree. 5528
5529
- (1) Except as otherwise provided in this division, if the 5530

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offense is committed by a caretaker against a functionally
impaired person under the caretaker's care, assault is a felony of
the fourth degree. If the offense is committed by a caretaker
against a functionally impaired person under the caretaker's care,
if the offender previously has been convicted of or pleaded guilty
to a violation of this section or section 2903.11 or 2903.16 of
the Revised Code, and if in relation to the previous conviction
the offender was a caretaker and the victim was a functionally
impaired person under the offender's care, assault is a felony of
the third degree.

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

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

(b) The offense occurs in or on the grounds of a local
correctional facility, the victim of the offense is an employee of
the local correctional facility or a probation department or is on
the premises of the facility for business purposes or as a
visitor, and the offense is committed by a person who is under
custody in the facility subsequent to the person's arrest for any

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crime or delinquent act, subsequent to the person's being charged 5563
with or convicted of any crime, or subsequent to the person's 5564
being alleged to be or adjudicated a delinquent child. 5565

(c) The offense occurs off the grounds of a state 5566
correctional institution and off the grounds of an institution of 5567
the department of youth services, the victim of the offense is an 5568
employee of the department of rehabilitation and correction, the 5569
department of youth services, or a probation department, the 5570
offense occurs during the employee's official work hours and while 5571
the employee is engaged in official work responsibilities, and the 5572
offense is committed by a person incarcerated in a state 5573
correctional institution or institutionalized in the department of 5574
youth services who temporarily is outside of the institution for 5575
any purpose, by a ~~probationer~~ or parolee, by an offender under 5576
transitional control, under a community control sanction, or on an 5577
escorted visit, by a person under post-release control, or by an 5578
offender under any other type of supervision by a government 5579
agency. 5580

(d) The offense occurs off the grounds of a local 5581
correctional facility, the victim of the offense is an employee of 5582
the local correctional facility or a probation department, the 5583
offense occurs during the employee's official work hours and while 5584
the employee is engaged in official work responsibilities, and the 5585
offense is committed by a person who is under custody in the 5586
facility subsequent to the person's arrest for any crime or 5587
delinquent act, subsequent to the person being charged with or 5588
convicted of any crime, or subsequent to the person being alleged 5589
to be or adjudicated a delinquent child and who temporarily is 5590
outside of the facility for any purpose or by a ~~probationer~~ or 5591
parolee, by an offender under transitional control, under a 5592
community control sanction, or on an escorted visit, by a person 5593
under post-release control, or by an offender under any other type 5594

of supervision by a government agency. 5595

(e) The victim of the offense is a school teacher or 5596
administrator or a school bus operator, and the offense occurs in 5597
a school, on school premises, in a school building, on a school 5598
bus, or while the victim is outside of school premises or a school 5599
bus and is engaged in duties or official responsibilities 5600
associated with the victim's employment or position as a school 5601
teacher or administrator or a school bus operator, including, but 5602
not limited to, driving, accompanying, or chaperoning students at 5603
or on class or field trips, athletic events, or other school 5604
extracurricular activities or functions outside of school 5605
premises. 5606

(3) If the victim of the offense is a peace officer, a 5607
firefighter, or a person performing emergency medical service, 5608
while in the performance of their official duties, assault is a 5609
felony of the fourth degree. 5610

(4) If the victim of the offense is a peace officer and if 5611
the victim suffered serious physical harm as a result of the 5612
commission of the offense, assault is a felony of the fourth 5613
degree, and the court, pursuant to division (F) of section 2929.13 5614
of the Revised Code, shall impose as a mandatory prison term one 5615
of the prison terms prescribed for a felony of the fourth degree 5616
that is at least twelve months in duration. 5617

(5) If the victim of the offense is an officer or employee of 5618
a public children services agency or a private child placing 5619
agency and the offense relates to the officer's or employee's 5620
performance or anticipated performance of official 5621
responsibilities or duties, assault is either a felony of the 5622
fifth degree or, if the offender previously has been convicted of 5623
or pleaded guilty to an offense of violence, the victim of that 5624
prior offense was an officer or employee of a public children 5625
services agency or private child placing agency, and that prior 5626

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offense related to the officer's or employee's performance or	5627
anticipated performance of official responsibilities or duties, a	5628
felony of the fourth degree.	5629
(D) As used in this section:	5630
(1) "Peace officer" has the same meaning as in section	5631
2935.01 of the Revised Code.	5632
(2) "Firefighter" has the same meaning as in section 3937.41	5633
of the Revised Code.	5634
(3) "Emergency medical service" has the same meaning as in	5635
section 4765.01 of the Revised Code.	5636
(4) "Local correctional facility" means a county,	5637
multicounty, municipal, municipal-county, or multicounty-municipal	5638
jail or workhouse, a minimum security jail established under	5639
section 341.23 or 753.21 of the Revised Code, or another county,	5640
multicounty, municipal, municipal-county, or multicounty-municipal	5641
facility used for the custody of persons arrested for any crime or	5642
delinquent act, persons charged with or convicted of any crime, or	5643
persons alleged to be or adjudicated a delinquent child.	5644
(5) "Employee of a local correctional facility" means a	5645
person who is an employee of the political subdivision or of one	5646
or more of the affiliated political subdivisions that operates the	5647
local correctional facility and who operates or assists in the	5648
operation of the facility.	5649
(6) "School teacher or administrator" means either of the	5650
following:	5651
(a) A person who is employed in the public schools of the	5652
state under a contract described in section 3319.08 of the Revised	5653
Code in a position in which the person is required to have a	5654
certificate issued pursuant to sections 3319.22 to 3319.311 of the	5655
Revised Code.	5656

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(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.

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

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

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

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:

(1) Threaten to commit any offense;

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

(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;

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

(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.

(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:

(1) Offering or agreeing to grant, or granting immunity from

prosecution pursuant to section 2945.44 of the Revised Code; 5686

(2) In return for a plea of guilty to one or more offenses 5687
charged or to one or more other or lesser offenses, or in return 5688
for the testimony of the accused in a case to which ~~he~~ the accused 5689
is not a party, offering or agreeing to dismiss, or dismissing one 5690
or more charges pending against an accused, or offering or 5691
agreeing to impose, or imposing a certain sentence or modification 5692
of sentence; 5693

(3) Imposing ~~probation~~ a community control sanction on 5694
certain conditions, including without limitation requiring the 5695
offender to make restitution or redress to the victim of ~~his~~ the 5696
offense. 5697

(C) It is an affirmative defense to a charge under division 5698
(A)(3), (4), or (5) of this section that the actor's conduct was a 5699
reasonable response to the circumstances ~~which~~ that occasioned it, 5700
and that ~~his~~ the actor's purpose was limited to any of the 5701
following: 5702

(1) Compelling another to refrain from misconduct or to 5703
desist from further misconduct; 5704

(2) Preventing or redressing a wrong or injustice; 5705

(3) Preventing another from taking action for which the actor 5706
reasonably believed ~~such~~ the other person to be disqualified; 5707
5708

(4) Compelling another to take action ~~which~~ that the actor 5709
reasonably believed ~~such~~ the other person to be under a duty to 5710
take. 5711

(D) Whoever violates this section is guilty of coercion, a 5712
misdemeanor of the second degree. 5713

(E) As used in this section, ~~"threat~~: 5714

(1) "Threat" includes a direct threat and a threat by 5715

innuendo. 5716

(2) "Community control sanction" has the same meaning as in 5717
section 2929.01 of the Revised Code. 5718

Sec. 2907.01. As used in sections 2907.01 to 2907.37 of the 5719
Revised Code: 5720

(A) "Sexual conduct" means vaginal intercourse between a male 5721
and female; anal intercourse, fellatio, and cunnilingus between 5722
persons regardless of sex; and, without privilege to do so, the 5723
insertion, however slight, of any part of the body or any 5724
instrument, apparatus, or other object into the vaginal or anal 5725
cavity of another. Penetration, however slight, is sufficient to 5726
complete vaginal or anal intercourse. 5727

(B) "Sexual contact" means any touching of an erogenous zone 5728
of another, including without limitation the thigh, genitals, 5729
buttock, pubic region, or, if the person is a female, a breast, 5730
for the purpose of sexually arousing or gratifying either person. 5731

(C) "Sexual activity" means sexual conduct or sexual contact, 5732
or both. 5733

(D) "Prostitute" means a male or female who promiscuously 5734
engages in sexual activity for hire, regardless of whether the 5735
hire is paid to the prostitute or to another. 5736

(E) ~~Any material or performance is "harmful "Harmful to~~ 5737
~~juveniles," if it is offensive to prevailing standards in the~~ 5738
~~adult community with respect to what is suitable for juveniles,~~ 5739
~~and if any~~ means that quality of any material or performance 5740
describing or representing nudity, sexual conduct, sexual 5741
excitement, or sado-masochistic abuse in any form to which all of 5742
the following apply: 5743

(1) ~~It tends to appeal~~ The material or performance, when 5744
considered as a whole, appeals to the prurient interest in sex of 5745

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- juveniles; 5746
- ~~(2) It contains a display, description, or representation of sexual activity, masturbation, sexual excitement, or nudity;~~ 5747
5748
- ~~(3) It contains a display, description, or representation of bestiality or extreme or bizarre violence, cruelty, or brutality;~~ 5749
5750
- ~~(4) It contains a display, description, or representation of human bodily functions of elimination;~~ 5751
5752
- ~~(5) It makes repeated use of foul language;~~ 5753
- ~~(6) It contains a display, description, or representation in lurid detail of the violent physical torture, dismemberment, destruction, or death of a human being;~~ 5754
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5756
- ~~(7) It contains a display, description, or representation of criminal activity that tends to glorify or glamorize the activity, and that, with respect to juveniles, has a dominant tendency to corrupt~~ 5757
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The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles. 5760
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5762
- (3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles. 5763
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- (F) When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply: 5766
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- (1) Its dominant appeal is to prurient interest; 5771
- (2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite; 5772
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(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;

(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;

(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

(G) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(H) "Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(I) "Juvenile" means an unmarried person under the age of eighteen.

(J) "Material" means ~~one of the following:~~

~~(1)(a) As used in section 2907.311 of the Revised Code and in the portions of section 2907.31 of the Revised Code that pertain to materials that are harmful to juveniles but not obscene,~~

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~~"material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, tape, or other tangible thing capable of arousing interest through sight, sound, or touch and, except as provided in division (J)(1)(b) of this section, includes an image or text appearing on a computer monitor or on a television screen, liquid crystal display, or similar display device used as a computer monitor or an image or text recorded on a computer hard disk, computer floppy disk, magnetic tape, or similar storage device.~~

~~(b) As used in section 2907.311 of the Revised Code and in the portions of section 2907.31 of the Revised Code that pertain to materials that are harmful to juveniles but not obscene, both of the following apply:~~

~~(i) Except as otherwise provided in division (J)(1)(b)(ii) of this section, "material" does not include an image or text that appears on a computer monitor or on a television screen, liquid crystal display, or similar display device used as a computer monitor while the monitor, screen, display, or device is actively connected to a web site on the internet.~~

~~(ii) "Material" includes an image or text that appears on a computer monitor or on a television screen, liquid crystal display, or similar display device used as a computer monitor while the monitor, screen, display, or device is actively connected to a web site on the internet if the image or text is contained in an e-mail message or if the image or text is so appearing on the monitor, screen, display, or device during a direct presentation to a specific, known juvenile or group of known juveniles. The image or text is "material" under this division only regarding the application of section 2907.311 of the Revised Code and the portions of section 2907.31 of the Revised Code that pertain to materials that are harmful to juveniles but~~

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not obscene to the person who sends the e-mail message or who	5839
directly presents the image or text to the specific, known	5840
juvenile or group of known juveniles.	5841
(2) As used in all provisions of sections 2907.01 to 2907.37	5842
of the Revised Code that are not identified in division (J)(1) of	5843
this section, "material" means any book, magazine, newspaper,	5844
pamphlet, poster, print, picture, figure, image, description,	5845
motion picture film, phonographic record, or tape, or other	5846
tangible thing capable of arousing interest through sight, sound,	5847
or touch and includes an image or text appearing on a computer	5848
monitor, television screen, liquid crystal display, or similar	5849
display device or an image or text recorded on a computer hard	5850
disk, computer floppy disk, compact disk, magnetic tape, or	5851
similar data storage device.	5852
(K) "Performance" means any motion picture, preview, trailer,	5853
play, show, skit, dance, or other exhibition performed before an	5854
audience.	5855
(L) "Spouse" means a person married to an offender at the	5856
time of an alleged offense, except that such person shall not be	5857
considered the spouse when any of the following apply:	5858
(1) When the parties have entered into a written separation	5859
agreement authorized by section 3103.06 of the Revised Code;	5860
(2) During the pendency of an action between the parties for	5861
annulment, divorce, dissolution of marriage, or legal separation;	5862
(3) In the case of an action for legal separation, after the	5863
effective date of the judgment for legal separation.	5864
(M) "Minor" means a person under the age of eighteen.	5865
(N) "Mental health client or patient" has the same meaning as	5866
in section 2305.51 of the Revised Code.	5867
(O) "Mental health professional" has the same meaning as in	5868

section 2305.115 of the Revised Code.	5869
<u>(P) "Sado-masochistic abuse" means flagellation or torture by</u>	5870
<u>or upon a person or the condition of being fettered, bound, or</u>	5871
<u>otherwise physically restrained.</u>	5872
Sec. 2907.15. (A) As used in this section:	5873
(1) "Public retirement system" means the public employees	5874
retirement system, state teachers retirement system, school	5875
employees retirement system, Ohio police and fire pension fund,	5876
state highway patrol retirement system, or a municipal retirement	5877
system of a municipal corporation of this state.	5878
(2) "Government deferred compensation program" means such a	5879
program offered by the Ohio public employees deferred compensation	5880
board; a municipal corporation; or a governmental unit, as defined	5881
in section 148.06 of the Revised Code.	5882
(3) "Deferred compensation program participant" means a	5883
"participating employee" or "continuing member," as defined in	5884
section 148.01 of the Revised Code, or any other public employee	5885
who has funds in a government deferred compensation program.	5886
(4) "Alternative retirement plan" means an alternative	5887
<u>alternative</u> retirement plan provided pursuant to Chapter 3305. of	5888
the Revised Code.	5889
(5) "Prosecutor" has the same meaning as in section 2935.01	5890
of the Revised Code.	5891
In any case in which a sentencing court orders restitution to	5892
the victim under section 2929.18 <u>or 2929.28</u> of the Revised Code	5893
for a violation of section 2907.02, 2907.03, 2907.04, or 2907.05	5894
of the Revised Code and in which the offender is a government	5895
deferred compensation program participant, is an electing	5896
employee, as defined in section 3305.01 of the Revised Code, or is	5897
a member of, or receiving a pension, benefit, or allowance, other	5898

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than a survivorship benefit, from, a public retirement system and 5899
committed the offense against a child, student, patient, or other 5900
person with whom the offender had contact in the context of the 5901
offender's public employment, at the request of the victim the 5902
prosecutor shall file a motion with the sentencing court 5903
specifying the government deferred compensation program, 5904
alternative retirement plan, or public retirement system and 5905
requesting that the court issue an order requiring the government 5906
deferred compensation program, alternative retirement plan, or 5907
public retirement system to withhold the amount required as 5908
restitution from one or more of the following: any payment to be 5909
made from a government deferred compensation program, any payment 5910
or benefit under an alternative retirement plan, or under a 5911
pension, annuity, allowance, or any other benefit, other than a 5912
survivorship benefit, that has been or is in the future granted to 5913
the offender; from any payment of accumulated employee 5914
contributions standing to the offender's credit with the 5915
government deferred compensation program, alternative retirement 5916
plan, or public retirement system; or from any payment of any 5917
other amounts to be paid to the offender pursuant to Chapter 145., 5918
148., 742., 3307., 3309., or 5505. of the Revised Code on 5919
withdrawal of contributions. The motion may be filed at any time 5920
subsequent to the conviction of the offender or entry of a guilty 5921
plea. On the filing of the motion, the clerk of the court in which 5922
the motion is filed shall notify the offender and the government 5923
deferred compensation program, alternative retirement plan, or 5924
public retirement system, in writing, of all of the following: 5925
that the motion was filed; that the offender will be granted a 5926
hearing on the issuance of the requested order if the offender 5927
files a written request for a hearing with the clerk prior to the 5928
expiration of thirty days after the offender receives the notice; 5929
that, if a hearing is requested, the court will schedule a hearing 5930
as soon as possible and notify the offender and the government 5931

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deferred compensation program, alternative retirement plan, or 5932
public retirement system of the date, time, and place of the 5933
hearing; that, if a hearing is conducted, it will be limited to a 5934
consideration of whether the offender can show good cause why the 5935
order should not be issued; that, if a hearing is conducted, the 5936
court will not issue the order if the court determines, based on 5937
evidence presented at the hearing by the offender, that there is 5938
good cause for the order not to be issued; that the court will 5939
issue the order if a hearing is not requested or if a hearing is 5940
conducted but the court does not determine, based on evidence 5941
presented at the hearing by the offender, that there is good cause 5942
for the order not to be issued; and that, if the order is issued, 5943
the government deferred compensation program, alternative 5944
retirement plan, or public retirement system specified in the 5945
motion will be required to withhold the amount required as 5946
restitution from payments to the offender. 5947

(B) In any case in which a motion requesting the issuance of 5948
a withholding order as described in division (A) of this section 5949
is filed, the offender may receive a hearing on the motion by 5950
delivering a written request for a hearing to the court prior to 5951
the expiration of thirty days after the offender's receipt of the 5952
notice provided pursuant to division (A) of this section. If the 5953
offender requests a hearing within the prescribed time, the court 5954
shall schedule a hearing as soon as possible after the request is 5955
made and notify the offender and the government deferred 5956
compensation program, alternative retirement plan, or public 5957
retirement system of the date, time, and place of the hearing. A 5958
hearing scheduled under this division shall be limited to a 5959
consideration of whether there is good cause, based on evidence 5960
presented by the offender, for the requested order not to be 5961
issued. If the court determines, based on evidence presented by 5962
the offender, that there is good cause for the order not to be 5963
issued, the court shall deny the motion and shall not issue the 5964

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order. Good cause for not issuing the order includes a 5965
determination by the court that the order would severely impact 5966
the offender's ability to support the offender's dependents. 5967

If the offender does not request a hearing within the 5968
prescribed time or the court conducts a hearing but does not 5969
determine, based on evidence presented by the offender, that there 5970
is good cause for the order not to be issued, the court shall 5971
order the government deferred compensation program, alternative 5972
retirement plan, or public retirement system to withhold the 5973
amount required as restitution from one or more of the following: 5974
any payments to be made from a government deferred compensation 5975
program, any payment or benefit under an alternative retirement 5976
plan, or under a pension, annuity, allowance, or under any other 5977
benefit, other than a survivorship benefit, that has been or is in 5978
the future granted to the offender; from any payment of 5979
accumulated employee contributions standing to the offender's 5980
credit with the government deferred compensation program, 5981
alternative retirement plan, or public retirement system; or from 5982
any payment of any other amounts to be paid to the offender upon 5983
withdrawal of contributions pursuant to Chapter 145., 148., 742., 5984
3307., 3309., or 5505. of the Revised Code and to continue the 5985
withholding for that purpose, in accordance with the order, out of 5986
each payment to be made on or after the date of issuance of the 5987
order, until further order of the court. On receipt of an order 5988
issued under this division, the government deferred compensation 5989
program, alternative retirement plan, or public retirement system 5990
shall withhold the amount required as restitution, in accordance 5991
with the order, from any such payments and immediately forward the 5992
amount withheld to the clerk of the court in which the order was 5993
issued for payment to the person to whom restitution is to be 5994
made. The order shall not apply to any portion of payments made 5995
from a government deferred compensation program, alternative 5996

retirement plan, or public retirement system to a person other
than the offender pursuant to a previously issued domestic court
order.

(C) Service of a notice required by division (A) or (B) of
this section shall be effected in the same manner as provided in
the Rules of Civil Procedure for the service of process.

(D) Upon the filing of charges under section 2907.02,
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

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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 the accused is charged and is placed ~~on probation~~ under a community control sanction, a condition of ~~probation~~ community control shall be that the offender submit to and faithfully follow a course of medical treatment for the venereal disease. If the offender does not seek the required medical treatment, the court may revoke the offender's ~~probation~~ community control and order the offender to undergo medical treatment during the period of the offender's incarceration and to pay the cost of that treatment.

(B)(1)(a) Notwithstanding the requirements for informed consent in section 3701.242 of the Revised Code, if a person is charged with a violation of division (B) of section 2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the Revised Code or with a violation of a municipal ordinance that is substantially equivalent to that division or any of those sections, the court, upon the request of the prosecutor in the case, upon the request of the victim, or upon the request of any other person whom the court reasonably believes had contact with the accused in circumstances related to the violation that could have resulted in the transmission to that person of a virus that causes acquired immunodeficiency syndrome, shall cause the accused to submit to one or more tests designated by the director of health under section 3701.241 of the Revised Code to determine if the accused is a carrier of a virus that causes acquired immunodeficiency syndrome. The court, upon the request of the prosecutor in the case, upon the request of the victim with the agreement of the prosecutor, or upon the request of any other person with the agreement of the prosecutor, may cause an accused who is charged with a violation of any other

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section of the Revised Code or with a violation of any other
municipal ordinance to submit to one or more tests so designated
by the director of health if the circumstances of the violation
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

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3701.24 of the Revised Code and to the sheriff, head of the state
correctional institution, or other person in charge of any jail or
prison in which the accused is incarcerated. If the accused tests
positive for a virus that causes acquired immunodeficiency
syndrome and the accused was charged with, and was convicted of or
pleaded guilty to, a violation of section 2907.24, 2907.241, or
2907.25 of the Revised Code or a violation of a municipal
ordinance that is substantially equivalent to any of those
sections, the test results also shall be reported to the law
enforcement agency that arrested the accused, and the law
enforcement agency may use the test results as the basis for any
future charge of a violation of division (B) of any of those
sections or a violation of a municipal ordinance that is
substantially equivalent to division (B) of any of those sections.
No other disclosure of the test results or the fact that a test
was performed shall be made, other than as evidence in a grand
jury proceeding or as evidence in a judicial proceeding in
accordance with the Rules of Evidence. If the test result is
negative, and the charge has not been dismissed or if the accused
has been convicted of the charge or a different offense arising
out of the same circumstances as the offense charged, the court
shall order that the test be repeated not earlier than three
months nor later than six months after the original test.

(2) If an accused who is free on bond refuses to submit to a
test ordered by the court pursuant to division (B)(1) of this
section, the court may order that the accused's bond be revoked
and that the accused be incarcerated until the test is performed.
If an accused who is incarcerated refuses to submit to a test
ordered by the court pursuant to division (B)(1) of this section,
the court shall order the person in charge of the jail or prison
in which the accused is incarcerated to take any action necessary
to facilitate the performance of the test, including the forcible

restraint of the accused for the purpose of drawing blood to be 6124
used in the test. 6125

(3) A state agency, a political subdivision of the state, or 6126
an employee of a state agency or of a political subdivision of the 6127
state is immune from liability in a civil action to recover 6128
damages for injury, death, or loss to person or property allegedly 6129
caused by any act or omission in connection with the performance 6130
of the duties required under division (B)(2) of this section 6131
unless the acts or omissions are with malicious purpose, in bad 6132
faith, or in a wanton or reckless manner. 6133

(C) As used in this section, "community control sanction" has 6134
the same meaning as in section 2929.01 of the Revised Code. 6135

Sec. 2907.31. (A) No person, with knowledge of its character 6136
or content, shall recklessly do any of the following: 6137

(1) ~~Sell~~ Directly sell, deliver, furnish, disseminate, 6138
provide, exhibit, rent, or present to a juvenile, a group of 6139
juveniles, a law enforcement officer posing as a juvenile, or a 6140
group of law enforcement officers posing as juveniles any material 6141
or performance that is obscene or harmful to juveniles; 6142

(2) ~~Offer~~ Directly offer or agree to sell, deliver, furnish, 6143
disseminate, provide, exhibit, rent, or present to a juvenile, a 6144
group of juveniles, a law enforcement officer posing as a 6145
juvenile, or a group of law enforcement officers posing as 6146
juveniles any material or performance that is obscene or harmful 6147
to juveniles; 6148

(3) ~~Allow~~ While in the physical proximity of the juvenile or 6149
law enforcement officer posing as a juvenile, allow any juvenile 6150
or law enforcement officer posing as a juvenile to review or 6151
peruse any material or view any live performance that is harmful 6152
to juveniles. 6153

(B) The following are affirmative defenses to a charge under this section that involves material or a performance that is harmful to juveniles but not obscene:

(1) The defendant is the parent, guardian, or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or to the defendant's agent or employee a draft card, driver's license, birth record, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.

(C)(1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial, or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge, or other proper person.

(2) Except as provided in division (B)(3) of this section, mistake of age is not a defense to a charge under this section.

(D)(1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a

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juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles. 6185
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(2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies: 6191
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(a) The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile. 6200
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(b) The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information. 6203
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(E) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable. 6206
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(F) Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles, except as otherwise provided in this division, a violation of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, 6212
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except as otherwise provided in this division, a violation of this 6217
section is a felony of the fifth degree. If the material or 6218
performance involved is obscene and the juvenile to whom it is 6219
sold, delivered, furnished, disseminated, provided, exhibited, 6220
rented, or presented, the juvenile to whom the offer is made or 6221
who is the subject of the agreement, or the juvenile who is 6222
allowed to review, peruse, or view it is under thirteen years of 6223
age, violation of this section is a felony of the fourth degree. 6224
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Sec. 2907.35. (A) An owner or manager, or agent or employee 6226
of an owner or manager, of a bookstore, newsstand, theater, or 6227
other commercial establishment engaged in selling materials or 6228
exhibiting performances, who, in the course of business: 6229

(1) Possesses five or more identical or substantially similar 6231
obscene articles, having knowledge of their character, is presumed 6232
to possess them in violation of division (A)(5) of section 2907.32 6233
of the Revised Code; 6234

(2) Does any of the acts prohibited by section 2907.31 or 6235
2907.32 of the Revised Code, is presumed to have knowledge of the 6236
character of the material or performance involved, if the owner, 6237
manager, or agent or employee of the owner or manager has actual 6238
notice of the nature of such material or performance, whether or 6239
not the owner, manager, or agent or employee of the owner or 6240
manager has precise knowledge of its contents. 6241

(B) Without limitation on the manner in which such notice may 6242
be given, actual notice of the character of material or a 6243
performance may be given in writing by the chief legal officer of 6244
the jurisdiction in which the person to whom the notice is 6245
directed does business. Such notice, regardless of the manner in 6246
which it is given, shall identify the sender, identify the 6247

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material or performance involved, state whether it is obscene or 6248
harmful to juveniles, and bear the date of such notice. 6249

(C) Sections 2907.31 and 2907.32 of the Revised Code do not 6250
apply to a motion picture operator or projectionist acting within 6251
the scope of employment as an employee of the owner or manager of 6252
a theater or other place for the showing of motion pictures to the 6253
general public, and having no managerial responsibility or 6254
financial interest in the operator's or projectionist's place of 6255
employment, other than wages. 6256

(D)(1) Sections 2907.31, 2907.311, 2907.32, 2907.321, 6257
2907.322, 2907.323, and 2907.34 and division (A) of section 6258
2907.33 of the Revised Code do not apply to a person solely 6259
because the person provided access or connection to or from a 6260
~~computer facility, system, or network~~ an electronic method of 6261
remotely transferring information not under that person's control, 6262
including having provided ~~transmission, downloading, intermediate~~ 6263
~~storage, access software, or other related~~ capabilities that are 6264
incidental to providing access or connection to or from a ~~computer~~ 6265
~~facility, system, or network~~ the electronic method of remotely 6266
transferring the information, and that do not include the creation 6267
of the content of the material that is the subject of the access 6268
or connection. 6269

(2) Division (D)(1) of this section does not apply to a 6270
person who conspires with an entity actively involved in the 6271
creation or knowing distribution of material in violation of 6272
section 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 6273
2907.33, or 2907.34 of the Revised Code or who knowingly 6274
advertises the availability of material of that nature. 6275

(3) Division (D)(1) of this section does not apply to a 6276
person who provides access or connection to a ~~computer facility,~~ 6277
~~system, or network~~ an electronic method of remotely transferring 6278
information that is engaged in the violation of section 2907.31, 6279

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2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, or 6280
2907.34 of the Revised Code and that contains content that person 6281
has selected and ~~placed in or on the facility, system, or network~~ 6282
introduced into the electronic method of remotely transferring 6283
information or content over which that person exercises editorial 6284
control. 6285

(E) An employer is not guilty of a violation of section 6286
2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 6287
or 2907.34 of the Revised Code based on the actions of an employee 6288
or agent of the employer unless the employee's or agent's conduct 6289
is within the scope of employee's or agent's employment or agency, 6290
and the employer does either of the following: 6291

(1) With knowledge of the employee's or agent's conduct, the 6292
employer authorizes or ratifies the conduct. 6293

(2) The employer recklessly disregards the employee's or 6294
agent's conduct. 6295

(F) It is an affirmative defense to a charge under section 6296
2907.31 or 2907.311 of the Revised Code as the section applies to 6297
an image transmitted through the internet or another electronic 6298
method of remotely transmitting information that the person 6299
charged with violating the section has taken, in good faith, 6300
reasonable, effective, and appropriate actions under the 6301
circumstances to restrict or prevent access by juveniles to 6302
material that is harmful to juveniles, including any method that 6303
is feasible under available technology. 6304

(G) If any provision of this section, or the application of 6305
any provision of this section to any person or circumstance, is 6306
held invalid, the invalidity does not affect other provisions or 6307
applications of this section or related sections that can be given 6308
effect without the invalid provision or application. To this end, 6309
the provisions are severable. 6310

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Sec. 2919.22. (A) No person, who is the parent, guardian, 6311
custodian, person having custody or control, or person in loco 6312
parentis of a child under eighteen years of age or a mentally or 6313
physically handicapped child under twenty-one years of age, shall 6314
create a substantial risk to the health or safety of the child, by 6315
violating a duty of care, protection, or support. It is not a 6316
violation of a duty of care, protection, or support under this 6317
division when the parent, guardian, custodian, or person having 6318
custody or control of a child treats the physical or mental 6319
illness or defect of the child by spiritual means through prayer 6320
alone, in accordance with the tenets of a recognized religious 6321
body. 6322

(B) No person shall do any of the following to a child under 6323
eighteen years of age or a mentally or physically handicapped 6324
child under twenty-one years of age: 6325

(1) Abuse the child; 6326

(2) Torture or cruelly abuse the child; 6327

(3) Administer corporal punishment or other physical 6328
disciplinary measure, or physically restrain the child in a cruel 6329
manner or for a prolonged period, which punishment, discipline, or 6330
restraint is excessive under the circumstances and creates a 6331
substantial risk of serious physical harm to the child; 6332

(4) Repeatedly administer unwarranted disciplinary measures 6333
to the child, when there is a substantial risk that such conduct, 6334
if continued, will seriously impair or retard the child's mental 6335
health or development; 6336

(5) Entice, coerce, permit, encourage, compel, hire, employ, 6337
use, or allow the child to act, model, or in any other way 6338
participate in, or be photographed for, the production, 6339
presentation, dissemination, or advertisement of any material or 6340

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performance that the offender knows or reasonably should know is 6341
obscene, is sexually oriented matter, or is nudity-oriented 6342
matter. 6343

(C)(1) No person shall operate a vehicle, streetcar, or 6344
trackless trolley within this state in violation of division (A) 6345
of section 4511.19 of the Revised Code when one or more children 6346
under eighteen years of age are in the vehicle, streetcar, or 6347
trackless trolley. Notwithstanding any other provision of law, a 6348
person may be convicted at the same trial or proceeding of a 6349
violation of this division and a violation of division (A) of 6350
section 4511.19 of the Revised Code that constitutes the basis of 6351
the charge of the violation of this division. For purposes of 6352
sections 4511.191 to 4511.197 of the Revised Code and all related 6353
provisions of law, a person arrested for a violation of this 6354
division shall be considered to be under arrest for operating a 6355
vehicle while under the influence of alcohol, a drug of abuse, or 6356
a combination of them or for operating a vehicle with a prohibited 6357
concentration of alcohol in the whole blood, blood serum or 6358
plasma, breath, or urine. 6359

(2) As used in division (C)(1) of this section, "vehicle," 6360
"streetcar," and "trackless trolley" have the same meanings as in 6361
section 4511.01 of the Revised Code. 6362

(D)(1) Division (B)(5) of this section does not apply to any 6363
material or performance that is produced, presented, or 6364
disseminated for a bona fide medical, scientific, educational, 6365
religious, governmental, judicial, or other proper purpose, by or 6366
to a physician, psychologist, sociologist, scientist, teacher, 6367
person pursuing bona fide studies or research, librarian, member 6368
of the clergy, prosecutor, judge, or other person having a proper 6369
interest in the material or performance. 6370

(2) Mistake of age is not a defense to a charge under 6371
division (B)(5) of this section. 6372

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(3) In a prosecution under division (B)(5) of this section, 6373
the trier of fact may infer that an actor, model, or participant 6374
in the material or performance involved is a juvenile if the 6375
material or performance, through its title, text, visual 6376
representation, or otherwise, represents or depicts the actor, 6377
model, or participant as a juvenile. 6378

(4) As used in this division and division (B)(5) of this 6379
section: 6380

(a) "Material," "performance," "obscene," and "sexual 6381
activity" have the same meanings as in section 2907.01 of the 6382
Revised Code. 6383

(b) "Nudity-oriented matter" means any material or 6384
performance that shows a minor in a state of nudity and that, 6385
taken as a whole by the average person applying contemporary 6386
community standards, appeals to prurient interest. 6387

(c) "Sexually oriented matter" means any material or 6388
performance that shows a minor participating or engaging in sexual 6389
activity, masturbation, or bestiality. 6390

(E)(1) Whoever violates this section is guilty of endangering 6391
children. 6392

(2) If the offender violates division (A) or (B)(1) of this 6393
section, endangering children is one of the following: 6394

(a) Except as otherwise provided in division (E)(2)(b), (c), 6395
or (d) of this section, a misdemeanor of the first degree; 6396

(b) If the offender previously has been convicted of an 6397
offense under this section or of any offense involving neglect, 6398
abandonment, contributing to the delinquency of, or physical abuse 6399
of a child, except as otherwise provided in division (E)(2)(c) or 6400
(d) of this section, a felony of the fourth degree; 6401

(c) If the violation is a violation of division (A) of this 6402

section and results in serious physical harm to the child 6403
involved, a felony of the third degree; 6404

(d) If the violation is a violation of division (B)(1) of 6405
this section and results in serious physical harm to the child 6406
involved, a felony of the second degree. 6407

(3) If the offender violates division (B)(2), (3), or (4) of 6408
this section, except as otherwise provided in this division, 6409
endangering children is a felony of the third degree. If the 6410
violation results in serious physical harm to the child involved, 6411
or if the offender previously has been convicted of an offense 6412
under this section or of any offense involving neglect, 6413
abandonment, contributing to the delinquency of, or physical abuse 6414
of a child, endangering children is a felony of the second degree. 6415

(4) If the offender violates division (B)(5) of this section, 6416
endangering children is a felony of the second degree. 6417

(5) If the offender violates division (C) of this section, 6418
the offender shall be punished as follows: 6419

(a) Except as otherwise provided in division (E)(5)(b) or (c) 6420
of this section, endangering children in violation of division (C) 6421
of this section is a misdemeanor of the first degree. 6422

(b) If the violation results in serious physical harm to the 6423
child involved or the offender previously has been convicted of an 6424
offense under this section or any offense involving neglect, 6425
abandonment, contributing to the delinquency of, or physical abuse 6426
of a child, except as otherwise provided in division (E)(5)(c) of 6427
this section, endangering children in violation of division (C) of 6428
this section is a felony of the fifth degree. 6429

(c) If the violation results in serious physical harm to the 6430
child involved and if the offender previously has been convicted 6431
of a violation of division (C) of this section, section 2903.06 or 6432
2903.08 of the Revised Code, section 2903.07 of the Revised Code 6433

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as it existed prior to March 23, 2000, or section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, endangering children in violation of division (C) of this section is a felony of the fourth degree.

(d) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to division (E)(5)(a), (b), or (c) of this section or pursuant to any other provision of law and in addition to any suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege under Chapter 4506., 4509., 4510., or 4511. of the Revised Code or under any other provision of law, the court also may impose upon the offender a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code.

(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 4511.19 of the Revised Code for that violation of division (A) of section 4511.19 of the Revised Code.

(F)(1)(a) A court may require an offender to perform not more than two hundred hours of supervised community service work under the authority of an agency, subdivision, or charitable

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organization, ~~if the offender agrees to perform the supervised~~ 6466
~~community service work.~~ The requirement shall be part of the 6467
community control sanction or sentence of the offender, and the 6468
court shall impose the community service in accordance with and 6469
subject to divisions (F)(1)(a) and (b) of this section. The court 6470
may require an offender whom it requires to perform supervised 6471
community service work as part of the offender's community control 6472
sanction or sentence to pay the court a reasonable fee to cover 6473
the costs of the offender's participation in the work, including, 6474
but not limited to, the costs of procuring a policy or policies of 6475
liability insurance to cover the period during which the offender 6476
will perform the work. If the court requires the offender to 6477
perform supervised community service work as part of the 6478
offender's community control sanction or sentence, the court shall 6479
do so in accordance with the following limitations and criteria: 6480

(i) The court shall require that the community service work 6481
be performed after completion of the term of imprisonment or jail 6482
term imposed upon the offender for the violation of division (C) 6483
of this section, if applicable. 6484

(ii) The supervised community service work shall be subject 6485
to the limitations set forth in divisions ~~(F)(1)(a) to (c)~~ (B)(1), 6486
(2), and (3) of section 2951.02 of the Revised Code. 6487

(iii) The community service work shall be supervised in the 6488
manner described in division ~~(F)(1)(d)~~ (B)(4) of section 2951.02 of 6489
the Revised Code by an official or person with the qualifications 6490
described in that division. The official or person periodically 6491
shall report in writing to the court concerning the conduct of the 6492
offender in performing the work. 6493

(iv) The court shall inform the offender in writing that if 6494
the offender does not adequately perform, as determined by the 6495
court, all of the required community service work, the court may 6496
order that the offender be committed to a jail or workhouse for a 6497

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period of time that does not exceed the term of imprisonment that
the court could have imposed upon the offender for the violation
of division (C) of this section, reduced by the total amount of
time that the offender actually was imprisoned under the sentence
or term that was imposed upon the offender for that violation and
by the total amount of time that the offender was confined for any
reason arising out of the offense for which the offender was
convicted and sentenced as described in sections 2949.08 and
2967.191 of the Revised Code, and that, if the court orders that
the offender be so committed, the court is authorized, but not
required, to grant the offender credit upon the period of the
commitment for the community service work that the offender
adequately performed.

(b) If a court, pursuant to division (F)(1)(a) of this
section, orders an offender to perform community service work as
part of the offender's community control sanction or sentence and
if the offender does not adequately perform all of the required
community service work, as determined by the court, the court may
order that the offender be committed to a jail or workhouse for a
period of time that does not exceed the term of imprisonment that
the court could have imposed upon the offender for the violation
of division (C) of this section, reduced by the total amount of
time that the offender actually was imprisoned under the sentence
or term that was imposed upon the offender for that violation and
by the total amount of time that the offender was confined for any
reason arising out of the offense for which the offender was
convicted and sentenced as described in sections 2949.08 and
2967.191 of the Revised Code. The court may order that a person
committed pursuant to this division shall receive hour-for-hour
credit upon the period of the commitment for the community service
work that the offender adequately performed. No commitment
pursuant to this division shall exceed the period of the term of

imprisonment that the sentencing court could have imposed upon the
offender for the violation of division (C) of this section,
reduced by the total amount of time that the offender actually was
imprisoned under that sentence or term and by the total amount of
time that the offender was confined for any reason arising out of
the offense for which the offender was convicted and sentenced as
described in sections 2949.08 and 2967.191 of the Revised Code.

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(2) Division (F)(1) of this section does not limit or affect
the authority of the court to suspend the sentence imposed upon a
misdemeanor offender and place the offender ~~on probation or~~
~~otherwise suspend the sentence~~ under a community control sanction
pursuant to ~~sections 2929.51 and 2951.02~~ section 2929.25 of the
Revised Code, to require ~~the~~ a misdemeanor or felony offender, ~~as~~
~~a condition of the offender's probation or of otherwise suspending~~
~~the offender's sentence,~~ to perform supervised community service
work in accordance with division ~~(F)~~(B) of section 2951.02 of the
Revised Code, or to place a felony offender under a community
control sanction.

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(G)(1) If a court suspends an offender's driver's or
commercial driver's license or permit or nonresident operating
privilege under division (E)(5)(d) of this section, the period of
the suspension shall be consecutive to, and commence after, the
period of suspension of the offender's driver's or commercial
driver's license or permit or nonresident operating privilege that
is imposed under Chapter 4506., 4509., 4510., or 4511. of the
Revised Code or under any other provision of law in relation to
the violation of division (C) of this section that is the basis of
the suspension under division (E)(5)(d) of this section or in
relation to the violation of division (A) of section 4511.19 of
the Revised Code that is the basis for that violation of division
(C) of this section.

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(2) An offender is not entitled to request, and the court

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shall not grant to the offender, limited driving privileges if the
offender's license, permit, or privilege has been suspended under
division (E)(5)(d) of this section and the offender, within the
preceding six years, has been convicted of or pleaded guilty to
three or more violations of one or more of the following:

(a) Division (C) of this section;

(b) Any equivalent offense, as defined in section 4511.181 of
the Revised Code.

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

(2)(a) If a person is convicted of or pleads guilty to a
violation of division (C) of this section but the person is not
also convicted of and does not also plead 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, both of the following
apply:

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

(ii) 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 and that is not described in
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 6593
constitute a conviction of or plea of guilty to a violation of 6594
division (A) of section 4511.19 of the Revised Code. 6595

(b) If a person is convicted of or pleads guilty to a 6596
violation of division (C) of this section and the person also is 6597
convicted of or pleads guilty to a separate charge charging the 6598
violation of division (A) of section 4511.19 of the Revised Code 6599
that was the basis of the charge of the violation of division (C) 6600
of this section, the conviction of or plea of guilty to the 6601
violation of division (C) of this section shall not constitute, 6602
for purposes of any provision of law that refers to a conviction 6603
of or plea of guilty to a violation of division (A) of section 6604
4511.19 of the Revised Code, a conviction of or plea of guilty to 6605
a violation of division (A) of section 4511.19 of the Revised 6606
Code. 6607

(I) As used in this section: 6608

(1) "Community control sanction" has the same meaning as in 6609
section 2929.01 of the Revised Code; 6610

(2) "Limited driving privileges" has the same meaning as in 6611
section 4501.01 of the Revised Code. 6612

Sec. 2923.14. (A) Any person who, solely by reason of ~~his~~ the 6613
person's disability under division (A)(2) or (3) of section 6614
2923.13 of the Revised Code, is prohibited from acquiring, having, 6615
carrying, or using firearms, may apply to the court of common 6616
pleas in the county ~~where he~~ in which the person resides for 6617
relief from such prohibition. 6618

(B) The application shall recite the following: 6619

(1) All indictments, convictions, or adjudications upon which 6620
the applicant's disability is based, the sentence imposed and 6621
served, and ~~probation~~ any release granted under a community 6622

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control sanction, post-release control sanction, or parole, or any 6623
partial or conditional pardon granted, or other disposition of 6624
each case; 6625

(2) Facts showing the applicant to be a fit subject for 6626
relief under this section. 6627

(C) A copy of the application shall be served on the county 6628
prosecutor, ~~who~~. The county prosecutor shall cause the matter to 6629
be investigated, and shall raise before the court ~~such any~~ 6630
objections to granting relief ~~as~~ that the investigation reveals. 6631

(D) Upon hearing, the court may grant the applicant relief 6632
pursuant to this section, if all of the following apply: 6633

(1) The applicant has been fully discharged from 6634
imprisonment, ~~probation~~ community control, post-release control, 6635
and parole, or, if ~~he~~ the applicant is under indictment, has been 6636
released on bail or recognizance; 6637

(2) The applicant has led a law-abiding life since ~~his~~ 6638
discharge or release, and appears likely to continue to do so; 6639

(3) The applicant is not otherwise prohibited by law from 6640
acquiring, having, or using firearms. 6641

(E) Costs of the proceeding shall be charged as in other 6642
civil cases, and taxed to the applicant. 6643

(F) Relief from disability granted pursuant to this section: 6644

(1) Applies only with respect to indictments, convictions, or 6645
adjudications recited in the application; 6646

(2) Applies only with respect to firearms lawfully acquired, 6647
possessed, carried, or used by the applicant; 6648

(3) Does not apply with respect to dangerous ordnance; 6649

(4) May be revoked by the court at any time for good cause 6650
shown and upon notice to the applicant; 6651

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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 becoming one of the class of persons named in division (A)(1), (4), or (5) of ~~such~~ that section.

(G) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

(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, aggravated possession of drugs 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.

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

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(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

(2) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(2)(b), (c), or (d) of this section, possession of drugs is a misdemeanor of the third degree or, if the offender previously has been convicted of a drug abuse offense, a misdemeanor of the second degree. If the drug involved in the violation is an anabolic steroid included in schedule III and if the offense is a misdemeanor of the third degree under this division, in lieu of sentencing the offender to a term of imprisonment in a detention facility, the court may place the offender on conditional probation under a community control sanction, as defined in section 2929.01 of the Revised Code, that requires the offender to perform supervised community service work pursuant to division ~~(F)~~(B) of section 2951.02 of the Revised Code.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, possession of drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds five

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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.

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

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

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

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

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

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

(e) If the amount of the drug involved equals or exceeds five
thousand grams but is less than twenty thousand grams, possession

of marihuana is a felony of the third degree, and there is a
presumption that a prison term shall be imposed for the offense.

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

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

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

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

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

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(d) If the amount of the drug involved equals or exceeds one hundred grams but is less than five hundred grams of cocaine that is not crack cocaine or equals or exceeds ten grams but is less than twenty-five grams of crack cocaine, possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

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

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

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

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

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(b) If the amount of L.S.D. involved equals or exceeds ten 6839
unit doses but is less than fifty unit doses of L.S.D. in a solid 6840
form or equals or exceeds one gram but is less than five grams of 6841
L.S.D. in a liquid concentrate, liquid extract, or liquid 6842
distillate form, possession of L.S.D. is a felony of the fourth 6843
degree, and division (C) of section 2929.13 of the Revised Code 6844
applies in determining whether to impose a prison term on the 6845
offender. 6846

(c) If the amount of L.S.D. involved equals or exceeds fifty 6847
unit doses, but is less than two hundred fifty unit doses of 6848
L.S.D. in a solid form or equals or exceeds five grams but is less 6849
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 6850
extract, or liquid distillate form, possession of L.S.D. is a 6851
felony of the third degree, and there is a presumption for a 6852
prison term for the offense. 6853

(d) If the amount of L.S.D. involved equals or exceeds two 6854
hundred fifty unit doses but is less than one thousand unit doses 6855
of L.S.D. in a solid form or equals or exceeds twenty-five grams 6856
but is less than one hundred grams of L.S.D. in a liquid 6857
concentrate, liquid extract, or liquid distillate form, possession 6858
of L.S.D. is a felony of the second degree, and the court shall 6859
impose as a mandatory prison term one of the prison terms 6860
prescribed for a felony of the second degree. 6861

(e) If the amount of L.S.D. involved equals or exceeds one 6862
thousand unit doses but is less than five thousand unit doses of 6863
L.S.D. in a solid form or equals or exceeds one hundred grams but 6864
is less than five hundred grams of L.S.D. in a liquid concentrate, 6865
liquid extract, or liquid distillate form, possession of L.S.D. is 6866
a felony of the first degree, and the court shall impose as a 6867
mandatory prison term one of the prison terms prescribed for a 6868
felony of the first degree. 6869

(f) If the amount of L.S.D. involved equals or exceeds five 6870

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thousand unit doses of L.S.D. in a solid form or equals or exceeds 6871
five hundred grams of L.S.D. in a liquid concentrate, liquid 6872
extract, or liquid distillate form, possession of L.S.D. is a 6873
felony of the first degree, the offender is a major drug offender, 6874
and the court shall impose as a mandatory prison term the maximum 6875
prison term prescribed for a felony of the first degree and may 6876
impose an additional mandatory prison term prescribed for a major 6877
drug offender under division (D)(3)(b) of section 2929.14 of the 6878
Revised Code. 6879

(6) If the drug involved in the violation is heroin or a 6880
compound, mixture, preparation, or substance containing heroin, 6881
whoever violates division (A) of this section is guilty of 6882
possession of heroin. The penalty for the offense shall be 6883
determined as follows: 6884

(a) Except as otherwise provided in division (C)(6)(b), (c), 6885
(d), (e), or (f) of this section, possession of heroin is a felony 6886
of the fifth degree, and division (B) of section 2929.13 of the 6887
Revised Code applies in determining whether to impose a prison 6888
term on the offender. 6889

(b) If the amount of the drug involved equals or exceeds ten 6890
unit doses but is less than fifty unit doses or equals or exceeds 6891
one gram but is less than five grams, possession of heroin is a 6892
felony of the fourth degree, and division (C) of section 2929.13 6893
of the Revised Code applies in determining whether to impose a 6894
prison term on the offender. 6895

(c) If the amount of the drug involved equals or exceeds 6896
fifty unit doses but is less than one hundred unit doses or equals 6897
or exceeds five grams but is less than ten grams, possession of 6898
heroin is a felony of the third degree, and there is a presumption 6899
for a prison term for the offense. 6900

(d) If the amount of the drug involved equals or exceeds one 6901

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hundred unit doses but is less than five hundred unit doses or
equals or exceeds ten grams but is less than fifty grams,
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

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- form, possession of hashish is a misdemeanor of the fourth degree. 6933
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- (c) If the amount of the drug involved equals or exceeds ten 6935
grams but is less than fifty grams of hashish in a solid form or 6936
equals or exceeds two grams but is less than ten grams of hashish 6937
in a liquid concentrate, liquid extract, or liquid distillate 6938
form, possession of hashish is a felony of the fifth degree, and 6939
division (B) of section 2929.13 of the Revised Code applies in 6940
determining whether to impose a prison term on the offender. 6941
- (d) If the amount of the drug involved equals or exceeds 6942
fifty grams but is less than two hundred fifty grams of hashish in 6943
a solid form or equals or exceeds ten grams but is less than fifty 6944
grams of hashish in a liquid concentrate, liquid extract, or 6945
liquid distillate form, possession of hashish is a felony of the 6946
third degree, and division (C) of section 2929.13 of the Revised 6947
Code applies in determining whether to impose a prison term on the 6948
offender. 6949
- (e) If the amount of the drug involved equals or exceeds two 6950
hundred fifty grams but is less than one thousand grams of hashish 6951
in a solid form or equals or exceeds fifty grams but is less than 6952
two hundred grams of hashish in a liquid concentrate, liquid 6953
extract, or liquid distillate form, possession of hashish is a 6954
felony of the third degree, and there is a presumption that a 6955
prison term shall be imposed for the offense. 6956
- (f) If the amount of the drug involved equals or exceeds one 6957
thousand grams of hashish in a solid form or equals or exceeds two 6958
hundred grams of hashish in a liquid concentrate, liquid extract, 6959
or liquid distillate form, possession of hashish is a felony of 6960
the second degree, and the court shall impose as a mandatory 6961
prison term the maximum prison term prescribed for a felony of the 6962
second degree. 6963
- (D) Arrest or conviction for a minor misdemeanor violation of 6964

this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

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(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13 ~~and~~, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section ~~or~~, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

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

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

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

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a mandatory fine imposed under division (E)(1)(a) of this section.	6997
(2) The court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.	6998 6999 7000
(3) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.	7001 7002 7003 7004
(F) It is an affirmative defense, as provided in section 2901.05 of the Revised Code, to a charge of a fourth degree felony violation under this section that the controlled substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C)(2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C)(2) of this section or a fifth degree felony violation of division (C)(4), (5), or (6) of this section respectively.	7005 7006 7007 7008 7009 7010 7011 7012 7013 7014 7015 7016 7017 7018 7019 7020 7021 7022
(G) When a person is charged with possessing a bulk amount or multiple of a bulk amount, division (E) of section 2925.03 of the Revised Code applies regarding the determination of the amount of the controlled substance involved at the time of the offense.	7023 7024 7025 7026
Sec. 2929.01. As used in this chapter:	7027

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(A)(1) "Alternative residential facility" means, subject to 7028
division (A)(2) of this section, any facility other than an 7029
offender's home or residence in which an offender is assigned to 7030
live and that satisfies all of the following criteria: 7031

(a) It provides programs through which the offender may seek 7032
or maintain employment or may receive education, training, 7033
treatment, or habilitation. 7034

(b) It has received the appropriate license or certificate 7035
for any specialized education, training, treatment, habilitation, 7036
or other service that it provides from the government agency that 7037
is responsible for licensing or certifying that type of education, 7038
training, treatment, habilitation, or service. 7039

(2) "Alternative residential facility" does not include a 7040
community-based correctional facility, jail, halfway house, or 7041
prison. 7042

(B) "Bad time" means the time by which the parole board 7043
administratively extends an offender's stated prison term or terms 7044
pursuant to section 2967.11 of the Revised Code because the parole 7045
board finds by clear and convincing evidence that the offender, 7046
while serving the prison term or terms, committed an act that is a 7047
criminal offense under the law of this state or the United States, 7048
whether or not the offender is prosecuted for the commission of 7049
that act. 7050

(C) "Basic probation supervision" means a requirement that 7051
the offender maintain contact with a person appointed to supervise 7052
the offender in accordance with sanctions imposed by the court or 7053
imposed by the parole board pursuant to section 2967.28 of the 7054
Revised Code. "Basic probation supervision" includes basic parole 7055
supervision and basic post-release control supervision. 7056

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 7057
"unit dose" have the same meanings as in section 2925.01 of the 7058

Revised Code. 7059

(E) "Community-based correctional facility" means a 7060
community-based correctional facility and program or district 7061
community-based correctional facility and program developed 7062
pursuant to sections 2301.51 to 2301.56 of the Revised Code. 7063

(F) "Community control sanction" means a sanction that is not 7064
a prison term and that is described in section 2929.15, 2929.16, 7065
2929.17, or 2929.18 of the Revised Code or a sanction that is not 7066
a jail term and that is described in section 2929.26, 2929.27, or 7067
2929.28 of the Revised Code. "Community control sanction" includes 7068
probation if the sentence involved was imposed for a felony that 7069
was committed prior to July 1, 1996, or if the sentence involved 7070
was imposed for a misdemeanor that was committed prior to January 7071
1, 2004. 7072

(G) "Controlled substance," "marihuana," "schedule I," and 7073
"schedule II" have the same meanings as in section 3719.01 of the 7074
Revised Code. 7075

(H) "Curfew" means a requirement that an offender during a 7076
specified period of time be at a designated place. 7077

(I) "Day reporting" means a sanction pursuant to which an 7078
offender is required each day to report to and leave a center or 7079
other approved reporting location at specified times in order to 7080
participate in work, education or training, treatment, and other 7081
approved programs at the center or outside the center. 7082

(J) "Deadly weapon" has the same meaning as in section 7083
2923.11 of the Revised Code. 7084

(K) "Drug and alcohol use monitoring" means a program under 7085
which an offender agrees to submit to random chemical analysis of 7086
the offender's blood, breath, or urine to determine whether the 7087
offender has ingested any alcohol or other drugs. 7088

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

(M) "Economic loss" means any economic detriment suffered by a victim as a result of the commission of a felony 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 commission of the felony.

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

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

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

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

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

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

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

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

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

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

~~(U)~~(S) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state.

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(T) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction.

(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 4510.14 of the Revised Code, or division (G) of section 4511.19 of the Revised Code or pursuant to any other provision of the Revised Code that requires a term in a jail for a misdemeanor conviction.

(V) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

(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.

(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
other schedule I or II controlled substance other than marihuana
that is necessary to commit a felony of the third degree pursuant
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised
Code that is based on the possession of, sale of, or offer to sell
the controlled substance.

(Y) "Mandatory prison term" means any of the following:

(1) Subject to division (Y)(2) of this section, the term in
prison that must be imposed for the offenses or circumstances set
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and
division (D) of section 2929.14 of the Revised Code. Except as
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and
2925.11 of the Revised Code, unless the maximum or another
specific term is required under section 2929.14 of the Revised
Code, a mandatory prison term described in this division may be
any prison term authorized for the level of offense.

(2) The term of sixty or one hundred twenty days in prison
that a sentencing court is required to impose for a third or
fourth degree felony OVI offense pursuant to division (G)(2) of
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19
of the Revised Code.

(3) The term in prison imposed pursuant to section 2971.03 of
the Revised Code for the offenses and in the circumstances
described in division (F)(11) of section 2929.13 of the Revised
Code and that term as modified or terminated pursuant to section
2971.05 of the Revised Code.

(Z) "Monitored time" means a period of time during which an
offender continues to be under the control of the sentencing court
or parole board, subject to no conditions other than leading a
law-abiding life.

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(AA) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.	7214 7215
(BB) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction but does not include a violation sanction center operated under authority of section 2967.141 of the Revised Code.	7216 7217 7218 7219 7220
(CC) "Prison term" includes any of the following sanctions for an offender:	7221 7222
(1) A stated prison term;	7223
(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code;	7224 7225 7226
(3) A term in prison extended by bad time imposed pursuant to section 2967.11 of the Revised Code or imposed for a violation of post-release control pursuant to section 2967.28 of the Revised Code.	7227 7228 7229 7230
(DD) "Repeat violent offender" means a person about whom both of the following apply:	7231 7232
(1) The person has been convicted of or has pleaded guilty to, and is being sentenced for committing, for complicity in committing, or for an attempt to commit, aggravated murder, murder, involuntary manslaughter, a felony of the first degree other than one set forth in Chapter 2925. of the Revised Code, a felony of the first degree set forth in Chapter 2925. of the Revised Code that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person, or a felony of the second degree that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person.	7233 7234 7235 7236 7237 7238 7239 7240 7241 7242 7243

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(2) Either of the following applies:	7244
(a) The person previously was convicted of or pleaded guilty to, and previously served or, at the time of the offense was serving, a prison term for, any of the following:	7245 7246 7247
(i) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;	7248 7249 7250 7251 7252 7253
(ii) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed under division (DD)(2)(a)(i) of this section and that resulted in the death of a person or in physical harm to a person.	7254 7255 7256 7257 7258
(b) The person previously was adjudicated a delinquent child for committing an act that if committed by an adult would have been an offense listed in division (DD)(2)(a)(i) or (ii) of this section, the person was committed to the department of youth services for that delinquent act.	7259 7260 7261 7262 7263
(EE) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 <u>or 2929.24 to 2929.28</u> of the Revised Code.	7264 7265 7266 7267 7268
(FF) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to a felony <u>an offense</u> .	7269 7270 7271
(GG) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section	7272 7273 7274

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2929.14 or 2971.03 of the Revised Code. "Stated prison term"	7275
includes any credit received by the offender for time spent in	7276
jail awaiting trial, sentencing, or transfer to prison for the	7277
offense and any time spent under house arrest or electronically	7278
monitored house arrest <u>with electronic monitoring</u> imposed after	7279
earning credits pursuant to section 2967.193 of the Revised Code.	7280
(HH) "Victim-offender mediation" means a reconciliation or	7281
mediation program that involves an offender and the victim of the	7282
offense committed by the offender and that includes a meeting in	7283
which the offender and the victim may discuss the offense, discuss	7284
restitution, and consider other sanctions for the offense.	7285
(II) "Fourth degree felony OVI offense" means a violation of	7286
division (A) of section 4511.19 of the Revised Code that, under	7287
division (G) of that section, is a felony of the fourth degree.	7288
(JJ) "Mandatory term of local incarceration" means the term	7289
of sixty or one hundred twenty days in a jail, a community-based	7290
correctional facility, a halfway house, or an alternative	7291
residential facility that a sentencing court may impose upon a	7292
person who is convicted of or pleads guilty to a fourth degree	7293
felony OVI offense pursuant to division (G)(1) of section 2929.13	7294
of the Revised Code and division (G)(1)(d) or (e) of section	7295
4511.19 of the Revised Code.	7296
(KK) "Designated homicide, assault, or kidnapping offense,"	7297
"sexual motivation specification," "sexually violent offense,"	7298
"sexually violent predator," and "sexually violent predator	7299
specification" have the same meanings as in section 2971.01 of the	7300
Revised Code.	7301
(LL) "Habitual sex offender," "sexually oriented offense,"	7302
and "sexual predator" have the same meanings as in section 2950.01	7303
of the Revised Code.	7304
(MM) An offense is "committed in the vicinity of a child" if	7305

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the offender commits the offense within thirty feet of or within
the same residential unit as a child who is under eighteen years
of age, regardless of whether the offender knows the age of the
child or whether the offender knows the offense is being committed
within thirty feet of or within the same residential unit as the
child and regardless of whether the child actually views the
commission of the offense.

(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 OVI offense" means a violation of
division (A) of section 4511.19 of the Revised Code that, under
division (G) of that section, is a felony of the third degree.

(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

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person, that will transmit a specified signal to a receiver of the 7335
type described in division (VV)(1)(b) of this section if the 7336
transmitter is removed from the person, turned off, or altered in 7337
any manner without prior court approval in relation to electronic 7338
monitoring or without prior approval of the department of 7339
rehabilitation and correction in relation to the use of an 7340
electronic monitoring device for an inmate on transitional control 7341
or otherwise is tampered with, that can transmit continuously and 7342
periodically a signal to that receiver when the person is within a 7343
specified distance from the receiver, and that can transmit an 7344
appropriate signal to that receiver if the person to whom it is 7345
attached travels a specified distance from that receiver. 7346

(b) The device has a receiver that can receive continuously 7347
the signals transmitted by a transmitter of the type described in 7348
division (VV)(1)(a) of this section, can transmit continuously 7349
those signals by telephone to a central monitoring computer of the 7350
type described in division (VV)(1)(c) of this section, and can 7351
transmit continuously an appropriate signal to that central 7352
monitoring computer if the receiver is turned off or altered 7353
without prior court approval or otherwise tampered with. 7354

(c) The device has a central monitoring computer that can 7355
receive continuously the signals transmitted by telephone by a 7356
receiver of the type described in division (VV)(1)(b) of this 7357
section and can monitor continuously the person to whom an 7358
electronic monitoring device of the type described in division 7359
(VV)(1)(a) of this section is attached. 7360

(2) Any device that is not a device of the type described in 7361
division (VV)(1) of this section and that conforms with all of the 7362
following: 7363

(a) The device includes a transmitter and receiver that can 7364
monitor and determine the location of a subject person at any 7365
time, or at a designated point in time, through the use of a 7366

central monitoring computer or through other electronic means. 7367

(b) The device includes a transmitter and receiver that can 7368
determine at any time, or at a designated point in time, through 7369
the use of a central monitoring computer or other electronic means 7370
the fact that the transmitter is turned off or altered in any 7371
manner without prior approval of the court in relation to the 7372
electronic monitoring or without prior approval of the department 7373
of rehabilitation and correction in relation to the use of an 7374
electronic monitoring device for an inmate on transitional control 7375
or otherwise is tampered with. 7376

(3) Any type of technology that can adequately track or 7377
determine the location of a subject person at any time and that is 7378
approved by the director of rehabilitation and correction, 7379
including, but not limited to, any satellite technology, voice 7380
tracking system, or retinal scanning system that is so approved. 7381

Sec. 2929.17. The court imposing a sentence for a felony upon 7382
an offender who is not required to serve a mandatory prison term 7383
may impose any nonresidential sanction or combination of 7384
nonresidential sanctions authorized under this section. If the 7385
court imposes one or more nonresidential sanctions authorized 7386
under this section, the court shall impose as a condition of the 7387
sanction that, during the period of the nonresidential sanction, 7388
the offender shall abide by the law and shall not leave the state 7389
without the permission of the court or the offender's probation 7390
officer. 7391

The court imposing a sentence for a fourth degree felony OVI 7392
offense under division (G)(1) of section 2929.13 of the Revised 7393
Code may impose upon the offender, in addition to the mandatory 7394
term of local incarceration imposed under that division, a 7395
nonresidential sanction or combination of nonresidential sanctions 7396
under this section, and the offender shall serve or satisfy the 7397

sanction or combination of sanctions after the offender has served 7398
the mandatory term of local incarceration required for the 7399
offense. Nonresidential sanctions include, but are not limited to, 7400
the following: 7401

(A) A term of day reporting; 7402

(B) A term of ~~electronically monitored~~ house arrest with 7403
electronic monitoring, a term of electronic monitoring without 7404
house arrest, or a term of house arrest without electronic 7405
monitoring; 7406

(C) A term of community service of up to five hundred hours 7407
pursuant to division ~~(F)~~(B) of section 2951.02 of the Revised Code 7408
or, if the court determines that the offender is financially 7409
incapable of fulfilling a financial sanction described in section 7410
2929.18 of the Revised Code, a term of community service as an 7411
alternative to a financial sanction; 7412

(D) A term in a drug treatment program with a level of 7413
security for the offender as determined necessary by the court; 7414

(E) A term of intensive probation supervision; 7415

(F) A term of basic probation supervision; 7416

(G) A term of monitored time; 7417

(H) A term of drug and alcohol use monitoring, including 7418
random drug testing ~~pursuant to section 2951.05 of the Revised~~ 7419
~~Code~~; 7420

(I) A curfew term; 7421

(J) A requirement that the offender obtain employment; 7422

(K) A requirement that the offender obtain education or 7423
training; 7424

(L) Provided the court obtains the prior approval of the 7425
victim, a requirement that the offender participate in 7426

victim-offender mediation; 7427

(M) A license violation report; 7428

(N) If the offense is a violation of section 2919.25 or a 7429
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 7430
Code involving a person who was a family or household member at 7431
the time of the violation, if the offender committed the offense 7432
in the vicinity of one or more children who are not victims of the 7433
offense, and if the offender or the victim of the offense is a 7434
parent, guardian, custodian, or person in loco parentis of one or 7435
more of those children, a requirement that the offender obtain 7436
counseling. This division does not limit the court in requiring 7437
the offender to obtain counseling for any offense or in any 7438
circumstance not specified in this division. 7439

Sec. 2929.18. (A) Except as otherwise provided in this 7440
division and in addition to imposing court costs pursuant to 7441
section 2947.23 of the Revised Code, the court imposing a sentence 7442
upon an offender for a felony may sentence the offender to any 7443
financial sanction or combination of financial sanctions 7444
authorized under this section or, in the circumstances specified 7445
in section ~~2929.25~~ 2929.32 of the Revised Code, may impose upon 7446
the offender a fine in accordance with that section. Financial 7447
sanctions that may be imposed pursuant to this section include, 7448
but are not limited to, the following: 7449

(1) Restitution by the offender to the victim of the 7450
offender's crime or any survivor of the victim, in an amount based 7451
on the victim's economic loss. The court shall order that the 7452
restitution be made to the victim in open court, to the adult 7453
probation department that serves the county on behalf of the 7454
victim, to the clerk of courts, or to another agency designated by 7455
the court, ~~except that it.~~ The order may include a requirement 7456
that reimbursement be made to third parties for amounts paid to or 7457

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on behalf of the victim or any survivor of the victim for economic 7458
loss resulting from the offense. If reimbursement to third parties 7459
is required, the reimbursement shall be made to any governmental 7460
agency to repay any amounts paid by the agency to or on behalf of 7461
the victim or any survivor of the victim for economic loss 7462
resulting from the offense before any reimbursement is made to any 7463
person other than a governmental agency. If no governmental agency 7464
incurred expenses for economic loss of the victim or any survivor 7465
of the victim resulting from the offense, the reimbursement shall 7466
be made to any person other than a governmental agency to repay 7467
amounts paid by that person to or on behalf of the victim or any 7468
survivor of the victim for economic loss of the victim resulting 7469
from the offense. The court shall not require an offender to repay 7470
an insurance company for any amounts the company paid on behalf of 7471
the offender pursuant to a policy of insurance. At sentencing, the 7472
court shall determine the amount of restitution to be made by the 7473
offender. The court may base the amount of restitution it orders 7474
on an amount recommended by the victim, the offender, a 7475
presentence investigation report, estimates or receipts indicating 7476
the cost of repairing or replacing property, and other 7477
information. The court shall hold a hearing on restitution if the 7478
offender, victim, or survivor disputes the amount. All restitution 7479
payments shall be credited against any recovery of economic loss 7480
in a civil action brought by the victim or any survivor of the 7481
victim against the offender. 7482

The court may order that the offender pay a surcharge of not 7483
more than five per cent of the amount of the restitution otherwise 7484
ordered to the entity responsible for collecting and processing 7485
restitution payments. 7486

The victim or survivor may request that the prosecuting 7487
attorney file a motion, or the offender may file a motion, for 7488
modification of the payment terms of any restitution ordered. If 7489

the court grants the motion, it may modify the payment terms as it determines appropriate. 7490
7491

(2) Except as provided in division (B)(1), (3), or (4) of 7492
this section, a fine payable by the offender to the state, to a 7493
political subdivision, or as described in division (B)(2) of this 7494
section to one or more law enforcement agencies, with the amount 7495
of the fine based on a standard percentage of the offender's daily 7496
income over a period of time determined by the court and based 7497
upon the seriousness of the offense. A fine ordered under this 7498
division shall not exceed the statutory maximum conventional fine 7499
amount authorized for the level of the offense under division 7500
(A)(3) of this section. 7501

(3) Except as provided in division (B)(1), (3), or (4) of 7502
this section, a fine payable by the offender to the state, to a 7503
political subdivision when appropriate for a felony, or as 7504
described in division (B)(2) of this section to one or more law 7505
enforcement agencies, in the following amount: 7506

(a) For a felony of the first degree, not more than twenty 7507
thousand dollars; 7508

(b) For a felony of the second degree, not more than fifteen 7509
thousand dollars; 7510

(c) For a felony of the third degree, not more than ten 7511
thousand dollars; 7512

(d) For a felony of the fourth degree, not more than five 7513
thousand dollars; 7514

(e) For a felony of the fifth degree, not more than two 7515
thousand five hundred dollars. 7516

(4) A state fine or costs as defined in section 2949.111 of 7517
the Revised Code. 7518

(5)(a) Reimbursement by the offender of any or all of the 7519

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costs of sanctions incurred by the government, including the 7520
following: 7521

(i) All or part of the costs of implementing any community 7522
control sanction, including a supervision fee under section 7523
2951.021 of the Revised Code; 7524

(ii) All or part of the costs of confinement under a sanction 7525
imposed pursuant to section 2929.14 or 2929.16 of the Revised 7526
Code, provided that the amount of reimbursement ordered under this 7527
division shall not exceed the total amount of reimbursement the 7528
offender is able to pay as determined at a hearing and shall not 7529
exceed the actual cost of the confinement. 7530

(b) If the offender is sentenced to a sanction of confinement 7531
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 7532
to be served in a facility operated by a board of county 7533
commissioners, a legislative authority of a municipal corporation, 7534
or another local governmental entity, if, pursuant to section 7535
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 7536
or 2947.19 of the Revised Code and section 2929.37 of the Revised 7537
Code, the board, legislative authority, or other local 7538
governmental entity requires prisoners ~~convicted of an offense~~ 7539
~~other than a minor misdemeanor~~ to reimburse the county, municipal 7540
corporation, or other entity for its expenses incurred by reason 7541
of the prisoner's confinement, and if the court does not impose a 7542
financial sanction under division (A)~~(4)~~(5)(a)(ii) of this 7543
section, confinement costs may be assessed pursuant to section 7544
2929.37 of the Revised Code. In addition, the offender may be 7545
required to pay the fees specified in section 2929.38 of the 7546
Revised Code in accordance with that section. 7547

(c) Reimbursement by the offender for costs pursuant to 7548
section ~~2929.28~~ 2929.71 of the Revised Code. 7549

(B)(1) For a first, second, or third degree felony violation 7550
of any provision of Chapter 2925., 3719., or 4729. of the Revised 7551

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Code, the sentencing court shall impose upon the offender a
mandatory fine of at least one-half of, but not more than, the
maximum statutory fine amount authorized for the level of the
offense pursuant to division (A)(3) of this section. If an
offender alleges in an affidavit filed with the court prior to
sentencing that the offender is indigent and unable to pay the
mandatory fine and if the court determines the offender is an
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.

(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.

(3) For a fourth degree felony OVI offense and for a third
degree felony OVI offense, the sentencing court shall impose upon
the offender a mandatory fine in the amount specified in division
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever
is applicable. The mandatory fine so imposed shall be disbursed as
provided in the division pursuant to which it is imposed.

(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

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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 following is applicable:

(a) The total value of any personal or real property in which the offender has an interest and that was used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of section 2925.03 of the Revised Code, including any property that constitutes proceeds derived from that offense;

(b) If the offender has no interest in any property of the type described in division (B)(4)(a) of this section or if it is not possible to ascertain whether the offender has an interest in any property of that type in which the offender may have an interest, the amount of the mandatory fine for the offense imposed under division (B)(1) of this section or, if no mandatory fine is imposed under division (B)(1) of this section, the amount of the fine authorized for the level of the offense imposed under division (A)(3) of this section.

(5) Prior to imposing a fine under division (B)(4) of this section, the court shall determine whether the offender has an interest in any property of the type described in division (B)(4)(a) of this section. Except as provided in division (B)(6) or (7) of this section, a fine that is authorized and imposed under division (B)(4) of this section does not limit or affect the imposition of the penalties and sanctions for a violation of section 2925.03 of the Revised Code prescribed under those sections or sections 2929.11 to 2929.18 of the Revised Code and

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does not limit or affect a forfeiture of property in connection 7616
with the offense as prescribed in sections 2925.42 to 2925.45 of 7617
the Revised Code. 7618

(6) If the sum total of a mandatory fine amount imposed for a 7619
first, second, or third degree felony violation of section 2925.03 7620
of the Revised Code under division (B)(1) of this section plus the 7621
amount of any fine imposed under division (B)(4) of this section 7622
does not exceed the maximum statutory fine amount authorized for 7623
the level of the offense under division (A)(3) of this section or 7624
section 2929.31 of the Revised Code, the court may impose a fine 7625
for the offense in addition to the mandatory fine and the fine 7626
imposed under division (B)(4) of this section. The sum total of 7627
the amounts of the mandatory fine, the fine imposed under division 7628
(B)(4) of this section, and the additional fine imposed under 7629
division (B)(6) of this section shall not exceed the maximum 7630
statutory fine amount authorized for the level of the offense 7631
under division (A)(3) of this section or section 2929.31 of the 7632
Revised Code. The clerk of the court shall pay any fine that is 7633
imposed under division (B)(6) of this section to the county, 7634
township, municipal corporation, park district as created pursuant 7635
to section 511.18 or 1545.04 of the Revised Code, or state law 7636
enforcement agencies in this state that primarily were responsible 7637
for or involved in making the arrest of, and in prosecuting, the 7638
offender pursuant to division (F) of section 2925.03 of the 7639
Revised Code. 7640

(7) If the sum total of the amount of a mandatory fine 7641
imposed for a first, second, or third degree felony violation of 7642
section 2925.03 of the Revised Code plus the amount of any fine 7643
imposed under division (B)(4) of this section exceeds the maximum 7644
statutory fine amount authorized for the level of the offense 7645
under division (A)(3) of this section or section 2929.31 of the 7646
Revised Code, the court shall not impose a fine under division 7647

(B)(6) of this section.

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(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 confinement cost reimbursement fund that is hereby created in the state treasury. The department of rehabilitation and correction shall use the amounts deposited in the fund to fund the operation of facilities used to confine offenders pursuant to sections 2929.14 and 2929.16 of the Revised Code.

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(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)~~(4)~~(5)(a) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the sanction cost reimbursement fund that each board of county commissioners shall create in its county treasury. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

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(3) Except as provided in section 2951.021 of the Revised Code, 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 a municipal corporation pursuant to any

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sanction imposed under this section or section 2929.16 or 2929.17 7680
of the Revised Code or in operating a facility used to confine 7681
offenders pursuant to a sanction imposed under section 2929.16 of 7682
the Revised Code to the treasurer of the municipal corporation. 7683
The treasurer shall deposit the reimbursements in a special fund 7684
that shall be established in the treasury of each municipal 7685
corporation. The municipal corporation shall use the amounts 7686
deposited in the fund to pay the costs incurred by the municipal 7687
corporation pursuant to any sanction imposed under this section or 7688
section 2929.16 or 2929.17 of the Revised Code or in operating a 7689
facility used to confine offenders pursuant to a sanction imposed 7690
under section 2929.16 of the Revised Code. 7691

(4) Except as provided in section 2951.021 of the Revised 7692
Code, the offender shall pay reimbursements imposed pursuant to 7693
division (A)(4)(5)(a) of this section for the costs incurred by a 7694
private provider pursuant to a sanction imposed under this section 7695
or section 2929.16 or 2929.17 of the Revised Code to the provider. 7696

(D) ~~A~~ Except as otherwise provided in this division, a 7697
financial sanction imposed pursuant to division (A) or (B) of this 7698
section is a judgment in favor of the state or a political 7699
subdivision in which the court that imposed the financial sanction 7700
is located, ~~except that a~~. A financial sanction of reimbursement 7701
imposed pursuant to division (A)(4)(5)(a)(ii) of this section upon 7702
an offender who is incarcerated in a state facility or a municipal 7703
jail is a judgment in favor of the state or the municipal 7704
corporation, ~~a~~. A financial sanction of reimbursement imposed upon 7705
an offender pursuant to this section for costs incurred by a 7706
private provider of sanctions is a judgment in favor of the 7707
private provider, ~~and a~~. A financial sanction of restitution 7708
imposed pursuant to this section is a judgment in favor of the 7709
victim of the offender's criminal act. The offender subject to the 7710
sanction is the judgment debtor. Imposition of a financial 7711

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sanction and execution on the judgment does not preclude any other 7712
power of the court to impose or enforce sanctions on the offender. 7713
Once the financial sanction is imposed as a judgment, the victim, 7714
private provider, state, or political subdivision may bring an 7715
action to do any of the following: 7716

(1) Obtain execution of the judgment through any available 7717
procedure, including: 7718

(a) An execution against the property of the judgment debtor 7719
under Chapter 2329. of the Revised Code; 7720

(b) An execution against the person of the judgment debtor 7721
under Chapter 2331. of the Revised Code; 7722

(c) A proceeding in aid of execution under Chapter 2333. of 7723
the Revised Code, including: 7724

(i) A proceeding for the examination of the judgment debtor 7725
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 7726
of the Revised Code; 7727

(ii) A proceeding for attachment of the person of the 7728
judgment debtor under section 2333.28 of the Revised Code; 7729

(iii) A creditor's suit under section 2333.01 of the Revised 7730
Code. 7731

(d) The attachment of the property of the judgment debtor 7732
under Chapter 2715. of the Revised Code; 7733

(e) The garnishment of the property of the judgment debtor 7734
under Chapter 2716. of the Revised Code. 7735

(2) Obtain an order for the assignment of wages of the 7736
judgment debtor under section 1321.33 of the Revised Code. 7737

(E) A court that imposes a financial sanction upon an 7738
offender may hold a hearing if necessary to determine whether the 7739
offender is able to pay the sanction or is likely in the future to 7740
be able to pay it. 7741

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(F) Each court imposing a financial sanction upon an offender 7742
under this section or under section ~~2929.25~~ 2929.32 of the Revised 7743
Code may designate ~~a~~ the clerk of the court employee or another 7744
person to collect, ~~or~~ the financial sanction. The clerk or other 7745
person authorized by law or the court to collect the financial 7746
sanction may enter into contracts with one or more public agencies 7747
or private vendors for the collection of, amounts due under the 7748
financial sanction imposed pursuant to this section or section 7749
~~2929.25~~ 2929.32 of the Revised Code. Before entering into a 7750
contract for the collection of amounts due from an offender 7751
pursuant to any financial sanction imposed pursuant to this 7752
section or section ~~2929.25~~ 2929.32 of the Revised Code, a court 7753
shall comply with sections 307.86 to 307.92 of the Revised Code. 7754

(G) If a court that imposes a financial sanction under 7755
division (A) or (B) of this section finds that an offender 7756
satisfactorily has completed all other sanctions imposed upon the 7757
offender and that all restitution that has been ordered has been 7758
paid as ordered, the court may suspend any financial sanctions 7759
imposed pursuant to this section or section ~~2929.25~~ 2929.32 of the 7760
Revised Code that have not been paid. 7761

(H) No financial sanction imposed under this section or 7762
section ~~2929.25~~ 2929.32 of the Revised Code shall preclude a 7763
victim from bringing a civil action against the offender. 7764

Sec. 2929.19. (A)(1) The court shall hold a sentencing 7765
hearing before imposing a sentence under this chapter upon an 7766
offender who was convicted of or pleaded guilty to a felony and 7767
before resentencing an offender who was convicted of or pleaded 7768
guilty to a felony and whose case was remanded pursuant to section 7769
2953.07 or 2953.08 of the Revised Code. At the hearing, the 7770
offender, the prosecuting attorney, the victim or the victim's 7771
representative in accordance with section 2930.14 of the Revised 7772

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Code, and, with the approval of the court, any other person may 7773
present information relevant to the imposition of sentence in the 7774
case. The court shall inform the offender of the verdict of the 7775
jury or finding of the court and ask the offender whether the 7776
offender has anything to say as to why sentence should not be 7777
imposed upon the offender. 7778

(2) Except as otherwise provided in this division, before 7779
imposing sentence on an offender who is being sentenced for a 7780
sexually oriented offense that was committed on or after January 7781
1, 1997, and that is not a sexually violent offense, and before 7782
imposing sentence on an offender who is being sentenced for a 7783
sexually violent offense committed on or after January 1, 1997, 7784
and who was not charged with a sexually violent predator 7785
specification in the indictment, count in the indictment, or 7786
information charging the sexually violent offense, the court shall 7787
conduct a hearing in accordance with division (B) of section 7788
2950.09 of the Revised Code to determine whether the offender is a 7789
sexual predator. The court shall not conduct a hearing under that 7790
division if the offender is being sentenced for a sexually violent 7791
offense and a sexually violent predator specification was included 7792
in the indictment, count in the indictment, or information 7793
charging the sexually violent offense. Before imposing sentence on 7794
an offender who is being sentenced for a sexually oriented 7795
offense, the court also shall comply with division (E) of section 7796
2950.09 of the Revised Code. 7797

(B)(1) At the sentencing hearing, the court, before imposing 7798
sentence, shall consider the record, any information presented at 7799
the hearing by any person pursuant to division (A) of this 7800
section, and, if one was prepared, the presentence investigation 7801
report made pursuant to section 2951.03 of the Revised Code or 7802
Criminal Rule 32.2, and any victim impact statement made pursuant 7803
to section 2947.051 of the Revised Code. 7804

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(2) The court shall impose a sentence and shall make a finding that gives its reasons for selecting the sentence imposed in any of the following circumstances:

(a) Unless the offense is a sexually violent offense for which the court is required to impose sentence pursuant to division (G) of section 2929.14 of the Revised Code, if it imposes a prison term for a felony of the fourth or fifth degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to 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;

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(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 prison term is necessary or required, the court shall do all of the following:

(a) Impose a stated prison term;

(b) Notify the offender that, as part of the sentence, the parole board may extend the stated prison term for certain violations of prison rules for up to one-half of the stated prison term;

(c) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the first degree or second degree, for a felony sex offense, or for a felony of the third degree in the commission of which the offender caused or threatened to cause physical harm to a person;

(d) Notify the offender that the offender may be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the third, fourth, or fifth degree that is not subject to division (B)(3)(c) of this section;

(e) Notify the offender that, if a period of supervision is imposed following the offender's release from prison, as described in division (B)(3)(c) or (d) of this section, and if the offender violates that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code, the parole board may impose a prison term, as part of the

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sentence, of up to one-half of the stated prison term originally 7868
imposed upon the offender; 7869

(f) Require that the offender not ingest or be injected with 7870
a drug of abuse and submit to random drug testing as provided in 7871
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 7872
is applicable to the offender who is serving a prison term, and 7873
require that the results of the drug test administered under any 7874
of those sections indicate that the offender did not ingest or was 7875
not injected with a drug of abuse. 7876

(4) If the offender is being sentenced for a sexually violent 7877
offense that the offender committed on or after January 1, 1997, 7878
and the offender also is convicted of or pleads guilty to a 7879
sexually violent predator specification that was included in the 7880
indictment, count in the indictment, or information charging the 7881
sexually violent offense, if the offender is being sentenced for a 7882
sexually oriented offense that the offender committed on or after 7883
January 1, 1997, and the court imposing the sentence has 7884
determined pursuant to division (B) of section 2950.09 of the 7885
Revised Code that the offender is a sexual predator, or if the 7886
offender is being sentenced for an aggravated sexually oriented 7887
offense as defined in section 2950.01 of the Revised Code that the 7888
offender committed on or after ~~the effective date of this~~ 7889
~~amendment~~ June 13, 2002, the court shall include in the offender's 7890
sentence a statement that the offender has been adjudicated as 7891
being a sexual predator or has been convicted of or pleaded guilty 7892
to an aggravated sexually oriented offense, whichever is 7893
applicable, and shall comply with the requirements of section 7894
2950.03 of the Revised Code. Additionally, in the circumstances 7895
described in division (G) of section 2929.14 of the Revised Code, 7896
the court shall impose sentence on the offender as described in 7897
that division. 7898

(5) If the sentencing court determines at the sentencing 7899

hearing that a community control sanction should be imposed and
the court is not prohibited from imposing a community control
sanction, the court shall impose a community control sanction. The
court shall notify the offender that, if the conditions of the
sanction are violated, if the offender commits a violation of any
law, or if the offender leaves this state without the permission
of the court or the offender's probation officer, the court may
impose a longer time under the same sanction, may impose a more
restrictive sanction, or may impose a prison term on the offender
and shall indicate the specific prison term that may be imposed as
a sanction for the violation, as selected by the court from the
range of prison terms for the offense pursuant to section 2929.14
of the Revised Code.

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(6) Before imposing a financial sanction under section
2929.18 of the Revised Code or a fine under section ~~2929.25~~
2929.32 of the Revised Code, the court shall consider the
offender's present and future ability to pay the amount of the
sanction or fine.

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(7) If the sentencing court sentences the offender to a
sanction of confinement pursuant to section 2929.14 or 2929.16 of
the Revised Code that is to be served in a local detention
facility, as defined in section ~~2929.35~~ 2929.36 of the Revised
Code, and if the local detention facility is covered by a policy
adopted pursuant to section 307.93, 341.14, 341.19, 341.21,
341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised
Code and section 2929.37 of the Revised Code, both of the
following apply:

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(a) The court shall specify both of the following as part of
the sentence:

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(i) If the offender is presented with an itemized bill
pursuant to section 2929.37 of the Revised Code for payment of the
costs of confinement, the offender is required to pay the bill in

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accordance with that section.

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(ii) If the offender does not dispute the bill described in division (B)(7)(a)(i) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the offender as described in that section.

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(b) The sentence automatically includes any certificate of judgment issued as described in division (B)(7)(a)(ii) of this section.

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(C)(1) If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, the court shall impose the mandatory term of local incarceration in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose additional sanctions as specified in sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code. The court shall not impose a prison term on the offender.

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(2) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose an additional prison term as specified in section 2929.14 of the Revised Code. The court shall not impose any community control sanction on the offender.

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(D) The sentencing court, pursuant to division (K) of section 2929.14 of the Revised Code, may recommend placement of the offender in a program of shock incarceration under section 5120.031 of the Revised Code or an intensive program prison under

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section 5120.032 of the Revised Code, disapprove placement of the
offender in a program or prison of that nature, or make no
recommendation. If the court recommends or disapproves placement,
it shall make a finding that gives its reasons for its
recommendation or disapproval.

Sec. 2929.21. (A) A court that sentences an offender for a
misdemeanor or minor misdemeanor shall be guided by the overriding
purposes of misdemeanor sentencing. The overriding purposes of
misdemeanor sentencing are to protect the public from future crime
by the offender and others and to punish the offender. To achieve
those purposes, the sentencing court shall consider the impact of
the offense upon the victim and the need for changing the
offender's behavior, rehabilitating the offender, and making
restitution to the victim of the offense, the public, or the
victim and the public.

(B) A sentence imposed for a misdemeanor or minor misdemeanor
shall be reasonably calculated to achieve the two overriding
purposes of misdemeanor sentencing set forth in division (A) of
this section, commensurate with and not demeaning to the
seriousness of the offender's conduct and its impact upon the
victim, and consistent with sentences imposed for similar offenses
committed by similar offenders.

(C) A court that imposes a sentence upon an offender for a
misdemeanor or minor misdemeanor shall not base the sentence upon
the race, ethnic background, gender, or religion of the offender.

Sec. 2929.22. (A) Unless a mandatory jail term is required to
be imposed by division (G) of section 1547.99, division (B) of
section 4510.14, division (G) of section 4511.19 of the Revised
Code, or any other provision of the Revised Code a court that
imposes a sentence under this chapter upon an offender for a

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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.

Unless a specific sanction is required to be imposed or is precluded from being imposed by the section setting forth an offense or the penalty for an offense or by any provision of sections 2929.23 to 2929.28 of the Revised Code, a court that imposes a sentence upon an offender for a misdemeanor may impose on the offender any sanction or combination of sanctions under sections 2929.24 to 2929.28 of the Revised Code. The court shall not impose a sentence that imposes an unnecessary burden on local government resources.

(B)(1) In determining the appropriate sentence for a misdemeanor, the court shall determine whether the victim of the offense was sixty-five years of age or older, permanently and totally disabled, or under eighteen years of age at the time of the commission of the offense and, to the extent applicable, shall proceed as follows:

(a) If the court determines that the victim was sixty-five years of age or older, permanently and totally disabled, or under eighteen years of age at the time of the commission of the offense, regardless of whether the offender knew the age of the victim or knew of the victim's disability, and if the offense is a misdemeanor other than a minor misdemeanor, the court shall consider that fact in favor of imposing a jail term on the offender, but that fact shall not control the decision of the court.

(b) If the court determines that the victim was sixty-five years of age or older or permanently and totally disabled at the time of the commission of the offense, regardless of whether the offender knew the age of the victim or knew of the victim's

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disability, the court shall consider that fact in favor of 8024
imposing a financial sanction of restitution on the offender under 8025
section 2929.28 of the Revised Code, but that fact shall not 8026
control the decision of the court. 8027

(2) In determining the appropriate sentence for a 8028
misdemeanor, in addition to complying with division (B)(1) of this 8029
section, the court shall consider all of the following factors: 8030

(a) The nature and circumstances of the offense or offenses; 8031

(b) Whether the circumstances regarding the offender and the 8032
offense or offenses indicate that the offender has a history of 8033
persistent criminal activity and that the offender's character and 8034
condition reveal a substantial risk that the offender will commit 8035
another offense; 8036

(c) Whether the circumstances regarding the offender and the 8037
offense or offenses indicate that the offender's history, 8038
character, and condition reveal a substantial risk that the 8039
offender will be a danger to others and that the offender's 8040
conduct has been characterized by a pattern of repetitive, 8041
compulsive, or aggressive behavior with heedless indifference to 8042
the consequences; 8043

(d) The criminal history and character of the offender in 8044
general, in addition to the circumstances described in divisions 8045
(B)(2)(b) and (c) of this section; 8046

(e) Whether the offender is likely to commit future crimes in 8047
general, in addition to the circumstances described in divisions 8048
(B)(2)(b) and (c) of this section. 8049

(3) In determining the appropriate sentence for a 8050
misdemeanor, in addition to complying with divisions (B)(1) and 8051
(2) of this section, the court may consider any other factors that 8052
are relevant to achieving the purposes and principles of 8053
sentencing set forth in section 2929.21 of the Revised Code. 8054

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(C) Before imposing a jail term as a sentence for a misdemeanor, a court shall consider the appropriateness of imposing a community control sanction or a combination of community control sanctions under sections 2929.25, 2929.26, 2929.27, and 2929.28 of the Revised Code. A court may impose the longest jail term authorized under section 2929.24 of the Revised Code only upon offenders who commit the worst forms of the offense or upon offenders whose conduct and response to prior sanctions for prior offenses demonstrate that the imposition of the longest jail term is necessary to deter the offender from committing a future crime.

(D)(1) A sentencing court shall consider any relevant oral or written statement made by the victim, the defendant, the defense attorney, or the prosecuting authority regarding sentencing for a misdemeanor. This division does not create any rights to notice other than those rights authorized by Chapter 2930. of the Revised Code.

(2) At the time of sentencing for a misdemeanor or as soon as possible after sentencing, the court shall notify the victim of the offense of the victim's right to file an application for an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code.

Sec. 2929.23. (A) If an offender is being sentenced for a sexually oriented offense that is a misdemeanor committed on or after January 1, 1997, and if the judge imposing sentence for the sexually oriented offense determines pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator, the judge shall include in the offender's sentence a statement that the offender has been adjudicated a sexual predator, shall comply with the requirements of section 2950.03 of the Revised Code, and shall require the offender to submit to a

DNA specimen collection procedure pursuant to section 2901.07 of 8086
the Revised Code. 8087

(B) Before imposing sentence on an offender who is being 8088
sentenced for a sexually oriented offense that is a misdemeanor 8089
committed on or after January 1, 1997, the judge shall conduct a 8090
hearing in accordance with division (B) of section 2950.09 of the 8091
Revised Code to determine whether the offender is a sexual 8092
predator. Before imposing sentence on an offender who is being 8093
sentenced for a sexually oriented offense, the court also shall 8094
comply with division (E) of section 2950.09 of the Revised Code. 8095

(C) If an offender is being sentenced for a sexually oriented 8096
offense that is a misdemeanor committed on or after January 1, 8097
1997, the judge shall include in the sentence a summary of the 8098
offender's duty to register pursuant to section 2950.04 of the 8099
Revised Code, the offender's duty to provide notice of an intent 8100
to reside in a county if applicable pursuant to division (G) of 8101
section 2950.04 of the Revised Code, the offender's duty to 8102
provide notice of a change in residence address and register the 8103
new residence address pursuant to section 2950.05 of the Revised 8104
Code, the offender's duty to periodically verify the offender's 8105
current residence address pursuant to section 2950.06 of the 8106
Revised Code, and the duration of the duties. The judge shall 8107
inform the offender, at the time of sentencing, of those duties 8108
and of their duration and, if required under division (A)(2) of 8109
section 2950.03 of the Revised Code, shall perform the duties 8110
specified in that section. 8111

Sec. 2929.24. (A) Except as provided in section 2929.22 or 8112
2929.23 of the Revised Code and unless another term is required or 8113
authorized pursuant to law, if the sentencing court imposing a 8114
sentence upon an offender for a misdemeanor elects or is required 8115
to impose a jail term on the offender pursuant to this chapter, 8116

the court shall impose a definite jail term that shall be one of 8117
the following: 8118

(1) For a misdemeanor of the first degree, not more than one 8119
hundred eighty days; 8120

(2) For a misdemeanor of the second degree, not more than 8121
ninety days; 8122

(3) For a misdemeanor of the third degree, not more than 8123
sixty days; 8124

(4) For a misdemeanor of the fourth degree, not more than 8125
thirty days. 8126

(B) A court that sentences an offender to a jail term under 8127
this section may permit the offender to serve the sentence in 8128
intermittent confinement or may authorize a limited release of the 8129
offender as provided in division (B) of section 2929.26 of the 8130
Revised Code. 8131

(C) If a court sentences an offender to a jail term under 8132
this section and the court assigns the offender to a county jail 8133
that has established a county jail industry program pursuant to 8134
section 5147.30 of the Revised Code, the court shall specify, as 8135
part of the sentence, whether the offender may be considered for 8136
participation in the program. During the offender's term in the 8137
county jail, the court retains jurisdiction to modify its 8138
specification regarding the offender's participation in the county 8139
jail industry program. 8140

(D) If a person is sentenced to a jail term pursuant to this 8141
section, the court may impose as part of the sentence pursuant to 8142
section 2929.28 of the Revised Code a reimbursement sanction, and, 8143
if the local detention facility in which the term is to be served 8144
is covered by a policy adopted pursuant to section 307.93, 341.14, 8145
341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 8146

2947.19 of the Revised Code and section 2929.37 of the Revised Code, both of the following apply: 8147
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(1) The court shall specify both of the following as part of the sentence: 8149
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(a) If the person is presented with an itemized bill pursuant to section 2929.37 of the Revised Code for payment of the costs of confinement, the person is required to pay the bill in accordance with that section. 8151
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(b) If the person does not dispute the bill described in division (D)(1)(a) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the person as described in that section. 8155
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(2) The sentence automatically includes any certificate of judgment issued as described in division (D)(1)(b) of this section. 8160
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Sec. 2929.25. (A)(1) Except as provided in sections 2929.22 and 2929.23 of the Revised Code or when a jail term is required by law, in sentencing an offender for a misdemeanor, other than a minor misdemeanor, the sentencing court may do either of the following: 8163
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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 8168
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imposes a jail term upon the offender, the court may impose any 8177
community control sanction or combination of community control 8178
sanctions in addition to the jail term. 8179

(b) Impose a jail term under section 2929.24 of the Revised 8180
Code from the range of jail terms authorized under that section 8181
for the offense, suspend all or a portion of the jail term 8182
imposed, and place the offender under a community control sanction 8183
or combination of community control sanctions authorized under 8184
section 2929.26, 2929.27, or 2929.28 of the Revised Code. 8185

(2) The duration of all community control sanctions imposed 8186
upon an offender and in effect for an offender at any time shall 8187
not exceed five years. 8188

(3) At sentencing, if a court directly imposes a community 8189
control sanction or combination of community control sanctions 8190
pursuant to division (A)(1)(a) of this section, the court shall 8191
state the duration of the community control sanctions imposed and 8192
shall notify the offender that if any of the conditions of the 8193
community control sanctions are violated the court may do any of 8194
the following: 8195

(a) Impose a longer time under the same community control 8196
sanction if the total time under all of the offender's community 8197
control sanctions does not exceed the five-year limit specified in 8198
division (A)(2) of this section; 8199

(b) Impose a more restrictive community control sanction 8200
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 8201
but the court is not required to impose any particular sanction or 8202
sanctions; 8203

(c) Impose a definite jail term from the range of jail terms 8204
authorized for the offense under section 2929.24 of the Revised 8205
Code. 8206

(B)(1) If a court sentences an offender to any community 8207

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control sanction or combination of community control sanctions 8208
authorized under section 2929.26, 2929.27, or 2929.28 of the 8209
Revised Code, the court shall place the offender under the general 8210
control and supervision of the court or of a department of 8211
probation in the jurisdiction that serves the court for purposes 8212
of reporting to the court a violation of any of the conditions of 8213
the sanctions imposed. If the offender resides in another 8214
jurisdiction and a department of probation has been established to 8215
serve the municipal court or county court in that jurisdiction, 8216
the sentencing court may request the municipal court or the county 8217
court to receive the offender into the general control and 8218
supervision of that department of probation for purposes of 8219
reporting to the sentencing court a violation of any of the 8220
conditions of the sanctions imposed. The sentencing court retains 8221
jurisdiction over any offender whom it sentences for the duration 8222
of the sanction or sanctions imposed. 8223

(2) The sentencing court shall require as a condition of any 8224
community control sanction that the offender abide by the law and 8225
not leave the state without the permission of the court or the 8226
offender's probation officer. In the interests of doing justice, 8227
rehabilitating the offender, and ensuring the offender's good 8228
behavior, the court may impose additional requirements on the 8229
offender. The offender's compliance with the additional 8230
requirements also shall be a condition of the community control 8231
sanction imposed upon the offender. 8232

(C)(1) If the court imposing sentence upon an offender 8233
sentences the offender to any community control sanction or 8234
combination of community control sanctions authorized under 8235
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 8236
the offender violates any of the conditions of the sanctions, the 8237
public or private person or entity that supervises or administers 8238
the program or activity that comprises the sanction shall report 8239

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the violation directly to the sentencing court or to the 8240
department of probation or probation officer with general control 8241
and supervision over the offender. If the public or private person 8242
or entity reports the violation to the department of probation or 8243
probation officer, the department or officer shall report the 8244
violation to the sentencing court. 8245

(2) If an offender violates any condition of a community 8246
control sanction, the sentencing court may impose upon the 8247
violator a longer time under the same community control sanction 8248
if the total time under all of the community control sanctions 8249
imposed on the violator does not exceed the five-year limit 8250
specified in division (A)(2) of this section or may impose on the 8251
violator a more restrictive community control sanction or 8252
combination of community control sanctions, including a jail term. 8253
If the court imposes a jail term upon a violator pursuant to this 8254
division, the total time spent in jail for the misdemeanor offense 8255
and the violation of a condition of the community control sanction 8256
shall not exceed the maximum jail term available for the offense 8257
for which the sanction that was violated was imposed. The court 8258
may reduce the longer period of time that the violator is required 8259
to spend under the longer sanction or the more restrictive 8260
sanction by all or part of the time the violator successfully 8261
spent under the sanction that was initially imposed. 8262

(D) Except as otherwise provided in this division, if an 8263
offender, for a significant period of time, fulfills the 8264
conditions of a community control sanction imposed pursuant to 8265
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 8266
exemplary manner, the court may reduce the period of time under 8267
the community control sanction or impose a less restrictive 8268
community control sanction. Fulfilling the conditions of a 8269
community control sanction does not relieve the offender of a duty 8270
to make restitution under section 2929.28 of the Revised Code. 8271

Sec. 2929.26. (A) Except when a mandatory jail term is 8272
required by law, the court imposing a sentence for a misdemeanor, 8273
other than a minor misdemeanor, may impose upon the offender any 8274
community residential sanction or combination of community 8275
residential sanctions under this section. Community residential 8276
sanctions include, but are not limited to, the following: 8277

(1) A term of up to one hundred eighty days in a halfway 8278
house or a term in a halfway house not to exceed the longest jail 8279
term available for the offense, whichever is shorter, if the 8280
political subdivision that would have responsibility for paying 8281
the costs of confining the offender in a jail has entered into a 8282
contract with the halfway house for use of the facility for 8283
misdemeanor offenders; 8284

(2) A term of up to one hundred eighty days in an alternative 8285
residential facility or a term in an alternative residential 8286
facility not to exceed the longest jail term available for the 8287
offense, whichever is shorter. The court may specify the level of 8288
security in the alternative residential facility that is needed 8289
for the offender. 8290

(B) The court that sentences an offender to a community 8291
residential sanction under this section may do either or both of 8292
the following: 8293

(1) Permit the offender to serve the offender's sentence in 8294
intermittent confinement, overnight, on weekends or at any other 8295
time or times that will allow the offender to continue at the 8296
offender's occupation or care for the offender's family; 8297

(2) Authorize the offender to be released so that the 8298
offender may seek or maintain employment, receive education or 8299
training, receive treatment, perform community service, or 8300
otherwise fulfill an obligation imposed by law or by the court. A 8301
release pursuant to this division shall be only for the duration 8302

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of time that is needed to fulfill the purpose of the release and 8303
for travel that reasonably is necessary to fulfill the purposes of 8304
the release. 8305

(C) The court may order that a reasonable portion of the 8306
income earned by the offender upon a release pursuant to division 8307
(B) of this section be applied to any financial sanction imposed 8308
under section 2929.28 of the Revised Code. 8309

(D) No court shall sentence any person to a prison term for a 8310
misdemeanor or minor misdemeanor or to a jail term for a minor 8311
misdemeanor. 8312

(E) If a court sentences a person who has been convicted of 8313
or pleaded guilty to a misdemeanor to a community residential 8314
sanction as described in division (A) of this section, at the time 8315
of reception and at other times the person in charge of the 8316
operation of the halfway house, alternative residential facility, 8317
or other place at which the offender will serve the residential 8318
sanction determines to be appropriate, the person in charge of the 8319
operation of the halfway house, alternative residential facility, 8320
or other place may cause the convicted offender to be examined and 8321
tested for tuberculosis, HIV infection, hepatitis, including, but 8322
not limited to, hepatitis A, B, and C, and other contagious 8323
diseases. The person in charge of the operation of the halfway 8324
house, alternative residential facility, or other place at which 8325
the offender will serve the residential sanction may cause a 8326
convicted offender in the halfway house, alternative residential 8327
facility, or other place who refuses to be tested or treated for 8328
tuberculosis, HIV infection, hepatitis, including, but not limited 8329
to, hepatitis A, B, and C, or another contagious disease to be 8330
tested and treated involuntarily. 8331

(F) A political subdivision may enter into a contract with a 8332
halfway house for use of the halfway house to house misdemeanor 8333
offenders under a sanction imposed under division (A)(1) of this 8334

<u>section.</u>	8335
<u>Sec. 2929.27. (A) Except when a mandatory jail term is</u>	8336
<u>required by law, the court imposing a sentence for a misdemeanor,</u>	8337
<u>other than a minor misdemeanor, may impose upon the offender any</u>	8338
<u>nonresidential sanction or combination of nonresidential sanctions</u>	8339
<u>authorized under this division. Nonresidential sanctions include,</u>	8340
<u>but are not limited to, the following:</u>	8341
<u>(1) A term of day reporting;</u>	8342
<u>(2) A term of house arrest with electronic monitoring, a term</u>	8343
<u>of electronic monitoring without house arrest, or a term of house</u>	8344
<u>arrest without electronic monitoring;</u>	8345
<u>(3) A term of community service of up to five hundred hours</u>	8346
<u>for a misdemeanor of the first degree or two hundred hours for a</u>	8347
<u>misdemeanor of the second, third, or fourth degree;</u>	8348
<u>(4) A term in a drug treatment program with a level of</u>	8349
<u>security for the offender as determined necessary by the court;</u>	8350
<u>(5) A term of intensive probation supervision;</u>	8351
<u>(6) A term of basic probation supervision;</u>	8352
<u>(7) A term of monitored time;</u>	8353
<u>(8) A term of drug and alcohol use monitoring, including</u>	8354
<u>random drug testing;</u>	8355
<u>(9) A curfew term;</u>	8356
<u>(10) A requirement that the offender obtain employment;</u>	8357
<u>(11) A requirement that the offender obtain education or</u>	8358
<u>training;</u>	8359
<u>(12) Provided the court obtains the prior approval of the</u>	8360
<u>victim, a requirement that the offender participate in</u>	8361
<u>victim-offender mediation;</u>	8362

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(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; 8363
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(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. 8368
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(B) In addition to the sanctions authorized under division (A) of this section, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, upon an offender who is not required to serve a mandatory jail term may impose any other sanction that is intended to discourage the offender or other persons from committing a similar offense if the sanction is reasonably related to the overriding purposes and principles of misdemeanor sentencing. 8379
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(C) The court imposing a sentence for a minor misdemeanor may impose a term of community service in lieu of all or part of a fine. The term of community service imposed for a minor misdemeanor shall not exceed thirty hours. 8387
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Sec. 2929.28. (A) In addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a misdemeanor, including 8391
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a minor misdemeanor, may sentence the offender to any financial 8394
sanction or combination of financial sanctions authorized under 8395
this section. Financial sanctions that may be imposed pursuant to 8396
this section include, but are not limited to, the following: 8397

(1) Restitution by the offender to the victim of the 8398
offender's crime or any survivor of the victim, in an amount based 8399
on the victim's economic loss. The court shall order that the 8400
restitution be made to the victim in open court or to the adult 8401
probation department that serves the jurisdiction or the clerk of 8402
the court on behalf of the victim. The order may include a 8403
requirement that reimbursement be made to third parties, other 8404
than the offender's insurer, for amounts paid to the victim or any 8405
survivor of the victim for economic loss resulting from the 8406
offense. If reimbursement to third parties is required, the 8407
offender shall make the reimbursement to any governmental agency 8408
to repay any amounts paid by the agency to the victim or survivor 8409
before the offender makes any reimbursement to any other person. 8410

The court shall determine, or order to be determined, the 8411
amount of restitution to be paid by the offender. The court may 8412
base the amount of restitution it orders on an amount recommended 8413
by the victim, the offender, a presentence investigation report, 8414
estimates or receipts indicating the cost of repairing or 8415
replacing property, and other information. The court shall hold a 8416
hearing on restitution if the offender, victim, or survivor 8417
disputes the amount of restitution. 8418

All restitution payments shall be credited against any 8419
recovery of economic loss in a civil action brought by the victim 8420
or any survivor of the victim against the offender. 8421

The court may order that the offender pay a surcharge, of not 8422
more than five per cent of the amount of the restitution otherwise 8423
ordered, to the entity responsible for collecting and processing 8424

restitution payments. 8425

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. If the court grants the motion, it may modify the payment terms as it determines appropriate. 8426
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(2) A fine of the type described in divisions (A)(2)(a) and (b) of this section payable to the appropriate entity as required by law: 8431
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(a) A fine in the following amount: 8434

(i) For a misdemeanor of the first degree, not more than one thousand dollars; 8435
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(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars; 8437
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(iii) For a misdemeanor of the third degree, not more than five hundred dollars; 8439
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(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars; 8441
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(v) For a minor misdemeanor, not more than one hundred fifty dollars. 8443
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(b) A state fine or cost as defined in section 2949.111 of the Revised Code. 8445
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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: 8447
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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; 8450
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(ii) All or part of the costs of confinement in a jail or 8453

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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. 8454
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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 section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section. 8458
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(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 financial sanction imposed pursuant to this section or court costs or is likely in the future to be able to pay the sanction or costs. 8468
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If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (C) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court 8473
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costs. If a person fails to pay a financial sanction or court costs, the court may order community service in lieu of the financial sanction or court costs. 8486
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(C)(1) The offender shall pay reimbursements imposed upon the offender pursuant to division (A)(3) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the county's general fund in accordance with division (H) of this section. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code. 8489
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(2) The offender shall pay reimbursements imposed upon the offender pursuant to division (A)(3) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in the municipal corporation's general fund in accordance with division (H) of this section. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code. 8503
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(3) The offender shall pay reimbursements imposed pursuant to division (A)(3) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code to the provider.

(D) Except as otherwise provided in this division, a financial sanction imposed under division (A) of this section is a judgment in favor of the state or the political subdivision that operates the court that imposed the financial sanction. A financial sanction of reimbursement imposed pursuant to division (A)(3)(a)(i) of this section upon an offender is a judgment in favor of the entity administering the community control sanction. A financial sanction of reimbursement imposed pursuant to division (A)(3)(a)(ii) of this section upon an offender confined in a jail or other residential facility is a judgment in favor of the entity operating the jail or other residential facility. A financial sanction of restitution imposed pursuant to division (A)(1) of this section is a judgment in favor of the victim of the offender's criminal act. The offender subject to the financial sanction is the judgment debtor.

Once the financial sanction is imposed as a judgment, the victim, private provider, state, or political subdivision may bring an action to do any of the following:

(1) Obtain execution of the judgment through any available procedure, including any of the procedures identified in divisions (D)(1)(a) to (e) of section 2929.18 of the Revised Code.

(2) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.

(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.

(F) Each court imposing a financial sanction upon an offender

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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:

(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with sections 307.86 to 307.92 of the Revised Code.

(2) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a county court or a municipal court operated by a county, by credit or debit card or by another electronic transfer if the court is a municipal court not operated by a county, or by any other reasonable method, in any time, and on any terms that court considers just, except that the maximum time permitted for payment shall not exceed five years. If the court is a county court or a municipal court operated by a county, the acceptance of payments by any financial transaction device shall be governed by the policy adopted by the board of county commissioners of the county pursuant to section 301.28 of the Revised Code. If the court is a municipal court not operated by a county, the clerk may pay any fee associated with processing an electronic transfer out of public money or may charge the fee to the offender.

(3) To defray administrative costs, charge a reasonable fee to an offender who elects a payment plan rather than a lump sum payment of any financial sanction.

(G) No financial sanction imposed under this section shall preclude a victim from bringing a civil action against the offender.

(H) Reimbursement imposed under division (A)(3) of this section to pay the costs incurred by a county or municipal corporation shall be paid to the general fund of the county or municipal corporation that incurred the expenses in question, as described in division (C) of this section.

Sec. 2929.31. (A) Regardless of the penalties provided in sections 2929.02, 2929.14 to 2929.18, and ~~2929.21~~ 2929.24 to 2929.28 of the Revised Code, an organization convicted of an offense pursuant to section 2901.23 of the Revised Code shall be fined in accordance with this section. The court shall fix the fine as follows:

(1) For aggravated murder, not more than one hundred thousand dollars;

(2) For murder, not more than fifty thousand dollars;

(3) For a felony of the first degree, not more than twenty-five thousand dollars;

(4) For a felony of the second degree, not more than twenty thousand dollars;

(5) For a felony of the third degree, not more than fifteen thousand dollars;

(6) For a felony of the fourth degree, not more than ten thousand dollars;

(7) For a felony of the fifth degree, not more than seventy-five hundred dollars;

(8) For a misdemeanor of the first degree, not more than five thousand dollars;

(9) For a misdemeanor of the second degree, not more than four thousand dollars;

(10) For a misdemeanor of the third degree, not more than

three thousand dollars; 8609

(11) For a misdemeanor of the fourth degree, not more than 8610
two thousand dollars; 8611

(12) For a minor misdemeanor, not more than one thousand 8612
dollars; 8613

(13) For a felony not specifically classified, not more than 8614
ten thousand dollars; 8615

(14) For a misdemeanor not specifically classified, not more 8616
than two thousand dollars; 8617

(15) For a minor misdemeanor not specifically classified, not 8618
more than one thousand dollars. 8619

(B) When an organization is convicted of an offense that is 8620
not specifically classified, and the section defining the offense 8621
or penalty plainly indicates a purpose to impose the penalty 8622
provided for violation upon organizations, then the penalty so 8623
provided shall be imposed in lieu of the penalty provided in this 8624
section. 8625

(C) When an organization is convicted of an offense that is 8626
not specifically classified, and the penalty provided includes a 8627
higher fine than the fine that is provided in this section, then 8628
the penalty imposed shall be pursuant to the penalty provided for 8629
the violation of the section defining the offense. 8630

(D) This section does not prevent the imposition of available 8631
civil sanctions against an organization convicted of an offense 8632
pursuant to section 2901.23 of the Revised Code, either in 8633
addition to or in lieu of a fine imposed pursuant to this section. 8634

Sec. ~~2929.25~~ 2929.32. (A)(1) Subject to division (A)(2) of 8635
this section, notwithstanding the fines prescribed in section 8636
2929.02 of the Revised Code for a person who is convicted of or 8637

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pleads guilty to aggravated murder or murder, the fines prescribed 8638
in section 2929.18 of the Revised Code for a person who is 8639
convicted of or pleads guilty to a felony, the fines prescribed in 8640
section ~~2929.21~~ 2929.28 of the Revised Code for a person who is 8641
convicted of or pleads guilty to a misdemeanor, the fines 8642
prescribed in section 2929.31 of the Revised Code for an 8643
organization that is convicted of or pleads guilty to an offense, 8644
and the fines prescribed in any other section of the Revised Code 8645
for a person who is convicted of or pleads guilty to an offense, a 8646
sentencing court may impose upon the offender a fine of not more 8647
than one million dollars if any of the following applies to the 8648
offense and the offender: 8649

(a) There are three or more victims, as defined in section 8650
2969.11 of the Revised Code, of the offense for which the offender 8651
is being sentenced. 8652

(b) The offender previously has been convicted of or pleaded 8653
guilty to one or more offenses, and, for the offense for which the 8654
offender is being sentenced and all of the other offenses, there 8655
is a total of three or more victims, as defined in section 2969.11 8656
of the Revised Code. 8657

(c) The offense for which the offender is being sentenced is 8658
aggravated murder, murder, or a felony of the first degree that, 8659
if it had been committed prior to July 1, 1996, would have been an 8660
aggravated felony of the first degree. 8661

(2) If the offense in question is a first, second, or third 8662
degree felony violation of any provision of Chapter 2925., 3719., 8663
or 4729. of the Revised Code, the court shall impose upon the 8664
offender the mandatory fine described in division (B) of section 8665
2929.18 of the Revised Code, and, in addition, may impose a fine 8666
under division (A)(1) of this section, provided that the total of 8667
the mandatory fine and the fine imposed under division (A)(1) of 8668

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this section shall not exceed one million dollars. The mandatory
fine shall be paid as described in division (D) of section 2929.18
of the Revised Code, and the fine imposed under division (A)(1) of
this section shall be deposited pursuant to division (B) of this
section.

(B) If a sentencing court imposes a fine upon an offender
pursuant to division (A)(1) of this section, all moneys paid in
satisfaction of the fine or collected pursuant to division (C)(1)
of this section in satisfaction of the fine shall be deposited
into the crime victims recovery fund created by division (D) of
this section and shall be distributed as described in that
division.

(C)(1) Subject to division (C)(2) of this section,
notwithstanding any contrary provision of any section of the
Revised Code, if a sentencing court imposes a fine upon an
offender pursuant to division (A)(1) of this section or pursuant
to another section of the Revised Code, the fine shall be a
judgment against the offender in favor of the state, and both of
the following apply to that judgment:

(a) The state may collect the judgment by garnishing,
attaching, or otherwise executing against any income, profits, or
other real or personal property in which the offender has any
right, title, or interest, including property acquired after the
imposition of the fine, in the same manner as if the judgment had
been rendered against the offender and in favor of the state in a
civil action. If the fine is imposed pursuant to division (A)(1)
of this section, the moneys collected as a result of the
garnishment, attachment, or other execution shall be deposited and
distributed as described in divisions (B) and (D) of this section.
If the fine is not imposed pursuant to division (A)(1) of this
section, the moneys collected as a result of the garnishment,
attachment, or other execution shall be distributed as otherwise

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provided by law for the distribution of money paid in satisfaction 8701
of a fine. 8702

(b) The provisions of Chapter 2329. of the Revised Code 8703
relative to the establishment of court judgments and decrees as 8704
liens and to the enforcement of those liens apply to the judgment. 8705

(2) Division (C)(1) of this section does not apply to any 8706
financial sanction imposed pursuant to section 2929.18 of the 8707
Revised Code upon a person who is convicted of or pleads guilty to 8708
a felony. 8709

(D) There is hereby created in the state treasury the crime 8710
victims recovery fund. If a sentencing court imposes a fine upon 8711
an offender pursuant to division (A)(1) of this section, all 8712
moneys paid in satisfaction of the fine and all moneys collected 8713
in satisfaction of the fine pursuant to division (C)(1) of this 8714
section shall be deposited into the fund. The fund shall be 8715
administered and the moneys in it shall be distributed in 8716
accordance with sections 2969.11 to 2969.14 of the Revised Code. 8717

Sec. ~~2929.221~~ 2929.34. (A) A person who is convicted of or 8718
pleads guilty to aggravated murder, murder, or an offense 8719
punishable by life imprisonment and who is sentenced to a term of 8720
life imprisonment or a prison term pursuant to that conviction 8721
shall serve that term ~~of imprisonment~~ in an institution under the 8722
control of the department of rehabilitation and correction. 8723

(B)(1) A person who is convicted of or pleads guilty to a 8724
felony other than aggravated murder, murder, or an offense 8725
punishable by life imprisonment and who is sentenced to a term of 8726
imprisonment or a prison term pursuant to that conviction shall 8727
serve that term ~~of imprisonment~~ as follows: 8728

(a) Subject to divisions (B)(1)(b) and (B)(2) of this 8729
section, in an institution under the control of the department of 8730

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rehabilitation and correction if the term of ~~imprisonment~~ is a 8731
 prison term or ~~shall serve it~~ as otherwise determined by the 8732
 sentencing court pursuant to section 2929.16 of the Revised Code 8733
 if the term is not a prison term; 8734

(b) In a facility of a type described in division (G)(1) of 8735
 section 2929.13 of the Revised Code, if the offender is sentenced 8736
 pursuant to that division. 8737

(2) If the term of ~~imprisonment~~ is a prison term, the person 8738
 may be imprisoned in a jail that is not a minimum security 8739
~~misdemeanant~~ jail pursuant to agreement under section 5120.161 of 8740
 the Revised Code between the department of rehabilitation and 8741
 correction and the local authority that operates the jail. 8742

(C) A person who is convicted of or pleads guilty to one or 8743
 more misdemeanors and who is sentenced to a jail term or term of 8744
 imprisonment pursuant to the conviction or convictions shall serve 8745
 that term of ~~imprisonment~~ in a county, multicounty, municipal, 8746
 municipal-county, or multicounty-municipal jail or workhouse or, 8747
 if the misdemeanor or misdemeanors are not offenses of violence, 8748
 in a minimum security ~~misdemeanant~~ jail. 8749

(D) Nothing in this section prohibits the commitment, 8750
 referral, or sentencing of a person who is convicted of or pleads 8751
 guilty to a felony to a community-based correctional facility and 8752
 program or district community-based correctional facility and 8753
 program in accordance with sections 2301.51 to 2301.56 of the 8754
 Revised Code. 8755

Sec. ~~2929.35~~ 2929.36. As used in sections ~~2929.35~~ 2929.36 to 8756
 2929.38 of the Revised Code: 8757

(A) "Chief legal officer" includes a prosecuting attorney, 8758
 village solicitor, city director of law, and attorney for a 8759
 district of a joint city and county workhouse or county workhouse. 8760

(B) "Clerk of the appropriate court" or "appropriate court clerk" means whichever of the following applies: 8761
8762

(1) If the local detention facility in question is a 8763
multicounty correctional center, multicounty-municipal 8764
correctional center, district community-based correctional 8765
facility, or district workhouse, the clerk of the court of common 8766
pleas of the most populous county served by the local detention 8767
facility; 8768

(2) If the local detention facility in question is a city 8769
workhouse, the clerk of the municipal court for that city; 8770

(3) If neither (B)(1) nor (B)(2) of this section applies, the 8771
clerk of the court of common pleas of the county in which the 8772
local detention facility in question is located. 8773

(C) "Homestead" has the same meaning as in division (A) of 8774
section 323.151 of the Revised Code. 8775

(D) "Inmate account" has the same meaning as in section 8776
2969.21 of the Revised Code. 8777

(E) "Local detention facility" means a multicounty 8778
correctional center, municipal-county correctional center, 8779
multicounty-municipal correctional center, community-based 8780
correctional facility, district community-based correctional 8781
facility, jail, county jail, municipal or county prison, station 8782
house, workhouse, city workhouse, county workhouse, joint city and 8783
county workhouse, and district workhouse. 8784

Sec. 2929.37. (A) A board of county commissioners, in an 8785
agreement with the sheriff, a legislative authority of a municipal 8786
corporation, a corrections commission, a judicial corrections 8787
board, or any other public or private entity that operates a local 8788
detention facility at which a prisoner who is convicted of an 8789
offense and who is confined in the facility under a sanction or 8790

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term of imprisonment imposed under section 2929.16 ~~or, sections~~ 8791
2929.21 to 2929.28, or any other provision of the Revised Code may 8792
adopt, pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 8793
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code, a 8794
policy that requires the prisoner to pay all or part of the costs 8795
of confinement in that facility. If a board of county 8796
commissioners, legislative authority, corrections commission, 8797
judicial corrections board, or other entity adopts a policy for a 8798
facility pursuant to one of those sections, the person in charge 8799
of that facility shall appoint a reimbursement coordinator to 8800
administer the facility's policy. 8801

The costs of confinement may include, but are not limited to, 8802
the costs of repairing property damaged by the prisoner while 8803
confined, a per diem fee for room and board, medical and dental 8804
treatment costs, the fee for a random drug test assessed under 8805
division (E) of section 341.26 and division (E) of section 753.33 8806
of the Revised Code, and a one-time reception fee for the costs of 8807
processing the prisoner into the facility at the time of the 8808
prisoner's initial entry into the facility under the confinement 8809
in question, minus any fees deducted under section 2929.38 of the 8810
Revised Code. Any policy adopted under this section shall be used 8811
when a court does not order reimbursement of confinement costs 8812
under section 2929.18 or ~~2929.36~~ 2929.28 of the Revised Code. The 8813
amount assessed under this section shall not exceed the total 8814
amount that the prisoner is able to pay. 8815

(B)(1) Each prisoner covered by a repayment policy adopted as 8816
described in division (A) of this section shall receive at the end 8817
of the prisoner's confinement an itemized bill of the expenses to 8818
be reimbursed. The policy shall allow periodic payments on a 8819
schedule to be implemented upon a prisoner's release. The bill 8820
also shall state that payment shall be made to the person 8821
identified in the bill as the reimbursement coordinator and 8822

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include a notice that specifies that the prisoner has thirty days
in which to dispute the bill by filing a written objection with
the reimbursement coordinator and that if the prisoner does not
dispute the bill in that manner within that period, the prisoner
is required to pay the bill and a certificate of judgment may be
obtained against the prisoner for the amount of the unpaid
expenses. The prisoner shall sign a copy of the bill, and the
reimbursement coordinator shall retain that copy. If the prisoner
disputes an item on the bill within thirty days after receiving
the bill, the reimbursement coordinator may either concede the
disputed item or proceed to a hearing under division (B)(2) of
this section.

(2) If the prisoner disputes an item on an itemized bill
presented to the prisoner under division (B)(1) of this section
and the reimbursement coordinator does not concede the item, the
reimbursement coordinator shall submit the bill to the court, and
the court shall hold a hearing on the disputed items in the bill.
At the end of the hearing, the court shall determine how much of
the disputed expenses the prisoner shall reimburse the legislative
authority or managing authority and shall issue a judgment in
favor of the legislative authority or managing authority for any
undisputed expenses and the amount of the disputed expenses for
which the prisoner must reimburse the legislative authority or
managing authority. The reimbursement coordinator shall not seek
to enforce the judgment until at least ninety days after the court
issues the judgment.

(C) If a prisoner does not dispute the itemized bill
presented to the prisoner under division (B) of this section and
does not pay the bill within ninety days, the reimbursement
coordinator shall send by mail a notice to the prisoner requesting
payment of the expenses as stated in the bill. If the prisoner
does not respond to the notice by paying the expenses in full

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within thirty days of the date the notice was mailed, the
reimbursement coordinator shall send by mail a second notice to
the prisoner requesting payment of the expenses. If one hundred
eighty days elapse from the date that the reimbursement
coordinator provides the bill and if the prisoner has not paid the
full amount of the expenses pursuant to the bill and the notices,
the reimbursement coordinator may notify the clerk of the
appropriate court of those facts, and the clerk may issue a
certificate of judgment against the prisoner for the balance of
the expenses remaining unpaid.

(D) The reimbursement coordinator may collect any amounts
remaining unpaid on an itemized bill and any costs associated with
the enforcement of the judgment and may enter into a contract with
one or more public agencies or private vendors to collect any
amounts remaining unpaid. For enforcing a judgment issued under
this section, the reimbursement coordinator may assess an
additional poundage fee of two per cent of the amount remaining
unpaid and may collect costs associated with the enforcement of
the judgment.

(E) Neither the reimbursement coordinator nor the legislative
authority or the managing authority shall enforce any judgment
obtained under this section by means of execution against the
prisoner's homestead. Any reimbursement received under this
section shall be credited to the general fund of the treasury of
the political subdivision that incurred the expense, to be used
for general fund purposes.

Sec. 2929.38. (A) A board of commissioners of a county, in an
agreement with the sheriff, a legislative authority of a municipal
corporation, a corrections commission, a judicial corrections
board, or any other public or private entity that operates a local
detention facility described in division (A) of section 2929.37 of

the Revised Code, may establish a policy that requires any 8886
prisoner who is confined in the facility as a result of pleading 8887
guilty to or having been convicted of an offense to pay a one-time 8888
reception fee for the costs of processing the prisoner into the 8889
facility at the time of the prisoner's initial entry into the 8890
facility under the confinement in question, to pay a reasonable 8891
fee for any medical or dental treatment or service requested by 8892
and provided to that prisoner, and to pay the fee for a random 8893
drug test assessed under division (E) of section 341.26, and 8894
division (E) of section 753.33 of the Revised Code. The fee for 8895
the medical treatment or service shall not exceed the actual cost 8896
of the treatment or service provided. No prisoner confined in the 8897
local detention facility shall be denied any necessary medical 8898
care because of inability to pay the fees. 8899

(B) Upon assessment of a one-time reception fee as described 8900
in division (A) of this section, the provision of the requested 8901
medical treatment or service, or the assessment of a fee for a 8902
random drug test, payment of the required fee may be automatically 8903
deducted from the prisoner's inmate account in the business office 8904
of the local detention facility in which the prisoner is confined. 8905
If there is no money in the account, a deduction may be made at a 8906
later date during the prisoner's confinement if the money becomes 8907
available in the account. If, after release, the prisoner has an 8908
unpaid balance of those fees, the sheriff, legislative authority 8909
of the municipal corporation, corrections commission, judicial 8910
corrections board, or other entity that operates the local 8911
detention facility described in division (A) of section 2929.37 of 8912
the Revised Code may bill the prisoner for the payment of the 8913
unpaid fees. Fees received for medical or dental treatment or 8914
services shall be paid to the commissary fund, if one exists for 8915
the facility, or if no commissary fund exists, to the general fund 8916
of the treasury of the political subdivision that incurred the 8917

expenses, in the same proportion as those expenses were borne by the political subdivision. 8918
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(C) Any fee paid by a person under this section shall be deducted from any medical or dental costs that the person is ordered to reimburse under a financial sanction imposed pursuant to section 2929.36 2929.28 of the Revised Code or to repay under a policy adopted under section 2929.37 of the Revised Code. 8920
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(D) As used in this section, "inmate account" has the same meaning as in section 2969.21 of the Revised Code. 8925
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Sec. 2929.41. (A) Except as provided in division (B) of this section, division (E) of section 2929.14, or division (D) or (E) of section 2971.03 of the Revised Code, a prison term, jail term, or sentence of imprisonment shall be served concurrently with any other prison term, jail term, or sentence of imprisonment imposed by a court of this state, another state, or the United States. Except as provided in division (B)(3) of this section, a jail term or sentence of imprisonment for misdemeanor shall be served concurrently with a prison term or sentence of imprisonment for felony served in a state or federal correctional institution. 8927
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(B)(1) A jail term or sentence of imprisonment for a misdemeanor shall be served consecutively to any other prison term, jail term, or sentence of imprisonment when the trial court specifies that it is to be served consecutively or when it is imposed for a misdemeanor violation of section 2907.322, 2921.34, or 2923.131 of the Revised Code. 8937
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When consecutive sentences ~~of imprisonment~~ are imposed for misdemeanor under this division, the term to be served is the aggregate of the consecutive terms imposed, except that the aggregate term to be served shall not exceed eighteen months. 8943
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(2) If a court of this state imposes a prison term upon the 8947

offender for the commission of a felony and a court of another 8948
state or the United States also has imposed a prison term upon the 8949
offender for the commission of a felony, the court of this state 8950
may order that the offender serve the prison term it imposes 8951
consecutively to any prison term imposed upon the offender by the 8952
court of another state or the United States. 8953

(3) A jail term or sentence of imprisonment imposed for a 8954
misdemeanor violation of section 4510.11, 4510.14, 4510.16, 8955
4510.21, or 4511.19 of the Revised Code shall be served 8956
consecutively to a prison term that is imposed for a felony 8957
violation of section 2903.06, 2903.07, 2903.08, or 4511.19 of the 8958
Revised Code or a felony violation of section 2903.04 of the 8959
Revised Code involving the operation of a motor vehicle by the 8960
offender and that is served in a state correctional institution 8961
when the trial court specifies that it is to be served 8962
consecutively. 8963

When consecutive jail terms or sentences of imprisonment and 8964
prison terms are imposed for one or more misdemeanors and one or 8965
more felonies under this division, the term to be served is the 8966
aggregate of the consecutive terms imposed, and the offender shall 8967
serve all terms imposed for a felony before serving any term 8968
imposed for a misdemeanor. 8969

Sec. ~~2929.24~~ 2929.42. (A) The prosecutor in any case against 8970
any person licensed, certified, registered, or otherwise 8971
authorized to practice under Chapter 3719., 4715., 4723., 4729., 8972
4730., 4731., 4734., or 4741. of the Revised Code shall notify the 8973
appropriate licensing board, on forms provided by the board, of 8974
any of the following regarding the person: 8975

(1) A plea of guilty to, or a conviction of, a felony, or a 8976
court order dismissing a felony charge on technical or procedural 8977
grounds; 8978

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(2) A plea of guilty to, or a conviction of, a misdemeanor committed in the course of practice or in the course of business, or a court order dismissing such a misdemeanor charge on technical or procedural grounds;

(3) A plea of guilty to, or a conviction of, a misdemeanor involving moral turpitude, or a court order dismissing such a charge on technical or procedural grounds.

(B) The report required by division (A) of this section shall include the name and address of the person, the nature of the offense, and certified copies of court entries in the action.

Sec. ~~2929.29~~ 2929.43. (A) As used in this section:

(1) "Peace officer" has the same meaning as in section 109.71 of the Revised Code.

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

(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.

"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."

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.

(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 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.

(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

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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. 9040
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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 clerk of the court of common pleas certified copies of the court entries in the action. Upon receiving the written notice required by division (C)(2) of this section, the clerk of the court of common pleas shall transmit to the employer of the peace officer and to the Ohio peace officer training council a report that includes the information contained in the written notice and the certified copies of the court entries in the action. 9044
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(D) If pursuant to a negotiated plea agreement between a prosecuting attorney and a defendant who is a peace officer and who is charged with a felony, in which the defendant agrees to enter a plea of guilty to a misdemeanor and to surrender the certificate awarded to the defendant under section 109.77 of the Revised Code, the trial judge issues an order to the defendant to surrender that certificate, the trial judge shall provide to the clerk of the court a written notice of the order, the name and address of the peace officer, the law enforcement agency or other 9063
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governmental entity that employs the peace officer and its 9072
address, the date of the plea, the nature of the misdemeanor to 9073
which the peace officer pleaded guilty, and certified copies of 9074
court entries in the action. Upon receiving the written notice 9075
required by this division, the clerk of the court shall transmit 9076
to the employer of the peace officer and to the executive director 9077
of the Ohio peace officer training council a report that includes 9078
the information contained in the written notice and the certified 9079
copies of the court entries in the action. 9080

Sec. ~~2929.28~~ 2929.71. (A) As used in this section: 9081

(1) "Agency" means any law enforcement agency, other public 9082
agency, or public official involved in the investigation or 9083
prosecution of the offender or in the investigation of the fire or 9084
explosion in an aggravated arson, arson, or criminal damaging or 9085
endangering case. An "agency" includes, but is not limited to, a 9086
sheriff's office, a municipal corporation, township, or township 9087
police district police department, the office of a prosecuting 9088
attorney, city director of law, village solicitor, or similar 9089
chief legal officer of a municipal corporation, the fire marshal's 9090
office, a municipal corporation, township, or township fire 9091
district fire department, the office of a fire prevention officer, 9092
and any state, county, or municipal corporation crime laboratory. 9093

(2) "Assets" includes all forms of real or personal property. 9094

(3) "Itemized statement" means the statement of costs 9095
described in division (B) of this section. 9096

(4) "Offender" means the person who has been convicted of or 9097
pleaded guilty to committing, attempting to commit, or complicity 9098
in committing a violation of section 2909.02 or 2909.03 of the 9099
Revised Code, or, when the means used are fire or explosion, 9100
division (A)(2) of section 2909.06 of the Revised Code. 9101

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(5) "Costs" means the reasonable value of the time spent by an officer or employee of an agency on the aggravated arson, arson, or criminal damaging or endangering case, any moneys spent by the agency on that case, and the reasonable fair market value of resources used or expended by the agency on that case.

(B) Prior to the sentencing of an offender, the court shall enter an order that directs agencies that wish to be reimbursed by the offender for the costs they incurred in the investigation or prosecution of the offender or in the investigation of the fire or explosion involved in the case, to file with the court within a specified time an itemized statement of those costs. The order also shall require that a copy of the itemized statement be given to the offender or ~~his~~ offender's attorney within the specified time. Only itemized statements so filed and given shall be considered at the hearing described in division (C) of this section.

(C) The court shall set a date for a hearing on all the itemized statements filed with it and given to the offender or ~~his~~ the offender's attorney in accordance with division (B) of this section. The hearing shall be held prior to the sentencing of the offender, but may be held on the same day as ~~his~~ the sentencing. Notice of the hearing date shall be given to the offender or ~~his~~ the offender's attorney and to the agencies whose itemized statements are involved. At the hearing, each agency has the burden of establishing by a preponderance of the evidence that the costs set forth in its itemized statement were incurred in the investigation or prosecution of the offender or in the investigation of the fire or explosion involved in the case, and of establishing by a preponderance of the evidence that the offender has assets available for the reimbursement of all or a portion of the costs.

The offender may cross-examine all witnesses and examine all

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documentation presented by the agencies at the hearing, and ~~he~~ the 9134
offender may present at the hearing witnesses and documentation ~~he~~ 9135
the offender has obtained without a subpoena or a subpoena duces 9136
tecum or, in the case of documentation, that belongs to ~~him~~ the 9137
offender. ~~He~~ The offender also may issue subpoenas and subpoenas 9138
duces tecum for, and present and examine at the hearing, witnesses 9139
and documentation, subject to the following applying to the 9140
witnesses or documentation subpoenaed: 9141

(1) The testimony of witnesses subpoenaed or documentation 9142
subpoenaed is material to the preparation or presentation by the 9143
offender of ~~his~~ the offender's defense to the claims of the 9144
agencies for a reimbursement of costs; 9145

(2) If witnesses to be subpoenaed are personnel of an agency 9146
or documentation to be subpoenaed belongs to an agency, the 9147
personnel or documentation may be subpoenaed only if the agency 9148
involved has indicated, pursuant to this division, that it intends 9149
to present the personnel as witnesses or use the documentation at 9150
the hearing. The offender shall submit, in writing, a request to 9151
an agency as described in this division to ascertain whether the 9152
agency intends to present various personnel as witnesses or to use 9153
particular documentation. The request shall indicate that the 9154
offender is considering issuing subpoenas to personnel of the 9155
agency who are specifically named or identified by title or 9156
position, or for documentation of the agency that is specifically 9157
described or generally identified, and shall request the agency to 9158
indicate, in writing, whether it intends to present such personnel 9159
as witnesses or to use such documentation at the hearing. The 9160
agency shall promptly reply to the request of the offender. An 9161
agency is prohibited from presenting personnel as witnesses or 9162
from using documentation at the hearing if it indicates to the 9163
offender it does not intend to do so in response to a request of 9164
the offender under this division, or if it fails to reply or 9165

promptly reply to such a request.

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(D) Following the hearing, the court shall determine which of the agencies established by a preponderance of the evidence that costs set forth in their itemized statements were incurred as described in division (C) of this section and that the offender has assets available for reimbursement purposes. The court also shall determine whether the offender has assets available to reimburse all such agencies, in whole or in part, for their established costs, and if it determines that the assets are available, it shall order the offender, as part of ~~his~~ the offender's sentence, to reimburse the agencies from ~~his~~ the offender's assets for all or a specified portion of their established costs.

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Sec. 2930.06. (A) The prosecutor in a case, to the extent practicable, shall confer with the victim in the case before pretrial diversion is granted to the defendant or alleged juvenile offender in the case, before amending or dismissing an indictment, information, or complaint against that defendant or alleged juvenile offender, before agreeing to a negotiated plea for that defendant or alleged juvenile offender, before a trial of that defendant by judge or jury, or before the juvenile court conducts an adjudicatory hearing for that alleged juvenile offender. If the juvenile court disposes of a case prior to the prosecutor's involvement in the case, the court or a court employee shall notify the victim in the case that the alleged juvenile offender will be granted pretrial diversion, the complaint against that alleged juvenile offender will be amended or dismissed, or the court will conduct an adjudicatory hearing for that alleged juvenile offender. If the prosecutor fails to confer with the victim at any of those times, the court, if informed of the failure, shall note on the record the failure and the prosecutor's reasons for the failure. A prosecutor's failure to confer with a

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victim as required by this division and a court's failure to 9198
provide the notice as required by this division do not affect the 9199
validity of an agreement between the prosecutor and the defendant 9200
or alleged juvenile offender in the case, a pretrial diversion of 9201
the defendant or alleged juvenile offender, an amendment or 9202
dismissal of an indictment, information, or complaint filed 9203
against the defendant or alleged juvenile offender, a plea entered 9204
by the defendant or alleged juvenile defender, an admission 9205
entered by the defendant or alleged juvenile offender, or any 9206
other disposition in the case. A court shall not dismiss a 9207
criminal complaint, charge, information, or indictment or a 9208
delinquent child complaint solely at the request of the victim and 9209
over the objection of the prosecuting attorney, village solicitor, 9210
city director of law, or other chief legal officer responsible for 9211
the prosecution of the case. 9212

(B) After a prosecution in a case has been commenced, the 9213
prosecutor or a designee of the prosecutor other than a court or 9214
court employee, to the extent practicable, promptly shall give the 9215
victim all of the following information, except that, if the 9216
juvenile court disposes of a case prior to the prosecutor's 9217
involvement in the case, the court or a court employee, to the 9218
extent practicable, promptly shall give the victim all of the 9219
following information: 9220

(1) The name of the crime or specified delinquent act with 9221
which the defendant or alleged juvenile offender in the case has 9222
been charged and the name of the defendant or alleged juvenile 9223
offender; 9224

(2) The file number of the case; 9225

(3) A brief statement regarding the procedural steps in a 9226
criminal prosecution or delinquency proceeding involving a crime 9227
or specified delinquent act similar to the crime or specified 9228
delinquent act with which the defendant or alleged juvenile 9229

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offender has been charged and the right of the victim to be	9230
present during all proceedings held throughout the prosecution of	9231
the case;	9232
(4) A summary of the rights of a victim under this chapter;	9233
(5) Procedures the victim or the prosecutor may follow if the	9234
victim becomes subject to threats or intimidation by the	9235
defendant, alleged juvenile offender, or any other person;	9236
(6) The name and business telephone number of a person to	9237
contact for further information with respect to the case;	9238
(7) The right of the victim to have a victim's representative	9239
exercise the victim's rights under this chapter in accordance with	9240
section 2930.02 of the Revised Code and the procedure by which a	9241
victim's representative may be designated;	9242
(8) Notice that any notification under division (C) of this	9243
section, sections 2930.07 to 2930.19, and section 5139.56 of the	9244
Revised Code will be given to the victim only if the victim asks	9245
to receive the notification.	9246
(C) Upon the request of the victim, the prosecutor or, if it	9247
is a delinquency proceeding and a prosecutor is not involved in	9248
the case, the court shall give the victim notice of the date,	9249
time, and place of any scheduled criminal or juvenile proceedings	9250
in the case and notice of any changes in those proceedings or in	9251
the schedule in the case.	9252
(D) A victim who requests notice under division (C) of this	9253
section and who elects pursuant to division (B) of section 2930.03	9254
of the Revised Code to receive any further notice from the	9255
prosecutor or, if it is a delinquency proceeding and a prosecutor	9256
is not involved in the case, the court under this chapter shall	9257
keep the prosecutor or the court informed of the victim's current	9258
address and telephone number until the case is dismissed or	9259
terminated, the defendant is acquitted or sentenced, the	9260

delinquent child complaint is dismissed, the defendant is 9261
adjudicated a delinquent child, or the appellate process is 9262
completed, whichever is the final disposition in the case. 9263

(E) If a defendant is charged with the commission of a 9264
misdemeanor offense that is not identified in division (A)(2) of 9265
section 2930.01 of the Revised Code and if a police report or a 9266
complaint, indictment, or information that charges the commission 9267
of that offense and provides the basis for a criminal prosecution 9268
of that defendant identifies one or more individuals as 9269
individuals against whom that offense was committed, after a 9270
prosecution in the case has been commenced, the prosecutor or a 9271
designee of the prosecutor other than a court or court employee, 9272
to the extent practicable, promptly shall notify each of the 9273
individuals so identified in the report, complaint, indictment, or 9274
information that, if the defendant is convicted of or pleads 9275
guilty to the offense, the individual may make an oral or written 9276
statement to the court hearing the case regarding the sentence to 9277
be imposed upon the defendant and that the court must consider any 9278
statement so made that is relevant. Before imposing sentence in 9279
the case, the court shall permit the individuals so identified in 9280
the report, complaint, indictment, or information to make an oral 9281
or written statement. Division (A) of section 2930.14 of the 9282
Revised Code applies regarding any statement so made. The court 9283
shall consider a statement so made, in accordance with division 9284
(B) of that section and division (D) of section 2929.22 of the 9285
Revised Code. 9286

Sec. 2935.33. (A) If a person charged with a misdemeanor is 9287
taken before a judge of a court of record and if it appears to the 9288
judge that the person is an alcoholic or is suffering from acute 9289
alcohol intoxication and that the person would benefit from 9290
services provided by an alcohol and drug addiction program 9291
certified under Chapter 3793. of the Revised Code, the judge may 9292

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place the person temporarily in a program certified under that 9293
chapter in the area in which the court has jurisdiction for 9294
inpatient care and treatment for an indefinite period not 9295
exceeding five days. The commitment does not limit the right to 9296
release on bail. The judge may dismiss a charge of a violation of 9297
division (B) of section 2917.11 of the Revised Code or of a 9298
municipal ordinance substantially equivalent to that division if 9299
the defendant complies with all the conditions of treatment 9300
ordered by the court. 9301

The court may order that any fines or court costs collected 9302
by the court from defendants who have received inpatient care from 9303
an alcohol and drug addiction program be paid, for the benefit of 9304
the program, to the board of alcohol, drug addiction, and mental 9305
health services of the alcohol, drug addiction, and mental health 9306
service district in which the program is located or to the 9307
director of alcohol and drug addiction services. 9308

(B) If a person is being sentenced for a violation of 9309
division (B) of section 2917.11 or section 4511.19 of the Revised 9310
Code, a misdemeanor violation of section 2919.25 of the Revised 9311
Code, a misdemeanor violation of section 2919.27 of the Revised 9312
Code involving a protection order issued or consent agreement 9313
approved pursuant to section 2919.26 or 3113.31 of the Revised 9314
Code, or a violation of a municipal ordinance substantially 9315
equivalent to that division or any of those sections and if it 9316
appears to the judge at the time of sentencing that the person is 9317
an alcoholic or is suffering from acute alcohol intoxication and 9318
that, in lieu of imprisonment, the person would benefit from 9319
services provided by an alcohol and drug addiction program 9320
certified under Chapter 3793. of the Revised Code, the court may 9321
commit the person to close supervision in any facility in the area 9322
in which the court has jurisdiction that is, or is operated by, 9323
such a program. ~~A commitment to close supervision for a~~ 9324

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~~misdemeanor violation of section 2919.25 of the Revised Code, a~~ 9325
~~misdemeanor violation of section 2919.27 of the Revised Code~~ 9326
~~involving a protection order issued or consent agreement approved~~ 9327
~~pursuant to section 2919.26 or 3113.31 of the Revised Code, or a~~ 9328
~~violation of any substantially equivalent municipal ordinance~~ 9329
~~shall be in accordance with division (B) of section 2929.51 of the~~ 9330
~~Revised Code.~~ Such close supervision may include outpatient 9331
 services and part-time release, except that a person convicted of 9332
 a violation of division (A) of section 4511.19 of the Revised Code 9333
 shall be confined to the facility for at least three days and 9334
 except that a person convicted of a misdemeanor violation of 9335
 section 2919.25 of the Revised Code, a misdemeanor violation of 9336
 section 2919.27 of the Revised Code involving a protection order 9337
 issued or consent agreement approved pursuant to section 2919.26 9338
 or 3113.31 of the Revised Code, or a violation of a substantially 9339
 equivalent municipal ordinance shall be confined to the facility 9340
 in accordance with the order of commitment. A commitment of a 9341
 person to a facility for purposes of close supervision shall not 9342
 exceed the maximum term for which the person could be imprisoned. 9343

(C) A law enforcement officer who finds a person subject to 9344
 prosecution for violation of division (B) of section 2917.11 of 9345
 the Revised Code or a municipal ordinance substantially equivalent 9346
 to that division and who has reasonable cause to believe that the 9347
 person is an alcoholic or is suffering from acute alcohol 9348
 intoxication and would benefit from immediate treatment 9349
 immediately may place the person in an alcohol and drug addiction 9350
 program certified under Chapter 3793. of the Revised Code in the 9351
 area in which the person is found, for emergency treatment, in 9352
 lieu of other arrest procedures, for a maximum period of 9353
 forty-eight hours. During that time, if the person desires to 9354
 leave such custody, ~~he~~ the person shall be released forthwith. 9355

(D) As used in this section: 9356

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(1) "Alcoholic" has the same meaning as in section 3793.01 of the Revised Code; 9357
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(2) "Acute alcohol intoxication" means a heavy consumption of alcohol over a relatively short period of time, resulting in dysfunction of the brain centers controlling behavior, speech, and memory and causing characteristic withdrawal symptoms. 9359
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Sec. 2937.07. If the offense ~~be~~ is a misdemeanor and the accused pleads guilty ~~thereto~~ to the offense, the court or magistrate shall receive and enter ~~such~~ the plea unless ~~he~~ the court or magistrate believes ~~that~~ it was made through fraud, collusion~~r,~~ or mistake ~~in which case he~~. If the court or magistrate so believes, the court or magistrate shall enter a plea of not guilty and set the matter for trial pursuant to Chapter 2938. of the Revised Code. Upon receiving a plea of guilty being received, the court or magistrate shall call for an explanation of the circumstances of the offense from the affiant or complainant or his the affiant's or complainant's representatives, and after. After hearing the same explanation of circumstances, together with any statement of the accused, the court or magistrate shall proceed to pronounce the sentence or shall continue the matter for the purpose of imposing the sentence or admitting the defendant to probation. 9363
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~~If the A plea be to a misdemeanor offense of "no contest" or words of similar import in pleading to a misdemeanor, it shall constitute a stipulation that the judge or magistrate may make a finding of guilty or not guilty from the explanation of the circumstances, and if guilt be found, of the offense. If a finding of guilty is made, the judge or magistrate shall impose the sentence or continue the case for sentence sentencing accordingly. Such A plea of "no contest" or words of similar import shall not be construed to import as an admission of any fact at issue in the~~ 9379
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criminal charge in any subsequent civil or criminal action or 9388
 proceeding, ~~whether civil or criminal.~~ 9389

Sec. 2945.17. At any trial, in any court, for the violation 9390
 of any statute of this state, or of any ordinance of any municipal 9391
 corporation, ~~except in cases in which~~ when the violation is a 9392
minor misdemeanor or when the potential penalty involved for the 9393
violation does not exceed a fine of one ~~hundred thousand~~ dollars, 9394
 the accused has the right to be tried by a jury. This section does 9395
 not apply to, and there is no right to a jury trial for, a person 9396
 who is the subject of a complaint filed under section 2151.27 of 9397
 the Revised Code against both a child and the parent, guardian, or 9398
 other person having care of the child. 9399

Sec. 2947.06. (A)(1) The trial court may hear testimony in 9400
 mitigation of a sentence at the term of conviction or plea or at 9401
 the next term. The prosecuting attorney may offer testimony on 9402
 behalf of the state to give the court a true understanding of the 9403
 case. The court shall determine whether sentence ~~ought~~ should 9404
 immediately ~~to be imposed or whether, if the offense is a~~ 9405
~~misdemeanor, to place the defendant on probation.~~ The court on its 9406
 own motion may direct the department of probation of the county in 9407
 which the defendant resides, or its own regular probation officer, 9408
 to make any inquiries and presentence investigation reports that 9409
 the court requires concerning the defendant. 9410

(2) The provisions of section 2951.03 of the Revised Code 9412
 shall govern the preparation of, the provision, receipt, and 9413
 retention of copies of, the use of, and the confidentiality, 9414
 nonpublic record character, and sealing of a presentence 9415
 investigation report prepared pursuant to division (A)(1) of this 9416
 section. 9417

(B) The court may appoint not more than two psychologists or 9418

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psychiatrists to make any reports concerning the defendant that
the court requires for the purpose of determining the disposition
of the case. Each psychologist or psychiatrist shall receive a fee
to be fixed by the court and taxed in the costs of the case. The
psychologist's or psychiatrist's reports shall be made in writing,
in open court, and in the presence of the defendant, except in
misdemeanor cases in which sentence may be pronounced in the
absence of the defendant. A copy of each report of a psychologist
or psychiatrist may be furnished to the defendant, if present, who
may examine the persons making the report, under oath, as to any
matter or thing contained in the report.

Sec. 2947.19. (A) In a county that has no workhouse but in
which is located a city that has a workhouse maintained by the
city, the board of county commissioners may agree with the proper
authorities of that city upon terms under which persons convicted
of misdemeanors shall be maintained in the city workhouse at the
expense of the county. In the case of persons committed to the
city workhouse for the violation of a law of this state, whether
the commitment is from the court of common pleas, magistrate's
court, or other court, the cost of maintaining those persons
committed shall be paid out of the general fund of the county, on
the allowance of the board of county commissioners, provided that
all persons committed to the city workhouse for the violation of
ordinances of the city shall be maintained in that workhouse at
the sole cost of the city.

(B) Pursuant to section 2929.37 of the Revised Code, the
board of county commissioners or the legislative authority of the
city may require a person who was convicted of an offense and who
is confined in the city workhouse as provided in division (A) of
this section to reimburse the county or the city, as the case may
be, for its expenses incurred by reason of the person's
confinement. If a person is convicted of or pleads guilty to a

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felony and the court imposes a sanction that requires the offender
to serve a term in a city workhouse, sections 341.23, 753.02,
753.04, and 753.16 of the Revised Code govern the determination of
whether the court may impose a sanction under section 2929.18 of
the Revised Code that requires the offender to reimburse the
expenses of confinement.

(C) Notwithstanding any contrary provision in this section or
section 2929.18, ~~2929.21, 2929.36~~ 2929.28, or 2929.37 of the
Revised Code, the board of county commissioners or the legislative
authority of the city may establish a policy that complies with
section 2929.38 of the Revised Code and that requires any person
who is not indigent and who is confined in the city workhouse to
pay a reception fee or a fee for any medical treatment or service
requested by and provided to that person.

(D) If a person who has been convicted of or pleaded guilty
to an offense is confined in the workhouse as provided in division
(A) of this section, at the time of reception and at other times
the person in charge of the operation of the workhouse determines
to be appropriate, the person in charge of the operation of the
workhouse may cause the convicted offender to be examined and
tested for tuberculosis, HIV infection, hepatitis, including but
not limited to hepatitis A, B, and C, and other contagious
diseases. The person in charge of the operation of the workhouse
may cause a convicted offender in the workhouse who refuses to be
tested or treated for tuberculosis, HIV infection, hepatitis,
including but not limited to hepatitis A, B, and C, or another
contagious disease to be tested and treated involuntarily.

Sec. 2947.21. When a person is sentenced to a workhouse by
the court of common pleas, the clerk of the court of common pleas
shall make and deliver to the sheriff a certified copy of the
judgment. The copy shall describe the crime charged and the

sentence of the court. The sheriff shall deliver the copy to the officer in charge of the workhouse, and the copy shall be that officer's warrant for detaining the person in custody. In case of such a conviction by any other court or magistrate, the court or magistrate shall make a certified transcript of the docket in the case, which, in like manner, shall be delivered to the marshal, constable, or sheriff to be delivered by the marshal, constable, or sheriff to the proper officer in charge of the workhouse and be that officer's warrant for detaining the person in custody.

When a person is sentenced to a jail or workhouse under ~~division (A)(3) of section 2929.51~~ 2929.24 of the Revised Code, the court shall certify a transcript of the docket in the case, and the court shall deliver the certified transcript to the proper officer in charge of the workhouse or jail, and the certified transcript is the officer's warrant for detaining the person in custody during the prescribed period or periods.

Sec. 2949.111. (A) As used in this section:

(1) "~~Costs~~ Court costs" means any ~~court costs~~ assessment that the court requires an offender to pay, to defray the costs of operating the court.

(2) "State fines or costs" means any costs imposed or forfeited bail collected by the court under section 2743.70 of the Revised Code for deposit into the reparations fund or under section 2949.091 of the Revised Code for deposit into the general revenue fund and all fines, penalties, and forfeited bail collected by the court and paid to a law library association under sections 3375.50 to 3375.53 of the Revised Code.

(3) "Reimbursement" means any reimbursement for the costs of confinement that the court orders an offender to pay pursuant to section 2929.28 of the Revised Code, any supervision fee, any fee

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for the costs of ~~electronically monitored~~ house arrest with 9512
electronic monitoring that an offender agrees to pay ~~pursuant to~~ 9513
~~section 2929.23 of the Revised Code~~, any reimbursement for the 9514
costs of an investigation or prosecution that the court orders an 9515
offender to pay pursuant to ~~section 2929.28~~ 2929.71 of the Revised 9516
Code, or any other costs that the court orders an offender to pay. 9517

~~(2)~~(4) "Supervision fees" means any fees that a court, 9518
pursuant to ~~section~~ sections 2929.18, 2929.28, and 2951.021 of the 9519
Revised Code ~~and as a condition of probation, requires an offender~~ 9520
~~who is placed on probation to pay for probation services or that a~~ 9521
~~court, pursuant to section 2929.18 of the Revised Code~~, requires 9522
an offender who is under a community control sanction to pay for 9523
supervision services. 9524

~~(3)~~(5) "Community control sanction" has the same meaning as 9525
in section 2929.01 of the Revised Code. 9526

(B) Unless the court, in accordance with division (C) of this 9527
section, enters in the record of the case a different method of 9528
assigning ~~a payment toward the satisfaction of costs, restitution,~~ 9529
~~a fine, or supervision fees payments~~, if a person who is charged 9530
with a misdemeanor is convicted of or pleads guilty to the 9531
offense, if the court orders the offender to pay any combination 9532
of court costs, state fines or costs, restitution, a conventional 9533
fine, or ~~supervision fees~~ any reimbursement, and if the offender 9534
makes any payment of any of them to a clerk of court ~~toward the~~ 9535
~~satisfaction of the costs, restitution, fine, or supervision fees~~, 9536
the clerk ~~of the court~~ shall assign the offender's payment ~~so made~~ 9537
~~toward the satisfaction of the costs, restitution, fine, or~~ 9538
~~supervision fees~~ in the following manner: 9539

(1) If the court ordered the offender to pay any court costs, 9540
the offender's payment shall be assigned toward the satisfaction 9541
of the those court costs until ~~the court costs~~ they have been 9542
entirely paid. 9543

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(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. 9544
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(3) If the court ordered the offender to pay any restitution 9550
and if all of the court costs and state fines or costs that the 9551
court ordered the offender to pay, ~~if any,~~ have been paid, the 9552
remainder of the offender's payment ~~after any assignment required~~ 9553
~~under division (B)(1) of this section~~ shall be assigned toward the 9554
satisfaction of the restitution until ~~the restitution it~~ has been 9555
entirely paid. 9556

~~(3)(4)~~ (4) If the court ordered the offender to pay any fine and 9557
if all of the court costs, state fines or costs, and restitution 9558
that the court ordered the offender to pay, ~~if any,~~ have been 9559
paid, the remainder of the offender's payment ~~after any~~ 9560
~~assignments required under divisions (B)(1) and (2) of this~~ 9561
~~section~~ shall be assigned toward the satisfaction of the fine 9562
until ~~the fine it~~ has been entirely paid. 9563

~~(4)(5)~~ (5) If the court ordered the offender to pay any 9564
~~supervision fees reimbursement~~ and if all of the court costs, 9565
state fines or costs, restitution, and fine fines that the court 9566
ordered the offender to pay, ~~if any,~~ have been paid, the remainder 9567
of the offender's payment ~~after any assignments required under~~ 9568
~~divisions (B)(1), (2), and (3) of this section~~ shall be assigned 9569
toward the satisfaction of the supervision fees reimbursements 9570
until ~~the supervision fees they~~ have been entirely paid. 9571

(C) If a person who is charged with a misdemeanor is 9572
convicted of or pleads guilty to the offense and if the court 9573
orders the offender to pay any combination of court costs, state 9574
fines or costs, restitution, ~~a fine fines,~~ or ~~supervision fees~~ 9575

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~~reimbursements, the court, at the time it orders the offender to~~ 9576
~~pay the combination of costs, restitution, a fine, or supervision~~ 9577
~~fees make those payments, may prescribe a method an order of~~ 9578
~~assigning payments that the person makes toward the satisfaction~~ 9579
~~of the costs, restitution, fine, or supervision fees that differs~~ 9580
~~from the method order set forth in division (B) of this section-~~ 9581
~~If the court prescribes a method of assigning payments under this~~ 9582
~~division, the court shall enter by entering in the record of the~~ 9583
~~case the method order so prescribed. Upon the entry If a different~~ 9584
~~order is entered in the record of the case of the method of~~ 9585
~~assigning payments prescribed pursuant to this division, if the~~ 9586
~~offender makes any payment to a clerk of court for the costs,~~ 9587
~~restitution, fine, or supervision fees, on receipt of any payment,~~ 9588
~~the clerk of the court shall assign the payment so made toward the~~ 9589
~~satisfaction of the costs, restitution, fine, or supervision fees~~ 9590
~~in the manner prescribed by the court and entered in the record of~~ 9591
~~the case instead of in the manner set forth in division (B) of~~ 9592
~~this section.~~ 9593

Sec. 2950.01. As used in this chapter, unless the context 9594
 clearly requires otherwise: 9595

(A) "Confinement" includes, but is not limited to, a 9596
 community residential sanction imposed pursuant to section 2929.16 9597
or 2929.26 of the Revised Code. 9598

(B) "Habitual sex offender" means, except when a juvenile 9599
 judge removes this classification pursuant to division (A)(2) of 9600
 section 2152.84 or division (C)(2) of section 2152.85 of the 9601
 Revised Code, a person to whom both of the following apply: 9602

(1) The person is convicted of or pleads guilty to a sexually 9603
 oriented offense, or the person is adjudicated a delinquent child 9604
 for committing on or after January 1, 2002, a sexually oriented 9605
 offense, was fourteen years of age or older at the time of 9606

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committing the offense, and is classified a juvenile sex offender
registrant based on that adjudication. 9607
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(2) One of the following applies to the person: 9609

(a) Regarding a person who is an offender, the person 9610
previously was convicted of or pleaded guilty to one or more 9611
sexually oriented offenses or previously was adjudicated a 9612
delinquent child for committing one or more sexually oriented 9613
offenses and was classified a juvenile sex offender registrant or 9614
out-of-state juvenile sex offender registrant based on one or more 9615
of those adjudications, regardless of when the offense was 9616
committed and regardless of the person's age at the time of 9617
committing the offense. 9618

(b) Regarding a delinquent child, the person previously was 9619
convicted of, pleaded guilty to, or was adjudicated a delinquent 9620
child for committing one or more sexually oriented offenses, 9621
regardless of when the offense was committed and regardless of the 9622
person's age at the time of committing the offense. 9623

(C) "Prosecutor" has the same meaning as in section 2935.01 9624
of the Revised Code. 9625

(D) "Sexually oriented offense" means any of the following: 9626

(1) Any of the following violations or offenses committed by 9627
a person eighteen years of age or older: 9628

(a) Regardless of the age of the victim of the offense, a 9629
violation of section 2907.02, 2907.03, or 2907.05 of the Revised 9630
Code; 9631

(b) Any of the following offenses involving a minor, in the 9632
circumstances specified: 9633

(i) A violation of section 2905.01, 2905.02, 2905.03, 9634
2905.05, or 2907.04 or former section 2905.04 of the Revised Code 9635
when the victim of the offense is under eighteen years of age; 9636

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- (ii) A violation of section 2907.21 of the Revised Code when the person who is compelled, induced, procured, encouraged, 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; 9637
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- (iii) A violation of division (A)(1) or (3) of section 2907.321 or 2907.322 of the Revised Code; 9642
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- (iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code; 9644
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- (v) A violation of division (B)(5) of section 2919.22 of the Revised Code when the child who is involved in the offense is under eighteen years of age; 9646
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- (vi) A violation of division (D) or (E) of section 2907.07 of the Revised Code. 9649
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- (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; 9651
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- (d) A sexually violent offense; 9656
- (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; 9657
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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. 9663
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- (2) An act committed by a person under eighteen years of age 9666

that is any of the following: 9667

(a) Subject to division (D)(2)(h) of this section, regardless 9668
of the age of the victim of the violation, a violation of section 9669
2907.02, 2907.03, or 2907.05 of the Revised Code; 9670

(b) Subject to division (D)(2)(h) of this section, any of the 9671
following acts involving a minor in the circumstances specified: 9672
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(i) A violation of section 2905.01 or 2905.02 of the Revised 9674
Code, or of former section 2905.04 of the Revised Code, when the 9675
victim of the violation is under eighteen years of age; 9676

(ii) A violation of section 2907.21 of the Revised Code when 9677
the person who is compelled, induced, procured, encouraged, 9678
solicited, requested, or facilitated to engage in, paid or agreed 9679
to be paid for, or allowed to engage in the sexual activity in 9680
question is under eighteen years of age; 9681

(iii) A violation of division (B)(5) of section 2919.22 of 9682
the Revised Code when the child who is involved in the violation 9683
is under eighteen years of age. 9684

(c) Subject to division (D)(2)(h) of this section, any 9685
sexually violent offense that, if committed by an adult, would be 9686
a felony of the first, second, third, or fourth degree; 9687

(d) Subject to division (D)(2)(h) of this section, a 9688
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 9689
2905.02 of the Revised Code, a violation of division (A) of 9690
section 2903.04 of the Revised Code, or an attempt to violate any 9691
of those sections or that division that is committed with a 9692
purpose to gratify the sexual needs or desires of the child 9693
committing the violation; 9694

(e) Subject to division (D)(2)(h) of this section, a 9695
violation of division (A)(1) or (3) of section 2907.321, division 9696

(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 9697
section 2907.323 of the Revised Code, or an attempt to violate any 9698
of those divisions, if the person who violates or attempts to 9699
violate the division is four or more years older than the minor 9700
who is the victim of the violation; 9701

(f) Subject to division (D)(2)(h) of this section, any 9702
violation of any former law of this state, any existing or former 9703
municipal ordinance or law of another state or the United States, 9704
or any existing or former law applicable in a military court or in 9705
an Indian tribal court that is or was substantially equivalent to 9706
any offense listed in division (D)(2)(a), (b), (c), (d), or (e) of 9707
this section and that, if committed by an adult, would be a felony 9708
of the first, second, third, or fourth degree; 9709

(g) Subject to division (D)(2)(h) of this section, any 9710
attempt to commit, conspiracy to commit, or complicity in 9711
committing any offense listed in division (D)(2)(a), (b), (c), 9712
(d), (e), or (f) of this section; 9713

(h) If the child's case has been transferred for criminal 9714
prosecution under section 2152.12 of the Revised Code, the act is 9715
any violation listed in division (D)(1)(a), (b), (c), (d), (e), or 9716
(f) of this section or would be any offense listed in any of those 9717
divisions if committed by an adult. 9718

(E) "Sexual predator" means a person to whom either of the 9719
following applies: 9720

(1) The person has been convicted of or pleaded guilty to 9721
committing a sexually oriented offense and is likely to engage in 9722
the future in one or more sexually oriented offenses. 9723

(2) The person has been adjudicated a delinquent child for 9724
committing a sexually oriented offense, was fourteen years of age 9725
or older at the time of committing the offense, was classified a 9726
juvenile sex offender registrant based on that adjudication, and 9727

is likely to engage in the future in one or more sexually oriented offenses. 9728
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(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: 9730
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(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. 9733
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(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. 9739
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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: 9743
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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. 9748
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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. 9754
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(3) The delinquent child is adjudicated a delinquent child 9759
for committing a sexually oriented offense, was fourteen years of 9760
age or older at the time of committing the offense, and has been 9761
classified a juvenile sex offender registrant based on that 9762
adjudication, and the adjudicating judge or that judge's successor 9763
in office determines pursuant to division (B) of section 2950.09 9764
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 9765
the Revised Code that the delinquent child is a sexual predator. 9766

(4) Prior to January 1, 1997, the offender was convicted of 9767
or pleaded guilty to, and was sentenced for, a sexually oriented 9768
offense, the offender is imprisoned in a state correctional 9769
institution on or after January 1, 1997, and the court determines 9770
pursuant to division (C) of section 2950.09 of the Revised Code 9771
that the offender is a sexual predator. 9772

(5) Regardless of when the sexually oriented offense was 9773
committed, the offender or delinquent child is convicted of or 9774
pleads guilty to, has been convicted of or pleaded guilty to, or 9775
is adjudicated a delinquent child for committing a sexually 9776
oriented offense in another state or in a federal court, military 9777
court, or an Indian tribal court, as a result of that conviction, 9778
plea of guilty, or adjudication, the offender or delinquent child 9779
is required, under the law of the jurisdiction in which the 9780
offender was convicted or pleaded guilty or the delinquent child 9781
was adjudicated, to register as a sex offender until the 9782
offender's or delinquent child's death and to verify the 9783
offender's or delinquent child's address on at least a quarterly 9784
basis each year, and, on or after July 1, 1997, for offenders or 9785
January 1, 2002, for delinquent children the offender or 9786
delinquent child moves to and resides in this state or temporarily 9787
is domiciled in this state for more than seven days, unless a 9788
court of common pleas or juvenile court determines that the 9789
offender or delinquent child is not a sexual predator pursuant to 9790

division (F) of section 2950.09 of the Revised Code. 9791

(H) "Sexually violent predator specification" and "sexually 9792
violent offense" have the same meanings as in section 2971.01 of 9793
the Revised Code. 9794

(I) "Post-release control sanction" and "transitional 9795
control" have the same meanings as in section 2967.01 of the 9796
Revised Code. 9797

(J) "Juvenile sex offender registrant" means a person who is 9798
adjudicated a delinquent child for committing on or after January 9799
1, 2002, a sexually oriented offense, who is fourteen years of age 9800
or older at the time of committing the offense, and who a juvenile 9801
court judge, pursuant to an order issued under section 2152.82, 9802
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 9803
juvenile sex offender registrant and specifies has a duty to 9804
register under section 2950.04 of the Revised Code. 9805

(K) "Secure facility" means any facility that is designed and 9806
operated to ensure that all of its entrances and exits are locked 9807
and under the exclusive control of its staff and to ensure that, 9808
because of that exclusive control, no person who is 9809
institutionalized or confined in the facility may leave the 9810
facility without permission or supervision. 9811

(L) "Out-of-state juvenile sex offender registrant" means a 9812
person who is adjudicated a delinquent child for committing a 9813
sexually oriented offense in another state or in a federal court, 9814
military court, or Indian tribal court, who on or after January 1, 9815
2002, moves to and resides in this state or temporarily is 9816
domiciled in this state for more than seven days, and who under 9817
section 2950.04 of the Revised Code has a duty to register in this 9818
state as described in that section. 9819

(M) "Juvenile court judge" includes a magistrate to whom the 9820
juvenile court judge confers duties pursuant to division (A)(15) 9821

of section 2151.23 of the Revised Code. 9822

(N) "Adjudicated a delinquent child for committing a sexually 9823
oriented offense" includes a child who receives a serious youthful 9824
offender dispositional sentence under section 2152.13 of the 9825
Revised Code for committing a sexually oriented offense. 9826

(O) "Aggravated sexually oriented offense" means a violation 9827
of division (A)(1)(b) of section 2907.02 of the Revised Code. 9828

(P) "Community control sanction" has the same meaning as in 9829
section 2929.01 of the Revised Code. 9830

Sec. 2950.99. (A) Whoever violates a prohibition in section 9831
2950.04, 2950.05, or 2950.06 of the Revised Code is guilty of a 9832
felony of the fifth degree if the most serious sexually oriented 9833
offense that was the basis of the registration, change of address 9834
notification, or address verification requirement that was 9835
violated under the prohibition is a felony if committed by an 9836
adult, and a misdemeanor of the first degree if the most serious 9837
sexually oriented offense that was the basis of the registration, 9838
change of address notification, or address verification 9839
requirement that was violated under the prohibition is a 9840
misdemeanor if committed by an adult. In addition to any penalty 9841
or sanction imposed for the violation, if the offender or 9842
delinquent child is subject to a community control sanction, is on 9843
~~probation or parole,~~ is subject to one or more post-release 9844
control sanctions, or is subject to any other type of supervised 9845
release at the time of the violation, the violation shall 9846
constitute a violation of the terms and conditions of the 9847
~~probation~~ community control sanction, parole, post-release control 9848
sanction, or other type of supervised release. 9849

(B) If a person violates a prohibition in section 2950.04, 9850
2950.05, or 2950.06 of the Revised Code that applies to the person 9851
as a result of the person being adjudicated a delinquent child and 9852

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being classified a juvenile sex offender registrant or is an 9853
 out-of-state juvenile sex offender registrant, both of the 9854
 following apply: 9855

(1) If the violation occurs while the person is under 9856
 eighteen years of age, the person is subject to proceedings under 9857
 Chapter 2152. of the Revised Code based on the violation. 9858

(2) If the violation occurs while the person is eighteen 9859
 years of age or older, the person is subject to criminal 9860
 prosecution based on the violation. 9861

Sec. 2951.01. ~~The definition of "magistrate" set forth~~ As 9862
used in this chapter: 9863

(A) "Magistrate" has the same meaning as in section 2931.01 9864
of the Revised Code ~~applies to Chapter 2951. of the Revised Code.~~ 9865

(B) "Community control sanction" has the same meaning as in 9866
section 2929.01 of the Revised Code. 9867

(C) "Ignition interlock device" has the same meaning as in 9868
section 4511.83 of the Revised Code. 9869

(D) "Multicounty department of probation" means a probation 9870
department established under section 2301.27 of the Revised Code 9871
to serve more than one county. 9872

(E) "Probation agency" means a county department of 9873
probation, a multicounty department of probation, a municipal 9874
court department of probation established under section 1901.33 of 9875
the Revised Code, or the adult parole authority. 9876

(F) "County-operated municipal court" and "legislative 9877
authority" have the same meanings as in section 1901.03 of the 9878
Revised Code. 9879

(G) "Detention facility" has the same meaning as in section 9880
2921.01 of the Revised Code. 9881

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<u>(H) "Repeat offender" and "dangerous offender" have the same meanings as in section 2935.36 of the Revised Code.</u>	9882
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<u>(I) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.</u>	9884
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<u>(J) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.</u>	9886
	9887
<u>(K) "Firearm," "deadly weapon," and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.</u>	9888
	9889
Sec. 2951.011. (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 of imprisonment for an offense that was committed prior to July 1, 1996.	9890
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(B) <u>(2)</u> 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.	9897
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<u>(B)(1) Except as provided in division (A)(1) of this section, Chapter 2951. of the Revised Code, as it existed prior to January 1, 2004, applies to a person upon whom a court imposed a sentence for a misdemeanor offense prior to January 1, 2004, and a person upon whom a court, on or after January 1, 2004, and in accordance with law existing prior to January 1, 2004, imposed a sentence for a misdemeanor offense that was committed prior to January 1, 2004.</u>	9901
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<u>(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.</u>	9908
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~~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:~~

~~(a) The offender is a repeat or dangerous offender.~~

~~(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.~~

~~(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:~~

~~(1) The offense neither caused nor threatened serious harm to persons or property, or the offender did not contemplate that it would do so.~~

~~(2) The offense was the result of circumstances unlikely to recur.~~

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- ~~(3) The victim of the offense induced or facilitated it. 9942~~
- ~~(4) There are substantial grounds tending to excuse or 9943
justify the offense, though failing to establish a defense. 9944~~
- ~~(5) The offender acted under strong provocation. 9945~~
- ~~(6) The offender has no history of prior delinquency or 9946
criminal activity, or has led a law-abiding life for a substantial 9947
period before commission of the present offense. 9948~~
- ~~(7) The offender is likely to respond affirmatively to 9949
probationary or other court-imposed treatment. 9950~~
- ~~(8) The character and attitudes of the offender indicate that 9951
the offender is unlikely to commit another offense. 9952~~
- ~~(9) The offender has made or will make restitution or 9953
reparation to the victim of the offender's offense for the injury, 9954
damage, or loss sustained. 9955~~
- ~~(10) Imprisonment of the offender will entail undue hardship 9956
to the offender or the offender's dependents. 9957~~
- ~~(C)(1) When an offender who has been convicted of or pleaded 9958
guilty to a misdemeanor is placed on probation or the sentence of 9959
that type of offender otherwise is suspended pursuant to division 9960
(A) of section 2929.51 of the Revised Code, the probation or other 9961
suspension shall be at least on condition that, during the period 9962
of probation or other suspension, the offender shall abide by the 9963
law and shall not leave the state without the permission of the 9964
court or the offender's probation officer. In the interests of 9965
doing justice, rehabilitating the offender, and ensuring the 9966
offender's good behavior, the court may impose additional 9967
requirements on the offender. Compliance with the additional 9968
requirements imposed under this division also shall be a condition 9969
of the offender's probation or other suspension. The additional 9970
requirements so imposed may include, but shall not be limited to, 9971~~

any of the following:	9972
(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;	9973 9974 9975 9976 9977
(b) If the offense is a violation of section 2919.25 or a violation of section 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, a requirement that the offender obtain counseling. This division does not limit the court in imposing a requirement that the offender obtain counseling for any offense or in any circumstance not specified in this division.	9978 9979 9980 9981 9982 9983 9984 9985 9986 9987 9988
(c) A requirement 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 requires the offender to submit to random drug testing under division (C)(1)(c) of this section, the county department of probation, the multicounty department of probation, or the adult parole authority, as appropriate, that has general control and supervision of offenders who are on probation or other suspension or are under a nonresidential sanction, shall cause the offender to submit to random drug testing pursuant to section 2951.05 of the Revised Code.	9989 9990 9991 9992 9993 9994 9995 9996 9997 9998 9999 10000
(2) During the period of a misdemeanor offender's probation or other suspension <u>community control sanction</u> or during the period of a felon's <u>felony offender's</u> nonresidential sanction,	10001 10002 10003

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authorized probation officers who are engaged within the scope of 10004
their supervisory duties or responsibilities may search, with or 10005
without a warrant, the person of the offender, the place of 10006
residence of the offender, and a motor vehicle, another item of 10007
tangible or intangible personal property, or other real property 10008
in which the offender has a right, title, or interest or for which 10009
the offender has the express or implied permission of a person 10010
with a right, title, or interest to use, occupy, or possess if the 10011
probation officers have reasonable grounds to believe that the 10012
offender is not abiding by the law or otherwise is not complying 10013
with the conditions of the misdemeanor offender's ~~probation or~~ 10014
~~other suspension~~ community control sanction or the conditions of 10015
the felony offender's nonresidential sanction. If a ~~felon~~ felony 10016
offender who is sentenced to a nonresidential sanction is under 10017
the general control and supervision of the adult parole authority, 10018
as described in division (A)(2)(a) of section 2929.15 of the 10019
Revised Code, adult parole authority field officers with 10020
supervisory responsibilities over the ~~felon~~ felony offender shall 10021
have the same search authority relative to the ~~felon~~ felony 10022
offender during the period of the sanction ~~as that~~ is described 10023
under this division for probation officers. The court that places 10024
the misdemeanor offender ~~on probation or suspends the misdemeanor~~ 10025
~~offender's sentence of imprisonment~~ under a community control 10026
sanction pursuant to ~~division (D)(2) or (4) of section 2929.51~~ 10027
2929.25 of the Revised Code or that sentences the ~~felon~~ felony 10028
offender to a nonresidential sanction pursuant to section 2929.17 10029
of the Revised Code shall provide the offender with a written 10030
notice that informs the offender that authorized probation 10031
officers or adult parole authority field officers with supervisory 10032
responsibilities over the offender who are engaged within the 10033
scope of their supervisory duties or responsibilities may conduct 10034
those types of searches during the period of ~~probation or other~~ 10035
~~suspension or during the period of~~ community control sanction or 10036

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the nonresidential sanction if they have reasonable grounds to 10037
believe that the offender is not abiding by the law or otherwise 10038
is not complying with the conditions of the offender's probation 10039
~~or other suspension or the conditions of the offender's community~~ 10040
~~control sanction or nonresidential sanction.~~ 10041

~~(D) The following do not control the court's discretion but 10042
the court shall consider them against placing an offender who has 10043
been convicted of or pleaded guilty to a misdemeanor on probation 10044
and against otherwise suspending the offender's sentence of 10045
imprisonment pursuant to division (A) of section 2929.51 of the 10046
Revised Code:~~ 10047

~~(1) The offender recently violated the conditions of pardon, 10048
post-release control pursuant to section 2967.28 of the Revised 10049
Code, or a probation or suspension pursuant to division (A) of 10050
section 2929.51 of the Revised Code, previously granted the 10051
offender.~~ 10052

~~(2) There is a substantial risk that, while at liberty during 10053
the period of probation or other suspension, the offender will 10054
commit another offense.~~ 10055

~~(3) The offender is in need of correctional or rehabilitative 10056
treatment that can be provided best by the offender's commitment 10057
to a locally governed and operated residential facility.~~ 10058

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~~(4) Regardless of whether the offender knew the age of the 10060
victim, the victim of the offense was sixty five years of age or 10061
older or permanently and totally disabled at the time of the 10062
commission of the offense.~~ 10063

~~(E) The criteria listed in divisions (B) and (D) of this 10064
section shall not be construed to limit the matters that may be 10065
considered in determining whether to suspend sentence of 10066
imprisonment and place an offender who has been convicted of or 10067~~

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~~pleaded guilty to a misdemeanor on probation or whether to~~ 10068
~~otherwise suspend the offender's sentence of imprisonment pursuant~~ 10069
~~to division (A) of section 2929.51 of the Revised Code.~~ 10070

~~(F)(1) When (B) If~~ an offender is convicted of or pleads 10071
guilty to a misdemeanor, the court may require the offender, as a 10072
condition of ~~probation or as a condition of otherwise suspending~~ 10073
the offender's sentence ~~pursuant to division (A) of section~~ 10074
~~2929.51 of the Revised Code, in addition to the conditions of~~ 10075
~~probation or other suspension imposed pursuant to division (C) of~~ 10076
~~this section of a community control sanction, to perform~~ 10077
supervised community service work in accordance with this 10078
division. If an offender is convicted of or pleads guilty to a 10079
felony, the court, pursuant to sections 2929.15 and 2929.17 of the 10080
Revised Code, may impose a sanction that requires the offender to 10081
perform supervised community service work in accordance with this 10082
division. The supervised community service work shall be under the 10083
authority of health districts, park districts, counties, municipal 10084
corporations, townships, other political subdivisions of the 10085
state, or agencies of the state or any of its political 10086
subdivisions, or under the authority of charitable organizations 10087
that render services to the community or its citizens, in 10088
accordance with this division. ~~Supervised community service work~~ 10089
~~shall not be required as a condition of probation or other~~ 10090
~~suspension under this division unless the offender agrees to~~ 10091
~~perform the work offered as a condition of probation or other~~ 10092
~~suspension by the court.~~ The court may require an offender who 10093
~~agrees~~ is ordered to perform the work to pay to it a reasonable 10094
fee to cover the costs of the offender's participation in the 10095
work, including, but not limited to, the costs of procuring a 10096
policy or policies of liability insurance to cover the period 10097
during which the offender will perform the work. 10098

A court may permit any offender convicted of a felony or a 10099

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10100 misdemeanor to satisfy the payment of a fine imposed for the
10101 offense pursuant to section 2929.18 or 2929.28 of the Revised Code
10102 by performing supervised community service work as described in
10103 this division if the offender requests an opportunity to satisfy
10104 the payment by this means and if the court determines that the
10105 offender is financially unable to pay the fine.

10106 The supervised community service work that may be imposed
10107 under this division shall be subject to the following limitations:

10108 ~~(a)~~(1) The court shall fix the period of the work and, if
10109 necessary, shall distribute it over weekends or over other
10110 appropriate times that will allow the offender to continue at the
10111 offender's occupation or to care for the offender's family. The
10112 period of the work as fixed by the court shall not exceed ~~an~~ in
10113 the aggregate of two hundred the number of hours of community
10114 service imposed by the court pursuant to section 2929.17 or
10115 2929.27 of the Revised Code.

10116 ~~(b)~~(2) An agency, political subdivision, or charitable
10117 organization must agree to accept the offender for the work before
10118 the court requires the offender to perform the work for the
10119 entity. A court shall not require an offender to perform
10120 supervised community service work for an agency, political
10121 subdivision, or charitable organization at a location that is an
10122 unreasonable distance from the offender's residence or domicile,
10123 unless the offender is provided with transportation to the
10124 location where the work is to be performed.

10125 ~~(c)~~(3) A court may enter into an agreement with a county
10126 department of job and family services for the management,
10127 placement, and supervision of offenders eligible for community
10128 service work in work activities, developmental activities, and
10129 alternative work activities under sections 5107.40 to 5107.69 of
10130 the Revised Code. If a court and a county department of job and
10131 family services have entered into an agreement of that nature, the

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clerk of that court is authorized to pay directly to the county 10132
department all or a portion of the fees collected by the court 10133
pursuant to this division in accordance with the terms of its 10134
agreement. 10135

~~(d)(4)~~ Community service work that a court requires under 10136
this division shall be supervised by an official of the agency, 10137
political subdivision, or charitable organization for which the 10138
work is performed or by a person designated by the agency, 10139
political subdivision, or charitable organization. The official or 10140
designated person shall be qualified for the supervision by 10141
education, training, or experience, and periodically shall report, 10142
in writing, to the court and to the offender's probation officer 10143
concerning the conduct of the offender in performing the work. 10144

~~(2) When an offender is convicted of a felony, the court may 10145
impose pursuant to sections 2929.15 and 2929.17 of the Revised 10146
Code a sanction that requires the offender to perform supervised 10147
community service work in accordance with this division and under 10148
the authority of any agency, political subdivision, or charitable 10149
organization as described in division (F)(1) of this section. The 10150
court may require an offender who is ordered to perform the work 10151
to pay to it a reasonable fee to cover the costs of the offender's 10152
participation in the work, including, but not limited to, the 10153
costs of procuring a policy or policies of liability insurance to 10154
cover the period during which the offender will perform the work. 10155~~

~~A court may permit an offender convicted of a felony to 10156
satisfy the payment of a fine imposed for the offense pursuant to 10157
section 2929.18 of the Revised Code by performing supervised 10158
community service work as described in this division if the court 10159
determines that the offender is financially unable to pay the 10160
fine. 10161~~

~~The supervised community service work that may be imposed 10162
under this division shall be subject to the limitations specified 10163~~

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in divisions (F)(1)(a) to (d) of this section, except that the
 court is not required to obtain the agreement of the offender to
 impose supervised community work as a sanction. Additionally, the
 (5) The total of any period of supervised community service work
 imposed on an offender under ~~this~~ division (B) of this section
 plus the period of all other sanctions imposed pursuant to
 sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised
 Code for a felony, or pursuant to sections 2929.25, 2929.26,
2929.27, and 2929.28 of the Revised Code for a misdemeanor, shall
 not exceed five years.

~~(G)(C)(1)~~ When If an offender is convicted of a violation of
 section 4511.19 of the Revised Code, a municipal ordinance
 relating to operating a vehicle while under the influence of
 alcohol, a drug of abuse, or alcohol and a drug of abuse, or a
 municipal ordinance relating to operating a vehicle with a
 prohibited concentration of alcohol in the blood, breath, or
 urine, the court may require, as a condition of ~~probation in~~
~~addition to the required conditions of probation and the~~
~~discretionary conditions of probation that may be imposed pursuant~~
~~to division (C) of this section~~ a community control sanction, any
 suspension of a driver's or commercial driver's license or permit
 or nonresident operating privilege, and all other penalties
 provided by law or by ordinance, that the offender operate only a
 motor vehicle equipped with an ignition interlock device that is
 certified pursuant to section 4510.43 of the Revised Code.

(2) ~~When If~~ a court requires an offender, as a condition of
~~probation~~ a community control sanction pursuant to division
~~(G)(C)(1)~~ of this section, to operate only a motor vehicle
 equipped with an ignition interlock device that is certified
 pursuant to section 4510.43 of the Revised Code, the offender
 immediately shall surrender the offender's driver's or commercial
 driver's license or permit to the court. Upon the receipt of the

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offender's license or permit, the court shall issue an order 10196
authorizing the offender to operate a motor vehicle equipped with 10197
a certified ignition interlock device, deliver the offender's 10198
license or permit to the bureau of motor vehicles, and include in 10199
the abstract of the case forwarded to the bureau pursuant to 10200
section 4510.036 of the Revised Code the conditions of ~~probation~~ 10201
the community control sanction imposed pursuant to division 10202
~~(G)(C)~~(1) of this section. The court shall give the offender a 10203
copy of its order, and that copy shall be used by the offender in 10204
lieu of a driver's or commercial driver's license or permit until 10205
the bureau issues a restricted license to the offender. 10206

(3) Upon receipt of an offender's driver's or commercial 10207
driver's license or permit pursuant to division ~~(G)(C)~~(2) of this 10208
section, the bureau of motor vehicles shall issue a restricted 10209
license to the offender. The restricted license shall be identical 10210
to the surrendered license, except that it shall have printed on 10211
its face a statement that the offender is prohibited from 10212
operating a motor vehicle that is not equipped with an ignition 10213
interlock device that is certified pursuant to section 4510.43 of 10214
the Revised Code. The bureau shall deliver the offender's 10215
surrendered license or permit to the court upon receipt of a court 10216
order requiring it to do so, or reissue the offender's license or 10217
permit under section 4510.52 of the Revised Code if the registrar 10218
destroyed the offender's license or permit under that section. The 10219
offender shall surrender the restricted license to the court upon 10220
receipt of the offender's surrendered license or permit. 10221

10222
(4) If an offender violates a requirement of the court 10223
imposed under division ~~(G)(C)~~(1) of this section, the court may 10224
impose a class seven suspension of the offender's driver's or 10225
commercial driver's license or permit or nonresident operating 10226
privilege from the range specified in division (A)(7) of section 10227

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4510.02 of the Revised Code. On a second or subsequent violation, 10228
the court may impose a class four suspension of the offender's 10229
driver's or commercial driver's license or permit or nonresident 10230
operating privilege from the range specified in division (A)(4) of 10231
section 4510.02 of the Revised Code. 10232

~~(H) As used in this section:~~ 10233

~~(1) "Repeat offender" and "dangerous offender" have the same 10234
meanings as in section 2935.36 of the Revised Code. 10235~~

~~(2) "Firearm" and "dangerous ordnance" have the same meanings 10236
as in section 2923.11 of the Revised Code. 10237~~

~~(3) "Theft offense" has the same meaning as in section 10238
2913.01 of the Revised Code. 10239~~

~~(4) "Random drug testing" has the same meaning as in section 10240
5120.63 of the Revised Code. 10241~~

~~(5) "Ignition interlock device" has the same meaning as in 10242
section 4510.01 of the Revised Code. 10243~~

Sec. 2951.021. ~~(A) As used in this section:~~ 10244

~~(1) "Multicounty department of probation" means a probation 10245
department established under section 2301.27 of the Revised Code 10246
to serve more than one county. 10247~~

~~(2) "Probation agency" means a county department of 10248
probation, a multicounty department of probation, a municipal 10249
court department of probation established under section 1901.33 of 10250
the Revised Code, or the adult parole authority. 10251~~

~~(3) "County operated municipal court" and "legislative 10252
authority" have the same meanings as in section 1901.03 of the 10253
Revised Code. 10254~~

~~(4) "Detention facility" has the same meaning as in section 10255
2921.01 of the Revised Code. 10256~~

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(B)(1) If a court places a misdemeanor offender ~~on probation~~ 10257
under a community control sanction under section 2929.26, 2929.27, 10258
or 2929.28 of the Revised Code or places a felony offender under a 10259
community control sanction under section 2929.16, 2929.17, or 10260
2929.18 of the Revised Code and if the court places the offender 10261
under the control and supervision of a probation agency, the court 10262
may require the offender, as a condition of ~~probation or of~~ 10263
community control, to pay a monthly supervision fee of not more 10264
than fifty dollars for supervision services. If the court requires 10265
an offender to pay a monthly supervision fee and the offender will 10266
be under the control of a county department of probation, a 10267
multicounty department of probation, or a municipal court 10268
department of probation established under section 1901.33 of the 10269
Revised Code, the court shall specify whether the offender is to 10270
pay the fee to the probation agency that will have control over 10271
the offender or to the clerk of the court for which the 10272
supervision agency is established. If the court requires an 10273
offender to pay a monthly probation fee and the offender will be 10274
under the control of the adult parole authority, the court shall 10275
specify that the offender is to pay the fee to the clerk of the 10276
court of common pleas. 10277

(2) No person shall be assessed, in any month, more than 10278
fifty dollars in supervision fees. 10279

(3) The prosecuting attorney of the county or the chief legal 10280
officer of a municipal corporation in which is located the court 10281
that imposed sentence upon an offender may bring a civil action to 10282
recover unpaid monthly supervision fees that the offender was 10283
required to pay. Any amount recovered in the civil action shall be 10284
paid into the appropriate county or municipal probation services 10285
fund in accordance with division ~~(C)~~(B) of this section. 10286

(4) The failure of an offender to comply with a condition of 10288

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~~probation or of~~ community control that requires the offender to 10289
pay a monthly supervision fee and that is imposed under division 10290
~~(B)(A)(1)~~ of this section shall not constitute the basis for a 10291
~~revocation of the offender's probation and the imposition of the~~ 10292
~~offender's sentence under section 2951.09 of the Revised Code or~~ 10293
the modification of the offender's community control sanctions 10294
pursuant to section 2929.15 or 2929.25 of the Revised Code but may 10295
be considered with any other factors that form the basis of a 10296
~~revocation of probation or~~ modification of a sanction for 10297
violating a community control sanction under those sections. If 10298
the court determines ~~at a hearing held pursuant to section 2951.09~~ 10299
~~of the Revised Code~~ that a misdemeanor offender on probation 10300
community control failed to pay a monthly supervision fee imposed 10301
under division ~~(B)(A)(1)~~ of this section and that no other factors 10302
warranting ~~revocation of probation~~ the modification of the 10303
offender's community control sanction are present, the court shall 10304
~~not revoke the offender's probation,~~ shall remand the offender to 10305
the custody of the probation agency, and may impose any additional 10306
conditions of ~~probation~~ community control upon the offender, 10307
including a requirement that the offender perform community 10308
service, as the ends of justice require. Any requirement imposed 10309
pursuant to division ~~(B)(A)(4)~~ of this section that the offender 10310
perform community service shall be in addition to and shall not 10311
limit or otherwise affect any order that the offender perform 10312
community service pursuant to division ~~(F)(1)(a)(B)~~ of section 10313
2951.02 of the Revised Code. 10314

~~(C)(B)~~ Prior to the last day of the month in each month 10315
during the period of ~~probation or of~~ community control, an 10316
offender who is ordered to pay a monthly supervision fee under 10317
this section shall pay the fee to the probation agency that has 10318
control and supervision over the offender or to the clerk of the 10319
court for which the probation agency is established, as specified 10320
by the court, except that, if the probation agency is the adult 10321

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parole authority, the offender shall pay the fee to the clerk of 10322
the court of common pleas. Each probation agency or clerk of a 10323
court that receives any monthly supervision fees shall keep a 10324
record of the monthly supervision fees that are paid to the agency 10325
or the clerk and shall give a written receipt to each person who 10326
pays a supervision fee to the agency or clerk. 10327

~~(D)~~(C) Subject to division ~~(F)~~(E) of this section, all 10328
monthly supervision fees collected under this section by a 10329
probation agency or the clerk of a court shall be disposed of in 10330
the following manner: 10331

(1) For offenders who are under the control and supervision 10332
of a county department of probation or a municipal court 10333
department of probation in a county-operated municipal court, on 10334
or before the fifth business day of each month, the chief 10335
probation officer, the chief probation officer's designee, or the 10336
clerk of the court shall pay all monthly supervision fees 10337
collected in the previous month to the county treasurer of the 10338
county in which the county department of probation or municipal 10339
court department of probation is established for deposit into the 10340
county probation services fund established in the county treasury 10341
of that county pursuant to division (A)(1) section 321.44 of the 10342
Revised Code. 10343

(2) For offenders who are under the control and supervision 10344
of a multicounty department of probation, on or before the fifth 10345
business day of each month, the chief probation officer, the chief 10346
probation officer's designee, or the clerk of the court shall pay 10347
all monthly supervision fees collected in the previous month to 10348
the county treasurer of the county in which is located the court 10349
of common pleas that placed the offender ~~on probation or~~ under a 10350
community control sanction under the control of the department for 10351
deposit into the county probation services fund established in the 10352
county treasury of that county pursuant to division (A)(1) of 10353

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section 321.44 of the Revised Code and for subsequent 10354
 appropriation and transfer in accordance with division (A)(2) of 10355
 that section to the appropriate multicounty probation services 10356
 fund established pursuant to division (B) of that section. 10357

(3) For offenders who are under the control and supervision 10358
 of a municipal court department of probation in a municipal court 10359
 that is not a county-operated municipal court, on or before the 10360
 fifth business day of each month, the chief probation officer, the 10361
 chief probation officer's designee, or the clerk of the court 10362
 shall pay all monthly supervision fees collected in the previous 10363
 month to the treasurer of the municipal corporation for deposit 10364
 into the municipal probation services fund established pursuant to 10365
 section 737.41 of the Revised Code. 10366

(4) For offenders who are under the control and supervision 10367
 of the adult parole authority, the clerk of the court of common 10368
 pleas, on or before the fifth business day of January, April, 10369
 July, and October, shall pay all monthly supervision fees 10370
 collected by the clerk in the previous three months to the 10371
 treasurer of the county in which is located the court of common 10372
 pleas that placed the offender ~~on probation or~~ under a community 10373
 control sanction under the control of the authority for deposit 10374
 into the county probation services fund established in the county 10375
 treasury of that county pursuant to division (A)(1) of section 10376
 321.44 of the Revised Code and for subsequent appropriation and 10377
 transfer in accordance with division (A)(2) of that section to the 10378
 adult parole authority probation services fund established 10379
 pursuant to section 5149.06 of the Revised Code. 10380

~~(E)~~(D) Not later than the first day of December of each year, 10381
 each probation agency shall prepare a report regarding its use of 10382
 money from a county probation services fund, a multicounty 10383
 probation services fund, a municipal probation services fund, or 10384
 the adult parole authority probation services fund, whichever is 10385

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applicable. The report shall specify the amount appropriated from 10386
the fund to the probation agency during the current calendar year, 10387
an estimate of the amount that the probation agency will expend by 10388
the end of the year, a summary of how the amount appropriated has 10389
been expended for probation services, and an estimate of the 10390
amount of supervision fees that the probation agency will collect 10391
and pay to the appropriate treasurer for deposit in the 10392
appropriate fund in the next calendar year. The report shall be 10393
filed with one of the following: 10394

(1) If the probation agency is a county department of 10395
probation or a municipal court department of probation in a 10396
county-operated municipal court, with the board of county 10397
commissioners of that county; 10398

(2) If the probation agency is a multicounty department of 10399
probation, with the board of county commissioners of the county 10400
whose treasurer, in accordance with section 2301.27 of the Revised 10401
Code, is designated as the treasurer to whom supervision fees 10402
collected under this section are to be appropriated and 10403
transferred under division (A)(2) of section 321.44 of the Revised 10404
Code; 10405

(3) If the probation agency is a department of probation of a 10406
municipal court that is not a county-operated municipal court, 10407
with the legislative authority of the municipal corporation that 10408
operates the court; 10409

(4) If the probation agency is the adult parole authority, 10410
with the ~~chairmen~~ chairpersons of the finance committees of the 10411
senate and the house of representatives, the directors of the 10412
office of budget and management and the legislative ~~budget office~~ 10413
service commission, and the board of county commissioners in each 10414
county for which the adult parole authority provides probation 10415
services. 10416

~~(F)~~(E) If the clerk of a court of common pleas or the clerk 10417

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of a municipal court collects any monthly supervision fees under 10418
this section, the clerk may retain up to two per cent of the fees 10419
so collected to cover any administrative costs experienced in 10420
complying with the clerk's duties under this section. 10421

Sec. 2951.041. (A)(1) If an offender is charged with a 10422
criminal offense and the court has reason to believe that drug or 10423
alcohol usage by the offender was a factor leading to the 10424
offender's criminal behavior, the court may accept, prior to the 10425
entry of a guilty plea, the offender's request for intervention in 10426
lieu of conviction. The request shall include a waiver of the 10427
defendant's right to a speedy trial, the preliminary hearing, the 10428
time period within which the grand jury may consider an indictment 10429
against the offender, and arraignment, unless the hearing, 10430
indictment, or arraignment has already occurred. The court may 10431
reject an offender's request without a hearing. If the court 10432
elects to consider an offender's request, the court shall conduct 10433
a hearing to determine whether the offender is eligible under this 10434
section for intervention in lieu of conviction and shall stay all 10435
criminal proceedings pending the outcome of the hearing. If the 10436
court schedules a hearing, the court shall order an assessment of 10437
the offender for the purpose of determining the offender's 10438
eligibility for intervention in lieu of conviction and 10439
recommending an appropriate intervention plan. 10440

(2) The victim notification provisions of division (C) of 10441
section 2930.08 of the Revised Code apply in relation to any 10442
hearing held under division (A)(1) of this section. 10443

(B) An offender is eligible for intervention in lieu of 10444
conviction if the court finds all of the following: 10445

(1) The offender previously has not been convicted of or 10446
pleaded guilty to a felony, previously has not been through 10447
intervention in lieu of conviction under this section or any 10448

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similar regimen, and is charged with a felony for which the court, 10449
upon conviction, would impose sentence under division (B)(2)(b) of 10450
section 2929.13 of the Revised Code or with a misdemeanor. 10451

(2) The offense is not a felony of the first, second, or 10452
third degree, is not an offense of violence, is not a violation of 10453
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 10454
not a violation of division (A)(1) of section 2903.08 of the 10455
Revised Code, is not a violation of division (A) of section 10456
4511.19 of the Revised Code or a municipal ordinance that is 10457
substantially similar to that division, and is not an offense for 10458
which a sentencing court is required to impose a mandatory prison 10459
term, a mandatory term of local incarceration, or a mandatory term 10460
of imprisonment in a jail. 10461

(3) The offender is not charged with a violation of section 10462
2925.02, 2925.03, 2925.04, or 2925.06 of the Revised Code and is 10463
not charged with a violation of section 2925.11 of the Revised 10464
Code that is a felony of the first, second, or third degree. 10465

(4) The offender is not charged with a violation of section 10466
2925.11 of the Revised Code that is a felony of the fourth degree, 10467
or the offender is charged with a violation of that section that 10468
is a felony of the fourth degree and the prosecutor in the case 10469
has recommended that the offender be classified as being eligible 10470
for intervention in lieu of conviction under this section. 10471

(5) The offender has been assessed by an appropriately 10472
licensed provider, certified facility, or licensed and 10473
credentialed professional, including, but not limited to, a 10474
program licensed by the department of alcohol and drug addiction 10475
services pursuant to section 3793.11 of the Revised Code, a 10476
program certified by that department pursuant to section 3793.06 10477
of the Revised Code, a public or private hospital, the United 10478
States department of veterans affairs, another appropriate agency 10479
of the government of the United States, or a licensed physician, 10480

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psychiatrist, psychologist, independent social worker, 10481
professional counselor, or chemical dependency counselor for the 10482
purpose of determining the offender's eligibility for intervention 10483
in lieu of conviction and recommending an appropriate intervention 10484
plan. 10485

(6) The offender's drug or alcohol usage was a factor leading 10486
to the criminal offense with which the offender is charged, 10487
intervention in lieu of conviction would not demean the 10488
seriousness of the offense, and intervention would substantially 10489
reduce the likelihood of any future criminal activity. 10490

(7) The alleged victim of the offense was not sixty-five 10491
years of age or older, permanently and totally disabled, under 10492
thirteen years of age, or a peace officer engaged in the officer's 10493
official duties at the time of the alleged offense. 10494

(8) If the offender is charged with a violation of section 10495
2925.24 of the Revised Code, the alleged violation did not result 10496
in physical harm to any person, and the offender previously has 10497
not been treated for drug abuse. 10498

(9) The offender is willing to comply with all terms and 10499
conditions imposed by the court pursuant to division (D) of this 10500
section. 10501

(C) At the conclusion of a hearing held pursuant to division 10502
(A) of this section, the court shall enter its determination as to 10503
whether the offender is eligible for intervention in lieu of 10504
conviction and as to whether to grant the offender's request. If 10505
the court finds under division (B) of this section that the 10506
offender is eligible for intervention in lieu of conviction and 10507
grants the offender's request, the court shall accept the 10508
offender's plea of guilty and waiver of the defendant's right to a 10509
speedy trial, the preliminary hearing, the time period within 10510
which the grand jury may consider an indictment against the 10511

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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.

(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~~
~~misdemeanor sentencing law~~. The court shall establish an
intervention plan for the offender. The terms and conditions of
the intervention plan shall require the offender, for at least one
year from the date on which the court grants the order of
intervention in lieu of conviction, to abstain from the use of
illegal drugs and alcohol and to submit to regular random testing
for drug and alcohol use and may include any other treatment terms
and conditions, or terms and conditions similar to community
control sanctions, that are ordered by the court.

(E) If the court grants an offender's request for
intervention in lieu of conviction and the court finds that the
offender has successfully completed the intervention plan for the
offender, including the requirement that the offender abstain from
using drugs and alcohol for a period of at least one year from the

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date on which the court granted the order of intervention in lieu 10544
of conviction and all other terms and conditions ordered by the 10545
court, the court shall dismiss the proceedings against the 10546
offender. Successful completion of the intervention plan and 10547
period of abstinence under this section shall be without 10548
adjudication of guilt and is not a criminal conviction for 10549
purposes of any disqualification or disability imposed by law and 10550
upon conviction of a crime, and the court may order the sealing of 10551
records related to the offense in question in the manner provided 10552
in sections 2953.31 to 2953.36 of the Revised Code. 10553

(F) If the court grants an offender's request for 10554
intervention in lieu of conviction and the offender fails to 10555
comply with any term or condition imposed as part of the 10556
intervention plan for the offender, the supervising authority for 10557
the offender promptly shall advise the court of this failure, and 10558
the court shall hold a hearing to determine whether the offender 10559
failed to comply with any term or condition imposed as part of the 10560
plan. If the court determines that the offender has failed to 10561
comply with any of those terms and conditions, it shall enter a 10562
finding of guilty and shall impose an appropriate sanction under 10563
Chapter 2929. of the Revised Code. 10564

(G) As used in this section: 10565

(1) "Community control sanction" has the same meaning as in 10566
section 2929.01 of the Revised Code. 10567

(2) "Intervention in lieu of conviction" means any 10568
court-supervised activity that complies with this section. 10569

(3) "Peace officer" has the same meaning as in section 10570
2935.01 of the Revised Code. 10571

Sec. 2951.05. (A) ~~If an offender mentioned in section 2951.02~~ 10572
~~of the Revised Code resides in the county in which the trial was~~ 10573

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~~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 offender on probation in charge of the adult parole authority created by section 5149.02 of the Revised Code.~~

(B)(1) A county department of probation, a multicounty department of probation, or the adult parole authority, ~~as appropriate under division (A) of this section,~~ that has general control and supervision of offenders who are required to submit to random drug testing under division ~~(C)(1)(c)~~ (A)(1)(a) of section ~~2951.02~~ 2929.25 of the Revised Code or who are subject to a nonresidential sanction that includes random drug testing under section 2929.17 or 2929.27 of the Revised Code, may cause each offender to submit to random drug testing performed by a laboratory or entity that has entered into a contract with any of the governmental entities or officers authorized to enter into a

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contract with that laboratory or entity under section 341.26, 10607
753.33, or 5120.63 of the Revised Code. 10608

(2) If no laboratory or entity described in division 10609
~~(B)~~(A)(1) of this section has entered into a contract as specified 10610
in ~~those divisions~~ that division, the county department of 10611
probation, the multicounty department of probation, or the adult 10612
parole authority, as appropriate, that has general control and 10613
supervision of offenders ~~described in division (B)(1) of this~~ 10614
~~section~~ shall cause the offender to submit to random drug testing 10615
performed by a reputable public laboratory to determine whether 10616
the individual who is the subject of the drug test ingested or was 10617
injected with a drug of abuse. 10618

(3) A laboratory or entity that has entered into a contract 10619
~~pursuant to as specified in division (A)(1) of this section~~ 10620
~~341.26, 753.33, or 5120.63 of the Revised Code~~ shall perform the 10621
random drug testing ~~under division (B)(1) of this section~~ in 10622
accordance with the applicable standards that are included in the 10623
terms of that contract. A public laboratory shall perform the 10624
random drug tests ~~under division (B)(3) of this section~~ in 10625
accordance with the standards set forth in the policies and 10626
procedures established by the department of rehabilitation and 10627
correction pursuant to section 5120.63 of the Revised Code. An 10628
offender ~~who is required to submit to random drug testing under~~ 10629
~~division (C)(1)(c) of section 2951.02 of the Revised Code~~ or who 10630
is subject to a nonresidential sanction that includes random drug 10631
testing under section 2929.17 or 2929.27 of the Revised Code shall 10632
pay the fee for the drug test if the test results indicate that 10633
the offender ingested or was injected with a drug of abuse and if 10634
the county department of probation, the multicounty department of 10635
probation, or the adult parole authority that has general control 10636
and supervision of the offender requires payment of a fee. A 10637
laboratory or entity that performs the random drug testing on an 10638

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offender under ~~division (B)(1) or (2) of this section~~ shall 10639
 transmit the results of the drug test to the appropriate county 10640
 probation department, multicounty probation department, or adult 10641
 parole authority that has general control and supervision of the 10642
 offender. 10643

~~(C)~~(B) As used in this section: 10644

(1) "Multicounty department of probation" means a probation 10645
 department established under section 2301.27 of the Revised Code 10646
 to serve more than one county. 10647

(2) "Random drug testing" has the same meaning as in section 10648
 5120.63 of the Revised Code. 10649

Sec. 2951.06. Upon entry in the records of the judge or 10650
 magistrate, ~~of the order for probation sentence of a community~~ 10651
~~control sanction~~ provided for in section ~~2951.02~~ 2929.15 or 10652
2929.25 of the Revised Code, the defendant shall be released from 10653
 custody as soon as the requirements and conditions required by the 10654
 judge supervising the ~~probation,~~ community control sanction have 10655
 been met. The defendant shall continue under the control and 10656
 supervision of the ~~adult parole authority created by section~~ 10657
~~5149.02 of the Revised Code or the county department of~~ 10658
appropriate probation agency, to the extent required by law, the 10659
 conditions of the ~~order of probation community control sanction,~~ 10660
 and the rules and regulations governing ~~said agency of the~~ 10661
 probation agency. 10662

Sec. 2951.07. ~~Probation under section 2951.02 of the Revised~~ 10663
~~Code~~ A community control sanction continues for the period that 10664
 the judge or magistrate determines and, subject to ~~division~~ 10665
~~(F)(1)(a) of that~~ the five-year limit specified in section 2929.15 10666
or 2929.25 of the Revised Code, may be extended. ~~Except as~~ 10667
~~provided in division (F)(1)(a) of that section, the total period~~ 10668

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~~of an offender's probation shall not exceed five years. If the~~ 10669
~~probationer offender under community control~~ absconds or otherwise 10670
~~absents himself or herself from~~ leaves the jurisdiction of the 10671
court without permission from the ~~county department of~~ probation 10672
~~officer, the probation agency,~~ or the court to do so, or if the 10673
~~probationer offender~~ is confined in any institution for the 10674
commission of any offense ~~whatever~~, the ~~probation~~ period of 10675
community control ceases to run until ~~such the time as that~~ the 10676
~~probationer offender~~ is brought before the court for its further 10677
action. 10678

Sec. 2951.08. (A) During a period of ~~probation or~~ community 10679
control, any field officer or probation officer may arrest the 10680
person ~~on probation or~~ under a community control sanction without 10681
a warrant and bring the person before the judge or magistrate 10682
before whom the cause was pending. During a period of ~~probation or~~ 10683
community control, any peace officer may arrest the person ~~on~~ 10684
~~probation or~~ under a community control sanction without a warrant 10685
upon the written order of the chief ~~county~~ probation officer of 10686
the probation agency if the person ~~on probation or~~ under a 10687
community control sanction is under the supervision of that ~~county~~ 10688
~~department of~~ probation agency or on the order of an officer of 10689
the adult parole authority created pursuant to section 5149.02 of 10690
the Revised Code if the person ~~on probation or~~ under a community 10691
control sanction is under the supervision of the authority. During 10692
a period of ~~probation or~~ community control, any peace officer may 10693
arrest the person ~~on probation or~~ under a community control 10694
sanction on the warrant of the judge or magistrate before whom the 10695
cause was pending. 10696

During a period of ~~probation or~~ community control, any peace 10697
officer may arrest the person ~~on probation or~~ under a community 10698
control sanction without a warrant if the peace officer has 10699

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reasonable ground to believe that the person has violated or is 10700
violating any of the following that is a condition of the person's 10701
~~probation or of the person's~~ community control sanction: 10702

(1) A condition that prohibits ownership, possession, or use 10703
of a firearm, deadly weapon, ammunition, or dangerous ordnance; 10704

(2) A condition that prohibits the person from being within a 10705
specified structure or geographic area; 10706

(3) A condition that confines the person to a residence, 10707
facility, or other structure; 10708

(4) A condition that prohibits the person from contacting or 10709
communicating with any specified individual; 10710

(5) A condition that prohibits the person from associating 10711
with a specified individual; 10712

(6) A condition as provided in division ~~(C)(1)(c)~~(A)(1)(a) of 10713
section ~~2951.02~~ 2929.25 of the Revised Code or in division (A)(1) 10714
of section 2929.15 or (A)(8) of section 2929.27 of the Revised 10715
Code that requires that the person not ingest or be injected with 10716
a drug of abuse and submit to random drug testing and requires 10717
that the results of the drug test indicate that the person did not 10718
ingest or was not injected with a drug of abuse. 10719

(B) Upon making an arrest under this section, the arresting 10720
field officer, probation officer, or peace officer or the 10721
department or agency of the arresting officer promptly shall 10722
notify the chief probation officer or the chief probation 10723
officer's designee that the person has been arrested. Upon being 10724
notified that a peace officer has made an arrest under this 10725
section, the chief probation officer or designee, or another 10726
probation officer designated by the chief probation officer, 10727
promptly shall bring the person who was arrested before the judge 10728
or magistrate before whom the cause was pending. 10729

(C) Nothing in this section limits the powers of arrest 10730

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granted to certain law enforcement officers and citizens under 10731
sections 2935.03 and 2935.04 of the Revised Code. 10732

(D) A probation officer shall receive the actual and 10733
necessary expenses incurred in the performance of the officer's 10734
duties. 10735

(E) As used in this section+ 10736

~~(1) "Peace officer" has the same meaning as in section 10737~~
~~2935.01 of the Revised Code.~~ 10738

~~(2) "Firearm," "deadly weapon," and "dangerous ordnance" have 10739~~
~~the same meanings as in section 2923.11 of the Revised Code.~~ 10740

~~(3) "Community control sanction" has the same meaning as in 10741~~
~~section 2929.01 of the Revised Code.~~ 10742

~~(4) "Random," "random drug testing" has the same meaning as in 10743~~
~~section 5120.63 of the Revised Code.~~ 10744

Sec. 2951.10. An order suspending the imposition of a 10745
sentence for a misdemeanor under section 2929.25 of the Revised 10746
Code and placing the defendant ~~on probation~~ under a community 10747
control sanction is a final order from which appeal may be 10748
prosecuted. 10749

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the 10750
Revised Code: 10751

(A) "First offender" means anyone who has been convicted of 10752
an offense in this state or any other jurisdiction and who 10753
previously or subsequently has not been convicted of the same or a 10754
different offense in this state or any other jurisdiction. When 10755
two or more convictions result from or are connected with the same 10756
act or result from offenses committed at the same time, they shall 10757
be counted as one conviction. When two or three convictions result 10758
from the same indictment, information, or complaint, from the same 10759

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plea of guilty, or from the same official proceeding, and result
from related criminal acts that were committed within a
three-month period but do not result from the same act or from
offenses committed at the same time, they shall be counted as one
conviction, provided that a court may decide as provided in
division (C)(1)(a) of section 2953.32 of the Revised Code that it
is not in the public interest for the two or three convictions to
be counted as one conviction.

For purposes of, and except as otherwise provided in, this
division, a conviction for a minor misdemeanor, for a violation of
any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the
Revised Code, or for a violation of a municipal ordinance that is
substantially similar to any section in those chapters is not a
previous or subsequent conviction. However, a conviction for a
violation of section 4511.19, 4511.251, 4549.02, 4549.021,
4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of
the Revised Code, for a violation of section 4510.11 or 4510.14 of
the Revised Code that is based upon the offender's operation of a
vehicle during a suspension imposed under section 4511.191 or
4511.196 of the Revised Code, for a violation of a substantially
equivalent municipal ordinance, for a felony violation of Title
XLV of the Revised Code, or for a violation of a substantially
equivalent former law of this state or former municipal ordinance
shall be considered a previous or subsequent conviction.

(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

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court and prosecutor in the case.	10792
(D) "Official records" has the same meaning as in division	10793
(D) of section 2953.51 of the Revised Code.	10794
(E) "Official proceeding" has the same meaning as in section	10795
2921.01 of the Revised Code.	10796
<u>(F) "Community control sanction" has the same meaning as in</u>	10797
<u>section 2929.01 of the Revised Code.</u>	10798
<u>(G) "Post-release control" and "post-release control</u>	10799
<u>sanction" have the same meanings as in section 2967.01 of the</u>	10800
<u>Revised Code.</u>	10801
Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of	10802
the Revised Code, a first offender may apply to the sentencing	10803
court if convicted in this state, or to a court of common pleas if	10804
convicted in another state or in a federal court, for the sealing	10805
of the conviction record. Application may be made at the	10806
expiration of three years after the offender's final discharge if	10807
convicted of a felony, or at the expiration of one year after the	10808
offender's final discharge if convicted of a misdemeanor.	10809
(2) Any person who has been arrested for any misdemeanor	10810
offense and who has effected a bail forfeiture may apply to the	10811
court in which the misdemeanor criminal case was pending when bail	10812
was forfeited for the sealing of the record of the case. Except as	10813
provided in section 2953.61 of the Revised Code, the application	10814
may be filed at any time after the expiration of one year from the	10815
date on which the bail forfeiture was entered upon the minutes of	10816
the court or the journal, whichever entry occurs first.	10817
	10818
(B) Upon the filing of an application under this section, the	10819
court shall set a date for a hearing and shall notify the	10820
prosecutor for the case of the hearing on the application. The	10821

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prosecutor may object to the granting of the application by filing 10822
an objection with the court prior to the date set for the hearing. 10823
The prosecutor shall specify in the objection the reasons for 10824
believing a denial of the application is justified. The court 10825
shall direct its regular probation officer, a state probation 10826
officer, or the department of probation of the county in which the 10827
applicant resides to make inquiries and written reports as the 10828
court requires concerning the applicant. 10829

(C)(1) The court shall do each of the following: 10830

(a) Determine whether the applicant is a first offender or 10831
whether the forfeiture of bail was agreed to by the applicant and 10832
the prosecutor in the case. If the applicant applies as a first 10833
offender pursuant to division (A)(1) of this section and has two 10834
or three convictions that result from the same indictment, 10835
information, or complaint, from the same plea of guilty, or from 10836
the same official proceeding, and result from related criminal 10837
acts that were committed within a three-month period but do not 10838
result from the same act or from offenses committed at the same 10839
time, in making its determination under this division, the court 10840
initially shall determine whether it is not in the public interest 10841
for the two or three convictions to be counted as one conviction. 10842
If the court determines that it is not in the public interest for 10843
the two or three convictions to be counted as one conviction, the 10844
court shall determine that the applicant is not a first offender; 10845
if the court does not make that determination, the court shall 10846
determine that the offender is a first offender. 10847

(b) Determine whether criminal proceedings are pending 10848
against the applicant; 10849

(c) If the applicant is a first offender who applies pursuant 10850
to division (A)(1) of this section, determine whether the 10851
applicant has been rehabilitated to the satisfaction of the court; 10852

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(d) If the prosecutor has filed an objection in accordance 10853
with division (B) of this section, consider the reasons against 10854
granting the application specified by the prosecutor in the 10855
objection; 10856

(e) Weigh the interests of the applicant in having the 10857
records pertaining to the applicant's conviction sealed against 10858
the legitimate needs, if any, of the government to maintain those 10859
records. 10860

(2) If the court determines, after complying with division 10861
(C)(1) of this section, that the applicant is a first offender or 10862
the subject of a bail forfeiture, that no criminal proceeding is 10863
pending against the applicant, and that the interests of the 10864
applicant in having the records pertaining to the applicant's 10865
conviction or bail forfeiture sealed are not outweighed by any 10866
legitimate governmental needs to maintain those records, and that 10867
the rehabilitation of an applicant who is a first offender 10868
applying pursuant to division (A)(1) of this section has been 10869
attained to the satisfaction of the court, the court, except as 10870
provided in division (G) of this section, shall order all official 10871
records pertaining to the case sealed and, except as provided in 10872
division (F) of this section, all index references to the case 10873
deleted and, in the case of bail forfeitures, shall dismiss the 10874
charges in the case. The proceedings in the case shall be 10875
considered not to have occurred and the conviction or bail 10876
forfeiture of the person who is the subject of the proceedings 10877
shall be sealed, except that upon conviction of a subsequent 10878
offense, the sealed record of prior conviction or bail forfeiture 10879
may be considered by the court in determining the sentence or 10880
other appropriate disposition, including the relief provided for 10881
in sections 2953.31 to 2953.33 of the Revised Code. 10882

(3) Upon the filing of an application under this section, the 10883
applicant, unless indigent, shall pay a fee of fifty dollars. The 10884

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court shall pay thirty dollars of the fee into the state treasury. 10885
It shall pay twenty dollars of the fee into the county general 10886
revenue fund if the sealed conviction or bail forfeiture was 10887
pursuant to a state statute, or into the general revenue fund of 10888
the municipal corporation involved if the sealed conviction or 10889
bail forfeiture was pursuant to a municipal ordinance. 10890

(D) Inspection of the sealed records included in the order 10891
may be made only by the following persons or for the following 10892
purposes: 10893

(1) By a law enforcement officer or prosecutor, or the 10894
assistants of either, to determine whether the nature and 10895
character of the offense with which a person is to be charged 10896
would be affected by virtue of the person's previously having been 10897
convicted of a crime; 10898

(2) By the parole or probation officer of the person who is 10899
the subject of the records, for the exclusive use of the officer 10900
in supervising the person while on parole or ~~probation~~ under a 10901
community control sanction or a post-release control sanction, and 10902
in making inquiries and written reports as requested by the court 10903
or adult parole authority; 10904

(3) Upon application by the person who is the subject of the 10905
records, by the persons named in the application; 10906

(4) By a law enforcement officer who was involved in the 10907
case, for use in the officer's defense of a civil action arising 10908
out of the officer's involvement in that case; 10909

(5) By a prosecuting attorney or the prosecuting attorney's 10910
assistants, to determine a defendant's eligibility to enter a 10911
pre-trial diversion program established pursuant to section 10912
2935.36 of the Revised Code; 10913

(6) By any law enforcement agency or any authorized employee 10914
of a law enforcement agency or by the department of rehabilitation 10915

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and correction as part of a background investigation of a person 10916
who applies for employment with the agency as a law enforcement 10917
officer or with the department as a corrections officer; 10918

(7) By any law enforcement agency or any authorized employee 10919
of a law enforcement agency, for the purposes set forth in, and in 10920
the manner provided in, section 2953.321 of the Revised Code; 10921

(8) By the bureau of criminal identification and 10922
investigation or any authorized employee of the bureau for the 10923
purpose of providing information to a board or person pursuant to 10924
division (F) or (G) of section 109.57 of the Revised Code; 10925

(9) By the bureau of criminal identification and 10926
investigation or any authorized employee of the bureau for the 10927
purpose of performing a criminal history records check on a person 10928
to whom a certificate as prescribed in section 109.77 of the 10929
Revised Code is to be awarded. 10930

When the nature and character of the offense with which a 10931
person is to be charged would be affected by the information, it 10932
may be used for the purpose of charging the person with an 10933
offense. 10934

(E) In any criminal proceeding, proof of any otherwise 10935
admissible prior conviction may be introduced and proved, 10936
notwithstanding the fact that for any such prior conviction an 10937
order of sealing previously was issued pursuant to sections 10938
2953.31 to 2953.36 of the Revised Code. 10939

(F) The person or governmental agency, office, or department 10940
that maintains sealed records pertaining to convictions or bail 10941
forfeitures that have been sealed pursuant to this section may 10942
maintain a manual or computerized index to the sealed records. The 10943
index shall contain only the name of, and alphanumeric identifiers 10944
that relate to, the persons who are the subject of the sealed 10945
records, the word "sealed," and the name of the person, agency, 10946

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office, or department that has custody of the sealed records, and 10947
shall not contain the name of the crime committed. The index shall 10948
be made available by the person who has custody of the sealed 10949
records only for the purposes set forth in divisions (C), (D), and 10950
(E) of this section. 10951

(G) Notwithstanding any provision of this section or section 10952
2953.33 of the Revised Code that requires otherwise, a board of 10953
education of a city, local, exempted village, or joint vocational 10954
school district that maintains records of an individual who has 10955
been permanently excluded under sections 3301.121 and 3313.662 of 10956
the Revised Code is permitted to maintain records regarding a 10957
conviction that was used as the basis for the individual's 10958
permanent exclusion, regardless of a court order to seal the 10959
record. An order issued under this section to seal the record of a 10960
conviction does not revoke the adjudication order of the 10961
superintendent of public instruction to permanently exclude the 10962
individual who is the subject of the sealing order. An order 10963
issued under this section to seal the record of a conviction of an 10964
individual may be presented to a district superintendent as 10965
evidence to support the contention that the superintendent should 10966
recommend that the permanent exclusion of the individual who is 10967
the subject of the sealing order be revoked. Except as otherwise 10968
authorized by this division and sections 3301.121 and 3313.662 of 10969
the Revised Code, any school employee in possession of or having 10970
access to the sealed conviction records of an individual that were 10971
the basis of a permanent exclusion of the individual is subject to 10972
section 2953.35 of the Revised Code. 10973

Sec. 2953.33. (A) Except as provided in division (G) of 10974
section 2953.32 of the Revised Code, an order to seal the record 10975
of a person's conviction restores the person who is the subject of 10976
the order to all rights and privileges not otherwise restored by 10977
termination of the sentence or probation community control 10978

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<u>sanction</u> or by final release on parole <u>or post-release control</u> .	10979
(B) In any application for employment, license, or other right or privilege, any appearance as a witness, or any other inquiry, except as provided in division (E) of section 2953.32 of the Revised Code, a person may be questioned only with respect to convictions not sealed, bail forfeitures not expunged under section 2953.42 of the Revised Code as it existed prior to June 29, 1988, and bail forfeitures not sealed, unless the question bears a direct and substantial relationship to the position for which the person is being considered.	10980 10981 10982 10983 10984 10985 10986 10987 10988
Sec. 2961.01. (A) A person convicted of a felony under the laws of this or any other state or the United States, unless the conviction is reversed or annulled, is incompetent to be an elector or juror or to hold an office of honor, trust, or profit. When any person convicted of a felony under any law of that type is granted probation , parole, judicial release, or a conditional pardon or is released under a <u>non-jail community control sanction</u> <u>or a</u> post-release control sanction, the person is competent to be an elector during the period of probation <u>community control</u> , parole, <u>post-release control</u> , or release or until the conditions of the pardon have been performed or have transpired and is competent to be an elector thereafter following final discharge. The full pardon of a convict restores the rights and privileges so forfeited under this section, but a pardon shall not release a convict from the costs of the convict's conviction in this state, unless so specified.	10989 10990 10991 10992 10993 10994 10995 10996 10997 10998 10999 11000 11001 11002 11003 11004
(B) <u>As used in this section:</u>	11005
(1) <u>"Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.</u>	11006 11007
(2) <u>"Non-jail community control sanction" means a community</u>	11008

control sanction that is neither a term in a community-based 11009
correctional facility nor a term in a jail. 11010

(3) "Post-release control" and "post-release control 11011
sanction" have the same meanings as in section 2967.01 of the 11012
Revised Code. 11013

Sec. 2963.01. As used in sections 2963.01 to 2963.27~~7~~ 11014
~~inclusive~~, of the Revised Code: 11015

(A) "Governor" includes any person performing the functions 11016
of governor by authority of the law of this state. 11017

(B) "Executive authority" includes the governor, and any 11018
person performing the functions of governor in a state other than 11019
this state. 11020

(C) "State," referring to a state other than this state, 11021
includes any state or territory, organized or unorganized, of the 11022
United States. 11023

(D) "Community control sanction" has the same meaning as in 11024
section 2929.01 of the Revised Code. 11025

(E) "Post-release control" and "post-release control 11026
sanction" have the same meanings as in section 2967.01 of the 11027
Revised Code. 11028

Sec. 2963.11. When, on the oath of a credible person before 11029
any judge or magistrate of this state, any person within this 11030
state is charged with the commission of any crime in any other 11031
state and with having fled from justice, or with having been 11032
convicted of a crime in that state and having escaped from 11033
confinement, or having broken the terms of the person's bail~~7~~ 11034
~~probation~~, or parole or violated the conditions of a community 11035
control sanction ~~imposed under section 2929.16, 2929.17, or~~ 11036
~~2929.18 of the Revised Code~~ or of post-release control ~~under~~ 11037

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~~section 2967.28 of the Revised Code~~ sanction, or whenever 11038
 complaint has been made before any judge or magistrate in this 11039
 state setting forth on the affidavit of any credible person in 11040
 another state that a crime has been committed in the other state 11041
 and that the accused has been charged in that state with the 11042
 commission of the crime, and, ~~has fled from justice, or with~~ 11043
 having been convicted of a crime in that state and having escaped 11044
 from confinement, or having broken the terms of bail, probation, 11045
 or parole, and is believed to be in this state, the judge or 11046
 magistrate shall issue a warrant directed to any peace officer, 11047
 commanding the peace officer to apprehend the person named in the 11048
 warrant, wherever the person may be found in this state, and to 11049
 bring the person before the same or any other judge, magistrate, 11050
 or court ~~which~~ that may be available in or convenient of access to 11051
 the place where the arrest may be made, to answer the charge or 11052
 complaint and affidavit, and a certified copy of the sworn charge 11053
 or complaint and upon which the warrant is issued shall be 11054
 attached to the warrant. 11055

This section does not apply to cases arising under section 11056
 2963.06 of the Revised Code. 11057

Sec. 2963.20. Whenever the governor demands a person charged 11058
 with crime, ~~or~~ with escaping from confinement, or with breaking 11059
 the terms of ~~his~~ the person's bail, ~~probation,~~ or parole in this 11060
 state or violating the conditions of a community control sanction 11061
or post-release control sanction imposed in this state, from the 11062
 executive authority of any other state, or from the chief justice 11063
 or an associate justice of the supreme court of the District of 11064
 Columbia authorized to receive ~~such~~ that demand under the laws of 11065
 the United States, ~~he~~ the governor shall issue a warrant under the 11066
 seal of this state, to ~~some~~ an agent, commanding ~~him~~ the agent to 11067
 receive the person so charged and convey ~~such~~ that person to the 11068

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proper officer of the county in which the offense was committed. 11069

Sec. 2963.21. When the return to this state of a person 11070
charged with crime in this state is required, the prosecuting 11071
attorney shall present to the governor a written application for a 11072
requisition for the return of the person charged. The application 11073
shall state the name of the person charged, the crime charged 11074
against the person, the approximate time, place, and circumstances 11075
of its commission, the state in which the person charged is 11076
believed to be located, and the location of the person in that 11077
state at the time the application is made. The prosecuting 11078
attorney shall certify that in the prosecuting attorney's opinion 11079
the ends of justice require the arrest and return of the person 11080
charged to this state for trial and that the proceeding is not 11081
instituted to enforce a private claim. 11082

When the return to this state is required of a person who has 11083
been convicted of a crime in this state and has escaped from 11084
confinement or broken the terms of the person's bail, ~~probation,~~ 11085
parole, community control sanction, or post-release control 11086
sanction, the prosecuting attorney of the county in which the 11087
offense was committed, the adult parole authority, or the warden 11088
of the institution or sheriff of the county from which escape was 11089
made shall present to the governor a written application for a 11090
requisition for the return of the person. The application shall 11091
state the person's name, the crime of which the person was 11092
convicted, the circumstances of the person's escape from 11093
confinement or of the breach of the terms of the person's bail, 11094
~~probation,~~ parole, community control sanction, or post-release 11095
control sanction, the state in which the person is believed to be 11096
located, and the location of the person in that state at the time 11097
the application is made. 11098

An application presented under this section shall be verified 11099

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by affidavit, executed in duplicate, and accompanied by two 11100
certified copies of the indictment returned, of the information 11101
and affidavit filed, of the complaint made to the judge or 11102
magistrate, stating the offense with which the accused is charged, 11103
of the judgment of conviction, or of the sentence. The prosecuting 11104
attorney, adult parole authority, warden, or sheriff also may 11105
attach any other affidavits or documents in duplicate that the 11106
prosecuting attorney, adult parole authority, warden, or sheriff 11107
finds proper to be submitted with the application. One copy of the 11108
application, with the action of the governor indicated by 11109
indorsement on the application, and one of the certified copies of 11110
the indictment, complaint, information, and affidavits, of the 11111
judgment of conviction, or of the sentence shall be filed in the 11112
office of the secretary of state to remain of record in that 11113
office. The other copies of all papers shall be forwarded with the 11114
governor's requisition. 11115

Sec. 2967.02. (A) ~~Sections~~ The adult parole authority created 11116
by section 5149.02 of the Revised Code shall administer sections 11117
2967.01 to 2967.28 of the Revised Code, and other sections of the 11118
Revised Code governing pardon, ~~probation~~ community control 11119
sanctions, post-release control, and parole, ~~shall be administered~~ 11120
~~by the adult parole authority created by section 5149.02 of the~~ 11121
~~Revised Code.~~ 11122

(B) The governor may grant a pardon after conviction, may 11123
grant an absolute and entire pardon or a partial pardon, and may 11124
grant a pardon upon conditions precedent or subsequent. 11125

(C) The adult parole authority shall supervise all parolees. 11126
The department of rehabilitation and correction has legal custody 11127
of a parolee until the authority grants the parolee a final 11128
release pursuant to section 2967.16 of the Revised Code. 11129

(D) The department of rehabilitation and correction has legal 11130

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custody of a releasee until the adult parole authority grants the 11131
 releasee a final release pursuant to section 2967.16 of the 11132
 Revised Code. 11133

Sec. 2967.22. Whenever it is brought to the attention of the 11134
 adult parole authority or a ~~county~~ department of probation that a 11135
 parolee, ~~probationer~~ person under a community control sanction, 11136
 person under transitional control, or releasee appears to be a 11137
 mentally ill person subject to hospitalization by court order, as 11138
 defined in section 5122.01 of the Revised Code, or a mentally 11139
 retarded person subject to institutionalization by court order, as 11140
 defined in section 5123.01 of the Revised Code, the parole or 11141
 probation officer, subject to the approval of the chief of the 11142
 adult parole authority, the designee of the chief of the adult 11143
 parole authority, or the chief probation officer, may file an 11144
 affidavit under section 5122.11 or 5123.71 of the Revised Code. A 11145
 parolee, ~~probationer~~ person under a community control sanction, or 11146
 releasee who is involuntarily detained under Chapter 5122. or 11147
 5123. of the Revised Code shall receive credit against the period 11148
 of parole or ~~probation~~ community control or the term of 11149
 post-release control for the period of involuntary detention. 11150

If a parolee, ~~probationer~~ person under a community control 11151
sanction, person under transitional control, or releasee escapes 11152
 from an institution or facility within the department of mental 11153
 health or the department of mental retardation and developmental 11154
 disabilities, the superintendent of the institution immediately 11155
 shall notify the chief of the adult parole authority or the chief 11156
 probation officer. Notwithstanding the provisions of section 11157
 5122.26 of the Revised Code, the procedure for the apprehension, 11158
 detention, and return of the parolee, ~~probationer~~ person under a 11159
community control sanction, person under transitional control, or 11160
 releasee is the same as that provided for the apprehension, 11161
 detention, and return of persons who escape from institutions 11162

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operated by the department of rehabilitation and correction. If 11163
the escaped parolee, person under transitional control, or 11164
releasee is not apprehended and returned to the custody of the 11165
department of mental health or the department of mental 11166
retardation and developmental disabilities within ninety days 11167
after the escape, the parolee, person under transitional control, 11168
or releasee shall be discharged from the custody of the department 11169
of mental health or the department of mental retardation and 11170
developmental disabilities and returned to the custody of the 11171
department of rehabilitation and correction. If the escaped 11172
~~probationer~~ person under a community control sanction is not 11173
apprehended and returned to the custody of the department of 11174
mental health or the department of mental retardation and 11175
developmental disabilities within ninety days after the escape, 11176
the ~~probationer~~ person under a community control sanction shall be 11177
discharged from the custody of the department of mental health or 11178
the department of mental retardation and developmental 11179
disabilities and returned to the custody of the court that 11180
sentenced ~~the probationer~~ that person. 11181

Sec. 2967.26. (A)(1) The department of rehabilitation and 11182
correction, by rule, may establish a transitional control program 11183
for the purpose of closely monitoring a prisoner's adjustment to 11184
community supervision during the final one hundred eighty days of 11185
the prisoner's confinement. If the department establishes a 11186
transitional control program under this division, the adult parole 11187
authority may transfer eligible prisoners to transitional control 11188
status under the program during the final one hundred eighty days 11189
of their confinement and under the terms and conditions 11190
established by the department, shall provide for the confinement 11191
as provided in this division of each eligible prisoner so 11192
transferred, and shall supervise each eligible prisoner so 11193
transferred in one or more community control sanctions. Each 11194

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eligible prisoner who is transferred to transitional control 11195
status under the program shall be confined in a suitable facility 11196
that is licensed pursuant to division (C) of section 2967.14 of 11197
the Revised Code, or shall be confined in a residence the 11198
department has approved for this purpose and be monitored pursuant 11199
to an electronic monitoring device, as defined in section ~~2929.23~~ 11200
2929.01 of the Revised Code. If the department establishes a 11201
transitional control program under this division, the rules 11202
establishing the program shall include criteria that define which 11203
prisoners are eligible for the program, criteria that must be 11204
satisfied to be approved as a residence that may be used for 11205
confinement under the program of a prisoner that is transferred to 11206
it and procedures for the department to approve residences that 11207
satisfy those criteria, and provisions of the type described in 11208
division (C) of this section. At a minimum, the criteria that 11209
define which prisoners are eligible for the program shall provide 11210
all of the following: 11211

(a) That a prisoner is eligible for the program if the 11212
prisoner is serving a prison term or term of imprisonment for an 11213
offense committed prior to ~~the effective date of this amendment~~ 11214
March 17, 1998, and if, at the time at which eligibility is being 11215
determined, the prisoner would have been eligible for a furlough 11216
under this section as it existed immediately prior to ~~the~~ 11217
~~effective date of this amendment~~ March 17, 1998, or would have 11218
been eligible for conditional release under former section 2967.23 11219
of the Revised Code as that section existed immediately prior to 11220
~~the effective date of this amendment~~ March 17, 1998; 11221

(b) That no prisoner who is serving a mandatory prison term 11222
is eligible for the program until after expiration of the 11223
mandatory term; 11224

(c) That no prisoner who is serving a prison term or term of 11225
life imprisonment without parole imposed pursuant to section 11226

2971.03 of the Revised Code is eligible for the program. 11227

(2) At least three weeks prior to transferring to 11228
transitional control under this section a prisoner who is serving 11229
a term of imprisonment or prison term for an offense committed on 11230
or after July 1, 1996, the adult parole authority shall give 11231
notice of the pendency of the transfer to transitional control to 11232
the court of common pleas of the county in which the indictment 11233
against the prisoner was found and of the fact that the court may 11234
disapprove the transfer of the prisoner to transitional control 11235
and shall include a report prepared by the head of the state 11236
correctional institution in which the prisoner is confined. The 11237
head of the state correctional institution in which the prisoner 11238
is confined, upon the request of the adult parole authority, shall 11239
provide to the authority for inclusion in the notice sent to the 11240
court under this division a report on the prisoner's conduct in 11241
the institution and in any institution from which the prisoner may 11242
have been transferred. The report shall cover the prisoner's 11243
participation in school, vocational training, work, treatment, and 11244
other rehabilitative activities and any disciplinary action taken 11245
against the prisoner. If the court disapproves of the transfer of 11246
the prisoner to transitional control, the court shall notify the 11247
authority of the disapproval within thirty days after receipt of 11248
the notice. If the court timely disapproves the transfer of the 11249
prisoner to transitional control, the authority shall not proceed 11250
with the transfer. If the court does not timely disapprove the 11251
transfer of the prisoner to transitional control, the authority 11252
may transfer the prisoner to transitional control. 11253

(3) If the victim of an offense for which a prisoner was 11254
sentenced to a prison term or term of imprisonment has requested 11255
notification under section 2930.16 of the Revised Code and has 11256
provided the department of rehabilitation and correction with the 11257
victim's name and address, the adult parole authority, at least 11258

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three weeks prior to transferring the prisoner to transitional control pursuant to this section, shall notify the victim of the pendency of the transfer and of the victim's right to submit a statement to the authority regarding the impact of the transfer of the prisoner to transitional control. If the victim subsequently submits a statement of that nature to the authority, the authority shall consider the statement in deciding whether to transfer the prisoner to transitional control.

(B) Each prisoner transferred to transitional control under this section shall be confined in the manner described in division (A) of this section during any period of time that the prisoner is not actually working at the prisoner's approved employment, engaged in a vocational training or another educational program, engaged in another program designated by the director, or engaged in other activities approved by the department.

(C) The department of rehabilitation and correction shall adopt rules for transferring eligible prisoners to transitional control, supervising and confining prisoners so transferred, administering the transitional control program in accordance with this section, and using the moneys deposited into the transitional control fund established under division (E) of this section.

(D) The department of rehabilitation and correction may adopt rules for the issuance of passes for the limited purposes described in this division to prisoners who are transferred to transitional control under this section. If the department adopts rules of that nature, the rules shall govern the granting of the passes and shall provide for the supervision of prisoners who are temporarily released pursuant to one of those passes. Upon the adoption of rules under this division, the department may issue passes to prisoners who are transferred to transitional control status under this section in accordance with the rules and the provisions of this division. All passes issued under this division

shall be for a maximum of forty-eight hours and may be issued only 11291
for the following purposes: 11292

(1) To visit a dying relative; 11293

(2) To attend the funeral of a relative; 11294

(3) To visit with family; 11295

(4) To otherwise aid in the rehabilitation of the prisoner. 11296

(E) The adult parole authority may require a prisoner who is 11297
transferred to transitional control to pay to the division of 11298
parole and community services the reasonable expenses incurred by 11299
the division in supervising or confining the prisoner while under 11300
transitional control. Inability to pay those reasonable expenses 11301
shall not be grounds for refusing to transfer an otherwise 11302
eligible prisoner to transitional control. Amounts received by the 11303
division of parole and community services under this division 11304
shall be deposited into the transitional control fund, which is 11305
hereby created in the state treasury and which hereby replaces and 11306
succeeds the furlough services fund that formerly existed in the 11307
state treasury. All moneys that remain in the furlough services 11308
fund on ~~the effective date of this amendment~~ March 17, 1998, shall 11309
be transferred on that date to the transitional control fund. The 11310
transitional control fund shall be used solely to pay costs 11311
related to the operation of the transitional control program 11312
established under this section. The director of rehabilitation and 11313
correction shall adopt rules in accordance with section 111.15 of 11314
the Revised Code for the use of the fund. 11315

(F) A prisoner who violates any rule established by the 11316
department of rehabilitation and correction under division (A), 11317
(C), or (D) of this section may be transferred to a state 11318
correctional institution pursuant to rules adopted under division 11319
(A), (C), or (D) of this section, but the prisoner shall receive 11320
credit towards completing the prisoner's sentence for the time 11321

spent under transitional control.

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If a prisoner is transferred to transitional control under this section, upon successful completion of the period of transitional control, the prisoner may be released on parole or under post-release control pursuant to section 2967.13 or 2967.28 of the Revised Code and rules adopted by the department of rehabilitation and correction. If the prisoner is released under post-release control, the duration of the post-release control, the type of post-release control sanctions that may be imposed, the enforcement of the sanctions, and the treatment of prisoners who violate any sanction applicable to the prisoner are governed by section 2967.28 of the Revised Code.

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Sec. 2969.11. As used in sections 2969.11 to 2969.14 of the Revised Code:

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(A) "Crime victims recovery fund" means the fund created by division (D) of section ~~2929.25~~ 2929.32 of the Revised Code.

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(B) "Victim" means a person who suffers personal injury, death, or property loss as a result of any of the following, or the beneficiaries of an action for the wrongful death of any person killed as a result of any of the following:

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(1) An offense committed by an offender in whose name a separate account is maintained in the crime victims recovery fund pursuant to section 2969.12 of the Revised Code;

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(2) The good faith effort of a person to prevent an offense committed by an offender in whose name a separate account is maintained in the crime victims recovery fund pursuant to section 2969.12 of the Revised Code;

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(3) The good faith effort of a person to apprehend a person suspected of engaging in an offense committed by an offender in whose name a separate account is maintained in the crime victims

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recovery fund pursuant to section 2969.12 of the Revised Code. 11352

Sec. 2969.12. (A) The clerk of the court of claims shall 11353
administer the crime victims recovery fund and shall maintain in 11354
the fund in the name of each offender a separate account for money 11355
received, or money received from the sale or other disposition of 11356
property, pursuant to section ~~2929.25~~ 2929.32 of the Revised Code 11357
in connection with that offender. The clerk shall distribute the 11358
money in that separate account in accordance with division (C) of 11359
this section. 11360

(B) Notwithstanding a contrary provision of any section of 11361
the Revised Code that deals with the limitation of actions, a 11362
victim of an offense committed by an offender in whose name a 11363
separate account is maintained in the crime victims recovery fund 11364
may bring a civil action against the offender or the 11365
representatives of the offender at any time within three years 11366
after the establishment of the separate account. 11367

In order to recover from a separate account maintained in the 11368
fund in the name of an offender, a victim of that offender shall 11369
do all of the following: 11370

(1) Within the three-year period or, if the action was 11371
initiated before the separate account was established, within 11372
ninety days after the separate account is established, notify the 11373
clerk of the court of claims that a civil action has been brought 11374
against the offender or the representatives of the offender; 11375

(2) Notify the clerk of the court of claims of the entry of 11376
any judgment in the civil action; 11377

(3) Within ninety days after the judgment in the civil action 11378
is final or, if the judgment was obtained before the separate 11379
account was established, within ninety days after the separate 11380
account is established, request the clerk of the court of claims 11381

to pay from the separate account the judgment that the victim is 11382
awarded in the civil action. 11383

If a civil action is brought against an offender or the 11384
representatives of the offender after the expiration of the 11385
statute of limitations that would apply to the civil action but 11386
for this division, the court shall state in a judgment in favor of 11387
the victim that the judgment may be enforced only against the 11388
separate account maintained in the name of that offender in the 11389
crime victims recovery fund. 11390

(C)(1) The clerk of the court of claims shall not make a 11391
payment from the separate account maintained in the name of an 11392
offender in the crime victims recovery fund to a victim of the 11393
offender until the expiration of the later of the following 11394
periods: 11395

(a) The expiration of three years after the establishment of 11396
the separate account, provided that no action of which the clerk 11397
was notified under division (B)(1) of this section is pending; 11398

(b) If three years has elapsed since the establishment of the 11399
separate account and if one or more actions of which the clerk was 11400
notified under division (B)(1) of this section is pending at the 11401
expiration of that three-year period, the date of the final 11402
disposition of the last of those pending actions. 11403

(2) Upon the expiration of the applicable period of time set 11404
forth in division (C)(1) of this section, the clerk of the court 11405
of claims shall make payments from the separate account maintained 11406
in the name of the offender in the crime victims recovery fund to 11407
the victims of the offender who obtained a judgment against the 11408
offender or the representatives of the offender for damages 11409
resulting from the offense committed by the offender. The payments 11410
shall be made as provided in this division. 11411

When a separate account is maintained in the name of an 11412

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offender in the crime victims recovery fund, the clerk of the
court of claims shall determine on the second day of January and
the first day of April, July, and October of each year the amount
of money in that separate account. After the expiration of the
applicable period of time set forth in division (C)(1) of this
section, the clerk shall pay from that separate account any
judgment for which a victim of that offender has requested payment
pursuant to division (B)(3) of this section and has requested
payment prior to the date of the most recent quarterly
determination described in this division. If at a time that
payments would be made from that separate account there are
insufficient funds in that separate account to pay all of the
applicable judgments against the offender or the representatives
of the offender, the clerk of the court of claims shall pay the
judgments on a pro rata basis.

Sec. 2969.13. All moneys that are collected pursuant to
section ~~2929.25~~ 2929.32 of the Revised Code and required to be
deposited in the crime victims recovery fund shall be credited by
the treasurer of state to the fund. Any interest earned on the
money in the fund shall be credited to the fund.

Sec. 2969.14. (A) If a separate account has been maintained
in the name of an offender in the crime victims recovery fund and
if there is no further requirement to pay into the fund money, or
the monetary value of property, pursuant to section ~~2929.25~~
2929.32 of the Revised Code, unless otherwise ordered by a court
of record in which a judgment has been rendered against the
offender or the representatives of the offender, the clerk of the
court of claims shall pay the money remaining in the separate
account in accordance with division (B) of this section, if all of
the following apply:

(1) The applicable period of time that governs the making of

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payments from the separate account, as set forth in division 11444
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 11445

(2) None of the civil actions against the offender or the 11446
representatives of the offender of which the clerk of the court of 11447
claims has been notified pursuant to division (B)(1) of section 11448
2969.12 of the Revised Code is pending. 11449

(3) All judgments for which payment was requested pursuant to 11450
division (B)(3) of section 2969.12 of the Revised Code have been 11451
paid. 11452

(B) If the clerk of the court of claims is required by 11453
division (A) of this section to pay the money remaining in the 11454
separate account established in the name of an offender in 11455
accordance with this division, the clerk shall pay the money as 11456
follows: 11457

(1) If the offender was confined for a felony in a prison or 11458
other facility operated by the department of rehabilitation and 11459
correction under a sanction imposed pursuant to section 2929.14 or 11460
2929.16 of the Revised Code, the clerk shall pay the money to the 11461
treasurer of state, in accordance with division (C)(1) of section 11462
2929.18 of the Revised Code, to cover the costs of the 11463
confinement. If any money remains in the separate account after 11464
the payment of the costs of the confinement pursuant to this 11465
division, the clerk shall pay the remaining money in accordance 11466
with divisions (B)(2), (3), and (5) of this section. 11467

(2) If the offender was confined for a felony in a facility 11468
operated by a county or a municipal corporation, after payment of 11469
any costs required to be paid under division (B)(1) of this 11470
section, the clerk shall pay the money to the treasurer of the 11471
county or of the municipal corporation that operated the facility, 11472
in accordance with division (C)(2) or (3) of section 2929.18 of 11473
the Revised Code, to cover the costs of the confinement. If more 11474

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than one county or municipal corporation operated a facility in 11475
which the offender was confined, the clerk shall equitably 11476
apportion the money among each of those counties and municipal 11477
corporations. If any money remains in the separate account after 11478
the payment of the costs of the confinement pursuant to this 11479
division, the clerk shall pay the remaining money in accordance 11480
with divisions (B)(3) and (5) of this section. 11481

(3) If the offender was sentenced for a felony to any 11482
community control sanction other than a sanction described in 11483
division (B)(2) of this section, after payment of any costs 11484
required to be paid under division (B)(1) or (2) of this section, 11485
the clerk shall pay the money to the treasurer of the county or of 11486
the municipal corporation that incurred costs pursuant to the 11487
sanction, in accordance with division (C)(2) or (3) of section 11488
2929.18 of the Revised Code, to cover the costs so incurred. If 11489
more than one county or municipal corporation incurred costs 11490
pursuant to the sanction, the clerk shall equitably apportion the 11491
money among each of those counties and municipal corporations. If 11492
any money remains in the separate account after the payment of the 11493
costs of the sanction pursuant to this division, the clerk shall 11494
pay the remaining money in accordance with division (B)(5) of this 11495
section. 11496

(4) If the offender was imprisoned or incarcerated for a 11497
misdemeanor, to the treasurer of the political subdivision that 11498
operates the facility in which the offender was imprisoned or 11499
incarcerated, to cover the costs of the imprisonment or 11500
incarceration. If more than one political subdivision operated a 11501
facility in which the offender was confined, the clerk shall 11502
equitably apportion the money among each of those political 11503
subdivisions. If any money remains in the separate account after 11504
the payment of the costs of the imprisonment or incarceration 11505
under this division, the clerk shall pay the remaining money in 11506

accordance with division (B)(5) of this section. 11507

(5) If any money remains in the separate account after 11508
payment of any costs required to be paid under division (B)(1), 11509
(2), (3), or (4) of this section, or if no provision of division 11510
(B)(1), (2), (3), or (4) of this section applies, the clerk shall 11511
distribute the amount of the money remaining in the separate 11512
account as otherwise provided by law for the distribution of money 11513
paid in satisfaction of a fine, as if that amount was a fine paid 11514
by the offender. 11515

Sec. 3313.65. (A) As used in this section and section 3313.64 11516
of the Revised Code: 11517

(1) A person is "in a residential facility" if the person is 11518
a resident or a resident patient of an institution, home, or other 11519
residential facility that is: 11520

(a) Licensed as a nursing home, residential care facility, or 11521
home for the aging by the director of health under section 3721.02 11522
of the Revised Code or licensed as a community alternative home by 11523
the director of health under section 3724.03 of the Revised Code; 11524
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(b) Licensed as an adult care facility by the director of 11526
health under Chapter 3722. of the Revised Code; 11527

(c) Maintained as a county home or district home by the board 11528
of county commissioners or a joint board of county commissioners 11529
under Chapter 5155. of the Revised Code; 11530

(d) Operated or administered by a board of alcohol, drug 11531
addiction, and mental health services under section 340.03 or 11532
340.06 of the Revised Code, or provides residential care pursuant 11533
to contracts made under section 340.03 or 340.033 of the Revised 11534
Code; 11535

(e) Maintained as a state institution for the mentally ill 11536

under Chapter 5119. of the Revised Code; 11537

(f) Licensed by the department of mental health under section 11538
5119.20 or 5119.22 of the Revised Code; 11539

(g) Licensed as a residential facility by the department of 11540
mental retardation and developmental disabilities under section 11541
5123.19 of the Revised Code; 11542

(h) Operated by the veteran's administration or another 11543
agency of the United States government; 11544

(i) The Ohio soldiers' and sailors' home. 11545

(2) A person is "in a correctional facility" if any of the 11546
following apply: 11547

(a) The person is an Ohio resident and is: 11548

(i) Imprisoned, as defined in section 1.05 of the Revised 11549
Code; 11550

(ii) Serving a term in a community-based correctional 11551
facility or a district community-based correctional facility; 11552

(iii) Required, as a condition of parole, ~~probation a~~ 11553
~~post-release control sanction, a community control sanction,~~ 11554
transitional control, or early release from imprisonment, as a 11555
condition of shock parole or shock probation granted under the law 11556
in effect prior to July 1, 1996, or as a condition of a furlough 11557
granted under the version of section 2967.26 of the Revised Code 11558
in effect prior to ~~the effective date of this amendment~~ March 17, 11559
1998, to reside in a halfway house or other community residential 11560
center licensed under section 2967.14 of the Revised Code or a 11561
similar facility designated by the ~~common pleas~~ court of common 11562
pleas that established the condition or by the adult parole 11563
authority. 11564

(b) The person is imprisoned in a state correctional 11565
institution of another state or a federal correctional institution 11566

but was an Ohio resident at the time the sentence was imposed for 11567
the crime for which the person is imprisoned. 11568

(3) A person is "in a juvenile residential placement" if the 11569
person is an Ohio resident who is under twenty-one years of age 11570
and has been removed, by the order of a juvenile court, from the 11571
place the person resided at the time the person became subject to 11572
the court's jurisdiction in the matter that resulted in the 11573
person's removal. 11574

(4) "Community control sanction" has the same meaning as in 11575
section 2929.01 of the Revised Code. 11576

(5) "Post-release control sanction" has the same meaning as 11577
in section 2967.01 of the Revised Code. 11578

(B) If the circumstances described in division (C) of this 11579
section apply, the determination of what school district must 11580
admit a child to its schools and what district, if any, is liable 11581
for tuition shall be made in accordance with this section, rather 11582
than section 3313.64 of the Revised Code. 11583

(C) A child who does not reside in the school district in 11584
which the child's parent resides and for whom a tuition obligation 11585
previously has not been established under division (C)(2) of 11586
section 3313.64 of the Revised Code shall be admitted to the 11587
schools of the district in which the child resides if at least one 11588
of the child's parents is in a residential or correctional 11589
facility or a juvenile residential placement and the other parent, 11590
if living and not in such a facility or placement, is not known to 11591
reside in this state. 11592

(D) Regardless of who has custody or care of the child, 11593
whether the child resides in a home, or whether the child receives 11594
special education, if a district admits a child under division (C) 11595
of this section, tuition shall be paid to that district as 11596
follows: 11597

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(1) If the child's parent is in a juvenile residential placement, by the district in which the child's parent resided at the time the parent became subject to the jurisdiction of the juvenile court;

(2) If the child's parent is in a correctional facility, by the district in which the child's parent resided at the time the sentence was imposed;

(3) If the child's parent is in a residential facility, by the district in which the parent resided at the time the parent was admitted to the residential facility, except that if the parent was transferred from another residential facility, tuition shall be paid by the district in which the parent resided at the time the parent was admitted to the facility from which the parent first was transferred;

(4) In the event of a disagreement as to which school district is liable for tuition under division (C)(1), (2), or (3) of this section, the superintendent of public instruction shall determine which district shall pay tuition.

(E) If a child covered by division (D) of this section receives special education in accordance with Chapter 3323. of the Revised Code, the tuition shall be paid in accordance with section 3323.13 or 3323.14 of the Revised Code. Tuition for children who do not receive special education shall be paid in accordance with division (I) of section 3313.64 of the Revised Code.

Sec. 3321.38. (A) No parent, guardian, or other person having care of a child of compulsory school age shall violate any provision of section 3321.01, 3321.03, 3321.04, 3321.07, 3321.10, 3321.19, 3321.20, or 3331.14 of the Revised Code. The juvenile court, which has exclusive original jurisdiction over any violation of this section pursuant to section 2151.23 of the Revised Code, may require a person convicted of violating this

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division to give bond in a sum of not more than five hundred 11629
dollars with sureties to the approval of the court, conditioned 11630
that the person will cause the child under the person's charge to 11631
attend upon instruction as provided by law, and remain as a pupil 11632
in the school or class during the term prescribed by law. If the 11633
juvenile court adjudicates the child as an unruly or delinquent 11634
child for being an habitual or chronic truant pursuant to section 11635
2151.35 of the Revised Code, the court shall warn the parent, 11636
guardian, or other person having care of the child that any 11637
subsequent adjudication of that nature involving the child may 11638
result in a criminal charge against the parent, guardian, or other 11639
person having care of the child for a violation of division (C) of 11640
section 2919.21 or section 2919.24 of the Revised Code. 11641

(B) This section does not relieve from prosecution and 11642
conviction any parent, guardian, or other person upon further 11643
violation of any provision in any of the sections specified in 11644
division (A) of this section, any provision of section 2919.222 or 11645
2919.24 of the Revised Code, or division (C) of section 2919.21 of 11646
the Revised Code. A forfeiture of the bond shall not relieve that 11647
parent, guardian, or other person from prosecution and conviction 11648
upon further violation of any provision in any of those sections 11649
or that division. 11650

(C) Section 4109.13 of the Revised Code applies to this 11651
section. 11652

(D) No parent, guardian, or other person having care of a 11653
child of compulsory school age shall fail to give bond as required 11654
by division (A) of this section in the sum of one hundred dollars 11655
with sureties as required by the court. 11656

Sec. 3345.04. (A) As used in this section, "felony" has the 11657
same meaning as in section 109.511 of the Revised Code. 11658

(B) Subject to division (C) of this section, the board of 11659

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trustees of a state university, the board of trustees of the
medical college of Ohio at Toledo, the board of trustees of the
northeastern Ohio universities college of medicine, the board of
trustees of a state community college, and the board of trustees
of a technical college or community college district operating a
technical or a community college may designate one or more
employees of the institution, as a state university law
enforcement officer, in accordance with section 109.77 of the
Revised Code, and, as state university law enforcement officers,
those employees shall take an oath of office, wear the badge of
office, serve as peace officers for the college or university, and
give bond to the state for the proper and faithful discharge of
their duties in the amount that the board of trustees requires.

(C)(1) The board of trustees of an institution listed in
division (B) of this section shall not designate an employee of
the institution as a state university law enforcement officer
pursuant to that division on a permanent basis, on a temporary
basis, for a probationary term, or on other than a permanent basis
if the employee previously has been convicted of or has pleaded
guilty to a felony.

(2)(a) The board of trustees shall terminate the employment
as a state university law enforcement officer of an employee
designated as a state university law enforcement officer under
division (B) of this section if that employee does either of the
following:

(i) Pleads guilty to a felony;

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

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

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

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

Sec. 3719.12. Unless a report has been made pursuant to section ~~2929.24~~ 2929.42 of the Revised Code, on the conviction of a manufacturer, wholesaler, terminal distributor of dangerous drugs, pharmacist, pharmacy intern, dentist, chiropractor, physician, podiatrist, registered nurse, licensed practical nurse,

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physician assistant, optometrist, or veterinarian of the violation 11722
of this chapter or Chapter 2925. of the Revised Code, the 11723
prosecutor in the case promptly shall report the conviction to the 11724
board that licensed, certified, or registered the person to 11725
practice or to carry on business. The responsible board shall 11726
provide forms to the prosecutor. Within thirty days of the receipt 11727
of this information, the board shall initiate action in accordance 11728
with Chapter 119. of the Revised Code to determine whether to 11729
suspend or revoke the person's license, certificate, or 11730
registration. 11731

Sec. 3719.121. (A) Except as otherwise provided in section 11732
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, or 4734.41 of the 11733
Revised Code, the license, certificate, or registration of any 11734
dentist, chiropractor, physician, podiatrist, registered nurse, 11735
licensed practical nurse, physician assistant, pharmacist, 11736
pharmacy intern, optometrist, or veterinarian who is or becomes 11737
addicted to the use of controlled substances shall be suspended by 11738
the board that authorized the person's license, certificate, or 11739
registration until the person offers satisfactory proof to the 11740
board that the person no longer is addicted to the use of 11741
controlled substances. 11742

(B) If the board under which a person has been issued a 11743
license, certificate, or evidence of registration determines that 11744
there is clear and convincing evidence that continuation of the 11745
person's professional practice or method of prescribing or 11746
personally furnishing controlled substances presents a danger of 11747
immediate and serious harm to others, the board may suspend the 11748
person's license, certificate, or registration without a hearing. 11749
Except as otherwise provided in sections 4715.30, 4723.281, 11750
4729.16, 4730.25, 4731.22, and 4734.36 of the Revised Code, the 11751
board shall follow the procedure for suspension without a prior 11752

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hearing in section 119.07 of the Revised Code. The suspension 11753
 shall remain in effect, unless removed by the board, until the 11754
 board's final adjudication order becomes effective, except that if 11755
 the board does not issue its final adjudication order within 11756
 ninety days after the hearing, the suspension shall be void on the 11757
 ninety-first day after the hearing. 11758

(C) On receiving notification pursuant to section ~~2929.24~~ 11759
~~2929.42~~ or 3719.12 of the Revised Code, the board under which a 11760
 person has been issued a license, certificate, or evidence of 11761
 registration immediately shall suspend the license, certificate, 11762
 or registration of that person on a plea of guilty to, a finding 11763
 by a jury or court of the person's guilt of, or conviction of a 11764
 felony drug abuse offense; a finding by a court of the person's 11765
 eligibility for intervention in lieu of conviction; a plea of 11766
 guilty to, or a finding by a jury or court of the person's guilt 11767
 of, or the person's conviction of an offense in another 11768
 jurisdiction that is essentially the same as a felony drug abuse 11769
 offense; or a finding by a court of the person's eligibility for 11770
 treatment or intervention in lieu of conviction in another 11771
 jurisdiction. The board shall notify the holder of the license, 11772
 certificate, or registration of the suspension, which shall remain 11773
 in effect until the board holds an adjudicatory hearing under 11774
 Chapter 119. of the Revised Code. 11775

Sec. 3719.70. (A) When testimony, information, or other 11776
 evidence in the possession of a person who uses, possesses, or 11777
 trafficks in any drug of abuse appears necessary to an 11778
 investigation by law enforcement authorities into illicit sources 11779
 of any drug of abuse, or appears necessary to successfully 11780
 institute, maintain, or conclude a prosecution for any drug abuse 11781
 offense, as defined in section 2925.01 of the Revised Code, a 11782
 judge of the court of common pleas may grant to that person 11783
 immunity from prosecution for any offense based upon the 11784

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testimony, information, or other evidence furnished by that 11785
person, other than a prosecution of that person for giving false 11786
testimony, information, or other evidence. 11787

(B)(1) When a person is convicted of any misdemeanor drug 11788
abuse offense, the court, in determining whether to ~~suspend~~ 11789
~~sentence or place the person on probation~~ under a community 11790
control sanction pursuant to section 2929.25 of the Revised Code, 11791
shall take into consideration whether the person truthfully has 11792
revealed all information within the person's knowledge concerning 11793
illicit traffic in or use of drugs of abuse and, when required, 11794
has testified as to that information in any proceeding to obtain a 11795
search or arrest warrant against another or to prosecute another 11796
for any offense involving a drug of abuse. The information shall 11797
include, but is not limited to, the identity and whereabouts of 11798
accomplices, accessories, aiders, and abettors, if any, of the 11799
person or persons from whom any drug of abuse was obtained or to 11800
whom any drug of abuse was distributed, and of persons known or 11801
believed to be drug dependent persons, together with the location 11802
of any place or places where and the manner in which any drug of 11803
abuse is illegally cultivated, manufactured, sold, possessed, or 11804
used. The information also shall include all facts and 11805
circumstances surrounding any illicit traffic in or use of drugs 11806
of abuse of that nature. 11807

(2) If a person otherwise is eligible for intervention in 11808
lieu of conviction and being ordered to a period of rehabilitation 11809
under section 2951.041 of the Revised Code but the person has 11810
failed to cooperate with law enforcement authorities by providing 11811
them with the types of information described in division (B)(1) of 11812
this section, the person's lack of cooperation may be considered 11813
by the court under section 2951.041 of the Revised Code in 11814
determining whether to stay all criminal proceedings and order the 11815
person to a requested period of intervention. 11816

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(C) In the absence of a competent and voluntary waiver of the right against self-incrimination, no information or testimony furnished pursuant to division (B) of this section shall be used in a prosecution of the person furnishing it for any offense other than a prosecution of that person for giving false testimony, information, or other evidence.

Sec. 3734.44. Notwithstanding the provisions of any law to the contrary, no permit or license shall be issued or renewed by the director of environmental protection, the hazardous waste facility board, or a board of health:

(A) Unless the director, the hazardous waste facility board, or the board of health finds that the applicant, in any prior performance record in the transportation, transfer, treatment, storage, or disposal of solid wastes, infectious wastes, or hazardous waste, has exhibited sufficient reliability, expertise, and competency to operate the solid waste, infectious waste, or hazardous waste facility, given the potential for harm to human health and the environment that could result from the irresponsible operation of the facility, or, if no prior record exists, that the applicant is likely to exhibit that reliability, expertise, and competence;

(B) If any individual or business concern required to be listed in the disclosure statement or shown to have a beneficial interest in the business of the applicant or the permittee, other than an equity interest or debt liability, by the investigation thereof, has been convicted of any of the following crimes under the laws of this state or equivalent laws of any other jurisdiction:

(1) Murder;

(2) Kidnapping;

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(3) Gambling;	11847
(4) Robbery;	11848
(5) Bribery;	11849
(6) Extortion;	11850
(7) Criminal usury;	11851
(8) Arson;	11852
(9) Burglary;	11853
(10) Theft and related crimes;	11854
(11) Forgery and fraudulent practices;	11855
(12) Fraud in the offering, sale, or purchase of securities;	11856
(13) Alteration of motor vehicle identification numbers;	11857
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	11858 11859
(15) Unlawful possession or use of destructive devices or explosives;	11860 11861
(16) Violation <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;	11862 11863 11864 11865 11866 11867 11868
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	11869 11870
(18) Violation <u>A violation</u> of <u>the</u> criminal provisions of Chapter 1331. of the Revised Code;	11871 11872
(19) Any violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations that	11873 11874

is committed knowingly or recklessly, as defined in section 11875
2901.22 of the Revised Code; 11876

(20) ~~Violation~~ A violation of any provision of Chapter 2909. 11877
of the Revised Code; 11878

(21) Any offense specified in Chapter 2921. of the Revised 11879
Code. 11880

(C) Notwithstanding division (B) of this section, no 11881
applicant shall be denied the issuance or renewal of a permit or 11882
license on the basis of a conviction of any individual or business 11883
concern required to be listed in the disclosure statement or shown 11884
to have a beneficial interest in the business of the applicant or 11885
the permittee, other than an equity interest or debt liability, by 11886
the investigation thereof for any of the offenses enumerated in 11887
that division as disqualification criteria if that applicant has 11888
affirmatively demonstrated rehabilitation of the individual or 11889
business concern by a preponderance of the evidence. If any such 11890
individual was convicted of any of the offenses so enumerated that 11891
are felonies, a permit shall be denied unless five years have 11892
elapsed since the individual was fully discharged from 11893
imprisonment and parole for the offense, from a community control 11894
sanction imposed under section 2929.15 of the Revised Code, from a 11895
post-release control sanction imposed under section 2967.28 of the 11896
Revised Code for the offense, or imprisonment, probation, and 11897
parole for an offense that was committed prior to ~~the effective~~ 11898
~~date of this amendment~~ July 1, 1996. In determining whether an 11899
applicant has affirmatively demonstrated rehabilitation, the 11900
director, the hazardous waste facility board, or the board of 11901
health shall request a recommendation on the matter from the 11902
attorney general and shall consider and base the determination on 11903
the following factors: 11904

(1) The nature and responsibilities of the position a 11905
convicted individual would hold; 11906

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(2) The nature and seriousness of the offense;	11907
(3) The circumstances under which the offense occurred;	11908
(4) The date of the offense;	11909
(5) The age of the individual when the offense was committed;	11910
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(6) Whether the offense was an isolated or repeated incident;	11912
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(7) Any social conditions that may have contributed to the offense;	11914
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(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs, or the recommendation of persons who have or have had the applicant under their supervision;	11916
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(9) In the instance of an applicant that is a business concern, rehabilitation shall be established if the applicant has implemented formal management controls to minimize and prevent the occurrence of violations and activities that will or may result in permit or license denial or revocation or if the applicant has formalized those controls as a result of a revocation or denial of a permit or license. Those controls may include, but are not limited to, instituting environmental auditing programs to help ensure the adequacy of internal systems to achieve, maintain, and monitor compliance with applicable environmental laws and standards or instituting an antitrust compliance auditing program to help ensure full compliance with applicable antitrust laws. The business concern shall prove by a preponderance of the evidence that the management controls are effective in preventing the violations that are the subject of concern.	11922
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(D) Unless the director, the hazardous waste facility board, 11937
 or the board of health finds that the applicant has a history of 11938
 compliance with environmental laws in this state and other 11939
 jurisdictions and is presently in substantial compliance with, or 11940
 on a legally enforceable schedule that will result in compliance 11941
 with, environmental laws in this state and other jurisdictions. 11942

(E) With respect to the approval of a permit, if the director 11943
 or the hazardous waste facility board determines that current 11944
 prosecutions or pending charges in any jurisdiction for any of the 11945
 offenses enumerated in division (B) of this section against any 11946
 individual or business concern required to be listed in the 11947
 disclosure statement or shown by the investigation to have a 11948
 beneficial interest in the business of the applicant other than an 11949
 equity interest or debt liability are of such magnitude that they 11950
 prevent making the finding required under division (A) of this 11951
 section, provided that at the request of the applicant or the 11952
 individual or business concern charged, the director or the 11953
 hazardous waste facility board shall defer decision upon the 11954
 application during the pendency of the charge. 11955

Sec. 3735.311. (A) As used in this section, "felony" has the 11956
 same meaning as in section 109.511 of the Revised Code. 11957

(B)(1) A metropolitan housing authority shall not employ a 11958
 person as a member of the police force of the metropolitan housing 11959
 authority on a permanent basis, on a temporary basis, for a 11960
 probationary term, or on other than a permanent basis if the 11961
 person previously has been convicted of or has pleaded guilty to a 11962
 felony. 11963

(2)(a) A metropolitan housing authority shall terminate the 11964
 employment of a member of the police force of the metropolitan 11965
 housing authority who does either of the following: 11966

(i) Pleads guilty to a felony; 11967

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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 member of the police force agrees to surrender the certificate awarded to that member under section 109.77 of the Revised Code. 11968
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(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. 11973
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(3) Division (B) of this section does not apply regarding an offense that was committed prior to January 1, 1997. 11991
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(4) The suspension from employment, or the termination of the employment, of a member of the police force of a metropolitan housing authority under division (B)(2) of this section shall be in accordance with Chapter 119. of the Revised Code. 11993
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Sec. 3748.99. (A) Except as otherwise provided in division (B) of this section, whoever violates section 3748.15 of the 11997
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Revised Code is guilty of a misdemeanor and shall be fined not 11999
more than one thousand dollars. 12000

(B)(1) Except as otherwise provided in division (B)(2) of 12001
this section, whoever recklessly violates section 3748.10 of the 12002
Revised Code or an order issued under division (B) of section 12003
3748.17 of the Revised Code to enforce that section is guilty of a 12004
felony of the fourth degree. Notwithstanding the ~~statutory~~ 12005
conventional fines specified for felonies in section 2929.18 of 12006
the Revised Code, if the court imposes a fine as a sanction, the 12007
fine shall be not less than ten thousand nor more than twenty-five 12008
thousand dollars. Each day of violation is a separate offense. 12009

(2) Upon a second or subsequent conviction of a violation of 12010
section 3748.10 of the Revised Code or an order issued under 12011
division (B) of section 3748.17 of the Revised Code to enforce 12012
that section that was committed recklessly, the offender is guilty 12013
of a felony of the fourth degree. Notwithstanding the ~~statutory~~ 12014
conventional fines specified for felonies in section 2929.18 of 12015
the Revised Code, if the court imposes a fine as a sanction, the 12016
fine shall be not less than twenty thousand nor more than fifty 12017
thousand dollars per day of violation. Each day of violation is a 12018
separate offense. 12019

Sec. 3793.13. (A) Records or information, other than court 12020
journal entries or court docket entries, pertaining to the 12021
identity, diagnosis, or treatment of any patient ~~which~~ that are 12022
maintained in connection with the performance of any drug 12023
treatment program licensed by, or certified by, the director of 12024
alcohol and drug addiction services, under section 3793.11 of the 12025
Revised Code, shall be kept confidential, may be disclosed only 12026
for the purposes and under the circumstances expressly authorized 12027
under this section, and may not otherwise be divulged in any 12028
civil, criminal, administrative, or legislative proceeding. 12029

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(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 conditions of ~~his~~ the patient's community control sanction, post-release control sanction, parole, ~~probation~~, or order to rehabilitation.

(D) Disclosure of a patient's record may be made without ~~his~~

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the patient's consent to qualified personnel for the purpose of 12061
conducting scientific research, management, financial audits, or 12062
program evaluation, but these personnel may not identify, directly 12063
or indirectly, any individual patient in any report of the 12064
research, audit, or evaluation, or otherwise disclose a patient's 12065
identity in any manner. 12066

(E) Upon the request of a prosecuting attorney or the 12067
director of alcohol and drug addiction services, a court of 12068
competent jurisdiction may order the disclosure of records or 12069
information referred to in division (A) of this section if the 12070
court has reason to believe that a treatment program or facility 12071
is being operated or used in a manner contrary to law. The use of 12072
any information or record so disclosed shall be limited to the 12073
prosecution of persons who are or may be charged with any offense 12074
related to the illegal operation or use of the drug treatment 12075
program or facility, or to the decision to withdraw the authority 12076
of a drug treatment program or facility to continue operation. For 12077
purposes of this division the court shall: 12078

(1) Limit disclosure to those parts of the patient's record 12079
considered essential to fulfill the objective for which the order 12080
was granted; 12081

(2) Require, where appropriate, that all information be 12082
disclosed in chambers; 12083

(3) Include any other appropriate measures to keep disclosure 12084
to a minimum, consistent with the protection of the patients, the 12085
physician-patient relationship, and the administration of the drug 12086
treatment and rehabilitation program. 12087

(F) As used in this section: 12088

(1) "Community control sanction" has the same meaning as in 12089
section 2929.01 of the Revised Code. 12090

(2) "Post-release control sanction" has the same meaning as 12091

in section 2967.01 of the Revised Code. 12092

Sec. 3937.43. (A) As used in this section: 12093

(1) "Automobile insurance policies" has the same meaning as 12094
in section 3937.30 of the Revised Code. 12095

(2) "Moving violation" means any violation of any statute or 12096
ordinance that regulates the operation of vehicles, streetcars, or 12097
trackless trolleys on highways or streets or that regulates size 12098
or load limitations or fitness requirements of vehicles. "Moving 12099
violation" does not include the violation of any statute or 12100
ordinance that regulates pedestrians or the parking of vehicles. 12101

(3) "Community control sanction" has the same meaning as in 12102
section 2929.01 of the Revised Code. 12103

(B) Every rating plan or schedule of rates for automobile 12104
insurance policies that is filed with the superintendent of 12105
insurance shall provide for an appropriate reduction in premium 12106
charges for any insured or applicant for insurance under the 12107
following conditions: 12108

(1) The applicant or insured is sixty years of age or older; 12109

(2) The applicant or insured successfully completes a motor 12110
vehicle accident prevention course, which includes classroom 12111
instruction and the passing of an examination in accordance with 12112
both of the following: 12113

(a) The state highway patrol shall approve the course and the 12114
examination. However, the state highway patrol shall not approve 12115
any correspondence course or any other course that does not 12116
provide classroom instruction. 12117

(b) The examination shall include an actual demonstration of 12118
the applicant's or insured's ability to exercise ordinary and 12119
reasonable control in the operation of a motor vehicle. 12120

(3) The applicant or insured submits to the insurer a certificate that is issued by the sponsor of the motor vehicle accident prevention course and attests to the successful completion of the course by the applicant or insured;

(4) The insurer may consider the driving record of the applicant or insured in accordance with divisions (C) and (D) of this section.

(C) In determining whether to grant a reduction in premium charges in accordance with this section, the insurer may consider the driving record of the insured or applicant for a three-year period prior to the successful completion of a motor vehicle accident prevention course.

(D)(1) Subject to division (D)(2) of this section, every reduction in premium charges granted in accordance with this section shall be effective for an insured for a three-year period after each successful completion of a motor vehicle accident prevention course.

(2) As a condition of maintaining a reduction in premium charges granted in accordance with this section, an insurer may require that the insured, during the three-year period for which the reduction has been granted, neither be involved in an accident for which the insured is primarily at fault, nor be convicted of more than one moving violation.

(E) A reduction in premium charges granted in accordance with this section shall not become effective until the first full term of coverage following the successful completion of a motor vehicle accident prevention course in accordance with division (B) of this section.

(F) The superintendent of the state highway patrol shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to carry out the duties of the state highway

patrol under this section. 12152

(G) This section does not apply to any automobile insurance 12153
policy issued under an assigned risk plan pursuant to section 12154
4509.70 of the Revised Code. 12155

(H) This section does not apply to circumstances in which the 12156
motor vehicle accident prevention course is required by a court as 12157
a condition of ~~probation or suspension of sentence~~ a community 12158
control sanction imposed for a moving violation. 12159

Sec. 3959.13. Any person who, while licensed as an 12160
administrator, is convicted of a felony, shall report the 12161
conviction to the superintendent of insurance within thirty days 12162
of the entry date of the judgment of conviction. Within that 12163
thirty-day period, the person shall also provide the 12164
superintendent with a copy of the judgment, the ~~probation or~~ 12165
commitment order or the order imposing a community control 12166
sanction, and any other relevant documents. 12167

As used in this section, "community control sanction" has the 12168
same meaning as in section 2929.01 of the Revised Code. 12169

Sec. 4503.13. (A) A municipal court ~~or~~, county court, or 12170
mayor's court, at the court's discretion, may order the clerk of 12171
the court to send to the registrar of motor vehicles a report 12172
containing the name, address, and such other information as the 12173
registrar may require by rule, of any person for whom an arrest 12174
warrant has been issued by that court and is outstanding. 12175

Upon receipt of such a report, the registrar shall enter the 12176
information contained in the report into the records of the bureau 12177
of motor vehicles. Neither the registrar nor any deputy registrar 12178
shall issue a certificate of registration for a motor vehicle 12179
owner or lessee, when a lessee is determinable under procedures 12180
established by the registrar under division (E) of this section, 12181

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who is named in the report until the registrar receives 12182
notification from the municipal court ~~or~~, county court, or mayor's 12183
court that there are no outstanding arrest warrants in the name of 12184
the person. The registrar also shall send a notice to the person 12185
who is named in the report, via regular first class mail sent to 12186
the person's last known address as shown in the records of the 12187
bureau, informing the person that neither the registrar nor any 12188
deputy registrar is permitted to issue a certificate of 12189
registration for a motor vehicle in the name of the person until 12190
the registrar receives notification that there are no outstanding 12191
arrest warrants in the name of the person. 12192

(B) A clerk who reports an outstanding arrest warrant in 12193
accordance with division (A) of this section immediately shall 12194
notify the registrar when the warrant has been executed and 12195
returned to the issuing court or has been canceled. The clerk 12196
shall charge and collect from the person named in the executed or 12197
canceled arrest warrant a processing fee of fifteen dollars to 12198
cover the costs of the bureau in administering this section. The 12199
clerk shall transmit monthly all such processing fees to the 12200
registrar for deposit into the state bureau of motor vehicles fund 12201
created by section 4501.25 of the Revised Code. 12202

Upon receipt of such notification, the registrar shall cause 12203
the report of that outstanding arrest warrant to be removed from 12204
the records of the bureau and, if there are no other outstanding 12205
arrest warrants issued by a municipal court ~~or~~, county court, or 12206
mayor's court in the name of the person and the person otherwise 12207
is eligible to be issued a certificate of registration for a motor 12208
vehicle, the registrar or a deputy registrar may issue a 12209
certificate of registration for a motor vehicle in the name of the 12210
person named in the executed or canceled arrest warrant. 12211

(C) Neither the registrar, any employee of the bureau, a 12212
deputy registrar, nor any employee of a deputy registrar is 12213

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personally liable for damages or injuries resulting from any error 12214
made by a clerk in entering information contained in a report 12215
submitted to the registrar under this section. 12216

(D) Any information submitted to the registrar by a clerk 12217
under this section shall be transmitted by means of an electronic 12218
data transfer system. 12219

(E) The registrar shall determine the procedures and 12220
information necessary to implement this section in regard to motor 12221
vehicle lessees. Division (A) of this section shall not apply to 12222
cases involving a motor vehicle lessee until such procedures are 12223
established. 12224

Sec. 4507.091. (A) A municipal court ~~or~~, county court, or 12225
mayor's court, at the court's discretion, may order the clerk of 12226
the court to send to the registrar of motor vehicles a report 12227
containing the name, address, and such other information as the 12228
registrar may require by rule, of any person for whom an arrest 12229
warrant has been issued by that court and is outstanding. 12230

Upon receipt of such a report, the registrar shall enter the 12231
information contained in the report into the records of the bureau 12232
of motor vehicles, ~~and neither~~. Neither the registrar nor any 12233
deputy registrar shall issue a temporary instruction permit or 12234
driver's or commercial driver's license to the person named in the 12235
report, or renew the driver's or commercial driver's license of 12236
such person, until the registrar receives notification from the 12237
municipal court ~~or~~, county court, or mayor's court that there are 12238
no outstanding arrest warrants in the name of the person. The 12239
registrar also shall send a notice to the person who is named in 12240
the report, via regular first class mail sent to the person's last 12241
known address as shown in the records of the bureau, informing the 12242
person that neither the registrar nor any deputy registrar is 12243
permitted to issue a temporary instruction permit or driver's or 12244

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commercial driver's license to the person, or renew the driver's 12245
or commercial driver's license of the person, until the registrar 12246
receives notification that there are no outstanding arrest 12247
warrants in the name of the person. 12248

(B) A clerk who reports an outstanding arrest warrant in 12249
accordance with division (A) of this section immediately shall 12250
notify the registrar when the warrant has been executed and 12251
returned to the issuing court or has been canceled. The clerk 12252
shall charge and collect from the person named in the executed or 12253
canceled arrest warrant a processing fee of fifteen dollars to 12254
cover the costs of the bureau in administering this section. The 12255
clerk shall transmit monthly all such processing fees to the 12256
registrar for deposit into the state bureau of motor vehicles fund 12257
created by section 4501.25 of the Revised Code. 12258

Upon receipt of such notification, the registrar shall cause 12259
the report of that outstanding arrest warrant to be removed from 12260
the records of the bureau and, if there are no other outstanding 12261
arrest warrants issued by a municipal court ~~or~~, county court, or 12262
mayor's court in the name of the person and the person otherwise 12263
is eligible to be issued a driver's or commercial driver's license 12264
or to have such a license renewed, the registrar or a deputy 12265
registrar may issue a driver's license or commercial driver's 12266
license to the person named in the executed or canceled arrest 12267
warrant, or renew the driver's or commercial driver's license of 12268
such person. 12269

(C) Neither the registrar, any employee of the bureau, a 12270
deputy registrar, nor any employee of a deputy registrar is 12271
personally liable for damages or injuries resulting from any error 12272
made by a clerk in entering information contained in a report 12273
submitted to the registrar under this section. 12274

(D) Any information submitted to the registrar by a clerk 12275
under this section shall be transmitted by means of an electronic 12276

data transfer system.

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Sec. 4510.037. (A) When the registrar of motor vehicles determines that the total points charged against any person under section 4510.036 of the Revised Code exceed five, the registrar shall send a warning letter to the person at the person's last known address by regular mail. The warning letter shall list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and outline the suspension provisions of this section.

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(B) When the registrar determines that the total points charged against any person under section 4510.036 of the Revised Code within any two-year period beginning on the date of the first conviction within the two-year period is equal to twelve or more, the registrar shall send a written notice to the person at the person's last known address by regular mail. The notice shall list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and state that, because the total number of points charged against the person within the applicable two-year period is equal to twelve or more, the registrar is imposing a class D suspension of the person's driver's or commercial driver's license or permit or nonresident operating privileges for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code. The notice also shall state that the suspension is effective on the twentieth day after the mailing of the notice, unless the person files a petition appealing the determination and suspension in the municipal court, county court, or, if the person is under the age of eighteen, the juvenile division of the court of common pleas in whose jurisdiction the person resides or, if the person is not a resident of this state, in the Franklin county municipal court or juvenile division of the Franklin county court of common pleas. By filing the appeal of the determination and suspension, the person

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agrees to pay the cost of the proceedings in the appeal of the
determination and suspension and alleges that the person can show
cause why the person's driver's or commercial driver's license or
permit or nonresident operating privileges should not be
suspended.

(C)(1) Any person against whom at least two but less than
twelve points have been charged under section 4510.036 of the
Revised Code may enroll in a course of remedial driving
instruction that is approved by the director of public safety.
Upon the person's completion of an approved course of remedial
driving instruction, the person may apply to the registrar on a
form prescribed by the registrar for a credit of two points on the
person's driving record. Upon receipt of the application and proof
of completion of the approved remedial driving course, the
registrar shall approve the two-point credit. The registrar shall
not approve any credits for a person who completes an approved
course of remedial driving instruction pursuant to a judge's order
under section 4510.02 of the Revised Code.

(2) In any three-year period, the registrar shall approve
only one two-point credit on a person's driving record under
division (C)(1) of this section. The registrar shall approve not
more than five two-point credits on a person's driving record
under division (C)(1) of this section during that person's
lifetime.

(D) When a judge of a court of record suspends a person's
driver's or commercial driver's license or permit or nonresident
operating privilege and charges points against the person under
section 4510.036 of the Revised Code for the offense that resulted
in the suspension, the registrar shall credit that period of
suspension against the time of any subsequent suspension imposed
under this section for which those points were used to impose the
subsequent suspension. When a United States district court that

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has jurisdiction within this state suspends a person's driver's or 12341
commercial driver's license or permit or nonresident operating 12342
privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 12343
4381 (1988), 18 U.S.C.A. 13, as amended, the district court 12344
prepares an abstract pursuant to section 4510.031 of the Revised 12345
Code, and the district court charges points against the person 12346
under section 4510.036 of the Revised Code for the offense that 12347
resulted in the suspension, the registrar shall credit the period 12348
of suspension imposed by the district court against the time of 12349
any subsequent suspension imposed under this section for which the 12350
points were used to impose the subsequent suspension. 12351

(E) The registrar, upon the written request of a licensee who 12352
files a petition under division (B) of this section, shall furnish 12353
the licensee a certified copy of the registrar's record of the 12354
convictions and bond forfeitures of the person. This record shall 12355
include the name, address, and date of birth of the licensee; the 12356
name of the court in which each conviction or bail forfeiture took 12357
place; the nature of the offense that was the basis of the 12358
conviction or bond forfeiture; and any other information that the 12359
registrar considers necessary. If the record indicates that twelve 12360
points or more have been charged against the person within a 12361
two-year period, it is prima-facie evidence that the person is a 12362
repeat traffic offender, and the registrar shall suspend the 12363
person's driver's or commercial driver's license or permit or 12364
nonresident operating privilege pursuant to division (B) of this 12365
section. 12366

In hearing the petition and determining whether the person 12367
filing the petition has shown cause why the person's driver's or 12368
commercial driver's license or permit or nonresident operating 12369
privilege should not be suspended, the court shall decide the 12370
issue on the record certified by the registrar and any additional 12371
relevant, competent, and material evidence that either the 12372

registrar or the person whose license is sought to be suspended 12373
submits. 12374

(F) If a petition is filed under division (B) of this section 12375
in a county court, the prosecuting attorney of the county in which 12376
the case is pending shall represent the registrar in the 12377
proceedings, except that, if the petitioner resides in a municipal 12378
corporation within the jurisdiction of the county court, the city 12379
director of law, village solicitor, or other chief legal officer 12380
of the municipal corporation shall represent the registrar in the 12381
proceedings. If a petition is filed under division (B) of this 12382
section in a municipal court, the registrar shall be represented 12383
in the resulting proceedings as provided in section 1901.34 of the 12384
Revised Code. 12385

(G) If the court determines from the evidence submitted that 12386
a person who filed a petition under division (B) of this section 12387
has failed to show cause why the person's driver's or commercial 12388
driver's license or permit or nonresident operating privileges 12389
should not be suspended, the court shall assess against the person 12390
the cost of the proceedings in the appeal of the determination and 12391
suspension and shall impose the applicable suspension under this 12392
section or suspend all or a portion of the suspension and impose 12393
any conditions ~~or probation~~ upon the person that the court 12394
considers proper or impose upon the person a community control 12395
sanction pursuant to section 2929.15 or 2929.25 of the Revised 12396
Code. If the court determines from the evidence submitted that a 12397
person who filed a petition under division (B) of this section has 12398
shown cause why the person's driver's or commercial driver's 12399
license or permit or nonresident operating privileges should not 12400
be suspended, the costs of the appeal proceeding shall be paid out 12401
of the county treasury of the county in which the proceedings were 12402
held. 12403

(H) Any person whose driver's or commercial driver's license 12404

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or permit or nonresident operating privileges are suspended under 12405
this section is not entitled to apply for or receive a new 12406
driver's or commercial driver's license or permit or to request or 12407
be granted nonresident operating privileges during the effective 12408
period of the suspension. 12409

(I) Upon the termination of any suspension or other penalty 12410
imposed under this section involving the surrender of license or 12411
permit and upon the request of the person whose license or permit 12412
was suspended or surrendered, the registrar shall return the 12413
license or permit to the person upon determining that the person 12414
has complied with all provisions of section 4510.038 of the 12415
Revised Code or, if the registrar destroyed the license or permit 12416
pursuant to section 4510.52 of the Revised Code, shall reissue the 12417
person's license or permit. 12418

(J) Any person whose driver's or commercial driver's license 12419
or permit or nonresident operating privileges are suspended as a 12420
repeat traffic offender under this section and who, during the 12421
suspension, operates any motor vehicle upon any public roads and 12422
highways is guilty of a misdemeanor of the first degree, and the 12423
court shall sentence the offender to a minimum term of three days 12424
in jail. No court shall suspend the first three days of jail time 12425
imposed pursuant to this division. 12426

(K) The registrar, in accordance with specific statutory 12427
authority, may suspend the privilege of driving a motor vehicle on 12428
the public roads and highways of this state that is granted to 12429
nonresidents by section 4507.04 of the Revised Code. 12430

Sec. 4510.14. (A) No person whose driver's or commercial 12431
driver's license or permit or nonresident operating privilege has 12432
been suspended under section 4511.19, 4511.191, or 4511.196 of the 12433
Revised Code or under section 4510.07 of the Revised Code for a 12434
conviction of a violation of a municipal OVI ordinance shall 12435

operate any motor vehicle upon the public roads or highways within 12436
this state during the period of the suspension. 12437

(B) Whoever violates this section is guilty of driving under 12438
OVI suspension. The court shall sentence the offender under 12439
Chapter 2929. of the Revised Code, subject to the differences 12440
authorized or required by this section. 12441

(1) Except as otherwise provided in division (B)(2) or (3) of 12442
this section, driving under OVI suspension is a misdemeanor of the 12443
first degree. The court shall sentence the offender to all of the 12444
following: 12445

(a) A mandatory jail term of three consecutive days. The 12446
three-day term shall be imposed, unless, subject to division (C) 12447
of this section, the court instead imposes a sentence of not less 12448
than thirty consecutive days of ~~electronically monitored~~ house 12449
arrest with electronic monitoring. A period of ~~electronically~~ 12450
~~monitored~~ house arrest with electronic monitoring imposed under 12451
this division shall not exceed six months. If the court imposes a 12452
mandatory three-day jail term under this division, the court may 12453
impose a jail term in addition to that term, provided that in no 12454
case shall the cumulative jail term imposed for the offense exceed 12455
six months. 12456

(b) A fine of not less than two hundred fifty and not more 12457
than one thousand dollars; 12458

(c) A license suspension under division (E) of this section; 12459

(d) If the vehicle the offender was operating at the time of 12460
the offense is registered in the offender's name, immobilization 12461
for thirty days of the offender's vehicle and impoundment for 12462
thirty days of the identification license plates of that vehicle. 12463
The order for immobilization and impoundment shall be issued and 12464
enforced in accordance with section 4503.233 of the Revised Code. 12465

(2) If, within six years of the offense, the offender
previously has been convicted of or pleaded guilty to one
violation of this section or one equivalent offense, driving under
OVI suspension is a misdemeanor of the first degree. The court
shall sentence the offender to all of the following:

(a) A mandatory jail term of ten consecutive days.
Notwithstanding the jail terms of ~~imprisonment~~ provided in ~~Chapter~~
~~2929~~ sections 2929.21 to 2929.28 of the Revised Code, the court
may sentence the offender to a longer jail term of not more than
one year. The ten-day mandatory jail term shall be imposed unless,
subject to division (C) of this section, the court instead imposes
a sentence of not less than ninety consecutive days of
~~electronically monitored~~ house arrest with electronic monitoring.
The period of ~~electronically monitored~~ house arrest with
electronic monitoring shall not exceed one year.

(b) Notwithstanding the fines provided for in Chapter 2929.
of the Revised Code, a fine of not less than five hundred and not
more than two thousand five hundred dollars;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of
the offense is registered in the offender's name, immobilization
of the offender's vehicle for sixty days and the impoundment for
sixty days of the identification license plates of that vehicle.
The order for immobilization and impoundment shall be issued and
enforced in accordance with section 4503.233 of the Revised Code.

(3) If, within six years of the offense, the offender
previously has been convicted of or pleaded guilty to two or more
violations of this section or two or more equivalent offenses,
driving under OVI suspension is a misdemeanor. The court shall
sentence the offender to all of the following:

(a) A mandatory jail term of thirty consecutive days.

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Notwithstanding the jail terms of imprisonment provided in Chapter 12497
~~2929.~~ sections 2929.21 to 2929.28 of the Revised Code, the court 12498
may sentence the offender to a longer jail term of not more than 12499
one year. The court shall not sentence the offender to a term of 12500
~~electronically monitored~~ house arrest with electronic monitoring 12501
in lieu of the mandatory portion of the jail term. 12502

(b) Notwithstanding the fines set forth in Chapter 2929. of 12503
the Revised Code, a fine of not less than five hundred and not 12504
more than two thousand five hundred dollars; 12505

(c) A license suspension under division (E) of this section; 12506

(d) If the vehicle the offender was operating at the time of 12507
the offense is registered in the offender's name, criminal 12508
forfeiture to the state of the offender's vehicle. The order of 12509
criminal forfeiture shall be issued and enforced in accordance 12510
with section 4503.234 of the Revised Code. If title to a motor 12511
vehicle that is subject to an order for criminal forfeiture under 12512
this division is assigned or transferred and division (B)(2) or 12513
(3) of section 4503.234 of the Revised Code applies, the court may 12514
fine the offender the value of the vehicle as determined by 12515
publications of the national auto dealer's association. The 12516
proceeds from any fine so imposed shall be distributed in 12517
accordance with division (C)(2) of section 4503.234 of the Revised 12518
Code. 12519

(C) No court shall impose an alternative sentence of 12520
~~electronically monitored~~ house arrest with electronic monitoring 12521
under division (B)(1) or (2) of this section unless, within sixty 12522
days of the date of sentencing, the court issues a written finding 12523
on the record that, due to the unavailability of space at the jail 12524
where the offender is required to serve the jail term imposed, the 12525
offender will not be able to begin serving that term within the 12526
sixty-day period following the date of sentencing. 12527

An offender sentenced under this section to a period of 12528
~~electronically monitored~~ house arrest with electronic monitoring 12529
shall be permitted work release during that period. 12530

(D) Fifty per cent of any fine imposed by a court under 12531
division (B)(1), (2), or (3) of this section shall be deposited 12532
into the county indigent drivers alcohol treatment fund or 12533
municipal indigent drivers alcohol treatment fund under the 12534
control of that court, as created by the county or municipal 12535
corporation pursuant to division (H) of section 4511.191 of the 12536
Revised Code. 12537

(E) In addition to or independent of all other penalties 12538
provided by law or ordinance, the trial judge of any court of 12539
record or the mayor of a mayor's court shall impose on an offender 12540
who is convicted of or pleads guilty to a violation of this 12541
section a class seven suspension of the offender's driver's or 12542
commercial driver's license or permit or nonresident operating 12543
privilege from the range specified in division (A)(7) of section 12544
4510.02 of the Revised Code. 12545

When permitted as specified in section 4510.021 of the 12546
Revised Code, if the court grants limited driving privileges 12547
during a suspension imposed under this section, the privileges 12548
shall be granted on the additional condition that the offender 12549
must display restricted license plates, issued under section 12550
4503.231 of the Revised Code, on the vehicle driven subject to the 12551
privileges, except as provided in division (B) of that section. 12552

A suspension of a commercial driver's license under this 12553
section shall be concurrent with any period of suspension or 12554
disqualification under section 3123.58 or 4506.16 of the Revised 12555
Code. No person who is disqualified for life from holding a 12556
commercial driver's license under section 4506.16 of the Revised 12557
Code shall be issued a driver's license under Chapter 4507. of the 12558
Revised Code during the period for which the commercial driver's 12559

license was suspended under this section, and no person whose
commercial driver's license is suspended under this section shall
be issued a driver's license under Chapter 4507. of the Revised
Code during the period of the suspension.

(F) As used in this section:

(1) "~~Electronically monitored house arrest~~ Electronic monitoring" has the same meaning as in section ~~2929.23~~ 2929.01 of the Revised Code.

(2) "Equivalent offense" means any of the following:

(a) A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) of this section;

(b) A violation of a former law of this state that was substantially equivalent to division (A) of this section.

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

(4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under division (B)(1), (2), or (3) of this section upon an offender convicted of a violation of division (A) of this section and in relation to which all of the following apply:

(a) Except as specifically authorized under this section, the term must be served in a jail.

(b) Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to ~~section 2929.51, 2951.02, or any other~~ provision of the Revised Code.

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of the Revised Code:

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(A) "Equivalent offense" means any of the following:	12589
(1) A violation of division (A) or (B) of section 4511.19 of the Revised Code;	12590 12591
(2) A violation of a municipal OVI ordinance;	12592
(3) A violation of 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;	12593 12594 12595
(4) A violation of division (A)(1) of section 2903.06 or 2903.08 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions;	12596 12597 12598
(5) A violation of division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;	12599 12600 12601 12602 12603 12604 12605
(6) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code;	12606 12607 12608 12609
(7) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 of the Revised Code.	12610 12611 12612
(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under division (G)(1)(a), (b), or (c) of section 4511.19 of the Revised Code upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:	12613 12614 12615 12616 12617 12618

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- (1) Except as specifically authorized under section 4511.19 of the Revised Code, the term must be served in a jail. 12619
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- (2) Except as specifically authorized under section 4511.19 of the Revised Code, the term cannot be suspended, reduced, or otherwise modified pursuant to ~~section 2929.51, 2951.02,~~ sections 2929.21 to 2929.28 or any other provision of the Revised Code. 12621
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- (C) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine. 12625
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- (D) "Community residential sanction," "jail," "mandatory prison term," "mandatory term of local incarceration," "sanction," and "prison term" have the same meanings as in section 2929.01 of the Revised Code. 12631
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- Sec. 4511.19.** (A) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply: 12635
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- (1) The person is under the influence of alcohol, a drug of abuse, or a combination of them; 12638
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- (2) The person has a concentration of ten-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood; 12640
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- (3) The person has a concentration of twelve-hundredths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma; 12644
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- (4) The person has a concentration of ten-hundredths of one 12648

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gram or more but less than seventeen-hundredths of one gram by	12649
weight of alcohol per two hundred ten liters of the person's	12650
breath;	12651
(5) The person has a concentration of fourteen-hundredths of	12652
one gram or more but less than two hundred	12653
thirty-eight-thousandths of one gram by weight of alcohol per one	12654
hundred milliliters of the person's urine;	12655
(6) The person has a concentration of seventeen-hundredths of	12656
one per cent or more by weight per unit volume of alcohol in the	12657
person's whole blood;	12658
(7) The person has a concentration of two hundred	12659
four-thousandths of one per cent or more by weight per unit volume	12660
of alcohol in the person's blood serum or plasma;	12661
(8) The person has a concentration of seventeen-hundredths of	12662
one gram or more by weight of alcohol per two hundred ten liters	12663
of the person's breath;	12664
(9) The person has a concentration of two hundred	12665
thirty-eight-thousandths of one gram or more by weight of alcohol	12666
per one hundred milliliters of the person's urine.	12667
(B) No person under twenty-one years of age shall operate any	12668
vehicle, streetcar, or trackless trolley within this state, if, at	12669
the time of the operation, any of the following apply:	12670
(1) The person has a concentration of at least two-hundredths	12671
of one per cent but less than ten-hundredths of one per cent by	12672
weight per unit volume of alcohol in the person's whole blood;	12673
	12674
(2) The person has a concentration of at least	12675
three-hundredths of one per cent but less than twelve-hundredths	12676
of one per cent by weight per unit volume of alcohol in the	12677
person's blood serum or plasma;	12678

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(3) The person has a concentration of at least two-hundredths of one gram but less than ten-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath;

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than fourteen-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

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

(D)(1) In any criminal prosecution or juvenile court proceeding for a violation of this section or for an equivalent offense, the court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within two hours of the time of the alleged violation.

When a person submits to a blood test at the request of a law enforcement officer under section 4511.191 of the Revised Code, only a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood.

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The bodily substance withdrawn shall be analyzed in 12711
accordance with methods approved by the director of health by an 12712
individual possessing a valid permit issued by the director 12713
pursuant to section 3701.143 of the Revised Code. 12714

(2) In a criminal prosecution or juvenile court proceeding 12715
for a violation of division (A) of this section or for an 12716
equivalent offense, if there was at the time the bodily substance 12717
was withdrawn a concentration of less than the applicable 12718
concentration of alcohol specified in divisions (A)(2), (3), (4), 12719
and (5) of this section, that fact may be considered with other 12720
competent evidence in determining the guilt or innocence of the 12721
defendant. This division does not limit or affect a criminal 12722
prosecution or juvenile court proceeding for a violation of 12723
division (B) of this section or for an equivalent offense that is 12724
substantially equivalent to that division. 12725

(3) Upon the request of the person who was tested, the 12726
results of the chemical test shall be made available to the person 12727
or the person's attorney, immediately upon the completion of the 12728
chemical test analysis. 12729

The person tested may have a physician, a registered nurse, 12730
or a qualified technician, chemist, or phlebotomist of the 12731
person's own choosing administer a chemical test or tests, at the 12732
person's expense, in addition to any administered at the request 12733
of a law enforcement officer. The form to be read to the person to 12734
be tested, as required under section 4511.192 of the Revised Code, 12735
shall state that the person may have an independent test performed 12736
at the person's expense. The failure or inability to obtain an 12737
additional chemical test by a person shall not preclude the 12738
admission of evidence relating to the chemical test or tests taken 12739
at the request of a law enforcement officer. 12740

(E)(1) Subject to division (E)(3) of this section, in any 12741
criminal prosecution or juvenile court proceeding for a violation 12742

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of division (A)(2), (3), (4), (5), (6), (7), (8), or (9) or 12743
(B)(1), (2), (3), or (4) of this section or for an equivalent 12744
offense that is substantially equivalent to any of those 12745
divisions, a laboratory report from any forensic laboratory 12746
certified by the department of health that contains an analysis of 12747
the whole blood, blood serum or plasma, breath, urine, or other 12748
bodily substance tested and that contains all of the information 12749
specified in this division shall be admitted as prima-facie 12750
evidence of the information and statements that the report 12751
contains. The laboratory report shall contain all of the 12752
following: 12753

(a) The signature, under oath, of any person who performed 12754
the analysis; 12755

(b) Any findings as to the identity and quantity of alcohol, 12756
a drug of abuse, or a combination of them that was found; 12757

(c) A copy of a notarized statement by the laboratory 12758
director or a designee of the director that contains the name of 12759
each certified analyst or test performer involved with the report, 12760
the analyst's or test performer's employment relationship with the 12761
laboratory that issued the report, and a notation that performing 12762
an analysis of the type involved is part of the analyst's or test 12763
performer's regular duties; 12764

(d) An outline of the analyst's or test performer's 12765
education, training, and experience in performing the type of 12766
analysis involved and a certification that the laboratory 12767
satisfies appropriate quality control standards in general and, in 12768
this particular analysis, under rules of the department of health. 12769

(2) Notwithstanding any other provision of law regarding the 12770
admission of evidence, a report of the type described in division 12771
(E)(1) of this section is not admissible against the defendant to 12772
whom it pertains in any proceeding, other than a preliminary 12773

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hearing or a grand jury proceeding, unless the prosecutor has
served a copy of the report on the defendant's attorney or, if the
defendant has no attorney, on the defendant.

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

(F) Except as otherwise provided in this division, any
physician, registered nurse, or qualified technician, chemist, or
phlebotomist who withdraws blood from a person pursuant to this
section, and any hospital, first-aid station, or clinic at which
blood is withdrawn from a person pursuant to this section, is
immune from criminal liability and civil liability based upon a
claim of assault and battery or any other claim that is not a
claim of malpractice, for any act performed in withdrawing blood
from the person. The immunity provided in this division is not
available to a person who withdraws blood if the person engages in
willful or wanton misconduct.

(G)(1) Whoever violates any provision of divisions (A)(1) to
(9) of this section is guilty of operating a vehicle under the
influence of alcohol, a drug of abuse, or a combination of them.
The court shall sentence the offender under Chapter 2929. of the
Revised Code, except as otherwise authorized or required by
divisions (G)(1)(a) to (e) of this section:

(a) Except as otherwise provided in division (G)(1)(b), (c),
(d), or (e) of this section, the offender is guilty of a
misdemeanor of the first degree, and the court shall sentence the
offender to all of the following:

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(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of three consecutive days. As used in this division, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.

The court may suspend the execution of the three-day jail term under this division if the court, in lieu of that suspended term, 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 certified under section 3793.10 of the Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender on probation under a community control sanction pursuant to section 2929.25 of the Revised Code for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of probation community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the

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programs. The court also may impose on the offender any other 12838
conditions of ~~probation~~ community control that it considers 12839
necessary. 12840

(ii) If the sentence is being imposed for a violation of 12841
division (A)(6), (7), (8), or (9) of this section, except as 12842
otherwise provided in this division, a mandatory jail term of at 12843
least three consecutive days and a requirement that the offender 12844
attend, for three consecutive days, a drivers' intervention 12845
program that is certified pursuant to section 3793.10 of the 12846
Revised Code. As used in this division, three consecutive days 12847
means seventy-two consecutive hours. If the court determines that 12848
the offender is not conducive to treatment in a drivers' 12849
intervention program, if the offender refuses to attend a drivers' 12850
intervention program, or if the jail at which the offender is to 12851
serve the jail term imposed can provide a driver's intervention 12852
program, the court shall sentence the offender to a mandatory jail 12853
term of at least six consecutive days. 12854

The court may require the offender, ~~as a condition of~~ 12855
~~probation~~ under a community control sanction imposed under section 12856
2929.25 of the Revised Code, to attend and satisfactorily complete 12857
any treatment or education programs that comply with the minimum 12858
standards adopted pursuant to Chapter 3793. of the Revised Code by 12859
the director of alcohol and drug addiction services, in addition 12860
to the required attendance at drivers' intervention program, that 12861
the operators of the drivers' intervention program determine that 12862
the offender should attend and to report periodically to the court 12863
on the offender's progress in the programs. The court also may 12864
impose any other conditions of ~~probation~~ community control on the 12865
offender that it considers necessary. 12866

(iii) In all cases, a fine of not less than two hundred fifty 12867
and not more than one thousand dollars; 12868

(iv) In all cases, a class five license suspension of the 12869

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offender's driver's or commercial driver's license or permit or
nonresident operating privilege from the range specified in
division (A)(5) of section 4510.02 of the Revised Code. The court
may grant limited driving privileges relative to the suspension
under sections 4510.021 and 4510.13 of the Revised Code.

(b) Except as otherwise provided in division (G)(1)(e) of
this section, an offender who, within six years of the offense,
previously has been convicted of or pleaded guilty to one
violation of division (A) or (B) of this section or one other
equivalent offense is guilty of a misdemeanor of the first degree.
The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of
division (A)(1), (2), (3), (4), or (5) of this section, a
mandatory jail term of ten consecutive days. The court shall
impose the ten-day mandatory jail term under this division unless,
subject to division (G)(3) of this section, it instead imposes a
sentence under that division consisting of both a jail term and a
term of ~~electronically monitored~~ house arrest with electronic
monitoring. The court may impose a jail term in addition to the
ten-day mandatory jail term. The cumulative jail term imposed for
the offense shall not exceed six months.

In addition to the jail term or the term of ~~electronically
monitored~~ house arrest with electronic monitoring and jail term,
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 operator of the program determines
that the offender is alcohol dependent, the program shall notify
the court, and, subject to division (I) of this section, 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.

(ii) If the sentence is being imposed for a violation of

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division (A)(6), (7), (8), or (9) of this section, except as 12902
otherwise provided in this division, a mandatory jail term of 12903
twenty consecutive days. The court shall impose the twenty-day 12904
mandatory jail term under this division unless, subject to 12905
division (G)(3) of this section, it instead imposes a sentence 12906
under that division consisting of both a jail term and a term of 12907
~~electronically monitored~~ house arrest with electronic monitoring. 12908
The court may impose a jail term in addition to the twenty-day 12909
mandatory jail term. The cumulative jail term imposed for the 12910
offense shall not exceed six months. 12911

In addition to the jail term or the term of ~~electronically~~ 12912
~~monitored~~ house arrest with electronic monitoring and jail term, 12913
the court may require the offender to attend a driver's 12914
intervention program that is certified pursuant to section 3793.10 12915
of the Revised Code. If the operator of the program determines 12916
that the offender is alcohol dependent, the program shall notify 12917
the court, and, subject to division (I) of this section, the court 12918
shall order the offender to obtain treatment through an alcohol 12919
and drug addiction program authorized by section 3793.02 of the 12920
Revised Code. 12921

(iii) In all cases, notwithstanding the fines set forth in 12922
Chapter 2929. of the Revised Code, a fine of not less than three 12923
hundred fifty and not more than one thousand five hundred dollars; 12924

(iv) In all cases, a class four license suspension of the 12925
offender's driver's license, commercial driver's license, 12926
temporary instruction permit, probationary license, or nonresident 12927
operating privilege from the range specified in division (A)(4) of 12928
section 4510.02 of the Revised Code. The court may grant limited 12929
driving privileges relative to the suspension under sections 12930
4510.021 and 4510.13 of the Revised Code. 12931

(v) In all cases, if the vehicle is registered in the 12932
offender's name, immobilization of the vehicle involved in the 12933

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offense for ninety days in accordance with section 4503.233 of the Revised Code and impoundment of the license plates of that vehicle for ninety days. 12934
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(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following: 12937
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(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of ~~electronically monitored~~ house arrest with electronic monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms of ~~imprisonment~~ set forth in ~~Chapter 2929. sections 2929.21 to 2929.28~~ of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year. 12943
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(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of ~~electronically monitored~~ house arrest with electronic monitoring. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the jail terms of ~~imprisonment~~ set forth in ~~Chapter 2929. sections 2929.21 to~~ 12956
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2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than five hundred fifty and not more than two thousand five hundred dollars;

(iv) In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of this section or other equivalent offenses is guilty of a felony of the fourth degree. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, in the discretion of the court, either a mandatory term of local

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incarceration of sixty consecutive days in accordance with 12997
division (G)(1) of section 2929.13 of the Revised Code or a 12998
mandatory prison term of sixty consecutive days of imprisonment in 12999
accordance with division (G)(2) of that section. If the court 13000
imposes a mandatory term of local incarceration, it may impose a 13001
jail term in addition to the sixty-day mandatory term, the 13002
cumulative total of the mandatory term and the jail term for the 13003
offense shall not exceed one year, and no prison term is 13004
authorized for the offense. If the court imposes a mandatory 13005
prison term, notwithstanding division (A)(4) of section 2929.14 of 13006
the Revised Code, it also may sentence the offender to a definite 13007
prison term that shall be not less than six months and not more 13008
than thirty months, the prison terms shall be imposed as described 13009
in division (G)(2) of section 2929.13 of the Revised Code, and no 13010
term of local incarceration, community residential sanction, or 13011
nonresidential sanction is authorized for the offense. 13012

(ii) If the sentence is being imposed for a violation of 13013
division (A)(6), (7), (8), or (9) of this section, in the 13014
discretion of the court, either a mandatory term of local 13015
incarceration of one hundred twenty consecutive days in accordance 13016
with division (G)(1) of section 2929.13 of the Revised Code or a 13017
mandatory prison term of one hundred twenty consecutive days in 13018
accordance with division (G)(2) of that section. If the court 13019
imposes a mandatory term of local incarceration, it may impose a 13020
jail term in addition to the one hundred twenty-day mandatory 13021
term, the cumulative total of the mandatory term and the jail term 13022
for the offense shall not exceed one year, and no prison term is 13023
authorized for the offense. If the court imposes a mandatory 13024
prison term, notwithstanding division (A)(4) of section 2929.14 of 13025
the Revised Code, it also may sentence the offender to a definite 13026
prison term that shall be not less than six months and not more 13027
than thirty months, the prison terms shall be imposed as described 13028

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in division (G)(2) of section 2929.13 of the Revised Code, and no 13029
term of local incarceration, community residential sanction, or 13030
nonresidential sanction is authorized for the offense. 13031

(iii) In all cases, notwithstanding section 2929.18 of the 13032
Revised Code, a fine of not less than eight hundred nor more than 13033
ten thousand dollars; 13034

(iv) In all cases, a class two license suspension of the 13035
offender's driver's license, commercial driver's license, 13036
temporary instruction permit, probationary license, or nonresident 13037
operating privilege from the range specified in division (A)(2) of 13038
section 4510.02 of the Revised Code. The court may grant limited 13039
driving privileges relative to the suspension under sections 13040
4510.021 and 4510.13 of the Revised Code. 13041

(v) In all cases, if the vehicle is registered in the 13042
offender's name, criminal forfeiture of the vehicle involved in 13043
the offense in accordance with section 4503.234 of the Revised 13044
Code. Division (G)(6) of this section applies regarding any 13045
vehicle that is subject to an order of criminal forfeiture under 13046
this division. 13047

(vi) In all cases, participation in an alcohol and drug 13048
addiction program authorized by section 3793.02 of the Revised 13049
Code, subject to division (I) of this section. 13050

(vii) In all cases, if the court sentences the offender to a 13051
mandatory term of local incarceration, in addition to the 13052
mandatory term, the court, pursuant to section 2929.17 of the 13053
Revised Code, may impose a term of ~~electronically monitored~~ house 13054
arrest with electronic monitoring. The term shall not commence 13055
until after the offender has served the mandatory term of local 13056
incarceration. 13057

(e) An offender who previously has been convicted of or 13058
pleaded guilty to a violation of division (A) of this section that 13059

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was a felony, regardless of when the violation and the conviction 13060
or guilty plea occurred, is guilty of a felony of the third 13061
degree. The court shall sentence the offender to all of the 13062
following: 13063

(i) If the offender is being sentenced for a violation of 13064
division (A)(1), (2), (3), (4), or (5) of this section, a 13065
mandatory prison term of sixty consecutive days in accordance with 13066
division (G)(2) of section 2929.13 of the Revised Code. The court 13067
may impose a prison term in addition to the sixty-day mandatory 13068
prison term. The cumulative total of the mandatory prison term and 13069
the additional prison term for the offense shall not exceed five 13070
years. No term of local incarceration, community residential 13071
sanction, or nonresidential sanction is authorized for the 13072
offense. 13073

(ii) If the sentence is being imposed for a violation of 13074
division (A)(6), (7), (8), or (9) of this section, a mandatory 13075
prison term of one hundred twenty consecutive days in accordance 13076
with division (G)(2) of section 2929.13 of the Revised Code. The 13077
court may impose a prison term in addition to the one hundred 13078
twenty-day mandatory prison term. The cumulative total of the 13079
mandatory prison term and the additional prison term for the 13080
offense shall not exceed five years. No term of local 13081
incarceration, community residential sanction, or nonresidential 13082
sanction is authorized for the offense. 13083

(iii) In all cases, notwithstanding section 2929.18 of the 13084
Revised Code, a fine of not less than eight hundred nor more than 13085
ten thousand dollars; 13086

(iv) In all cases, a class two license suspension of the 13087
offender's driver's license, commercial driver's license, 13088
temporary instruction permit, probationary license, or nonresident 13089
operating privilege from the range specified in division (A)(2) of 13090
section 4510.02 of the Revised Code. The court may grant limited 13091

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driving privileges relative to the suspension under sections	13092
4510.021 and 4510.13 of the Revised Code.	13093
(v) In all cases, if the vehicle is registered in the	13094
offender's name, criminal forfeiture of the vehicle involved in	13095
the offense in accordance with section 4503.234 of the Revised	13096
Code. Division (G)(6) of this section applies regarding any	13097
vehicle that is subject to an order of criminal forfeiture under	13098
this division.	13099
(vi) In all cases, participation in an alcohol and drug	13100
addiction program authorized by section 3793.02 of the Revised	13101
Code, subject to division (I) of this section.	13102
(2) An offender who is convicted of or pleads guilty to a	13103
violation of division (A) of this section and who subsequently	13104
seeks reinstatement of the driver's or occupational driver's	13105
license or permit or nonresident operating privilege suspended	13106
under this section as a result of the conviction or guilty plea	13107
shall pay a reinstatement fee as provided in division (F)(2) of	13108
section 4511.191 of the Revised Code.	13109
(3) If an offender is sentenced to a jail term under division	13110
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and	13111
if, within sixty days of sentencing of the offender, the court	13112
issues a written finding on the record that, due to the	13113
unavailability of space at the jail where the offender is required	13114
to serve the term, the offender will not be able to begin serving	13115
that term within the sixty-day period following the date of	13116
sentencing, the court may impose an alternative sentence under	13117
this division that includes a term of electronically monitored	13118
house arrest, as defined in section 2929.23 of the Revised Code	13119
<u>with electronic monitoring.</u>	13120
As an alternative to a mandatory jail term of ten consecutive	13121
days required by division (G)(1)(b)(i) of this section, the court,	13122

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under this division, may sentence the offender to five consecutive 13123
days in jail and not less than eighteen consecutive days of 13124
~~electronically monitored~~ house arrest with electronic monitoring. 13125
The cumulative total of the five consecutive days in jail and the 13126
period of ~~electronically monitored~~ house arrest with electronic 13127
monitoring shall not exceed six months. The five consecutive days 13128
in jail do not have to be served prior to or consecutively to the 13129
period of house arrest. 13130

As an alternative to the mandatory jail term of twenty 13131
consecutive days required by division (G)(1)(b)(ii) of this 13132
section, the court, under this division, may sentence the offender 13133
to ten consecutive days in jail and not less than thirty-six 13134
consecutive days of ~~electronically monitored~~ house arrest with 13135
electronic monitoring. The cumulative total of the ten consecutive 13136
days in jail and the period of ~~electronically monitored~~ house 13137
arrest with electronic monitoring shall not exceed six months. The 13138
ten consecutive days in jail do not have to be served prior to or 13139
consecutively to the period of house arrest. 13140

As an alternative to a mandatory jail term of thirty 13141
consecutive days required by division (G)(1)(c)(i) of this 13142
section, the court, under this division, may sentence the offender 13143
to fifteen consecutive days in jail and not less than fifty-five 13144
consecutive days of ~~electronically monitored~~ house arrest with 13145
electronic monitoring. The cumulative total of the fifteen 13146
consecutive days in jail and the period of ~~electronically~~ 13147
~~monitored~~ house arrest with electronic monitoring shall not exceed 13148
one year. The fifteen consecutive days in jail do not have to be 13149
served prior to or consecutively to the period of house arrest. 13150

As an alternative to the mandatory jail term of sixty 13151
consecutive days required by division (G)(1)(c)(ii) of this 13152
section, the court, under this division, may sentence the offender 13153
to thirty consecutive days in jail and not less than one hundred 13154

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ten consecutive days of ~~electronically monitored~~ house arrest with 13155
electronic monitoring. The cumulative total of the thirty 13156
consecutive days in jail and the period of ~~electronically~~ 13157
~~monitored~~ house arrest with electronic monitoring shall not exceed 13158
one year. The thirty consecutive days in jail do not have to be 13159
served prior to or consecutively to the period of house arrest. 13160

(4) If an offender's driver's or occupational driver's 13161
license or permit or nonresident operating privilege is suspended 13162
under division (G) of this section and if section 4510.13 of the 13163
Revised Code permits the court to grant limited driving 13164
privileges, the court may grant the limited driving privileges 13165
only if the court imposes as one of the conditions of the 13166
privileges that the offender must display on the vehicle that is 13167
driven subject to the privileges restricted license plates that 13168
are issued under section 4503.231 of the Revised Code, except as 13169
provided in division (B) of that section. 13170

(5) Fines imposed under this section for a violation of 13171
division (A) of this section shall be distributed as follows: 13172

(a) Twenty-five dollars of the fine imposed under division 13173
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 13174
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 13175
fine imposed under division (G)(1)(c)(iii), and two hundred ten 13176
dollars of the fine imposed under division (G)(1)(d)(iii) or 13177
(e)(iii) of this section shall be paid to an enforcement and 13178
education fund established by the legislative authority of the law 13179
enforcement agency in this state that primarily was responsible 13180
for the arrest of the offender, as determined by the court that 13181
imposes the fine. The agency shall use this share to pay only 13182
those costs it incurs in enforcing this section or a municipal OVI 13183
ordinance and in informing the public of the laws governing the 13184
operation of a vehicle while under the influence of alcohol, the 13185
dangers of the operation of a vehicle under the influence of 13186

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alcohol, and other information relating to the operation of a 13187
vehicle under the influence of alcohol and the consumption of 13188
alcoholic beverages. 13189

(b) Fifty dollars of the fine imposed under division 13190
(G)(1)(a)(iii) of this section shall be paid to the political 13191
subdivision that pays the cost of housing the offender during the 13192
offender's term of incarceration. If the offender is being 13193
sentenced for a violation of division (A)(1), (2), (3), (4), or 13194
(5) of this section and was confined as a result of the offense 13195
prior to being sentenced for the offense but is not sentenced to a 13196
term of incarceration, the fifty dollars shall be paid to the 13197
political subdivision that paid the cost of housing the offender 13198
during that period of confinement. The political subdivision shall 13199
use the share under this division to pay or reimburse 13200
incarceration or treatment costs it incurs in housing or providing 13201
drug and alcohol treatment to persons who violate this section or 13202
a municipal OVI ordinance, costs of any immobilizing or disabling 13203
device used on the offender's vehicle, and costs of electronic 13204
house arrest equipment needed for persons who violate this 13205
section. 13206

(c) Twenty-five dollars of the fine imposed under division 13207
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 13208
division (G)(1)(b)(iii) of this section shall be deposited into 13209
the county or municipal indigent drivers' alcohol treatment fund 13210
under the control of that court, as created by the county or 13211
municipal corporation under division (N) of section 4511.191 of 13212
the Revised Code. 13213

(d) One hundred fifteen dollars of the fine imposed under 13214
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 13215
fine imposed under division (G)(1)(c)(iii), and four hundred forty 13216
dollars of the fine imposed under division (G)(1)(d)(iii) or 13217
(e)(iii) of this section shall be paid to the political 13218

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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 this section or a municipal OVI ordinance,
costs for any immobilizing or disabling device used on the
offender's vehicle, and costs of electronic house arrest equipment
needed for persons who violate this section.

(e) The balance of the fine imposed under division
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this
section shall be disbursed as otherwise provided by law.

(6) If title to a motor vehicle that is subject to an order
of criminal forfeiture under division (G)(1)(c), (d), or (e) of
this section is assigned or transferred and division (B)(2) or (3)
of section 4503.234 of the Revised Code applies, in addition to or
independent of any other penalty established by law, the court may
fine the offender the value of the vehicle as determined by
publications of the national auto dealers association. The
proceeds of any fine so imposed shall be distributed in accordance
with division (C)(2) of that section.

(7) As used in division (G) of this section, "electronic
monitoring," "mandatory prison term," and "mandatory term of local
incarceration" have the same meanings as in section 2929.01 of the
Revised Code.

(H) Whoever violates division (B) of this section is guilty
of operating a vehicle after underage alcohol consumption and
shall be punished as follows:

(1) Except as otherwise provided in division (H)(2) of this
section, the offender is guilty of a misdemeanor of the fourth
degree. In addition to any other sanction imposed for the offense,
the court shall impose a class six suspension of the offender's

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driver's license, commercial driver's license, temporary
 instruction permit, probationary license, or nonresident operating
 privilege from the range specified in division (A)(6) of section
 4510.02 of the Revised Code. 13250
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(2) If, within one year of the offense, the offender
 previously has been convicted of or pleaded guilty to one or more
 violations of division (A) or (B) of this section or other
 equivalent offense offenses, the offender is guilty of a
 misdemeanor of the third degree. In addition to any other sanction
 imposed for the offense, the court shall impose a class four
 suspension of the offender's driver's license, commercial driver's
 license, temporary instruction permit, probationary license, or
 nonresident operating privilege from the range specified in
 division (A)(4) of section 4510.02 of the Revised Code. 13254
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(I)(1) No court shall sentence an offender to an alcohol
 treatment program under this section unless the treatment program
 complies with the minimum standards for alcohol treatment programs
 adopted under Chapter 3793. of the Revised Code by the director of
 alcohol and drug addiction services. 13264
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(2) An offender who stays in a drivers' intervention program
 or in an alcohol treatment program under an order issued under
 this section shall pay the cost of the stay in the program.
 However, if the court determines that an offender who stays in an
 alcohol treatment program under an order issued under this section
 is unable to pay the cost of the stay in the program, the court
 may order that the cost be paid from the court's indigent drivers'
 alcohol treatment fund. 13270
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(J) If a person whose driver's or commercial driver's license
 or permit or nonresident operating privilege is suspended under
 this section files an appeal regarding any aspect of the person's
 trial or sentence, the appeal itself does not stay the operation 13278
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of the suspension. 13282

(K) All terms defined in sections 4510.01 of the Revised Code 13283
apply to this section. If the meaning of a term defined in section 13284
4510.01 of the Revised Code conflicts with the meaning of the same 13285
term as defined in section 4501.01 or 4511.01 of the Revised Code, 13286
the term as defined in section 4510.01 of the Revised Code applies 13287
to this section. 13288

(L)(1) The Ohio Traffic Rules in effect on ~~the effective date~~ 13289
~~of this amendment~~ January 1, 2004, as adopted by the supreme court 13290
under authority of section 2937.46 of the Revised Code, do not 13291
apply to felony violations of this section. Subject to division 13292
(L)(2) of this section, the Rules of Criminal Procedure apply to 13293
felony violations of this section. 13294

(2) If, on or after ~~the effective date of this amendment~~ 13295
January 1, 2004, the supreme court modifies the Ohio Traffic Rules 13296
to provide procedures to govern felony violations of this section, 13297
the modified rules shall apply to felony violations of this 13298
section. 13299

Sec. 4511.213. (A) The driver of a motor vehicle, upon 13300
approaching a stationary public safety vehicle that is displaying 13301
a flashing red light, flashing combination red and white light, 13302
oscillating or rotating red light, oscillating or rotating 13303
combination red and white light, flashing blue light, flashing 13304
combination blue and white light, oscillating or rotating blue 13305
light, or oscillating or rotating combination blue and white 13306
light, shall do either of the following: 13307

(1) If the driver of the motor vehicle is traveling on a 13308
highway that consists of at least two lanes that carry traffic in 13309
the same direction of travel as that of the driver's motor 13310
vehicle, the driver shall proceed with due caution and, if 13311
possible and with due regard to the road, weather, and traffic 13312

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conditions, shall change lanes into a lane that is not adjacent to
that of the stationary public safety vehicle.

(2) If the driver is not traveling on a highway of a type
described in division (A)(1) of this section, or if the driver is
traveling on a highway of that type but it is not possible to
change lanes or if to do so would be unsafe, the driver shall
proceed with due caution, reduce the speed of the motor vehicle,
and maintain a safe speed for the road, weather, and traffic
conditions.

(B) This section does not relieve the driver of a public
safety vehicle from the duty to drive with due regard for the
safety of all persons and property upon the highway.

(C) No person shall fail to drive a motor vehicle in
compliance with division (A)(1) or (2) of this section when so
required by division (A) of this section.

(D)(1) Except as otherwise provided in this division, whoever
violates this section is guilty of a minor misdemeanor. If, within
one year of the offense, the offender previously has been
convicted of or pleaded guilty to one predicate motor vehicle or
traffic offense, whoever violates this section is guilty of a
misdemeanor of the fourth degree. If, within one year of the
offense, the offender previously has been convicted of two or more
predicate motor vehicle or traffic offenses, whoever violates this
section is guilty of a misdemeanor of the third degree.

(2) Notwithstanding section ~~2929.21~~ 2929.28 of the Revised
Code, upon a finding that a person operated a motor vehicle in
violation of division (C) of this section, the court, in addition
to all other penalties provided by law, shall impose a fine of two
times the usual amount imposed for the violation.

(E) As used in this section, "public safety vehicle" has the
same meaning as in section 4511.01 of the Revised Code.

Sec. 4511.512. (A)(1) Electric personal assistive mobility 13344
devices may be operated on the public streets, highways, 13345
sidewalks, and paths and portions of roadways set aside for the 13346
exclusive use of bicycles in accordance with this section. 13347

(2) Except as otherwise provided in this section, those 13348
sections of this chapter that by their nature are applicable to an 13349
electric personal assistive mobility device apply to the device 13350
and the person operating it whenever it is operated upon any 13351
public street, highway, sidewalk, or path or upon any portion of a 13352
roadway set aside for the exclusive use of bicycles. 13353

(3) A local authority may regulate or prohibit the operation 13354
of electric personal assistive mobility devices on public streets, 13355
highways, sidewalks, and paths, and portions of roadways set aside 13356
for the exclusive use of bicycles, under its jurisdiction. 13357

(B) No operator of an electric personal assistive mobility 13358
device shall do any of the following: 13359

(1) Fail to yield the right-of-way to all pedestrians and 13360
human-powered vehicles at all times; 13361

(2) Fail to give an audible signal before overtaking and 13362
passing a pedestrian; 13363

(3) Operate the device at night unless the device or its 13364
operator is equipped with or wearing both of the following: 13365

(a) A lamp pointing to the front that emits a white light 13366
visible from a distance of not less than five hundred feet; 13367

(b) A red reflector facing the rear that is visible from all 13368
distances from one hundred feet to six hundred feet when directly 13369
in front of lawful lower beams of head lamps on a motor vehicle. 13370

(4) Operate the device on any portion of a street or highway 13371
that has an established speed limit of fifty-five miles per hour 13372

or more; 13373

(5) Operate the device upon any path set aside for the 13374
exclusive use of pedestrians or other specialized use when an 13375
appropriate sign giving notice of the specialized use is posted on 13376
the path; 13377

(6) If under eighteen years of age, operate the device unless 13378
wearing a protective helmet on the person's head with the chin 13379
strap properly fastened; 13380

(7) If under sixteen years of age, operate the device unless, 13381
during the operation, the person is under the direct visual and 13382
audible supervision of another person who is eighteen years of age 13383
or older and is responsible for the immediate care of the person 13384
under sixteen years of age. 13385

(C) No person who is under fourteen years of age shall 13386
operate an electric personal assistive mobility device. 13387

(D) No person shall distribute or sell an electric personal 13388
assistive mobility device unless the device is accompanied by a 13389
written statement that is substantially equivalent to the 13390
following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE 13391
ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST 13392
GUARDS, ELBOW PADS, AND KNEE PADS." 13393

(E) Nothing in this section affects or shall be construed to 13394
affect any rule of the director of natural resources or a board of 13395
park district commissioners governing the operation of vehicles on 13396
lands under the control of the director or board, as applicable. 13397

(F)(1) Whoever violates division (B) or (C) of this section 13398
is guilty of a minor misdemeanor and shall be punished as follows: 13399

(a) The offender shall be fined ten dollars. 13400

(b) If the offender previously has been convicted of or 13401
pleaded guilty to a violation of division (B) or (C) of this 13402

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section or a substantially similar municipal ordinance, the court, 13403
in addition to imposing the fine required under division (F)(1) of 13404
this section, shall do one of the following: 13405

(i) Order the impoundment for not less than one day but not 13406
more than thirty days of the electric personal assistive mobility 13407
device that was involved in the current violation of that 13408
division. The court shall order the device to be impounded at a 13409
safe indoor location designated by the court and may assess 13410
storage fees of not more than five dollars per day, provided the 13411
total storage, processing, and release fees assessed against the 13412
offender or the device in connection with the device's impoundment 13413
or subsequent release shall not exceed fifty dollars. 13414

(ii) If the court does not issue an impoundment order 13415
pursuant to division (F)(1)(b)(i) of this section, issue an order 13416
prohibiting the offender from operating any electric personal 13417
assistive mobility device on the public streets, highways, 13418
sidewalks, and paths and portions of roadways set aside for the 13419
exclusive use of bicycles for not less than one day but not more 13420
than thirty days. 13421

(2) Whoever violates division (D) of this section is guilty 13422
of a minor misdemeanor. 13423

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 13424
roadway where there is an adjacent curb shall be stopped or parked 13425
with the right-hand wheels of the vehicle parallel with and not 13426
more than twelve inches from the right-hand curb, unless it is 13427
impossible to approach so close to the curb; in such case the stop 13428
shall be made as close to the curb as possible and only for the 13429
time necessary to discharge and receive passengers or to load or 13430
unload merchandise. Local authorities by ordinance may permit 13431
angle parking on any roadway under their jurisdiction, except that 13432
angle parking shall not be permitted on a state route within a 13433

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municipal corporation unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C) No vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(D) Notwithstanding any statute or any rule, resolution, or ordinance adopted by any local authority, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation.

(E) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and division (C) of section 3781.111 of the Revised Code shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of

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the sign shall measure five feet. If a new sign or a replacement
sign designating a special parking location is posted on or after
October 14, 1999, there also shall be affixed upon the surface of
that sign or affixed next to the designating sign a notice that
states the fine applicable for the offense of parking a motor
vehicle in the special designated parking location if the motor
vehicle is not legally entitled to be parked in that location.

(F)(1) No person shall stop, stand, or park any motor vehicle
at special parking locations provided under division (E) of this
section or at special clearly marked parking locations provided in
or on privately owned parking lots, parking garages, or other
parking areas and designated in accordance with that division,
unless one of the following applies:

(a) The motor vehicle is being operated by or for the
transport of a person with a disability that limits or impairs the
ability to walk and is displaying a valid removable windshield
placard or special license plates;

(b) The motor vehicle is being operated by or for the
transport of a handicapped person and is displaying a parking card
or special handicapped license plates.

(2) Any motor vehicle that is parked in a special marked
parking location in violation of division (F)(1)(a) or (b) of this
section may be towed or otherwise removed from the parking
location by the law enforcement agency of the political
subdivision in which the parking location is located. A motor
vehicle that is so towed or removed shall not be released to its
owner until the owner presents proof of ownership of the motor
vehicle and pays all towing and storage fees normally imposed by
that political subdivision for towing and storing motor vehicles.
If the motor vehicle is a leased vehicle, it shall not be released
to the lessee until the lessee presents proof that that person is
the lessee of the motor vehicle and pays all towing and storage

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fees normally imposed by that political subdivision for towing and 13497
storing motor vehicles. 13498

(3) If a person is charged with a violation of division 13499
(F)(1)(a) or (b) of this section, it is an affirmative defense to 13500
the charge that the person suffered an injury not more than 13501
seventy-two hours prior to the time the person was issued the 13502
ticket or citation and that, because of the injury, the person 13503
meets at least one of the criteria contained in division (A)(1) of 13504
section 4503.44 of the Revised Code. 13505

(G) When a motor vehicle is being operated by or for the 13506
transport of a person with a disability that limits or impairs the 13507
ability to walk and is displaying a removable windshield placard 13508
or a temporary removable windshield placard or special license 13509
plates, or when a motor vehicle is being operated by or for the 13510
transport of a handicapped person and is displaying a parking card 13511
or special handicapped license plates, the motor vehicle is 13512
permitted to park for a period of two hours in excess of the legal 13513
parking period permitted by local authorities, except where local 13514
ordinances or police rules provide otherwise or where the vehicle 13515
is parked in such a manner as to be clearly a traffic hazard. 13516

(H) No owner of an office, facility, or parking garage where 13517
special parking locations are required to be designated in 13518
accordance with division (E) of this section shall fail to 13519
properly mark the special parking locations in accordance with 13520
that division or fail to maintain the markings of the special 13521
locations, including the erection and maintenance of the fixed or 13522
movable signs. 13523

(I) Nothing in this section shall be construed to require a 13524
person or organization to apply for a removable windshield placard 13525
or special license plates if the parking card or special license 13526
plates issued to the person or organization under prior law have 13527
not expired or been surrendered or revoked. 13528

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(J)(1) Whoever violates division (A) or (C) of this section 13529
is guilty of a minor misdemeanor. 13530

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 13531
section is guilty of a misdemeanor and shall be punished as 13532
provided in division (J)(2)(a) and (b) of this section. Except as 13533
otherwise provided in division (J)(2)(a) of this section, an 13534
offender who violates division (F)(1)(a) or (b) of this section 13535
shall be fined not less than two hundred fifty nor more than five 13536
hundred dollars. An offender who violates division (F)(1)(a) or 13537
(b) of this section shall be fined not more than one hundred 13538
dollars if the offender, prior to sentencing, proves either of the 13539
following to the satisfaction of the court: 13540

(i) At the time of the violation of division (F)(1)(a) of 13541
this section, the offender or the person for whose transport the 13542
motor vehicle was being operated had been issued a removable 13543
windshield placard that then was valid or special license plates 13544
that then were valid but the offender or the person neglected to 13545
display the placard or license plates as described in division 13546
(F)(1)(a) of this section. 13547

(ii) At the time of the violation of division (F)(1)(b) of 13548
this section, the offender or the person for whose transport the 13549
motor vehicle was being operated had been issued a parking card 13550
that then was valid or special handicapped license plates that 13551
then were valid but the offender or the person neglected to 13552
display the card or license plates as described in division 13553
(F)(1)(b) of this section. 13554

(b) In no case shall an offender who violates division 13555
(F)(1)(a) or (b) of this section be sentenced to any term of 13556
imprisonment. 13557

An arrest or conviction for a violation of division (F)(1)(a) 13558
or (b) of this section does not constitute a criminal record and 13559

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need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

The clerk of the court shall pay every fine collected under division (J)(2) of this section to the political subdivision in which the violation occurred. Except as provided in division (J)(2) of this section, the political subdivision shall use the fine moneys it receives under division (J)(2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (E) of this section. The political subdivision may use up to fifty per cent of each fine it receives under division (J)(2) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(3) Whoever violates division (H) of this section shall be punished as follows:

(a) Except as otherwise provided in division (J)(3) of this section, the offender shall be issued a warning.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (H) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars for each parking location that is not properly marked or whose markings are not properly maintained.

(K) As used in this section:

(1) "Handicapped person" means any person who has lost the

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use of one or both legs or one or both arms, who is blind, deaf, 13591
or so severely handicapped as to be unable to move without the aid 13592
of crutches or a wheelchair, or whose mobility is restricted by a 13593
permanent cardiovascular, pulmonary, or other handicapping 13594
condition. 13595

(2) "Person with a disability that limits or impairs the 13596
ability to walk" has the same meaning as in section 4503.44 of the 13597
Revised Code. 13598

(3) "Special license plates" and "removable windshield 13599
placard" mean any license plates or removable windshield placard 13600
or temporary removable windshield placard issued under section 13601
4503.41 or 4503.44 of the Revised Code, and also mean any 13602
substantially similar license plates or removable windshield 13603
placard or temporary removable windshield placard issued by a 13604
state, district, country, or sovereignty. 13605

Sec. 4511.99. Whoever violates any provision of sections 13606
4511.01 to 4511.76 of the Revised Code for which no penalty 13607
otherwise is provided in the section violated is guilty of one of 13608
the following: 13609

(A) Except as otherwise provided in division (B) or (C) of 13610
this section, a minor misdemeanor; 13611

(B) If, within one year of the offense, the offender 13612
previously has been convicted of or pleaded guilty to one 13613
predicate motor vehicle or traffic offense, a misdemeanor of the 13614
fourth degree; 13615

(C) If, within one year of the offense, the offender 13616
previously has been convicted of or pleaded guilty to two or more 13617
predicate motor vehicle or traffic offenses, a misdemeanor of the 13618
third degree. 13619

~~(D) (1) Whoever violates division (B) or (C) of section 13620~~

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4511.512 of the Revised Code is guilty of a minor misdemeanor and	13621
shall be punished as follows:	13622
(a) The offender shall be fined ten dollars.	13623
(b) If the offender previously has been convicted of or	13624
pleaded guilty to a violation of division (B) or (C) of section	13625
4511.512 of the Revised Code or a substantially similar municipal	13626
ordinance, the court, in addition to imposing the fine required	13627
under division (Q)(1)(a) of this section, shall do one of the	13628
following:	13629
(i) Order the impoundment for not less than one day but not	13630
more than thirty days of the electric personal assistive mobility	13631
device that was involved in the current violation of that	13632
division. The court shall order the device to be impounded at a	13633
safe indoor location designated by the court and may assess	13634
storage fees of not more than five dollars per day, provided the	13635
total storage, processing, and release fees assessed against the	13636
offender or the device in connection with the device's impoundment	13637
or subsequent release shall not exceed fifty dollars.	13638
(ii) If the court does not issue an impoundment order	13639
pursuant to division (Q)(1)(b)(i) of this section, issue an order	13640
prohibiting the offender from operating any electric personal	13641
assistive mobility device on the public streets, highways,	13642
sidewalks, and paths and portions of roadways set aside for the	13643
exclusive use of bicycles for not less than one day but not more	13644
than thirty days.	13645
(2) Whoever violates division (D) of section 4511.512 of the	13646
Revised Code is guilty of a minor misdemeanor.	13647
Sec. 4717.05. (A) Any person who desires to be licensed as an	13648
embalmer shall apply to the board of embalmers and funeral	13649
directors on a form provided by the board. The applicant shall	13650

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include with the application an initial license fee as set forth 13651
in section 4717.07 of the Revised Code and evidence, verified by 13652
oath and satisfactory to the board, that the applicant meets all 13653
of the following requirements: 13654

(1) The applicant is at least eighteen years of age and of 13655
good moral character. 13656

(2) If the applicant has pleaded guilty to, has been found by 13657
a judge or jury to be guilty of, or has had a judicial finding of 13658
eligibility for treatment in lieu of conviction entered against 13659
the applicant in this state for aggravated murder, murder, 13660
voluntary manslaughter, felonious assault, kidnapping, rape, 13661
sexual battery, gross sexual imposition, aggravated arson, 13662
aggravated robbery, or aggravated burglary, or has pleaded guilty 13663
to, has been found by a judge or jury to be guilty of, or has had 13664
a judicial finding of eligibility for treatment in lieu of 13665
conviction entered against the applicant in another jurisdiction 13666
for a substantially equivalent offense, at least five years has 13667
elapsed since the applicant was released from incarceration, 13668
probation a community control sanction, a post-release control 13669
sanction, parole, or treatment in connection with the offense. 13670

(3) The applicant holds at least a bachelor's degree from a 13671
college or university authorized to confer degrees by the Ohio 13672
board of regents or the comparable legal agency of another state 13673
in which the college or university is located and submits an 13674
official transcript from that college or university with the 13675
application. 13676

(4) The applicant has satisfactorily completed at least 13677
twelve months of instruction in a prescribed course in mortuary 13678
science as approved by the board and has presented to the board a 13679
certificate showing successful completion of the course. The 13680
course of mortuary science college training may be completed 13681
either before or after the completion of the educational standard 13682

set forth in division (A)(3) of this section. 13683

(5) The applicant has registered with the board prior to 13684
beginning an embalmer apprenticeship. 13685

(6) The applicant has satisfactorily completed at least one 13686
year of apprenticeship under an embalmer licensed in this state 13687
and has assisted that person in embalming at least twenty-five 13688
dead human bodies. 13689

(7) The applicant, upon meeting the educational standards 13690
provided for in divisions (A)(3) and (4) of this section and 13691
completing the apprenticeship required in division (A)(6) of this 13692
section, has completed the examination for an embalmer's license 13693
required by the board. 13694

(B) Upon receiving satisfactory evidence verified by oath 13695
that the applicant meets all the requirements of division (A) of 13696
this section, the board shall issue the applicant an embalmer's 13697
license. 13698

(C) Any person who desires to be licensed as a funeral 13699
director shall apply to the board on a form provided by the board. 13700
The application shall include an initial license fee as set forth 13701
in section 4717.07 of the Revised Code and evidence, verified by 13702
oath and satisfactory to the board, that the applicant meets all 13703
of the following requirements: 13704

(1) Except as otherwise provided in division (D) of this 13705
section, the applicant has satisfactorily met all the requirements 13706
for an embalmer's license as described in divisions (A)(1) to (4) 13707
of this section. 13708

(2) The applicant has registered with the board prior to 13709
beginning a funeral director apprenticeship. 13710

(3) The applicant, following mortuary science college 13711
training described in division (A)(4) of this section, has served 13712

a one-year apprenticeship under a licensed funeral director in 13713
this state and has assisted that person in directing at least 13714
twenty-five funerals. 13715

(4) The applicant has satisfactorily completed the 13716
examination for a funeral director's license as required by the 13717
board. 13718

(D) In lieu of mortuary science college training required for 13719
a funeral director's license under division (C)(1) of this 13720
section, the applicant may substitute a two-year apprenticeship 13721
under a licensed funeral director in this state assisting that 13722
person in directing at least fifty funerals. 13723

(E) Upon receiving satisfactory evidence that the applicant 13724
meets all the requirements of division (C) of this section, the 13725
board shall issue to the applicant a funeral director's license. 13726

(F) As used in this section: 13727

(1) "Community control sanction" has the same meaning as in 13728
section 2929.01 of the Revised Code. 13729

(2) "Post-release control sanction" has the same meaning as 13730
in section 2967.01 of the Revised Code. 13731

Sec. 4734.35. (A) As used in this section, "prosecutor" has 13732
the same meaning as in section 2935.01 of the Revised Code. 13733

(B) The prosecutor in any case against any chiropractor 13734
holding a valid license issued under this chapter shall promptly 13735
notify the state chiropractic board of any of the following: 13736

(1) A plea of guilty to, or a finding of guilt by a jury or 13737
court of, a felony, or a case in which the trial court issues an 13738
order of dismissal upon technical or procedural grounds of a 13739
felony charge; 13740

(2) A plea of guilty to, or a finding of guilt by a jury or 13741

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court of, a misdemeanor committed in the course of practice, or a
case in which the trial court issues an order of dismissal upon
technical or procedural grounds of a charge of a misdemeanor, if
the alleged act was committed in the course of practice;

(3) A plea of guilty to, or a finding of guilt by a jury or
court of, a misdemeanor involving moral turpitude, or a case in
which the trial court issues an order of dismissal upon technical
or procedural grounds of a charge of a misdemeanor involving moral
turpitude.

(C) The report shall include the name and address of the
chiropractor, the nature of the offense for which the action was
taken, and the certified court documents recording the action. The
board may prescribe and provide forms for prosecutors to make
reports under this section. The form may be the same as the form
required to be provided under section ~~2929.24~~ 2929.42 of the
Revised Code.

Sec. 4761.13. (A) As used in this section, "prosecutor" has
the same meaning as in section 2935.01 of the Revised Code.

(B) The prosecutor in any case against any respiratory care
professional or an individual holding a limited permit issued
under this chapter shall promptly notify the Ohio respiratory care
board of any of the following:

(1) A plea of guilty to, or a finding of guilt by a jury or
court of, a felony, or a case in which the trial court issues an
order of dismissal upon technical or procedural grounds of a
felony charge;

(2) A plea of guilty to, or a finding of guilt by a jury or
court of, a misdemeanor committed in the course of practice, or a
case in which the trial court issues an order of dismissal upon
technical or procedural grounds of a charge of a misdemeanor, if

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the alleged act was committed in the course of practice;	13772
(3) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude.	13773 13774 13775 13776 13777
(C) The report shall include the name and address of the respiratory care professional or person holding a limited permit, the nature of the offense for which the action was taken, and the certified court documents recording the action. The board may prescribe and provide forms for prosecutors to make reports under this section. The form may be the same as the form required to be provided under section 2929.24 <u>2929.42</u> of the Revised Code.	13778 13779 13780 13781 13782 13783 13784
Sec. 4973.171. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.	13785 13786
(B)(1) The governor shall not appoint or commission a person as a police officer for a railroad company under division (B) of section 4973.17 of the Revised Code and shall not appoint or commission a person as a police officer for a hospital under division (D) of section 4973.17 of the Revised Code 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.	13787 13788 13789 13790 13791 13792 13793 13794
(2)(a) The governor shall revoke the appointment or commission of a person appointed or commissioned as a police officer for a railroad company or as a police officer for a hospital under division (B) or (D) of section 4973.17 of the Revised Code if that person does either of the following:	13795 13796 13797 13798 13799
(i) Pleads guilty to a felony;	13800
(ii) Pleads guilty to a misdemeanor pursuant to a negotiated	13801

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plea agreement as provided in division (D) of section ~~2929.29~~ 13802
2929.43 of the Revised Code in which the person agrees to 13803
surrender the certificate awarded to that person under section 13804
109.77 of the Revised Code. 13805

(b) The governor shall suspend the appointment or commission 13806
of a person appointed or commissioned as a police officer for a 13807
railroad company or as a police officer for a hospital under 13808
division (B) or (D) of section 4973.17 of the Revised Code if that 13809
person is convicted, after trial, of a felony. If the person files 13810
an appeal from that conviction and the conviction is upheld by the 13811
highest court to which the appeal is taken or if the person does 13812
not file a timely appeal, the governor shall revoke the 13813
appointment or commission of that person as a police officer for a 13814
railroad company or as a police officer for a hospital. If the 13815
person files an appeal that results in that person's acquittal of 13816
the felony or conviction of a misdemeanor, or in the dismissal of 13817
the felony charge against that person, the governor shall 13818
reinstate the appointment or commission of that person as a police 13819
officer for a railroad company or as a police officer for a 13820
hospital. A person whose appointment or commission is reinstated 13821
under division (B)(2)(b) of this section shall not receive any 13822
back pay unless that person's conviction of the felony was 13823
reversed on appeal, or the felony charge was dismissed, because 13824
the court found insufficient evidence to convict the person of the 13825
felony. 13826

(3) Division (B) of this section does not apply regarding an 13827
offense that was committed prior to January 1, 1997. 13828

(4) The suspension or revocation of the appointment or 13829
commission of a person as a police officer for a railroad company 13830
or as a police officer for a hospital under division (B)(2) of 13831
this section shall be in accordance with Chapter 119. of the 13832
Revised Code. 13833

Sec. 5101.28. (A) The department of job and family services 13834
shall enter into written agreements with law enforcement agencies 13835
to exchange, obtain, or share information regarding public 13836
assistance recipients to enable the department, county agencies, 13837
and law enforcement agencies to determine whether a recipient or a 13838
member of a recipient's assistance group is either of the 13839
following: 13840

(1) A fugitive felon; 13841

(2) Violating a condition of probation, a community control 13842
sanction, parole, or a post-release control sanction imposed under 13843
state or federal law. 13844

(B) The department and county agencies shall provide 13845
information regarding recipients of public assistance under a 13846
program administered by the state department or a county agency 13847
pursuant to Chapter 5107., 5108., or 5115. of the Revised Code to 13848
law enforcement agencies on request for the purposes of 13849
investigations, prosecutions, and criminal and civil proceedings 13850
that are within the scope of the law enforcement agencies' 13851
official duties. 13852

(C) Information about a recipient shall be exchanged, 13853
obtained, or shared only if the department, county agency, or law 13854
enforcement agency requesting the information gives sufficient 13855
information to specifically identify the recipient. In addition to 13856
the recipient's name, identifying information may include the 13857
recipient's current or last known address, social security number, 13858
other identifying number, age, gender, physical characteristics, 13859
any information specified in an agreement entered into under 13860
division (A) of this section, or any information considered 13861
appropriate by the department or agency. 13862

(D)(1) The department and its officers and employees are not 13863
liable in damages in a civil action for any injury, death, or loss 13864

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to person or property that allegedly arises from the release of 13865
information in accordance with divisions (A), (B), and (C) of this 13866
section. This section does not affect any immunity or defense that 13867
the department and its officers and employees may be entitled to 13868
under another section of the Revised Code or the common law of 13869
this state, including section 9.86 of the Revised Code. 13870

(2) The county agencies and their employees are not liable in 13871
damages in a civil action for any injury, death, or loss to person 13872
or property that allegedly arises from the release of information 13873
in accordance with divisions (A), (B), and (C) of this section. 13874
"Employee" has the same meaning as in division (B) of section 13875
2744.01 of the Revised Code. This section does not affect any 13876
immunity or defense that the county agencies and their employees 13877
may be entitled to under another section of the Revised Code or 13878
the common law of this state, including section 2744.02 and 13879
division (A)(6) of section 2744.03 of the Revised Code. 13880

(E) To the extent permitted by federal law, the department 13881
and county agencies shall provide access to information to the 13882
auditor of state acting pursuant to Chapter 117. or sections 13883
5101.181 and 5101.182 of the Revised Code and to any other 13884
government entity authorized by or federal law to conduct an audit 13885
of or similar activity involving a public assistance program. 13886

(F) The auditor of state shall prepare an annual report on 13887
the outcome of the agreements required under division (A) of this 13888
section. The report shall include the number of fugitive felons 13889
and, probation and parole violators, and violators of community 13890
control sanctions and post-release control sanctions apprehended 13891
during the immediately preceding year as a result of the exchange 13892
of information pursuant to that division. The auditor of state 13893
shall file the report with the governor, the president and 13894
minority leader of the senate, and the speaker and minority leader 13895
of the house of representatives. The state department, county 13896

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agencies, and law enforcement agencies shall cooperate with the 13897
auditor of state's office in gathering the information required 13898
under this division. 13899

(G) To the extent permitted by federal law, the department of 13900
job and family services, county departments of job and family 13901
services, and employees of the departments may report to a public 13902
children services agency or other appropriate agency information 13903
on known or suspected physical or mental injury, sexual abuse or 13904
exploitation, or negligent treatment or maltreatment, of a child 13905
receiving public assistance, if circumstances indicate that the 13906
child's health or welfare is threatened. 13907

(H) As used in this section: 13908

(1) "Community control sanction" has the same meaning as in 13909
section 2929.01 of the Revised Code. 13910

(2) "Post-release control sanction" has the same meaning as 13911
in section 2967.01 of the Revised Code. 13912

Sec. 5101.45. The necessary expenses of such officers and 13913
employees of the state, county, and municipal boards, benevolent 13914
and correctional institutions, officials responsible for the 13915
administration of public funds used for the relief and maintenance 13916
of the poor, officials authorized to administer ~~probation~~ laws on 13917
community control sanctions, and members of the boards of county 13918
visitors as are invited by the department of job and family 13919
services to the conferences provided for in section 5101.44 of the 13920
Revised Code, shall be paid from any fund available for their 13921
respective offices, boards, and institutions, provided they first 13922
procure a certificate from the director of job and family services 13923
as evidence that they were invited to and were in attendance at 13924
the sessions of such conferences. 13925

As used in this section, "community control sanction" has the 13926
same meaning as in section 2929.01 of the Revised Code. 13927

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Sec. 5119.14. (A) As used in this section, "felony" has the 13928
same meaning as in section 109.511 of the Revised Code. 13929

(B)(1) Subject to division (C) of this section, upon the 13930
recommendation of the director of mental health, the managing 13931
officer of an institution under the jurisdiction of the department 13932
of mental health may designate one or more employees to be special 13933
police officers of the department. The special police officers 13934
shall take an oath of office, wear the badge of office, and give 13935
bond for the proper and faithful discharge of their duties in an 13936
amount that the director requires. 13937

(2) In accordance with section 109.77 of the Revised Code, 13938
the special police officers shall be required to complete 13939
successfully a peace officer basic training program approved by 13940
the Ohio peace officer training commission and to be certified by 13941
the commission. The cost of the training shall be paid by the 13942
department of mental health. 13943

(3) Special ~~police officers~~ police officers, on the premises 13944
of institutions under the jurisdiction of the department of mental 13945
health and subject to the rules of the department, shall protect 13946
the property of the institutions and the persons and property of 13947
patients in the institutions, suppress riots, disturbances, and 13948
breaches of the peace, and enforce the laws of the state and the 13949
rules of the department for the preservation of good order. They 13950
may arrest any person without a warrant and detain the person 13951
until a warrant can be obtained under the circumstances described 13952
in division (F) of section 2935.03 of the Revised Code. 13953

(C)(1) The managing officer of an institution under the 13954
jurisdiction of the department of mental health shall not 13955
designate an employee as a special police officer of the 13956
department pursuant to division (B)(1) of this section on a 13957
permanent basis, on a temporary basis, for a probationary term, or 13958

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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 managing officer of an institution under the
jurisdiction of the department of mental health shall terminate
the employment as a special police officer of the department of an
employee designated as a special police officer under division
(B)(1) of this section if that employee does either of the
following:

(i) Pleads guilty to a felony;

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

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

police officer of the felony. 13991

(3) Division (C) of this section does not apply regarding an 13992
offense that was committed prior to January 1, 1997. 13993

(4) The suspension from employment, or the termination of the 13994
employment, of a special police officer under division (C)(2) of 13995
this section shall be in accordance with Chapter 119. of the 13996
Revised Code. 13997

Sec. 5120.10. (A)(1) The director of rehabilitation and 13998
correction, by rule, shall promulgate minimum standards for jails 13999
in Ohio, including minimum security jails dedicated under section 14000
341.34 or 753.21 of the Revised Code. Whenever the director files 14001
a rule or an amendment to a rule in final form with both the 14002
secretary of state and the director of the legislative service 14003
commission pursuant to section 111.15 of the Revised Code, the 14004
director of rehabilitation and correction promptly shall send a 14005
copy of the rule or amendment, if the rule or amendment pertains 14006
to minimum jail standards, by ordinary mail to the political 14007
subdivisions or affiliations of political subdivisions that 14008
operate jails to which the standards apply. 14009

(2) The rules promulgated in accordance with division (A)(1) 14010
of this section shall serve as criteria for the investigative and 14011
supervisory powers and duties vested by division (D) of this 14012
section in the division of parole and community services of the 14013
department of rehabilitation and correction or in another division 14014
of the department to which those powers and duties are assigned. 14015

(B) The director may initiate an action in the court of 14016
common pleas of the county in which a facility that is subject to 14017
the rules promulgated under division (A)(1) of this section is 14018
situated to enjoin compliance with the minimum standards for jails 14019
or with the minimum standards and minimum renovation, 14020
modification, and construction criteria for minimum security 14021

jails. 14022

(C) Upon the request of an administrator of a jail facility, 14023
the chief executive of a municipal corporation, or a board of 14024
county commissioners, the director of rehabilitation and 14025
correction or the director's designee shall grant a variance from 14026
the minimum standards for jails in Ohio for a facility that is 14027
subject to one of those minimum standards when the director 14028
determines that strict compliance with the minimum standards would 14029
cause unusual, practical difficulties or financial hardship, that 14030
existing or alternative practices meet the intent of the minimum 14031
standards, and that granting a variance would not seriously affect 14032
the security of the facility, the supervision of the inmates, or 14033
the safe, healthful operation of the facility. If the director or 14034
the director's designee denies a variance, the applicant may 14035
appeal the denial pursuant to section 119.12 of the Revised Code. 14036

(D) The following powers and duties shall be exercised by the 14037
division of parole and community services unless assigned to 14038
another division by the director: 14039

(1) The investigation and supervision of county and municipal 14040
jails, workhouses, minimum security jails, and other correctional 14041
institutions and agencies; 14042

(2) The review and approval of plans submitted to the 14043
department of rehabilitation and correction pursuant to division 14044
(E) of this section; 14045

(3) The management and supervision of the adult parole 14046
authority created by section 5149.02 of the Revised Code; 14047

(4) The review and approval of proposals for community-based 14048
correctional facilities and programs and district community-based 14049
correctional facilities and programs that are submitted pursuant 14050
to division (B) of section 2301.51 of the Revised Code; 14051

(5) The distribution of funds made available to the division 14052

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for purposes of assisting in the renovation, maintenance, and 14053
 operation of community-based correctional facilities and programs 14054
 and district community-based correctional facilities and programs 14055
 in accordance with section 5120.112 of the Revised Code; 14056

(6) The performance of the duty imposed upon the department 14057
 of rehabilitation and correction in section 5149.31 of the Revised 14058
 Code to establish and administer a program of subsidies to 14059
 eligible municipal corporations, counties, and groups of 14060
 contiguous counties for the development, implementation, and 14061
 operation of community-based corrections programs; 14062

(7) Licensing halfway houses and community residential 14063
 centers for the care and treatment of adult offenders in 14064
 accordance with section 2967.14 of the Revised Code; 14065

(8) Contracting with a public or private agency or a 14066
 department or political subdivision of the state that operates a 14067
 licensed halfway house or community residential center for the 14068
 provision of housing, supervision, and other services to parolees, 14069
releasees, persons placed under a residential sanction, persons 14070
under transitional control, and probationers other eligible 14071
offenders in accordance with section 2967.14 of the Revised Code. 14072

Other powers and duties may be assigned by the director of 14073
 rehabilitation and correction to the division of parole and 14074
 community services. This section does not apply to the department 14075
 of youth services or its institutions or employees. 14076

(E) No plan for any new jail, workhouse, or lockup, and no 14077
 plan for a substantial addition or alteration to an existing jail, 14078
 workhouse, or lockup, shall be adopted unless the officials 14079
 responsible for adopting the plan have submitted the plan to the 14080
 department of rehabilitation and correction for approval, and the 14081
 department has approved the plan as provided in division (D)(2) of 14082
 this section. 14083

Sec. 5120.102. As used in sections 5120.102 to 5120.105 of 14084
the Revised Code: 14085

(A) "Private, nonprofit organization" means a private 14086
association, organization, corporation, or other entity that is 14087
exempt from federal income taxation under section 501(a) and is 14088
described in section 501(c) of the "Internal Revenue Code of 14089
1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended. 14090

(B) "Governmental agency" means a state agency; a municipal 14091
corporation, county, township, other political subdivision or 14092
special district in this state established by or pursuant to law, 14093
or a combination of those political subdivisions or special 14094
districts; the United States or a department, division, or agency 14095
of the United States; or an agency, commission, or authority 14096
established pursuant to an interstate compact or agreement. 14097

(C) "State agency" means the state or one of its branches, 14098
offices, boards, commissions, authorities, departments, divisions, 14099
or other units or agencies of the state. 14100

(D) "Halfway house organization" means a private, nonprofit 14101
organization or a governmental agency that provides programs or 14102
activities in areas directly concerned with housing and monitoring 14103
offenders who are under the community supervision of the 14104
department of rehabilitation and correction or whom a court places 14105
in a halfway house pursuant to section 2929.16 or 2929.26 of the 14106
Revised Code. 14107

(E) "Halfway house facility" means a capital facility in this 14108
state to which all of the following apply: 14109

(1) The construction of the capital facility is authorized or 14110
funded by the general assembly pursuant to division (C) of section 14111
5120.105 of the Revised Code. 14112

(2) The state owns or has a sufficient real property interest 14113

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in the capital facility or in the site of the capital facility for 14114
a period of not less than the greater of the useful life of the 14115
capital facility, as determined by the director of budget and 14116
management using the guidelines for maximum maturities as provided 14117
under divisions (B), (C), and (E) of section 133.20 of the Revised 14118
Code and certified to the department of rehabilitation and 14119
correction and the Ohio building authority, or the final maturity 14120
of obligations issued by the Ohio building authority to finance 14121
the capital facility. 14122

(3) The capital facility is managed directly by, or by 14123
contract with, the department of rehabilitation and correction and 14124
is used for housing offenders who are under the community 14125
supervision of the department of rehabilitation and correction or 14126
whom a court places in a halfway house pursuant to section 2929.16 14127
or 2929.26 of the Revised Code. 14128

(F) "Construction" includes acquisition, demolition, 14129
reconstruction, alteration, renovation, remodeling, enlargement, 14130
improvement, site improvements, and related equipping and 14131
furnishing. 14132

(G) "General building services" means general building 14133
services for a halfway house facility that include, but are not 14134
limited to, general custodial care, security, maintenance, repair, 14135
painting, decoration, cleaning, utilities, fire safety, grounds 14136
and site maintenance and upkeep, and plumbing. 14137

(H) "Manage," "operate," or "management" means the provision 14138
of, or the exercise of control over the provision of, activities 14139
that relate to the housing of offenders in correctional 14140
facilities, including, but not limited to, providing for release 14141
services for offenders who are under the community supervision of 14142
the department of rehabilitation and correction or are placed by a 14143
court in a halfway house pursuant to section 2929.16 or 2929.26 of 14144
the Revised Code, and who reside in halfway house facilities. 14145

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Sec. 5120.103. (A) To the extent that funds are available, 14146
the department of rehabilitation and correction, in accordance 14147
with this section and sections 5120.104 and 5120.105 of the 14148
Revised Code, may construct or provide for the construction of 14149
halfway house facilities for offenders whom a court places in a 14150
halfway house pursuant to section 2929.16 or 2929.26 of the 14151
Revised Code or who are eligible for community supervision by the 14152
department of rehabilitation and correction. 14153

(B) A halfway house organization that seeks to assist in the 14154
program planning of a halfway house facility described in division 14155
(A) of this section shall file an application with the director of 14156
rehabilitation and correction as set forth in a request for 14157
proposal. Upon the submission of an application, the division of 14158
parole and community services shall review it and, if the division 14159
believes it is appropriate, shall submit a recommendation for its 14160
approval to the director. When the division submits a 14161
recommendation for approval of an application, the director may 14162
approve the application. The director shall not take action or 14163
fail to take action, or permit the taking of action or the failure 14164
to take action, with respect to halfway house facilities that 14165
would adversely affect the exclusion of interest on public 14166
obligations or on fractionalized interests in public obligations 14167
from gross income for federal income tax purposes, or the 14168
classification or qualification of the public obligations or the 14169
interest on or fractionalized interests in public obligations for, 14170
or their exemption from, other treatment under the Internal 14171
Revenue Code. 14172

(C) The director of rehabilitation and correction and the 14173
halfway house organization may enter into an agreement 14174
establishing terms for the program planning of the halfway house 14175
facility. Any terms so established shall conform to the terms of 14176
any covenant or agreement pertaining to an obligation from which 14177

the funds used for the construction of the halfway house facility 14178
are derived. 14179

(D) The director of rehabilitation and correction, in 14180
accordance with Chapter 119. of the Revised Code, shall adopt 14181
rules that specify procedures by which a halfway house 14182
organization may apply for a contract for program planning of a 14183
halfway house facility constructed under this section, procedures 14184
for the department to follow in considering an application, 14185
criteria for granting approval of an application, and any other 14186
rules that are necessary for the selection of program planners of 14187
a halfway house facility. 14188

Sec. 5120.56. (A) As used in sections 5120.56 to 5120.58 of 14189
the Revised Code: 14190

(1) "Ancillary services" means services provided to an 14191
offender as necessary for the particular circumstances of the 14192
offender's personal supervision, including, but not limited to, 14193
specialized counseling, testing, or other services not included in 14194
the calculation of residential or supervision costs. 14195

(2) "Cost debt" means a cost of incarceration or supervision 14196
that may be assessed against and collected from an offender as a 14197
debt to the state as described in division (D) of this section. 14198

(3) "Detention facility" means any place used for the 14199
confinement of a person charged with or convicted of any crime. 14200

(4) "Offender" means any inmate, parolee, ~~probationer~~ person 14201
placed under a community control sanction, releasee, or other 14202
person who has been convicted of or pleaded guilty to any felony 14203
or misdemeanor and is sentenced to any of the following: 14204

(a) A term of imprisonment, a prison term, a jail term, or 14205
another type of confinement in a detention facility; 14206

(b) Participation in another correctional program in lieu of 14207

incarceration.	14208
<u>(5) "Community control sanction," "prison term," and "jail term" have the same meanings as in section 2929.01 of the Revised Code.</u>	14209 14210 14211
<u>(6) "Parolee" and "releasee" have the same meanings as in section 2967.01 of the Revised Code.</u>	14212 14213
(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.	14214 14215 14216 14217 14218 14219 14220 14221 14222 14223 14224
(C) Except as otherwise provided in division (E) or (G) of this section, all of the following assets of an offender shall be subject to attachment, collection, or application toward the cost debts described in division (D) of this section that are to be recovered under division (B) of this section:	14225 14226 14227 14228 14229
(1) Subject to division (E) of this section, any pay the offender receives from the state;	14230 14231
(2) Subject to division (E) of this section, any funds the offender receives from persons on an approved visitor list;	14232 14233
(3) Any liquid assets belonging to the offender and in the custody of the department;	14234 14235
(4) Any assets the offender acquires or any other income the offender earns subsequent to the offender's commitment.	14236 14237

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(D) Costs of incarceration or supervision that may be	14238
assessed against and collected from an offender under division (B)	14239
of this section as a debt to the state shall include, but are not	14240
limited to, all of the following costs that accrue while the	14241
offender is in the custody or under the supervision of the	14242
department:	14243
(1) Any user fee or copayment for services at a detention	14244
facility or housing facility, including, but not limited to, a fee	14245
or copayment for sick call visits;	14246
(2) Assessment for damage to or destruction of property in a	14247
detention facility subsequent to commitment;	14248
(3) Restitution to an offender or to a staff member of a	14249
state correctional institution for theft, loss, or damage to the	14250
personal property of the offender or staff member;	14251
(4) The cost of housing and feeding the offender in a	14252
detention facility;	14253
(5) The cost of supervision of the offender;	14254
(6) The cost of any ancillary services provided to the	14255
offender;	14256
(7) The cost of any medical care provided to the offender.	14257
(E) The cost of housing and feeding an offender in a state	14258
correctional institution shall not be collected from a payment	14259
made to the offender for performing an activity at a state job or	14260
assignment that pays less than the minimum wage or from money the	14261
offender receives from visitors, unless the combined assets in the	14262
offender's institution personal account exceed, at any time, one	14263
hundred dollars. If the combined assets in that account exceed one	14264
hundred dollars, the cost of housing and feeding the offender may	14265
be collected from the amount in excess of one hundred dollars.	14266
(F)(1) The department shall adopt rules pursuant to section	14267

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111.15 of the Revised Code to implement the requirements of this section.	14268 14269
(2) The rules adopted under division (F)(1) of this section shall include, but are not limited to, rules that establish or contain all of the following:	14270 14271 14272
(a) A process for ascertaining the items of cost to be assessed against an offender;	14273 14274
(b) Subject to division (F)(3) of this section, a process by which the offender shall have the opportunity to respond to the assessment of costs under division (B) of this section and to contest any item of cost in the department's calculation or as it applies to the offender;	14275 14276 14277 14278 14279
(c) A requirement that the offender be notified, in writing, of a final decision to collect or apply the offender's assets under division (B) of this section and that the notification be provided after the offender has had an opportunity to contest the application or collection;	14280 14281 14282 14283 14284
(d) Criteria for evaluating an offender's ongoing, permanent injury and evaluating the ability of that type of offender to provide for the offender after incarceration.	14285 14286 14287
(3) The rules adopted under division (F)(1) of this section may allow the collection of a cost debt as a flat fee or over time in installments. If the cost debt is to be collected over time in installments, the rules are not required to permit the offender an opportunity to contest the assessment of each installment. The rules may establish a standard fee to apply to all offenders who receive a particular service.	14288 14289 14290 14291 14292 14293 14294
(G) The department shall not collect cost debts or apply offender assets toward a cost debt under division (B) of this section if, due to an ongoing, permanent injury, the collection or application would unjustly limit the offender's ability to provide	14295 14296 14297 14298

for the offender after incarceration. 14299

(H) If an offender acquires assets after the offender is 14300
convicted of or pleads guilty to an offense and if the transferor 14301
knows of the offender's status as an offender, the transferor 14302
shall notify the department in advance of the transfer. 14303

(I) There is hereby created in the state treasury the 14304
offender financial responsibility fund. All moneys collected by or 14305
on behalf of the department under this section, and all moneys 14306
currently in the department's custody that are applied to satisfy 14307
an allowable cost debt under this section, shall be deposited into 14308
the fund. The department may expend moneys in the fund for goods 14309
and services of the same type as those for which offenders are 14310
assessed pursuant to this section. 14311

Sec. 5122.01. As used in this chapter and Chapter 5119. of 14312
the Revised Code: 14313

(A) "Mental illness" means a substantial disorder of thought, 14314
mood, perception, orientation, or memory that grossly impairs 14315
judgment, behavior, capacity to recognize reality, or ability to 14316
meet the ordinary demands of life. 14317

(B) "Mentally ill person subject to hospitalization by court 14318
order" means a mentally ill person who, because of the person's 14319
illness: 14320

(1) Represents a substantial risk of physical harm to self as 14321
manifested by evidence of threats of, or attempts at, suicide or 14322
serious self-inflicted bodily harm; 14323

(2) Represents a substantial risk of physical harm to others 14324
as manifested by evidence of recent homicidal or other violent 14325
behavior, evidence of recent threats that place another in 14326
reasonable fear of violent behavior and serious physical harm, or 14327
other evidence of present dangerousness; 14328

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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

(4) Would benefit from treatment in a hospital for ~~his~~ the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or ~~himself~~ the person.

(C)(1) "Patient" means, subject to division (C)(2) of this section, a person who is admitted either voluntarily or involuntarily to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter, who is under observation or receiving treatment in such place.

(2) "Patient" does not include a person admitted to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference 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

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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.

(I) "Licensed clinical psychologist" means a person who holds
a current valid psychologist license issued under section 4732.12
or 4732.15 of the Revised Code, and in addition, meets either of
the following criteria:

(1) Meets the educational requirements set forth in division
(B) of section 4732.10 of the Revised Code and has a minimum of
two years' full-time professional experience, or the equivalent as
determined by rule of the state board of psychology, at least one
year of which shall be post-doctoral, in clinical psychological
work in a public or private hospital or clinic or in private
practice, diagnosing and treating problems of mental illness or
mental retardation under the supervision of a psychologist who is

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licensed or who holds a diploma issued by the American board of
professional psychology, or whose qualifications are substantially
similar to those required for licensure by the state board of
psychology when the supervision has occurred prior to enactment of
laws governing the practice of psychology;

(2) Meets the educational requirements set forth in division
(B) of section 4732.15 of the Revised Code and has a minimum of
four years' full-time professional experience, or the equivalent
as determined by rule of the state board of psychology, in
clinical psychological work in a public or private hospital or
clinic or in private practice, diagnosing and treating problems of
mental illness or mental retardation under supervision, as set
forth in division (I)(1) of this section.

(J) "Health officer" means any public health physician;
public health nurse; or other person authorized by or designated
by a city health district; a general health district; or a board
of alcohol, drug addiction, and mental health services to perform
the duties of a health officer under this chapter.

(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 <u>the chief clinical officer's</u> absence.	14423
(L) "Working day" or "court day" means Monday, Tuesday,	14424
Wednesday, Thursday, and Friday, except when such day is a	14425
holiday.	14426
(M) "Indigent" means unable without deprivation of	14427
satisfaction of basic needs to provide for the payment of an	14428
attorney and other necessary expenses of legal representation,	14429
including expert testimony.	14430
(N) "Respondent" means the person whose detention,	14431
commitment, hospitalization, continued hospitalization or	14432
commitment, or discharge is being sought in any proceeding under	14433
this chapter.	14434
(O) "Legal rights service" means the service established	14435
under section 5123.60 of the Revised Code.	14436
(P) "Independent expert evaluation" means an evaluation	14437
conducted by a licensed clinical psychologist, psychiatrist, or	14438
licensed physician who has been selected by the respondent or his	14439
<u>the respondent's</u> counsel and who consents to conducting the	14440
evaluation.	14441
(Q) "Court" means the probate division of the court of common	14442
pleas.	14443
(R) "Expunge" means:	14444
(1) The removal and destruction of court files and records,	14445
originals and copies, and the deletion of all index references;	14446
(2) The reporting to the person of the nature and extent of	14447
any information about him <u>the person</u> transmitted to any other	14448
person by the court;	14449
(3) Otherwise insuring that any examination of court files	14450
and records in question shall show no record whatever with respect	14451
to the person;	14452

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(4) That all rights and privileges are restored, and that the person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.

(S) "Residence" means a person's physical presence in a county with intent to remain there, except that:

(1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained ~~his~~ the person's primary place of residence at the time ~~he~~ the person entered the facility;

(2) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, residence means the county where the criminal charges were filed.

When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health for investigation and determination. Residence shall not be a basis for a board's denying services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(T) "Admission" to a hospital or other place means that a patient is accepted for and stays at least one night at the hospital or other place.

(U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(V) "Treatment plan" means a written statement of reasonable

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objectives and goals for an individual established by the
 treatment team, with specific criteria to evaluate progress
 towards achieving those objectives. The active participation of
 the patient in establishing the objectives and goals shall be
 documented. The treatment plan shall be based on patient needs and
 include services to be provided to the patient while ~~he~~ the
patient is hospitalized and after ~~he~~ the patient is discharged.
 The treatment plan shall address services to be provided upon
 discharge, including but not limited to housing, financial, and
 vocational services.

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

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

Sec. 5122.10. Any psychiatrist, licensed clinical
 psychologist, licensed physician, health officer, parole officer,
 police officer, or sheriff may take a person into custody, or the
 chief of the adult parole authority or a parole or probation
 officer with the approval of the chief of the authority may take a
 parolee, ~~probationer,~~ an offender on under a community control
sanction or a post-release control sanction, or an offender under
 transitional control into custody and may immediately transport
 the parolee, ~~probationer,~~ offender on community control or
 post-release control, or offender under transitional control to a
 hospital or, notwithstanding section 5119.20 of the Revised Code,
 to a general hospital not licensed by the department of mental
 health where the parolee, ~~probationer,~~ offender on community
control or post-release control, or offender under transitional
 control may be held for the period prescribed in this section, if
 the psychiatrist, licensed clinical psychologist, licensed
 physician, health officer, parole officer, police officer, or

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sheriff has reason to believe that the person is a mentally ill 14515
person subject to hospitalization by court order under division 14516
(B) of section 5122.01 of the Revised Code, and represents a 14517
substantial risk of physical harm to self or others if allowed to 14518
remain at liberty pending examination. 14519

A written statement shall be given to such hospital by the 14520
transporting psychiatrist, licensed clinical psychologist, 14521
licensed physician, health officer, parole officer, police 14522
officer, chief of the adult parole authority, parole or probation 14523
officer, or sheriff stating the circumstances under which such 14524
person was taken into custody and the reasons for the 14525
psychiatrist's, licensed clinical psychologist's, licensed 14526
physician's, health officer's, parole officer's, police officer's, 14527
chief of the adult parole authority's, parole or probation 14528
officer's, or sheriff's belief. This statement shall be made 14529
available to the respondent or the respondent's attorney upon 14530
request of either. 14531

Every reasonable and appropriate effort shall be made to take 14532
persons into custody in the least conspicuous manner possible. A 14533
person taking the respondent into custody pursuant to this section 14534
shall explain to the respondent: the name, professional 14535
designation, and agency affiliation of the person taking the 14536
respondent into custody; that the custody-taking is not a criminal 14537
arrest; and that the person is being taken for examination by 14538
mental health professionals at a specified mental health facility 14539
identified by name. 14540

If a person taken into custody under this section is 14541
transported to a general hospital, the general hospital may admit 14542
the person, or provide care and treatment for the person, or both, 14543
notwithstanding section 5119.20 of the Revised Code, but by the 14544
end of twenty-four hours after arrival at the general hospital, 14545
the person shall be transferred to a hospital as defined in 14546

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section 5122.01 of the Revised Code. 14547

A person transported or transferred to a hospital or 14548
community mental health agency under this section shall be 14549
examined by the staff of the hospital or agency within twenty-four 14550
hours after arrival at the hospital or agency. If to conduct the 14551
examination requires that the person remain overnight, the 14552
hospital or agency shall admit the person in an unclassified 14553
status until making a disposition under this section. After the 14554
examination, if the chief clinical officer of the hospital or 14555
agency believes that the person is not a mentally ill person 14556
subject to hospitalization by court order, the chief clinical 14557
officer shall release or discharge the person immediately unless a 14558
court has issued a temporary order of detention applicable to the 14559
person under section 5122.11 of the Revised Code. After the 14560
examination, if the chief clinical officer believes that the 14561
person is a mentally ill person subject to hospitalization by 14562
court order, the chief clinical officer may detain the person for 14563
not more than three court days following the day of the 14564
examination and during such period admit the person as a voluntary 14565
patient under section 5122.02 of the Revised Code or file an 14566
affidavit under section 5122.11 of the Revised Code. If neither 14567
action is taken and a court has not otherwise issued a temporary 14568
order of detention applicable to the person under section 5122.11 14569
of the Revised Code, the chief clinical officer shall discharge 14570
the person at the end of the three-day period unless the person 14571
has been sentenced to the department of rehabilitation and 14572
correction and has not been released from the person's sentence, 14573
in which case the person shall be returned to that department. 14574

Sec. 5122.21. (A) The chief clinical officer shall as 14575
frequently as practicable, and at least once every thirty days, 14576
examine or cause to be examined every patient, and, whenever the 14577
chief clinical officer determines that the conditions justifying 14578

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involuntary hospitalization or commitment no longer obtain, shall, 14579
except as provided in division (C) of this section, discharge the 14580
patient not under indictment or conviction for crime and 14581
immediately make a report of the discharge to the department of 14582
mental health. The chief clinical officer may discharge a patient 14583
who is under an indictment, a sentence of imprisonment, a 14584
community control sanction, or a post-release control sanction or 14585
on ~~probation or~~ parole ten days after written notice of intent to 14586
discharge the patient has been given by personal service or 14587
certified mail, return receipt requested, to the court having 14588
criminal jurisdiction over the patient. Except when the patient 14589
was found not guilty by reason of insanity and ~~his~~ the defendant's 14590
commitment is pursuant to section 2945.40 of the Revised Code, the 14591
chief clinical officer has final authority to discharge a patient 14592
who is under an indictment, a sentence of imprisonment, a 14593
community control sanction, or a post-release control sanction or 14594
on ~~probation or~~ parole. 14595

(B) After a finding pursuant to section 5122.15 of the 14596
Revised Code that a person is a mentally ill person subject to 14597
hospitalization by court order, the chief clinical officer of the 14598
hospital or agency to which the person is ordered or to which the 14599
person is transferred under section 5122.20 of the Revised Code, 14600
may, except as provided in division (C) of this section, grant a 14601
discharge without the consent or authorization of any court. 14602

Upon discharge, the chief clinical officer shall notify the 14603
court that caused the judicial hospitalization of the discharge 14604
from the hospital. 14605

Sec. 5122.26. (A) If a patient is absent without leave, on a 14606
verbal or written order issued within five days of the time of the 14607
unauthorized absence by the department of mental health, the chief 14608
clinical officer of the hospital from which the patient is absent 14609

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without leave, or the court of either the county from which the 14610
patient was committed or in which the patient is found, any health 14611
or police officer or sheriff may take the patient into custody and 14612
transport the patient to the hospital in which the patient was 14613
hospitalized or to a place that is designated in the order. The 14614
officer immediately shall report such fact to the agency that 14615
issued the order. 14616

The chief clinical officer of a hospital may discharge a 14617
patient who is under an indictment, a sentence of imprisonment, a 14618
community control sanction, or a post-release control sanction or 14619
on ~~probation or~~ parole and who has been absent without leave for 14620
more than thirty days, but shall give written notice of the 14621
discharge to the court with criminal jurisdiction over the 14622
patient. The chief clinical officer of a hospital may discharge 14623
any other patient who has been absent without leave for more than 14624
fourteen days. 14625

The chief clinical officer shall take all proper measures for 14626
the apprehension of an escaped patient. The expense of the return 14627
of an escaped patient shall be borne by the hospital where the 14628
patient is hospitalized. 14629

(B)(1) Subject to division (B)(2) of this section, no patient 14630
hospitalized under Chapter 5122. of the Revised Code whose absence 14631
without leave was caused or contributed to by his the patient's 14632
mental illness shall be subject to a charge of escape. 14633

(2) Division (B)(1) of this section does not apply to any 14634
person who was hospitalized, institutionalized, or confined in a 14635
facility under an order made pursuant to or under authority of 14636
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 14637
2945.402 of the Revised Code and who escapes from the facility, 14638
from confinement in a vehicle for transportation to or from the 14639
facility, or from supervision by an employee of the facility that 14640

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is incidental to hospitalization, institutionalization, or 14641
confinement in the facility and that occurs outside the facility, 14642
in violation of section 2921.34 of the Revised Code. 14643

Sec. 5123.13. (A) As used in this section, "felony" has the 14644
same meaning as in section 109.511 of the Revised Code. 14645

(B)(1) Subject to division (C) of this section, upon the 14646
recommendation of the director of mental retardation and 14647
developmental disabilities, the managing officer of an institution 14648
under the jurisdiction of the department of mental retardation and 14649
developmental disabilities may designate one or more employees to 14650
be special police officers of the department. The special police 14651
officers shall take an oath of office, wear the badge of office, 14652
and give bond for the proper and faithful discharge of their 14653
duties in an amount that the director requires. 14654

(2) In accordance with section 109.77 of the Revised Code, 14655
the special police officers shall be required to complete 14656
successfully a peace officer basic training program approved by 14657
the Ohio peace officer training commission and to be certified by 14658
the commission. The cost of the training shall be paid by the 14659
department of mental retardation and developmental disabilities. 14660

(3) Special police officers, on the premises of institutions 14661
under the jurisdiction of the department of mental retardation and 14662
developmental disabilities and subject to the rules of the 14663
department, shall protect the property of the institutions and the 14664
persons and property of patients in the institutions, suppress 14665
riots, disturbances, and breaches of the peace, and enforce the 14666
laws of the state and the rules of the department for the 14667
preservation of good order. They may arrest any person without a 14668
warrant and detain the person until a warrant can be obtained 14669
under the circumstances described in division (F) of section 14670
2935.03 of the Revised Code. 14671

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(C)(1) The managing officer of an institution under the jurisdiction of the department of mental retardation and developmental disabilities shall not designate an employee as a special police officer of the department pursuant to division (B)(1) of this section on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the employee previously has been convicted of or has pleaded guilty to a felony.

(2)(a) The managing officer of an institution under the jurisdiction of the department of mental retardation and developmental disabilities shall terminate the employment as a special police officer of the department of an employee designated as a special police officer under division (B)(1) of this section if that employee does either of the following:

(i) Pleads guilty to a felony;

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

(b) The managing officer shall suspend from employment as a special police officer of the department an employee designated as a special police officer under division (B)(1) of this section if that employee is convicted, after trial, of a felony. If the special police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the special police officer does not file a timely appeal, the managing officer shall terminate the employment of that special police officer. If the special police officer files an appeal that results in that special police officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that special police officer, the

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managing officer shall reinstate that special police officer. A 14704
 special police officer of the department who is reinstated under 14705
 division (C)(2)(b) of this section shall not receive any back pay 14706
 unless that special police officer's conviction of the felony was 14707
 reversed on appeal, or the felony charge was dismissed, because 14708
 the court found insufficient evidence to convict the special 14709
 police officer of the felony. 14710

(3) Division (C) of this section does not apply regarding an 14711
 offense that was committed prior to January 1, 1997. 14712

(4) The suspension from employment, or the termination of the 14713
 employment, of a special police officer under division (C)(2) of 14714
 this section shall be in accordance with Chapter 119. of the 14715
 Revised Code. 14716

Sec. 5147.12. The labor or time of any person confined in any 14717
 workhouse or jail shall not be let, farmed out, given, sold, or 14718
 contracted to any person. Work performed under a work-release 14719
 program authorized under section 5147.28 of the Revised Code is 14720
 not in violation of this section. 14721

This section does not apply to any person serving a periodic 14722
 sentence under division ~~(A)(3)(B)~~ of section ~~2929.51~~ 2929.26 of 14723
 the Revised Code, insofar as that person is engaged between 14724
 periods of confinement in the person's regular trade or occupation 14725
 for the support of the person or the person's family. This section 14726
 does not apply to prisoners participating in a county jail 14727
 industry program established under section 5147.30 of the Revised 14728
 Code. 14729

Sec. 5147.30. (A) As used in this section, "prisoner" means 14730
 any person confined in the county jail in lieu of bail while 14731
 awaiting trial, any person committed to jail for nonpayment of a 14732
 fine, or any person sentenced by a court to the jail. 14733

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(B) A board of county commissioners, by resolution adopted by 14734
a majority vote of its members, may approve the establishment of a 14735
county jail industry program for its county in accordance with 14736
this section. 14737

(C) Upon the adoption by the board of the resolution 14738
described in division (B) of this section, a jail industry board 14739
shall be established, consisting of three voting members appointed 14740
by the board of county commissioners, three voting members 14741
appointed by the county sheriff, and one voting member appointed 14742
jointly by the board of county commissioners and the county 14743
sheriff. One of these voting members shall have knowledge of and 14744
experience in the social services, one in the field of labor, one 14745
in law enforcement, and one in business. The initial appointments 14746
to the jail industry board shall be made on the same date. Of the 14747
initial appointments, one by the board of county commissioners and 14748
one by the county sheriff shall be for terms ending one year after 14749
the date of appointment, two by the board of county commissioners 14750
and two by the county sheriff shall be for terms ending two years 14751
after that date, and the joint appointment shall be for a term 14752
ending three years after that date. Thereafter, terms of office 14753
for all appointed members shall be for three years, with each term 14754
ending on the same day of the same month as did the term that it 14755
succeeds. Any vacancy on the board shall be filled in the same 14756
manner as the original appointment. Any member appointed to fill a 14757
vacancy occurring prior to the expiration date of the term for 14758
which the member's predecessor was appointed shall hold office as 14759
a member for the remainder of that term. Any member shall continue 14760
in office subsequent to the expiration date of the member's term 14761
until the member's successor takes office, or until a period of 14762
sixty days has elapsed, whichever occurs first. 14763

The jail industry board, by majority vote, may appoint 14764
additional persons to serve as nonvoting members of the board. 14765

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Each member of the jail industry board shall be reimbursed 14766
for expenses actually and necessarily incurred in the performance 14767
of the member's duties as a board member. The board of county 14768
commissioners, by resolution, shall approve the expenses to be 14769
reimbursed. 14770

(D) A jail industry board established under division (C) of 14771
this section shall establish a program for the employment of as 14772
many prisoners as possible, except those unable to perform labor 14773
because of illness or other health problems, security 14774
requirements, routine processing, disciplinary action, or other 14775
reasonable circumstances or because they are engaged in education 14776
or vocational or other training. The employment may be in jail 14777
manufacturing and service industries and agriculture, in private 14778
industry or agriculture that is located within or outside the 14779
jail, in public works, in institutional jobs necessary for the 14780
proper maintenance and operation of the jail, or in any other 14781
appropriate form of labor. The county shall attempt to employ, 14782
provide employment for, and seek employment for as many prisoners 14783
as possible through the program. The county is not required to 14784
provide employment for every employable prisoner when the 14785
available funds, facilities, or jobs are insufficient to provide 14786
the employment; however, a county that has a county jail industry 14787
program shall continuously seek sources of employment for as many 14788
employable prisoners as possible. 14789

(E) The jail industry program established under division (D) 14790
of this section shall do all of the following: 14791

(1) Establish a system for assigning prisoners to perform 14792
jobs, for periodically evaluating the job performance of each 14793
prisoner, and for periodically evaluating the qualifications of 14794
each prisoner for other jobs; 14795

(2) Attempt to provide jobs and job training for prisoners 14796
that will be useful to them in obtaining employment when released, 14797

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except that institutional jobs at the jail need not be related to 14798
any previous employment of the prisoner or relevant to any job the 14799
prisoner intends to pursue after release from jail; 14800

(3) Establish an accounting system to administer and allocate 14801
the earnings of each prisoner. The accounting system may permit 14802
earnings to be used for payment of the employee taxes and workers' 14803
compensation of the prisoner, for reimbursing the county for room 14804
and board and for the expense of providing employment to the 14805
prisoner, for restitution to the victims of the prisoner's 14806
offenses if the prisoner voluntarily requests or is under court 14807
order to make restitution payments, for fines and court costs, for 14808
support of the dependents of the prisoner, and for an account for 14809
the prisoner. 14810

(4) Require all persons who employ prisoners to meet all 14811
applicable work safety standards. 14812

(F) The jail industry board, with the approval of the county 14813
sheriff, shall adopt rules for the establishment and 14814
administration of the jail industry program. The rules shall 14815
provide for all of the following: 14816

(1) A procedure for seeking the employment of prisoners in 14817
penal industries and agriculture, in private industry and 14818
agriculture located within or outside the county jail, in public 14819
works, in institutional jobs necessary for the proper maintenance 14820
or operation of the county's institutions, and in other 14821
appropriate forms of labor; 14822

(2) A system of compensation, allowances, hours, conditions 14823
of employment, and advancement for prisoners employed in any form 14824
of labor; 14825

(3) The regulation of the working conditions of prisoners 14826
employed in any form of labor; 14827

(4) An accounting system for the allocation of the earnings 14828

of each prisoner; 14829

(5) Any other rules on any subject that are necessary to 14830
administer the program or to provide employment for as many 14831
prisoners as possible. 14832

(G) In establishing and administering a county jail industry 14833
program, the board of county commissioners, upon the 14834
recommendation of the jail industry board and the county sheriff 14835
may do any of the following: 14836

(1) Enter into contracts with private industry, agriculture, 14837
and other organizations or persons, and receive grants to 14838
establish test work programs within or outside institutions under 14839
the control of the county; 14840

(2) Enter into contracts with private industry for the 14841
establishment of manufacturing and service industries within or 14842
near institutions under the control of the county for the 14843
employment of prisoners; 14844

(3) Enter into contracts with private industry, agriculture, 14845
and other organizations or persons to provide employment for 14846
prisoners; 14847

(4) Enter into any other contracts or perform any other 14848
functions that are necessary for the county jail industry program. 14849

(H) The jail industry program established under division (D) 14850
of this section shall be administered in accordance with any rules 14851
adopted by the jail industry board pursuant to division (F) of 14852
this section and with the following requirements: 14853

(1) The county sheriff at all times shall be responsible for 14854
the security and discipline of the prisoners in the program. the 14855
sheriff shall adopt a procedure for the discipline of a prisoner 14856
who violates the requirements of a job in the program, and the 14857
sheriff may remove a prisoner from the program if the sheriff 14858

determines that considerations of security or discipline require
it. 14859
14860

(2) When the sentence imposed on a prisoner includes a 14861
specification pursuant to division ~~(F)~~(E) of section ~~2929.21~~ 14862
2929.24 of the Revised Code, authorizing the county sheriff to 14863
consider the prisoner for participation in the county jail 14864
industry program, the sheriff shall review the qualifications of 14865
the prisoner and determine whether the prisoner's participation in 14866
the program is appropriate. 14867

(3) When making the initial job assignment for a prisoner 14868
whom the county sheriff has approved for participation in the 14869
program, the board shall consider the nature of the offense 14870
committed by the prisoner, the availability of employment, the 14871
security requirements of the prisoner, the prisoner's present 14872
state of mind, the prisoner's jail record, and all other relevant 14873
factors. When making the initial job assignment of a prisoner, the 14874
board shall attempt to develop the work skills of the prisoner, 14875
provide the prisoner rehabilitation, consider the proximity of the 14876
job to the prisoner's family, and permit the prisoner to provide 14877
support for the prisoner's dependents if the prisoner's earnings 14878
are sufficient to make that feasible. 14879

(4) Each prisoner shall be required to perform satisfactorily 14880
the job to which the prisoner is assigned, be permitted to be 14881
absent from that job only for legitimate reasons, be required to 14882
comply with all security requirements, and be required to comply 14883
with any other reasonable job performance standards. 14884

14885
(5) A prisoner who violates the work requirements of any job 14886
shall be disciplined pursuant to the disciplinary procedure 14887
adopted by the county sheriff pursuant to division (H)(1) of this 14888
section. 14889

Sec. 5149.03. (A) The adult parole authority shall administer 14890
Chapter 5149. and the provisions of Chapter 2967., Chapter 2971., 14891
and sections 2301.27 to 2301.32, 2941.46, ~~2951.05~~, 2951.06, and 14892
2951.08 of the Revised Code that impose duties upon the authority. 14893
14894

The authority may enter into a written agreement with a 14895
person or government entity to share information, personnel, and 14896
services for one or more of the following purposes: training, 14897
crime interdiction, fugitive apprehension, and community 14898
supervision. The agreement may permit the authority to act in 14899
concert with and provide assistance to a law enforcement agency, 14900
as defined in section 5101.26 of the Revised Code, in detecting, 14901
tracking, apprehending, or detaining an individual subject to 14902
arrest. 14903

(B)(1) As used in division (B) of this section: 14904

(a) "Ohio prisoner" has the same meaning as in section 14905
5120.64 of the Revised Code. 14906

(b) "Out-of-state prisoner" and "private contractor" have the 14907
same meanings as in section 9.07 of the Revised Code. 14908

(2) The adult parole authority, in order to discharge its 14909
duties under Chapters 2967. and 5149. of the Revised Code, may 14910
enter into a contract with a private person or entity for the 14911
return of Ohio prisoners who are the responsibility of the 14912
department of rehabilitation and correction from outside of this 14913
state to a location in this state specified by the adult parole 14914
authority. If the adult parole authority enters into a contract as 14915
described in this division, subject to division (B)(3) of this 14916
section, the private person or entity in accordance with the 14917
contract may return Ohio prisoners from outside of this state to 14918
locations in this state specified by the adult parole authority. A 14919
contract entered into under this division shall include all of the 14920

following: 14921

(a) Specific provisions that assign the responsibility for 14922
costs related to medical care of prisoners while they are being 14923
returned that is not covered by insurance of the private person or 14924
entity; 14925

(b) Specific provisions that set forth the number of days, 14926
not exceeding ten, within which the private person or entity, 14927
after it receives the prisoner in the other state, must deliver 14928
the prisoner to the location in this state specified by the adult 14929
parole authority, subject to the exceptions adopted as described 14930
in division (B)(2)(c) of this section; 14931

(c) Any exceptions to the specified number of days for 14932
delivery specified as described in division (B)(2)(b) of this 14933
section; 14934

(d) A requirement that the private person or entity 14935
immediately report all escapes of prisoners who are being returned 14936
to this state, and the apprehension of all prisoners who are being 14937
returned and who have escaped, to the adult parole authority and 14938
to the local law enforcement agency of this state or another state 14939
that has jurisdiction over the place at which the escape occurs; 14940

(e) A schedule of fines that the adult parole authority shall 14941
impose upon the private person or entity if the private person or 14942
entity fails to perform its contractual duties, and a requirement 14943
that, if the private person or entity fails to perform its 14944
contractual duties, the adult parole authority shall impose a fine 14945
on the private person or entity from the schedule of fines and, in 14946
addition, may exercise any other rights it has under the contract. 14947
14948

(f) If the contract is entered into on or after the effective 14949
date of the rules adopted by the department of rehabilitation and 14950
correction under section 5120.64 of the Revised Code, specific 14951

provisions that comport with all applicable standards that are 14952
contained in those rules. 14953

(3) If the private person or entity that enters into the 14954
contract fails to perform its contractual duties, the adult parole 14955
authority shall impose upon the private person or entity a fine 14956
from the schedule, the money paid in satisfaction of the fine 14957
shall be paid into the state treasury, and the adult parole 14958
authority may exercise any other rights it has under the contract. 14959
If a fine is imposed under this division, the adult parole 14960
authority may reduce the payment owed to the private person or 14961
entity pursuant to any invoice in the amount of the fine. 14962

(4) Upon the effective date of the rules adopted by the 14963
department of rehabilitation and correction under section 5120.64 14964
of the Revised Code, notwithstanding the existence of a contract 14965
entered into under division (B)(2) of this section, in no case 14966
shall the private person or entity that is a party to the contract 14967
return Ohio prisoners from outside of this state into this state 14968
for the adult parole authority unless the private person or entity 14969
complies with all applicable standards that are contained in the 14970
rules. 14971

(5) Divisions (B)(1) to (4) of this section do not apply 14972
regarding any out-of-state prisoner who is brought into this state 14973
to be housed pursuant to section 9.07 of the Revised Code in a 14974
correctional facility in this state that is managed and operated 14975
by a private contractor. 14976

Sec. 5149.18. For the purposes of Chapter 5149. of the 14977
Revised Code, all of the following apply: 14978

(A) "State, states, or States" means one or several of the 14979
fifty states of the United States, Puerto Rico, the Virgin 14980
Islands, and the District of Columbia. 14981

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(B) The term "parole" includes post-release control under section 2967.28 of the Revised Code.	14982 14983
(C) The term "probation" includes non-prison sanctions imposed under sections 2929.16, 2929.17, and 2929.18 of the Revised Code <u>and community control sanctions imposed under sections 2929.26, 2929.27, and 2929.28 of the Revised Code.</u>	14984 14985 14986 14987
Sec. 5149.31. The department of rehabilitation and correction shall do all of the following:	14988 14989
(A) Establish and administer a program of subsidies for eligible counties and groups of counties for felony offenders and a program of subsidies for eligible municipal corporations, counties, and groups of counties for misdemeanor offenders for the development, implementation, and operation of community corrections programs. Department expenditures for administration of both programs of subsidies shall not exceed ten per cent of the moneys appropriated for each of the purposes of this division.	14990 14991 14992 14993 14994 14995 14996 14997
(B) Adopt and promulgate rules, under Chapter 119. of the Revised Code, providing standards for community corrections programs. The standards shall be designed to improve the quality and efficiency of the programs and to reduce the number of persons committed to state correctional institutions and to county, multicounty, municipal, municipal-county, or multicounty-municipal jails or workhouses for offenses for which community control sanctions are authorized under section 2929.13 or , <u>2929.15, or 2929.25</u> of the Revised Code. In developing the standards, the department shall consult with, and seek the advice of, local corrections agencies, law enforcement agencies, and other public and private agencies concerned with corrections. The department shall conduct, and permit participation by local corrections planning boards established under section 5149.34 of the Revised Code and joint county corrections planning boards established	14998 14999 15000 15001 15002 15003 15004 15005 15006 15007 15008 15009 15010 15011 15012

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under section 5149.35 of the Revised Code in, an annual review of 15013
the standards to measure their effectiveness in promoting the 15014
purposes specified in this division and shall amend or rescind any 15015
existing rule providing a standard or adopt and promulgate 15016
additional rules providing standards, under Chapter 119. of the 15017
Revised Code, if the review indicates that the standards fail to 15018
promote the purposes. 15019

(C) Accept and use any funds, goods, or services from the 15020
federal government or any other public or private source for the 15021
support of the subsidy programs established under division (A) of 15022
this section. The department may comply with any conditions and 15023
enter into any agreements that it considers necessary to obtain 15024
these funds, goods, or services. 15025

(D) Adopt rules, in accordance with Chapter 119. of the 15026
Revised Code, and do all other things necessary to implement 15027
sections 5149.30 to 5149.37 of the Revised Code; 15028

(E) Evaluate or provide for the evaluation of community 15029
corrections programs funded by the subsidy programs established 15030
under division (A) of this section and establish means of 15031
measuring their effectiveness; 15032

(F) Prepare an annual report evaluating the subsidy programs 15033
established under division (A) of this section. The report shall 15034
include, but need not be limited to, analyses of the structure of 15035
the programs and their administration by the department, the 15036
effectiveness of the programs in the development and 15037
implementation of community corrections programs, the specific 15038
standards adopted and promulgated under division (B) of this 15039
section and their effectiveness in promoting the purposes of the 15040
programs, and the findings of the evaluations conducted under 15041
division (E) of this section. The director of rehabilitation and 15042
correction shall review and certify the accuracy of the report and 15043
provide copies of it, upon request, to members of the general 15044

assembly.	15045
(G) Provide training or assistance, upon the request of a local corrections planning board or a joint county corrections planning board, to any local unit of government, subject to available resources of the department.	15046 15047 15048 15049
Sec. 5321.01. As used in this chapter:	15050
(A) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.	15051 15052 15053
(B) "Landlord" means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or sublessor to manage the premises or to receive rent from a tenant under a rental agreement.	15054 15055 15056 15057 15058
(C) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. "Residential premises" includes a dwelling unit that is owned or operated by a college or university. "Residential premises" does not include any of the following:	15059 15060 15061 15062 15063 15064 15065 15066
(1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to, halfway houses or residential arrangements which <u>that</u> are used or occupied as a requirement of probation <u>a community control sanction, a post-release control sanction,</u> or parole;	15067 15068 15069 15070 15071
(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;	15072 15073 15074

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(3) Tourist homes, hotels, motels, and other similar facilities where circumstances indicate a transient occupancy;	15075 15076
(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;	15077 15078
(5) Orphanages and similar institutions;	15079
(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;	15080 15081 15082
(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	15083 15084
(8) Occupancy by an owner of a condominium unit;	15085
(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:	15086 15087 15088 15089 15090 15091 15092
(a) The occupancy is for a period of less than sixty days;	15093
(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:	15094 15095 15096 15097
(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;	15098 15099 15100 15101 15102
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	15103 15104

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(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways.

(D) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties.

(E) "Security deposit" means any deposit of money or property to secure performance by the tenant under a rental agreement.

(F) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

(G) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student.

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

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

Sec. 5502.14. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B)(1) Any person who is employed by the department of public

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safety and designated by the director of public safety to enforce Title XLIII of the Revised Code, the rules adopted under it, and the laws and rules regulating the use of food stamps shall be known as an enforcement agent. The employment by the department of public safety and the designation by the director of public safety of a person as an enforcement agent shall be subject to division (D) of this section. An enforcement agent has the authority vested in peace officers pursuant to section 2935.03 of the Revised Code 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 15167
described in division (B)(1) of this section is occurring. 15168

(3) Enforcement agents who are on, immediately adjacent to, 15169
or across from retail liquor permit premises and who are 15170
performing investigative duties relating to that premises, 15171
enforcement agents who are on premises that are not liquor permit 15172
premises but on which a violation of Title XLIII of the Revised 15173
Code or any rule adopted under it allegedly is occurring, and 15174
enforcement agents who view a suspected violation of Title XLIII 15175
of the Revised Code, of a rule adopted under it, or of another law 15176
or rule described in division (B)(1) of this section have the 15177
authority to enforce the laws and rules described in division 15178
(B)(1) of this section, authority to enforce any section in Title 15179
XXIX of the Revised Code or any other section of the Revised Code 15180
listed in section 5502.13 of the Revised Code if they witness a 15181
violation of the section under any of the circumstances described 15182
in this division, and authority to make arrests for violations of 15183
the laws and rules described in division (B)(1) of this section 15184
and violations of any of those sections. 15185

(4) The jurisdiction of an enforcement agent under division 15186
(B) of this section shall be concurrent with that of the peace 15187
officers of the county, township, or municipal corporation in 15188
which the violation occurs. 15189

(C) Enforcement agents of the department of public safety who 15190
are engaged in the enforcement of the laws and rules described in 15191
division (B)(1) of this section may carry concealed weapons when 15192
conducting undercover investigations pursuant to their authority 15193
as law enforcement officers and while acting within the scope of 15194
their authority pursuant to this chapter. 15195

(D)(1) The department of public safety shall not employ, and 15196
the director of public safety shall not designate, a person as an 15197
enforcement agent on a permanent basis, on a temporary basis, for 15198

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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 department of public safety shall terminate the employment of a person who is designated as an enforcement agent and 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 enforcement agent agrees to surrender the certificate awarded to that agent under section 109.77 of the Revised Code.

(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.

(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 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 15230
Revised Code. 15231

Sec. 5743.45. (A) As used in this section, "felony" has the 15232
same meaning as in section 109.511 of the Revised Code. 15233

(B) For purposes of enforcing this chapter and Chapters 15234
5735., 5739., 5741., and 5747. of the Revised Code and subject to 15235
division (C) of this section, the tax commissioner, by journal 15236
entry, may delegate any investigation powers of the commissioner 15237
to an employee of the department of taxation who has been 15238
certified by the Ohio peace officer training commission and who is 15239
engaged in the enforcement of those chapters. A separate journal 15240
entry shall be entered for each employee to whom that power is 15241
delegated. Each journal entry shall be a matter of public record 15242
and shall be maintained in an administrative portion of the 15243
journal as provided for in division (L) of section 5703.05 of the 15244
Revised Code. When that journal entry is completed, the employee 15245
to whom it pertains, while engaged within the scope of the 15246
employee's duties in enforcing the provisions of this chapter or 15247
Chapter 5735., 5739., 5741., or 5747. of the Revised Code, has the 15248
power of a police officer to carry concealed weapons, make 15249
arrests, and obtain warrants for violations of any provision in 15250
those chapters. The commissioner, at any time, may suspend or 15251
revoke ~~that~~ the commissioner's delegation by journal entry. No 15252
employee of the department shall divulge any information acquired 15253
as a result of an investigation pursuant to this chapter or 15254
Chapter 5735., 5739., 5741., or 5747. of the Revised Code, except 15255
as may be required by the commissioner or a court. 15256

(C)(1) The tax commissioner shall not delegate any 15257
investigation powers to an employee of the department of taxation 15258
pursuant to division (B) of this section on a permanent basis, on 15259
a temporary basis, for a probationary term, or on other than a 15260

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permanent basis if the employee previously has been convicted of 15261
or has pleaded guilty to a felony. 15262

(2)(a) The tax commissioner shall revoke the delegation of 15263
investigation powers to an employee to whom the delegation was 15264
made pursuant to division (B) of this section if that employee 15265
does either of the following: 15266

(i) Pleads guilty to a felony; 15267

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 15268
plea agreement as provided in division (D) of section ~~2929.29~~ 15269
2929.43 of the Revised Code in which the employee agrees to 15270
surrender the certificate awarded to that employee under section 15271
109.77 of the Revised Code. 15272

(b) The tax commissioner shall suspend the delegation of 15273
investigation powers to an employee to whom the delegation was 15274
made pursuant to division (B) of this section if that employee is 15275
convicted, after trial, of a felony. If the employee files an 15276
appeal from that conviction and the conviction is upheld by the 15277
highest court to which the appeal is taken or if the employee does 15278
not file a timely appeal, the commissioner shall revoke the 15279
delegation of investigation powers to that employee. If the 15280
employee files an appeal that results in that employee's acquittal 15281
of the felony or conviction of a misdemeanor, or in the dismissal 15282
of the felony charge against that employee, the commissioner shall 15283
reinstate the delegation of investigation powers to that employee. 15284
The suspension, revocation, and reinstatement of the delegation of 15285
investigation powers to an employee under division (C)(2) of this 15286
section shall be made by journal entry pursuant to division (B) of 15287
this section. An employee to whom the delegation of investigation 15288
powers is reinstated under division (C)(2)(b) of this section 15289
shall not receive any back pay for the exercise of those 15290
investigation powers unless that employee's conviction of the 15291
felony was reversed on appeal, or the felony charge was dismissed, 15292

because the court found insufficient evidence to convict the 15293
employee of the felony. 15294

(3) Division (C) of this section does not apply regarding an 15295
offense that was committed prior to January 1, 1997. 15296

(4) The suspension or revocation of the delegation of 15297
investigation powers to an employee under division (C)(2) of this 15298
section shall be in accordance with Chapter 119. of the Revised 15299
Code. 15300

Sec. 5907.021. (A) As used in this section, "felony" has the 15301
same meaning as in section 109.511 of the Revised Code. 15302

(B)(1) The superintendent of the Ohio veterans' home shall 15303
not appoint a person as a chief of police or an employee as an 15304
Ohio veterans' home police officer on a permanent basis, on a 15305
temporary basis, for a probationary term, or on other than a 15306
permanent basis if the person or employee previously has been 15307
convicted of or has pleaded guilty to a felony. 15308

(2)(a) The superintendent of the Ohio veterans' home shall 15309
terminate the employment of a chief of police or the employment as 15310
an Ohio veterans' home police officer of an employee appointed as 15311
an Ohio veterans' home police officer if that chief of police or 15312
employee does either of the following: 15313

(i) Pleads guilty to a felony; 15314

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 15315
plea agreement as provided in division (D) of section ~~2929.29~~ 15316
2929.43 of the Revised Code in which the chief of police or 15317
employee agrees to surrender the certificate awarded to that chief 15318
of police or employee under section 109.77 of the Revised Code. 15319

(b) The superintendent shall suspend from employment a chief 15320
of police or from employment as an Ohio veterans' home police 15321
officer an employee appointed as an Ohio veterans' home police 15322

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officer if that chief of police or employee is convicted, after
trial, of a felony. If the chief of police or the employee files
an appeal from that conviction and the conviction is upheld by the
highest court to which the appeal is taken or if the chief of
police or the employee does not file a timely appeal, the
superintendent shall terminate the employment of that chief of
police or that employee as an Ohio veterans' home police officer.
If the chief of police or the employee files an appeal that
results in that chief of police's or that employee's acquittal of
the felony or conviction of a misdemeanor, or in the dismissal of
the felony charge against that chief of police or that employee,
the superintendent shall reinstate that chief of police or that
employee as an Ohio veterans' home police officer. A chief of
police or an employee who is reinstated as an Ohio veterans' home
police officer under division (B)(2)(b) of this section shall not
receive any back pay unless the conviction of that chief of police
or that employee 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 or the employee 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 chief of police or an Ohio veterans' home police
officer under division (B)(2) of this section shall be in
accordance with Chapter 119. of the Revised Code.

Sec. 6101.75. (A) As used in this section, "felony" has the
same meaning as in section 109.511 of the Revised Code.

(B) The board of directors of a conservancy district may
police the works of the district and, in times of great emergency,
may compel assistance in the protection of those works. The board

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may prevent persons, vehicles, or livestock from passing over the property or works of the district at any places or in any manner that would result in damage to the property or works or in the opinion of the board would endanger the property or works or the safety of persons lawfully on the property or works.

The employees that the board designates for that purpose have 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

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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)
of this section shall not receive any back pay unless that
employee's conviction of the felony was reversed on appeal, or the
felony charge was dismissed, because the court found insufficient
evidence to convict the employee of the felony.

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

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

Section 2. That existing sections 1.05, 109.42, 109.511,
109.77, 120.06, 120.16, 120.26, 149.43, 306.352, 307.93, 311.04,
321.44, 341.14, 341.19, 341.21, 341.23, 505.49, 509.01, 511.232,
737.052, 737.162, 737.41, 753.02, 753.04, 753.16, 1501.013,
1503.29, 1517.10, 1531.132, 1541.11, 1545.13, 1547.523, 1547.99,
1702.80, 1713.50, 2152.02, 2152.19, 2152.20, 2301.03, 2301.27,
2301.28, 2301.30, 2301.32, 2301.56, 2305.234, 2901.02, 2903.13,
2905.12, 2907.01, 2907.15, 2907.27, 2907.31, 2907.35, 2919.22,
2923.14, 2925.11, 2929.01, 2929.17, 2929.18, 2929.19, 2929.221,
2929.24, 2929.25, 2929.28, 2929.29, 2929.31, 2929.35, 2929.37,
2929.38, 2929.41, 2930.06, 2935.33, 2937.07, 2945.17, 2947.06,
2947.19, 2947.21, 2949.111, 2950.01, 2950.99, 2951.01, 2951.011,
2951.02, 2951.021, 2951.041, 2951.05, 2951.06, 2951.07, 2951.08,
2951.10, 2953.31, 2953.32, 2953.33, 2961.01, 2963.01, 2963.11,

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2963.20, 2963.21, 2967.02, 2967.22, 2967.26, 2969.11, 2969.12, 15416
 2969.13, 2969.14, 3313.65, 3321.38, 3345.04, 3719.12, 3719.121, 15417
 3719.70, 3734.44, 3735.311, 3748.99, 3793.13, 3937.43, 3959.13, 15418
 4503.13, 4507.091, 4510.037, 4510.14, 4511.181, 4511.19, 4511.213, 15419
 4511.512, 4511.69, 4511.99, 4717.05, 4734.35, 4761.13, 4973.171, 15420
 5101.28, 5101.45, 5119.14, 5120.10, 5120.102, 5120.103, 5120.56, 15421
 5122.01, 5122.10, 5122.21, 5122.26, 5123.13, 5147.12, 5147.30, 15422
 5149.03, 5149.18, 5149.31, 5321.01, 5502.14, 5743.45, 5907.021, 15423
 and 6101.75 and sections 737.30, 737.99, 2929.21, 2929.22, 15424
 2929.23, 2929.36, 2929.51, 2933.16, and 2951.09 of the Revised 15425
 Code are hereby repealed. 15426

Section 3. Notwithstanding division (B) of section 1.58 of 15427
 the Revised Code, the provisions of the Revised Code in existence 15428
 prior to January 1, 2004, shall apply to a person upon whom a 15429
 court imposed prior to that date a term of imprisonment for a 15430
 misdemeanor offense and to a person upon whom a court, on or after 15431
 that date and in accordance with the law in existence prior to 15432
 that date, imposed a term of imprisonment for a misdemeanor 15433
 offense that was committed prior to that date. 15434

The provisions of the Revised Code in existence on and after 15435
 January 1, 2004, apply to a person who commits a misdemeanor 15436
 offense on or after that date. 15437

Section 4. Sections 1 and 2 of this act shall take effect 15438
 January 1, 2004. 15439

Section 5. Section 1.05 of the Revised Code is presented in 15440
 this act as a composite of the section as amended by both Am. Sub. 15441
 S.B. 166 and Am. Sub. S.B. 269 of the 121st General Assembly. 15442
 Section 109.77 of the Revised Code is presented in this act as a 15443
 composite of the section as amended by Sub. H.B. 148, Am. Sub. 15444

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H.B. 163, and Am. S.B. 137 of the 123rd General Assembly. Section 15445
1702.80 of the Revised Code is presented in this act as a 15446
composite of the section as amended by both Am. Sub. H.B. 566 and 15447
Sub. H.B. 670 of the 121st General Assembly. Section 1713.50 of 15448
the Revised Code is presented in this act as a composite of the 15449
section as amended by both Am. Sub. H.B. 566 and Sub. H.B. 670 of 15450
the 121st General Assembly. Section 2301.03 of the Revised Code is 15451
presented in this act as a composite of the section as amended by 15452
both Sub. H.B. 8 and Sub. H.B. 393 of the 124th General Assembly. 15453
Section 2301.32 of the Revised Code is presented in this act as a 15454
composite of the section as amended by both Am. Sub. H.B. 571 and 15455
Am. Sub. H.B. 406 of the 120th General Assembly. Section 2907.01 15456
of the Revised Code is presented in this act as a composite of the 15457
section as amended by both Sub. H.B. 8 and Am. Sub. S.B. 9 of the 15458
124th General Assembly. Section 2929.18 of the Revised Code is 15459
presented in this act as a composite of the section as amended by 15460
both Am. Sub. S.B. 123 and Sub. H.B. 170 of the 124th General 15461
Assembly. Section 2929.19 of the Revised Code is presented in this 15462
act as a composite of the section as amended by Sub. H.B. 170, 15463
Sub. H.B. 485, and Am. Sub. S.B. 123, all of the 124th General 15464
Assembly. Section 2929.221 (2929.34) of the Revised Code is 15465
presented in this act as a composite of the section as amended by 15466
both Am. Sub. S.B. 269 and Am. Sub. S.B. 166 of the 121st General 15467
Assembly. Section 3345.04 of the Revised Code is presented in this 15468
act as a composite of the section as amended by both Am. Sub. H.B. 15469
566 and Am. Sub. H.B. 568 of the 121st General Assembly. Section 15470
4511.99 of the Revised Code is presented in this act as a 15471
composite of the section as amended by both Am. Sub. S.B. 123 and 15472
Am. Sub. S.B. 231 of the 124th General Assembly. Section 5119.14 15473
of the Revised Code is presented in this act as a composite of the 15474
section as amended by both Am. Sub. H.B. 566 and Sub. H.B. 670 of 15475
the 121st General Assembly. Section 5123.13 of the Revised Code is 15476

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presented in this act as a composite of the section as amended by 15477
 both Am. Sub. H.B. 566 and Sub. H.B. 670 of the 121st General 15478
 Assembly. Section 5743.45 of the Revised Code is presented in this 15479
 act as a composite of the section as amended by both Am. Sub. H.B. 15480
 566 and Sub. H.B. 670 of the 121st General Assembly. The General 15481
 Assembly, applying the principle stated in division (B) of section 15482
 1.52 of the Revised Code that amendments are to be harmonized if 15483
 reasonably capable of simultaneous operation, finds that the 15484
 specified composite is the resulting version of the specified 15485
 sections in effect prior to the effective date of the section as 15486
 presented in this act. 15487

Section 6. That section 4507.162 of the Revised Code be 15488
 amended to read as follows: 15489

Sec. 4507.162. (A) Except as provided in division (C) of this 15490
 section, the registrar of motor vehicles shall suspend the 15491
 probationary driver's license, restricted license, or temporary 15492
 instruction permit issued to any person when the person has been 15493
 convicted of, pleaded guilty to, or been adjudicated in juvenile 15494
 court of having committed, prior to the person's eighteenth 15495
 birthday, any of the following: 15496

(1) Three separate violations of section 2903.06, 2903.08, 15497
 2921.331, 4511.12, 4511.13, 4511.15, 4511.191, 4511.192, 4511.20, 15498
 4511.201, 4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 15499
 4511.57 to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the 15500
 Revised Code, section 2903.04 of the Revised Code in a case in 15501
 which the person would have been subject to the sanctions 15502
 described in division (D) of that section had the person been 15503
 convicted of the violation of that section, former section 2903.07 15504
 of the Revised Code, or any municipal ordinances similarly 15505
 relating to the offenses referred to in those sections; 15506

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(2) One violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance; 15507
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(3) Two separate violations of any of the Revised Code sections referred to in division (A)(1) of this section, or any municipal ordinance that is substantially similar to any of those sections. 15509
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Any person whose license or permit is suspended under division (A)(1), (2), or (3) of this section shall mail or deliver the person's probationary driver's license, restricted license, or temporary instruction permit to the registrar within fourteen days of notification of the suspension. The registrar shall retain the license or permit during the period of the suspension. A suspension pursuant to division (A)(1) of this section shall remain in effect until one year has elapsed since the date of suspension of the probationary driver's license, restricted license, or temporary instruction permit, a suspension pursuant to division (A)(2) of this section shall remain in effect until six months have elapsed since the date of the suspension, and a suspension pursuant to division (A)(3) of this section shall remain in effect until ninety days have elapsed since the date of the suspension. If the person's probationary driver's license, restricted license, or temporary instruction permit is under suspension on the date the court imposes sentence upon the person for a violation described in division (A)(2) of this section, the suspension 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 pleads guilty to or is convicted of a violation described in division (A)(2) of this section and the person does not have a current, valid probationary driver's license, restricted license, or temporary instruction permit, the registrar shall deny the issuance to the person of a probationary driver's license, restricted license, driver's license, commercial 15513
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driver's license, or temporary instruction permit, as the case may
 be, for six months beginning on the date the court imposes
 sentence upon the person for the violation. If the person has not
 attained the age of sixteen years on the date the court imposes
 sentence upon the person for the violation, the period of denial
 shall commence on the date the person attains the age of sixteen
 years.

(B) The registrar also shall suspend the temporary
 instruction permit or probationary driver's license of any person
 under the age of eighteen who has been adjudicated unruly,
 delinquent, or a juvenile traffic offender for having committed
 any act that if committed by an adult would be a drug abuse
 offense as defined in section 2925.01 of the Revised Code, or a
 violation of division (B) of section 2917.11 of the Revised Code
 until the person reaches the age of eighteen years or attends, at
 the discretion of the court, and satisfactorily completes a drug
 abuse or alcohol abuse education, intervention, or treatment
 program specified by the court. Any person whose temporary
 instruction permit or probationary driver's license is suspended
 under this division shall mail or deliver the person's permit or
 license to the registrar within fourteen days of notification of
 the suspension. The registrar shall retain the permit or license
 during the period of the suspension.

(C)(1) A person is not entitled to request, and a court shall
 not grant to the person, ~~occupational~~ limited driving privileges
 under division (C) of this section if a person is convicted of,
 pleads guilty to, or is adjudicated in juvenile court of having
 committed a second or third violation of section 4511.12, 4511.13,
 4511.15, 4511.20 to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57
 to 4511.65, or 4511.75 of the Revised Code or any similar
 municipal ordinances, and the person, within the preceding seven
 years, has been convicted of, pleaded guilty to, or adjudicated in

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juvenile court of having committed three or more violations of one	15571
or more of the following:	15572
(a) Division (A) or (B) of section 4511.19 of the Revised	15573
Code;	15574
(b) A municipal ordinance relating to operating a vehicle	15575
while under the influence of alcohol, a drug of abuse, or alcohol	15576
and a drug of abuse;	15577
(c) A municipal ordinance relating to operating a vehicle	15578
with a prohibited concentration of alcohol in the blood, breath,	15579
or urine;	15580
(d) Section 2903.04 of the Revised Code in a case in which	15581
the person was subject to the sanctions described in division (D)	15582
of that section;	15583
(e) Division (A)(1) of section 2903.06 or division (A)(1) of	15584
section 2903.08 of the Revised Code or a municipal ordinance that	15585
is substantially similar to either of those divisions;	15586
(f) Division (A)(2), (3), or (4) of section 2903.06, division	15587
(A)(2) of section 2903.08, or former section 2903.07 of the	15588
Revised Code, or a municipal ordinance that is substantially	15589
similar to any of those divisions or that former section, in a	15590
case in which the jury or judge found that the person was under	15591
the influence of alcohol, a drug of abuse, or alcohol and a drug	15592
of abuse.	15593
(2) For any other person who is not described in division	15594
(C)(1) of this section and who is convicted of, pleads guilty to,	15595
or is adjudicated in juvenile court of having committed a <u>second</u>	15596
<u>or</u> third violation of section 4511.12, 4511.13, 4511.15, 4511.20	15597
to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or	15598
4511.75 of the Revised Code or any similar municipal ordinances	15599
<u>and whose license or permit is suspended under division (A)(1) or</u>	15600
<u>(3) of this section</u> , the court in which the <u>second or third</u>	15601

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conviction, finding, plea, or adjudication resulting in the 15602
suspension was made, upon petition of the person, may grant the 15603
person ~~occupational~~ limited driving privileges for the purposes 15604
described in this division, during the period during which the 15605
suspension otherwise would be in effect under division (A)(1) or 15606
(3) of this section, if the court finds ~~that the person will reach~~ 15607
~~the person's eighteenth birthday before the period of suspension~~ 15608
~~required to be imposed under division (A)(1) of this section~~ 15609
~~expires and further finds~~ reasonable cause to believe that the 15610
suspension, ~~if continued beyond the person's eighteenth birthday,~~ 15611
will seriously affect the person's ability to continue in 15612
employment, educational training, vocational training, or 15613
treatment. ~~The occupational driving privileges granted under this~~ 15614
~~division shall be effective on the person's eighteenth birthday~~ 15615
~~and during the period following such birthday for which the~~ 15616
~~suspension otherwise would be imposed~~ A grant of limited driving 15617
privileges under this division may be for the purpose of assisting 15618
the person to continue in employment, educational training, 15619
vocational training, or treatment or to permit the person to 15620
practice driving with the person's parent, guardian, or custodian 15621
during the period of the suspension. In granting ~~occupational~~ the 15622
limited driving privileges, the court shall specify the purposes, 15623
times, and places at which the person may drive of the privileges 15624
and may impose any other conditions upon the person's use of a 15625
motor vehicle that the court considers reasonable and necessary. 15626

A court that grants ~~occupational~~ limited driving privileges 15627
to a person under this division shall retain the person's 15628
probationary driver's license, restricted license, or temporary 15629
instruction permit during the period the license or permit is 15630
suspended and also during the period for which ~~occupational~~ 15631
limited driving privileges are granted, and shall deliver to the 15632
person a permit card, in a form to be prescribed by the court, 15633
setting forth the date on which the ~~occupational~~ limited driving 15634

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privileges will become effective, the purposes for which the person may drive, the times and places at which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle. 15635
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The court immediately shall notify the registrar, in writing, of a grant of ~~occupational~~ limited driving privileges. The notification shall specify the date on which the ~~occupational~~ limited driving privileges will become effective, the purposes for which the person may drive, the times and places at which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle. The registrar shall not suspend the probationary driver's license, restricted license, or temporary instruction permit of any person pursuant to division (A) of this section during any period for which the person has been granted ~~occupational~~ limited driving privileges as provided in this division, if the registrar has received the notification described in this division from the court. 15639
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(D) If a person who has been granted ~~occupational~~ limited driving privileges under division (C) of this section is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed, a violation of section 4507.02 of the Revised Code, or a fourth or subsequent violation of any of the other sections of the Revised Code listed in division (A)(1) of this section or any similar municipal ordinance during the period for which the person was granted ~~occupational~~ limited driving privileges, the court that granted the ~~occupational~~ limited driving privileges shall revoke them and cancel the person's permit card. The court or the clerk of the court immediately shall forward the person's probationary driver's license, restricted license, or temporary instruction permit together with written notification of the court's action to the registrar. Upon receipt of the license or permit and notification, the registrar shall 15652
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suspend the person's probationary driver's license, restricted license, or temporary instruction permit for a period of one year. The registrar shall retain the license or permit during the period of suspension, and no further ~~occupational~~ limited driving privileges shall be granted during that period.

(E) No application for a driver's or commercial driver's license shall be received from any person whose probationary driver's license, restricted license, or temporary instruction permit has been suspended under this section until each of the following has occurred:

(1) The suspension period has expired;

(2) A temporary instruction permit or commercial driver's license temporary instruction permit has been issued;

(3) The person successfully completes a juvenile driver improvement program approved by the registrar under division (F) of this section;

(4) The applicant has submitted to the examination for a driver's license as provided for in section 4507.11 or a commercial driver's license as provided in Chapter 4506. of the Revised Code.

(F) The registrar shall establish standards for juvenile driver improvement programs and shall approve any such programs that meet the established standards. The standards established by the registrar shall require a minimum of five hours of classroom instruction, with at least three hours devoted to driver skill requirements and two hours devoted to juvenile driver information related to the driving records of drivers under the age of eighteen, driver perceptions, and the value of the traffic laws. The standards also shall require a person whose probationary driver's license was suspended under this section to undertake and pass, as successful completion of an approved juvenile driver

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improvement program, the driver's license examination that a
person who holds a temporary instruction permit is required to
undertake and pass in order to be issued a probationary driver's
license. The person shall pay the applicable fee that is required
to accompany an application for a driver's license as prescribed
in division (E) of section 4507.23 of the Revised Code. The
registrar shall prescribe the requirements for the curriculum to
be provided as well as other program directives. Only those
programs approved by the registrar shall be acceptable for
reinstatement of the driving privileges of a person whose
probationary driver's license was suspended under this section.

Section 7. That existing section 4507.162 of the Revised Code
is hereby repealed.

Section 8. The amendments to section 4507.162 of the Revised
Code that are made in Sections 6 and 7 of this act are made for
the period of time that section 4507.162 of the Revised Code is in
existence under that number until, on January 1, 2004, that
section is renumbered by Am. Sub. S.B. 123 of the 124th General
Assembly to section 4510.31 of the Revised Code and is amended. On
and after January 1, 2004, the amendments to section 4507.162 of
the Revised Code that are made in Sections 6 and 7 of this act
have no meaning and no force and effect, and do not affect or
supersede the renumbering and amendment of section 4507.162 of the
Revised Code that was done in Am. Sub. S.B. 123 of the 124th
General Assembly.