

As Introduced

**124th General Assembly
Regular Session
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H. B. No. 7

REPRESENTATIVE Manning

A B I L L

To amend sections 905.40, 905.461, 2925.01, 2925.04, 1
2925.14, 2925.38, 2925.51, 2933.43, 3734.01, 2
3745.13, 4507.16, and 4507.169 and to enact 3
sections 2925.041, 2925.042, and 2925.52 of the 4
Revised Code to provide a comprehensive mechanism 5
to assist in combating the illegal manufacture or 6
production of methamphetamine. 7

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

Section 1. That sections 905.40, 905.461, 2925.01, 2925.04, 8
2925.14, 2925.38, 2925.51, 2933.43, 3734.01, 3745.13, 4507.16, and 9
4507.169 be amended and sections 2925.041, 2925.042, and 2925.52 10
of the Revised Code be enacted to read as follows: 11

Sec. 905.40. (A) The director of agriculture may promulgate, 12
adopt, and enforce uniform rules: 13

~~(A)~~(1) Governing the storing and handling of fertilizers; 14

~~(B)~~(2) For safety in the design, construction, location, 15
installation, or operation of equipment for storing, handling, 16
transporting, and utilizing anhydrous ammonia, aqueous ammonia, or 17
other solutions for use as agricultural fertilizers; 18

~~(C)~~(3) To prohibit the reselling or reuse of such containers 19
without authorization by the owner thereof; 20

~~(D)~~(4) Requiring that guaranteed analysis be stated in a form 21
other than that defined in section 905.31 of the Revised Code when 22
another form will not impose an economic hardship on 23
manufacturers, distributors, and users of fertilizer by reason of 24
conflicting labeling requirements among the states. 25

(B) The director of agriculture shall adopt and enforce rules 26
that establish minimum safety standards in the design and 27
construction of portable containers used to transport or carry 28
anhydrous ammonia. 29

Sec. 905.461. The director of agriculture may issue an order 30
prohibiting the use of anhydrous ammonia equipment found not to 31
comply with rules adopted under division (A)(2) or (B) of section 32
905.40 of the Revised Code. No person shall use the equipment 33
until a release in writing is issued by the director. 34

The director shall not issue a release until both of the 35
following have occurred: 36

(A) The director has inspected the anhydrous ammonia 37
equipment and has found that the equipment complies with rules 38
adopted under division (A)(2) or (B) of section 905.40 of the 39
Revised Code; 40

(B) The person in control of the anhydrous ammonia equipment 41
at the time of the noncompliance has paid the director in an 42
amount equal to all expenses incurred by the director due to the 43
order prohibiting use of the equipment. 44

Sec. 2925.01. As used in this chapter: 45

(A) "Administer," "controlled substance," "dispense," 46
"distribute," "hypodermic," "manufacturer," "official written 47
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 48
"schedule II," "schedule III," "schedule IV," "schedule V," and 49

"wholesaler" have the same meanings as in section 3719.01 of the Revised Code. 50
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(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code. 52
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(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 54
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(D) "Bulk amount" of a controlled substance means any of the following: 57
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(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable: 59
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(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative; 64
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(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium; 68
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(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant; 71
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(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a 76
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schedule II opiate or opium derivative; 80

(e) An amount equal to or exceeding five grams or ten unit 81
doses of a compound, mixture, preparation, or substance that is or 82
contains any amount of phencyclidine; 83

(f) An amount equal to or exceeding one hundred twenty grams 84
or thirty times the maximum daily dose in the usual dose range 85
specified in a standard pharmaceutical reference manual of a 86
compound, mixture, preparation, or substance that is or contains 87
any amount of a schedule II stimulant that is in a final dosage 88
form manufactured by a person authorized by the "Federal Food, 89
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 90
amended, and the federal drug abuse control laws, as defined in 91
section 3719.01 of the Revised Code, that is or contains any 92
amount of a schedule II depressant substance or a schedule II 93
hallucinogenic substance; 94

(g) An amount equal to or exceeding three grams of a 95
compound, mixture, preparation, or substance that is or contains 96
any amount of a schedule II stimulant, or any of its salts or 97
isomers, that is not in a final dosage form manufactured by a 98
person authorized by the Federal Food, Drug, and Cosmetic Act and 99
the federal drug abuse control laws. 100

(2) An amount equal to or exceeding one hundred twenty grams 101
or thirty times the maximum daily dose in the usual dose range 102
specified in a standard pharmaceutical reference manual of a 103
compound, mixture, preparation, or substance that is or contains 104
any amount of a schedule III or IV substance other than an 105
anabolic steroid or a schedule III opiate or opium derivative; 106

(3) An amount equal to or exceeding twenty grams or five 107
times the maximum daily dose in the usual dose range specified in 108
a standard pharmaceutical reference manual of a compound, mixture, 109
preparation, or substance that is or contains any amount of a 110

schedule III opiate or opium derivative;	111
(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;	112 113 114 115
(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid.	116 117 118 119
(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.	120 121 122 123 124
(F) "Cultivate" includes planting, watering, fertilizing, or tilling.	125 126
(G) "Drug abuse offense" means any of the following:	127
(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, <u>2925.041</u> , 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;	128 129 130 131 132
(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;	133 134 135 136
(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring,	137 138 139 140

possessing, storing, distributing, dispensing, selling, inducing 141
another to use, administering to another, using, or otherwise 142
dealing with a controlled substance is an element; 143

(4) A conspiracy to commit, attempt to commit, or complicity 144
in committing or attempting to commit any offense under division 145
(G)(1), (2), or (3) of this section. 146

(H) "Felony drug abuse offense" means any drug abuse offense 147
that would constitute a felony under the laws of this state, any 148
other state, or the United States. 149

(I) "Harmful intoxicant" does not include beer or 150
intoxicating liquor but means any compound, mixture, preparation, 151
or substance the gas, fumes, or vapor of which when inhaled can 152
induce intoxication, excitement, giddiness, irrational behavior, 153
depression, stupefaction, paralysis, unconsciousness, 154
asphyxiation, or other harmful physiological effects, and 155
includes, but is not limited to, any of the following: 156

(1) Any volatile organic solvent, plastic cement, model 157
cement, fingernail polish remover, lacquer thinner, cleaning 158
fluid, gasoline, or other preparation containing a volatile 159
organic solvent; 160

(2) Any aerosol propellant; 161

(3) Any fluorocarbon refrigerant; 162

(4) Any anesthetic gas. 163

(J) "Manufacture" means to plant, cultivate, harvest, 164
process, make, prepare, or otherwise engage in any part of the 165
production of a drug, by propagation, extraction, chemical 166
synthesis, or compounding, or any combination of the same, and 167
includes packaging, repackaging, labeling, and other activities 168
incident to production. 169

(K) "Possess" or "possession" means having control over a 170

thing or substance, but may not be inferred solely from mere
access to the thing or substance through ownership or occupation
of the premises upon which the thing or substance is found.

(L) "Sample drug" means a drug or pharmaceutical preparation
that would be hazardous to health or safety if used without the
supervision of a licensed health professional authorized to
prescribe drugs, or a drug of abuse, and that, at one time, had
been placed in a container plainly marked as a sample by a
manufacturer.

(M) "Standard pharmaceutical reference manual" means the
current edition, with cumulative changes if any, of any of the
following reference works:

(1) "The National Formulary";

(2) "The United States Pharmacopeia," prepared by authority
of the United States Pharmacopeial Convention, Inc.;

(3) Other standard references that are approved by the state
board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the
following:

(1) Any drug that bears, or whose container or label bears, a
trademark, trade name, or other identifying mark used without
authorization of the owner of rights to that trademark, trade
name, or identifying mark;

(2) Any unmarked or unlabeled substance that is represented
to be a controlled substance manufactured, processed, packed, or
distributed by a person other than the person that manufactured,
processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled
substance but is not a controlled substance or is a different

controlled substance;	201
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	202 203 204 205 206
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	207 208 209 210
(Q) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.	211 212 213 214 215 216
(R) "School premises" means either of the following:	217
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	218 219 220 221
(2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.	222 223 224 225 226 227 228 229 230
(S) "School building" means any building in which any of the	231

instruction, extracurricular activities, or training provided by a 232
school is conducted, whether or not any instruction, 233
extracurricular activities, or training provided by the school is 234
being conducted in the school building at the time a criminal 235
offense is committed. 236

(T) "Disciplinary counsel" means the disciplinary counsel 237
appointed by the board of commissioners on grievances and 238
discipline of the supreme court under the Rules for the Government 239
of the Bar of Ohio. 240

(U) "Certified grievance committee" means a duly constituted 241
and organized committee of the Ohio state bar association or of 242
one or more local bar associations of the state of Ohio that 243
complies with the criteria set forth in Rule V, section 6 of the 244
Rules for the Government of the Bar of Ohio. 245

(V) "Professional license" means any license, permit, 246
certificate, registration, qualification, admission, temporary 247
license, temporary permit, temporary certificate, or temporary 248
registration that is described in divisions (W)(1) to (35) of this 249
section and that qualifies a person as a professionally licensed 250
person. 251

(W) "Professionally licensed person" means any of the 252
following: 253

(1) A person who has obtained a license as a manufacturer of 254
controlled substances or a wholesaler of controlled substances 255
under Chapter 3719. of the Revised Code; 256

(2) A person who has received a certificate or temporary 257
certificate as a certified public accountant or who has registered 258
as a public accountant under Chapter 4701. of the Revised Code and 259
who holds an Ohio permit issued under that chapter; 260

(3) A person who holds a certificate of qualification to 261
practice architecture issued or renewed and registered under 262

Chapter 4703. of the Revised Code;	263
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	264 265 266
(5) A person licensed as an auctioneer or apprentice auctioneer or licensed to operate an auction company under Chapter 4707. of the Revised Code;	267 268 269
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	270 271 272
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	273 274 275
(8) A person who has been issued a cosmetologist's license, manicurist's license, esthetician's license, managing cosmetologist's license, managing manicurist's license, managing esthetician's license, cosmetology instructor's license, manicurist instructor's license, esthetician instructor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	276 277 278 279 280 281 282
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	283 284 285 286 287
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	288 289 290 291
(11) A person who has been licensed as a registered nurse or	292

practical nurse, or who has been issued a certificate for the	293
practice of nurse-midwifery under Chapter 4723. of the Revised	294
Code;	295
(12) A person who has been licensed to practice optometry or	296
to engage in optical dispensing under Chapter 4725. of the Revised	297
Code;	298
(13) A person licensed to act as a pawnbroker under Chapter	299
4727. of the Revised Code;	300
(14) A person licensed to act as a precious metals dealer	301
under Chapter 4728. of the Revised Code;	302
(15) A person licensed as a pharmacist, a pharmacy intern, a	303
wholesale distributor of dangerous drugs, or a terminal	304
distributor of dangerous drugs under Chapter 4729. of the Revised	305
Code;	306
(16) A person who is authorized to practice as a physician	307
assistant under Chapter 4730. of the Revised Code;	308
(17) A person who has been issued a certificate to practice	309
medicine and surgery, osteopathic medicine and surgery, a limited	310
branch of medicine, or podiatry under Chapter 4731. of the Revised	311
Code;	312
(18) A person licensed as a psychologist or school	313
psychologist under Chapter 4732. of the Revised Code;	314
(19) A person registered to practice the profession of	315
engineering or surveying under Chapter 4733. of the Revised Code;	316
(20) A person who has been issued a license to practice	317
chiropractic under Chapter 4734. of the Revised Code;	318
(21) A person licensed to act as a real estate broker or real	319
estate salesperson under Chapter 4735. of the Revised Code;	320
(22) A person registered as a registered sanitarian under	321

Chapter 4736. of the Revised Code;	322
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	323 324
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	325 326
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	327 328
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	329 330 331 332
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	333 334 335
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	336 337 338
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	339 340 341
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	342 343 344
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	345 346
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	347 348 349 350

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	351 352
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	353 354 355
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code.	356 357
(X) "Cocaine" means any of the following:	358
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	359 360
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	361 362 363 364
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	365 366 367 368 369 370
(Y) "L.S.D." means lysergic acid diethylamide.	371
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	372 373 374
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	375 376
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender	377 378 379 380

knows the offense is being committed within one hundred feet of or
within view of the juvenile, or whether the juvenile actually
views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a
prison term shall be imposed" means a presumption, as described in
division (D) of section 2929.13 of the Revised Code, that a prison
term is a necessary sanction for a felony in order to comply with
the purposes and principles of sentencing under section 2929.11 of
the Revised Code.

(DD) "Major drug offender" has the same meaning as in section
2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the
following:

(1) A violation of section 2925.11 of the Revised Code as it
existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it
exists on and after July 1, 1996, that is a misdemeanor or a
felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in
section 2929.01 of the Revised Code.

(GG) "Crack cocaine" means a compound, mixture, preparation,
or substance that is or contains any amount of cocaine that is
analytically identified as the base form of cocaine or that is in
a form that resembles rocks or pebbles generally intended for
individual use.

(HH) "Adulterate" means to cause a drug to be adulterated as
described in section 3715.63 of the Revised Code.

(II) "Public premises" means any hotel, restaurant, tavern,
store, arena, hall, or other place of public accommodation,
business, amusement, or resort.

Sec. 2925.04. (A) No person shall knowingly cultivate 411
marihuana or knowingly manufacture or otherwise engage in any part 412
of the production of a controlled substance. 413

(B) This section does not apply to any person listed in 414
division (B)(1), (2), or (3) of section 2925.03 of the Revised 415
Code to the extent and under the circumstances described in those 416
divisions. 417

(C)(1) Whoever commits a violation of division (A) of this 418
section that involves any drug other than marihuana is guilty of 419
illegal manufacture of drugs, and whoever commits a violation of 420
division (A) of this section that involves marihuana is guilty of 421
illegal cultivation of marihuana. 422

(2) If Except as otherwise provided in this division, if the 423
drug involved in the violation of division (A) of this section is 424
any compound, mixture, preparation, or substance included in 425
schedule I or II, with the exception of marihuana, illegal 426
manufacture of drugs is a felony of the second degree, and, 427
subject to division (E) of this section, the court shall impose as 428
a mandatory prison term one of the prison terms prescribed for a 429
felony of the second degree. If the drug involved in the violation 430
is methamphetamine, any salt, isomer, or salt of an isomer of 431
methamphetamine, or any compound, mixture, preparation, or 432
substance containing methamphetamine or any salt, isomer, or salt 433
of an isomer of methamphetamine and if the offense was committed 434
in the vicinity of a juvenile, in the vicinity of a school, or on 435
public premises, illegal manufacture of drugs is a felony of the 436
first degree, and, subject to division (E) of this section, the 437
court shall impose as a mandatory prison term one of the prison 438
terms prescribed for a felony of the first degree. 439

(3) If the drug involved in the violation of division (A) of 440
this section is any compound, mixture, preparation, or substance 441

included in schedule III, IV, or V, illegal manufacture of drugs
is a felony of the third degree, and there is a presumption for a
prison term for the offense.

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(4) If the drug involved in the violation is marihuana, 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, illegal cultivation of marihuana
is a minor misdemeanor.

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(b) If the amount of marihuana involved equals or exceeds one
hundred grams but is less than two hundred grams, illegal
cultivation of marihuana is a misdemeanor of the fourth degree.

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(c) If the amount of marihuana involved equals or exceeds two
hundred grams but is less than one thousand grams, illegal
cultivation 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.

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(d) If the amount of marihuana involved equals or exceeds one
thousand grams but is less than five thousand grams, illegal
cultivation 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.

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(e) If the amount of marihuana involved equals or exceeds
five thousand grams but is less than twenty thousand grams,
illegal cultivation of marihuana is a felony of the third degree,
and there is a presumption for a prison term for the offense.

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(f) If the amount of marihuana involved equals or exceeds
twenty thousand grams, illegal cultivation 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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(D) In addition to any prison term authorized or required by 472
division (C) or (E) of this section and sections 2929.13 and 473
2929.14 of the Revised Code and in addition to any other sanction 474
imposed for the offense under this section or sections 2929.11 to 475
2929.18 of the Revised Code, the court that sentences an offender 476
who is convicted of or pleads guilty to a violation of division 477
(A) of this section shall do all of the following that are 478
applicable regarding the offender: 479

(1) If the violation of division (A) of this section is a 480
felony of the first, second, or third degree, the court shall 481
impose upon the offender the mandatory fine specified for the 482
offense under division (B)(1) of section 2929.18 of the Revised 483
Code unless, as specified in that division, the court determines 484
that the offender is indigent. The clerk of the court shall pay a 485
mandatory fine or other fine imposed for a violation of this 486
section pursuant to division (A) of section 2929.18 of the Revised 487
Code in accordance with and subject to the requirements of 488
division (F) of section 2925.03 of the Revised Code. The agency 489
that receives the fine shall use the fine as specified in division 490
(F) of section 2925.03 of the Revised Code. If a person is charged 491
with a violation of this section that is a felony of the first, 492
second, or third degree, posts bail, and forfeits the bail, the 493
clerk shall pay the forfeited bail as if the forfeited bail were a 494
fine imposed for a violation of this section. 495

(2) The court shall revoke or suspend the offender's driver's 496
or commercial driver's license or permit in accordance with 497
division (G) of section 2925.03 of the Revised Code. If an 498
offender's driver's or commercial driver's license or permit is 499
revoked in accordance with that division, the offender may request 500
termination of, and the court may terminate, the revocation in 501
accordance with that division. 502

(3) If the offender is a professionally licensed person or a 503

person who has been admitted to the bar by order of the supreme 504
court in compliance with its prescribed and published rules, the 505
court shall comply with section 2925.38 of the Revised Code. 506

(E) Notwithstanding the prison term otherwise authorized or 507
required for the offense under division (C) of this section and 508
sections 2929.13 and 2929.14 of the Revised Code, if the violation 509
of division (A) of this section involves the sale, offer to sell, 510
or possession of a schedule I or II controlled substance, with the 511
exception of marihuana, and if the court imposing sentence upon 512
the offender finds that the offender as a result of the violation 513
is a major drug offender and is guilty of a specification of the 514
type described in section 2941.1410 of the Revised Code, the 515
court, in lieu of the prison term otherwise authorized or 516
required, shall impose upon the offender the mandatory prison term 517
specified in division (D)(3)(a) of section 2929.14 of the Revised 518
Code and may impose an additional prison term under division 519
(D)(3)(b) of that section. 520

(F) It is an affirmative defense, as provided in section 521
2901.05 of the Revised Code, to a charge under this section for a 522
fifth degree felony violation of illegal cultivation of marihuana 523
that the marihuana that gave rise to the charge is in an amount, 524
is in a form, is prepared, compounded, or mixed with substances 525
that are not controlled substances in a manner, or is possessed or 526
cultivated under any other circumstances that indicate that the 527
marihuana was solely for personal use. 528

Notwithstanding any contrary provision of division (F) of 529
this section, if, in accordance with section 2901.05 of the 530
Revised Code, a person who is charged with a violation of illegal 531
cultivation of marihuana that is a felony of the fifth degree 532
sustains the burden of going forward with evidence of and 533
establishes by a preponderance of the evidence the affirmative 534
defense described in this division, the person may be prosecuted 535

for and may be convicted of or plead guilty to a misdemeanor
violation of illegal cultivation of marihuana.

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(G) Arrest or conviction for a minor misdemeanor violation of
this section does not constitute a criminal record and need not be
reported by the person so arrested or convicted in response to any
inquiries about the person's criminal record, including any
inquiries contained in an application for employment, a license,
or any other right or privilege or made in connection with the
person's appearance as a witness.

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Sec. 2925.041. (A) No person, with the intent to violate
section 2925.04 of the Revised Code, shall knowingly assemble
chemicals sufficient to produce a compound, mixture, preparation,
or substance included in Schedule I or II.

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(B) Whoever violates this section is guilty of illegal
assembly of chemicals for the manufacture of drugs. Except as
otherwise provided in this division, illegal assembly of chemicals
for the manufacture 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. If the
offense was committed in the vicinity of a juvenile, in the
vicinity of a school, or on public premises, illegal assembly of
chemicals for the manufacture of drugs 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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(C) In addition to any prison term authorized or required by
division (B) of this section and sections 2929.13 and 2929.14 of
the Revised Code and in addition to any other sanction imposed for
the offense under this section or sections 2929.11 to 2929.18 of
the Revised Code, the court that sentences an offender who is
convicted of or pleads guilty to a violation of this section shall
do all of the following that are applicable regarding the

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offender: 567

(1) 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. 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. If a person charged with a violation of this section posts bail and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section. 568
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(2) The court shall revoke or suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code. If an offender's driver's or commercial driver's license or permit is revoked in accordance with that division, the offender may request termination of, and the court may terminate, the revocation in accordance with that division. 582
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(3) If the offender is a professionally licensed person or a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, the court shall comply with section 2925.38 of the Revised Code. 589
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Sec. 2925.042. (A) No person shall knowingly acquire, have, or use any amount of anhydrous ammonia. 593
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(B) Division (A) of this section does not apply to any person who acquires, has, or uses anhydrous ammonia in, or for the purpose of, routine agricultural operations or as a fertilizer. 595
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Division (A) of this section does not apply to any person who acquires, has, or uses anhydrous ammonia for any lawful business, occupational, research, scientific, educational, or governmental purpose. 598
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(C) Whoever violates division (A) of this section is guilty of unlawful possession of anhydrous ammonia, a felony of the fifth degree. 602
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Sec. 2925.14. (A) As used in this section, "drug paraphernalia" means any equipment, product, or material of any kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners: 605
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(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived; 618
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(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance; 621
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(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine, such as a Pyrex or Corning dish, 623
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<u>jug, bottle, funnel, blender, gas can, hot plate, strainer, or</u>	629
<u>propane cylinder; coffee filters; rubber tubing; paper towels;</u>	630
<u>rubber gloves; tape or clamps; or aluminum foil;</u>	631
<u>(4)</u> An isomerization device for increasing the potency of any	632
species of a plant that is a controlled substance;	633
(4) <u>(5)</u> Testing equipment for identifying, or analyzing the	634
strength, effectiveness, or purity of, a controlled substance;	635
(5) <u>(6)</u> A scale or balance for weighing or measuring a	636
controlled substance;	637
(6) <u>(7)</u> A diluent or adulterant, such as quinine	638
hydrochloride, mannitol, mannite, dextrose, or lactose, for	639
cutting a controlled substance;	640
(7) <u>(8)</u> A separation gin or sifter for removing twigs and	641
seeds from, or otherwise cleaning or refining, marihuana;	642
(8) <u>(9)</u> A blender, bowl, container, spoon, or mixing device	643
for compounding a controlled substance;	644
(9) <u>(10)</u> A capsule, balloon, envelope, or container for	645
packaging small quantities of a controlled substance;	646
(10) <u>(11)</u> A container or device for storing or concealing a	647
controlled substance;	648
(11) <u>(12)</u> A hypodermic syringe, needle, or instrument for	649
parenterally injecting a controlled substance into the human body;	650
(12) <u>(13)</u> An object, instrument, or device for ingesting,	651
inhaling, or otherwise introducing into the human body, marihuana,	652
cocaine, hashish, or hashish oil, such as a metal, wooden,	653
acrylic, glass, stone, plastic, or ceramic pipe, with or without a	654
screen, permanent screen, hashish head, or punctured metal bowl;	655
water pipe; carburetion tube or device; smoking or carburetion	656
mask; roach clip or similar object used to hold burning material,	657
such as a marihuana cigarette, that has become too small or too	658

short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 659
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(B) In determining if ~~an object~~ any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following: 662
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(1) Any statement by the owner, or by anyone in control, of the ~~object~~ equipment, product, or material, concerning its use; 666
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(2) The proximity in time or space of the ~~object~~ equipment, product, or material, or of the act relating to the ~~object~~ equipment, product, or material, to a violation of any provision of this chapter; 668
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(3) The proximity of the ~~object~~ equipment, product, or material to any controlled substance; 672
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(4) The existence of any residue of a controlled substance on the ~~object~~ equipment, product, or material; 674
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(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the ~~object~~ equipment, product, or material, to deliver it to any person whom the owner or person in control of the ~~object~~ equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the ~~object~~ equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the ~~object~~ equipment, product, or material was intended or designed by the offender for use as drug paraphernalia. 676
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(6) Any oral or written instruction provided with the ~~object~~ equipment, product, or material concerning its use; 687
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(7) Any descriptive material accompanying the ~~object~~ 689

<u>equipment, product, or material</u> and explaining or depicting its	690
use;	691
(8) National or local advertising concerning the use of the	692
object <u>equipment, product, or material</u> ;	693
(9) The manner and circumstances in which the object	694
<u>equipment, product, or material</u> is displayed for sale;	695
(10) Direct or circumstantial evidence of the ratio of the	696
sales of the object <u>equipment, product, or material</u> to the total	697
sales of the business enterprise;	698
(11) The existence and scope of legitimate uses of the object	699
<u>equipment, product, or material</u> in the community;	700
(12) Expert testimony concerning the use of the object	701
<u>equipment, product, or material</u> .	702
(C)(1) No person shall knowingly use, or possess with purpose	703
to use, drug paraphernalia.	704
(2) No person shall knowingly sell, or possess or manufacture	705
with purpose to sell, drug paraphernalia, if the person knows or	706
reasonably should know that the equipment, product, or material	707
will be used as drug paraphernalia.	708
(3) No person shall place an advertisement in any newspaper,	709
magazine, handbill, or other publication that is published and	710
printed and circulates primarily within this state, if the person	711
knows that the purpose of the advertisement is to promote the	712
illegal sale in this state of the equipment, product, or material	713
that the offender intended or designed for use as drug	714
paraphernalia.	715
(D) This section does not apply to manufacturers, licensed	716
health professionals authorized to prescribe drugs, pharmacists,	717
owners of pharmacies, and other persons whose conduct is in	718
accordance with Chapters 3719., 4715., 4723., 4729., 4731., and	719

4741. of the Revised Code. This section shall not be construed to 720
prohibit the possession or use of a hypodermic as authorized by 721
section 3719.172 of the Revised Code. 722

(E) Notwithstanding sections 2933.42 and 2933.43 of the 723
Revised Code, any drug paraphernalia that was used, possessed, 724
sold, or manufactured in a violation of this section shall be 725
seized, after a conviction for that violation shall be forfeited, 726
and upon forfeiture shall be disposed of pursuant to division 727
(D)(8) of section 2933.41 of the Revised Code. 728

(F)(1) Whoever violates division (C)(1) of this section is 729
guilty of illegal use or possession of drug paraphernalia, a 730
misdemeanor of the fourth degree. 731

(2) Except as provided in division (F)(3) of this section, 732
whoever violates division (C)(2) of this section is guilty of 733
dealing in drug paraphernalia, a misdemeanor of the second degree. 734

(3) Whoever violates division (C)(2) of this section by 735
selling drug paraphernalia to a juvenile is guilty of selling drug 736
paraphernalia to juveniles, a misdemeanor of the first degree. 737

(4) Whoever violates division (C)(3) of this section is 738
guilty of illegal advertising of drug paraphernalia, a misdemeanor 739
of the second degree. 740

(G) In addition to any other sanction imposed for a violation 741
of this section, the court shall suspend for not less than six 742
months or more than five years the driver's or commercial driver's 743
license or permit of any person who is convicted of or has pleaded 744
guilty to a violation of this section. If the offender is a 745
professionally licensed person or a person who has been admitted 746
to the bar by order of the supreme court in compliance with its 747
prescribed and published rules, in addition to any other sanction 748
imposed for a violation of this section, the court forthwith shall 749
comply with section 2925.38 of the Revised Code. 750

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Sec. 2925.38. If a person who is convicted of or pleads 752
guilty to a violation of section 2925.02, 2925.03, 2925.04, 753
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 754
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 755
Revised Code is a professionally licensed person, in addition to 756
any other sanctions imposed for the violation, the court forthwith 757
shall transmit a certified copy of the judgment entry of 758
conviction to the regulatory or licensing board or agency that has 759
the administrative authority to suspend or revoke the offender's 760
professional license. If a person who is convicted of or pleads 761
guilty to a violation of any section listed in this section is a 762
person who has been admitted to the bar by order of the supreme 763
court in compliance with its prescribed and published rules, in 764
addition to any other sanctions imposed for the violation, the 765
court forthwith shall transmit a certified copy of the judgment 766
entry of conviction to the secretary of the board of commissioners 767
on grievances and discipline of the supreme court and to either 768
the disciplinary counsel or the president, secretary, and ~~chairman~~ 769
chairperson of each certified grievance committee. 770

Sec. 2925.51. (A) In any criminal prosecution for a violation 771
of this chapter or Chapter 3719. of the Revised Code, a laboratory 772
report from the bureau of criminal identification and 773
investigation, a laboratory operated by another law enforcement 774
agency, or a laboratory established by or under the authority of 775
an institution of higher education that has its main campus in 776
this state and that is accredited by the association of American 777
universities or the north central association of colleges and 778
secondary schools, primarily for the purpose of providing 779
scientific services to law enforcement agencies and signed by the 780
person performing the analysis, stating that the substance ~~which~~ 781

that is the basis of the alleged offense has been weighed and 782
analyzed and stating the findings as to the content, weight, and 783
identity of the substance and that it contains any amount of a 784
controlled substance and the number and description of unit 785
dosages, is prima-facie evidence of the content, identity, and 786
weight or the existence and number of unit dosages of the 787
substance. In any criminal prosecution for a violation of this 788
chapter or Chapter 3719. of the Revised Code that is based on the 789
possession of chemicals sufficient to produce a compound, mixture, 790
preparation, or substance included in Schedule I, II, III, IV, or 791
V, a laboratory report from the bureau or from any laboratory that 792
is operated or established as described in this division that is 793
signed by the person performing the analysis, stating that the 794
substances that are the basis of the alleged offense have been 795
weighed and analyzed and stating the findings as to the content, 796
weight, and identity of each of the substances, is prima-facie 797
evidence of the content, identity, and weight of the substances. 798

Attached to that report shall be a copy of a notarized 799
statement by the signer of the report giving the name of the 800
signer and stating that ~~he~~ the signer is an employee of the 801
laboratory issuing the report and that performing the analysis is 802
a part of ~~his~~ the signer's regular duties, and giving an outline 803
of ~~his~~ the signer's education, training, and experience for 804
performing an analysis of materials included under this section. 805
The signer shall attest that scientifically accepted tests were 806
performed with due caution, and that the evidence was handled in 807
accordance with established and accepted procedures while in the 808
custody of the laboratory. 809

(B) The prosecuting attorney shall serve a copy of the report 810
on the attorney of record for the accused, or on the accused if ~~he~~ 811
the accused has no attorney, prior to any proceeding in which the 812
report is to be used against the accused other than at a 813

preliminary hearing or grand jury proceeding where the report may 814
be used without having been previously served upon the accused. 815

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(C) The report shall not be prima-facie evidence of the 817
contents, identity, and weight or the existence and number of unit 818
dosages of the substance if the accused or ~~his~~ the accused's 819
attorney demands the testimony of the person signing the report, 820
by serving the demand upon the prosecuting attorney within seven 821
days from the accused or ~~his~~ the accused's attorney's receipt of 822
the report. The time may be extended by a trial judge in the 823
interests of justice. 824

(D) Any report issued for use under this section shall 825
contain notice of the right of the accused to demand, and the 826
manner in which the accused shall demand, the testimony of the 827
person signing the report. 828

(E) Any person who is accused of a violation of this chapter 829
or of Chapter 3719. of the Revised Code is entitled, upon written 830
request made to the prosecuting attorney, to have a portion of the 831
substance that is, or of each of the substances that are, the 832
basis of the alleged violation preserved for the benefit of 833
independent analysis performed by a laboratory analyst employed by 834
the accused person, or, if ~~he~~ the accused is indigent, by a 835
qualified laboratory analyst appointed by the court. Such portion 836
shall be a representative sample of the entire substance that is, 837
or of each of the substances that are, the basis of the alleged 838
violation and shall be of sufficient size, in the opinion of the 839
court, to permit the accused's analyst to make a thorough 840
scientific analysis concerning the identity of the substance or 841
substances. The prosecuting attorney shall provide the accused's 842
analyst with the sample portion at least fourteen days prior to 843
trial, unless the trial is to be held in a court not of record or 844
unless the accused person is charged with a minor misdemeanor, in 845

which case the prosecuting attorney shall provide the accused's 846
analyst with the sample portion at least three days prior to 847
trial. If the prosecuting attorney determines that such a sample 848
portion cannot be preserved and given to the accused's analyst, 849
the prosecuting attorney shall so inform the accused person or his 850
attorney. In such a circumstance, the accused person is entitled, 851
upon written request made to the prosecuting attorney, to have ~~his~~ 852
the accused's privately employed or court appointed analyst 853
present at an analysis of the substance that is, or the substances 854
that are, the basis of the alleged violation, and, upon further 855
written request, to receive copies of all recorded scientific data 856
that result from the analysis and that can be used by an analyst 857
in arriving at conclusions, findings, or opinions concerning the 858
identity of the substance or substances subject to the analysis. 859

(F) In addition to the rights provided under division (E) of 860
this section, any person who is accused of a violation of this 861
chapter or of Chapter 3719. of the Revised Code that involves a 862
bulk amount of a controlled substance, or any multiple thereof, or 863
who is accused of a violation of section 2925.11 of the Revised 864
Code, other than a minor misdemeanor violation, that involves 865
marihuana, is entitled, upon written request made to the 866
prosecuting attorney, to have a laboratory analyst of ~~his~~ the 867
accused's choice, or, if the accused is indigent, a qualified 868
laboratory analyst appointed by the court present at a measurement 869
or weighing of the substance that is the basis of the alleged 870
violation. Also, the accused person is entitled, upon further 871
written request, to receive copies of all recorded scientific data 872
that result from the measurement or weighing and that can be used 873
by an analyst in arriving at conclusions, findings, or opinions 874
concerning the weight, volume, or number of unit doses of the 875
substance subject to the measurement or weighing. 876

Sec. 2925.52. (A) If a person is charged with any violation 877

of this chapter or Chapter 3719. of the Revised Code that is based 878
on the possession of chemicals sufficient to produce 879
methamphetamine, any salt, isomer, or salt of an isomer of 880
methamphetamine, or any compound, mixture, preparation, or 881
substance containing methamphetamine or any salt, isomer, or salt 882
of an isomer of methamphetamine, the law enforcement agency that 883
has custody of the chemicals may file a motion with the court in 884
which the charges are pending requesting the court to order the 885
chemicals destroyed in accordance with this division. If a law 886
enforcement agency files a motion of that type with a court, the 887
court may issue an order that requires the containers in which the 888
chemicals are contained be photographed, orders the chemicals 889
forfeited, and requires that the chemicals be destroyed. 890

(B) If the court issues an order under division (A) of this 891
section, the court may include in the order a requirement that the 892
chemicals be sampled prior to their destruction and that the 893
samples be preserved. 894

Sec. 2933.43. (A)(1) Except as provided in this division or 895
in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 896
2925.45 of the Revised Code, a law enforcement officer shall seize 897
any contraband that has been, is being, or is intended to be used 898
in violation of division (A) of section 2933.42 of the Revised 899
Code. A law enforcement officer shall seize contraband that is a 900
watercraft, motor vehicle, or aircraft and that has been, is 901
being, or is intended to be used in violation of division (A) of 902
section 2933.42 of the Revised Code only if the watercraft, motor 903
vehicle, or aircraft is contraband because of its relationship to 904
an underlying criminal offense that is a felony. 905

Additionally, a law enforcement officer shall seize any 906
watercraft, motor vehicle, aircraft, or other personal property 907
that is classified as contraband under division (B) of section 908
2933.42 of the Revised Code if the underlying offense involved in 909

the violation of division (A) of that section that resulted in the
watercraft, motor vehicle, aircraft, or personal property being
classified as contraband, is a felony.

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(2) If a law enforcement officer seizes property that is
titled or registered under law, including a motor vehicle,
pursuant to division (A)(1) of this section, the officer or the
officer's employing law enforcement agency shall notify the owner
of the seizure. The notification shall be given to the owner at
the owner's last known address within seventy-two hours after the
seizure, and may be given orally by any means, including
telephone, or by certified mail, return receipt requested.

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If the officer or the officer's agency is unable to provide
the notice required by this division despite reasonable, good
faith efforts to do so, the exercise of the reasonable, good faith
efforts constitutes fulfillment of the notice requirement imposed
by this division.

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(B)(1) A motor vehicle seized pursuant to division (A)(1) of
this section and the contents of the vehicle may be retained for a
reasonable period of time, not to exceed seventy-two hours, for
the purpose of inspection, investigation, and the gathering of
evidence of any offense or illegal use.

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At any time prior to the expiration of the seventy-two-hour
period, the law enforcement agency that seized the motor vehicle
may petition the court of common pleas of the county that has
jurisdiction over the underlying criminal case or administrative
proceeding involved in the forfeiture for an extension of the
seventy-two-hour period if the motor vehicle or its contents are
needed as evidence or if additional time is needed for the
inspection, investigation, or gathering of evidence. Upon the
filing of such a petition, the court immediately shall schedule a
hearing to be held at a time as soon as possible after the filing,
but in no event at a time later than the end of the next business

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day subsequent to the day on which the petition was filed, and
upon scheduling the hearing, immediately shall notify the owner of
the vehicle, at the address at which notification of the seizure
was provided under division (A) of this section, of the date,
time, and place of the hearing. If the court, at the hearing,
determines that the vehicle or its contents, or both, are needed
as evidence or that additional time is needed for the inspection,
investigation, or gathering of evidence, the court may grant the
petition and issue an order authorizing the retention of the
vehicle or its contents, or both, for an extended period as
specified by the court in its order. An order extending a period
of retention issued under this division may be renewed.

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If no petition for the extension of the initial
seventy-two-hour period has been filed, prior to the expiration of
that period, under this division, if the vehicle was not in the
custody and control of the owner at the time of its seizure, and
if, at the end of that seventy-two-hour period, the owner of the
vehicle has not been charged with an offense or administrative
violation that includes the use of the vehicle as an element and
has not been charged with any other offense or administrative
violation in the actual commission of which the motor vehicle was
used, the vehicle and its contents shall be released to its owner
or the owner's agent, provided that the law enforcement agency
that seized the vehicle may require proof of ownership of the
vehicle, proof of ownership or legal possession of the contents,
and an affidavit of the owner that the owner neither knew of nor
expressly or impliedly consented to the use of the vehicle that
resulted in its forfeiture as conditions precedent to release. If
a petition for the extension of the initial seventy-two-hour
period has been filed, prior to the expiration of that period,
under this division but the court does not grant the petition, if
the vehicle was not in the custody and control of the owner at the

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time of its seizure, and if, at the end of that seventy-two-hour 974
period, the owner of the vehicle has not been charged with an 975
offense or administrative violation that includes the use of the 976
vehicle as an element and has not been charged with any other 977
offense or administrative violation in the actual commission of 978
which the motor vehicle was used, the vehicle and its contents 979
shall be released to its owner or the owner's agent, provided that 980
the court may require the proof and affidavit described in the 981
preceding sentence as conditions precedent to release. If the 982
initial seventy-two-hour period has been extended under this 983
division, the vehicle and its contents to which the extension 984
applies may be retained in accordance with the extension order. 985
If, at the end of that extended period, the owner of the vehicle 986
has not been charged with an offense or administrative violation 987
that includes the use of the vehicle as an element and has not 988
been charged with any other offense or administrative violation in 989
the actual commission of which the motor vehicle was used, and if 990
the vehicle was not in the custody and control of the owner at the 991
time of its seizure, the vehicle and its contents shall be 992
released to its owner or the owner's agent, provided that the 993
court may require the proof and affidavit described in the third 994
preceding sentence as conditions precedent to release. In cases in 995
which the court may require proof and affidavits as conditions 996
precedent to release, the court also may require the posting of a 997
bond, with sufficient sureties approved by the court, in an amount 998
equal to the value of the property to be released, as determined 999
by the court, and conditioned upon the return of the property to 1000
the court if it is forfeited under this section, as a further 1001
condition to release. If, at the end of the initial 1002
seventy-two-hour period or at the end of any extended period 1003
granted under this section, the owner has been charged with an 1004
offense or administrative violation that includes the use of the 1005
vehicle as an element or has been charged with another offense or 1006

administrative violation in the actual commission of which the
motor vehicle was used, or if the vehicle was in the custody and
control of the owner at the time of its seizure, the vehicle and
its contents shall be retained pending disposition of the charge,
provided that upon the filing of a motion for release by the
owner, if the court determines that the motor vehicle or its
contents, or both, are not needed as evidence in the underlying
criminal case or administrative proceeding, the court may permit
the release of the property that is not needed as evidence to the
owner; as a condition precedent to a release of that nature, the
court may require the owner to execute a bond with the court. Any
bond so required shall be in an amount equal to the value of the
property to be released, as determined by the court, shall have
sufficient sureties approved by the court, and shall be
conditioned upon the return of the property to the court to which
it is forfeited under this section.

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The final disposition of a motor vehicle seized pursuant to
division (A)(1) of this section shall be determined in accordance
with division (C) of this section.

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(2) Pending a hearing pursuant to division (C) of this
section, and subject to divisions (B)(1) and (C) of this section,
any property lawfully seized pursuant to division (A) of this
section because it was contraband of a type described in division
(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section
2901.01 of the Revised Code shall not be subject to replevin or
other action in any court and shall not be subject to release upon
request of the owner, and no judgment shall be enforced against
the property. Pending the hearing, and subject to divisions (B)(1)
and (C) of this section, the property shall be kept in the custody
of the law enforcement agency responsible for its seizure.

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Pending a hearing pursuant to division (C) of this section,
and notwithstanding any provisions of division (B)(1) or (C) of

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this section to the contrary, any property lawfully seized 1039
pursuant to division (A) of this section because it was contraband 1040
of a type described in division (A)(13)(a) or (c) of section 1041
2901.01 of the Revised Code shall not be subject to replevin or 1042
other action in any court and shall not be subject to release upon 1043
request of the owner, and no judgment shall be enforced against 1044
the property. Pending the hearing, and notwithstanding any 1045
provisions of division (B)(1) or (C) of this section to the 1046
contrary, the property shall be kept in the custody of the law 1047
enforcement agency responsible for its seizure. 1048

A law enforcement agency that seizes property under division 1049
(A) of this section because it was contraband of any type 1050
described in division (A)(13) of section 2901.01 or division (B) 1051
of section 2933.42 of the Revised Code shall maintain an accurate 1052
record of each item of property so seized, which record shall 1053
include the date on which each item was seized, the manner and 1054
date of its disposition, and if applicable, the name of the person 1055
who received the item; however, the record shall not identify or 1056
enable the identification of the individual officer who seized the 1057
item. The record of property of that nature that no longer is 1058
needed as evidence shall be open to public inspection during the 1059
agency's regular business hours. Each law enforcement agency that, 1060
during any calendar year, seizes property under division (A) of 1061
this section because it was contraband shall prepare a report 1062
covering the calendar year that cumulates all of the information 1063
contained in all of the records kept by the agency pursuant to 1064
this division for that calendar year, and shall send a copy of the 1065
cumulative report, no later than the first day of March in the 1066
calendar year following the calendar year covered by the report, 1067
to the attorney general. Each report received by the attorney 1068
general is a public record open for inspection under section 1069
149.43 of the Revised Code. Not later than the fifteenth day of 1070

April in the calendar year in which the reports are received, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(a) Indicates that the attorney general has received from law enforcement agencies reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(b) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(c) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(C) The prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who has responsibility for the prosecution of the underlying criminal case or administrative proceeding, or the attorney general if the attorney general has that responsibility, shall file a petition for the forfeiture, to the seizing law enforcement agency of the contraband seized pursuant to division (A) of this section. The petition shall be filed in the court that has jurisdiction over the underlying criminal case or administrative proceeding involved in the forfeiture. If the property was seized on the basis of both a criminal violation and an administrative regulation violation, the petition shall be filed by the officer and in the court that is appropriate in relation to the criminal case.

The petitioner shall conduct or cause to be conducted a search of the appropriate public records that relate to the seized property for the purpose of determining, and shall make or cause to be made reasonably diligent inquiries for the purpose of determining, any person having an ownership or security interest

in the property. The petitioner then shall give notice of the
forfeiture proceedings by personal service or by certified mail,
return receipt requested, to any persons known, because of the
conduct of the search, the making of the inquiries, or otherwise,
to have an ownership or security interest in the property, and
shall publish notice of the proceedings once each week for two
consecutive weeks in a newspaper of general circulation in the
county in which the seizure occurred. The notices shall be
personally served, mailed, and first published at least four weeks
before the hearing. They shall describe the property seized; state
the date and place of seizure; name the law enforcement agency
that seized the property and, if applicable, that is holding the
property; list the time, date, and place of the hearing; and state
that any person having an ownership or security interest in the
property may contest the forfeiture.

If the property seized was determined by the seizing law
enforcement officer to be contraband because of its relationship
to an underlying criminal offense or administrative violation, no
forfeiture hearing shall be held under this section unless the
person pleads guilty to or is convicted of the commission of, or
an attempt or conspiracy to commit, the offense or a different
offense arising out of the same facts and circumstances or unless
the person admits or is adjudicated to have committed the
administrative violation or a different violation arising out of
the same facts and circumstances; a forfeiture hearing shall be
held in a case of that nature no later than forty-five days after
the conviction or the admission or adjudication of the violation,
unless the time for the hearing is extended by the court for good
cause shown. The owner of any property seized because of its
relationship to an underlying criminal offense or administrative
violation may request the court to release the property to the
owner. Upon receipt of a request of that nature, if the court

determines that the property is not needed as evidence in the
underlying criminal case or administrative proceeding, the court
may permit the release of the property to the owner. As a
condition precedent to a release of that nature, the court may
require the owner to execute a bond with the court. Any bond so
required shall have sufficient sureties approved by the court,
shall be in a sum equal to the value of the property, as
determined by the court, and shall be conditioned upon the return
of the property to the court if the property is forfeited under
this section. Any property seized because of its relationship to
an underlying criminal offense or administrative violation shall
be returned to its owner if charges are not filed in relation to
that underlying offense or violation within thirty days after the
seizure, if charges of that nature are filed and subsequently are
dismissed, or if charges of that nature are filed and the person
charged does not plead guilty to and is not convicted of the
offense or does not admit and is not found to have committed the
violation.

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If the property seized was determined by the seizing law
enforcement officer to be contraband other than because of a
relationship to an underlying criminal offense or administrative
violation, the forfeiture hearing under this section shall be held
no later than forty-five days after the seizure, unless the time
for the hearing is extended by the court for good cause shown.

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Where possible, a court holding a forfeiture hearing under
this section shall follow the Rules of Civil Procedure. When a
hearing is conducted under this section, property shall be
forfeited upon a showing, by a preponderance of the evidence, by
the petitioner that the person from which the property was seized
was in violation of division (A) of section 2933.42 of the Revised
Code. If that showing is made, the court shall issue an order of
forfeiture. If an order of forfeiture is issued in relation to

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contraband that was released to the owner or the owner's agent 1166
pursuant to this division or division (B)(1) of this section, the 1167
order shall require the owner to deliver the property, by a 1168
specified date, to the law enforcement agency that employed the 1169
law enforcement officer who made the seizure of the property, and 1170
the court shall deliver a copy of the order to the owner or send a 1171
copy of it by certified mail, return receipt requested, to the 1172
owner at the address to which notice of the seizure was given 1173
under division (A)(2) of this section. Except as otherwise 1174
provided in this division, all rights, interest, and title to the 1175
forfeited contraband vests in the state, effective from the date 1176
of seizure. 1177

No property shall be forfeited pursuant to this division if 1178
the owner of the property establishes, by a preponderance of the 1179
evidence, that the owner neither knew, nor should have known after 1180
a reasonable inquiry, that the property was used, or was likely to 1181
be used, in a crime or administrative violation. No bona fide 1182
security interest shall be forfeited pursuant to this division if 1183
the holder of the interest establishes, by a preponderance of the 1184
evidence, that the holder of the interest neither knew, nor should 1185
have known after a reasonable inquiry, that the property was used, 1186
or likely to be used, in a crime or administrative violation, that 1187
the holder of the interest did not expressly or impliedly consent 1188
to the use of the property in a crime or administrative violation, 1189
and that the security interest was perfected pursuant to law prior 1190
to the seizure. If the holder of the interest satisfies the court 1191
that these requirements are met, the interest shall be preserved 1192
by the court. In a case of that nature, the court shall either 1193
order that the agency to which the property is forfeited reimburse 1194
the holder of the interest to the extent of the preserved interest 1195
or order that the holder be paid for the interest from the 1196
proceeds of any sale pursuant to division (D) of this section. 1197

(D)(1) Contraband ordered forfeited pursuant to this section 1198
shall be disposed of pursuant to divisions (D)(1) to (7) of 1199
section 2933.41 of the Revised Code or, if the contraband is not 1200
described in those divisions, may be used, with the approval of 1201
the court, by the law enforcement agency that has custody of the 1202
contraband pursuant to division (D)(8) of that section. In the 1203
case of contraband not described in any of those divisions and of 1204
contraband not disposed of pursuant to any of those divisions, the 1205
contraband shall be sold in accordance with this division or, in 1206
the case of forfeited moneys, disposed of in accordance with this 1207
division. If the contraband is to be sold, the prosecuting 1208
attorney shall cause a notice of the proposed sale of the 1209
contraband to be given in accordance with law, and the property 1210
shall be sold, without appraisal, at a public auction to the 1211
highest bidder for cash. The proceeds of a sale and forfeited 1212
moneys shall be applied in the following order: 1213

(a) First, to the payment of the costs incurred in connection 1214
with the seizure of, storage of, maintenance of, and provision of 1215
security for the contraband, the forfeiture proceeding, and, if 1216
any, the sale; 1217

(b) Second, the remaining proceeds or forfeited moneys after 1218
compliance with division (D)(1)(a) of this section, to the payment 1219
of the balance due on any security interest preserved pursuant to 1220
division (C) of this section; 1221

(c) Third, the remaining proceeds or forfeited moneys after 1222
compliance with divisions (D)(1)(a) and (b) of this section, as 1223
follows: 1224

(i) If the forfeiture was ordered in a juvenile court, ten 1225
per cent to one or more alcohol and drug addiction treatment 1226
programs that are certified by the department of alcohol and drug 1227
addiction services under section 3793.06 of the Revised Code and 1228
that are specified in the order of forfeiture. A juvenile court 1229

shall not certify an alcohol or drug addiction treatment program 1230
in the order of forfeiture unless the program is a certified 1231
alcohol and drug addiction treatment program and, except as 1232
provided in division (D)(1)(c)(i) of this section, unless the 1233
program is located in the county in which the court that orders 1234
the forfeiture is located or in a contiguous county. If no 1235
certified alcohol and drug addiction treatment program is located 1236
in any of those counties, the juvenile court may specify in the 1237
order a certified alcohol and drug addiction treatment program 1238
located anywhere within this state. 1239

(ii) If the forfeiture was ordered in a juvenile court, 1240
ninety per cent, and if the forfeiture was ordered in a court 1241
other than a juvenile court, one hundred per cent to the law 1242
enforcement trust fund of the prosecuting attorney and to the law 1243
enforcement trust fund of the county sheriff if the county sheriff 1244
made the seizure, to the law enforcement trust fund of a municipal 1245
corporation if its police department made the seizure, to the law 1246
enforcement trust fund of a township if the seizure was made by a 1247
township police department, township police district police force, 1248
or office of a township constable, to the law enforcement trust 1249
fund of a park district created pursuant to section 511.18 or 1250
1545.01 of the Revised Code if the seizure was made by the park 1251
district police force or law enforcement department, to the state 1252
highway patrol contraband, forfeiture, and other fund if the state 1253
highway patrol made the seizure, to the department of public 1254
safety investigative unit contraband, forfeiture, and other fund 1255
if the investigative unit of the department of public safety made 1256
the seizure, to the board of pharmacy drug law enforcement fund 1257
created by division (B)(1) of section 4729.65 of the Revised Code 1258
if the board made the seizure, or to the treasurer of state for 1259
deposit into the peace officer training commission fund if a state 1260
law enforcement agency, other than the state highway patrol, the 1261

investigative unit of the department of public safety, or the 1262
state board of pharmacy, made the seizure. The prosecuting 1263
attorney may decline to accept any of the remaining proceeds or 1264
forfeited moneys, and, if the prosecuting attorney so declines, 1265
the remaining proceeds or forfeited moneys shall be applied to the 1266
fund described in this division that relates to the law 1267
enforcement agency that made the seizure. 1268

A law enforcement trust fund shall be established by the 1269
prosecuting attorney of each county who intends to receive any 1270
remaining proceeds or forfeited moneys pursuant to this division, 1271
by the sheriff of each county, by the legislative authority of 1272
each municipal corporation, by the board of township trustees of 1273
each township that has a township police department, township 1274
police district police force, or office of the constable, and by 1275
the board of park commissioners of each park district created 1276
pursuant to section 511.18 or 1545.01 of the Revised Code that has 1277
a park district police force or law enforcement department, for 1278
the purposes of this division. There is hereby created in the 1279
state treasury the state highway patrol contraband, forfeiture, 1280
and other fund, the department of public safety investigative unit 1281
contraband, forfeiture, and other fund, and the peace officer 1282
training commission fund, for the purposes described in this 1283
division. 1284

Proceeds or forfeited moneys distributed to any municipal 1285
corporation, township, or park district law enforcement trust fund 1286
shall be allocated from the fund by the legislative authority only 1287
to the police department of the municipal corporation, by the 1288
board of township trustees only to the township police department, 1289
township police district police force, or office of the constable, 1290
and by the board of park commissioners only to the park district 1291
police force or law enforcement department. 1292

Additionally, no proceeds or forfeited moneys shall be 1293

allocated to or used by the state highway patrol, the department 1294
of public safety, the state board of pharmacy, or a county 1295
sheriff, prosecuting attorney, municipal corporation police 1296
department, township police department, township police district 1297
police force, office of the constable, or park district police 1298
force or law enforcement department unless the state highway 1299
patrol, department of public safety, state board of pharmacy, 1300
sheriff, prosecuting attorney, municipal corporation police 1301
department, township police department, township police district 1302
police force, office of the constable, or park district police 1303
force or law enforcement department has adopted a written internal 1304
control policy under division (D)(3) of this section that 1305
addresses the use of moneys received from the state highway patrol 1306
contraband, forfeiture, and other fund, the department of public 1307
safety investigative unit contraband, forfeiture, and other fund, 1308
the board of pharmacy drug law enforcement fund, or the 1309
appropriate law enforcement trust fund. ~~The~~ 1310

The state highway patrol contraband, forfeiture, and other 1311
fund, the department of public safety investigative unit 1312
contraband, forfeiture, and other fund, and a law enforcement 1313
trust fund shall be expended only in accordance with the written 1314
internal control policy so adopted by the recipient, and, subject 1315
to the requirements specified in division (D)(3)(a)(ii) of this 1316
section, only to pay the costs of protracted or complex 1317
investigations or prosecutions, to provide reasonable technical 1318
training or expertise, to provide matching funds to obtain federal 1319
grants to aid law enforcement, in the support of DARE programs or 1320
other programs designed to educate adults or children with respect 1321
to the dangers associated with the use of drugs of abuse, to pay 1322
the costs of emergency action taken under section 3745.13 of the 1323
Revised Code relative to the operation of an illegal 1324
methamphetamine laboratory if the forfeited property or money 1325

involved was that of a person responsible for the operation of the 1326
laboratory, or for other law enforcement purposes that the 1327
superintendent of the state highway patrol, department of public 1328
safety, prosecuting attorney, county sheriff, legislative 1329
authority, board of township trustees, or board of park 1330
commissioners determines to be appropriate. The board of pharmacy 1331
drug law enforcement fund shall be expended only in accordance 1332
with the written internal control policy so adopted by the board 1333
and only in accordance with section 4729.65 of the Revised Code, 1334
except that it also may be expended to pay the costs of emergency 1335
action taken under section 3745.13 of the Revised Code relative to 1336
the operation of an illegal methamphetamine laboratory if the 1337
forfeited property or money involved was that of a person 1338
responsible for the operation of the laboratory. The state highway 1339
patrol contraband, forfeiture, and other fund, the department of 1340
public safety investigative unit contraband, forfeiture, and other 1341
fund, the board of pharmacy drug law enforcement fund, and a law 1342
enforcement trust fund shall not be used to meet the operating 1343
costs of the state highway patrol, of the investigative unit of 1344
the department of public safety, of the state board of pharmacy, 1345
of any political subdivision, or of any office of a prosecuting 1346
attorney or county sheriff that are unrelated to law enforcement. 1347

Proceeds and forfeited moneys that are paid into the state 1348
treasury to be deposited into the peace officer training 1349
commission fund shall be used by the commission only to pay the 1350
costs of peace officer training. 1351
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Any sheriff or prosecuting attorney who receives proceeds or 1353
forfeited moneys pursuant to this division during any calendar 1354
year shall file a report with the county auditor, no later than 1355
the thirty-first day of January of the next calendar year, 1356
verifying that the proceeds and forfeited moneys were expended 1357

only for the purposes authorized by this division and division 1358
(D)(3)(a)(ii) of this section and specifying the amounts expended 1359
for each authorized purpose. Any municipal corporation police 1360
department that is allocated proceeds or forfeited moneys from a 1361
municipal corporation law enforcement trust fund pursuant to this 1362
division during any calendar year shall file a report with the 1363
legislative authority of the municipal corporation, no later than 1364
the thirty-first day of January of the next calendar year, 1365
verifying that the proceeds and forfeited moneys were expended 1366
only for the purposes authorized by this division and division 1367
(D)(3)(a)(ii) of this section and specifying the amounts expended 1368
for each authorized purpose. Any township police department, 1369
township police district police force, or office of the constable 1370
that is allocated proceeds or forfeited moneys from a township law 1371
enforcement trust fund pursuant to this division during any 1372
calendar year shall file a report with the board of township 1373
trustees of the township, no later than the thirty-first day of 1374
January of the next calendar year, verifying that the proceeds and 1375
forfeited moneys were expended only for the purposes authorized by 1376
this division and division (D)(3)(a)(ii) of this section and 1377
specifying the amounts expended for each authorized purpose. Any 1378
park district police force or law enforcement department that is 1379
allocated proceeds or forfeited moneys from a park district law 1380
enforcement trust fund pursuant to this division during any 1381
calendar year shall file a report with the board of park 1382
commissioners of the park district, no later than the thirty-first 1383
day of January of the next calendar year, verifying that the 1384
proceeds and forfeited moneys were expended only for the purposes 1385
authorized by this division and division (D)(3)(a)(ii) of this 1386
section and specifying the amounts expended for each authorized 1387
purpose. The superintendent of the state highway patrol shall file 1388
a report with the attorney general, no later than the thirty-first 1389
day of January of each calendar year, verifying that proceeds and 1390

forfeited moneys paid into the state highway patrol contraband, 1391
forfeiture, and other fund pursuant to this division during the 1392
prior calendar year were used by the state highway patrol during 1393
the prior calendar year only for the purposes authorized by this 1394
division and specifying the amounts expended for each authorized 1395
purpose. The executive director of the state board of pharmacy 1396
shall file a report with the attorney general, no later than the 1397
thirty-first day of January of each calendar year, verifying that 1398
proceeds and forfeited moneys paid into the board of pharmacy drug 1399
law enforcement fund during the prior calendar year were used only 1400
in accordance with section 4729.65 of the Revised Code and 1401
specifying the amounts expended for each authorized purpose. The 1402
peace officer training commission shall file a report with the 1403
attorney general, no later than the thirty-first day of January of 1404
each calendar year, verifying that proceeds and forfeited moneys 1405
paid into the peace officer training commission fund pursuant to 1406
this division during the prior calendar year were used by the 1407
commission during the prior calendar year only to pay the costs of 1408
peace officer training and specifying the amount used for that 1409
purpose. 1410

(2) If more than one law enforcement agency is substantially 1411
involved in the seizure of contraband that is forfeited pursuant 1412
to this section, the court ordering the forfeiture shall equitably 1413
divide the proceeds or forfeited moneys, after calculating any 1414
distribution to the law enforcement trust fund of the prosecuting 1415
attorney pursuant to division (D)(1)(c) of this section, among any 1416
county sheriff whose office is determined by the court to be 1417
substantially involved in the seizure, any legislative authority 1418
of a municipal corporation whose police department is determined 1419
by the court to be substantially involved in the seizure, any 1420
board of township trustees whose law enforcement agency is 1421
determined by the court to be substantially involved in the 1422

seizure, any board of park commissioners of a park district whose
police force or law enforcement department is determined by the
court to be substantially involved in the seizure, the state board
of pharmacy if it is determined by the court to be substantially
involved in the seizure, the investigative unit of the department
of public safety if it is determined by the court to be
substantially involved in the seizure, and the state highway
patrol if it is determined by the court to be substantially
involved in the seizure. The proceeds or forfeited moneys shall be
deposited in the respective law enforcement trust funds of the
county sheriff, municipal corporation, township, and park
district, the board of pharmacy drug law enforcement fund, the
department of public safety investigative unit contraband,
forfeiture, and other fund, or the state highway patrol
contraband, forfeiture, and other fund, in accordance with
division (D)(1)(c) of this section. If a state law enforcement
agency, other than the state highway patrol, the investigative
unit of the department of public safety, or the state board of
pharmacy, is determined by the court to be substantially involved
in the seizure, the state agency's equitable share of the proceeds
and forfeited moneys shall be paid to the treasurer of state for
deposit into the peace officer training commission fund.

(3)(a)(i) Prior to being allocated or using any proceeds or
forfeited moneys out of the state highway patrol contraband,
forfeiture, and other fund, the department of public safety
investigative unit contraband, forfeiture, and other fund, the
board of pharmacy drug law enforcement fund, or a law enforcement
trust fund under division (D)(1)(c) of this section, the state
highway patrol, the department of public safety, the state board
of pharmacy, and a county sheriff, prosecuting attorney, municipal
corporation police department, township police department,
township police district police force, office of the constable, or

park district police force or law enforcement department shall 1455
adopt a written internal control policy that addresses the state 1456
highway patrol's, department of public safety's, state board of 1457
pharmacy's, sheriff's, prosecuting attorney's, police 1458
department's, police force's, office of the constable's, or law 1459
enforcement department's use and disposition of all the proceeds 1460
and forfeited moneys received and that provides for the keeping of 1461
detailed financial records of the receipts of the proceeds and 1462
forfeited moneys, the general types of expenditures made out of 1463
the proceeds and forfeited moneys, the specific amount of each 1464
general type of expenditure, and the amounts, portions, and 1465
programs described in division (D)(3)(a)(ii) of this section. The 1466
policy shall not provide for or permit the identification of any 1467
specific expenditure that is made in an ongoing investigation. 1468

All financial records of the receipts of the proceeds and 1469
forfeited moneys, the general types of expenditures made out of 1470
the proceeds and forfeited moneys, the specific amount of each 1471
general type of expenditure by the state highway patrol, by the 1472
department of public safety, by the state board of pharmacy, and 1473
by a sheriff, prosecuting attorney, municipal corporation police 1474
department, township police department, township police district 1475
police force, office of the constable, or park district police 1476
force or law enforcement department, and the amounts, portions, 1477
and programs described in division (D)(3)(a)(ii) of this section 1478
are public records open for inspection under section 149.43 of the 1479
Revised Code. Additionally, a written internal control policy 1480
adopted under this division is a public record of that nature, and 1481
the state highway patrol, the department of public safety, the 1482
state board of pharmacy, or the sheriff, prosecuting attorney, 1483
municipal corporation police department, township police 1484
department, township police district police force, office of the 1485
constable, or park district police force or law enforcement 1486

department that adopted it shall comply with it. 1487

(ii) The written internal control policy of a county sheriff, 1488
prosecuting attorney, municipal corporation police department, 1489
township police department, township police district police force, 1490
office of the constable, or park district police force or law 1491
enforcement department shall provide that at least ten per cent of 1492
the first one hundred thousand dollars of proceeds and forfeited 1493
moneys deposited during each calendar year in the sheriff's, 1494
prosecuting attorney's, municipal corporation's, township's, or 1495
park district's law enforcement trust fund pursuant to division 1496
(B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of 1497
section 2925.44 of the Revised Code, and at least twenty per cent 1498
of the proceeds and forfeited moneys exceeding one hundred 1499
thousand dollars that are so deposited, shall be used in 1500
connection with community preventive education programs. The 1501
manner in which the described percentages are so used shall be 1502
determined by the sheriff, prosecuting attorney, department, 1503
police force, or office of the constable after the receipt and 1504
consideration of advice on appropriate community preventive 1505
education programs from the county's board of alcohol, drug 1506
addiction, and mental health services, from the county's alcohol 1507
and drug addiction services board, or through appropriate 1508
community dialogue. The financial records described in division 1509
(D)(3)(a)(i) of this section shall specify the amount of the 1510
proceeds and forfeited moneys deposited during each calendar year 1511
in the sheriff's, prosecuting attorney's, municipal corporation's, 1512
township's, or park district's law enforcement trust fund pursuant 1513
to division (B)(7)(c)(ii) of section 2923.46 or division 1514
(B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion 1515
of that amount that was used pursuant to the requirements of this 1516
division, and the community preventive education programs in 1517
connection with which the portion of that amount was so used. 1518

As used in this division, "community preventive education programs" includes, but is not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse.

(b) Each sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department that receives in any calendar year any proceeds or forfeited moneys out of a law enforcement trust fund under division (D)(1)(c) of this section or uses any proceeds or forfeited moneys in its law enforcement trust fund in any calendar year shall prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department pursuant to division (D)(3)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general.

The superintendent of the state highway patrol shall prepare a report covering each calendar year in which the state highway patrol uses any proceeds or forfeited moneys in the state highway patrol contraband, forfeiture, and other fund under division (D)(1)(c) of this section, that cumulates all of the information contained in all of the public financial records kept by the state highway patrol pursuant to division (D)(3)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney

general.

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The department of public safety shall prepare a report covering each fiscal year in which the department uses any proceeds or forfeited moneys in the department of public safety investigative unit contraband, forfeiture, and other fund under division (D)(1)(c) of this section that cumulates all of the information contained in all of the public financial records kept by the department pursuant to division (D)(3)(a) of this section for that fiscal year. The department shall send a copy of the cumulative report to the attorney general no later than the first day of August in the fiscal year following the fiscal year covered by the report. The director of public safety shall include in the report a verification that proceeds and forfeited moneys paid into the department of public safety investigative unit contraband, forfeiture, and other fund under division (D)(1)(c) of this section during the preceding fiscal year were used by the department during that fiscal year only for the purposes authorized by that division and shall specify the amount used for each authorized purpose.

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The executive director of the state board of pharmacy shall prepare a report covering each calendar year in which the board uses any proceeds or forfeited moneys in the board of pharmacy drug law enforcement fund under division (D)(1)(c) of this section, that cumulates all of the information contained in all of the public financial records kept by the board pursuant to division (D)(3)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year in which the

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reports are received, the attorney general shall send to the 1583
president of the senate and the speaker of the house of 1584
representatives a written notification that does all of the 1585
following: 1586

(i) Indicates that the attorney general has received from 1587
entities or persons specified in this division reports of the type 1588
described in this division that cover the previous calendar year 1589
and indicates that the reports were received under this division; 1590

(ii) Indicates that the reports are open for inspection under 1591
section 149.43 of the Revised Code; 1592

(iii) Indicates that the attorney general will provide a copy 1593
of any or all of the reports to the president of the senate or the 1594
speaker of the house of representatives upon request. 1595

(4)(a) A law enforcement agency that receives pursuant to 1596
federal law proceeds from a sale of forfeited contraband, proceeds 1597
from another disposition of forfeited contraband, or forfeited 1598
contraband moneys shall deposit, use, and account for the proceeds 1599
or forfeited moneys in accordance with, and otherwise comply with, 1600
the applicable federal law. 1601

(b) If the state highway patrol receives pursuant to federal 1602
law proceeds from a sale of forfeited contraband, proceeds from 1603
another disposition of forfeited contraband, or forfeited 1604
contraband moneys, the appropriate governmental officials shall 1605
deposit into the state highway patrol contraband, forfeiture, and 1606
other fund all interest or other earnings derived from the 1607
investment of the proceeds or forfeited moneys. The state highway 1608
patrol shall use and account for that interest or other earnings 1609
in accordance with the applicable federal law. 1610

(c) If the investigative unit of the department of public 1611
safety receives pursuant to federal law proceeds from a sale of 1612
forfeited contraband, proceeds from another disposition of 1613

forfeited contraband, or forfeited contraband moneys, the
appropriate governmental officials shall deposit into the
department of public safety investigative unit contraband,
forfeiture, and other fund all interest or other earnings derived
from the investment of the proceeds or forfeited moneys. The
department shall use and account for that interest or other
earnings in accordance with the applicable federal law.

(d) Divisions (D)(1) to (3) of this section do not apply to
proceeds or forfeited moneys received pursuant to federal law or
to the interest or other earnings that are derived from the
investment of proceeds or forfeited moneys received pursuant to
federal law and that are described in division (D)(4)(b) of this
section.

(E) Upon the sale pursuant to this section of any property
that is required to be titled or registered under law, the state
shall issue an appropriate certificate of title or registration to
the purchaser. If the state is vested with title pursuant to
division (C) of this section and elects to retain property that is
required to be titled or registered under law, the state shall
issue an appropriate certificate of title or registration.

(F) Notwithstanding any provisions of this section to the
contrary, any property that is lawfully seized in relation to a
violation of section 2923.32 of the Revised Code shall be subject
to forfeiture and disposition in accordance with sections 2923.32
to 2923.36 of the Revised Code; any property that is forfeited
pursuant to section 2923.44 or 2923.45 of the Revised Code in
relation to a violation of section 2923.42 of the Revised Code or
in relation to an act of a juvenile that is a violation of section
2923.42 of the Revised Code may be subject to forfeiture and
disposition in accordance with sections 2923.44 to 2923.47 of the
Revised Code; and any property that is forfeited pursuant to
section 2925.42 or 2925.43 of the Revised Code in relation to a

felony drug abuse offense, as defined in section 2925.01 of the Revised Code, or in relation to an act that, if committed by an adult, would be a felony drug abuse offense of that nature, may be subject to forfeiture and disposition in accordance with sections 2925.41 to 2925.45 of the Revised Code or this section.

(G) Any failure of a law enforcement officer or agency, a prosecuting attorney, village solicitor, city director of law, or similar chief legal officer, a court, or the attorney general to comply with any duty imposed by this section in relation to any property seized or with any other provision of this section in relation to any property seized does not affect the validity of the seizure of the property, provided the seizure itself was made in accordance with law, and is not and shall not be considered to be the basis for the suppression of any evidence resulting from the seizure of the property, provided the seizure itself was made in accordance with law.

(H) Contraband that has been forfeited pursuant to division (C) of this section shall not be available for use to pay any fine imposed upon a person who is convicted of or pleads guilty to an underlying criminal offense or a different offense arising out of the same facts and circumstances.

Sec. 3734.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.

(B) "Director" means the director of environmental protection.

(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised

Code.	1676
(D) "Agency" means the environmental protection agency.	1677
(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.	1678 1679 1680 1681 1682 1683 1684 1685 1686 1687 1688 1689 1690 1691 1692
(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage or treatment or, if the solid wastes consist of scrap tires, the disposition or placement constitutes a beneficial use or occurs at a scrap tire recovery facility licensed under section 3734.81 of the Revised Code.	1693 1694 1695 1696 1697 1698 1699 1700
(G) "Person" includes the state, any political subdivision and other state or local body, the United States and any agency or instrumentality thereof, and any legal entity defined as a person under section 1.59 of the Revised Code.	1701 1702 1703 1704
(H) "Open burning" means the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or	1705 1706

vessel that is not approved or authorized in rules adopted by the
director under section 3734.02 of the Revised Code or, if the
solid wastes consist of scrap tires, in rules adopted under
division (V) of this section or section 3734.73 of the Revised
Code, or the burning of treated or untreated infectious wastes in
an open area or in a type of chamber or vessel that is not
approved in rules adopted by the director under section 3734.021
of the Revised Code.

(I) "Open dumping" means the depositing of solid wastes into
a body or stream of water or onto the surface of the ground at a
site that is not licensed as a solid waste facility under section
3734.05 of the Revised Code or, if the solid wastes consist of
scrap tires, as a scrap tire collection, storage, monocell,
monofill, or recovery facility under section 3734.81 of the
Revised Code; the depositing of solid wastes that consist of scrap
tires onto the surface of the ground at a site or in a manner not
specifically identified in divisions (C)(2) to (5), (7), or (10)
of section 3734.85 of the Revised Code; the depositing of
untreated infectious wastes into a body or stream of water or onto
the surface of the ground; or the depositing of treated infectious
wastes into a body or stream of water or onto the surface of the
ground at a site that is not licensed as a solid waste facility
under section 3734.05 of the Revised Code.

(J)(1) "Hazardous waste" means any of the following:

(a) Any waste or combination of wastes in solid, liquid,
semisolid, or contained gaseous form that in the determination of
the director, because of its quantity, concentration, or physical
or chemical characteristics, may do either of the following:

~~(1)~~(i) Cause or significantly contribute to an increase in
mortality or an increase in serious irreversible or incapacitating
reversible illness;

~~(2)(ii)~~ Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

(b) Any methamphetamine that is manufactured or produced in violation of section 2925.04 of the Revised Code, whether or not there has been a prior conviction of that violation, and any byproduct of the manufacture or production of methamphetamine that is manufactured or produced in violation of that section, whether or not there has been a prior conviction of that violation.

(2) "Hazardous waste" includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process designed to change the physical, chemical, or biological characteristics or composition of any hazardous waste; to neutralize the waste; to recover energy or material resources from the waste; to render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, storage, further treatment, or disposal; or to reduce the volume of the waste. When used in connection with infectious wastes, "treat" or "treatment" means any method, technique, or process designed to render the wastes noninfectious, including, without limitation, steam sterilization and incineration, or, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of

hazardous waste during its transportation from the point of 1770
generation to the point of disposal, treatment, or storage. 1771

(M) "Storage," when used in connection with hazardous waste, 1772
means the holding of hazardous waste for a temporary period in 1773
such a manner that it remains retrievable and substantially 1774
unchanged physically and chemically and, at the end of the period, 1775
is treated; disposed of; stored elsewhere; or reused, recycled, or 1776
reclaimed in a beneficial manner. When used in connection with 1777
solid wastes that consist of scrap tires, "storage" means the 1778
holding of scrap tires for a temporary period in such a manner 1779
that they remain retrievable and, at the end of that period, are 1780
beneficially used; stored elsewhere; placed in a scrap tire 1781
monocell or monofill facility licensed under section 3734.81 of 1782
the Revised Code; processed at a scrap tire recovery facility 1783
licensed under that section or a solid waste incineration or 1784
energy recovery facility subject to regulation under this chapter; 1785
or transported to a scrap tire monocell, monofill, or recovery 1786
facility, any other solid waste facility authorized to dispose of 1787
scrap tires, or a facility that will beneficially use the scrap 1788
tires, that is located in another state and is operating in 1789
compliance with the laws of the state in which the facility is 1790
located. 1791

(N) "Facility" means any site, location, tract of land, 1792
installation, or building used for incineration, composting, 1793
sanitary landfilling, or other methods of disposal of solid wastes 1794
or, if the solid wastes consist of scrap tires, for the 1795
collection, storage, or processing of the solid wastes; for the 1796
transfer of solid wastes; for the treatment of infectious wastes; 1797
or for the storage, treatment, or disposal of hazardous waste. 1798

(O) "Closure" means the time at which a hazardous waste 1799
facility will no longer accept hazardous waste for treatment, 1800
storage, or disposal, the time at which a solid waste facility 1801

will no longer accept solid wastes for transfer or disposal or, if
the solid wastes consist of scrap tires, for storage or
processing, or the effective date of an order revoking the permit
for a hazardous waste facility or the registration certificate,
permit, or license for a solid waste facility, as applicable.
"Closure" includes measures performed to protect public health or
safety, to prevent air or water pollution, or to make the facility
suitable for other uses, if any, including, but not limited to,
the removal of processing residues resulting from solid wastes
that consist of scrap tires; the establishment and maintenance of
a suitable cover of soil and vegetation over cells in which
hazardous waste or solid wastes are buried; minimization of
erosion, the infiltration of surface water into such cells, the
production of leachate, and the accumulation and runoff of
contaminated surface water; the final construction of facilities
for the collection and treatment of leachate and contaminated
surface water runoff, except as otherwise provided in this
division; the final construction of air and water quality
monitoring facilities, except as otherwise provided in this
division; the final construction of methane gas extraction and
treatment systems; or the removal and proper disposal of hazardous
waste or solid wastes from a facility when necessary to protect
public health or safety or to abate or prevent air or water
pollution. With regard to a solid waste facility that is a scrap
tire facility, "closure" includes the final construction of
facilities for the collection and treatment of leachate and
contaminated surface water runoff and the final construction of
air and water quality monitoring facilities only if those actions
are determined to be necessary.

(P) "Premises" means either of the following:

(1) Geographically contiguous property owned by a generator;

(2) Noncontiguous property that is owned by a generator and

connected by a right-of-way that the generator controls and to 1834
which the public does not have access. Two or more pieces of 1835
property that are geographically contiguous and divided by public 1836
or private right-of-way or rights-of-way are a single premises. 1837

(Q) "Post-closure" means that period of time following 1838
closure during which a hazardous waste facility is required to be 1839
monitored and maintained under this chapter and rules adopted 1840
under it, including, without limitation, operation and maintenance 1841
of methane gas extraction and treatment systems, or the period of 1842
time after closure during which a scrap tire monocell or monofill 1843
facility licensed under section 3734.81 of the Revised Code is 1844
required to be monitored and maintained under this chapter and 1845
rules adopted under it. 1846

(R) "Infectious wastes" includes all of the following 1847
substances or categories of substances: 1848

(1) Cultures and stocks of infectious agents and associated 1849
biologicals, including, without limitation, specimen cultures, 1850
cultures and stocks of infectious agents, wastes from production 1851
of biologicals, and discarded live and attenuated vaccines; 1852

(2) Laboratory wastes that were, or are likely to have been, 1853
in contact with infectious agents that may present a substantial 1854
threat to public health if improperly managed; 1855

(3) Pathological wastes, including, without limitation, human 1856
and animal tissues, organs, and body parts, and body fluids and 1857
excreta that are contaminated with or are likely to be 1858
contaminated with infectious agents, removed or obtained during 1859
surgery or autopsy or for diagnostic evaluation, provided that, 1860
with regard to pathological wastes from animals, the animals have 1861
or are likely to have been exposed to a zoonotic or infectious 1862
agent; 1863

(4) Waste materials from the rooms of humans, or the 1864

enclosures of animals, that have been isolated because of 1865
diagnosed communicable disease that are likely to transmit 1866
infectious agents. Such waste materials from the rooms of humans 1867
do not include any wastes of patients who have been placed on 1868
blood and body fluid precautions under the universal precaution 1869
system established by the centers for disease control in the 1870
public health service of the United States department of health 1871
and human services, except to the extent specific wastes generated 1872
under the universal precautions system have been identified as 1873
infectious wastes by rules adopted under division (R)(8) of this 1874
section. 1875

(5) Human and animal blood specimens and blood products that 1876
are being disposed of, provided that, with regard to blood 1877
specimens and blood products from animals, the animals were or are 1878
likely to have been exposed to a zoonotic or infectious agent. 1879
"Blood products" does not include patient care waste such as 1880
bandages or disposable gowns that are lightly soiled with blood or 1881
other body fluids unless those wastes are soiled to the extent 1882
that the generator of the wastes determines that they should be 1883
managed as infectious wastes. 1884

(6) Contaminated carcasses, body parts, and bedding of 1885
animals that were intentionally exposed to infectious agents from 1886
zoonotic or human diseases during research, production of 1887
biologicals, or testing of pharmaceuticals, and carcasses and 1888
bedding of animals otherwise infected by zoonotic or infectious 1889
agents that may present a substantial threat to public health if 1890
improperly managed; 1891

(7) Sharp wastes used in the treatment, diagnosis, or 1892
inoculation of human beings or animals or that have, or are likely 1893
to have, come in contact with infectious agents in medical, 1894
research, or industrial laboratories, including, without 1895
limitation, hypodermic needles and syringes, scalpel blades, and 1896

glass articles that have been broken; 1897

(8) Any other waste materials generated in the diagnosis, 1898
treatment, or immunization of human beings or animals, in research 1899
pertaining thereto, or in the production or testing of 1900
biologicals, that the public health council created in section 1901
3701.33 of the Revised Code, by rules adopted in accordance with 1902
Chapter 119. of the Revised Code, identifies as infectious wastes 1903
after determining that the wastes present a substantial threat to 1904
human health when improperly managed because they are contaminated 1905
with, or are likely to be contaminated with, infectious agents. 1906

(S) "Infectious agent" means a type of microorganism, 1907
helminth, or virus that causes, or significantly contributes to 1908
the cause of, increased morbidity or mortality of human beings. 1909

(T) "Zoonotic agent" means a type of microorganism, helminth, 1910
or virus that causes disease in vertebrate animals and that is 1911
transmissible to human beings and causes or significantly 1912
contributes to the cause of increased morbidity or mortality of 1913
human beings. 1914

(U) "Solid waste transfer facility" means any site, location, 1915
tract of land, installation, or building that is used or intended 1916
to be used primarily for the purpose of transferring solid wastes 1917
that were generated off the premises of the facility from vehicles 1918
or containers into other vehicles for transportation to a solid 1919
waste disposal facility. "Solid waste transfer facility" does not 1920
include any facility that consists solely of portable containers 1921
that have an aggregate volume of fifty cubic yards or less nor any 1922
facility where legitimate recycling activities are conducted. 1923
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(V) "Beneficially use" means to use a scrap tire in a manner 1925
that results in a commodity for sale or exchange or in any other 1926
manner authorized as a beneficial use in rules adopted by the 1927

director in accordance with Chapter 119. of the Revised Code.	1928
(W) "Commercial car," "commercial tractor," "farm machinery,"	1929
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have	1930
the same meanings as in section 4501.01 of the Revised Code.	1931
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(X) "Construction equipment" means road rollers, traction	1933
engines, power shovels, power cranes, and other equipment used in	1934
construction work, or in mining or producing or processing	1935
aggregates, and not designed for or used in general highway	1936
transportation.	1937
(Y) "Motor vehicle salvage dealer" has the same meaning as in	1938
section 4738.01 of the Revised Code.	1939
(Z) "Scrap tire" means an unwanted or discarded tire.	1940
(AA) "Scrap tire collection facility" means any facility that	1941
meets all of the following qualifications:	1942
(1) The facility is used for the receipt and storage of whole	1943
scrap tires from the public prior to their transportation to a	1944
scrap tire storage, monocell, monofill, or recovery facility	1945
licensed under section 3734.81 of the Revised Code; a solid waste	1946
incineration or energy recovery facility subject to regulation	1947
under this chapter; a premises within the state where the scrap	1948
tires will be beneficially used; or a scrap tire storage,	1949
monocell, monofill, or recovery facility, any other solid waste	1950
disposal facility authorized to dispose of scrap tires, or a	1951
facility that will beneficially use the scrap tires, that is	1952
located in another state, and that is operating in compliance with	1953
the laws of the state in which the facility is located;	1954
(2) The facility exclusively stores scrap tires in portable	1955
containers;	1956
(3) The aggregate storage of the portable containers in which	1957

the scrap tires are stored does not exceed five thousand cubic feet. 1958
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(BB) "Scrap tire monocell facility" means an individual site within a solid waste landfill that is used exclusively for the environmentally sound storage or disposal of whole scrap tires or scrap tires that have been shredded, chipped, or otherwise mechanically processed. 1960
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(CC) "Scrap tire monofill facility" means an engineered facility used or intended to be used exclusively for the storage or disposal of scrap tires, including at least facilities for the submergence of whole scrap tires in a body of water. 1965
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(DD) "Scrap tire recovery facility" means any facility, or portion thereof, for the processing of scrap tires for the purpose of extracting or producing usable products, materials, or energy from the scrap tires through a controlled combustion process, mechanical process, or chemical process. "Scrap tire recovery facility" includes any facility that uses the controlled combustion of scrap tires in a manufacturing process to produce process heat or steam or any facility that produces usable heat or electric power through the controlled combustion of scrap tires in combination with another fuel, but does not include any solid waste incineration or energy recovery facility that is designed, constructed, and used for the primary purpose of incinerating mixed municipal solid wastes and that burns scrap tires in conjunction with mixed municipal solid wastes, or any tire retreading business, tire manufacturing finishing center, or tire adjustment center having on the premises of the business a single, covered scrap tire storage area at which not more than four thousand scrap tires are stored. 1969
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(EE) "Scrap tire storage facility" means any facility where whole scrap tires are stored prior to their transportation to a scrap tire monocell, monofill, or recovery facility licensed under 1987
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section 3734.81 of the Revised Code; a solid waste incineration or 1990
energy recovery facility subject to regulation under this chapter; 1991
a premises within the state where the scrap tires will be 1992
beneficially used; or a scrap tire storage, monocell, monofill, or 1993
recovery facility, any other solid waste disposal facility 1994
authorized to dispose of scrap tires, or a facility that will 1995
beneficially use the scrap tires, that is located in another 1996
state, and that is operating in compliance with the laws of the 1997
state in which the facility is located. 1998

(FF) "Used oil" means any oil that has been refined from 1999
crude oil, or any synthetic oil, that has been used and, as a 2000
result of that use, is contaminated by physical or chemical 2001
impurities. "Used oil" includes only those substances identified 2002
as used oil by the United States environmental protection agency 2003
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 2004
U.S.C.A. 6901a, as amended. 2005

(GG) "Methamphetamine" means methamphetamine, any salt, 2006
isomer, or salt of an isomer of methamphetamine, or any compound, 2007
mixture, preparation, or substance containing methamphetamine or 2008
any salt, isomer, or salt of an isomer of methamphetamine. 2009

Sec. 3745.13. (A) When emergency action is required to 2010
protect the public health or safety or the environment, any person 2011
responsible for causing or allowing an unauthorized spill, 2012
release, or discharge of material into or upon the environment or 2013
responsible for the operation of an illegal methamphetamine 2014
manufacturing laboratory that has caused or poses a risk of 2015
causing contamination of the environment is liable to the 2016
municipal corporation, county, township, countywide emergency 2017
management agency established under section 5502.26 of the Revised 2018
Code, regional authority for emergency management established 2019
under section 5507.27 of the Revised Code, or emergency management 2020

program established by a political subdivision under section 2021
5502.271 of the Revised Code, having territorial jurisdiction, or 2022
responsibility for emergency management activities in the location 2023
of the spill, release, ~~or~~ discharge, contamination, or potential 2024
contamination, for the necessary and reasonable, additional or 2025
extraordinary costs it incurs in investigating, mitigating, 2026
minimizing, removing, or abating the spill, release, ~~or~~ discharge, 2027
contamination, or potential contamination, in the course of its 2028
emergency action, but, to the extent criteria and methods for 2029
response actions prescribed under 40 C.F.R. 300, as amended, may 2030
be applied to the type of material involved and the conditions of 2031
the spill, release, ~~or~~ discharge, contamination, or potential 2032
contamination, that person is liable for those costs only if the 2033
political subdivision, countywide agency, or regional authority 2034
employed those criteria and methods in its emergency action. ~~The~~ 2035

The officers of the municipal corporation, county, township, 2036
countywide emergency management agency, or regional authority for 2037
emergency management performing the emergency action shall keep a 2038
detailed record of its costs for investigating, mitigating, 2039
minimizing, removing, or abating the unauthorized spill, release, 2040
~~or~~ discharge, contamination, or potential contamination; promptly 2041
after the completion of those measures, shall certify those costs 2042
to the city director of law or village solicitor, as appropriate, 2043
of the municipal corporation, the prosecuting attorney of the 2044
county in the case of a county, township, or countywide emergency 2045
management agency, or the legal counsel retained thereby in the 2046
case of a regional authority for emergency management; and may 2047
request that the legal officer or counsel bring a civil action for 2048
recovery of costs against the person responsible for the 2049
unauthorized spill, release, or discharge. ~~The~~ or responsible for 2050
the operation of the illegal methamphetamine manufacturing 2051
laboratory that caused or posed a risk of causing contamination of 2052
the environment. If the officers request that the legal officer or 2053

counsel bring such a civil action regarding emergency action taken 2054
in relation to the operation of an illegal methamphetamine 2055
manufacturing laboratory that has caused or poses a risk of 2056
causing contamination of the environment, the legal officer or 2057
counsel also may pursue a forfeiture proceeding against the 2058
responsible person under sections 2923.44 to 2923.47, sections 2059
2925.41 to 2925.45, or sections 2923.42 to 2923.43 of the Revised 2060
Code, or in any other manner authorized by law. 2061

The legal officer or counsel shall submit a written, itemized 2062
claim for the total certified costs incurred by the municipal 2063
corporation, county, township, countywide agency, or regional 2064
authority for the emergency action to the responsible party and a 2065
written demand that those costs be paid to the political 2066
subdivision, countywide agency, or regional authority. Not less 2067
than thirty days before bringing a civil action for recovery of 2068
those costs, the legal officer or counsel shall mail written 2069
notice to the responsible party informing the responsible party 2070
that, unless the total certified costs are paid to the political 2071
subdivision, countywide agency, or regional authority within 2072
thirty days after the date of mailing of the notice, the legal 2073
officer or counsel will bring a civil action for that amount. ~~In~~ 2074
Except for emergency action taken in relation to the operation of 2075
an illegal methamphetamine manufacturing laboratory that has 2076
caused or poses a risk of causing contamination of the 2077
environment, in making a determination of an award for 2078
reimbursement, the responsible party's status as a taxpayer to the 2079
governmental entity shall be taken into consideration. Nothing in 2080
this section prevents a political subdivision, countywide 2081
emergency management agency, or regional authority for emergency 2082
management from entering into a settlement of a claim against a 2083
responsible party that compromises the amount of the claim. Moneys 2084
recovered ~~under~~ as described in this section shall be credited to 2085
the appropriate funds of the political subdivision, countywide 2086

agency, or regional authority from which moneys were expended in performing the emergency action. 2087
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(B) As used in this section: 2089

(1) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine. 2090
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(2) "Illegal methamphetamine manufacturing laboratory" means any laboratory or other premises that is used for the manufacture or production of methamphetamine in violation of section 2925.04 of the Revised Code, whether or not there has been a prior conviction of that violation. 2094
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Sec. 4507.16. (A)(1) The trial judge of any court of record, in addition to or independent of all other penalties provided by law or by ordinance, shall suspend for not less than thirty days or more than three years or shall revoke the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to any of the following: 2099
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(a) Perjury or the making of a false affidavit under this chapter, or any other law of this state requiring the registration of motor vehicles or regulating their operation on the highway; 2106
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(b) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used; 2109
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(c) Failing to stop and disclose identity at the scene of the accident when required by law or ordinance to do so; 2112
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(d) Street racing as defined in section 4511.251 of the Revised Code or any substantially similar municipal ordinance; 2114
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(e) Willfully eluding or fleeing a police officer; 2116

(f) Trafficking in cigarettes with the intent to avoid payment of the cigarette tax under division (A) of section 5743.112 of the Revised Code. 2117
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(2) Subject to division (D)(1) of this section, the trial judge of any court of record, in addition to or independent of all other penalties provided by law or by ordinance, shall suspend the driver's or commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of section 2903.06 or 2903.08 of the Revised Code. The suspension shall be for the period of time specified in section 2903.06 or 2903.08 of the Revised Code, whichever is applicable. 2120
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(3) If a person is convicted of or pleads guilty to a violation of section 2907.24 of the Revised Code, an attempt to commit a violation of that section, or a violation of or an attempt to commit a violation of a municipal ordinance that is substantially equivalent to that section and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the trial judge of a court of record, in addition to or independent of all other penalties provided by law or ordinance, shall suspend for thirty days the person's driver's or commercial driver's license or permit. 2129
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The trial judge of any court of record, in addition to suspensions or revocations of licenses, permits, or privileges pursuant to this division and in addition to or independent of all other penalties provided by law or by ordinance, shall impose a suspended jail sentence not to exceed six months, if imprisonment was not imposed for the offense for which the person was convicted. 2139
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(4) If the trial judge of any court of record suspends or revokes the driver's or commercial driver's license or permit or nonresident operating privilege of a person who is convicted of or 2146
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pleads guilty to any offense for which such suspension or 2149
revocation is provided by law or ordinance, in addition to all 2150
other penalties provided by law or ordinance, the judge may issue 2151
an order prohibiting the offender from registering, renewing, or 2152
transferring the registration of any vehicle during the period 2153
that the offender's license, permit, or privilege is suspended or 2154
revoked. The court promptly shall send a copy of the order to the 2155
registrar of motor vehicles. 2156

Upon receipt of such an order, neither the registrar nor any 2157
deputy registrar shall accept any application for the 2158
registration, registration renewal, or transfer of registration of 2159
any motor vehicle owned or leased by the person named in the order 2160
during the period that the person's license, permit, or privilege 2161
is suspended or revoked, unless the registrar is properly notified 2162
by the court that the order of suspension or revocation has been 2163
canceled. When the period of suspension or revocation expires or 2164
the order is canceled, the registrar or deputy registrar shall 2165
accept the application for registration, registration renewal, or 2166
transfer of registration of the person named in the order. 2167

(B) Except as otherwise provided in this section, the trial 2168
judge of any court of record and the mayor of a mayor's court, in 2169
addition to or independent of all other penalties provided by law 2170
or by ordinance, shall revoke the driver's or commercial driver's 2171
license or permit or nonresident operating privilege of any person 2172
who is convicted of or pleads guilty to a violation of division 2173
(A) of section 4511.19 of the Revised Code, of a municipal 2174
ordinance relating to operating a vehicle while under the 2175
influence of alcohol, a drug of abuse, or alcohol and a drug of 2176
abuse, or of a municipal ordinance that is substantially 2177
equivalent to division (A) of section 4511.19 of the Revised Code 2178
relating to operating a vehicle with a prohibited concentration of 2179
alcohol in the blood, breath, or urine or suspend the license, 2180

permit, or privilege as follows:

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(1) Except when division (B)(2), (3), or (4) of this section applies and the judge or mayor is required to suspend or revoke the offender's license or permit pursuant to that division, the judge or mayor shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for not less than six months nor more than three years.

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(2) Subject to division (B)(4) of this section, if, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a motor vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, section 2903.06 or 2903.08 of the Revised Code, former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to former section 2903.07 of the Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the judge shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for not less than one year nor more than five years.

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(3) Subject to division (B)(4) of this section, if, within six years of the offense, the offender has been convicted of or pleaded guilty to two violations described in division (B)(2) of

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this section, or a statute of the United States or of any other
state or a municipal ordinance of a municipal corporation located
in any other state that is substantially similar to division (A)
or (B) of section 4511.19 of the Revised Code, the judge shall
suspend the offender's driver's or commercial driver's license or
permit or nonresident operating privilege for not less than one
year nor more than ten years.

(4) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to three or more violations
described in division (B)(2) of this section, a statute of the
United States or of any other state or a municipal ordinance of a
municipal corporation located in any other state that is
substantially similar to division (A) or (B) of section 4511.19 of
the Revised Code, or if the offender previously has been convicted
of or pleaded guilty to a violation of division (A) of section
4511.19 of the Revised Code under circumstances in which the
violation was a felony and regardless of when the violation and
the conviction or guilty plea occurred, the judge shall suspend
the offender's driver's or commercial driver's license or permit
or nonresident operating privilege for a period of time set by the
court but not less than three years, and the judge may permanently
revoke the offender's driver's or commercial driver's license or
permit or nonresident operating privilege.

(5) The filing of an appeal by a person whose driver's or
commercial driver's license is suspended or revoked under division
(B)(1), (2), (3), or (4) of this section regarding any aspect of
the person's trial or sentence does not stay the operation of the
suspension or revocation.

(C) The trial judge of any court of record or the mayor of a
mayor's court, in addition to or independent of all other
penalties provided by law or by ordinance, may suspend the
driver's or commercial driver's license or permit or nonresident

operating privilege of any person who violates a requirement or 2245
prohibition of the court imposed under division (F) of this 2246
section or division (G)(1) of section 2951.02 of the Revised Code 2247
as follows: 2248

(1) For not more than one year, upon conviction for a first 2249
violation of the requirement or prohibition; 2250

(2) For not more than five years, upon conviction for a 2251
second or subsequent violation of the requirement or prohibition 2252
during the same period of required use of an ignition interlock 2253
device that is certified pursuant to section 4511.83 of the 2254
Revised Code. 2255

(D)(1) The trial judge of any court of record, in addition to 2256
or independent of all other penalties provided by law or by 2257
ordinance, shall permanently revoke the driver's or commercial 2258
driver's license or permit or nonresident operating privilege of 2259
any person who is convicted of or pleads guilty to a violation of 2260
section 2903.04 or 2903.06 of the Revised Code in a case in which 2261
division (D) of section 2903.04 or division (B) of section 2903.06 2262
of the Revised Code requires the judge to permanently revoke the 2263
license, permit, or privilege. 2264

(2) In addition to any prison term authorized or required by 2265
the section that establishes the offense and sections 2929.13 and 2266
2929.14 of the Revised Code, and in addition to any other sanction 2267
imposed for the offense under the section that establishes the 2268
offense or sections 2929.11 to 2929.182 of the Revised Code, the 2269
court that sentences an offender who is convicted of or pleads 2270
guilty to a violation of section 2925.02, 2925.03, 2925.04, 2271
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2272
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 2273
Revised Code either shall revoke or, if it does not revoke, shall 2274
suspend for not less than six months or more than five years, as 2275
specified in the section that establishes the offense, the 2276

person's driver's or commercial driver's license or permit. If the 2277
person's driver's or commercial driver's license or permit is 2278
under suspension on the date the court imposes sentence upon the 2279
person, any revocation imposed upon the person that is referred to 2280
in division (D)(2) of this section shall take effect immediately. 2281
If the person's driver's or commercial driver's license or permit 2282
is under suspension on the date the court imposes sentence upon 2283
the person, any period of suspension imposed upon the person that 2284
is referred to in division (D)(2) of this section shall take 2285
effect on the next day immediately following the end of that 2286
period of suspension. If the person is sixteen years of age or 2287
older and is a resident of this state but does not have a current, 2288
valid Ohio driver's or commercial driver's license or permit, the 2289
court shall order the registrar to deny to the person the issuance 2290
of a driver's or commercial driver's license or permit for six 2291
months beginning on the date the court imposes a sentence upon the 2292
person. If the person has not attained the age of sixteen years on 2293
the date the court sentences the person for the violation, the 2294
period of denial shall commence on the date the person attains the 2295
age of sixteen years. 2296

(E) Except as otherwise provided in this section, the trial 2297
judge of any court of record and the mayor of a mayor's court, in 2298
addition to or independent of all other penalties provided by law 2299
or ordinance, shall suspend for not less than sixty days nor more 2300
than two years the driver's or commercial driver's license or 2301
permit or nonresident operating privilege of any person who is 2302
convicted of or pleads guilty to a violation of division (B) of 2303
section 4511.19 of the Revised Code or of a municipal ordinance 2304
substantially equivalent to that division relating to operating a 2305
vehicle with a prohibited concentration of alcohol in the blood, 2306
breath, or urine. 2307

(F)(1) A person is not entitled to request, and a judge or 2308

mayor shall not grant to the person, occupational driving 2309
privileges under division (F) of this section if a person's 2310
driver's or commercial driver's license or permit or nonresident 2311
operating privilege has been suspended pursuant to division (B) or 2312
(C) of this section or pursuant to division (F) of section 2313
4511.191 of the Revised Code, and the person, within the preceding 2314
seven years, has been convicted of or pleaded guilty to three or 2315
more violations of one or more of the following: 2316

(a) Division (A) or (B) of section 4511.19 of the Revised 2317
Code; 2318

(b) A municipal ordinance relating to operating a vehicle 2319
while under the influence of alcohol, a drug of abuse, or alcohol 2320
and a drug of abuse; 2321

(c) A municipal ordinance relating to operating a vehicle 2322
with a prohibited concentration of alcohol in the blood, breath, 2323
or urine; 2324

(d) Section 2903.04 of the Revised Code in a case in which 2325
the person was subject to the sanctions described in division (D) 2326
of that section; 2327

(e) Division (A)(1) of section 2903.06 or division (A)(1) of 2328
section 2903.08 of the Revised Code or a municipal ordinance that 2329
is substantially similar to either of those divisions; 2330

(f) Division (A)(2), (3), or (4) of section 2903.06, division 2331
(A)(2) of section 2903.08, or former section 2903.07 of the 2332
Revised Code, or a municipal ordinance that is substantially 2333
similar to any of those divisions or that former section, in a 2334
case in which the jury or judge found that the person was under 2335
the influence of alcohol, a drug of abuse, or alcohol and a drug 2336
of abuse; 2337

(g) A statute of the United States or of any other state or a 2338
municipal ordinance of a municipal corporation located in any 2339

other state that is substantially similar to division (A) or (B) 2340
of section 4511.19 of the Revised Code. 2341

(2) Any other person who is not described in division (F)(1) 2342
of this section and whose driver's or commercial driver's license 2343
or nonresident operating privilege has been suspended under any of 2344
those divisions may file a petition that alleges that the 2345
suspension would seriously affect the person's ability to continue 2346
the person's employment. The petition of a person whose license, 2347
permit, or privilege was suspended pursuant to division (F) of 2348
section 4511.191 of the Revised Code shall be filed in the court 2349
specified in division (I)(4) of that section, and the petition of 2350
a person whose license, permit, or privilege was suspended under 2351
division (B) or (C) of this section shall be filed in the 2352
municipal, county, mayor's, or in the case of a minor, juvenile 2353
court that has jurisdiction over the place of arrest. Upon 2354
satisfactory proof that there is reasonable cause to believe that 2355
the suspension would seriously affect the person's ability to 2356
continue the person's employment, the judge of the court or mayor 2357
of the mayor's court may grant the person occupational driving 2358
privileges during the period during which the suspension otherwise 2359
would be imposed, except that the judge or mayor shall not grant 2360
occupational driving privileges for employment as a driver of 2361
commercial motor vehicles to any person who is disqualified from 2362
operating a commercial motor vehicle under section 3123.611 or 2363
4506.16 of the Revised Code or whose commercial driver's license 2364
or commercial driver's temporary instruction permit has been 2365
suspended under section 3123.58 of the Revised Code, and shall not 2366
grant occupational driving privileges during any of the following 2367
periods of time: 2368

(a) The first fifteen days of suspension imposed upon an 2369
offender whose license, permit, or privilege is suspended pursuant 2370
to division (B)(1) of this section or division (F)(1) of section 2371

4511.191 of the Revised Code. On or after the sixteenth day of suspension, the court may grant the offender occupational driving privileges, but the court may provide that the offender shall not exercise the occupational driving privileges unless the vehicles the offender operates are equipped with ignition interlock devices.

(b) The first thirty days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(2) of this section or division (F)(2) of section 4511.191 of the Revised Code. On or after the thirty-first day of suspension, the court may grant the offender occupational driving privileges, but the court may provide that the offender shall not exercise the occupational driving privileges unless the vehicles the offender operates are equipped with ignition interlock devices.

(c) The first one hundred eighty days of suspension imposed upon an offender whose license, permit, or privilege is suspended pursuant to division (B)(3) of this section or division (F)(3) of section 4511.191 of the Revised Code. The judge may grant occupational driving privileges to an offender who receives a suspension under either of those divisions on or after the one hundred eighty-first day of the suspension only if division (F) of this section does not prohibit the judge from granting the privileges and only if the judge, at the time of granting the privileges, also issues an order prohibiting the offender, while exercising the occupational driving privileges during the period commencing with the one hundred eighty-first day of suspension and ending with the first year of suspension, from operating any motor vehicle unless it is equipped with a certified ignition interlock device. After the first year of the suspension, the court may authorize the offender to continue exercising the occupational driving privileges in vehicles that are not equipped with ignition

interlock devices. If the offender does not petition for
occupational driving privileges until after the first year of
suspension and if division (F) of this section does not prohibit
the judge from granting the privileges, the judge may grant the
offender occupational driving privileges without requiring the use
of a certified ignition interlock device.

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(d) The first three years of suspension imposed upon an
offender whose license, permit, or privilege is suspended pursuant
to division (B)(4) of this section or division (F)(4) of section
4511.191 of the Revised Code. The judge may grant occupational
driving privileges to an offender who receives a suspension under
either of those divisions after the first three years of
suspension only if division (F) of this section does not prohibit
the judge from granting the privileges and only if the judge, at
the time of granting the privileges, also issues an order
prohibiting the offender from operating any motor vehicle, for the
period of suspension following the first three years of
suspension, unless the motor vehicle is equipped with a certified
ignition interlock device.

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(G) If a person's driver's or commercial driver's license or
permit or nonresident operating privilege has been suspended under
division (E) of this section, and the person, within the preceding
seven years, has been convicted of or pleaded guilty to three or
more violations identified in division (F)(1) of this section, the
person is not entitled to request, and the judge or mayor shall
not grant to the person, occupational driving privileges under
this division. Any other person whose driver's or commercial
driver's license or nonresident operating privilege has been
suspended under division (E) of this section may file a petition
that alleges that the suspension would seriously affect the
person's ability to continue the person's employment. The petition
shall be filed in the municipal, county, or mayor's court that has

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jurisdiction over the place of arrest. Upon satisfactory proof 2436
that there is reasonable cause to believe that the suspension 2437
would seriously affect the person's ability to continue the 2438
person's employment, the judge of the court or mayor of the 2439
mayor's court may grant the person occupational driving privileges 2440
during the period during which the suspension otherwise would be 2441
imposed, except that the judge or mayor shall not grant 2442
occupational driving privileges for employment as a driver of 2443
commercial motor vehicles to any person who is disqualified from 2444
operating a commercial motor vehicle under section 4506.16 of the 2445
Revised Code, and shall not grant occupational driving privileges 2446
during the first sixty days of suspension imposed upon an offender 2447
whose driver's or commercial driver's license or permit or 2448
nonresident operating privilege is suspended pursuant to division 2449
(E) of this section. 2450

(H)(1) After a driver's or commercial driver's license or 2451
permit has been suspended or revoked pursuant to this section, the 2452
judge of the court or mayor of the mayor's court that suspended or 2453
revoked the license or permit shall cause the offender to deliver 2454
the license or permit to the court. The judge, mayor, or clerk of 2455
the court or mayor's court, if the license or permit has been 2456
suspended or revoked in connection with any of the offenses listed 2457
in this section, forthwith shall forward it to the registrar with 2458
notice of the action of the court. 2459

(2) Suspension of a commercial driver's license under this 2460
section shall be concurrent with any period of disqualification 2461
under section 3123.611 or 4506.16 of the Revised Code or any 2462
period of suspension under section 3123.58 of the Revised Code. No 2463
person who is disqualified for life from holding a commercial 2464
driver's license under section 4506.16 of the Revised Code shall 2465
be issued a driver's license under this chapter during the period 2466
for which the commercial driver's license was suspended under this 2467

section, and no person whose commercial driver's license is 2468
suspended under this section shall be issued a driver's license 2469
under this chapter during the period of the suspension. 2470

(I) No judge shall suspend the first thirty days of 2471
suspension of a driver's or commercial driver's license or permit 2472
or a nonresident operating privilege required under division (A) 2473
of this section, no judge or mayor shall suspend the first six 2474
months of suspension required under division (B)(1) of this 2475
section, no judge shall suspend the first year of suspension 2476
required under division (B)(2) of this section, no judge shall 2477
suspend the first year of suspension required under division 2478
(B)(3) of this section, no judge shall suspend the first three 2479
years of suspension required under division (B)(4) of this 2480
section, no judge or mayor shall suspend the revocation required 2481
by division (D) of this section, and no judge or mayor shall 2482
suspend the first sixty days of suspension required under division 2483
(E) of this section, except that the court shall credit any period 2484
of suspension imposed pursuant to section 4511.191 or 4511.196 of 2485
the Revised Code against any time of suspension imposed pursuant 2486
to division (B) or (E) of this section as described in division 2487
(J) of this section. 2488

(J) The judge of the court or mayor of the mayor's court 2489
shall credit any time during which an offender was subject to an 2490
administrative suspension of the offender's driver's or commercial 2491
driver's license or permit or nonresident operating privilege 2492
imposed pursuant to division (E) or (F) of section 4511.191 or a 2493
suspension imposed by a judge, referee, or mayor pursuant to 2494
division (B)(1) or (2) of section 4511.196 of the Revised Code 2495
against the time to be served under a related suspension imposed 2496
pursuant to this section. 2497

(K) The judge or mayor shall notify the bureau of any 2498
determinations made, and of any suspensions or revocations 2499

imposed, pursuant to division (B) of this section. 2500

(L)(1) If a court issues an ignition interlock order under 2501
division (F) of this section, the order shall authorize the 2502
offender during the specified period to operate a motor vehicle 2503
only if it is equipped with a certified ignition interlock device. 2504
The court shall provide the offender with a copy of an ignition 2505
interlock order issued under division (F) of this section, and the 2506
copy of the order shall be used by the offender in lieu of an Ohio 2507
driver's or commercial driver's license or permit until the 2508
registrar or a deputy registrar issues the offender a restricted 2509
license. 2510

An order issued under division (F) of this section does not 2511
authorize or permit the offender to whom it has been issued to 2512
operate a vehicle during any time that the offender's driver's or 2513
commercial driver's license or permit is suspended or revoked 2514
under any other provision of law. 2515

(2) The offender may present the ignition interlock order to 2516
the registrar or to a deputy registrar. Upon presentation of the 2517
order to the registrar or a deputy registrar, the registrar or 2518
deputy registrar shall issue the offender a restricted license. A 2519
restricted license issued under this division shall be identical 2520
to an Ohio driver's license, except that it shall have printed on 2521
its face a statement that the offender is prohibited during the 2522
period specified in the court order from operating any motor 2523
vehicle that is not equipped with a certified ignition interlock 2524
device, and except that the date of commencement and the date of 2525
termination of the period shall be indicated conspicuously upon 2526
the face of the license. 2527

(3) As used in this section: 2528

(a) "Ignition interlock device" has the same meaning as in 2529
section 4511.83 of the Revised Code. 2530

(b) "Certified ignition interlock device" means an ignition 2531
interlock device that is certified pursuant to section 4511.83 of 2532
the Revised Code. 2533

Sec. 4507.169. (A) The registrar of motor vehicles shall 2534
suspend for the period of time specified in this division the 2535
driver's or commercial driver's license or permit of, or deny for 2536
such period of time the issuance of a driver's or commercial 2537
driver's license or permit to, any person who is a resident of 2538
this state and is convicted of or pleads guilty to a violation of 2539
a statute of any other state or any federal statute that is 2540
substantially similar to section 2925.02, 2925.03, 2925.04, 2541
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2542
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 2543
Revised Code. Upon receipt of a report from a court, court clerk, 2544
or other official of any other state or from any federal authority 2545
that a resident of this state was convicted of or pleaded guilty 2546
to an offense described in this division, the registrar shall send 2547
a notice by regular first class mail to the person, at the 2548
person's last known address as shown in the records of the bureau 2549
of motor vehicles, informing the person of the suspension or 2550
denial, that the suspension or denial will take effect twenty-one 2551
days from the date of the notice, and that, if the person wishes 2552
to appeal the suspension or denial, the person must file a notice 2553
of appeal within twenty-one days of the date of the notice 2554
requesting a hearing on the matter. If the person requests a 2555
hearing, the registrar shall hold the hearing not more than forty 2556
days after receipt by the registrar of the notice of appeal. The 2557
filing of a notice of appeal does not stay the operation of the 2558
suspension or denial that must be imposed pursuant to this 2559
division. The scope of the hearing shall be limited to whether the 2560
person actually was convicted of or pleaded guilty to the offense 2561
for which the suspension or denial is to be imposed. 2562

The period of suspension or denial the registrar is required 2563
to impose under this division shall end either on the last day of 2564
any period of suspension of the person's nonresident operating 2565
privilege imposed by the state or federal court located in the 2566
other state, or the date six months and twenty-one days from the 2567
date of the notice sent by the registrar to the person under this 2568
division, whichever is earlier. 2569

The registrar shall subscribe to or otherwise participate in 2570
any information system or register, or enter into reciprocal and 2571
mutual agreements with other states and federal authorities, in 2572
order to facilitate the exchange of information with other states 2573
and the United States government regarding persons who plead 2574
guilty to or are convicted of offenses described in this division 2575
and therefore are subject to the suspension or denial described in 2576
this division. 2577

(B) The registrar shall suspend for the period of time 2578
specified in this division the driver's or commercial driver's 2579
license or permit of, or deny for such period of time the issuance 2580
of a driver's or commercial driver's license or permit to, any 2581
person who is a resident of this state and is convicted of or 2582
pleads guilty to a violation of a statute of any other state or a 2583
municipal ordinance of a municipal corporation located in any 2584
other state that is substantially similar to section 4511.19 of 2585
the Revised Code. Upon receipt of a report from another state made 2586
pursuant to section 4507.60 of the Revised Code indicating that a 2587
resident of this state was convicted of or pleaded guilty to an 2588
offense described in this division, the registrar shall send a 2589
notice by regular first class mail to the person, at the person's 2590
last known address as shown in the records of the bureau of motor 2591
vehicles, informing the person of the suspension or denial, that 2592
the suspension or denial will take effect twenty-one days from the 2593
date of the notice, and that, if the person wishes to appeal the 2594

suspension or denial, the person must file a notice of appeal
within twenty-one days of the date of the notice requesting a
hearing on the matter. If the person requests a hearing, the
registrar shall hold the hearing not more than forty days after
receipt by the registrar of the notice of appeal. The filing of a
notice of appeal does not stay the operation of the suspension or
denial that must be imposed pursuant to this division. The scope
of the hearing shall be limited to whether the person actually was
convicted of or pleaded guilty to the offense for which the
suspension or denial is to be imposed.

The period of suspension or denial the registrar is required
to impose under this division shall end either on the last day of
any period of suspension of the person's nonresident operating
privilege imposed by the state or federal court located in the
other state, or the date six months and twenty-one days from the
date of the notice sent by the registrar to the person under this
division, whichever is earlier.

(C) The registrar shall suspend for the period of time
specified in this division the driver's or commercial driver's
license or permit of, or deny for such period of time the issuance
of a driver's or commercial driver's license or permit to, any
child who is a resident of this state and is convicted of or
pleads guilty to a violation of a statute of any other state or
any federal statute that is substantially similar to section
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11,
2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32,
2925.36, or 2925.37 of the Revised Code. Upon receipt of a report
from a court, court clerk, or other official of any other state or
from any federal authority that a child who is a resident of this
state was convicted of or pleaded guilty to an offense described
in this division, the registrar shall send a notice by regular
first class mail to the child, at the child's last known address

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as shown in the records of the bureau of motor vehicles, informing 2627
the child of the suspension or denial, that the suspension or 2628
denial will take effect twenty-one days from the date of the 2629
notice, and that, if the child wishes to appeal the suspension or 2630
denial, the child must file a notice of appeal within twenty-one 2631
days of the date of the notice requesting a hearing on the matter. 2632
If the child requests a hearing, the registrar shall hold the 2633
hearing not more than forty days after receipt by the registrar of 2634
the notice of appeal. The filing of a notice of appeal does not 2635
stay the operation of the suspension or denial that must be 2636
imposed pursuant to this division. The scope of the hearing shall 2637
be limited to whether the child actually was convicted of or 2638
pleaded guilty to the offense for which the suspension or denial 2639
is to be imposed. 2640

The period of suspension the registrar is required to impose 2641
under this division shall end either on the last day of any period 2642
of suspension of the child's nonresident operating privilege 2643
imposed by the state or federal court located in the other state, 2644
or the date six months and twenty-one days from the date of the 2645
notice sent by the registrar to the child under this division, 2646
whichever is earlier. If the child is a resident of this state who 2647
is sixteen years of age or older and does not have a current, 2648
valid Ohio driver's or commercial driver's license or permit, the 2649
notice shall inform the child that the child will be denied 2650
issuance of a driver's or commercial driver's license or permit 2651
for six months beginning on the date of the notice. If the child 2652
has not attained the age of sixteen years on the date of the 2653
notice, the notice shall inform the child that the period of 2654
denial of six months shall commence on the date the child attains 2655
the age of sixteen years. 2656

The registrar shall subscribe to or otherwise participate in 2657
any information system or register, or enter into reciprocal and 2658

mutual agreements with other states and federal authorities, in 2659
order to facilitate the exchange of information with other states 2660
and the United States government regarding children who are 2661
residents of this state and plead guilty to or are convicted of 2662
offenses described in this division and therefore are subject to 2663
the suspension or denial described in this division. 2664

(D) The registrar shall suspend for the period of time 2665
specified in this division the driver's or commercial driver's 2666
license or permit of, or deny for such period of time the issuance 2667
of a driver's or commercial driver's license or permit to, any 2668
child who is a resident of this state and is convicted of or 2669
pleads guilty to a violation of a statute of any other state or a 2670
municipal ordinance of a municipal corporation located in any 2671
other state that is substantially similar to section 4511.19 of 2672
the Revised Code. Upon receipt of a report from another state made 2673
pursuant to section 4507.60 of the Revised Code indicating that a 2674
child who is a resident of this state was convicted of or pleaded 2675
guilty to an offense described in this division, the registrar 2676
shall send a notice by regular first class mail to the child, at 2677
the child's last known address as shown in the records of the 2678
bureau of motor vehicles, informing the child of the suspension or 2679
denial, that the suspension or denial will take effect twenty-one 2680
days from the date of the notice, and that, if the child wishes to 2681
appeal the suspension or denial, the child must file a notice of 2682
appeal within twenty-one days of the date of the notice requesting 2683
a hearing on the matter. If the child requests a hearing, the 2684
registrar shall hold the hearing not more than forty days after 2685
receipt by the registrar of the notice of appeal. The filing of a 2686
notice of appeal does not stay the operation of the suspension or 2687
denial that must be imposed pursuant to this division. The scope 2688
of the hearing shall be limited to whether the child actually was 2689
convicted of or pleaded guilty to the offense for which the 2690

suspension or denial is to be imposed.

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The period of suspension the registrar is required to impose under this division shall end either on the last day of any period of suspension of the child's nonresident operating privilege imposed by the state or federal court located in the other state, or the date six months and twenty-one days from the date of the notice sent by the registrar to the child under this division, whichever is earlier. If the child is a resident of this state who is sixteen years of age or older and does not have a current, valid Ohio driver's or commercial driver's license or permit, the notice shall inform the child that the child will be denied issuance of a driver's or commercial driver's license or permit for six months beginning on the date of the notice. If the child has not attained the age of sixteen years on the date of the notice, the notice shall inform the child that the period of denial of six months shall commence on the date the child attains the age of sixteen years.

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(E) Any person whose license or permit has been suspended pursuant to division (B) or (D) of this section may file a petition in the municipal or county court, or in case the person is under eighteen years of age, the juvenile court, in whose jurisdiction the person resides, agreeing to pay the cost of the proceedings and alleging that the suspension would seriously affect the person's ability to continue the person's employment. Upon satisfactory proof that there is reasonable cause to believe that the suspension would seriously affect the person's ability to continue the person's employment, the judge may grant the person occupational driving privileges during the period during which the suspension otherwise would be imposed, except that the judge shall not grant occupational driving privileges for employment as a driver of a commercial motor vehicle to any person who would be

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disqualified from operating a commercial motor vehicle under 2723
section 4506.16 of the Revised Code if the violation had occurred 2724
in this state, or during any of the following periods of time: 2725

(1) The first fifteen days of the suspension, if the person 2726
has not been convicted within five years of the date of the 2727
offense giving rise to the suspension under this section of a 2728
violation of any of the following: 2729

(a) Section 4511.19 of the Revised Code, of a municipal 2730
ordinance relating to operating a vehicle while under the 2731
influence of alcohol, a drug of abuse, or alcohol and a drug of 2732
abuse; 2733

(b) A municipal ordinance relating to operating a motor 2734
vehicle with a prohibited concentration of alcohol in the blood, 2735
breath, or urine; 2736

(c) Section 2903.04 of the Revised Code in a case in which 2737
the person was subject to the sanctions described in division (D) 2738
of that section; 2739

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 2740
section 2903.08 of the Revised Code or a municipal ordinance that 2741
is substantially similar to either of those divisions; 2742

(e) Division (A)(2), (3), or (4) of section 2903.06, division 2743
(A)(2) of section 2903.08, or former section 2903.07 of the 2744
Revised Code, or a municipal ordinance that is substantially 2745
similar to any of those divisions or that former section, in a 2746
case in which the jury or judge found that the person was under 2747
the influence of alcohol, a drug of abuse, or alcohol and a drug 2748
of abuse. 2749

(2) The first thirty days of the suspension, if the person 2750
has been convicted one time within five years of the date of the 2751
offense giving rise to the suspension under this section of any 2752
violation identified in division (E)(1) of this section. 2753

(3) The first one hundred eighty days of the suspension, if 2754
the person has been convicted two times within five years of the 2755
date of the offense giving rise to the suspension under this 2756
section of any violation identified in division (E)(1) of this 2757
section. 2758

(4) No occupational driving privileges may be granted if the 2759
person has been convicted three or more times within five years of 2760
the date of the offense giving rise to the suspension under this 2761
section of any violation identified in division (E)(1) of this 2762
section. 2763

If a person petitions for occupational driving privileges 2764
under division (E) of this section, the registrar shall be 2765
represented by the county prosecutor of the county in which the 2766
person resides if the petition is filed in a juvenile court or 2767
county court, except that if the person resides within a city or 2768
village that is located within the jurisdiction of the county in 2769
which the petition is filed, the city director of law or village 2770
solicitor of that city or village shall represent the registrar. 2771
If the petition is filed in a municipal court, the registrar shall 2772
be represented as provided in section 1901.34 of the Revised Code. 2773

In granting occupational driving privileges under division 2774
(E) of this section, the court may impose any condition it 2775
considers reasonable and necessary to limit the use of a vehicle 2776
by the person. The court shall deliver to the person a permit 2777
card, in a form to be prescribed by the court, setting forth the 2778
time, place, and other conditions limiting the person's use of a 2779
motor vehicle. The grant of occupational driving privileges shall 2780
be conditioned upon the person's having the permit in the person's 2781
possession at all times during which the person is operating a 2782
vehicle. 2783

A person granted occupational driving privileges who operates 2784
a vehicle for other than occupational purposes, in violation of 2785

any condition imposed by the court or without having the permit in 2786
the person's possession, is guilty of a violation of division 2787
(D)(1) of section 4507.02 of the Revised Code. 2788

(F) As used in divisions (C) and (D) of this section: 2789

(1) "Child" means a person who is under the age of eighteen 2790
years, except that any person who violates a statute or ordinance 2791
described in division (C) or (D) of this section prior to 2792
attaining eighteen years of age shall be deemed a "child" 2793
irrespective of the person's age at the time the complaint or 2794
other equivalent document is filed in the other state or a 2795
hearing, trial, or other proceeding is held in the other state on 2796
the complaint or other equivalent document, and irrespective of 2797
the person's age when the period of license suspension or denial 2798
prescribed in division (C) or (D) of this section is imposed. 2799

(2) "Is convicted of or pleads guilty to" means, as it 2800
relates to a child who is a resident of this state, that in a 2801
proceeding conducted in a state or federal court located in 2802
another state for a violation of a statute or ordinance described 2803
in division (C) or (D) of this section, the result of the 2804
proceeding is any of the following: 2805

(a) Under the laws that govern the proceedings of the court, 2806
the child is adjudicated to be or admits to being a delinquent 2807
child or a juvenile traffic offender for a violation described in 2808
division (C) or (D) of this section that would be a crime if 2809
committed by an adult; 2810

(b) Under the laws that govern the proceedings of the court, 2811
the child is convicted of or pleads guilty to a violation 2812
described in division (C) or (D) of this section; 2813

(c) Under the laws that govern the proceedings of the court, 2814
irrespective of the terminology utilized in those laws, the result 2815
of the court's proceedings is the functional equivalent of 2816

division (F)(2)(a) or (b) of this section.

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Section 2. That existing sections 905.40, 905.461, 2925.01,
2925.04, 2925.14, 2925.38, 2925.51, 2933.43, 3734.01, 3745.13,
4507.16, and 4507.169 of the Revised Code are hereby repealed.

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