

As Reported by House Criminal Justice Committee

124th General Assembly

Regular Session

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Sub. H. B. No. 7

REPRESENTATIVES Manning, Womer Benjamin, Latta, Seitz, Faber,
Reidelbach, Jerse, Perry, Hughes, S. Smith

A BILL

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

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

Section 1. That sections 2925.01, 2925.04, 2925.14, 2925.38, 7
2925.51, 2933.43, 3745.13, 4507.16, and 4507.169 be amended and 8
sections 2925.041 and 2925.52 of the Revised Code be enacted to 9
read as follows: 10

Sec. 2925.01. As used in this chapter: 11

(A) "Administer," "controlled substance," "dispense," 12
"distribute," "hypodermic," "manufacturer," "official written 13
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 14
"schedule II," "schedule III," "schedule IV," "schedule V," and 15
"wholesaler" have the same meanings as in section 3719.01 of the 16
Revised Code. 17

(B) "Drug dependent person" and "drug of abuse" have the same 18
meanings as in section 3719.011 of the Revised Code. 19

(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.

(D) "Bulk amount" of a controlled substance means any of the following:

(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:

(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;

(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;

(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;

(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 schedule II opiate or opium derivative;

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

(f) An amount equal to or exceeding one hundred twenty grams 50
or thirty times the maximum daily dose in the usual dose range 51
specified in a standard pharmaceutical reference manual of a 52
compound, mixture, preparation, or substance that is or contains 53
any amount of a schedule II stimulant that is in a final dosage 54
form manufactured by a person authorized by the "Federal Food, 55
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 56
amended, and the federal drug abuse control laws, as defined in 57
section 3719.01 of the Revised Code, that is or contains any 58
amount of a schedule II depressant substance or a schedule II 59
hallucinogenic substance; 60

(g) An amount equal to or exceeding three grams of a 61
compound, mixture, preparation, or substance that is or contains 62
any amount of a schedule II stimulant, or any of its salts or 63
isomers, that is not in a final dosage form manufactured by a 64
person authorized by the Federal Food, Drug, and Cosmetic Act and 65
the federal drug abuse control laws. 66

(2) An amount equal to or exceeding one hundred twenty grams 67
or thirty times the maximum daily dose in the usual dose range 68
specified in a standard pharmaceutical reference manual of a 69
compound, mixture, preparation, or substance that is or contains 70
any amount of a schedule III or IV substance other than an 71
anabolic steroid or a schedule III opiate or opium derivative; 72

(3) An amount equal to or exceeding twenty grams or five 73
times the maximum daily dose in the usual dose range specified in 74
a standard pharmaceutical reference manual of a compound, mixture, 75
preparation, or substance that is or contains any amount of a 76
schedule III opiate or opium derivative; 77

(4) An amount equal to or exceeding two hundred fifty 78
milliliters or two hundred fifty grams of a compound, mixture, 79
preparation, or substance that is or contains any amount of a 80
schedule V substance; 81

(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.

(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.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(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, 2925.041, 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;

(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;

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

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

(H) "Felony drug abuse offense" means any drug abuse offense 113
that would constitute a felony under the laws of this state, any 114
other state, or the United States. 115

(I) "Harmful intoxicant" does not include beer or 116
intoxicating liquor but means any compound, mixture, preparation, 117
or substance the gas, fumes, or vapor of which when inhaled can 118
induce intoxication, excitement, giddiness, irrational behavior, 119
depression, stupefaction, paralysis, unconsciousness, 120
asphyxiation, or other harmful physiological effects, and 121
includes, but is not limited to, any of the following: 122

(1) Any volatile organic solvent, plastic cement, model 123
cement, fingernail polish remover, lacquer thinner, cleaning 124
fluid, gasoline, or other preparation containing a volatile 125
organic solvent; 126

(2) Any aerosol propellant; 127

(3) Any fluorocarbon refrigerant; 128

(4) Any anesthetic gas. 129

(J) "Manufacture" means to plant, cultivate, harvest, 130
process, make, prepare, or otherwise engage in any part of the 131
production of a drug, by propagation, extraction, chemical 132
synthesis, or compounding, or any combination of the same, and 133
includes packaging, repackaging, labeling, and other activities 134
incident to production. 135

(K) "Possess" or "possession" means having control over a 136
thing or substance, but may not be inferred solely from mere 137
access to the thing or substance through ownership or occupation 138
of the premises upon which the thing or substance is found. 139

(L) "Sample drug" means a drug or pharmaceutical preparation 140
that would be hazardous to health or safety if used without the 141
supervision of a licensed health professional authorized to 142

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;

(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.

(P) An offense is "committed in the vicinity of a school" if 173
the offender commits the offense on school premises, in a school 174
building, or within one thousand feet of the boundaries of any 175
school premises. 176

(Q) "School" means any school operated by a board of 177
education or any school for which the state board of education 178
prescribes minimum standards under section 3301.07 of the Revised 179
Code, whether or not any instruction, extracurricular activities, 180
or training provided by the school is being conducted at the time 181
a criminal offense is committed. 182

(R) "School premises" means either of the following: 183

(1) The parcel of real property on which any school is 184
situated, whether or not any instruction, extracurricular 185
activities, or training provided by the school is being conducted 186
on the premises at the time a criminal offense is committed; 187

(2) Any other parcel of real property that is owned or leased 188
by a board of education of a school or the governing body of a 189
school for which the state board of education prescribes minimum 190
standards under section 3301.07 of the Revised Code and on which 191
some of the instruction, extracurricular activities, or training 192
of the school is conducted, whether or not any instruction, 193
extracurricular activities, or training provided by the school is 194
being conducted on the parcel of real property at the time a 195
criminal offense is committed. 196

(S) "School building" means any building in which any of the 197
instruction, extracurricular activities, or training provided by a 198
school is conducted, whether or not any instruction, 199
extracurricular activities, or training provided by the school is 200
being conducted in the school building at the time a criminal 201
offense is committed. 202

(T) "Disciplinary counsel" means the disciplinary counsel 203

appointed by the board of commissioners on grievances and 204
discipline of the supreme court under the Rules for the Government 205
of the Bar of Ohio. 206

(U) "Certified grievance committee" means a duly constituted 207
and organized committee of the Ohio state bar association or of 208
one or more local bar associations of the state of Ohio that 209
complies with the criteria set forth in Rule V, section 6 of the 210
Rules for the Government of the Bar of Ohio. 211

(V) "Professional license" means any license, permit, 212
certificate, registration, qualification, admission, temporary 213
license, temporary permit, temporary certificate, or temporary 214
registration that is described in divisions (W)(1) to (35) of this 215
section and that qualifies a person as a professionally licensed 216
person. 217

(W) "Professionally licensed person" means any of the 218
following: 219

(1) A person who has obtained a license as a manufacturer of 220
controlled substances or a wholesaler of controlled substances 221
under Chapter 3719. of the Revised Code; 222

(2) A person who has received a certificate or temporary 223
certificate as a certified public accountant or who has registered 224
as a public accountant under Chapter 4701. of the Revised Code and 225
who holds an Ohio permit issued under that chapter; 226

(3) A person who holds a certificate of qualification to 227
practice architecture issued or renewed and registered under 228
Chapter 4703. of the Revised Code; 229

(4) A person who is registered as a landscape architect under 230
Chapter 4703. of the Revised Code or who holds a permit as a 231
landscape architect issued under that chapter; 232

(5) A person licensed as an auctioneer or apprentice 233

auctioneer or licensed to operate an auction company under Chapter 4707. of the Revised Code;	234 235
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	236 237 238
(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;	239 240 241
(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;	242 243 244 245 246 247 248
(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;	249 250 251 252 253
(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;	254 255 256 257
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	258 259 260 261
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	262 263 264

(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	265 266
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	267 268
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	269 270 271 272
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	273 274
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	275 276 277 278
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	279 280
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	281 282
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	283 284
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	285 286
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	287 288
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	289 290
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	291 292
(25) A person who has been licensed to act as a steam	293

engineer under Chapter 4739. of the Revised Code;	294
(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;	295 296 297 298
(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;	299 300 301
(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;	302 303 304
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	305 306 307
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	308 309 310
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	311 312
(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;	313 314 315 316
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	317 318
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	319 320 321
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code.	322 323

(X) "Cocaine" means any of the following:	324
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	325 326
(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;	327 328 329 330
(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.	331 332 333 334 335 336
(Y) "L.S.D." means lysergic acid diethylamide.	337
(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.	338 339 340
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	341 342
(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 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.	343 344 345 346 347 348 349
(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	350 351 352 353

the purposes and principles of sentencing under section 2929.11 of
the Revised Code. 354
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(DD) "Major drug offender" has the same meaning as in section 356
2929.01 of the Revised Code. 357

(EE) "Minor drug possession offense" means either of the 358
following: 359

(1) A violation of section 2925.11 of the Revised Code as it 360
existed prior to July 1, 1996; 361

(2) A violation of section 2925.11 of the Revised Code as it 362
exists on and after July 1, 1996, that is a misdemeanor or a 363
felony of the fifth degree. 364

(FF) "Mandatory prison term" has the same meaning as in 365
section 2929.01 of the Revised Code. 366

(GG) "Crack cocaine" means a compound, mixture, preparation, 367
or substance that is or contains any amount of cocaine that is 368
analytically identified as the base form of cocaine or that is in 369
a form that resembles rocks or pebbles generally intended for 370
individual use. 371

(HH) "Adulterate" means to cause a drug to be adulterated as 372
described in section 3715.63 of the Revised Code. 373

(II) "Public premises" means any hotel, restaurant, tavern, 374
store, arena, hall, or other place of public accommodation, 375
business, amusement, or resort. 376

Sec. 2925.04. (A) No person shall knowingly cultivate 377
marihuana or knowingly manufacture or otherwise engage in any part 378
of the production of a controlled substance. 379

(B) This section does not apply to any person listed in 380
division (B)(1), (2), or (3) of section 2925.03 of the Revised 381
Code to the extent and under the circumstances described in those 382

divisions.

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

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(2) ~~If~~ Except as otherwise provided in this division, if the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the drug involved in the violation is 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 and if the offense was committed in the vicinity of a juvenile, in the vicinity of a school, or on public premises, illegal manufacture of drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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

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(d), (e), or (f) of this section, illegal cultivation of marihuana 414
is a minor misdemeanor. 415

(b) If the amount of marihuana involved equals or exceeds one 416
hundred grams but is less than two hundred grams, illegal 417
cultivation of marihuana is a misdemeanor of the fourth degree. 418

(c) If the amount of marihuana involved equals or exceeds two 419
hundred grams but is less than one thousand grams, illegal 420
cultivation of marihuana is a felony of the fifth degree, and 421
division (B) of section 2929.13 of the Revised Code applies in 422
determining whether to impose a prison term on the offender. 423

(d) If the amount of marihuana involved equals or exceeds one 424
thousand grams but is less than five thousand grams, illegal 425
cultivation of marihuana is a felony of the third degree, and 426
division (C) of section 2929.13 of the Revised Code applies in 427
determining whether to impose a prison term on the offender. 428

(e) If the amount of marihuana involved equals or exceeds 429
five thousand grams but is less than twenty thousand grams, 430
illegal cultivation of marihuana is a felony of the third degree, 431
and there is a presumption for a prison term for the offense. 432

(f) If the amount of marihuana involved equals or exceeds 433
twenty thousand grams, illegal cultivation of marihuana is a 434
felony of the second degree, and the court shall impose as a 435
mandatory prison term the maximum prison term prescribed for a 436
felony of the second degree. 437

(D) In addition to any prison term authorized or required by 438
division (C) or (E) of this section and sections 2929.13 and 439
2929.14 of the Revised Code and in addition to any other sanction 440
imposed for the offense under this section or sections 2929.11 to 441
2929.18 of the Revised Code, the court that sentences an offender 442
who is convicted of or pleads guilty to a violation of division 443
(A) of this section shall do all of the following that are 444

applicable regarding the offender:

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(1) If the violation of division (A) of this section is a
felony of the first, second, or third degree, the court shall
impose upon the offender the mandatory fine specified for the
offense under division (B)(1) of section 2929.18 of the Revised
Code unless, as specified in that division, the court determines
that the offender is indigent. 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 is charged
with a violation of this section that is a felony of the first,
second, or third degree, posts bail, and forfeits the bail, the
clerk shall pay the forfeited bail as if the forfeited bail were a
fine imposed for a violation of this section.

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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.

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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.

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(E) Notwithstanding the prison term otherwise authorized or
required for the offense under division (C) of this section and
sections 2929.13 and 2929.14 of the Revised Code, if the violation
of division (A) of this section involves the sale, offer to sell,

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or possession of a schedule I or II controlled substance, with the
exception of marihuana, and if the court imposing sentence upon
the offender finds that the offender as a result of the violation
is a major drug offender and is guilty of a specification of the
type described in section 2941.1410 of the Revised Code, the
court, in lieu of the prison term otherwise authorized or
required, shall impose upon the offender the mandatory prison term
specified in division (D)(3)(a) of section 2929.14 of the Revised
Code and may impose an additional prison term under division
(D)(3)(b) of that section.

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

Notwithstanding any contrary provision of division (F) of
this section, if, in accordance with section 2901.05 of the
Revised Code, a person who is charged with a violation of illegal
cultivation of marihuana that is a felony of the fifth degree
sustains the burden of going forward with evidence of and
establishes by a preponderance of the evidence the affirmative
defense described in this division, the person may be prosecuted
for and may be convicted of or plead guilty to a misdemeanor
violation of illegal cultivation of marihuana.

(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 shall knowingly assemble or
possess chemicals that may be used to manufacture a controlled
substance in schedule I or II with the intent to manufacture a
controlled substance in schedule I or II in violation of section
2925.04 of the Revised Code.

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(B) Whoever violates this section is guilty of illegal
assembly or possession of chemicals for the manufacture of drugs.
Except as otherwise provided in this division, illegal assembly or
possession of chemicals for the manufacture of drugs 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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(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
offender:

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(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 under 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

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specified in division (F) of section 2925.03 of the Revised Code. 540
If a person charged with a violation of this section posts bail 541
and forfeits the bail, the clerk shall pay the forfeited bail as 542
if the forfeited bail were a fine imposed for a violation of this 543
section. 544

(2) The court shall revoke or suspend the offender's driver's 545
or commercial driver's license or permit in accordance with 546
division (G) of section 2925.03 of the Revised Code. If an 547
offender's driver's or commercial driver's license or permit is 548
revoked in accordance with that division, the offender may request 549
termination of, and the court may terminate, the revocation in 550
accordance with that division. 551

(3) If the offender is a professionally licensed person or a 552
person who has been admitted to the bar by order of the supreme 553
court in compliance with its prescribed and published rules, the 554
court shall comply with section 2925.38 of the Revised Code. 555

Sec. 2925.14. (A) As used in this section, "drug 556
paraphernalia" means any equipment, product, or material of any 557
kind that is used by the offender, intended by the offender for 558
use, or designed for use, in propagating, cultivating, growing, 559
harvesting, manufacturing, compounding, converting, producing, 560
processing, preparing, testing, analyzing, packaging, repackaging, 561
storing, containing, concealing, injecting, ingesting, inhaling, 562
or otherwise introducing into the human body, a controlled 563
substance in violation of this chapter. "Drug paraphernalia" 564
includes, but is not limited to, any of the following equipment, 565
products, or materials that are used by the offender, intended by 566
the offender for use, or designed by the offender for use, in any 567
of the following manners: 568

(1) A kit for propagating, cultivating, growing, or 569
harvesting any species of a plant that is a controlled substance 570

or from which a controlled substance can be derived;	571
(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;	572 573
(3) <u>Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine;</u>	574 575 576 577
(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;	578 579
(4) (5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;	580 581
(5) (6) A scale or balance for weighing or measuring a controlled substance;	582 583
(6) (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	584 585 586
(7) (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	587 588
(8) (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	589 590
(9) (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	591 592
(10) (11) A container or device for storing or concealing a controlled substance;	593 594
(11) (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	595 596
(12) (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden,	597 598 599

acrylic, glass, stone, plastic, or ceramic pipe, with or without a 600
screen, permanent screen, hashish head, or punctured metal bowl; 601
water pipe; carburetion tube or device; smoking or carburetion 602
mask; roach clip or similar object used to hold burning material, 603
such as a marihuana cigarette, that has become too small or too 604
short to be held in the hand; miniature cocaine spoon, or cocaine 605
vial; chamber pipe; carburetor pipe; electric pipe; air driver 606
pipe; chillum; bong; or ice pipe or chiller. 607

(B) In determining if ~~an object~~ any equipment, product, or 608
material is drug paraphernalia, a court or law enforcement officer 609
shall consider, in addition to other relevant factors, the 610
following: 611

(1) Any statement by the owner, or by anyone in control, of 612
the ~~object~~ equipment, product, or material, concerning its use; 613

(2) The proximity in time or space of the ~~object~~ equipment, 614
product, or material, or of the act relating to the ~~object~~ 615
equipment, product, or material, to a violation of any provision 616
of this chapter; 617

(3) The proximity of the ~~object~~ equipment, product, or 618
material to any controlled substance; 619

(4) The existence of any residue of a controlled substance on 620
the ~~object~~ equipment, product, or material; 621

(5) Direct or circumstantial evidence of the intent of the 622
owner, or of anyone in control, of the ~~object~~ equipment, product, 623
or material, to deliver it to any person whom the owner or person 624
in control of the ~~object~~ equipment, product, or material knows 625
intends to use the object to facilitate a violation of any 626
provision of this chapter. A finding that the owner, or anyone in 627
control, of the ~~object~~ equipment, product, or material, is not 628
guilty of a violation of any other provision of this chapter does 629
not prevent a finding that the ~~object~~ equipment, product, or 630

material was intended or designed by the offender for use as drug paraphernalia. 631
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(6) Any oral or written instruction provided with the object equipment, product, or material concerning its use; 633
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(7) Any descriptive material accompanying the object equipment, product, or material and explaining or depicting its use; 635
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(8) National or local advertising concerning the use of the object equipment, product, or material; 638
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(9) The manner and circumstances in which the object equipment, product, or material is displayed for sale; 640
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(10) Direct or circumstantial evidence of the ratio of the sales of the object equipment, product, or material to the total sales of the business enterprise; 642
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(11) The existence and scope of legitimate uses of the object equipment, product, or material in the community; 645
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(12) Expert testimony concerning the use of the object equipment, product, or material. 647
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(C)(1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia. 649
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(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia. 651
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(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug 655
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paraphernalia. 661

(D) This section does not apply to manufacturers, licensed 662
health professionals authorized to prescribe drugs, pharmacists, 663
owners of pharmacies, and other persons whose conduct is in 664
accordance with Chapters 3719., 4715., 4723., 4729., 4731., and 665
4741. of the Revised Code. This section shall not be construed to 666
prohibit the possession or use of a hypodermic as authorized by 667
section 3719.172 of the Revised Code. 668

(E) Notwithstanding sections 2933.42 and 2933.43 of the 669
Revised Code, any drug paraphernalia that was used, possessed, 670
sold, or manufactured in a violation of this section shall be 671
seized, after a conviction for that violation shall be forfeited, 672
and upon forfeiture shall be disposed of pursuant to division 673
(D)(8) of section 2933.41 of the Revised Code. 674

(F)(1) Whoever violates division (C)(1) of this section is 675
guilty of illegal use or possession of drug paraphernalia, a 676
misdemeanor of the fourth degree. 677

(2) Except as provided in division (F)(3) of this section, 678
whoever violates division (C)(2) of this section is guilty of 679
dealing in drug paraphernalia, a misdemeanor of the second degree. 680

(3) Whoever violates division (C)(2) of this section by 681
selling drug paraphernalia to a juvenile is guilty of selling drug 682
paraphernalia to juveniles, a misdemeanor of the first degree. 683

(4) Whoever violates division (C)(3) of this section is 684
guilty of illegal advertising of drug paraphernalia, a misdemeanor 685
of the second degree. 686

(G) In addition to any other sanction imposed for a violation 687
of this section, the court shall suspend for not less than six 688
months or more than five years the driver's or commercial driver's 689
license or permit of any person who is convicted of or has pleaded 690
guilty to a violation of this section. If the offender is a 691

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, in addition to any other sanction
imposed for a violation of this section, the court forthwith shall
comply with section 2925.38 of the Revised Code.

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

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Sec. 2925.51. (A) In any criminal prosecution for a violation
of this chapter or Chapter 3719. of the Revised Code, a laboratory
report from the bureau of criminal identification and
investigation, a laboratory operated by another law enforcement
agency, or a laboratory established by or under the authority of
an institution of higher education that has its main campus in

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this state and that is accredited by the association of American 723
universities or the north central association of colleges and 724
secondary schools, primarily for the purpose of providing 725
scientific services to law enforcement agencies and signed by the 726
person performing the analysis, stating that the substance ~~which~~ 727
that is the basis of the alleged offense has been weighed and 728
analyzed and stating the findings as to the content, weight, and 729
identity of the substance and that it contains any amount of a 730
controlled substance and the number and description of unit 731
dosages, is prima-facie evidence of the content, identity, and 732
weight or the existence and number of unit dosages of the 733
substance. In any criminal prosecution for a violation of this 734
chapter or Chapter 3719. of the Revised Code that is based on the 735
possession of chemicals sufficient to produce a compound, mixture, 736
preparation, or substance included in schedule I, II, III, IV, or 737
V, a laboratory report from the bureau or from any laboratory that 738
is operated or established as described in this division that is 739
signed by the person performing the analysis, stating that the 740
substances that are the basis of the alleged offense have been 741
weighed and analyzed and stating the findings as to the content, 742
weight, and identity of each of the substances, is prima-facie 743
evidence of the content, identity, and weight of the substances. 744

Attached to that report shall be a copy of a notarized 745
statement by the signer of the report giving the name of the 746
signer and stating that ~~he~~ the signer is an employee of the 747
laboratory issuing the report and that performing the analysis is 748
a part of ~~his~~ the signer's regular duties, and giving an outline 749
of ~~his~~ the signer's education, training, and experience for 750
performing an analysis of materials included under this section. 751
The signer shall attest that scientifically accepted tests were 752
performed with due caution, and that the evidence was handled in 753
accordance with established and accepted procedures while in the 754
custody of the laboratory. 755

(B) The prosecuting attorney shall serve a copy of the report 756
on the attorney of record for the accused, or on the accused if ~~he~~ 757
the accused has no attorney, prior to any proceeding in which the 758
report is to be used against the accused other than at a 759
preliminary hearing or grand jury proceeding where the report may 760
be used without having been previously served upon the accused. 761

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(C) The report shall not be prima-facie evidence of the 763
contents, identity, and weight or the existence and number of unit 764
dosages of the substance if the accused or ~~his~~ the accused's 765
attorney demands the testimony of the person signing the report, 766
by serving the demand upon the prosecuting attorney within seven 767
days from the accused or ~~his~~ the accused's attorney's receipt of 768
the report. The time may be extended by a trial judge in the 769
interests of justice. 770

(D) Any report issued for use under this section shall 771
contain notice of the right of the accused to demand, and the 772
manner in which the accused shall demand, the testimony of the 773
person signing the report. 774

(E) Any person who is accused of a violation of this chapter 775
or of Chapter 3719. of the Revised Code is entitled, upon written 776
request made to the prosecuting attorney, to have a portion of the 777
substance that is, or of each of the substances that are, the 778
basis of the alleged violation preserved for the benefit of 779
independent analysis performed by a laboratory analyst employed by 780
the accused person, or, if ~~he~~ the accused is indigent, by a 781
qualified laboratory analyst appointed by the court. Such portion 782
shall be a representative sample of the entire substance that is, 783
or of each of the substances that are, the basis of the alleged 784
violation and shall be of sufficient size, in the opinion of the 785
court, to permit the accused's analyst to make a thorough 786
scientific analysis concerning the identity of the substance or 787

substances. The prosecuting attorney shall provide the accused's analyst with the sample portion at least fourteen days prior to trial, unless the trial is to be held in a court not of record or unless the accused person is charged with a minor misdemeanor, in which case the prosecuting attorney shall provide the accused's analyst with the sample portion at least three days prior to trial. If the prosecuting attorney determines that such a sample portion cannot be preserved and given to the accused's analyst, the prosecuting attorney shall so inform the accused person or his attorney. In such a circumstance, the accused person is entitled, upon written request made to the prosecuting attorney, to have ~~his~~ the accused's privately employed or court appointed analyst present at an analysis of the substance that is, or the substances that are, the basis of the alleged violation, and, upon further written request, to receive copies of all recorded scientific data that result from the analysis and that can be used by an analyst in arriving at conclusions, findings, or opinions concerning the identity of the substance or substances subject to the analysis.

(F) In addition to the rights provided under division (E) of this section, any person who is accused of a violation of this chapter or of Chapter 3719. of the Revised Code that involves a bulk amount of a controlled substance, or any multiple thereof, or who is accused of a violation of section 2925.11 of the Revised Code, other than a minor misdemeanor violation, that involves marihuana, is entitled, upon written request made to the prosecuting attorney, to have a laboratory analyst of ~~his~~ the accused's choice, or, if the accused is indigent, a qualified laboratory analyst appointed by the court present at a measurement or weighing of the substance that is the basis of the alleged violation. Also, the accused person is entitled, upon further written request, to receive copies of all recorded scientific data that result from the measurement or weighing and that can be used by an analyst in arriving at conclusions, findings, or opinions

concerning the weight, volume, or number of unit doses of the 821
substance subject to the measurement or weighing. 822

Sec. 2925.52. (A) If a person is charged with any violation 823
of this chapter or Chapter 3719. of the Revised Code that is based 824
on the possession of chemicals sufficient to produce 825
methamphetamine, any salt, isomer, or salt of an isomer of 826
methamphetamine, or any compound, mixture, preparation, or 827
substance containing methamphetamine or any salt, isomer, or salt 828
of an isomer of methamphetamine, the law enforcement agency that 829
has custody of the chemicals may file a motion with the court in 830
which the charges are pending requesting the court to order the 831
chemicals destroyed in accordance with this division. If a law 832
enforcement agency files a motion of that type with a court, the 833
court may issue an order that requires the containers in which the 834
chemicals are contained be photographed, orders the chemicals 835
forfeited, and requires that the chemicals be destroyed. 836

(B) If the court issues an order under division (A) of this 837
section, the court may include in the order a requirement that the 838
chemicals be sampled prior to their destruction and that the 839
samples be preserved. 840

Sec. 2933.43. (A)(1) Except as provided in this division or 841
in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 842
2925.45 of the Revised Code, a law enforcement officer shall seize 843
any contraband that has been, is being, or is intended to be used 844
in violation of division (A) of section 2933.42 of the Revised 845
Code. A law enforcement officer shall seize contraband that is a 846
watercraft, motor vehicle, or aircraft and that has been, is 847
being, or is intended to be used in violation of division (A) of 848
section 2933.42 of the Revised Code only if the watercraft, motor 849
vehicle, or aircraft is contraband because of its relationship to 850
an underlying criminal offense that is a felony. 851

Additionally, a law enforcement officer shall seize any 852
watercraft, motor vehicle, aircraft, or other personal property 853
that is classified as contraband under division (B) of section 854
2933.42 of the Revised Code if the underlying offense involved in 855
the violation of division (A) of that section that resulted in the 856
watercraft, motor vehicle, aircraft, or personal property being 857
classified as contraband, is a felony. 858

(2) If a law enforcement officer seizes property that is 859
titled or registered under law, including a motor vehicle, 860
pursuant to division (A)(1) of this section, the officer or the 861
officer's employing law enforcement agency shall notify the owner 862
of the seizure. The notification shall be given to the owner at 863
the owner's last known address within seventy-two hours after the 864
seizure, and may be given orally by any means, including 865
telephone, or by certified mail, return receipt requested. 866

If the officer or the officer's agency is unable to provide 867
the notice required by this division despite reasonable, good 868
faith efforts to do so, the exercise of the reasonable, good faith 869
efforts constitutes fulfillment of the notice requirement imposed 870
by this division. 871

(B)(1) A motor vehicle seized pursuant to division (A)(1) of 872
this section and the contents of the vehicle may be retained for a 873
reasonable period of time, not to exceed seventy-two hours, for 874
the purpose of inspection, investigation, and the gathering of 875
evidence of any offense or illegal use. 876

At any time prior to the expiration of the seventy-two-hour 877
period, the law enforcement agency that seized the motor vehicle 878
may petition the court of common pleas of the county that has 879
jurisdiction over the underlying criminal case or administrative 880
proceeding involved in the forfeiture for an extension of the 881
seventy-two-hour period if the motor vehicle or its contents are 882
needed as evidence or if additional time is needed for the 883

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
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.

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

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a petition for the extension of the initial seventy-two-hour 916
period has been filed, prior to the expiration of that period, 917
under this division but the court does not grant the petition, if 918
the vehicle was not in the custody and control of the owner at the 919
time of its seizure, and if, at the end of that seventy-two-hour 920
period, the owner of the vehicle has not been charged with an 921
offense or administrative violation that includes the use of the 922
vehicle as an element and has not been charged with any other 923
offense or administrative violation in the actual commission of 924
which the motor vehicle was used, the vehicle and its contents 925
shall be released to its owner or the owner's agent, provided that 926
the court may require the proof and affidavit described in the 927
preceding sentence as conditions precedent to release. If the 928
initial seventy-two-hour period has been extended under this 929
division, the vehicle and its contents to which the extension 930
applies may be retained in accordance with the extension order. 931
If, at the end of that extended period, the owner of the vehicle 932
has not been charged with an offense or administrative violation 933
that includes the use of the vehicle as an element and has not 934
been charged with any other offense or administrative violation in 935
the actual commission of which the motor vehicle was used, and if 936
the vehicle was not in the custody and control of the owner at the 937
time of its seizure, the vehicle and its contents shall be 938
released to its owner or the owner's agent, provided that the 939
court may require the proof and affidavit described in the third 940
preceding sentence as conditions precedent to release. In cases in 941
which the court may require proof and affidavits as conditions 942
precedent to release, the court also may require the posting of a 943
bond, with sufficient sureties approved by the court, in an amount 944
equal to the value of the property to be released, as determined 945
by the court, and conditioned upon the return of the property to 946
the court if it is forfeited under this section, as a further 947
condition to release. If, at the end of the initial 948

seventy-two-hour period or at the end of any extended period 949
granted under this section, the owner has been charged with an 950
offense or administrative violation that includes the use of the 951
vehicle as an element or has been charged with another offense or 952
administrative violation in the actual commission of which the 953
motor vehicle was used, or if the vehicle was in the custody and 954
control of the owner at the time of its seizure, the vehicle and 955
its contents shall be retained pending disposition of the charge, 956
provided that upon the filing of a motion for release by the 957
owner, if the court determines that the motor vehicle or its 958
contents, or both, are not needed as evidence in the underlying 959
criminal case or administrative proceeding, the court may permit 960
the release of the property that is not needed as evidence to the 961
owner; as a condition precedent to a release of that nature, the 962
court may require the owner to execute a bond with the court. Any 963
bond so required shall be in an amount equal to the value of the 964
property to be released, as determined by the court, shall have 965
sufficient sureties approved by the court, and shall be 966
conditioned upon the return of the property to the court to which 967
it is forfeited under this section. 968

The final disposition of a motor vehicle seized pursuant to 969
division (A)(1) of this section shall be determined in accordance 970
with division (C) of this section. 971

(2) Pending a hearing pursuant to division (C) of this 972
section, and subject to divisions (B)(1) and (C) of this section, 973
any property lawfully seized pursuant to division (A) of this 974
section because it was contraband of a type described in division 975
(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section 976
2901.01 of the Revised Code shall not be subject to replevin or 977
other action in any court and shall not be subject to release upon 978
request of the owner, and no judgment shall be enforced against 979
the property. Pending the hearing, and subject to divisions (B)(1) 980

and (C) of this section, the property shall be kept in the custody 981
of the law enforcement agency responsible for its seizure. 982

Pending a hearing pursuant to division (C) of this section, 983
and notwithstanding any provisions of division (B)(1) or (C) of 984
this section to the contrary, any property lawfully seized 985
pursuant to division (A) of this section because it was contraband 986
of a type described in division (A)(13)(a) or (c) of section 987
2901.01 of the Revised Code shall not be subject to replevin or 988
other action in any court and shall not be subject to release upon 989
request of the owner, and no judgment shall be enforced against 990
the property. Pending the hearing, and notwithstanding any 991
provisions of division (B)(1) or (C) of this section to the 992
contrary, the property shall be kept in the custody of the law 993
enforcement agency responsible for its seizure. 994

A law enforcement agency that seizes property under division 995
(A) of this section because it was contraband of any type 996
described in division (A)(13) of section 2901.01 or division (B) 997
of section 2933.42 of the Revised Code shall maintain an accurate 998
record of each item of property so seized, which record shall 999
include the date on which each item was seized, the manner and 1000
date of its disposition, and if applicable, the name of the person 1001
who received the item; however, the record shall not identify or 1002
enable the identification of the individual officer who seized the 1003
item. The record of property of that nature that no longer is 1004
needed as evidence shall be open to public inspection during the 1005
agency's regular business hours. Each law enforcement agency that, 1006
during any calendar year, seizes property under division (A) of 1007
this section because it was contraband shall prepare a report 1008
covering the calendar year that cumulates all of the information 1009
contained in all of the records kept by the agency pursuant to 1010
this division for that calendar year, and shall send a copy of the 1011
cumulative report, no later than the first day of March in the 1012

calendar year following the calendar year covered by the report, 1013
to the attorney general. Each report received by the attorney 1014
general is a public record open for inspection under section 1015
149.43 of the Revised Code. Not later than the fifteenth day of 1016
April in the calendar year in which the reports are received, the 1017
attorney general shall send to the president of the senate and the 1018
speaker of the house of representatives a written notification 1019
that does all of the following: 1020

(a) Indicates that the attorney general has received from law 1021
enforcement agencies reports of the type described in this 1022
division that cover the previous calendar year and indicates that 1023
the reports were received under this division; 1024

(b) Indicates that the reports are open for inspection under 1025
section 149.43 of the Revised Code; 1026

(c) Indicates that the attorney general will provide a copy 1027
of any or all of the reports to the president of the senate or the 1028
speaker of the house of representatives upon request. 1029

(C) The prosecuting attorney, village solicitor, city 1030
director of law, or similar chief legal officer who has 1031
responsibility for the prosecution of the underlying criminal case 1032
or administrative proceeding, or the attorney general if the 1033
attorney general has that responsibility, shall file a petition 1034
for the forfeiture, to the seizing law enforcement agency of the 1035
contraband seized pursuant to division (A) of this section. The 1036
petition shall be filed in the court that has jurisdiction over 1037
the underlying criminal case or administrative proceeding involved 1038
in the forfeiture. If the property was seized on the basis of both 1039
a criminal violation and an administrative regulation violation, 1040
the petition shall be filed by the officer and in the court that 1041
is appropriate in relation to the criminal case. 1042

The petitioner shall conduct or cause to be conducted a 1043

search of the appropriate public records that relate to the seized 1044
property for the purpose of determining, and shall make or cause 1045
to be made reasonably diligent inquiries for the purpose of 1046
determining, any person having an ownership or security interest 1047
in the property. The petitioner then shall give notice of the 1048
forfeiture proceedings by personal service or by certified mail, 1049
return receipt requested, to any persons known, because of the 1050
conduct of the search, the making of the inquiries, or otherwise, 1051
to have an ownership or security interest in the property, and 1052
shall publish notice of the proceedings once each week for two 1053
consecutive weeks in a newspaper of general circulation in the 1054
county in which the seizure occurred. The notices shall be 1055
personally served, mailed, and first published at least four weeks 1056
before the hearing. They shall describe the property seized; state 1057
the date and place of seizure; name the law enforcement agency 1058
that seized the property and, if applicable, that is holding the 1059
property; list the time, date, and place of the hearing; and state 1060
that any person having an ownership or security interest in the 1061
property may contest the forfeiture. 1062

If the property seized was determined by the seizing law 1063
enforcement officer to be contraband because of its relationship 1064
to an underlying criminal offense or administrative violation, no 1065
forfeiture hearing shall be held under this section unless the 1066
person pleads guilty to or is convicted of the commission of, or 1067
an attempt or conspiracy to commit, the offense or a different 1068
offense arising out of the same facts and circumstances or unless 1069
the person admits or is adjudicated to have committed the 1070
administrative violation or a different violation arising out of 1071
the same facts and circumstances; a forfeiture hearing shall be 1072
held in a case of that nature no later than forty-five days after 1073
the conviction or the admission or adjudication of the violation, 1074
unless the time for the hearing is extended by the court for good 1075

cause shown. The owner of any property seized because of its 1076
relationship to an underlying criminal offense or administrative 1077
violation may request the court to release the property to the 1078
owner. Upon receipt of a request of that nature, if the court 1079
determines that the property is not needed as evidence in the 1080
underlying criminal case or administrative proceeding, the court 1081
may permit the release of the property to the owner. As a 1082
condition precedent to a release of that nature, the court may 1083
require the owner to execute a bond with the court. Any bond so 1084
required shall have sufficient sureties approved by the court, 1085
shall be in a sum equal to the value of the property, as 1086
determined by the court, and shall be conditioned upon the return 1087
of the property to the court if the property is forfeited under 1088
this section. Any property seized because of its relationship to 1089
an underlying criminal offense or administrative violation shall 1090
be returned to its owner if charges are not filed in relation to 1091
that underlying offense or violation within thirty days after the 1092
seizure, if charges of that nature are filed and subsequently are 1093
dismissed, or if charges of that nature are filed and the person 1094
charged does not plead guilty to and is not convicted of the 1095
offense or does not admit and is not found to have committed the 1096
violation. 1097

If the property seized was determined by the seizing law 1098
enforcement officer to be contraband other than because of a 1099
relationship to an underlying criminal offense or administrative 1100
violation, the forfeiture hearing under this section shall be held 1101
no later than forty-five days after the seizure, unless the time 1102
for the hearing is extended by the court for good cause shown. 1103

Where possible, a court holding a forfeiture hearing under 1104
this section shall follow the Rules of Civil Procedure. When a 1105
hearing is conducted under this section, property shall be 1106
forfeited upon a showing, by a preponderance of the evidence, by 1107

the petitioner that the person from which the property was seized 1108
was in violation of division (A) of section 2933.42 of the Revised 1109
Code. If that showing is made, the court shall issue an order of 1110
forfeiture. If an order of forfeiture is issued in relation to 1111
contraband that was released to the owner or the owner's agent 1112
pursuant to this division or division (B)(1) of this section, the 1113
order shall require the owner to deliver the property, by a 1114
specified date, to the law enforcement agency that employed the 1115
law enforcement officer who made the seizure of the property, and 1116
the court shall deliver a copy of the order to the owner or send a 1117
copy of it by certified mail, return receipt requested, to the 1118
owner at the address to which notice of the seizure was given 1119
under division (A)(2) of this section. Except as otherwise 1120
provided in this division, all rights, interest, and title to the 1121
forfeited contraband vests in the state, effective from the date 1122
of seizure. 1123

No property shall be forfeited pursuant to this division if 1124
the owner of the property establishes, by a preponderance of the 1125
evidence, that the owner neither knew, nor should have known after 1126
a reasonable inquiry, that the property was used, or was likely to 1127
be used, in a crime or administrative violation. No bona fide 1128
security interest shall be forfeited pursuant to this division if 1129
the holder of the interest establishes, by a preponderance of the 1130
evidence, that the holder of the interest neither knew, nor should 1131
have known after a reasonable inquiry, that the property was used, 1132
or likely to be used, in a crime or administrative violation, that 1133
the holder of the interest did not expressly or impliedly consent 1134
to the use of the property in a crime or administrative violation, 1135
and that the security interest was perfected pursuant to law prior 1136
to the seizure. If the holder of the interest satisfies the court 1137
that these requirements are met, the interest shall be preserved 1138
by the court. In a case of that nature, the court shall either 1139

order that the agency to which the property is forfeited reimburse 1140
the holder of the interest to the extent of the preserved interest 1141
or order that the holder be paid for the interest from the 1142
proceeds of any sale pursuant to division (D) of this section. 1143

(D)(1) Contraband ordered forfeited pursuant to this section 1144
shall be disposed of pursuant to divisions (D)(1) to (7) of 1145
section 2933.41 of the Revised Code or, if the contraband is not 1146
described in those divisions, may be used, with the approval of 1147
the court, by the law enforcement agency that has custody of the 1148
contraband pursuant to division (D)(8) of that section. In the 1149
case of contraband not described in any of those divisions and of 1150
contraband not disposed of pursuant to any of those divisions, the 1151
contraband shall be sold in accordance with this division or, in 1152
the case of forfeited moneys, disposed of in accordance with this 1153
division. If the contraband is to be sold, the prosecuting 1154
attorney shall cause a notice of the proposed sale of the 1155
contraband to be given in accordance with law, and the property 1156
shall be sold, without appraisal, at a public auction to the 1157
highest bidder for cash. The proceeds of a sale and forfeited 1158
moneys shall be applied in the following order: 1159

(a) First, to the payment of the costs incurred in connection 1160
with the seizure of, storage of, maintenance of, and provision of 1161
security for the contraband, the forfeiture proceeding, and, if 1162
any, the sale; 1163

(b) Second, the remaining proceeds or forfeited moneys after 1164
compliance with division (D)(1)(a) of this section, to the payment 1165
of the balance due on any security interest preserved pursuant to 1166
division (C) of this section; 1167

(c) Third, the remaining proceeds or forfeited moneys after 1168
compliance with divisions (D)(1)(a) and (b) of this section, as 1169
follows: 1170

(i) If the forfeiture was ordered in a juvenile court, ten 1171
per cent to one or more alcohol and drug addiction treatment 1172
programs that are certified by the department of alcohol and drug 1173
addiction services under section 3793.06 of the Revised Code and 1174
that are specified in the order of forfeiture. A juvenile court 1175
shall not certify an alcohol or drug addiction treatment program 1176
in the order of forfeiture unless the program is a certified 1177
alcohol and drug addiction treatment program and, except as 1178
provided in division (D)(1)(c)(i) of this section, unless the 1179
program is located in the county in which the court that orders 1180
the forfeiture is located or in a contiguous county. If no 1181
certified alcohol and drug addiction treatment program is located 1182
in any of those counties, the juvenile court may specify in the 1183
order a certified alcohol and drug addiction treatment program 1184
located anywhere within this state. 1185

(ii) If the forfeiture was ordered in a juvenile court, 1186
ninety per cent, and if the forfeiture was ordered in a court 1187
other than a juvenile court, one hundred per cent to the law 1188
enforcement trust fund of the prosecuting attorney and to the law 1189
enforcement trust fund of the county sheriff if the county sheriff 1190
made the seizure, to the law enforcement trust fund of a municipal 1191
corporation if its police department made the seizure, to the law 1192
enforcement trust fund of a township if the seizure was made by a 1193
township police department, township police district police force, 1194
or office of a township constable, to the law enforcement trust 1195
fund of a park district created pursuant to section 511.18 or 1196
1545.01 of the Revised Code if the seizure was made by the park 1197
district police force or law enforcement department, to the state 1198
highway patrol contraband, forfeiture, and other fund if the state 1199
highway patrol made the seizure, to the department of public 1200
safety investigative unit contraband, forfeiture, and other fund 1201
if the investigative unit of the department of public safety made 1202

the seizure, to the board of pharmacy drug law enforcement fund 1203
created by division (B)(1) of section 4729.65 of the Revised Code 1204
if the board made the seizure, or to the treasurer of state for 1205
deposit into the peace officer training commission fund if a state 1206
law enforcement agency, other than the state highway patrol, the 1207
investigative unit of the department of public safety, or the 1208
state board of pharmacy, made the seizure. The prosecuting 1209
attorney may decline to accept any of the remaining proceeds or 1210
forfeited moneys, and, if the prosecuting attorney so declines, 1211
the remaining proceeds or forfeited moneys shall be applied to the 1212
fund described in this division that relates to the law 1213
enforcement agency that made the seizure. 1214

A law enforcement trust fund shall be established by the 1215
prosecuting attorney of each county who intends to receive any 1216
remaining proceeds or forfeited moneys pursuant to this division, 1217
by the sheriff of each county, by the legislative authority of 1218
each municipal corporation, by the board of township trustees of 1219
each township that has a township police department, township 1220
police district police force, or office of the constable, and by 1221
the board of park commissioners of each park district created 1222
pursuant to section 511.18 or 1545.01 of the Revised Code that has 1223
a park district police force or law enforcement department, for 1224
the purposes of this division. There is hereby created in the 1225
state treasury the state highway patrol contraband, forfeiture, 1226
and other fund, the department of public safety investigative unit 1227
contraband, forfeiture, and other fund, and the peace officer 1228
training commission fund, for the purposes described in this 1229
division. 1230

Proceeds or forfeited moneys distributed to any municipal 1231
corporation, township, or park district law enforcement trust fund 1232
shall be allocated from the fund by the legislative authority only 1233
to the police department of the municipal corporation, by the 1234

board of township trustees only to the township police department, 1235
township police district police force, or office of the constable, 1236
and by the board of park commissioners only to the park district 1237
police force or law enforcement department. 1238

Additionally, no proceeds or forfeited moneys shall be 1239
allocated to or used by the state highway patrol, the department 1240
of public safety, the state board of pharmacy, or a county 1241
sheriff, prosecuting attorney, municipal corporation police 1242
department, township police department, township police district 1243
police force, office of the constable, or park district police 1244
force or law enforcement department unless the state highway 1245
patrol, department of public safety, state board of pharmacy, 1246
sheriff, prosecuting attorney, municipal corporation police 1247
department, township police department, township police district 1248
police force, office of the constable, or park district police 1249
force or law enforcement department has adopted a written internal 1250
control policy under division (D)(3) of this section that 1251
addresses the use of moneys received from the state highway patrol 1252
contraband, forfeiture, and other fund, the department of public 1253
safety investigative unit contraband, forfeiture, and other fund, 1254
the board of pharmacy drug law enforcement fund, or the 1255
appropriate law enforcement trust fund. ~~The~~ 1256

The state highway patrol contraband, forfeiture, and other 1257
fund, the department of public safety investigative unit 1258
contraband, forfeiture, and other fund, and a law enforcement 1259
trust fund shall be expended only in accordance with the written 1260
internal control policy so adopted by the recipient, and, subject 1261
to the requirements specified in division (D)(3)(a)(ii) of this 1262
section, only to pay the costs of protracted or complex 1263
investigations or prosecutions, to provide reasonable technical 1264
training or expertise, to provide matching funds to obtain federal 1265
grants to aid law enforcement, in the support of DARE programs or 1266

other programs designed to educate adults or children with respect 1267
to the dangers associated with the use of drugs of abuse, to pay 1268
the costs of emergency action taken under section 3745.13 of the 1269
Revised Code relative to the operation of an illegal 1270
methamphetamine laboratory if the forfeited property or money 1271
involved was that of a person responsible for the operation of the 1272
laboratory, or for other law enforcement purposes that the 1273
superintendent of the state highway patrol, department of public 1274
safety, prosecuting attorney, county sheriff, legislative 1275
authority, board of township trustees, or board of park 1276
commissioners determines to be appropriate. The board of pharmacy 1277
drug law enforcement fund shall be expended only in accordance 1278
with the written internal control policy so adopted by the board 1279
and only in accordance with section 4729.65 of the Revised Code, 1280
except that it also may be expended to pay the costs of emergency 1281
action taken under section 3745.13 of the Revised Code relative to 1282
the operation of an illegal methamphetamine laboratory if the 1283
forfeited property or money involved was that of a person 1284
responsible for the operation of the laboratory. The state highway 1285
patrol contraband, forfeiture, and other fund, the department of 1286
public safety investigative unit contraband, forfeiture, and other 1287
fund, the board of pharmacy drug law enforcement fund, and a law 1288
enforcement trust fund shall not be used to meet the operating 1289
costs of the state highway patrol, of the investigative unit of 1290
the department of public safety, of the state board of pharmacy, 1291
of any political subdivision, or of any office of a prosecuting 1292
attorney or county sheriff that are unrelated to law enforcement. 1293
1294
Proceeds and forfeited moneys that are paid into the state 1295
treasury to be deposited into the peace officer training 1296
commission fund shall be used by the commission only to pay the 1297
costs of peace officer training. 1298

Any sheriff or prosecuting attorney who receives proceeds or 1299
forfeited moneys pursuant to this division during any calendar 1300
year shall file a report with the county auditor, no later than 1301
the thirty-first day of January of the next calendar year, 1302
verifying that the proceeds and forfeited moneys were expended 1303
only for the purposes authorized by this division and division 1304
(D)(3)(a)(ii) of this section and specifying the amounts expended 1305
for each authorized purpose. Any municipal corporation police 1306
department that is allocated proceeds or forfeited moneys from a 1307
municipal corporation law enforcement trust fund pursuant to this 1308
division during any calendar year shall file a report with the 1309
legislative authority of the municipal corporation, no later than 1310
the thirty-first day of January of the next calendar year, 1311
verifying that the proceeds and forfeited moneys were expended 1312
only for the purposes authorized by this division and division 1313
(D)(3)(a)(ii) of this section and specifying the amounts expended 1314
for each authorized purpose. Any township police department, 1315
township police district police force, or office of the constable 1316
that is allocated proceeds or forfeited moneys from a township law 1317
enforcement trust fund pursuant to this division during any 1318
calendar year shall file a report with the board of township 1319
trustees of the township, no later than the thirty-first day of 1320
January of the next calendar year, verifying that the proceeds and 1321
forfeited moneys were expended only for the purposes authorized by 1322
this division and division (D)(3)(a)(ii) of this section and 1323
specifying the amounts expended for each authorized purpose. Any 1324
park district police force or law enforcement department that is 1325
allocated proceeds or forfeited moneys from a park district law 1326
enforcement trust fund pursuant to this division during any 1327
calendar year shall file a report with the board of park 1328
commissioners of the park district, no later than the thirty-first 1329
day of January of the next calendar year, verifying that the 1330
proceeds and forfeited moneys were expended only for the purposes 1331

authorized by this division and division (D)(3)(a)(ii) of this 1332
section and specifying the amounts expended for each authorized 1333
purpose. The superintendent of the state highway patrol shall file 1334
a report with the attorney general, no later than the thirty-first 1335
day of January of each calendar year, verifying that proceeds and 1336
forfeited moneys paid into the state highway patrol contraband, 1337
forfeiture, and other fund pursuant to this division during the 1338
prior calendar year were used by the state highway patrol during 1339
the prior calendar year only for the purposes authorized by this 1340
division and specifying the amounts expended for each authorized 1341
purpose. The executive director of the state board of pharmacy 1342
shall file a report with the attorney general, no later than the 1343
thirty-first day of January of each calendar year, verifying that 1344
proceeds and forfeited moneys paid into the board of pharmacy drug 1345
law enforcement fund during the prior calendar year were used only 1346
in accordance with section 4729.65 of the Revised Code and 1347
specifying the amounts expended for each authorized purpose. The 1348
peace officer training commission shall file a report with the 1349
attorney general, no later than the thirty-first day of January of 1350
each calendar year, verifying that proceeds and forfeited moneys 1351
paid into the peace officer training commission fund pursuant to 1352
this division during the prior calendar year were used by the 1353
commission during the prior calendar year only to pay the costs of 1354
peace officer training and specifying the amount used for that 1355
purpose. 1356

(2) If more than one law enforcement agency is substantially 1357
involved in the seizure of contraband that is forfeited pursuant 1358
to this section, the court ordering the forfeiture shall equitably 1359
divide the proceeds or forfeited moneys, after calculating any 1360
distribution to the law enforcement trust fund of the prosecuting 1361
attorney pursuant to division (D)(1)(c) of this section, among any 1362
county sheriff whose office is determined by the court to be 1363

substantially involved in the seizure, any legislative authority 1364
of a municipal corporation whose police department is determined 1365
by the court to be substantially involved in the seizure, any 1366
board of township trustees whose law enforcement agency is 1367
determined by the court to be substantially involved in the 1368
seizure, any board of park commissioners of a park district whose 1369
police force or law enforcement department is determined by the 1370
court to be substantially involved in the seizure, the state board 1371
of pharmacy if it is determined by the court to be substantially 1372
involved in the seizure, the investigative unit of the department 1373
of public safety if it is determined by the court to be 1374
substantially involved in the seizure, and the state highway 1375
patrol if it is determined by the court to be substantially 1376
involved in the seizure. The proceeds or forfeited moneys shall be 1377
deposited in the respective law enforcement trust funds of the 1378
county sheriff, municipal corporation, township, and park 1379
district, the board of pharmacy drug law enforcement fund, the 1380
department of public safety investigative unit contraband, 1381
forfeiture, and other fund, or the state highway patrol 1382
contraband, forfeiture, and other fund, in accordance with 1383
division (D)(1)(c) of this section. If a state law enforcement 1384
agency, other than the state highway patrol, the investigative 1385
unit of the department of public safety, or the state board of 1386
pharmacy, is determined by the court to be substantially involved 1387
in the seizure, the state agency's equitable share of the proceeds 1388
and forfeited moneys shall be paid to the treasurer of state for 1389
deposit into the peace officer training commission fund. 1390

(3)(a)(i) Prior to being allocated or using any proceeds or 1391
forfeited moneys out of the state highway patrol contraband, 1392
forfeiture, and other fund, the department of public safety 1393
investigative unit contraband, forfeiture, and other fund, the 1394
board of pharmacy drug law enforcement fund, or a law enforcement 1395

trust fund under division (D)(1)(c) of this section, the state 1396
highway patrol, the department of public safety, the state board 1397
of pharmacy, and a county sheriff, prosecuting attorney, municipal 1398
corporation police department, township police department, 1399
township police district police force, office of the constable, or 1400
park district police force or law enforcement department shall 1401
adopt a written internal control policy that addresses the state 1402
highway patrol's, department of public safety's, state board of 1403
pharmacy's, sheriff's, prosecuting attorney's, police 1404
department's, police force's, office of the constable's, or law 1405
enforcement department's use and disposition of all the proceeds 1406
and forfeited moneys received and that provides for the keeping of 1407
detailed financial records of the receipts of the proceeds and 1408
forfeited moneys, the general types of expenditures made out of 1409
the proceeds and forfeited moneys, the specific amount of each 1410
general type of expenditure, and the amounts, portions, and 1411
programs described in division (D)(3)(a)(ii) of this section. The 1412
policy shall not provide for or permit the identification of any 1413
specific expenditure that is made in an ongoing investigation. 1414

All financial records of the receipts of the proceeds and 1415
forfeited moneys, the general types of expenditures made out of 1416
the proceeds and forfeited moneys, the specific amount of each 1417
general type of expenditure by the state highway patrol, by the 1418
department of public safety, by the state board of pharmacy, and 1419
by a sheriff, prosecuting attorney, municipal corporation police 1420
department, township police department, township police district 1421
police force, office of the constable, or park district police 1422
force or law enforcement department, and the amounts, portions, 1423
and programs described in division (D)(3)(a)(ii) of this section 1424
are public records open for inspection under section 149.43 of the 1425
Revised Code. Additionally, a written internal control policy 1426
adopted under this division is a public record of that nature, and 1427

the state highway patrol, the department of public safety, the 1428
state board of pharmacy, or the sheriff, prosecuting attorney, 1429
municipal corporation police department, township police 1430
department, township police district police force, office of the 1431
constable, or park district police force or law enforcement 1432
department that adopted it shall comply with it. 1433

(ii) The written internal control policy of a county sheriff, 1434
prosecuting attorney, municipal corporation police department, 1435
township police department, township police district police force, 1436
office of the constable, or park district police force or law 1437
enforcement department shall provide that at least ten per cent of 1438
the first one hundred thousand dollars of proceeds and forfeited 1439
moneys deposited during each calendar year in the sheriff's, 1440
prosecuting attorney's, municipal corporation's, township's, or 1441
park district's law enforcement trust fund pursuant to division 1442
(B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of 1443
section 2925.44 of the Revised Code, and at least twenty per cent 1444
of the proceeds and forfeited moneys exceeding one hundred 1445
thousand dollars that are so deposited, shall be used in 1446
connection with community preventive education programs. The 1447
manner in which the described percentages are so used shall be 1448
determined by the sheriff, prosecuting attorney, department, 1449
police force, or office of the constable after the receipt and 1450
consideration of advice on appropriate community preventive 1451
education programs from the county's board of alcohol, drug 1452
addiction, and mental health services, from the county's alcohol 1453
and drug addiction services board, or through appropriate 1454
community dialogue. The financial records described in division 1455
(D)(3)(a)(i) of this section shall specify the amount of the 1456
proceeds and forfeited moneys deposited during each calendar year 1457
in the sheriff's, prosecuting attorney's, municipal corporation's, 1458
township's, or park district's law enforcement trust fund pursuant 1459

to division (B)(7)(c)(ii) of section 2923.46 or division 1460
(B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion 1461
of that amount that was used pursuant to the requirements of this 1462
division, and the community preventive education programs in 1463
connection with which the portion of that amount was so used. 1464

As used in this division, "community preventive education 1465
programs" includes, but is not limited to, DARE programs and other 1466
programs designed to educate adults or children with respect to 1467
the dangers associated with the use of drugs of abuse. 1468

(b) Each sheriff, prosecuting attorney, municipal corporation 1469
police department, township police department, township police 1470
district police force, office of the constable, or park district 1471
police force or law enforcement department that receives in any 1472
calendar year any proceeds or forfeited moneys out of a law 1473
enforcement trust fund under division (D)(1)(c) of this section or 1474
uses any proceeds or forfeited moneys in its law enforcement trust 1475
fund in any calendar year shall prepare a report covering the 1476
calendar year that cumulates all of the information contained in 1477
all of the public financial records kept by the sheriff, 1478
prosecuting attorney, municipal corporation police department, 1479
township police department, township police district police force, 1480
office of the constable, or park district police force or law 1481
enforcement department pursuant to division (D)(3)(a) of this 1482
section for that calendar year, and shall send a copy of the 1483
cumulative report, no later than the first day of March in the 1484
calendar year following the calendar year covered by the report, 1485
to the attorney general. 1486

The superintendent of the state highway patrol shall prepare 1487
a report covering each calendar year in which the state highway 1488
patrol uses any proceeds or forfeited moneys in the state highway 1489
patrol contraband, forfeiture, and other fund under division 1490
(D)(1)(c) of this section, that cumulates all of the information 1491

contained in all of the public financial records kept by the state 1492
highway patrol pursuant to division (D)(3)(a) of this section for 1493
that calendar year, and shall send a copy of the cumulative 1494
report, no later than the first day of March in the calendar year 1495
following the calendar year covered by the report, to the attorney 1496
general. 1497

The department of public safety shall prepare a report 1498
covering each fiscal year in which the department uses any 1499
proceeds or forfeited moneys in the department of public safety 1500
investigative unit contraband, forfeiture, and other fund under 1501
division (D)(1)(c) of this section that cumulates all of the 1502
information contained in all of the public financial records kept 1503
by the department pursuant to division (D)(3)(a) of this section 1504
for that fiscal year. The department shall send a copy of the 1505
cumulative report to the attorney general no later than the first 1506
day of August in the fiscal year following the fiscal year covered 1507
by the report. The director of public safety shall include in the 1508
report a verification that proceeds and forfeited moneys paid into 1509
the department of public safety investigative unit contraband, 1510
forfeiture, and other fund under division (D)(1)(c) of this 1511
section during the preceding fiscal year were used by the 1512
department during that fiscal year only for the purposes 1513
authorized by that division and shall specify the amount used for 1514
each authorized purpose. 1515

The executive director of the state board of pharmacy shall 1516
prepare a report covering each calendar year in which the board 1517
uses any proceeds or forfeited moneys in the board of pharmacy 1518
drug law enforcement fund under division (D)(1)(c) of this 1519
section, that cumulates all of the information contained in all of 1520
the public financial records kept by the board pursuant to 1521
division (D)(3)(a) of this section for that calendar year, and 1522
shall send a copy of the cumulative report, no later than the 1523

first day of March in the calendar year following the calendar 1524
year covered by the report, to the attorney general. Each report 1525
received by the attorney general is a public record open for 1526
inspection under section 149.43 of the Revised Code. Not later 1527
than the fifteenth day of April in the calendar year in which the 1528
reports are received, the attorney general shall send to the 1529
president of the senate and the speaker of the house of 1530
representatives a written notification that does all of the 1531
following: 1532

(i) Indicates that the attorney general has received from 1533
entities or persons specified in this division reports of the type 1534
described in this division that cover the previous calendar year 1535
and indicates that the reports were received under this division; 1536

(ii) Indicates that the reports are open for inspection under 1537
section 149.43 of the Revised Code; 1538

(iii) Indicates that the attorney general will provide a copy 1539
of any or all of the reports to the president of the senate or the 1540
speaker of the house of representatives upon request. 1541

(4)(a) A law enforcement agency that receives pursuant to 1542
federal law proceeds from a sale of forfeited contraband, proceeds 1543
from another disposition of forfeited contraband, or forfeited 1544
contraband moneys shall deposit, use, and account for the proceeds 1545
or forfeited moneys in accordance with, and otherwise comply with, 1546
the applicable federal law. 1547

(b) If the state highway patrol receives pursuant to federal 1548
law proceeds from a sale of forfeited contraband, proceeds from 1549
another disposition of forfeited contraband, or forfeited 1550
contraband moneys, the appropriate governmental officials shall 1551
deposit into the state highway patrol contraband, forfeiture, and 1552
other fund all interest or other earnings derived from the 1553
investment of the proceeds or forfeited moneys. The state highway 1554

patrol shall use and account for that interest or other earnings 1555
in accordance with the applicable federal law. 1556

(c) If the investigative unit of the department of public 1557
safety receives pursuant to federal law proceeds from a sale of 1558
forfeited contraband, proceeds from another disposition of 1559
forfeited contraband, or forfeited contraband moneys, the 1560
appropriate governmental officials shall deposit into the 1561
department of public safety investigative unit contraband, 1562
forfeiture, and other fund all interest or other earnings derived 1563
from the investment of the proceeds or forfeited moneys. The 1564
department shall use and account for that interest or other 1565
earnings in accordance with the applicable federal law. 1566

(d) Divisions (D)(1) to (3) of this section do not apply to 1567
proceeds or forfeited moneys received pursuant to federal law or 1568
to the interest or other earnings that are derived from the 1569
investment of proceeds or forfeited moneys received pursuant to 1570
federal law and that are described in division (D)(4)(b) of this 1571
section. 1572

(E) Upon the sale pursuant to this section of any property 1573
that is required to be titled or registered under law, the state 1574
shall issue an appropriate certificate of title or registration to 1575
the purchaser. If the state is vested with title pursuant to 1576
division (C) of this section and elects to retain property that is 1577
required to be titled or registered under law, the state shall 1578
issue an appropriate certificate of title or registration. 1579

(F) Notwithstanding any provisions of this section to the 1580
contrary, any property that is lawfully seized in relation to a 1581
violation of section 2923.32 of the Revised Code shall be subject 1582
to forfeiture and disposition in accordance with sections 2923.32 1583
to 2923.36 of the Revised Code; any property that is forfeited 1584
pursuant to section 2923.44 or 2923.45 of the Revised Code in 1585
relation to a violation of section 2923.42 of the Revised Code or 1586

in relation to an act of a juvenile that is a violation of section 1587
2923.42 of the Revised Code may be subject to forfeiture and 1588
disposition in accordance with sections 2923.44 to 2923.47 of the 1589
Revised Code; and any property that is forfeited pursuant to 1590
section 2925.42 or 2925.43 of the Revised Code in relation to a 1591
felony drug abuse offense, as defined in section 2925.01 of the 1592
Revised Code, or in relation to an act that, if committed by an 1593
adult, would be a felony drug abuse offense of that nature, may be 1594
subject to forfeiture and disposition in accordance with sections 1595
2925.41 to 2925.45 of the Revised Code or this section. 1596

(G) Any failure of a law enforcement officer or agency, a 1597
prosecuting attorney, village solicitor, city director of law, or 1598
similar chief legal officer, a court, or the attorney general to 1599
comply with any duty imposed by this section in relation to any 1600
property seized or with any other provision of this section in 1601
relation to any property seized does not affect the validity of 1602
the seizure of the property, provided the seizure itself was made 1603
in accordance with law, and is not and shall not be considered to 1604
be the basis for the suppression of any evidence resulting from 1605
the seizure of the property, provided the seizure itself was made 1606
in accordance with law. 1607

(H) Contraband that has been forfeited pursuant to division 1608
(C) of this section shall not be available for use to pay any fine 1609
imposed upon a person who is convicted of or pleads guilty to an 1610
underlying criminal offense or a different offense arising out of 1611
the same facts and circumstances. 1612

Sec. 3745.13. (A) When emergency action is required to 1613
protect the public health or safety or the environment, any person 1614
responsible for causing or allowing an unauthorized spill, 1615
release, or discharge of material into or upon the environment or 1616
responsible for the operation of an illegal methamphetamine 1617

manufacturing laboratory that has caused contamination of the 1618
environment is liable to the municipal corporation, county, 1619
township, countywide emergency management agency established under 1620
section 5502.26 of the Revised Code, regional authority for 1621
emergency management established under section 5507.27 of the 1622
Revised Code, or emergency management program established by a 1623
political subdivision under section 5502.271 of the Revised Code, 1624
having territorial jurisdiction, or responsibility for emergency 1625
management activities in the location of the spill, release, ~~or~~ 1626
discharge, or contamination, for the necessary and reasonable, 1627
additional or extraordinary costs it incurs in investigating, 1628
mitigating, minimizing, removing, or abating the spill, release, 1629
~~or~~ discharge, or contamination, in the course of its emergency 1630
action, but, to the extent criteria and methods for response 1631
actions prescribed under 40 C.F.R. 300, as amended, may be applied 1632
to the type of material involved and the conditions of the spill, 1633
release, ~~or~~ discharge, or contamination, that person is liable for 1634
those costs only if the political subdivision, countywide agency, 1635
or regional authority employed those criteria and methods in its 1636
emergency action. ~~The~~ 1637

The officers of the municipal corporation, county, township, 1638
countywide emergency management agency, or regional authority for 1639
emergency management performing the emergency action shall keep a 1640
detailed record of its costs for investigating, mitigating, 1641
minimizing, removing, or abating the unauthorized spill, release, 1642
~~or~~ discharge, or contamination; promptly after the completion of 1643
those measures, shall certify those costs to the city director of 1644
law or village solicitor, as appropriate, of the municipal 1645
corporation, the prosecuting attorney of the county in the case of 1646
a county, township, or countywide emergency management agency, or 1647
the legal counsel retained thereby in the case of a regional 1648
authority for emergency management; and may request that the legal 1649
officer or counsel bring a civil action for recovery of costs 1650

against the person responsible for the unauthorized spill, 1651
release, or discharge. ~~The or responsible for the operation of the~~ 1652
~~illegal methamphetamine manufacturing laboratory that caused~~ 1653
~~contamination of the environment. If the officers request that the~~ 1654
~~legal officer or counsel bring such a civil action regarding~~ 1655
~~emergency action taken in relation to the operation of an illegal~~ 1656
~~methamphetamine manufacturing laboratory that has caused~~ 1657
~~contamination of the environment, the legal officer or counsel~~ 1658
~~also may pursue a forfeiture proceeding against the responsible~~ 1659
~~person under sections 2923.44 to 2923.47, sections 2925.41 to~~ 1660
~~2925.45, or sections 2933.42 to 2933.43 of the Revised Code, or in~~ 1661
~~any other manner authorized by law.~~ 1662

The legal officer or counsel shall submit a written, itemized 1663
claim for the total certified costs incurred by the municipal 1664
corporation, county, township, countywide agency, or regional 1665
authority for the emergency action to the responsible party and a 1666
written demand that those costs be paid to the political 1667
subdivision, countywide agency, or regional authority. Not less 1668
than thirty days before bringing a civil action for recovery of 1669
those costs, the legal officer or counsel shall mail written 1670
notice to the responsible party informing the responsible party 1671
that, unless the total certified costs are paid to the political 1672
subdivision, countywide agency, or regional authority within 1673
thirty days after the date of mailing of the notice, the legal 1674
officer or counsel will bring a civil action for that amount. ~~It~~ 1675
~~Except for emergency action taken in relation to the operation of~~ 1676
~~an illegal methamphetamine manufacturing laboratory that has~~ 1677
~~caused contamination of the environment, in making a determination~~ 1678
of an award for reimbursement, the responsible party's status as a 1679
taxpayer to the governmental entity shall be taken into 1680
consideration. Nothing in this section prevents a political 1681
subdivision, countywide emergency management agency, or regional 1682
authority for emergency management from entering into a settlement 1683

of a claim against a responsible party that compromises the amount 1684
of the claim. Moneys recovered ~~under~~ as described in this section 1685
shall be credited to the appropriate funds of the political 1686
subdivision, countywide agency, or regional authority from which 1687
moneys were expended in performing the emergency action. 1688

(B) As used in this section: 1689

(1) "Methamphetamine" means methamphetamine, any salt, 1690
isomer, or salt of an isomer of methamphetamine, or any compound, 1691
mixture, preparation, or substance containing methamphetamine or 1692
any salt, isomer, or salt of an isomer of methamphetamine. 1693

(2) "Illegal methamphetamine manufacturing laboratory" means 1694
any laboratory or other premises that is used for the manufacture 1695
or production of methamphetamine in violation of section 2925.04 1696
of the Revised Code, whether or not there has been a prior 1697
conviction of that violation. 1698

Sec. 4507.16. (A)(1) The trial judge of any court of record, 1699
in addition to or independent of all other penalties provided by 1700
law or by ordinance, shall suspend for not less than thirty days 1701
or more than three years or shall revoke the driver's or 1702
commercial driver's license or permit or nonresident operating 1703
privilege of any person who is convicted of or pleads guilty to 1704
any of the following: 1705

(a) Perjury or the making of a false affidavit under this 1706
chapter, or any other law of this state requiring the registration 1707
of motor vehicles or regulating their operation on the highway; 1708

(b) Any crime punishable as a felony under the motor vehicle 1709
laws of this state or any other felony in the commission of which 1710
a motor vehicle is used; 1711

(c) Failing to stop and disclose identity at the scene of the 1712
accident when required by law or ordinance to do so; 1713

(d) Street racing as defined in section 4511.251 of the Revised Code or any substantially similar municipal ordinance;

(e) Willfully eluding or fleeing a police officer;

(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.

(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.

(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.

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. 1745

(4) If the trial judge of any court of record suspends or 1746
revokes the driver's or commercial driver's license or permit or 1747
nonresident operating privilege of a person who is convicted of or 1748
pleads guilty to any offense for which such suspension or 1749
revocation is provided by law or ordinance, in addition to all 1750
other penalties provided by law or ordinance, the judge may issue 1751
an order prohibiting the offender from registering, renewing, or 1752
transferring the registration of any vehicle during the period 1753
that the offender's license, permit, or privilege is suspended or 1754
revoked. The court promptly shall send a copy of the order to the 1755
registrar of motor vehicles. 1756

Upon receipt of such an order, neither the registrar nor any 1757
deputy registrar shall accept any application for the 1758
registration, registration renewal, or transfer of registration of 1759
any motor vehicle owned or leased by the person named in the order 1760
during the period that the person's license, permit, or privilege 1761
is suspended or revoked, unless the registrar is properly notified 1762
by the court that the order of suspension or revocation has been 1763
canceled. When the period of suspension or revocation expires or 1764
the order is canceled, the registrar or deputy registrar shall 1765
accept the application for registration, registration renewal, or 1766
transfer of registration of the person named in the order. 1767

(B) Except as otherwise provided in this section, the trial 1768
judge of any court of record and the mayor of a mayor's court, in 1769
addition to or independent of all other penalties provided by law 1770
or by ordinance, shall revoke the driver's or commercial driver's 1771
license or permit or nonresident operating privilege of any person 1772
who is convicted of or pleads guilty to a violation of division 1773
(A) of section 4511.19 of the Revised Code, of a municipal 1774
ordinance relating to operating a vehicle while under the 1775
influence of alcohol, a drug of abuse, or alcohol and a drug of 1776

abuse, or of a municipal ordinance that is substantially 1777
equivalent to division (A) of section 4511.19 of the Revised Code 1778
relating to operating a vehicle with a prohibited concentration of 1779
alcohol in the blood, breath, or urine or suspend the license, 1780
permit, or privilege as follows: 1781

(1) Except when division (B)(2), (3), or (4) of this section 1782
applies and the judge or mayor is required to suspend or revoke 1783
the offender's license or permit pursuant to that division, the 1784
judge or mayor shall suspend the offender's driver's or commercial 1785
driver's license or permit or nonresident operating privilege for 1786
not less than six months nor more than three years. 1787

(2) Subject to division (B)(4) of this section, if, within 1788
six years of the offense, the offender has been convicted of or 1789
pleaded guilty to one violation of division (A) or (B) of section 1790
4511.19 of the Revised Code, a municipal ordinance relating to 1791
operating a vehicle while under the influence of alcohol, a drug 1792
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1793
relating to operating a motor vehicle with a prohibited 1794
concentration of alcohol in the blood, breath, or urine, section 1795
2903.04 of the Revised Code in a case in which the offender was 1796
subject to the sanctions described in division (D) of that 1797
section, section 2903.06 or 2903.08 of the Revised Code, former 1798
section 2903.07 of the Revised Code, or a municipal ordinance that 1799
is substantially similar to former section 2903.07 of the Revised 1800
Code in a case in which the jury or judge found that the offender 1801
was under the influence of alcohol, a drug of abuse, or alcohol 1802
and a drug of abuse, or a statute of the United States or of any 1803
other state or a municipal ordinance of a municipal corporation 1804
located in any other state that is substantially similar to 1805
division (A) or (B) of section 4511.19 of the Revised Code, the 1806
judge shall suspend the offender's driver's or commercial driver's 1807
license or permit or nonresident operating privilege for not less 1808

than one year nor more than five years.

(3) Subject to division (B)(4) of this section, if, within six years of the offense, the offender has been convicted of or pleaded guilty to two violations described in division (B)(2) of this section, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the judge shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege for not less than one year nor more than ten years.

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

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

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(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 prohibition of the court imposed under division (F) of this section or division (G)(1) of section 2951.02 of the Revised Code as follows:

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

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

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

(2) In addition to any prison term authorized or required by the section that establishes the offense and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under the section that establishes the offense or sections 2929.11 to 2929.182 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14,

2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 1873
Revised Code either shall revoke or, if it does not revoke, shall 1874
suspend for not less than six months or more than five years, as 1875
specified in the section that establishes the offense, the 1876
person's driver's or commercial driver's license or permit. If the 1877
person's driver's or commercial driver's license or permit is 1878
under suspension on the date the court imposes sentence upon the 1879
person, any revocation imposed upon the person that is referred to 1880
in division (D)(2) of this section shall take effect immediately. 1881
If the person's driver's or commercial driver's license or permit 1882
is under suspension on the date the court imposes sentence upon 1883
the person, any period of suspension imposed upon the person that 1884
is referred to in division (D)(2) of this section shall take 1885
effect on the next day immediately following the end of that 1886
period of suspension. If the person is sixteen years of age or 1887
older and is a resident of this state but does not have a current, 1888
valid Ohio driver's or commercial driver's license or permit, the 1889
court shall order the registrar to deny to the person the issuance 1890
of a driver's or commercial driver's license or permit for six 1891
months beginning on the date the court imposes a sentence upon the 1892
person. If the person has not attained the age of sixteen years on 1893
the date the court sentences the person for the violation, the 1894
period of denial shall commence on the date the person attains the 1895
age of sixteen years. 1896

(E) Except as otherwise provided in this section, the trial 1897
judge of any court of record and the mayor of a mayor's court, in 1898
addition to or independent of all other penalties provided by law 1899
or ordinance, shall suspend for not less than sixty days nor more 1900
than two years the driver's or commercial driver's license or 1901
permit or nonresident operating privilege of any person who is 1902
convicted of or pleads guilty to a violation of division (B) of 1903
section 4511.19 of the Revised Code or of a municipal ordinance 1904
substantially equivalent to that division relating to operating a 1905

vehicle with a prohibited concentration of alcohol in the blood, 1906
breath, or urine. 1907

(F)(1) A person is not entitled to request, and a judge or 1908
mayor shall not grant to the person, occupational driving 1909
privileges under division (F) of this section if a person's 1910
driver's or commercial driver's license or permit or nonresident 1911
operating privilege has been suspended pursuant to division (B) or 1912
(C) of this section or pursuant to division (F) of section 1913
4511.191 of the Revised Code, and the person, within the preceding 1914
seven years, has been convicted of or pleaded guilty to three or 1915
more violations of one or more of the following: 1916

(a) Division (A) or (B) of section 4511.19 of the Revised 1917
Code; 1918

(b) A municipal ordinance relating to operating a vehicle 1919
while under the influence of alcohol, a drug of abuse, or alcohol 1920
and a drug of abuse; 1921

(c) A municipal ordinance relating to operating a vehicle 1922
with a prohibited concentration of alcohol in the blood, breath, 1923
or urine; 1924

(d) Section 2903.04 of the Revised Code in a case in which 1925
the person was subject to the sanctions described in division (D) 1926
of that section; 1927

(e) Division (A)(1) of section 2903.06 or division (A)(1) of 1928
section 2903.08 of the Revised Code or a municipal ordinance that 1929
is substantially similar to either of those divisions; 1930

(f) Division (A)(2), (3), or (4) of section 2903.06, division 1931
(A)(2) of section 2903.08, or former section 2903.07 of the 1932
Revised Code, or a municipal ordinance that is substantially 1933
similar to any of those divisions or that former section, in a 1934
case in which the jury or judge found that the person was under 1935
the influence of alcohol, a drug of abuse, or alcohol and a drug 1936

of abuse; 1937

(g) A statute of the United States or of any other state or a 1938
municipal ordinance of a municipal corporation located in any 1939
other state that is substantially similar to division (A) or (B) 1940
of section 4511.19 of the Revised Code. 1941

(2) Any other person who is not described in division (F)(1) 1942
of this section and whose driver's or commercial driver's license 1943
or nonresident operating privilege has been suspended under any of 1944
those divisions may file a petition that alleges that the 1945
suspension would seriously affect the person's ability to continue 1946
the person's employment. The petition of a person whose license, 1947
permit, or privilege was suspended pursuant to division (F) of 1948
section 4511.191 of the Revised Code shall be filed in the court 1949
specified in division (I)(4) of that section, and the petition of 1950
a person whose license, permit, or privilege was suspended under 1951
division (B) or (C) of this section shall be filed in the 1952
municipal, county, mayor's, or in the case of a minor, juvenile 1953
court that has jurisdiction over the place of arrest. Upon 1954
satisfactory proof that there is reasonable cause to believe that 1955
the suspension would seriously affect the person's ability to 1956
continue the person's employment, the judge of the court or mayor 1957
of the mayor's court may grant the person occupational driving 1958
privileges during the period during which the suspension otherwise 1959
would be imposed, except that the judge or mayor shall not grant 1960
occupational driving privileges for employment as a driver of 1961
commercial motor vehicles to any person who is disqualified from 1962
operating a commercial motor vehicle under section 3123.611 or 1963
4506.16 of the Revised Code or whose commercial driver's license 1964
or commercial driver's temporary instruction permit has been 1965
suspended under section 3123.58 of the Revised Code, and shall not 1966
grant occupational driving privileges during any of the following 1967
periods of time: 1968

(a) The first fifteen days of suspension imposed upon an 1969
offender whose license, permit, or privilege is suspended pursuant 1970
to division (B)(1) of this section or division (F)(1) of section 1971
4511.191 of the Revised Code. On or after the sixteenth day of 1972
suspension, the court may grant the offender occupational driving 1973
privileges, but the court may provide that the offender shall not 1974
exercise the occupational driving privileges unless the vehicles 1975
the offender operates are equipped with ignition interlock 1976
devices. 1977

(b) The first thirty days of suspension imposed upon an 1978
offender whose license, permit, or privilege is suspended pursuant 1979
to division (B)(2) of this section or division (F)(2) of section 1980
4511.191 of the Revised Code. On or after the thirty-first day of 1981
suspension, the court may grant the offender occupational driving 1982
privileges, but the court may provide that the offender shall not 1983
exercise the occupational driving privileges unless the vehicles 1984
the offender operates are equipped with ignition interlock 1985
devices. 1986

(c) The first one hundred eighty days of suspension imposed 1987
upon an offender whose license, permit, or privilege is suspended 1988
pursuant to division (B)(3) of this section or division (F)(3) of 1989
section 4511.191 of the Revised Code. The judge may grant 1990
occupational driving privileges to an offender who receives a 1991
suspension under either of those divisions on or after the one 1992
hundred eighty-first day of the suspension only if division (F) of 1993
this section does not prohibit the judge from granting the 1994
privileges and only if the judge, at the time of granting the 1995
privileges, also issues an order prohibiting the offender, while 1996
exercising the occupational driving privileges during the period 1997
commencing with the one hundred eighty-first day of suspension and 1998
ending with the first year of suspension, from operating any motor 1999
vehicle unless it is equipped with a certified ignition interlock 2000

device. After the first year of the suspension, the court may
authorize the offender to continue exercising the occupational
driving privileges in vehicles that are not equipped with ignition
interlock devices. If the offender does not petition for
occupational driving privileges until after the first year of
suspension and if division (F) of this section does not prohibit
the judge from granting the privileges, the judge may grant the
offender occupational driving privileges without requiring the use
of a certified ignition interlock device.

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

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

that alleges that the suspension would seriously affect the
person's ability to continue the person's employment. The petition
shall be filed in the municipal, county, or mayor's court that has
jurisdiction over the place of arrest. 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 of the court or mayor of the
mayor's court may grant the person occupational driving privileges
during the period during which the suspension otherwise would be
imposed, except that the judge or mayor shall not grant
occupational driving privileges for employment as a driver of
commercial motor vehicles to any person who is disqualified from
operating a commercial motor vehicle under section 4506.16 of the
Revised Code, and shall not grant occupational driving privileges
during the first sixty days of suspension imposed upon an offender
whose driver's or commercial driver's license or permit or
nonresident operating privilege is suspended pursuant to division
(E) of this section.

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

(2) Suspension of a commercial driver's license under this
section shall be concurrent with any period of disqualification
under section 3123.611 or 4506.16 of the Revised Code or any
period of suspension under section 3123.58 of the Revised Code. No
person who is disqualified for life from holding a commercial

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driver's license under section 4506.16 of the Revised Code shall 2065
be issued a driver's license under this chapter during the period 2066
for which the commercial driver's license was suspended under this 2067
section, and no person whose commercial driver's license is 2068
suspended under this section shall be issued a driver's license 2069
under this chapter during the period of the suspension. 2070

(I) No judge shall suspend the first thirty days of 2071
suspension of a driver's or commercial driver's license or permit 2072
or a nonresident operating privilege required under division (A) 2073
of this section, no judge or mayor shall suspend the first six 2074
months of suspension required under division (B)(1) of this 2075
section, no judge shall suspend the first year of suspension 2076
required under division (B)(2) of this section, no judge shall 2077
suspend the first year of suspension required under division 2078
(B)(3) of this section, no judge shall suspend the first three 2079
years of suspension required under division (B)(4) of this 2080
section, no judge or mayor shall suspend the revocation required 2081
by division (D) of this section, and no judge or mayor shall 2082
suspend the first sixty days of suspension required under division 2083
(E) of this section, except that the court shall credit any period 2084
of suspension imposed pursuant to section 4511.191 or 4511.196 of 2085
the Revised Code against any time of suspension imposed pursuant 2086
to division (B) or (E) of this section as described in division 2087
(J) of this section. 2088

(J) The judge of the court or mayor of the mayor's court 2089
shall credit any time during which an offender was subject to an 2090
administrative suspension of the offender's driver's or commercial 2091
driver's license or permit or nonresident operating privilege 2092
imposed pursuant to division (E) or (F) of section 4511.191 or a 2093
suspension imposed by a judge, referee, or mayor pursuant to 2094
division (B)(1) or (2) of section 4511.196 of the Revised Code 2095
against the time to be served under a related suspension imposed 2096

pursuant to this section.

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(K) The judge or mayor shall notify the bureau of any determinations made, and of any suspensions or revocations imposed, pursuant to division (B) of this section.

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

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

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

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(3) As used in this section: 2128

(a) "Ignition interlock device" has the same meaning as in 2129
section 4511.83 of the Revised Code. 2130

(b) "Certified ignition interlock device" means an ignition 2131
interlock device that is certified pursuant to section 4511.83 of 2132
the Revised Code. 2133

Sec. 4507.169. (A) The registrar of motor vehicles shall 2134
suspend for the period of time specified in this division the 2135
driver's or commercial driver's license or permit of, or deny for 2136
such period of time the issuance of a driver's or commercial 2137
driver's license or permit to, any person who is a resident of 2138
this state and is convicted of or pleads guilty to a violation of 2139
a statute of any other state or any federal statute that is 2140
substantially similar to section 2925.02, 2925.03, 2925.04, 2141
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2142
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 2143
Revised Code. Upon receipt of a report from a court, court clerk, 2144
or other official of any other state or from any federal authority 2145
that a resident of this state was convicted of or pleaded guilty 2146
to an offense described in this division, the registrar shall send 2147
a notice by regular first class mail to the person, at the 2148
person's last known address as shown in the records of the bureau 2149
of motor vehicles, informing the person of the suspension or 2150
denial, that the suspension or denial will take effect twenty-one 2151
days from the date of the notice, and that, if the person wishes 2152
to appeal the suspension or denial, the person must file a notice 2153
of appeal within twenty-one days of the date of the notice 2154
requesting a hearing on the matter. If the person requests a 2155
hearing, the registrar shall hold the hearing not more than forty 2156
days after receipt by the registrar of the notice of appeal. The 2157
filing of a notice of appeal does not stay the operation of the 2158

suspension or denial that must be imposed pursuant to this 2159
division. The scope of the hearing shall be limited to whether the 2160
person actually was convicted of or pleaded guilty to the offense 2161
for which the suspension or denial is to be imposed. 2162

The period of suspension or denial the registrar is required 2163
to impose under this division shall end either on the last day of 2164
any period of suspension of the person's nonresident operating 2165
privilege imposed by the state or federal court located in the 2166
other state, or the date six months and twenty-one days from the 2167
date of the notice sent by the registrar to the person under this 2168
division, whichever is earlier. 2169

The registrar shall subscribe to or otherwise participate in 2170
any information system or register, or enter into reciprocal and 2171
mutual agreements with other states and federal authorities, in 2172
order to facilitate the exchange of information with other states 2173
and the United States government regarding persons who plead 2174
guilty to or are convicted of offenses described in this division 2175
and therefore are subject to the suspension or denial described in 2176
this division. 2177

(B) The registrar shall suspend for the period of time 2178
specified in this division the driver's or commercial driver's 2179
license or permit of, or deny for such period of time the issuance 2180
of a driver's or commercial driver's license or permit to, any 2181
person who is a resident of this state and is convicted of or 2182
pleads guilty to a violation of a statute of any other state or a 2183
municipal ordinance of a municipal corporation located in any 2184
other state that is substantially similar to section 4511.19 of 2185
the Revised Code. Upon receipt of a report from another state made 2186
pursuant to section 4507.60 of the Revised Code indicating that a 2187
resident of this state was convicted of or pleaded guilty to an 2188
offense described in this division, the registrar shall send a 2189
notice by regular first class mail to the person, at the person's 2190

last known address as shown in the records of the bureau of motor vehicles, informing the person of the suspension or denial, that the suspension or denial will take effect twenty-one days from the date of the notice, and that, if the person wishes to appeal the 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 2223
state was convicted of or pleaded guilty to an offense described 2224
in this division, the registrar shall send a notice by regular 2225
first class mail to the child, at the child's last known address 2226
as shown in the records of the bureau of motor vehicles, informing 2227
the child of the suspension or denial, that the suspension or 2228
denial will take effect twenty-one days from the date of the 2229
notice, and that, if the child wishes to appeal the suspension or 2230
denial, the child must file a notice of appeal within twenty-one 2231
days of the date of the notice requesting a hearing on the matter. 2232
If the child requests a hearing, the registrar shall hold the 2233
hearing not more than forty days after receipt by the registrar of 2234
the notice of appeal. The filing of a notice of appeal does not 2235
stay the operation of the suspension or denial that must be 2236
imposed pursuant to this division. The scope of the hearing shall 2237
be limited to whether the child actually was convicted of or 2238
pleaded guilty to the offense for which the suspension or denial 2239
is to be imposed. 2240

The period of suspension the registrar is required to impose 2241
under this division shall end either on the last day of any period 2242
of suspension of the child's nonresident operating privilege 2243
imposed by the state or federal court located in the other state, 2244
or the date six months and twenty-one days from the date of the 2245
notice sent by the registrar to the child under this division, 2246
whichever is earlier. If the child is a resident of this state who 2247
is sixteen years of age or older and does not have a current, 2248
valid Ohio driver's or commercial driver's license or permit, the 2249
notice shall inform the child that the child will be denied 2250
issuance of a driver's or commercial driver's license or permit 2251
for six months beginning on the date of the notice. If the child 2252
has not attained the age of sixteen years on the date of the 2253
notice, the notice shall inform the child that the period of 2254
denial of six months shall commence on the date the child attains 2255

the age of sixteen years.

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

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(D) 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 a municipal ordinance of a municipal corporation located in any other state that is substantially similar to section 4511.19 of the Revised Code. Upon receipt of a report from another state made pursuant to section 4507.60 of the Revised Code indicating 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 as shown in the records of the bureau of motor vehicles, informing the child of the suspension or denial, that the suspension or denial will take effect twenty-one days from the date of the notice, and that, if the child wishes to appeal the suspension or denial, the child must file a notice of appeal within twenty-one days of the date of the notice requesting a hearing on the matter. If the child 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

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denial that must be imposed pursuant to this division. The scope
of the hearing shall be limited to whether the child actually was
convicted of or pleaded guilty to the offense for which the
suspension or denial is to be imposed.

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.

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

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

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

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

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

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

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

(2) The first thirty days of the suspension, if the person

has been convicted one time within five years of the date of the
offense giving rise to the suspension under this section of any
violation identified in division (E)(1) of this section.

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

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

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

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

vehicle. 2383

A person granted occupational driving privileges who operates 2384
a vehicle for other than occupational purposes, in violation of 2385
any condition imposed by the court or without having the permit in 2386
the person's possession, is guilty of a violation of division 2387
(D)(1) of section 4507.02 of the Revised Code. 2388

(F) As used in divisions (C) and (D) of this section: 2389

(1) "Child" means a person who is under the age of eighteen 2390
years, except that any person who violates a statute or ordinance 2391
described in division (C) or (D) of this section prior to 2392
attaining eighteen years of age shall be deemed a "child" 2393
irrespective of the person's age at the time the complaint or 2394
other equivalent document is filed in the other state or a 2395
hearing, trial, or other proceeding is held in the other state on 2396
the complaint or other equivalent document, and irrespective of 2397
the person's age when the period of license suspension or denial 2398
prescribed in division (C) or (D) of this section is imposed. 2399

(2) "Is convicted of or pleads guilty to" means, as it 2400
relates to a child who is a resident of this state, that in a 2401
proceeding conducted in a state or federal court located in 2402
another state for a violation of a statute or ordinance described 2403
in division (C) or (D) of this section, the result of the 2404
proceeding is any of the following: 2405

(a) Under the laws that govern the proceedings of the court, 2406
the child is adjudicated to be or admits to being a delinquent 2407
child or a juvenile traffic offender for a violation described in 2408
division (C) or (D) of this section that would be a crime if 2409
committed by an adult; 2410

(b) Under the laws that govern the proceedings of the court, 2411
the child is convicted of or pleads guilty to a violation 2412
described in division (C) or (D) of this section; 2413

(c) Under the laws that govern the proceedings of the court, 2414
irrespective of the terminology utilized in those laws, the result 2415
of the court's proceedings is the functional equivalent of 2416
division (F)(2)(a) or (b) of this section. 2417

Section 2. That existing sections 2925.01, 2925.04, 2925.14, 2418
2925.38, 2925.51, 2933.43, 3745.13, 4507.16, and 4507.169 of the 2419
Revised Code are hereby repealed. 2420